Agenda Item	5.2
Report No	PLN/026/25

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 23 April 2025

Report Title: 24/02094/S36: Energiekontor UK Ltd.
Land 1150M SW Of Tigh An Alt, Acheilidh, Rogart

Report By: Area Planning Manager - North

Purpose/Executive Summary

Description: Acheilidh Wind Farm - Erection and operation of a wind farm for a period of 35 years, comprising of 12 wind turbines with a maximum blade tip height of between 200m and 230m, battery energy storage system (BESS), access tracks, borrow pits, substation, control building, and ancillary infrastructure

Ward: 04 – East Sutherland and Edderton

Development category: National Development (Application under Section 36 of the Electricity Act 1989)

Reason referred to Committee: National Development

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

Recommendation

Members are asked to agree the recommendation to **RAISE NO OBJECTION** to the application as set out in section 11 of the report.

0. INTRODUCTION

0.1 The Highland Council has been consulted by the Scottish Government's Energy Consents Unit (ECU) on an application made under Section 36 of the Electricity Act 1989 (as amended) for the construction and operation of the Acheilidh Wind Farm and associated infrastructure.

0.2 The application was previously reported to the 29 October 2024 North Planning Applications Committee with the recommendation for Members to timeously Raise an Objection to the development with Scottish Ministers in order for the Council to maintain its right to partake in a public local inquiry in the event the objection is not withdrawn. The current report is the detailed Report on Handling and changes the recommendation to **Raise No Objection** following a consideration of recent decisions by Scottish Ministers. This report will be provided to the Scottish Ministers along with the decision of the Committee.

1. PROPOSED DEVELOPMENT

1.1 The application is for 12 wind turbines to be operated for a 35 year period, with all turbines having a maximum blade tip height of up to 230m. The proposal has capacity to generate approximately 79.2MW of installed capacity (depending on the turbine model chosen) plus 5MW of battery storage. This proposal falls under the provisions of the Electricity Act due to the combined power output of the operational development being over 50MW. Key elements of the development, as described and assessed within the proposals and the Environmental Impact Assessment Report (EIAR) include:

- 12 wind turbines - Ts 1, 2, 4, 8, 9, 12 with a tip height of 200m and Ts 3, 5, 6, 7, 10, 11 with a tip height of 230m;
- Visible aviation warning lights, anticipated to be fitted on six turbines: Ts 1, 4, 5, 8, 9, and 11;
- Associated turbine compound areas including foundations and hardstanding areas for erecting cranes at each turbine location;
- A Battery Energy Storage System (BESS) facility;
- A substation facility to provide a connection to the grid network;
- Underground cables linking the turbines to the substation, typically placed along internal access tracks;
- One temporary construction compound with a concrete batching plant;
- Extension of the consented Lairg II on-site access track to connect Lairg II and the proposed development;
- 7.22km of new track, of which 2.15km would be floating across areas of deeper peat;
- 2 watercourse crossings; and,

- 3 borrow pits for the extraction of stone and aggregate used in the construction of the wind farm (location to be confirmed within 3 borrow pit search areas once geotechnical surveys are completed).

1.2 Details of the anticipated off-site point of grid connection from the on-site substation are not included with the application however these are not required for the assessment of a wind farm as a grid connection is subject to a separate application process under Section 37 of the Electricity Act should this be via an overhead line.

1.3 A micrositing allowance of 100m has been proposed by the applicant for the turbine locations and all ancillary infrastructure to accommodate unknown ground conditions. The micrositing will be used to avoid any areas of deeper peat, higher elevations of ground, watercourse buffers, Ground Water Dependent Terrestrial Ecosystems and cultural heritage assets. However, officers generally seek to limit micrositing of turbine locations to 50m to ensure that the final development is not materially different to that which has been assessed through the landscape and visual impact assessment. The final design of the turbine (colour and finish), ancillary electrical equipment, landscaping and fencing etc. are also expected to be agreed with the Planning Authority, by condition, at the time of project procurement. Turbine manufacturers regularly update designs that are available, thereby necessitating the need for some flexibility on the approved design details. No woodland removal is proposed as part of this application, all recently planted immature native woodland will remain intact at the behest of local crofters.

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

1.5 Whilst public consultation for Section 36 applications is not currently mandatory, the applicant held three rounds of public exhibitions to seek the views of the local community on 19 January 2023, 16 May 2023 and 8 November 2023 at Rogart Hall, Pittentrail. Event notifications were advertised in the Northern Times as well as posters which were displayed around the local area. A Pre-application Consultation Report accompanies the application that sets out how public consultation has informed the submitted proposal.

1.6 The applicant made use of the Council's Major Development Pre-Application Advice Service in September 2022 (22/02695/PREMAJ). The scheme presented at the pre-application stage was for up to 20 turbines up to 230m tip height. The Council's response noted that there may be scope for wind energy development at the

proposed site and advised that the Council would only be able to support the proposal if it is sufficiently demonstrated through the EIA that the development would not result in unacceptable significant adverse landscape and visual impacts both cumulatively in relation to consented schemes and others, as well as sequentially, from short / mid / long range views. The applicant was also encouraged to use as much existing infrastructure as possible and to reduce the requirements for visible aviation lighting. Other matters requiring to be adequately addressed related to peat impacts, ecology, ornithology, noise, water environment, cultural heritage, roads network and wider public access. The applicant also engaged with officers further through a Design Workshop in early 2023. This looked at key design locations, visibility, scale of the development and other matters included cultural heritage, peat and ecology.

1.7 The application is supported by an EIAR, the contents of which has been informed through an EIA Scoping exercise. The EIAR contains chapters on: Approach to EIA; Development description; Site selection and design iteration; Planning and energy policy; Landscape and visual; Cultural heritage; Geology, Hydrology and hydrogeology; Ecology; Ornithology; Noise; Traffic and transport; Socioeconomics; And Other Issues. The application is also accompanied by a Planning Statement, a Design and Access Statement, the Non-Technical Summary (NTS) and the Pre-Application Consultation (PAC) Report.

1.8 No variations have been made to the proposal since it was submitted to the Scottish Ministers' Energy Consents Unit. However, Additional Information (AI) was submitted in March 2025 in response to NatureScot's request for a more detailed Outline Habitat Management Plan and Golden Eagle Territory (GET) modelling.

2. SITE DESCRIPTION

2.1 The Site is located approximately 7.6 km south-east of Lairg and 8km to the west of Pittentrail. The Site spans an area of approximately 2,078 hectares within Caithness and Sutherland. The Site is primarily open moorland used for livestock grazing by local crofting associations and areas of immature native woodland plantations, which the turbines avoid. The Site boundary partially includes the consented Lairg II Wind Farm to facilitate access to the Site via the A836 for the delivery of turbine components.

2.2 The topography of the Site reaches a high point of 336m Above Ordnance Datum (AOD) at An Stoc-bheinn in the north and then slopes down towards the shores of Loch Cracail Mor and Loch Cracail Beag to the east. The topography then rises again towards Meall na Tulchainn (286m AOD) in the south.

2.3 The Allt Loch na Saobhaidhe drains the site from north to south. Another watercourse, Feith Buidhe, travels from west to east joining Allt Loch na Soabhaidhe and eventually drains into Loch na Soabhaidhe Other watercourses which lie within

the Site boundary include Allt Ach' na h-Uaighe. There is a total of five lochans contained within the Site, namely Loch Cracail Mor, Loch Cracail Beag, Loch na Soabhaidhe, Lochan na Faolaig and Am Bru Lochan.

2.4 Within 5km of the site boundary, the settlements of Pittentrail, Muie, Rogart, Little Rogart are located to the east / north-east whilst the settlement of Lairg lies to the north-west. Other settlements outwith 5km include Rhilochan, Knockarthur, East Langwell and West Langwell. There are no occupied properties within 2km of the turbines.

Environmental Designations and Habitats

2.5 The site sits between two component areas of the Strath Carnaig and Strath Fleet Moors Site of Scientific Interest (SSSI) and Special Protection Area (SPA). Designated sites for ecology within 5km of the site are listed in the table below.

2.6

Designation	Distance to Site Boundary	Qualifying Interests
Strath Carnaig and Strath Fleet Moors SSSI	0	Hen harrier (Circus cyaneus), breeding
Creag na Croiche	3.2km E	Moine

2.7 The site forms part of the Strath Carnaig and Strath Fleet Moors SPA. Designated sites with ornithological features within 20km of the site are listed in the table below.

2.8

Designation	Distance to the nearest turbine	Qualifying Interests
Strath Carnaig and Strath Fleet Moors SPA	0.26km SE	Hen Harrier (Circus cyaneus), breeding
Dornoch Firth and Loch Fleet SPA and RAMSAR	9.5km E	Bar-tailed godwit (Limosa lapponica), non-breeding Curlew (Numenius arquata), non-breeding Dunlin (Calidris alpina alpina), non-breeding Greylag goose (Anser anser), non-breeding
Caithness and Sutherland Peatlands SPA and RAMSAR	9.5km W/ NW	Black throated diver (Gavia arctica), breeding Common Scoter (Melanitta nigra), breeding

		Dunlin (Calidris alpina schinzii), breeding Golden Eagle (Aquila chrysaetos), breeding
Lairg and Strath Brora Lochs	10.1km NE	Black-throated diver (Gavia arctica), breeding
Morangie Forest	18.4km S/ SE	Capercaillie (Tetrao urogallus), breeding

2.9 The site comprises upland and mire habitats, predominantly blanket bog, wet modified bog, and heath. The site has areas of Ground Water Dependent Terrestrial Ecosystems (GWDTE). There are no private water supplies within the site.

2.10 A total of four bat species and two genera were recorded for the site: common pipistrelle, soprano pipistrelle and brown – long-eared bat and Myotis. Site surveys detected evidence of otter, water vole, and common lizard. The site and surrounds have been surveyed for breeding birds and transient birds. There is a recently planted native woodland plantation that lies to the west of the development footprint.

2.11 Class 1 and 2 peatlands which are defined as nationally important carbon rich soils, deep peat, and priority peatland habitat of high conservation value cover much of the site. Peat depth surveys recorded varying depths of less than 0.5m to up to 7.6m.

Landscape Designations, Wild Land and Landscape Character

2.12 The proposed development is not located within any landscape designations or Wild Land Areas (WLA). Landscape designations within 45km are tabled below:

2.13

Designated Landscape	**Distance and Direction from the Proposed Development**
National Scenic Area (NSA)	
Dornoch Firth	10.7km S
Assynt - Coigach	32.3km NW
Kyle of Tongue	42.1km N
Special Landscape Area (SLA)	
Loch Fleet, Loch Brora and Glen Loth	12.5km E
Ben Klibreck and Loch Choire	19.8km N
Fannichs, Beinn Dearg and Glencalvie	21.0km SW

Bens Griam and Loch nan Clar	32.6km N/ NE
Ben Wyvis	33.3km SW
The Flow Country and Berriedale Coast	35.3km NE
Cromarty Sutors, Rosemarkie and Fort George	35.7km SE
Wild Land Areas (WLA)	
Ben Klibreck – Armine Forest (WLA 35)	10.1km N/ NE
Reay-Cassley (WLA 34)	12.4km NW
Rhiddoroch-Beinn Dearg-Ben Wyvis (WLA 29)	16.5km SW
Foinaven – Ben Hee (WLA 37)	22.4km NW
Causeymire – Knockfin Flows (WLA 36)	34.2km NE
Ben Hope – Ben Loyal (WLA 38)	37.5km N

2.14 The host landscape character of the Rounded Hills – Caithness and Sutherland LCT (south of Strath Fleet LCA) would be directly affected by the proposed development. Surrounding LCTs with views of the Site include:

- 145 – Farmed and Forested Slopes with Crofting LCT – Kincardine LCA;
- 330 - Rounded Hills and Moorland Slopes - Ross and Cromarty LCT – Easter Fearn LCA;
- 343 – Coastal Shelf LCT – Ardmore, Edderton and Whiteness Sands LCAs;
- 140 – Sandy Beaches and Dunes LCT – Dornoch Sands LCA;
- 146 – Coastal Farmland and Woodlands LCT.

Built Heritage

2.15 There are no statutory designations within the site boundary. There are 19 Scheduled Monuments within 5km and a further 48 Scheduled Monuments within 5-10km. Five Scheduled Monuments have been taken forward to the full assessment.

2.16 There are no listed buildings within the site boundary however there are 9 listed buildings within 5km and a further 42 which lie within 5km to 10km of the site boundary. There are 183 non-designated assets that lie within the 500m study area with the assessment indicating a high potential for survival of archaeological remains within the Site.

Cumulative Development

2.17 Appendix 2 of this report provides details of operational, consented / under construction, and in planning wind farm projects within the 40km landscape and visual impact assessment study area. The cutoff date for the applicant's cumulative assessment was 01 April 2024. Since that date however, Strathrory Redesign Wind Farm has commenced construction on site and now forms part of the baseline context while Strath Oykel and Garvary Wind Farms have been approved by Scottish Ministers, which now form part of 'Scenario 1' for the cumulative assessment.

3. PLANNING HISTORY

3.1	16 September 2022	22/03354/SCOP - Lairg 3 Wind Farm - Construction and operation of a wind farm of up to 20 wind turbines of up to 230m to blade tip height, crane hardstandings, access tracks, a substation, temporary construction compound, battery storage and ancillary infrastructure.	SCOPING RESPONSE ISSUED
3.2	13 October 2022	22/02695/PREMAJ: Acheilidh Wind Farm (formerly Lairg III) - Construction, operation and decommissioning of a proposed onshore wind farm, including associated development such as crane hardstandings, access tracks, a substation, temporary construction compound and battery storage.	ADVICE RESPONSE PACK ISSUED

4. PUBLIC PARTICIPATION

4.1 Advertised: Section 36 Application and EIA Development

Date Advertised:

- The Northern Times – 17 May and 24 May 2024
- The Herald - 24 May 2024
- Edinburgh Gazette – 24 May 2024

Additional Information was advertised:

- The Northern Times – 14 March 2025
- Edinburgh Gazette – 14 March 2025

Representation deadline: 14 April 2025

4.2 Representations received by The Highland Council: 12 objections

Representations received by the Energy Consents Unit: 19 objections

4.3 Material considerations raised are summarised as follows:

- Overall conformity with the Development Plan;
- Landscape and visual impacts including cumulative impacts such as potential for encirclement of Rogart;
- Adequacy of visual surveys, including consideration that surveys should be taken from higher ground such as Knockarthur, Rhilochan, Milton and East Langwell;
- Aviation warning lights giving rise to light pollution;
- Impacts on nationally important carbon-rich soils, deep peat and priority peatland habitat;
- Destruction of peat banks and access to them;
- Impacts on birds, biodiversity and ecological habitats;
- Impacts on Strath Carnaig and Strath Fleet Moors SPA and the SSSI
- Impacts on amenity, shadow flicker and noise;
- Impacts on tourism, including the NC500;
- Impacts from construction and decommissioning;
- Concern regarding 100 metre micrositing limit;
- Concern regarding the proposed 10-year implementation of planning permission period; and,
- Impacts on the road network and road safety.

4.4 Non-Material considerations raised:

- Oversupply of renewable energy generation in Scotland;
- Minimal community benefit, speculative development;
- Adverse effects on property values; and,
- Pre-application consultation – level of visuals not appropriate.

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

4.6 Those representations received by the Scottish Government's Energy Consents Unit can be accessed via www.energyconsents.scot It should be noted that some representations may have been submitted to both The Highland Council and Energy Consents Unit.

5. CONSULTATIONS

Community Councils

5.1 **Rogart Community Council (Host) objects** to the application. Raises landscape and visual concerns, particularly in relation to scale and cumulative impacts. It also references impacts upon the character of Strath Fleet, core paths around Morness and Tressady and the Rounded Hills – Caithness and Sutherland: South of Strath Fleet LCA and the encirclement of the area. It also raises concerns in relation to traffic and roads, in particular HGV via the A839 and Rogart, cumulative AIL movements and raises the condition of the bridge over the Garvault in Rogart and the road surface on the A839. It also cites the congestion caused by the AILs in relation to Craig Riabhach Wind Farm in August 2022.

5.2 **Creich Community Council** did not respond to the consultation request.

5.3 **Dornoch Community Council** did not respond to the consultation request.

5.4 **Lairg Community Council** did not respond to the consultation request.

Consultation Responses to the Highland Council

5.5 **Access Officer** does not object subject to a condition to secure prior approval of a finalised Outdoor Access Management Plan to include details of appropriate levels of public access across the site during all phases of development.

5.6 **Archaeology Officer** does not object subject to a condition to secure prior approval of a Written Scheme of Investigation (WSI) to ensure that appropriate mitigation measures are employed during the construction phase of the development. The WSI will include a watching brief for all stripping works while any direct impacts on the archaeological assets will require, as a minimum, evaluation and full excavation.

5.7 **Conservation Officer** does not object and considers that any intervisibility of the development from the setting of listed buildings in the area will not have significant impacts on the settings of the listed buildings themselves.

5.8 **Ecology Team** has withdrawn its initial objection following the submission of additional information related to protected species, ornithology, habitats, and biodiversity net gain subject to conditions to secure pre-commencement surveys and species and bird protection plans to be implemented during construction works.

5.9 **Environmental Health Officer** does not object subject to conditions to limit noise levels and to secure a construction noise mitigation scheme which adheres to best practice prior to the commencement of development.

5.10 **Flood Risk Management Team** does no object and has no specific comments.

5.11 **Transport Planning** does not object subject to conditions to secure pre-approval of a finalised Construction Traffic Management Plan to be informed by up-to-date details of material volumes to be transported to and from site, as well as the AIL delivery route and associated accommodation measures, along with site entrance junction designs, and a completed Section 96 wear and tear agreement prior to commencement of development.

Consultation Responses to the Scottish Ministers

5.12 **British Telecom** does not object as the proposal would not interfere with its current or proposed network.

5.13 **Civil Aviation Authority (CAA)** no details of a response have been received.

5.14 **Defence Infrastructure Organisation (MOD)** no details of a response have been received.

5.15 **Highlands and Islands Airports Ltd (HIAL)** does not object as the proposal would not infringe on HIAL's safeguarding criteria for Inverness Airport.

5.16 **Historic Environment Scotland** does not object as the proposal would not raise historic environment concerns of national interest, although it does consider the proposal likely to significantly impact on the setting of The Ord, chambered cairns, cairns, settlements and field systems scheduled monument (SM1812), which would be reduced with the deletion or relocation of Turbines 5, 7, 8, and 10.

5.17 **Kyle of Sutherland Fisheries** does not object but advises that some elements of the proposal are close to watercourses entering the Kyle of Sutherland catchment and as such, all care should be taken to ensure that no pollutants are released in to the water environment during construction works.

5.18 **Ironside Farrar** does not object and has audited the Peat Landslide Hazard Risk Assessment (PLHRA). They are working with the applicant to ensure the adequacy of the survey and assessment work along with any subsequent mitigation that may be required.

5.19 **John Muir Trust** no details of a response have been received.

5.20 **Joint Radio Company** does not object to the application as the proposal would not interfere with its radio systems subject to a 50m infrastructure micrositing limit.

5.21 **Marine Scotland Science** no details of a response have been received.

5.22 **National Air Traffic Service** does not object as the proposal does not conflict with its safeguarding criteria.

5.23 **NatureScot** has removed its objection to the application on natural heritage grounds following the submission of an updated Outline Habitat Management Plan, a bat survey report, a revised golden eagle topography modelling assessment, and a revised cumulative collision risk assessment for wider countryside birds. It has considered the proposal's impacts on the Strath Carnaig and Strath Fleet Moors Special Protection Area (SPA), the Dornoch Firth and Loch Fleet SPA, the Lairg and Strath Brora Lochs SPA, and the Caithness and Sutherland Peatlands SPA and advises that requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") apply. It has also considered impacts on the Strath Carnaig and Strath Fleet Moors Site of Special Scientific Interest (SSSI). It considers that the proposed development would have some significant adverse effects on the Special Landscape Qualities of the Dornoch Firth National Scenic Area (NSA) but would not compromise the objectives of the designation or its overall integrity.

5.24 **Network Rail** has withdrawn its initial objection following the submission of satisfactory details of the type, number, and projected frequency of all traffic as a result of the development that will use Nigg Level Crossing, Lairg Level Crossing, and Acheilidh No. 2 Level Crossing, including for the construction, operational, and decommissioning phases of development, along with details of abnormal loads and any other vehicles associated with abnormal load traffic movements over the Level Crossing.

5.25 **Royal Society for the Protection of Birds (RSBP) objects** to the application. It has welcomed Additional Information including the Outline Habitat Management Plan and the updated golden eagle topography modelling assessment. However, it does not consider that its concerns regarding impacts such as on Strath Carnaig and Strath Fleet SPA populations of hen harrier, cumulative displacement of upland waders, and cumulative collision risk of golden plover have been suitably assessed.

5.26 **Scottish Environmental Protection Agency** does not object subject to conditions to securing prior approval of a finalised Peat Management Plan along with controls for infrastructure micrositing limits, details of borrow pit restoration and to secure that construction works are carried out in line with the outline Schedule of Mitigation included with the EIA report.

5.27 **Scottish Water** does not object to the application and has confirmed 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 within the site boundary.

5.28 **Scotways object** to the application. It considers that the details of recreational routes submitted with the application are incorrect and that rights of way in and

around the application site have not been fully assessed to inform the baseline for recreational access in relation to the proposal.

5.29 **Transport Scotland** does not object subject to several conditions to secure a finalised Construction Traffic Management Plan prior to development commencing on site along with information on, and mitigation of, impacts on the trunk road from the delivery of AIL and the transport of any other larger items prior to movement of these items and HGV movements to safeguard the integrity and safety of the trunk road.

6. DEVELOPMENT PLAN POLICY

6.1 Appendix 3 of this report provides details of the documents which comprise the adopted Development Plan, including details of pertinent planning policies as well as adopted supplementary guidance, and other material policy considerations which are relevant to the assessment of the application.

7.0 PLANNING APPRAISAL

7.1 This application has been submitted to the Scottish Government under Section 36 of the Electricity Act 1989 (as amended). Should Ministers approve the development, it will receive deemed planning permission under Section 57(2) of the Town and Country Planning (Scotland) Act 1997 (as amended). Although not a planning application, the Council processes Section 36 applications in a similar manner given that planning permission may be deemed to be granted.

7.2 Schedule 9 of The Electricity Act 1989 contains considerations in relation to the impact of proposals on amenity and fisheries. These considerations mean the developer requires to:

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

7.3 It should be noted that for applications under the Electricity Act 1989 that the Development Plan is just one of several considerations, and therefore Section 25 of the Town and Country Planning (Scotland) Act 1997 which requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise, is not engaged. That said, the application still requires to be assessed against all policies of the Development Plan relevant to

the application, all national and local policy guidance and all other material considerations relevant to the application.

Planning Considerations

7.4 The key considerations in this case are:

a) Compliance with the Development Plan / Other Planning Policy
b) Energy and Economic Benefits
c) Design, Landscape and Visual Impacts
d) Construction
e) Roads, Transport and Access
f) Water, Flood Risk, Drainage and Peat
g) Natural Heritage (including ornithology)
h) Built and Cultural Heritage
i) Noise and Shadow Flicker
j) Telecommunications
k) Aviation and Radar
l) Decommissioning and Aftercare
m) Planning Compliance and Monitoring
n) Other Material Considerations

Compliance with the Development Plan / Other Government Policy

7.5 Appendix 4 of this report provides an assessment of compliance with the Development Plan / Other Material Policy Considerations. In summary, the Development Plan comprises National Planning Framework 4 (NPF4), the adopted Highland-wide Local Development Plan (HwLDP), The Caithness and Sutherland Local Development Plan (CaSPlan), and all statutorily adopted supplementary guidance, including the Onshore Wind Energy Supplementary Guidance (OWESG).

7.6 The principle of wind farm development is established in national policy, with the proposed development being of national importance for the delivery of the national Spatial Strategy. NPF4 considers that Strategic Renewable Electricity Generation and Transmission Infrastructure will assist in the delivery of the Spatial Strategy and Spatial Priorities for the north of Scotland, and that Highland can continue to make a strong contribution toward meeting Scotland's ambition for net zero. Alongside these ambitions, the strategy for Highland aims to protect environmental assets as well as to stimulate investment in natural and engineered solutions to address climate change. This aim is not new and will clearly require a balancing exercise to be undertaken, which is reflected throughout NPF4.

7.7 The above is also reflected within other material policy considerations, with Government policy giving significant weight to the importance of achieving net zero through the deployment of onshore wind at pace. Government legislation and policy maintains the commitment to attaining net zero by 2045, with the Onshore Wind Policy Statement requirement for 20GW of onshore wind to be deployed by 2030, and the Climate Change Committee Report to UK Parliament (July 2024) explaining that onshore wind installations will need to double by 2030. The UK Government Clean Power Action Plan has also recently set a more ambitious target of 27-29 GW of onshore wind by 2030. When determining renewable energy proposals, the ability to meet these targets therefore demands substantial weight when undertaking the planning balance exercise.

7.8 At the regional level, HwLDP also offers support for renewable development proposals where they are located, sited and designed such as they will not be significantly detrimental overall, individually or cumulatively with other developments. To inform this assessment, the OWESG provides a methodology for a judgement to be made on the likely impact of a development on assessed "thresholds" listed in its 10 criterion, which are designed to assist the application of HwLDP policy in judging the final balance of benefits versus disbenefits of any given scheme. Appendix 6 provides an assessment against the ten Landscape and Visual Assessment Criteria contained within Section 4 of the Onshore Wind Energy Supplementary Guidance.

Energy and Economic Benefits

7.9 The Council continues to respond positively to the Government's renewable energy agenda. Installed onshore wind energy developments within Highland account for around 30% of the national installed onshore wind energy capacity, with a substantial number of onshore wind farm applications pending consideration at present. While The Highland Council has effectively met its own target, as previously set out in the Highland Renewable Energy Strategy, it remains the case that there are areas of Highland capable of absorbing renewable developments without significant widespread effects.

7.10 Notwithstanding any impacts that this proposal may have upon the landscape resource, amenity and heritage of the area, the development could be seen to be compatible with Scottish Government policy and guidance and increase its overall contribution to the Government, UK and European energy targets. The proposed development would provide approximately 79.2MW of installed capacity in addition to 5MW of battery energy storage capacity. Based on a typical capacity factor, the development is likely to generate approximately 279,731MWh of renewable electricity each year which would be expected to power the equivalent of approximately 80,800 homes on average each year or provide 1.55 million full battery charges for electric vehicles per year.

7.11 Wind turbines provide an important mechanism for the reduction of carbon dioxide (CO2), and other greenhouse gas (GHG) emissions into the atmosphere by reducing the consumption of fossil fuel generated mains electricity. However, during their manufacture, construction and decommissioning, wind farms can result in the emissions of GHGs, particularly where natural carbon stores, such as forestry or peat, are present and potentially impacted by the development, often termed "carbon balance". The applicant's assessment of the carbon losses and gains estimates a total loss of between 126,145 and 182,631 tonnes of CO2e, this is mainly due to embodied losses from the manufacture of the turbines and provision of backup power to the grid, which should be minimised through the provision of on-site energy storage. The scheme is estimated to produce annual carbon savings of approximately 51,845 to 52,132 tonnes of CO2e per year. The estimated payback time of the proposed development, is estimated at 2.9 years, with a minimum/maximum range of 1.9 to 3.5 years.

7.12 The proposed development anticipates a construction phase of approximately 18 months and an operational period of 35 years. There are likely to be some adverse effects caused by construction traffic and disruption, particularly when abnormal loads are being delivered to site. However, such projects can offer investment/opportunities to the local, Highland, and Scottish economy, including businesses ranging across the construction, haulage, electrical and service sectors.

7.13 As detailed in EIAR Chapter 13, the applicant has estimated that the construction cost of the development is approximately £104.5 million. It is anticipated that up to 12% of the overall value of contracts could be realised in the Highland area (up to £12.55 million) and 36% within Scotland (£38 million). In terms of employment, the applicant states that the development could create up to 91 jobs and contribute up to £5.4 million in the Highland Area during the construction phase. It also estimates up to 276 jobs could be created across Scotland with an estimated gross GVA contribution of up to £16.4 million. In terms of the operational/maintenance phase, the EIA reports that nearly £2 million will be spent in the Highlands and approx. £2.7 within Scotland. Up to 16 jobs could be created in the Highlands and up to 22 jobs could be created across Scotland with a gross GVA contribution of up to £1,177,895.

7.14 Since the application has been submitted, the Council has published the Social Value Charter for Renewables Investment in June 2024, which has been brought to the applicant's attention. The Council's newly established Community Wealth Building Team has been notified of the proposal who will liaise with the applicant directly to maximise community wealth building opportunities as established under NPF4 Policy 25, as well as community benefits as per the applicant's stated commitment within the submission, which are not material to this assessment.

Construction

7.15 The applicant anticipates that the wind farm construction period will be 18 months. There are likely to be some adverse impacts caused by construction traffic and disruption, particularly when abnormal loads are being delivered to site. A Construction Traffic Management Plan (CTMP) can be secured by condition to manage the impacts upon the local road network throughout the construction period. An outline CTMP is provided in EIAR Volume 4 Technical Appendix 12.2. The CTMP should be reviewed throughout the works and informed by feedback from ongoing engagement with the community through a Community Liaison Group. This will ensure that the community council and other stakeholders are kept up to date and consulted before and during the construction period.

7.16 A Construction Environment Management Plan (CEMP) would be in place during the construction phase to ensure measures to control potentially polluting activities are implemented throughout the construction and post-construction reinstatement phase of development in order to prevent adverse impacts on river catchments, water supply catchments, and the environment by construction activities. The CEMP will also be amended to incorporate information obtained during detailed ground investigations which will be undertaken post consent and prior to construction activities. The Principal Contractor would implement measures outlined within the CEMP as agreed with consultees including SEPA, NatureScot and THC, with the developer being required to adhere to the Good Practice and the Mitigation Measures outlined in EIAR Volume 1 Chapter 15: Schedule of Mitigation. The CEMP will be expected to also contain a Pollution Prevention Plan, Construction Method Statements, a Peat Management Plan (Outline submitted – EIAR Volume 4 Technical Appendix 8.3), a Construction Traffic Management Plan (CTMP) a Site Waste Management Plan, a detailed Outdoor Access Management Plan, and a Site Restoration Plan. Compliance with the CEMP should be overseen by a suitably qualified and experienced Environmental Clerk of Works (ECoW), which should be secured by condition.

7.17 In general, working hours for construction will be from 07:00 to 18:00 Monday to Friday and 08:00 to 14:00 on Saturday. No working is proposed on Sundays and public holidays unless otherwise agreed. Developers must comply with reasonable operational practices regarding construction noise so as not to cause nuisance. Section 60 of the Control of Pollution Act 1974 sets restrictions in terms of hours of operation, plant and equipment used and noise levels etc. and is enforceable via Environmental Health and not Planning. Environmental Health have no objection and consider that construction noise is unlikely to be a significant issue. However, it is expected that the developer/contractor will employ the best practicable means to minimise construction noise, and it will be considered as part of the CEMP.

7.18 The new access tracks will be constructed using both cut and fill (5.07km) and floating (2.15km) designs to limit impacts on deep peat. SEPA are content with this approach. The development will also use the wind farm tracks which will be constructed as part of the consented Lairg II Wind Farm. SEPA request that a finalised Peat Management Plan is conditioned that specifically demonstrates how micrositing and other measures have been used to minimise peat disturbance. SEPA also requests that construction works are carried out with the measures prescribed in EIAR Volume 1 Chapter 15: Scheule of Mitigation (Table 15.1), which should also be secured by a condition.

7.19 Once the turbines have been installed, the access tracks, substation and hardstanding areas around the turbines would remain in place for the operational lifetime of the development. Restoration of the temporary construction compound areas, verges, around the turbines bases and the site borrow pit areas can be secured through the CEMP. SEPA state that reinstatement of borrow pits should generally match surrounding habitats and peat depths. In addition, the Council will require the applicant to provide a financial bond regarding final site restoration (restoration bond) in the event of non-operation.

7. 20 As detailed in EIAR Volume 2 Figure 3.1: Proposed Layout, two new watercourse crossings are proposed, these are to the east of T5 on the main access track. As detailed in EIAR Volume 4 Appendix 8.1: Outline Watercourse Crossing Schedule these will be oversized bottomless arched culvert and will allow for the access track to cross the Allt Ach'na h-Uaighe and an unnamed tributary. Neither SEPA nor the Council's Flood Risk Management Team have raised any concerns. Due to the scale of the development SEPA will control pollution prevention measures relating to surface water run-off via a Controlled Activities Regulations Construction Site Licence.

7.21 The applicant has requested a micrositing allowance of up to 100m for wind turbines and associated infrastructure including tracks and other hardstanding. Micrositing is acceptable, within reason, to address unforeseen onsite constraints. However, it is considered that more than 50m may have a significant effect on the composition of a development and is not supported. A micrositing limit of no more than 50m can be conditioned. SEPA accept micrositing of up to 50m but not onto peat deeper than currently shown on Figure 2.1 to 2.14 of EIAR Volume 4 Technical Appendix 8.2: Outline Peat Management Plan. NatureScot also highlights that if a 100m micrositing allowance be consented, some turbines could be moved within disturbance distance for breeding red-throated diver. Micrositing should also avoid moving infrastructure on to noticeably higher elevations of ground (no more than 3m AOD), watercourse buffers, Ground Water Dependent Terrestrial Ecosystems and any encountered cultural heritage assets. Any movement from the consented locations should be

subject to approval by the Environmental Clerk of Works (ECoW); this can be secured by a planning condition.

7.22 Unusually, the applicant is requesting a 10-year implementation period for this consent. NatureScot and RSPB have raised concerns regarding this. This is due to the potential for significant changes in baseline conditions at the proposed site in comparison to those assessed through the current EIAR. For example, there is potential for currently unknown wind farm developments to be approved and constructed in the area during that period, which could increase cumulative impacts on environmental factors such as ornithology for example, which would require an updated EIA. There is also the possibility of technological advancements of wind energy. As such, it is considered that the standard 5 year implementation period is reasonable.

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

Siting, Layout and Design

7.24 EIAR Volume 1 Chapter 4: Design Evolution describes the scheme's evolution through several design and layout iterations including for 20 x 230 m turbines at the Scoping stage, down to 17 x 200 m turbines and then 12 x 230 m turbines at the post-Scoping / public consultation stage with further revisions to turbine locations, turbine pad and track alignments, as well as a reduction in height of the perimeter turbines to the current submission of 12 turbines with six at 230 m and six at 200 m maximum blade height. The revisions follow further environmental survey work, public and crofter consultations, along with pre-application discussions with the Council's Planning Officers.

7.25 The stated reasons for the site's selection (EIAR Volume 1 Chapter 4: Design Evolution, Paragraph 4.8) include that the site benefits from strong wind resource, there being no environmental or landscape designations within the application site, distance from residential properties, and its proximity to suitable transport and grid infrastructure.

7.26 The Chapter sets out that the design of the wind farm has followed a constraints based approach in order that mitigation on environmental effects is embedded within the design. Key constraints include landscape character, impact on landscape designations, visual amenity (including for tenanted crofters), ground conditions including topography, peat, and watercourses, along with ecological factors and ornithology.

7.27 To that end, the chapter cites the advantages of siting the development within a moorland setting with undulating landform in order to provide an expansive backdrop

to the large-scale development and natural screening to reduce the exposure of the infrastructure and embed it within its landscape context. Further design principles include selection of appropriate turbine heights to respect the scale of the receiving landscape as well as compositional considerations including the avoidance of overlapping ('stacked') and outlying turbines especially when experienced from key viewpoints, as well as the proposal's fit with existing, approved, and proposed wind energy development in the surrounding area.

7.28 This last point is particularly relevant given the challenges of accommodating multiple wind farm schemes in relatively close proximity and the potential for visual clutter as well as the need to reinforce the appropriateness of each development for its location. In addition, the Council has sought that newer schemes should avoid unduly undoing the mitigation achieved by existing schemes.

7.29 In this instance, the proposal site sits within a unit of a Landscape Character Type, or Landscape Character Area (LCA), currently hosting the three Lairg I Wind Farm turbines to the northwest of the application site, and approved for the 10 turbines of Lairg II Wind Farm as well as the 24 turbines of the revised Garvary Wind Farm scheme, both to the west of the application turbines. Consequently, the degree to which the proposal either maintains a distinctive setting or, conversely, its cohesiveness relative to this emerging cluster are key considerations when assessing its landscape and visual effects.

7.30 The three turbines of Lairg I have tip and hub heights of 100m and 60m respectively, and rotor diameters of 80m. The approved redesign of Lairg II increases the scale of the ten turbines with five turbines approved for a maximum blade tip height of 200m, two turbines for maximum tip heights of 190m, and three for 150m maximum tip heights. The corresponding hub heights of these turbines are 125.5m, 115m, and 83.5m respectively, which will have respective rotor diameters of 149m, 133m, and 133m. Garvary Wind Farm is approved for tip heights of 180m so it is in that context that the six 230m turbines of the application wind farm would represent another step change in turbine heights in this area, albeit, one that is indicative of the direction of travel given that larger turbines produce a greater energy yield.

7.31 In the case of Lairg II Wind Farm's 200 m turbines representing a considerable increase in turbine size at the location at the time of that application's assessment, they were accepted on the grounds that the different turbine sizes responded to the specifics of their individual siting arrangements, namely their ground level height AOD and the receiving topography. These factors, along with the limited number of turbines, were considered to produce a compositionally coherent scheme suitably sited in a receiving landscape that would provide sufficient containment while the scheme's separation distance from Lairg I Wind Farm meant the different wind farms would maintain their distinctive settings. This separation would help reduce instances of the schemes being viewed in combination with each other and subsequently

reducing instances of excessive visually dissonant effects brought about by the size difference of the turbines.

7.32 In contrast however, the Council objected to the initial 37 turbine Garvary Wind Farm scheme on the grounds of detrimental landscape and visual effects, not because of the height of the turbines, but due to the excessive southward spread of turbines appearing on, over, around, in-front and behind several summits within the landscape character unit. Although within same LCA, the location and topography of the Garvary Wind Farm site included the exposed shallow slopes on the western edge of the LCA above Achany Glen and is characterised by shallower dips and less pronounced summits providing less containment than the site of Lairg II Wind Farm. As such, the sheer size and scale of the Garvary proposal led to the impression of a poorly conceived scheme that would appear imposed on to the landscape rather than being located within it, predominantly where the turbines encroached towards the neighbouring Strath LCT.

7.33 The subsequently reduced scheme of 25 turbines for Garvary was considered to have more or less mitigated the worst of that proposal's excesses, particularly as it related to landscape qualities and the sense of place they imbue and the majority of visual receptors. Nevertheless, the Council maintained its objection on the grounds of detrimental impacts on the Inhabited Surrounds Within a Wilder Backdrop of Hills and Moors Special Quality of the Dornoch Firth NSA and visual impacts from the Struie Viewpoint (VP 12), while articulating concerns that the proposal would unduly undo the mitigation secured for Lairg II Wind Farm.

7.34 Disappointingly these concerns were not shared by the Reporter for the Public Local Inquiry that followed nor by Scottish Ministers, who did not consider it necessary to assess the effects on the combination of landscape characters and the sense of place they imbue. Indeed, the Reporter concluded that Garvary Wind Farm as revised and as assessed in-solus would not lead to significant effects either on the aforementioned Special Quality, and therefore not on the integrity of the landscape designation, nor for visual receptors experiencing the development from the Struie Viewpoint. Consequently, any undoing of the mitigation secured for Lairg II Wind Farm, which the Council argued represented the maximum influence that wind farm development should have from the viewpoint, was deemed to be inconsequential.

7.35 That said, when assessed alongside the then scoping stage 20 turbine Acheilidh Wind Farm, the Reporter found that the gap between the schemes would disrupt the established pattern of development of 'horizon-cresting wind farms' visible from Struie Viewpoint, which would lead to a higher magnitude of cumulative change and significant level of cumulative visual effect. The Reporter's assessment did not make any conclusion on the acceptability of the significant effect.

7.36 While not everyone will agree with these conclusions, the decision is final and as such Garvary Wind Farm not only forms a part of the cumulative Scenario 1 baseline

for the assessment of the current application, but the decision also provides a litmus for what Scottish Ministers deem to be acceptable impacts on landscape character, national landscape designations, as well as on visual receptors in the current policy climate, in particular at this location.

7.37 The following sections set out that the proposal will result in significant residual landscape and visual effects despite mitigation being embedded into its design, as is the case with all wind farms. In the previous report to committee, Members were asked to agree to Raise an Objection to Scottish Minsters on the grounds that the proposal gives rise to unacceptable landscape and visual effects, including cumulative effects, for landscape and visual receptors in the surrounding and wider area, and significantly detrimental effects on Special Qualities of the Dornoch Firth NSA, particularly as experienced from the Struie Viewpoint and travellers along the B9176. However, given that the proposal has generally responded more positively to the constraints of the site and wider context through siting, layout and design (meeting the threshold of OWESG Criterion 6), as demonstrated by its relatively modest scale in terms of turbine numbers and more successful composition from key viewpoints, it is considered to be the better scheme overall in comparison to Garvary Wind Farm. It follows then that based on recent decisions and the context set out above, it is considered that the Council's objection on the stated landscape and visual impact grounds is no longer tenable.

Ancillary Infrastructure

7.38 The applicant has identified that a grid connection will be required and has applied for a substation. The layout for the substation and control room compound are indicative shown on EIAR Voume 2 Figure 3.9. The final design and external material finishes, together with the compounds and perimeter fencing can be secured by condition. Connection to the grid from the substation will be the subject of a separate application and consent under Section 37 of the Electricity Act 1989 and will require its own assessment. That assessment must consider the cumulative effect of the grid connection with the wind farm development.

7.39 The final colour/finish of the turbines can be secured by a planning condition. The development will require high voltage electrical and fibre optic communications cabling. In order to minimise ground disturbance from this, the cabling trenches will follow the course of the access tracks from each turbine to the on-site substation. The turbine transformers will be located within the turbine towers and there would be no requirement for additional external buildings at turbine locations.

7.40 Once the wind farm has been commissioned, the site restoration will involve landscaping and replanting disturbed areas that are not required for the ongoing operational phase of the development. This will include the landscaping and re-profiling of the access track verges and reinstatement of disturbed areas adjacent to the substation, the temporary construction areas and around the crane

hardstandings and turbine foundations. A programme of reinstatement monitoring will be implemented in the first few years of operation to document the success of revegetation of these areas. In relation to the proposed borrow pits, a restoration scheme can be secured by condition.

Landscape and Visual Impact Assessment Methodology

7.41 The applicant has presented a number of submissions to illustrate the landscape and visual impact of the development both singularly and cumulatively with existing and consented wind farm developments. The EIAR includes a description of the design process along with assessments against several Landscape Character Types (LCTs), a National Scenic Area (NSA), a Special Landscape Area (SLA), and a Wild Land Area (WLA). A total of 21 viewpoints have also been assessed with the most distant being Ben More Assynt at 36.5km to the north-west. The viewpoints are representative of a range of receptors including communities and residential receptors, recreational users of the outdoors and tourists, as well as road and transport users.

7.42 The expected bare earth visibility of the development can be appreciated from the ZTV to Blade Tip / Hub height with Viewpoint locations, landscape designations, and sensitive receptors in the EIAR Volume 2 Figures 6.2 – 6.6, 6.9b – 6.9c, 6.11a – 6.11b, and 6.13 – 6.17, which have informed the viewpoint locations and scoped in effects for assessment.

7.43 The information submitted with the EIAR is considered sufficient to allow the Planning Authority to come to a reasoned conclusion on the likely landscape and visual effects of the completed development.

7.44 The methodologies for both the landscape and visual impact assessment (LVIA) and cumulative LVIA (CLVIA) are set out in EIAR Volume 4 Technical Appendix 6.1: LVIA Methodology, which follow the guidance out in Guidelines for Landscape and Visual Impact Assessment Third Edition (GLVIA3). As set out in Paragraph 3.32 of GLVIA3, the 'LVIA should always clearly distinguish between what are considered to be significant and non-significant effect'. The applicant judges significant effects following the combination of judgements based on the sensitivity of the receptor against the magnitude of change occasioned by the development.

7.45 The sensitivity of the receptor (landscape and visual) is defined by the receptor's susceptibility to the change brought about by the proposal against the value of the landscape resource / view. For landscape, 'susceptibility' is the "ability of the landscape receptor…to accommodate the development without undue consequences for the maintenance of the baseline situation and/or the achievement of landscape planning policies and strategies' (GLVIA3, Page 88). The Methodology provides a list of criteria against which landscape susceptibility can be judged against such as remoteness, wildness, naturalness, land cover and so on.

7.46 For visual receptors, higher susceptibility to the proposed change are those whose attention or interest is focussed on their surroundings whereby the Council considers recreational users moving through the landscape at slower speeds such as cyclists as well as passengers in vehicles to also have a higher susceptibility to change. Receptor susceptibility is judged to be high, medium, or low with some receptors falling into intermediate brackets within the applicant's assessment.

7.47 The value of a landscape receptor, given as high, medium, low or an intermediary of these brackets, is based on a review of policy designations, landscape quality, and experiential factors based on criteria relating to scenic value, rarity, recreational value, representativeness, conservation interest, and cultural association. The value of views are based on an assessment of formal and informal recognition with the former relating to identification on tourist maps, sign-posting and facilities such as parking and interpretation boards, and views within sites designated for scenic value. Informally recognised views may be well-known within an area and may be indicated by inclusion in tourism literature or references in literature and art.

7.48 Judgement of magnitude of change is based on an assessment of the size or scale of the change occasioned by the development and the geographical extent of the effect and is described as high, medium, low, very low to zero and intermediate brackets thereof. For landscape, judgements of size and scale of effect requires consideration of the degree of loss of, or change to, key landscape elements and key characteristics, character and/or special qualities of a landscape. For visual effects, a judgement of size and scale of effects requires a consideration of the scale of the loss or addition of features (turbines) within the view including portion of the view effected, degree of contrast or integration of the new elements (consistency of image) within the view setting in terms of scale and mass, line, height, colour, and texture, and, how the view is experienced by the receptor (e.g., intermittent or continuous and / or seasonal).

7.49 The geographic extent of landscape effects relates to the extent or physical area over which landscape elements, characteristics, and/or characters are affected, that is whether it affects several landscape types or character areas, or if it is limited to immediate surrounds or is a site level effect, as well as landscape qualities. For visual effects, geographic extent relates to the area over which the visual effects would be experienced

7.50 For this assessment, duration and reversibility are considered separately in relation to the assessed effects but for visual receptors at least these are generally long-term, partially reversible, and negative (adverse). Indeed, Policy 11 (f) of NPF4 states that windfarm sites should be suitable in perpetuity.

7.51 It is important to note that the consideration of existing turbines in the baseline view for landscape effects is a consideration more for the susceptibility of the receptor in

the methodology rather than of the magnitude of change. That means that it is the sensitivity to the development that is reduced in the applicant's assessment where wind farm developments already exist. Conversely, the presence of existing and under construction turbines in views reduces the size and scale of the effect and therefore the magnitude of change for the in-solus visual impact assessment, which is itself a judgement of cumulative effects.

7.52 Following on, the cumulative landscape and visual assessment (CLVIA) are also a function of sensitivity and magnitude of change but with a focus on the additional impacts occasioned by the development when considered together with two scenarios of existing, consented, or proposed wind farms. Scenario 1 includes existing, under construction, and consented wind farm schemes, while Scenario 2 considers Scenario 1 plus application stage wind farms. Additional impacts in these future scenarios are taken to be those effects that result from the interaction of the proposal with the future baseline schemes. The total or combined effects are also considered under these scenarios by the applicant however this report focuses on cumulative effects attributable to the proposal wind farm.

7.53 It should also be noted that for this appraisal, Scenario 2 as described in the EIAR now more realistically equates to Scenario 1 since the approval of Strath Oykel and Garvary Wind Farms. Moreover, the Section 36 application for Balblair Wind Farm has very recently been submitted to the Energy Consents Unit with the consultation request to the Council now pending consideration and therefore falling within Scenario 2. While the cumulative effects of Balblair (Scoping proposal) Wind Farm has been presented within the LVIA, the additional cumulative effects of that proposal will be assessed as part of the consultation request for that application in due course.

7.54 More significant cumulative landscape effects are considered to arise from changes to the landscape character of the study area, whether through effects on key characteristics/features or whether the landscape is transformed into a different type, as set out in GLVIA3 at Paragraph 7.28. The methodology sets out that a wind farm that results in a wind farm landscape (rather than a landscape with wind farms or landscape with occasional wind farms) is likely to be assessed as giving rise to a significant adverse effect.

7.55 Table 6.1.5: Evaluation of Landscape and Visual Effects (EIAR Volume 4 Technical Appendix 6.1: LVIA Methodology) sets out the matrix the applicant has used in the judgement of significance of effects whereby impacts of major and major to moderate levels of effect correspond to significant effects, moderate levels of effect require a judgement on whether the effect is or is not significant, while moderate to minor, minor to negligible, and none levels of effect are not significant. The Methodology advises that a rigid matrix-type approach is not applied by the assessor in order to take account of professional judgement and experience (see Paragraph 1.7.1 of EIAR Volume 4 Technical Appendix 6.1). While a matrix approach generally makes

the assessor's logic easier to follow and ensure consistent results, the matrix is there to inform the textual assessment, which should set out the reasoning of the assessor's conclusions on the overall significance of effect, which provides for some flexibility.

7.56 EIAR Volume 1 Chapter 6: Landscape and Visual has assessed effects on the landscape character on several Landscape Character Types:

- LCT135 Rounded Hills – Caithness and Sutherland including the hosting unit (Landscape Character Area (LCA) south of Strath Fleet and the LCA north of Strath Fleet;
- LCT142 Strath – Caithness and Sutherland, specifically the Strath Fleet LCA;
- LCT145 Farmed and Forested Slopes with Crofting at the Lairg LCA and Kincardine LCA;
- LCT134 Sweeping Moorland and Flows, specifically the LCA north of Lairg and Strath Fleet;
- LCT330 Rounded Hills and Moorland Slopes - Ross and Cromarty at the Easter Fearn LCA;
- LCT 343 Coastal Shelf at the Ardmore, Edderton and Whiteness Sands LCAs;
- LCT140 Sandy Beaches and Dunes at the Dornoch Sands LCA; and,
- LCT146 Coastal Farmland and Woodlands.

7.57 An assessment is also made of the effects on the Special Qualities of the Dornoch Firth NSA and those of the Loch Fleet, Loch Brora and Glen Loth SLA, as well as a high level assessment on the Wild Land Qualities of the Ben Klibreck – Armine Forest WLA (WLA 35). The applicant has followed the methodology set out in NatureScot's working draft 'Guidance for Assessing the Effects on Special Landscape Qualities' (November 2018, published under SNH) to assess the proposal's likely impacts on the special landscape qualities (SQs) of nationally designated National Scenic Areas as well as those of the regionally designated Special Landscape Areas, using the published description and citation for each respectively. The WLA assessment is noted and appreciated with particular regard as to how it has informed the design of the proposal however given the policy status of WLAs in NPF4 relative to energy developments, this report does not include an appraisal of this aspect of the applicant's assessment.

7.58 EIAR Volume 4 Technical Appendix 6.2 provides the applicant's detailed viewpoint analysis, whereby the applicant has come to a judgement as to whether the effect is significant or not on a viewpoint by viewpoint basis. In assessing visual impacts in particular, it is important to consider that the viewpoint is representative of particular receptors i.e., people who would be at location and experiencing that view of the landscape not just in that single view but in taking in their entire surroundings.

7.59 The summary of the applicant's assessment and officer appraisal of this assessment, which highlights any differences and concerns with regard to visual impact, can be found in Appendix 5 of this report.

7.60 A key part of the of the Council's assessment of landscape and visual effects is a consideration of the proposal against the Criterion set out in Section 4 of the Onshore Wind Energy Supplementary Guidance (OWESG), with the assessment against the criterion and view as to whether the threshold set out in the guidance is met or not, contained in Appendix 6 of this report.

Landscape Impacts

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

- impacts on the Landscape Character Type (LCT) as a whole, specific units of the LCT, that is Landscape Character Areas (LCAs), and on neighbouring LCT/LCAs;
- impacts on landscape composition; and,
- impacts on landscape designations.

7.62 These considerations inform an assessment of the proposal's compliance with THC Onshore Wind Energy Supplementary Guidance (OWESG) as it relates to landscape sensitivity.

7.63 The proposal's specific effects on landscape character will result from the insertion of large-scale moving turbines into the landscape and the to a lesser degree, the associated tracks and other infrastructure, contrasting with the existing colour and texture of the hosting rounded hills and simple moorland cover, and interaction with the colour, textures, and associations of the surrounding LCTs/LCAs that combine to produce the context that the development is experienced in.

7.64 The turbines would be wholly located within the south of Strath Fleet LCA of LCT135 Rounded Hills – Caithness and Sutherland. The summits within the hosting LCA are not high, typically between 250-350m AOD, but do form an exposed upland moorland area. The turbines would be located within the open moorland that characterise the summits and slopes of the rounded hills. This distinct, recognisable and consistent pattern of elements in the landscape defines the landscape character. NatureScot's descriptor for LCT 135 Rounded Hills - Caithness and Sutherland describes the site's specific LCA as *'…more subtly rolling hills and moorland..*[with] [o]*ccasional pockets of flatter wet peatland and more gently sloping ground occur within these areas. Some of the hills fringing these more subdued areas are often prominent in views from adjoining settled Straths…despite being relatively low.*

7.65 The applicant has specifically assessed this LCA as medium value (medium susceptibility and medium value) as being in reasonable condition in terms of its representativeness, landscape interest, perceptual and scenic quality and its proximity to the more LCT142 Strath – Caithness and Sutherland, specifically the Strath Fleet LCA to the north, which is offset by there being no specific landscape designations on the site.

7.66 The EIAR assesses a high magnitude of landscape change within the LCA up to its boundary to the north with Strath Fleet LCA and approximately 3.5 km east and south where intervening topography, i.e., summits, provide containment. The EIAR considers landscape impacts to be significant within this geographic extent as described. The proposal is not considered to result in significant landscape effects on the LCA to the west once (if) approved adjacent schemes are constructed, while these approvals mean that significant effects are already accepted in this area in any case. Beyond these areas described, the EIAR considers the magnitude of change to drop to between medium and zero depending on intervening screening, and that the level of effect would therefore be between moderate on the LCA overall and not significant.

7.67 In terms of effects on surrounding landscape character, the EIAR advises that these would be limited to indirect effects on the perceptual characteristics of these LCTs as a result of views of Acheilidh Wind Farm. For example, given the assessment above, the EIAR has assessed the landscape effects on the Rounded Hills – Caithness and Sutherland LCA north of Strath Fleet as not significant despite intervisibility.

7.68 Similarly, there would be visibility of Acheilidh turbines from LCT142 Strath - Caithness and Sutherland within the Strath Fleet LCA, which has thus far been largely free of the influence of turbines (some but limited influence from Lairg I Wind Farm, the distant cluster of Achany and Rosehall Wind Farms, and the distant Kilbraur Wind Farm). Views of Acheilidh Wind Farm would be limited to the central and western sections of the strath, although there would limited to zero influence of the turbines on the southern strath slopes, with four to six turbines visible above the containing summits on the southern strath sides. The turbines would appear as additional rotating features either at the head of the valley or along its sides depending on the angle of view and add such themselves be a containing feature of the strath.

7.69 The EIAR has assessed that the magnitude of landscape character change would be greatest and significant in the section of the LCA between Muie and Ardachu (central-west) at 2.5 km to 3.5 km from the turbines but not significant beyond this distance. The assessment concludes that the proposal would not result in significant landscape effects on the LCA overall due to the intermittent nature of views of the turbines from within the LCA and their varying influence, which is agreed. Other

strath LCAs are not considered given that the proposal would have negligible to zero visibility from within the Achany Glen and the Kyle of Sutherland and therefore not significant effects on landscape character from these locations.

7.70 The proposal is not considered to result in significant landscape effects in any of the other LCTs and specific LCAs listed above as an solus development, although it is noted that combined significant cumulative landscape effects on the Lairg LCA of LCT145 Farmed and Forested Slopes with Crofting north of Lairg, the Strath Fleet LCA of LCT134 Sweeping Moorland and Flows, and the Easter Fearn LCA of LCT330 Rounded Hills and Moorland Slopes - Ross and Cromarty would be as a result of existing and approved wind farm developments.

7.71 Based on the applicant's assessment and the above appraisal, the proposal is not considered to have a significantly detrimental impact on its hosting LCA, its LCT as a whole, as well as on the complex of nearby LCAs that characterise the wider setting of Lairg including the setting of Strath Fleet, and therefore the landscape composition overall. As such, the proposal is unlikely to significantly detract from landscape amenity or the landscape resource with impacts on these considerations appraised to be within acceptable limits. As set out in Appendix 6 of this report, the development is considered to meet the thresholds for the related OWESG Criteria 8, 9, and 10.

Designated Landscapes – Dornoch Firth National Scenic Area (NSA)

7.72 The NSA, which is just over 8 km south of the application proposal, encompasses the Dornoch Firth seascape and surrounding landscape with its special qualities related to its wide variety of sea and land-scapes that range from wilder upland moors above farmed and forested slopes, to its bays, sands, flats, shallows and promontories as they relate to the firth itself.

7.73 As prior agreed with NatureScot, the assessment has considered the proposal's likely impact against three of the NSA's seven SQs; namely, SLQ1 - 'The contrast between the enclosed west and the expansive east', SLQ2 - 'Inhabited surrounds within a wilder backdrop of hills and moors', and, SLQ6 'The tranquillity of an undeveloped coastline' (see EIAR Volume 1 Chapter 6: Landscape and Visual paragraphs 6.228 -6.262). Viewpoints 11 (A836, 12, 15, and 16 are provided within the EIAR to illustrate the effects on the NSA.

7.74 The applicant's assessment has concluded that there would a single significant effect on the three SQs listed which would be experienced from a single location. Specifically, that the proposal would result in a moderate and significant level of effect on the perceptual SQ of 'SLQ2 by virtue of the proposal reducing, but not eliminating, the perception of a 'wild' character to the backdrop of hills and moors as perceived from VP12 Struie Viewpoint only. The cumulative effect in combination with Garvary Wind Farm is considered to affect the same portion of the panoramic

view to a similar degree and is therefore also considered to be a moderate and significant cumulative level of effect on the same SQ.

7.75 It is interesting to note that the Reporter's finding on Garvary Wind Farm's impact on the same SQ from the same location at Struie Viewpoint, was that of a moderate and not significant level of effect. This is contrary to the current applicant's judgement that Acheilidh Wind Farm's moderate level of effect on the SQ is significant. This is especially notable given that substantially more of Garvary's turbine hubs and towers would be visible and visibly sited on both sides of the horizon (including visible bases on the nearside of the horizon), against the NSA's moorland backdrop over several summits providing limited containment within that section of the view. Conversely, the more modest Acheilidh Wind Farm proposal of 12 turbines (as opposed to the 24 turbines of Garvary as amended) would appear as a more cohesive array compositionally behind a single rounded summit that provides notable screening, while turbines are skylined such that the proposal, in the visualisation at least, does not reduce the moorland backdrop so essential to SLQ2.

7.76 Given the above, and the acceptance by Scottish Ministers of the Reporter's findings for Garvary Wind Farm, and that NatureScot has not objected on the grounds of impacts compromising the integrity of the NSA designation, it is recommended that the applicant's overall findings are not disputed, whilst acknowledging that the adverse landscape effect on SLQ2 of the NSA will be intensified by the introduction of this development.

Designated Landscapes – Loch Fleet, Loch Brora and Glen Loth Special Landscape Area (SLA)

7.77 The SLA is located approximately 12 km south east of the development at its nearest point but stretches further to the northeast encompassing rolling moorland hills, glens, straths and lochs, as well as a narrow strip of farmed coastal shelf running along the shoreline. The character of this area is distinguished by its composition of contrasting landscape features including contrasting landform, landcover, and landscape pattern that empathise the distinction of each other. Its SQs relate to its cultural associations as well as natural physical features and are described as, 'Historic Features', 'An Integrated Combination of Landforms', and 'Accessible yet Secluded Glens and Lochs'.

7.78 Visibility of the proposal from within the SLA is very limited to scattered slopes to the south-west and occasional summits to the north and north-east with none where glens intersect the coastal shelf at Loch Fleet, Loch Brora, Dunrobin, nor Glen Loth. As such, the applicant has found that the proposal would have minor to no effects on the key characteristics that contribute to these SQs due to distance, screening, and the small geographic extents where turbines would be visible from. These findings are not disputed and are described in detail in Table 6.10: SLQ Assessment for the

Loch Fleet, Loch Brora and Glen Loth SLA of EIAR Volume 1 Chapter 6: Landscape and Visual.

7.79 In addition to the above, EIAR Volume 4 Technical Assessment 6.3: Night-time Assessment has considered the impacts of aviation from red aviation safety lighting fitted to six turbine nacelle cells on landscape character and the above landscape designations. The conclusion for each assessment is that the lighting will not have significantly detrimental effects on the character or special qualities of the assessed LCAs, LCTs, the NSA or the SLA during the hours of darkness, which is agreed to by NatureScot and is not disputed.

Visual Impacts

7.80 EIAR Volume 4 Technical Appendix 6.2 provides the applicant's assessment of what the visual impact from the development would be at each viewpoint, including up to the level and significance of the effect. Unsurprisingly, there is some difference between the applicant's assessment and the appraisal undertaken by officers, which is to be expected given the assessments are dependent on the application of professional judgement. However, with the exception of a single view, the applicant's assessment of significance of visual effects is agreed. Differences in judgement are set out below and within Appendix 5.

7.81 Generally, visual receptors are considered to be of:

- medium sensitivity at locations on non-promoted routes with less pronounced or deteriorated scenic or gateway qualities (VP2 Lochbuie Road, VP10 A839 Rosehall – Lairg, and VP17 A837 Strath Oykel);
- high-medium sensitivity on non-promoted routes at locations with scenic and/or gateway qualities (for example, VP7 A836 Lairg between Pier and Power Station, VP8 Gruids, and VP13 Rhian Bridge); and
- the remainder visual receptors are considered to be of high sensitivity as these relate to residential and recreational users of designated locations and/or promoted facilities (VP1 A839 near Acheilidh, VP3 Bridge near A836 between Lairg and Invershin, VP4 The Ord, Lairg, VP5 A839 near Rovie Lodge, VP6 Lairg Cemetery, VP9 West Langwell, VP11 A836 Wester Fearn, VP12 Struie Layby, VP14 Ben Bhraggie, A9 Dornoch Bridge / NC 500, VP16 Tain Waterfront, VP18 Càrn Chuinneag, VP19 Ben Klibreck, VP20 Portmahomack, and VP21 Ben More Assynt).

7.82 The applicant's assessment of the significance of visual impacts as a standalone development at the individual viewpoints concludes that the proposed development would result in significant visual impacts at VPs:

- 1 A839 near Acheilidh,
- 2 Lochbuie Road,
- 4 The Ord,

- 5 A839 near Rovie Lodge,
- 8 Gruids,
- 9 West Langwell,
- 10 A839 Rosehall – Lairg, and
- 12 Struie Layby

7.83 Based on the applicant's assessment, the proposal has potential to result in significant impacts within around 10 km to the west, north, and east, and up to 15 km to the south as shown by the consideration analysis of VP12 Struie Layby.

7.84 The variance in judgement of significance for VP14 Ben Bhraggie is highlighted here, with the appraisal in Appendix 5 taking cognisance of the similarity of visual effects as would occur at the opposing VP12 Struie Layby. This is because the turbines from VP12 would appear less wide in the field of view in comparison and more screened than they would be when viewed from Ben Bhraggie where majority of towers would be visible despite the 1.7 km additional distance from the receptor. The consequence to the assessment is that there may be potential for significant effects on recreational receptors at greater distances to the west of the development than is acknowledged in the EIAR. However, given that the now consented Garvary Wind Farm would occupy much of the same lateral extent as the proposal, the additionality of adverse visual effects arising from this proposal relative to the approved wind farms, whilst still significant, can be accommodated from this locality with the Lairg, Garvary, and application schemes all reading as a legible single cluster if not a legible single development.

Residential Receptors

7.85 With regard residential receptors and impacts on views from settlements, there are no residential properties within 2 km of the turbines. As such, a residential visual amenity assessment (RVAA) has not been undertaken. There would be little to no visibility from settlements within the Achany Glen (VP3 Bridge near A836 between Lairg and Invershin) and Kyle of Sutherland but some visibility within the settlement of Lairg, which would be limited to a small number of properties on higher ground to the settlement's north (VP6 Lairg Cemetery). There would also be some visibility from the smaller settlements in, and north of, Strath Fleet such as Acheilidh and Muie to the north (VP1 A839 near Acheilidh), West and East Langwell (VP9 West Langwell) to the north and north-east, and Rogart to the east (VP5 A836 near Rovie Lodge).

7.86 The applicant's assessment has focused on Lairg where the assessment correctly states that views are mostly internal or oriented towards Loch Shin or Little Loch Shin. The appraisal for VP6 Lairg Cemetery, although considering the proposal to result in a slighter greater magnitude of change and level of effect than the applicant's assessment, has agreed with the applicant that the visual effect of the

proposal would be not significant overall. Similarly, while the applicant's consideration that the total (combined) visual effect of Acheilidh Wind Farm in combined and successive views with Lairgs I and II and Garvary Wind Farms would be significant, Acheilidh's contribution would be limited to the overall effect, and therefore its additional cumulative effect is not considered significant, which is agreed in the appraisal.

7.87 Significant visual effects are also noted at Acheilidh and Muie, West Langwell, and near Rovie Lodge but these are not considered such that they would be disruptive to residential amenity overall as people go about their daily lives. This is due to the intermittence of views of the development from these locations where they are viewed from working and settled landscapes, with further screening features on the ground. Consequently, the proposal is not considered to result in significantly detrimental effects on the visual amenity of residents of properties on higher ground to the north of Lairg or to the settlement overall, nor is it considered to be significantly detrimental to residential receptors of individual properties, property groups, or within other settlements overall.

Recreational Receptors

7.88 The applicant has assessed impacts at several tourist attractions and key visitor locations with theoretical visibility including the Ferrycroft Visitor Centre at Lairg (no VP), The Ord west of Lairg (VP4 The Ord, Lairg), Carbisdale Castle (no VP), Struie Hill south of Ardvannie (no VP), Princess Cairn west of Loch Fleet and south-west of the Mound (no VP), along with the Munros of Ben Klibreck (VP19 Ben Klibreck) and Ben More Assynt (VP21 Ben More Assynt), and the Corbett Càrn Chuinneag (VP18 Càrn Chuinneag).

7.89 The assessment has judged significant effects on the visual amenity of two of the above receptors, the first being at the summit of Struie Hill and the second at The Ord. These findings are consistent with the viewpoint analysis and the appraisal in Appendix 5, if extrapolated from the impact described at the Struie Layby for Struie Hill, and can be agreed. The EIAR notes that there would be no view of the development from the majority of the track (Core Path) leading to the summit of Struie Hill. As mentioned, the appraisal in Appendix 5 finds a significant effect on the visual amenity of Ben Bhraggie to the development's east however as stated in the applicant's assessment, these significant visual effects would not translate to significant effects on the overall walking experience and summit / destination views of these routes, due to the intervening distance, 360° / wide panoramic views, large-scale landscape and partial landform screening, which is not disputed and is reasonable for VP14 Ben Bhraggie also. No significant effects are judged at the other locations. These findings are set out in Table 6.15: Visual Effects on Views from Recreation and Tourist Destinations of EIAR Volume 1 Chapter 6: Landscape and Visual.

7.90 Table 6.14: Visual Effects on Views from Recreational Routes of EIAR Volume 1 Chapter 6: Landscape and Visual sets out the applicant's findings on visual impacts from several Core Paths in the wider area surrounding the application site, which have been grouped as per the table. In summary, the applicant has found that there would significant visual effects from parts of several Core Path recreational routes including Core Path SU16.03 Ord Hill from Ord Place (west of Lairg, VP4 The Ord, Lairg) where the significant effect would be experienced from the upper slopes and summit of the hill, which is consistent with findings as described in this report so far. The significant impact on Core Path SU20.05 Free Church - Ardichoncherr – Tressady *(nearest viewpoint is VP5 A839 near Rovie Lodge) is considered to occur at the western 1.1km section of route, whereas for Core Paths SU20.06 and SU20.07 – Morness - Mill - Little Rogart / Little Rogart – Morness where visible through the intermittent views for up to 0.7km / 0.2km sections of the routes the visual impact is also considered significant. Core Paths SU16.08 and SU16.09 - Braemore – Achany / Gruid's Wood are judged to result in significant visual impacts up to 3.2km / 0.3km sections of the routes, Scottish Hill Track 318: Aultguish Inn to Ardgay will experience significant effects as will the Moray Firth Tourist Route, which overlaps with the A839 and B9176 for up to 7km of the 128km route.

Transport Route Based Receptors

7.91 For road users of the A839 (see Table 6.13 Visual Effects on Views from other Transport Routes of Chapter 6, main report), the applicant considers that significant effects on the route's visual amenity would occur intermittently for up to around 6km between Rovie Lodge and Acheilidh for westbound users (VPs 5 A839 near Rovie Lodge and 1 A839 near Acheilidh), and intermittently for up to around 5.4km between west of the entrance to Achany Wind Farm and the junction with the B864 for eastbound users (VPs 10 A839 R Rosehall – Lairg and 8 Gruids). Again, these findings are consistent with the viewpoint analysis and appraisal of Appendix 5, while it is noted that the latter section of the route is not designated, a greater visual effect has already been accepted with the approval of Garvary Wind Farm, which would sit ahead of the Acheilidh Wind Farm turbines, as have the substantial sequential effects for road users travelling this section.

7.92 The applicant also considers that travellers using the minor, unclassified Lochbuie Road will experience significant visual effects between north of Sleastary and Loch Buidhe, and between Kinnabad and Loch an Lagain (depending on direction of travel) for a stretch of up to around 5.4km. Additionally, westbound travellers using the minor, unclassified Muie Road (north of the A839), and travellers using the minor, unclassified road between East Langwell and West Langwell, depending on direction of travel, are considered likely to experience significant effects on their visual amenity while using these routes.

7.93 The applicant does not consider the turbines to result in significant effects on any other transport route including the A9(T) (NC500), A837, A838, or the North route due to general lack of visibility as indicated on the ZTV, which is not disputed. Turbines would be experienced by road users of the A836 travelling on the northbound carriageway for a short section from the roundabout at Meikle Ferry to just past Edderton where effects are unlikely to be significant (see VP15 A9 Dornoch Bridge), while VP11 A836 Wester Fearn shows the development having little to no influence on the route behind forestry at that section. Effects for travellers on the A836 southbound carriageway north of Lairg (VPs 13 A836 Rhian Bridge and 7 A836 Lairg between Pier and Power Station) would largely be sequential from experiencing Creag Riabhach Wind Farm and its extension, past Chleansaid and Strath Tirry Wind Farms (Scenario 1), and in combination with the Lairg and Garvary Wind Farm cluster. These effects are already approved with the application proposal unlikely to detract further from the amenity of this section of the route so that overall, the proposal is not going to contribute additional significant effects.

7.94 Notwithstanding the above, the appraisal also judges that the proposal will result in a significant effect on the visual amenity of a short section of the B9176 Struie Road for travellers at the gateway location where it emerges from the narrow pass between Croc an Liath-Bhaid and descends beyond the Struie layby (VP12 Struie Layby). This location represents a point of drama and strong sense of arrival into a very distinctive and high-quality scenic location. In this instance however, the proposal will intensify the effect already approved through Garvary Wind Farm and therefore it is not considered sufficiently significant to base a recommendation of refusal on.

7.95 Taken together then, daytime visual effects of the proposal wind farm are, in solus, not considered significantly detrimental to sustain an objection to Scottish Ministers and indeed, the scheme itself is comparatively a better scheme to that which has been accepted in the area such that overall, the thresholds of the related visual OWESG criteria are met (1 through to 5, and 8).

Aviation Lighting Effects

7.96 In addition to the turbines will require to be lit for aviation safety on account of being over 150 metres in height, with any proposed lighting scheme will extend the visual effects into hours of darkness. For example, it is noted that aviation lighting will occur in a rural area currently with darker skies, predicted effects include aviation lighting disrupting the sense of remoteness experienced during hours of darkness from many locations across the area. While during the day one's eye would be drawn to the moving blades of the turbines, in hours of darkness one's eye would be drawn toward the red aviation lighting, which can flatten a sense of distance in the landscape. Depending on the position of the receptor to the lighting, the lights may appear to flash as a result of the turning of the turbine blades, passing between the light and the viewer. This may be a visually confusing effect for the receptor unless they were

aware of the reason for the lights. If aviation lighting is fitted at different hub heights, the lights would likely be at differing heights as well. This again may present a confusing image as in hours of darkness as one does not have the benefit of being able to relate the lighting to physical features.

7.97 The proposed lighting strategy must accord with the requirements of the Civil Aviation Authority and MOD's Article 222 of the UK Air Navigation Order (ANO) 2016 to ensure aviation safety. The applicant has specified that six turbine hubs (Ts 1, 2, 4 , 8, 9, and 11) would be fitted with red 2000 / 200 candela aviation lights, which is a reduction from 12 turbine hub lights, while the need for additional mid-tower lighting has been removed to provide 360° coverage has been removed. The proposed lights operate via a visibility sensor and will operate at a reduced intensity of 200cd during periods of clear visibility of greater than 5 km (anticipated to be the majority of the time), and only using the greater intensity of 2000cd when the visibility sensors detect poor visibility of less than 5 km. The light's intensity also falls at angles below 0° of the horizontal from the light, meaning that lower lying areas such as strath floors (i.e., more populated areas) experience reduced intensities but higher ground levels such as hill sides and summits experience higher intensities (i.e., less frequented areas in the hours of darkness).

7.98 There is theoretical visibility of the aviation lighting over the 45km study area whereby lighting from the maximum six nacelles would theoretically be visible at VPs 2, 4, 8, 9, 10, 14, 17,18, 19 and 21, three to five nacelles at VPs 12 and 13, one to three nacelles at VPs 1, 5, 6, 7, 11, 15, 20 and zero nacelles at VPs 3 and 16. Viewpoint analyses have been undertaken for VPs 1 A839 near Acheilidh, 6 Lairg Cemetery, 12 B9176 Struie Layby, and 16 A9 Dornoch Bridge for both full and reduced intensity lighting (2000 cd / 200 cd). These visualisations provide an overview of the effect of aviation safety lighting on residential and transport user receptors, whereby for safety reasons hours of darkness photography at remote and mountainous locations has not been undertaken.

7.99 No significant visual effects have been found within the EIAR assessment for any viewpoint nor for any of the residential, tourist / visitor, recreational, or transport user receptor as described above. Aviation lighting has been accepted in the area with the approval of both Lairg II and Garvary Wind Farms and therefore is not considered reasonable grounds for objection in this instance. The developers of adjacent approved wind farms are encouraged to work together to develop an aviation safety strategy for the whole cluster to potentially reduce hours of darkness visual effects further however such a strategy would have to be approved by the CAA and the MOD. There is also the potential for the future replacement of visible lighting with an Aircraft Detection Lighting Scheme (ADLS) should the technology be approved by the CAA and MOD. As such, there is a standard condition that should be included with any permission to require the developer to regularly review the Aviation Lighting

Scheme and assess the technical and regulatory feasibility of implementing such as scheme.

Roads, Transport and Access

7.100 EIAR Volume 1 Chapter 12: Traffic and Transport assesses the anticipated traffic impacts of this development, particularly during the 18-month construction period. The assessment is supported by a Transport Assessment (TA) and an Abnormal Loads Route and Assessment (EIAR Volume 4 Technical Appendices 12.3 and 12.1). As detailed above, the applicant is also committed to using a Construction Traffic Management Plan (CTMP) to manage the traffic impacts of the development. An outline CTMP is detailed in EIAR Appendix 12.2 and will cover areas such as minimising potential for dust/debris pollution, traffic management measures, community notification, working hours to avoid peak traffic times as well a speed limits.

7.101 Rogart Community Council and third parties have highlighted concerns regarding the level of traffic and safety implications of the proposed development.

7.102 The applicant aims to source materials via the proposed-on site borrow pits, but within the TA it is assumed that 70% of materials will be imported, thus providing a worst-case scenario for the construction traffic impacts of the development. However, the Council's Transport Planning Team note that although the TA provides an approximation of the number of loads associated with construction vehicles, the total volumes of materials and load sizes have not been provided, and the TA does not identify which quarries will be used. As such Transport Planning request that details of the volume of material quantities to be imported and removed from the site together with confirmation of the number and type of vehicle movements that will be generated is secured by condition and is required before any work commences on site. Transport Scotland also request an updated assessment if the volume of stone required to be transported exceeds that as currently assessed in the EIAR.

7.103 The site will be accessed from the A836 and will utilise the access point for the consented Lairg II Wind Farm development. The EIAR details that the route to the site for the general construction / HGV traffic will likely be from the south via the A9, then A836, and the local road (C1107) to Torroble and into the site.

7.104 EIAR Appendix 12.1 outlines the Abnormal Loads Assessment, this includes a swept path analysis and identifies potential route constraints and mitigation measures to enable the parts to the delivered. However, Transport Planning note that the route analysis is based on a 200m to tip height and does not reflect the proposed 230m as also proposed. A further full AIL route analysis for AIL of 230 m turbines should therefore be secured via a pre-commencement planning condition.

7.105 The applicant anticipates that the Port of Entry for the turbine blades will be at Nigg with other turbine component parts coming via the Port at Invergordon From the Port at Nigg, the route then joins the A9(T) at its junction with the B9175 (Nigg Roundabout) and then continues onto the A9(T) heading north for approximately 27km until exiting the A9(T) at its junction with the A839. The vehicles will then continue west for approximately 23km to Lairg, then onto the A836 heading south for 2.8km before turning left again onto the local road (C1107) to Torroble opposite Lairg Railway Station, and into the site.

7.106 Transport Scotland have no objection but state that any modifications to the trunk road network will require further discussion and its approval. Transport Scotland request conditions to secure the final abnormal load routes, which should include any accommodation measures required for the abnormal loads, including the removal of street furniture, junction widening, traffic management and control measures and a trial run. Transport Planning also do not object subject to conditions; requiring a detailed assessment of the structures along the route and full details of all road improvements and mitigation measures to facilitate construction, including a trial run of the route. After the turbine delivery and erection, appropriate reinstatement works are to be carried out to the satisfaction of the Roads Authority.

7.107 Transport Planning also noted that the Abnormal Loads Assessment includes an option to use the U2247 off the A839 at Acheilidh. This option would require a new or temporary bridge and loads will also need to cross a National Rail Crossing point. Whilst not objecting the Transport Planning Team are cautious in relation to this possible AIL access and that careful consideration of the junction design would need to be secured by condition. However, it is noted in the applicant's correspondence to National Rail, this access is no longer considered to be an option and access point will be via Lairg II as detailed above so a condition is not required.

7.108 The EIAR assumes that most construction traffic will originate from south of the Dornoch Bridge and utilise the shorter, more direct route via the A836 to access the site. However, as detailed above, given that the source of materials is unknown at this stage, a worst-case scenario for each of the road links has been considered and is summarised in Table 12.9 of the EIAR. This assumes that 100% of development traffic will utilise the A9(T) south of the Dornoch Bridge and 50% of development traffic will utilise the A9(T) north of the Dornoch Bridge. With a further estimate of 50% of the traffic using the A839 but 100% of construction traffic would use the A836 and C1107. Neither Transport Scotland nor Transport Planning object to this.

7.109 The EIA reports that the proposed development would lead to a temporary increase in traffic volumes on the road network during the construction phase. However, the effects over the 18-month construction period are not constant, and traffic volumes would decrease considerably outside the peak period of construction. As detailed in Table 12.8 of EIAR Chapter 12, the maximum HGV traffic impacts are predicted to

occur in month 6 of the construction programme, with 989 HGV movements during this month (includes inbound and outbound), so approximately 45 two-way total HGV trips per day. However, it is noted that the assessment is based on the requirement to bring in 70% of the aggregate required for the development. This may be significantly less if the three proposed borrows pits yield a greater proportion of the stone on site. However, as detailed above the applicant has not provided estimates of the quantities of materials that need to be imported or the load size for each delivery. Without this detailed information, the Transport Planning Team regard the predicted number of HGV trips as indicative only.

7.110 In addition to the HGV construction vehicles identified above, it is anticipated that there would be between 15 and 25 people will be on site each day which will result in 60 two-way daily private car/LGV trips. This equates to a maximum of 30 arrivals and 30 departures at the start and end of the working day.

7.111 Table 12.10 of the EIAR applies the estimated increase in construction traffic volumes to the future baseline volumes to calculate the daily percentage increases in traffic flows during the worst-case month (6) of the construction period. The assessment predicts that the traffic flows on the A9(T) links (survey locations 1-4) would increase by a maximum of 1.4% and HGV flows would increase by a maximum of 3.6%. These levels are well within the 30% threshold outlined in the IEMA Environmental Assessment of Traffic and Movement guidelines and no further assessment is required. Transport Scotland are content with this.

7.112 On the Council's Local Road network, the assessment predicts a total construction traffic increase on link 5 (A839) for month 6 of 8% and a total HGV increase of 18%. Again, this is within the IEMA guidelines and not considered to be significant. Link 6 (A836) and Link 7 (C1107 to the site) will both be required to carry 100% of construction traffic as this is the last section of the journey to site. Link 6 (A836) is predicted to experience during month 6, a total traffic increase of 10% and an HGV traffic increase of 101%. Link 7 (C1107) shows an increase in total daily traffic of 214% and an increase in HGV traffic of 881%. The assessment contends that the large increases are primarily due to the very low baseline level of HGV traffic on these routes. However, as the levels exceed the IEMA Guidelines, further assessment of these two roads is required and Transport Planning concur with this.

7.113 The detailed assessment reports major/moderate (significant) impacts on the severance of communities along the A836 and that mitigation will be required. However, due to the lack of residential properties, there will be no significant impact on the C1107 to the existing wind farm access. However, moderate (significant) effects are reported for road vehicle driver and passenger delay, which will require mitigation. The magnitude in the increase in HGVs on the A836 is regarded to be major and the sensitivity of the receptor is classed as major and therefore the TA

concludes that mitigation for pedestrians is required. There will be no significant impact on pedestrians using the C1107 as there are no properties.

7.114 Transport Planning accept these findings and concur that mitigation is required. However, they disagree with the applicant's assessment in relation to fear and intimidation on and by road users and consider that the large increase in HGVs will not have a negligible effect in relation pedestrian and cyclists on the A836. In relation to hazardous and large loads, Transport Planning also disagree that there will be no significant effect, as there may be some over sail of footways within Lairg and so potentially unsafe for pedestrians without mitigation.

7.115 The applicant proposes to mitigate the above impacts through a CTMP. Whilst Transport Planning welcome the submission of a CTMP, it considers that this does not currently provide mitigation for the impact of the volume and type of traffic on the Council's fragile road network or address community severance, driver delay, fear and intimidation or road safety. It also needs to include a more robust monitoring regime to ensure that cumulative impacts with other wind energy development are managed effectively. Furthermore, although the document states that mitigation is required on the A836 and C1107, it is disappointing that no meaningful measures have been put forward to address the issues highlighted.

7.116 Given the above, Transport Planning requires that planning conditions are used to secure detailed engineering assessments, HGV passing places and a junction upgrade on the C1107 and a footway on the A836 should be constructed from the Lower Shin dam to Lairg Railway Station. In addition, a more detailed CTMP and effective community liaison should be undertaken and secured by condition. A Section 96 agreement will also be required. Subject to the full upgrade of the C1107 and improvements to the A836 and measures to ensure the safety of pedestrians, and a robust CTMP, Transport Planning have no objection to the application.

7.117 Overall, the assessment concludes that with the implementation of appropriate mitigation no significant residual effects are anticipated in respect of traffic and transport. Both Transport Scotland and Transport Planning have no objection to the scheme but request several planning conditions to ensure the impacts of the development are acceptable.

7.118 In terms of wider public access, it is noted that Scotways has submitted an objection to the scheme on the grounds that the Rogart Drove Road Heritage Path and the Scottish Hill Track 318 appear to have been confused with each other and that the impact of the proposal on the amenity of rights of way routes has not been assessed in the EIAR. As such, Scotways considers that the baseline for recreational access in relation to the proposal as used in the assessment, is not accurate. Nevertheless, the Council's Access Officer has no objection to the application but notes that during the operation of the development the land will be expected to be open for the exercise of public access rights. The Access Officer recommends a condition securing a

detailed Outdoor Access Plan with the requirement for plans illustrating the baseline, access management measures during construction and the operational access situation that includes the location of gates, pass gates and signs.

Water, Flood Risk, Drainage and Peat

7.119 The results of the applicant's assessment are outlined in Chapter 8 of the EIAR. The EIAR sets out that embedded mitigation by design has been used as far as practical to reduce potential adverse effects. For instance, no development buffers around watercourses and Groundwater Dependent Terrestrial Ecosystems, the use of existing tracks to minimise watercourse crossings, the avoidance of deeper peatland and the use of floating tracks. The applicant is also committed to employing good practice techniques during construction. A Construction Environmental Management Plan (CEMP) will also be in place throughout construction, this will ensure that potential sources of pollution on site can be effectively managed. The CEMP needs to be secured by planning condition to ensure the agreement of construction methodologies with statutory agencies following appointment of the contractor and prior to the start of development or works.

7.120 The only areas that are at risk of fluvial flooding are confined to the channels and immediate vicinity of Allt Garbh-airigh on the western site boundary. With the only flood risk being associated directly adjacent to the onsite watercourses, remote from any proposed infrastructure, the risk of flooding on the site, and the sensitivity of the site to flooding, is reported as being low. As detailed above two new watercourse crossings are proposed, these are to the east of T5 on the main access track and will be oversized bottomless arched culverts. The Council's Flood Risk Management Team and SEPA have not raised any concerns. The watercourse crossings will be regulated under SEPA's Controlled Activities Regulations (CAR) regime.

7.121 In terms of Groundwater Dependent Terrestrial Ecosystems (GWDTEs), five areas were considered to be groundwater dependent. These areas predominantly comprised M10, M11 and M32 communities (Mires flushes and springs). The areas are located between 300m to 750m from the proposed infrastructure, given the separation distances, it is unlikely that GWDTEs will be affected by the proposed development. SEPA have raised no concerns with this assessment.

7.122 As detailed in EAIR chapter 15, pre-construction baseline water quality sampling and analysis of the principal surface water receptors Allt Ach'na h-Uaighe, Allt Garbh-airigh including Loch Cracail Mor and Loch Cracail Beag and Allt Loch na Saobhaidhe. The contractor will also implement a programme of monthly monitoring and analysis of the water quality of these watercourses during the construction period to ensure that they are not being impacted by the construction works. The full scope of monitoring will be detailed within the CEMP. Scottish Water has confirmed that there are no drinking water catchments or water abstraction sources, which are designated as Drinking Water Protected Areas under the Water Framework Directive

within the site boundary. A private water supplies (PWS) risk assessment has confirmed that there are no PWS hydrologically connected to the development. Environmental Health is content with this assessment.

7.123 As detailed in Outline Peat Management Plan (OPMP) (EIAR Appendix 8.2), the peat depth surveys recorded varying depths of less than 0.5m to up to 7.6m. The layout of the scheme has sought to avoid deeper pockets of peat, defined as being greater than 1m in depth. T1, T3, T6, T7 and T9 are located on an average peat depth of less than 0.5 m. The remaining turbines are sited on peat between 0.5m - 1m deep. Proposed new track sections are generally sited on areas where peat depth is less than 1m, however deeper areas are identified between T5 and T7, to the west of T1 and in the area between T1 and T2. Floating tracks will therefore be used where peat exceeds 1m in depth.

7.124 As detailed in the OPMP the total volume of excavated peat associated with the development is estimated to be 141,518m3. In the absence of mitigation, the EIA reports a direct, permanent effect of major adverse significance. As such the OPMP identifies ways in which the excavated peat could be re-used, this includes borrow pit restoration and along the verges of the tracks and other infrastructure. Following this it is estimated that there will be a surplus of 6,551m3; it is intended that this will be used as part of the peat restoration works proposed as part of the Habitat Management Plan (HMP) for the site. Following the identified mitigation measures, the residual effect is reported as being minor (adverse) and not significant.

7.125 SEPA has no objection but require a finalised Peat Management Plan to be secured by condition; this should demonstrate how micrositing, and other measures have been used to further minimise peat disturbance. In addition, SEPA request that a 50m micrositing allowance is secured by condition and ensures that infrastructure is not moved onto peat any deeper than currently shown in EIAR Appendix 8.2, Figures 2.1 to 2.14. Impacts upon the peat as a priority habitat will be discussed further in the Natural Heritage section of this report.

7.126 A Peat Landslide Hazard and Risk Assessment (PLHRA) has been submitted with the application (EIAR Appendix 8.3). This has identified low to negligible peat landslide risk at all proposed turbine, hardstanding, and other infrastructure locations. However, the assessment also outlines several mitigation measures that would assist in reduction of any potential risks further, including undertaking detailed intrusive ground investigations to clarify risks and allow stipulation of specific geotechnical mitigation measures and / or micrositing as required. Ironside Farrar, the Scottish Government's advisor on the issue of peat slide risk, are working with the applicant and have requested additional clarifications to ensure the adequacy of the PHLRA. This work is currently ongoing so any update in the meantime can be provided to committee verbally at the meeting. However, it is anticipated that

outstanding issues will be satisfactorily addressed and as such peat slide risk is not expected to be a key issue in the Scottish Ministers' final decision on the application.

7.127 With the embedded design mitigation, adherence to good practice and the implementation of the outlined mitigation, no significant residual adverse effects on the water environment and peatland interests are reported.

Natural Heritage (including ornithology)

7.128 The applicant's assessment is outlined in EIAR Chapters 9 and 10 and is supported by several technical appendices, including surveys on protected species, fish habitat and on-site vegetation. A Biodiversity Net Gain Assessment has also been submitted. To address consultee objections Additional Information (AI) has been submitted in the form of an updated OHMP and Golden Eagle Topographical (GET) modelling. Updated National Vegetation Classification (NVC) maps that show the locations of turbines and associated infrastructure have also been submitted, and a bat survey report has been provided to support the conclusions of the EIAR. Several third-party representations have raised concerns about the ecological and ornithological impacts of the proposal. This information has been accepted as clarification on matters within the EIAR rather than further environmental information and as such has not been re-advertised or re-consulted on as would otherwise be required under The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017.

7.129 Overall, the EIAR together with the AI submission conclude that subject to the recommended mitigation measures there will be no significant residual effects during the construction, operation, or decommissioning phases of the development, either individually or cumulatively with other developments. The applicant is committed to ensuring that construction practices will be in line with best practise guidance. Site specific environmental protection measures will also be fully detailed in the final CEMP, Peat Management Plan (PMP), pre-construction surveys will also be undertaken, and further habitat enhancement measures will be detailed through the finalised HMP. The applicant is also committed to undertaking ongoing ornithological monitoring during the first 10 years of the operational period of the wind farm. A condition can be used to ensure that all works are overseen by an Environmental Clerk of Works (EnvCoW). While the applicant has confirmed that all recently planted native woodland will remain in situ throughout the construction and operational phases of the development, a condition to require compensatory planting in the event that any part of woodland is required to be removed as a 'belts and braces' approach to cover any such eventuality is suggested in Appendix 7.

Designated Sites

7.130 **Strath Carnaig and Strath Fleet Moors Special Protection Area (SPA):** The site boundary is located within this SPA, which is protected for its breeding hen harriers.

However, the actual infrastructure including the turbines are not located within the designation. NatureScot advise that the proposal is likely to have a significant effect on the hen harrier qualifying interest of the SPA. The status of the designation means that the requirements of the Conservation (Natural Habitats, and c.) Regulations 1994 as amended (the 'Habitats Regulations') apply. Consequently, Scottish Ministers as the competent authority are required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interest. However, NatureScot advise that subject to the implementation of a Breeding Bird Protection Plan (BBPP) the proposal will not adversely affect the integrity of the site. The BBPP should be secured by condition and specifically provide mitigation measures to safeguard breeding hen harrier during construction and associated habitat management works. NatureScot have also confirmed that its advice is also applicable to the Strath Carnaig and Strath Fleet Moors Site of Special Scientific Interest (SSSI). The applicant has confirmed that the requirement for the BBPP is acceptable.

7.131 However, RSPB has maintained its objection in relation to effects on the SPA. It considers that the potential displacement of 1 or 2 probable breeding SPA males should be assessed further and that the cumulative impact of this loss of foraging habitat has not been adequately assessed. It is also concerned about the cumulative impacts on this SPA due to new woodland which has been created near the site. It notes that research has shown that Hen Harriers may be more likely to nest in areas of young forest edge, however this was associated with lower breeding success and productivity, as Hen Harriers are site faithful, attracting them to breed in unsuitable areas risks providing an ecological trap.

7.132 **Dornoch Firth and Loch Fleet SPA**: is located approximately 6km from the proposed development and is designated for breeding osprey and wintering wildfowl. NatureScot advise that the proposal is likely to have a significant effect on osprey of the SPA and therefore Scottish Ministers will need to undertake an Appropriate Assessment under the Habitat Regulations. NatureScot advise that the collision risk of 0.03 birds/year is not expected to be of a level that would adversely affect the SPA population. In relation to greylag goose, there are low levels of reported flight activity, and the site does not appear to be an important area for feeding. Consequentially in NatureScot's view the proposal will not adversely affect the integrity of the SPA.

7.133 **Lairg and Strath Brora Lochs SPA, and the Caithness and Sutherland Peatlands SPA**: are located 1.6km from the site and designated for breeding black-throated divers, and, 7.5km from the site and protected for upland breeding birds respectively. NatureScot confirm that it is unlikely that the proposal will have a significant effect on the qualifying interest either directly or indirectly of either designation, so an appropriate assessment is not required.

Species Protection

7.134 Protected species surveys have identified the likely presence of otter, water vole, common lizard and bats. Whilst the Councils Ecology Team request that a Species Protection Plan (SPP) for these species is secured by a condition. In relation to bat mitigation, the Ecology Team noted that Turbines 2, 7, and 9 are located within the standard 200m mitigation buffer zone usually required between bat habitat and turbines. However, the applicant has advised that the woodland has only recently been planted and that for majority of the schemes lifetime there will not be a mature woodland with the height of growing plants being significantly below 15m and that using Natural England's formula, significantly reduced buffers are required. The Ecology has confirmed that it is content that suitable buffers are maintained between the newly planted woodland and turbines as the habitat will not provide opportunities for foraging and roosting bats. The Ecology Team has advised that pre-commencement surveys for bats and bat roosts will be required to be undertaken prior to works starting on site in order to inform a Species Protection Plan for Bats.

7.135 NatureScot also requested further clarifications in relation to the bat survey results and has confirmed that it is content with the overall assessment for bats subject to pre-commencement surveys, but advises that the applicant will need to consider the implications of the proximity of Turbines 7 and 9's to the growing woodland throughout the operational lifetime of the development.

7.136 NatureScot, RSPB, and the Council's Ecology Team all requested updated Golden Eagle Topography (GET) modelling in relation to golden eagles. NatureScot has confirmed that it agrees with the conclusions of the revised report and that the conservative estimate of habitat loss within the 300m buffer of the turbines or the total open habitat within the estimated eagle range is not significant. NatureScot also agrees that the predicted loss of approximately 1% of habitat for dispersing young eagles within 10km is not significant in context of the wider area open to them. In addition, as requested by RSPB, the applicant has confirmed that the new eyrie found in 2022 is shielded from the higher hills, so there is no direct line of site, and it is not likely that the development will result in the eyrie being unused. RSPB welcome this clarification. The Council's Ecology Team also request that the applicant should consider habitat management for golden eagles, with the focus on provision of good prey habitat away from the turbines (including deer/sheep carcass relocation).

7.137 The EIAR identifies the collision risks for golden plover, red and black-throated diver, golden eagle, red kite and white-tailed eagle. However, NatureScot advised that the cumulative collision risk assessment as initially submitted was not adequate as it should consider all developments affecting the relevant Natural Heritage Zone 5 (NHZ 5); i.e., The Peatlands of Caithness and Sutherland. The Council's Ecology Team and RSPB also shared this concern. In response, the applicant has supplied a cumulative collision risk model that assesses impacts on six key ornithological

receptors across NHZ5. While NatureScot has pointed to some irregularities in the updated assessment, it agrees with the overall conclusion that, in combination with other developments, the proposal would not result in significant impacts on the favourable conservation status of these species, which is also agreed with the Council's Ecology Team.

7.138 RSPB has advised Council officers that its objection still holds at this stage as it considers that several of its reasons for objection have not been addressed by the applicant. Although its response to the additional information has not, at the time of finalising this report, been formally submitted to the ECU, a verbal update of the response will be provided at the committee meeting. Notwithstanding this outstanding objection (which is not the Council's), the RSPB has advised that it does welcome the applicant's commitment to provide beneficial measures for Short-eared Owl within the BBPP, pre-construction surveys, and the fitting of deflectors to fences and guy lines for Black Grouse, clarification that a buffer zone of 750 m will be maintained between the Red-throated Diver breeding lochan and turbines, that further to this micrositing may be used to maximise distances from this loch; and that the provision of breeding rafts may be factored into a BBPP.

7.139 In relation to pre-construction surveys, NatureScot advises that proposed survey timings may need to be adjusted to ensure these take place at the appropriate time of year for the relevant species, and that further survey work may be required prior to peatland restoration works, particularly if this takes place sometime after construction of the wind farm. RSPB and the Ecology Team also recommend that the pre-construction surveys should be extended to check for winter roost sites and should include collision modelling and carcass searches. These surveys should be secured through the final HMP and CEMP conditions. The commitment to implementing a BBPP is welcomed while NatureScot advises that this should cover works during the associated habitat management works and that safe working distances/exclusion zones should follow NatureScot's updated guidance on disturbance distances. The applicant is content with these requirements and that the BBPP is secured by condition. The Council's Ecology Team also request additional mitigation in relation to greenshank to ensure that there is no disturbance during the breeding season.

7.140 Whilst noting that a Fish Habitat survey has been carried out, the Council's Ecology Team questioned the absence of salmonid surveys despite that two watercourses were regarded as having high access for fish migration. However, this would be a matter for the ECU, the Marine Directorate, and the applicant to pursue.

Habitat Loss and Biodiversity Enhancement

7.141 The ecological survey area was found to comprise blanket bog, wet modified bog, and wet and dry heath. NatureScot consider that the proposed development is likely to result in impacts of national interest in relation to carbon-rich soils, peat and

peatland habitat. To confirm that the mitigation hierarchy has been followed and to ensure that peatland habitat impacts have been minimised, NatureScot, RSPB and the Council's Ecology Team requested further information including a plan showing the NVC mapping with the infrastructure plotted, confirmation of the location of the floating tracks referenced, and details of how impacts on carbon-rich soils, peat and peatland habitats have been minimised through mitigation by design, and the inclusion of wet modified bog into the loss of peatland habitat assessment.

7.142 Concerns were also raised in relation to the suitability of the Outline Habitat Management Plan (OHMP) both in terms of detail and the extent of the restoration area proposed, which didn't accord with NatureScot's guidance of 1:10 ratio of peatland loss to restoration. NatureScot contended that the HMP be more ambitious in its aims in relation to birds and provide more detail on the measures proposed to benefit species such as divers, raptors and waders. RSPB and the Council's Ecology Team raised similar concerns. The Ecology Team also request that the OHMP includes an outline of the proposed habitat management and monitoring during the operational period.

7.143 In response to these concerns, the applicant has provided Additional Information in the form of an updated and more detailed OHMP. The OHMP identifies that a total of 11.35Ha of wet modified bog and 14.91Ha of blanket bog is likely to be lost to the development, which equates to combined loss of 26.26Ha. Therefore, in line with NatureScot's guidance for a ratio 1:10 of loss to restoration the revised OHMP now proposes to increase the restoration area from 112.64Ha to 263Ha. This figure is 6.4ha higher than the required 1:10 loss/restoration figure of 262.60Ha whereby, the 'Enhancement' section in NatureScot's peatland restoration guidance states that an additional 10% of the baseline assessment would be required for enhancement. In this instance, given that 10% of the baseline 26.26 ha loss of priority peatland is 2.6ha, the additional 6.4ha of peatland restoration exceeds the 10% required for enhancement.

7.144 Moreover, the applicant has proposed additional measures to secure biodiversity net gain (BNG), which, using the SSEN BNG toolkit, secures an addition 18% BNG, which also exceeds the recommended 10% threshold. Consequently, the Council's Ecology Team is satisfied that the development will result in a significant biodiversity enhancement as required by NPF4 Policy 3b), while noting that ultimately, the decision on adequate enhancement measures is for the Scottish Ministers as the application is submitted under The Electricity Act 1989.

7.145 In addition to improving the quality of peat habitat the OHMP is also committed to developing a Deer Management Plan to safeguard the SPA, bog habitats, and new woodland planting, as well as safeguarding protected mammal species. To achieve these objectives a number of outline measures have been identified including: targeted ditch blocking and bunding to raise water table, re-wetting areas of bog and

reducing erosion; reprofiling of peat hags; demarcation of fence lines and guy wires to reduce black grouse collision risk; restriction of construction traffic on the access track within one hour of sunrise and sunset during the lek season (mid-March to mid-May inclusive); and discussion with the RSPB and Highland Raptor Study Group to support regional hen harrier and golden eagle monitoring. In addition to the habitat management objectives of the OHMP, there will be a series of monitoring objectives to evaluate the effectiveness of the habitat management measures and also to evaluate the effects of the wind farm on key receptors.

Built and Cultural Heritage

7.146 EIAR Chapter 7 considers the archaeological and historic environment value of the site and assesses the potential for both direct and setting effects on archaeological features and heritage assets. The assessment is supported by a walkover survey, wireframes and visualisations (EIAR Figures 7.3-7.7). The EIAR identifies no significant effects on any designated or non-designated heritage assets either in isolation or when assessed cumulatively with other wind energy schemes.

7.147 In terms of direct effects, there are no statutory designations within the site boundary, but there are 183 non-designated assets located within the 500m study area (EIAR Volume 4 Technical Appendix 7.2: Non-designated Heritage Assets Gazetteer). As such the EIAR states that there is a high potential for survival of archaeological remains within the site.

7.148 The Council's Archaeologist does not object subject to a condition to secure appropriate mitigation measures being employed during the construction phase of development. This mitigation includes a watching brief for all stripping works and the measures will be set out in a Written Scheme of Investigation and secured by condition. In addition, Good Practice Measures would be expected, and these must include marking-out and avoidance of assets with buffers, minimising disturbance, micrositing, watching briefs; inclusion of cultural heritage issues within the CEMP; and the appointment of an Archaeological Clerk of Works. These measures are particularly appropriate given that the access route passes close to known upstanding remains. However, it is also noted that a prehistoric roundhouse at Leathad Creagach (MHG12776) may be directly impacted by the development (pending confirmation), which would require an evaluation and full excavation.

7.149 Indirect effects can occur when the development results in a change to the setting of a heritage feature. Following the Scoping Stage, it was agreed that effects on the setting of the following five Scheduled Monuments would be assessed within the EIAR:

- SM1812, The Ord Chambered Cairns, Cairns, Settlements and Field Systems: Photomontage (see EIAR Volume 2 Figure 7.3);

- SM1768, Balcharn, Chambered Cairn 120m W Of: Wireframe from this heritage asset (see EIAR Volume 2 Figure 7.4);
- SM1861, East Kinnauld, Fort 1000m NE Of Eiden: Wireframe (see EIAR Volume 2 Figure 7.5);
- SM1862, East Kinnauld School, Broch Ne Of: Wireframe (see EIAR Volume 2 Figure 7.6); and,
- SM1762, Achnagarron, Two Standing Stone NE Of: Wireframe (see EIAR Volume 2 Figure 7.7).

7.150 The applicant's assessment predicts no significant effects on the settings of any of the above Scheduled Monuments, including cumulative effects with other wind energy developments. Historic Environment Scotland (HES) raise no concerns in relation to most of the applicant's assessment, however, it disputes the findings relating to The Ord Chambered Cairns, Cairns, Settlements and Field Systems (SM1812) which is located 1.2km north-west of the Site and 7.1km northwest of the nearest turbine position (T1). This monument is comprised of a range of prehistoric sites including two chambered cairns dating back to the Bronze Age, a homestead, numerous hut circles and accompanying field systems including cairns of field cleared stones.

7.151 Due to the Scheduled Monument's prominence, HES state that the Ord has served as a focal point in the landscape which has attracted a high concentration of varied archaeological remains visible across the monument. There are panoramic views in all directions from the monument, but the entrance passages for the cairns are deliberately orientated to the south-east, the view encompasses hills and is possibly aligned to capture the rising sun. The outward view from North cairn would also have encompassed the South cairn. Consequentially, the views are of considerable importance to the cultural significance and setting of this scheduled monument. Due to its archaeological, historic interest and preservation, the applicant and HES both consider the asset to be of high importance (value) and high sensitivity.

7.152 However, in terms of effects on the setting of views to the south-east the EIA reports a low magnitude of change resulting in a not significant effect. This is based on the turbine layout generally following the immediate topography, the schemes position behind a ridgeline which creates an effect of visual separation and the presence of existing development. However, HES dispute the magnitude of change attributed by the applicant and therefore the overall level of effect. HES consider that instead the proposed turbines would be significantly more dominant and cumulatively this would result in the spread of turbines in this important view to the south-east being even greater and more concentrated. This would change the wider views and result in significantly adverse impacts on the setting of this monument. HES note that turbines 5, 7, 8 and 10 would be especially prominent from the monument and give rise to the greatest impacts.

7.153 Whilst raising concerns, HES do not object to the scheme stating that given the presence of existing and consented infrastructure in these views these impacts sit below the level which would raise issues of national interest. However, it has identified mitigation which would reduce these significant effects, recommending the removal of T5, T7, T8 and T10 or alternatively re-locating them below the crest of the hill, in line with T6, T9 and T11 as seen from the monument. The applicant has not taken forward the recommended mitigation. The Council's Archaeologist notes the concerns outlined by HES and highlights that The Ord is also a recognised tourism and recreation site, promoted as such by Highland Council, and has high amenity value. The LVIA chapter in addition concludes that the proposal will result in a major and significant level of visual effect as experienced in-solus by highly sensitive receptors visiting the Ord site. This conclusion is agreed by Council Officers in the appraisal given in Appendix 5. However, given the approved status of Lairg II and Garvary Wind Farms, which would be experienced in combination with the application turbines, Officers have not insisted on the above mitigation being applied, which would be a matter for Scottish Ministers to decide.

Noise and Shadow Flicker

7.154 EIAR chapter 11 outlines the applicant's assessment in relation to the potential construction and operational noise on nearby residential receptors. Third parties have raised concerns in relation to noise and shadow flicker.

7.155 In terms of operational noise, the noise assessment included the use of seven noise assessment locations (NAL) (detailed on Figure 11.1), which ranged from 2.2km – 2.75km from the nearest turbine. The assessment reports that the predicted noise levels from the development alone will be below the simplified ETSU limit of 35dB LA90 with the highest levels of 28.2dB LA90 reported at NAL 3. A cumulative assessment was also undertaken that included Lairg I and II, and Garvary Wind Farms. The assessment reported that noise levels from all the developments would again meet relevant ETSU limits with the highest predicted cumulative levels of 30.9dB (NAL 1 and 3). Environmental Health has not objected to the proposal but recommend that operational noise limits are secured by condition.

7.156 Due to the separation distances from residential receptors, construction noise has been scoped out of the full assessment. Environmental Health is content with this and consider that construction noise is unlikely to be a significant issue. However, it is still expected that the developer/contractor will employ the best practicable means to minimise the impact of construction noise. The applicant should be required by condition to submit a scheme demonstrating this in their final CEMP.

7.157 Shadow flicker may occur under certain combinations of geographical position and time of day, when the sun passes behind the rotors of a wind turbine and casts a shadow over neighbouring properties. The Scottish Government's guidance is that

shadow flicker is generally only experienced within 10 rotor diameters of a wind farm, however, the Council considers that it is appropriate to extend this limit to 11 rotor diameters due to the area's northerly latitude meaning that the sun casts longer shadows. There are no residential properties within 11 rotor diameters however, that is within 1,705m or 1,755m if a 50m micrositing allowance is included. The EIA reports that the closest inhabited property lies approximately 2.2km from the nearest turbine so no significant shadow flicker amenity effects are predicted.

Telecommunications

7.158 There are no telecommunication links within or in the vicinity of the site which could experience interference from the proposed development. No consultee concerns have been raised in relation to potential interference with radio/television networks. However, a condition should nonetheless be sought to secure a scheme of mitigation should an issue arise.

Aviation and Radar

7.159 Chapter 14 of the EIAR assesses the possible effects of the proposal on existing communications infrastructure and aviation safeguarding facilities. There are no unresolved objections or outstanding concerns from aviation interests.

Decommissioning and Aftercare

7.160 The applicant has sought permission to operate the windfarm for 35 years. At the end of its operational life, usual decommissioning and restoration requirements should therefore be secured. If the decision is made to decommission the wind farm, all components, track access and associated infrastructure requires to be removed from the site. An exception is any residual concrete hardstanding areas, which would require removal to a depth of 1m below the ground level and be graded with soil and replanted. Cables also require to be cut away below ground level and sealed. It would be expected that any new tracks or areas used for constructing the wind farm would be reinstated to the approximate pre-development condition, unless otherwise agreed with the Planning Authority.

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

7.162 The finalised DRP would be expected to be submitted to and approved in writing by the Planning Authority no later than 12 months prior to the final decommissioning of the site. The detailed DRP would then be implemented within 18 months of the final

decommissioning of the development unless otherwise agreed in writing with the Planning Authority.

Planning Compliance Monitoring

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

Other Material Considerations

7.164 The Scottish Minsters' Energy Consents Unit has recently issued standard onshore wind farm conditions to all consultees with the intention that each consultee updates the relevant conditions with tracked changes in accordance with its requirements. The purpose is of the updated process is to make it easier for the decision maker, in this instance Scottish Ministers, to finalise the conditions in the event that the development is approved. For the purposes of responding to this consultation, the standard conditions are now appended to this report at Appendix 7 with the relevant conditions for Highland Council updated in the requisite tracked changed format.

Non-material considerations

7.165 Non-material considerations raised in representations related to the perceived oversupply of renewable energy generation in Scotland. Such matters are not material to the determination of this application, with the Scottish Government having declared a climate and nature crisis, and current grid capacity not being a determining matter as set out within NPF4. Similarly, in relation to community benefit, whilst this can aid the just transition towards net zero, this is currently a voluntary arrangement. Adverse effects on property values are also not a material planning consideration. Several comments have also raised concerns about the level/ appropriateness of visual information presented at the public pre-application. Pre-application public consultation for Section 36 applications is not mandatory and Scottish Minsters will determine this development based on the information submitted (and as may be requested to ensure the fullest understanding of environmental effects) as part of this Section 36 application.

8. Matters to be secured by Legal Agreement / Upfront Payment

8.1 A decommissioning and restoration financial guarantee can be secured by condition. No legal agreement is required should consent be granted.

9. CONCLUSION

9.1 The Scottish Government gives considerable commitment to renewable energy and encourages planning authorities to support the development of wind farms where they can be situated in appropriate locations to operate successfully. The project has the potential to contribute up to 79.2 MW of renewable energy capacity and a further 5 MW of battery storage capacity towards Scottish Government targets and play a role in the route to a net zero Scotland. In addition, the development has potential to bring economic benefits to the area and to create jobs.

9.2 However, as with all applications, the benefits of the proposal must be weighed against potential drawbacks and then considered in the round, taking account of the relevant policies of the Development Plan. As noted in this report, recent decisions by Scottish Ministers must also be taken into account, most notably the decision to approve the neighbouring Garvary Wind Farm scheme, which provides a litmus test for what Scottish Ministers deem to be acceptable impacts on landscape character, national landscape designations, as well as on visual receptors at this location.

9.3 As this report has set out, Members were previously asked to agree to Raise a timeous Objection to Scottish Minsters to reserve the Council's right to a public local inquiry pending a detailed report of handling. The stated reasons for raising the objection were that the proposal gives rise to unacceptable landscape and visual effects, including cumulative effects, for landscape and visual receptors in the surrounding and wider area, and significantly detrimental effects on Special Qualities of the Dornoch Firth NSA, particularly as experienced from the Struie Viewpoint and travellers along the B9176.

9.4 Whilst there has been no material changes to the scheme itself since the proposal was previously considered the broader context in which this application now requires to be assessed has changed as a consequence of the recent Garvary Wind Farm decision. Scottish Ministers' decision on that development is a key material consideration that demands significant weight and has tested the acceptability of wind farm development in this locale. It is acknowledge that this scheme in itself was well designed and took account of its context and setting and designed accordingly. In many of the viewpoints considered the magnitude of change arising with this development following the Garvary decision has been significantly diminished. The EIAR and this report have demonstrated that the proposal has generally responded more positively to the constraints of the site and wider context through careful siting, layout, and design as demonstrated by its relatively modest scale in terms of turbine numbers and more successful composition from key viewpoints, in particular from the Struie viewpoint overlooking the NSA. While there remains significant residual landscape and visual effects as would be expected of a proposal for a wind farm, it has been demonstrated through generally meeting the threshold of the ten OWESG criterion, that these effects can be accommodated. In

that way, the proposal can be considered to be the better scheme overall in comparison to the approved Garvary Wind Farm.

9.5 As such, it is considered that the Council's objection can no longer be sustained and Members are therefore requested to agree to the recommendation to withdraw the Council's objection in favour of a Raise No Objection consultation response to the ECU.

9.6 Due consideration has been given to the policies set out in the Development Plan, principally NPF4 Policy 11 and Highland-wide Local Development Plan Policy 67 with its eleven tests, which are expanded upon with the Onshore Wind Energy Supplementary Guidance as well as other policies in the Development Plan related to natural, built, and cultural heritage, and biodiversity. Given the above analysis, the application is considered to accord with these policies and therefore with the Development Plan.

9.7 In addition, Schedule 9 of the Electricity Act sets out what an applicant shall do in relation of the preservation of amenity. It is considered that the proposal has had regard to the desirability of preserving natural beauty and has mitigated the effects of the development in relation to the effects on the natural beauty of the countryside.

9.8 Officers are satisfied that environmental effects of this development can be addressed by way of mitigation. The Council will request that Scottish Ministers incorporate the requirement for a schedule of environmental commitments within the conditions of this permission along with the monitoring of construction and operational phase compliance.

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

10. IMPLICATIONS

10.1 Resource: Significant staff and financial resources should the application proceed to Public Local Inquiry.

10.2 Legal: If an objection is raised to the proposal, the application may be subject to a Public Local Inquiry.

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

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

10.5 Risk: Not applicable

10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before consultation response being issued to Scottish Ministers: N

It is recommended to **RAISE NO OBJECTION** to the application subject to the conditions and reasons set out in Appendix 7 of this report.

Signature:	Dafydd Jones
Designation:	Area Planning Manager – North
Author:	Mark Fitzpatrick
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 - Figure 1.1 – Site Boundary
	Plan 2 - Figure 4.6 – Application Layout Plan
	Plan 3 - Figure 3.2a – Turbine Elevation (200m)
	Plan 4 - Figure 3.2b – Turbine Elevation (230m)
	Plan 5 - Figure 3.9 – Typical Energy Storage Compound Plan
Appendices:	Appendix 1 – Letters of Representation
	Appendix 2 - Cumulative Wind Farm Developments
	Appendix 3 - Development Plan and Other Material Policy Considerations
	Appendix 4 - Compliance with the Development Plan / Other Material Policy Considerations
	Appendix 5 - Viewpoint Visual Assessment Appraisal (operational only)
	Appendix 6 - Assessment against Landscape and Visual Assessment Criteria contained within Section 4 of the Onshore Wind Energy Supplementary Guidance
	Appendix 7 – Suggested conditions

Appendix 2 Cumulative Wind Farm Development

The following table is adapted from the cumulative table used in the EIAR and updated by Council officers to reflect changes in application stage status, which are highlighted.

EIAR Reference[1]	Name	Distance (m)[2]	Number of turbines	Blade tip Height (m)	Host Landscape Character Type
EXISTING WIND ENERGY DEVELOPMENTS WITHIN 45KM					
E01	Lairg	2,752	3	99.5	Rounded Hills - Caithness and Sutherland
E02	Achany	10,664	19	100	Rounded Hills - Caithness and Sutherland
E03	Rosehall	13,435	19	90	Rounded Hills - Caithness and Sutherland
E04	Kilbraur Extension	13,520	8	125	Rounded Hills and Moorland Slopes - Ross and Cromarty Rounded Mountain Massif
E05	Kilbraur	13,671	19	115	Sweeping Moorland and Flows Rounded Hills - Caithness and Sutherland
E06	Beinn nan Oighrean	18,326	2	99.5	Rounded Hills and Moorland Slopes - Ross and Cromarty
E07	Beinn Tharsuinn	18,550	17	80	Rounded Hills and Moorland Slopes - Ross and Cromarty
E08	Coire na Cloiche	20,299	13	99.5	Rounded Hills and Moorland Slopes - Ross and Cromarty
E09	Gordonbush Extension	22,477	11	149.9	Sweeping Moorland and Flows Rounded Hills - Caithness and Sutherland

[1] The reference number in the table relates to that used in the figures.
[2] Measured from the nearest turbine of each wind energy development

EIAR Reference[1]	Name	Distance (m)[2]	Number of turbines	Blade tip Height (m)	Host Landscape Character Type
E10	Gordonbush	23,721	35	107	Sweeping Moorland and Flows, and Rounded Hills - Caithness and Sutherland
E11	Creag Riabhach	26,900	22	125	Rounded Hills - Caithness and Sutherland Sweeping Moorland and Flows
E12	Novar	28,972	34	61	Rounded Mountain Massif
E13	Novar Extension	29,494	16	100.5	Rounded Mountain Massif
E14	Corriemoillie	43,530	17	125	Rounded Hills and Moorland Slopes - Ross and Cromarty
E15	Lochluichart Extension	44,820	6	125	Rounded Mountain Massif
CONSENTED WIND ENERGY DEVELOPMENT WITHIN 45KM					
A01	Garvary	1,006	25	180	Rounded Hills - Caithness and Sutherland
C01	Lairg II	2,094	10	200	Rounded Hills - Caithness and Sutherland
C02	Strath Tirry	12,870	4	135	Sweeping Moorland and Flows Strath – Caithness and Sutherland
C03	Chleansaid	13,273	16	180 / 200	Rounded Hills - Caithness and Sutherland Sweeping Moorland and Flows - Caithness and Sutherland
C04	Achany Extension	17,366	18	149.9	Rounded Hills - Caithness and Sutherland

EIAR Reference[1]	Name	Distance (m)[2]	Number of turbines	Blade tip Height (m)	Host Landscape Character Type
C05	Meall Buidhe	17,993	8	144.5/149.9	Rounded Hills - Caithness and Sutherland
A03	Strath Oykel	18,175	11	200	Rounded Hills - Caithness and Sutherland
C06	Strathrory	21,833	7	149.9 / 160 / 180	Rounded Hills and Moorland Slopes - Ross and Cromarty
C07	Sallachy	26,365	9	149.9	Rounded Hills - Caithness and Sutherland
C08	Kirkan	41,822	17	175	Rounded Hills and Moorland Slopes - Ross and Cromarty
C09	Lochluichart Extension II	43,527	5	149.9	Rounded Mountain Massif Rounded Hills and Moorland Slopes - Ross and Cromarty
APPLICATION WIND ENERGY DEVELOPMENT WITHIN 45KM					
S01	Balblair	3,541	9	180	Rounded Hills - Caithness and Sutherland
A02	Shinness	17,267	16	200	Sweeping Moorland and Flows - Caithness and Sutherland
A03	Strath Oykel	18,175	11	200	Rounded Hills - Caithness and Sutherland
A04	Creag Riabhach Extension	26,685	3	149.5	Sweeping Moorland and Flows – Caithness and Sutherland
A05	Abhainn Dubh	34,388	13	149.9	Rounded Hills and Moorland Slopes – Ross and Cromarty

Appendix 3 Development Plan and Other Material Policy Considerations

DEVELOPMENT PLAN

National Planning Framework 4 (2023)

A3.1 The NPF4 policies of most relevance to this proposal include:

National Development 3 (NAD3) - Strategic Renewable Electricity Generation and Transmission Infrastructure.

Policy 1 – Tackling the climate and nature crisis

Policy 2 – Climate mitigation and adaptation

Policy 3 – Biodiversity

Policy 4 – Natural places

Policy 5 – Soils

Policy 6 – Forestry, woodland and trees

Policy 7 – Historic assets and places

Policy 11 – Energy

Policy 13 – Sustainable transport

Policy 22 – Flood risk and water management

Policy 23 – Health and safety

Policy 25 – Community wealth benefits

Policy 33 – Minerals

Highland Wide Local Development Plan 2012

A3.2 28 - Sustainable Design

29 - Design Quality and Place-making

30 - Physical Constraints

31 - Developer Contributions

36 – Wider Countryside

51 – Trees and Development

53 - Minerals

55 - Peat and Soils

56 - Travel

57 - Natural, Built and Cultural Heritage

58 - Protected Species

59 - Other important Species

60 - Other Importance Habitats

61 - Landscape

62 - Geodiversity

63 - Water Environment

64 - Flood Risk

66 - Surface Water Drainage

67 - Renewable Energy Developments

68 - Community Renewable Energy Developments

69 - Electricity Transmission Infrastructure

72 - Pollution

73 - Air Quality

74 - Green Networks

77 - Public Access

78 - Long Distance Routes

Caithness and Sutherland Local Development Plan (CaSPlan)

A3.3 There are no site-specific policies covering the application site therefore the application requires to be assessed against the general policies of the Development Plan (NPF4 and HwLDP) referred to above. It is noted, however, that the CaSPlan does identify Special Landscape Areas (SLA) within the plan area. As noted in section two, there are several SLAs within the LVIA study area.

Onshore Wind Energy Supplementary Guidance (OWESG) (2016)

A3.4 The Onshore Wind Energy Supplementary Guidance (OWESG) provides additional guidance on the principles set out in HwLDP Policy 67 for renewable energy developments. The Guidance sets out the Council's agreed position on onshore wind energy matters, and, although reflective of Scottish Planning Policy at the time of its adoption prior to the adoption of NPF4, the document remains an extant part of the Development Plan and is therefore a material consideration in the determination of onshore wind energy planning applications. Nevertheless, the Spatial Framework included in the document is no longer relevant to the assessment of applications as in effect, the policies of NPF4 (specifically Policy 11, Energy) removes Group 2 Areas of significant protection from consideration by effectively making all land in Scotland either Group 1 Areas where wind farms

will not be acceptable (National Parks and National Scenic Areas), or Group 3, Areas with potential for wind farm development

A3.5 The OWESG also contains the Loch Ness Landscape Sensitivity Study, the Black Isle, Surrounding Hills and Moray Firth Coast Sensitivity Study, and the Caithness Sensitivity Study. The site does not fall within an area covered by a Landscape Sensitivity Study at this time. The proposed site sits within the Landscape Character Type (LCT) of Rounded Hills – Caithness and Sutherland (NatureScot LCT 135) as noted in section 2 of this report.

Other Highland Council Supplementary Guidance

A3.6

- Biodiversity Enhancement Planning Guidance (May 2024)
- Developer Contributions (Mar 2018)
- Flood Risk and Drainage Impact Assessment (Jan 2013)
- Green Networks (Jan 2013)
- Highland Historic Environment Strategy (Jan 2013)
- Highland's Statutorily Protected Species (Mar 2013)
- Highland Renewable Energy Strategy and Planning Guidelines (May 2006)
- Physical Constraints (Mar 2013)
- Roads and Transport Guidelines for New Developments (May 2013)
- Special Landscape Area Citations (Jun 2011)
- Sustainable Design Guide (Jan 2013)
- Trees, woodland and development (Jan 2013)

OTHER MATERIAL POLICY CONSIDERATIONS

Emerging Highland Council Development Plan Documents and Planning Guidance

A3.7 The Highland-wide Local Development Plan is currently under review and is at Main Issues Report Stage. It is anticipated the Proposed Plan will be published following publication of secondary legislation post NPF4.

A3.8 In addition, the Council has further advice on delivery of major developments in a number of documents. This includes Construction Environmental Management Process for Large Scale Projects (Aug 2010) and The Highland Council Visualisation Standards for Wind Energy Developments (Jul 2016).

Other National Legislation, Policy and Guidance

A3.9

- Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 – interim and annual targets replaced by Climate Change (Emissions Reduction Targets) (Scotland) Bill in November 2024
- Climate Change Committee Report to UK Parliament (July 2024)
- UK Government Clean Power Action Plan (Dec 2024)
- Draft Energy Strategy and Just Transition Plan (2023)
- Onshore Wind Energy Policy Statement (2022)
- Draft Scottish Biodiversity strategy to 2045: tackling the nature emergency (2023)
- Scottish Energy Strategy (2017)
- 2020 Routemap for Renewable Energy (2011)
- Energy Efficient Scotland Route Map, Scottish Government (2018)
- Siting and Designing Wind Farms in the Landscape, SNH (2017)
- Assessing Impacts on Wild Land Areas, Technical Guidance, NatureScot (2020)
- Wind Farm Developments on Peat Lands, Scottish Government (2011)
- Historic Environment Policy for Scotland, HES (2019)
- PAN 1/2011 - Planning and Noise (2011)
- PAN 60 – Planning for Natural Heritage (2008)
- Circular 4/1998 – The use of Conditions in Planning Permissions – this states that planning conditions should only be imposed when they meet all of the following six tests: 1) Necessary, 2) Relevant to planning, 3) Relevant to the development to be permitted, 4) Enforceable, 5) Precise; and Reasonable in all other respects.
- Circular 1/2017: Environmental Impact Assessment Regulations (2017)
- NatureScot: Guidance on Aviation Lighting Impact Assessment (2024)

Appendix 4 - Compliance with the Development Plan / Other Material Policy Considerations

National Policy

A4.1 National Planning Framework 4 (NPF4) forms part of the Development Plan and was adopted in February 2023. It comprises three parts:

- Part 1 – sets out an overarching spatial strategy for Scotland in the future. This includes spatial principles, national and regional spatial priorities, and action areas;
- Part 2 – sets out policies for the development and use of land to be applied in the preparation of local development plans; local place plans; masterplans and briefs; and for determining the range of planning consents. This part of the document should be taken as a whole in that all relevant policies should be applied to each application; and
- Part 3 – provides a series of annexes that give the rationale for the strategies and policies of NPF4, it outlines how the document should be used, and sets out how the Scottish Government will implement the strategies and policies.

A4.2 **Part 1 - The Spatial Strategy** sets out that we are facing unprecedented challenges and that we need to reduce greenhouse gas emissions and adapt to future impacts of climate change. It sets out that that Scotland's environment is a national asset which supports out economy, identity, health and wellbeing. It sets out that choices need to be made about how we can make sustainable use of our natural assets in a way which benefits communities. The spatial strategy reflects legislation in setting out that decisions require to reflect the long term public interest. However, in doing so it is clear that we will need to make the right choices about where development should be located ensuring clarity is provided over the types of infrastructure that needs to be provided and the assets that should be protected to ensure they continue to benefit future generations. The Spatial Priorities support the planning and delivery of sustainable places, where we reduce emissions, restore and better connect biodiversity; liveable places, where we can all live better, healthier lives; and productive places, where we have a greener, fairer and more inclusive wellbeing economy.

A4.3 At the national level, NPF4 considers that Strategic Renewable Electricity Generation and Transmission Infrastructure will assist in the delivery of the Spatial Strategy and Spatial Priorities for the north of Scotland, and that Highland can continue to make a strong contribution toward meeting Scotland's ambition for net zero. Alongside these ambitions, the strategy for Highland aims to protect environmental assets as well as to stimulate investment in natural and engineered

solutions to address climate change. This aim is not new and will clearly require a balancing exercise to be undertaken, which is reflected throughout NPF4.

A4.4 The proposed development is of national importance for the delivery of the national Spatial Strategy, whereby in principle support for the development is established. As the proposed development would be capable of generating over 50 MW, it is of a type and scale that constitutes NPF4 National Development 3 - Strategic Renewable Electricity Generation and Transmission Infrastructure.

A4.5 **Part 2 – Policies: NPF4 Policies 1, 2, and 3** now apply to all development proposals Scotland-wide, which means that significant weight must be given to the global climate and nature crises when considering all development proposals, as required by NPF4 Policy 1. To that end, development proposals are to be sited and designed to minimise lifecycle greenhouse gas emissions, as far as is practicably possible, in accordance with NPF4 Policy 2, while contributing to the enhancement of biodiversity, as required by NPF4 Policy 3.

A4.6 Complementing those policies is NPF4 Policy 4 Natural Places, which sets out that development proposals by virtue of type, location, or scale that have an unacceptable impact on the natural environment will not be supported. The policy goes on to clarify what that means for different designations. It sets out that proposals with likely significant effects on European sites (SACs or SPAs) require appropriate assessment, and that development proposals that will affect a National Park, NSA or SSSI will only be supported where:

i) the objectives of designation and the overall integrity of the areas will not be compromised; or
ii) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental, or economic benefits of national importance.

This is an important consideration given the proximity of the development natural heritage designations. On that point the report sets out that the recent decision to approve Garvary Wind Farm has given a clear indication of the extent of impacts on the Special Landscape Qualities of Dornoch Firth NSA that Scottish Ministers will accept. Any in-solus and cumulative impacts on the relevant Special Landscape Qualities that the application proposal will result in are likely to be well within the limits deemed acceptable by Scottish Ministers.

A4.7 Similarly, sites designated in Development Plans for local nature conservation or Special Landscape Areas (SLAs) are protected in NPF4 Policy 4 unless the development will not result in significantly adverse effects on its qualities or its integrity, or, these effects are clearly outweighed by social, environmental, or economic benefits of at least local importance. In this instance, the proposal's impacts on the 'Historic Features', 'An Integrated Combination of Landforms', and

‘Accessible yet Secluded Glens and Lochs’ special qualities of the Loch Fleet, Loch Brora and Glen Loth SLA are not significant and well within acceptable limits.

A4.8 The most significant policy change for Natural Places introduced by NPF4 Policy 4 is with regard to Wild Land Areas (WLA). This policy now states that renewable energy developments that support national targets will be supported in WLAs and that buffer zones around WLAs will not be applied, so that effects of development outwith WLAs will not be a significant consideration. The site itself is not located within any WLAs, the closest is Ben Klibreck – Armine Forest (WLA 35) which is located approx. 10.1km from the site.

A4.9 Policy 11 intent is to “encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This includes energy generation, storage, new and replacement transmission and distribution infrastructure and emerging low-carbon and zero emissions technologies including hydrogen and carbon capture utilisation and storage (CCUS)”. It specifies that the principle of all forms of renewable, low-carbon, and zero emission technologies is supported (with the exception of wind farm proposals located in National Parks or National Scenic Areas) including ‘enabling works, such as grid transmission and distribution infrastructure’ which encompasses this application.

A4.10 It states that development proposals should only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities. The policy goes on to say that significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets, while identifying impacts, including cumulative impacts, that must be suitably addressed and mitigated against. Policy 11 e) i to xiii) sets out the criteria against which applications must be assessed.

A4.11 This includes a broad range of matters similar those to be assessed under HwLDP Policy 67 including landscape and visual impacts. It advises that where impacts are localised and / or appropriate design mitigation has been applied such effects will generally be considered acceptable. While the adopted NPF4 reflects a stronger presumption in favour of all national scale energy developments, judgment is still required at the project level to ensure proposals do not have unacceptable landscape and visual impacts even if the contribution to national renewable energy targets is considerable.

A4.12 On that point it is noted that both legislation and planning law indicate that where there may be incompatibility between NPF4 and the Local Development Plan (LDP) (HwLDP, CaSPlan, and Highland Council Supplementary Guidance) published prior to NPF4, then the more recent document shall prevail. Notwithstanding however, in instances of incompatibility, this requirement may not eliminate the provisions of the LDP in their entirety whilst these documents

remain an extant part of the adopted Development Plan. That means that the Council may wish to give more weight to the provisions of its LDP over national policies where there is strong justification for doing so, such as where it feels that LDP policy is better equipped to respond to local conditions for example. However, this matter is yet to be tested through the planning system.

A4.13 It is considered the proposal is in overall conformity with NPF4 Policy 11, particularly with regards to 11 e) ii. which requires the proposed development project design and mitigation will demonstrate how the following impacts are addressed: Significant landscape and visual impacts, recognising that significant impacts are to be expected for some forms of renewable energy. Where impacts are localised and/or appropriate design mitigation has been applied, they will generally be considered to be acceptable.

A4.13 The current proposal will have significant adverse landscape and visual impacts on a range of features/receptors including but not restricted to:

- those parts of the south of Strath Fleet Landscape Character Area of LCT135 Rounded Hills – Caithness and Sutherland within 3.5 km of the turbines;
- small sections of the Strath Fleet Landscape Character Area of LCT142 Strath – Caithness and Sutherland;
- visual receptors within up to 14.5 km south of the turbines to the Struie Layby;
- for visual receptors within up to 16.2 km east of the turbines to Ben Bhraggie (Officers' assessment); and,
- visual receptors within up to approximately 10 km more generally.

However, it is considered that the threshold of the 'appropriate design mitigation' policy test is obtained.

A4.14 Additionally, whilst the generality of HwLDP's topic policies are superseded by those in NPF4, HwLDP policies that offer greater detail than NPF4 or that are tailored to Highland circumstance (and are not wholly incompatible with NPF4) are still relevant and applicable. In particular, Policy 67 Renewable Energy and its related Onshore Wind Energy Supplementary Guidance is relevant. Also, Policy 57 Natural, Built and Cultural Heritage in terms of protection of the setting of scheduled monuments, in particular The Ord Chambered Cairns, Cairns, Settlements and Field Systems (SM1812).

A4.15 It is considered the proposal is in overall conformity with Policy 57, Policy 61 and Policy 67 of HwLDP. Policy 57 requires all development proposals be assessed taking into account the level of importance and type of heritage features, the form and scale of the development, and any impact on the feature and its setting. The following criteria will also apply:

- For features of local/regional importance development will be allowed if it can be satisfactorily demonstrated that they will not have an unacceptable impact on the natural environment, amenity and heritage resource; and,
- For features of national importance development will be allowed if it can be shown not to compromise the natural environment, amenity and heritage resource. Where there may be any significant adverse effects, these must be clearly outweighed by social or economic benefits of national importance. It must also be shown that the development will support communities in fragile areas who are having difficulties in keeping their population and services.

A4.16 In terms of HwLDP Policy 67, whilst the proposed development would contribute towards meeting renewable energy generation targets and generally have a positive effect on the local and national economy the Council has to be satisfied that it is located, sited and designed not to be significantly detrimental overall, either individually or cumulatively with other developments, having regard in particular to any significant effects on the following:

- Natural, built and cultural heritage features;
- Visual impact and impact on the landscape character of the surrounding area (the design and location of the proposal should reflect the scale and character of the landscape and seek to minimise landscape and visual impact, subject to any other considerations);
- Amenity at sensitive locations, including residential properties, work places and recognised visitor sites (in or outwith a settlement boundary); and
- The amenity of users of any Core Path or other established public access for walking, cycling or horse riding.

A4.17 **Part 3: Annex B – National Developments Statements of Need**. National developments are significant developments of national importance. Appendix B identifies 18 types of national development which will support the delivery of the spatial strategy. The statements of need set out in the Appendix are a requirement of the Town and Country Planning (Scotland) Act 1997). Any project identified as national development is required to be considered at a project level to ensure all statutory tests are met. This project is classified as National Development under Annex B Section 3 which states National Development for renewable energy includes “Strategic Renewable Electricity Generation and Transmission Infrastructure” including: a) On and off shore electricity generation, including electricity storage, from renewables exceeding 50 megawatts capacity;

A4.18 This brings the application under the environmental considerations set out in NPF4 Policy 11e) that require to be sufficiently mitigated against and which largely correspond to their HwLDP Policy 67 equivalents. As has already been set out,

in-solus and cumulative landscape and visual effects are within acceptable limits as are impacts on amenity, both residential and community, ecology, built and cultural heritage resources, roads, while proposals for decommissioning, restoration and aftercare can adequately be dealt with by condition.

Highland wide Local Development Plan (HwLDP)

A4.19 The HwLDP identifies the site as "wider countryside" under Policy 36. It sets out a range of parameters against which development will be assessed. It states that development proposals may be supported if they are judged to be not significantly detrimental under the terms of the policy noting "Renewable energy development proposals will be assessed against Renewable Energy Policies, the non-statutory Highland Renewable Energy Strategy and where appropriate the Onshore Wind Energy Supplementary Guidance".

A4.20 HwLDP Policy 67 - Renewable Energy sets out that 'renewable energy development should be well related to the source of the primary renewable resource needed for operation'. It states that 'The Council will consider 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.' The Council 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 against eleven specified criteria (as listed in HwLDP Policy 67). Such an approach is consistent with the concept of Sustainable Design (HwLDP Policy 28) and the concept of supporting the right development in the right place at the right time.

A4.21 Policy 69 – Electricity Transmission Infrastructure states that 'proposals for overground, underground or sub-sea electricity transmission infrastructure (including lines and cables, pylons/ poles and vaults, transformers, switches and other plant) will be considered having regard to their level of strategic significance in transmitting electricity from areas of generation to areas of consumption'. Subject to balancing with this consideration, and taking into account any proposed mitigation measures, the Council will support proposals which are assessed as not having an unacceptable significant impact on the environment, including natural, built and cultural heritage features.

A4.22 Although HwLDP Policy 67 and Policy 69 are considered compatible with NPF4 Policy 11, NPF4 expresses greater support for renewable energy projects outwith National Parks and NSAs and requires greater weight to be attributed to the twin climate and biodiversity crises in the decision-making process, whilst still recognising that a balancing exercise must still be carried out.

A4.23 As for NPF4 Policy 11e) considerations, in-solus and cumulative landscape and visual effects are within acceptable limits despite residual significant effects, as are impacts on amenity, both residential and community, ecology, built and cultural heritage resources, and roads and as such the benefits of the development are adjudged to outweigh the disbenefits overall.

Caithness and Sutherland Local Development Plan (CaSPlan)

A4.24 No specific policies apply however, that the CaSPlan does identify Special Landscape Areas (SLA) within the plan.

A4.25 As has been set out in the report, there are no residual significant effects on the Special Qualities of the Loch Fleet, Loch Brora and Glen Loth SLA and therefore the proposal is compliant with the CaSPlan.

Onshore Wind Energy Supplementary Guidance (OWESG)

A4.26 The Council's OWESG is a material consideration in the determination of planning applications. The supplementary guidance does not provide additional tests in respect of the consideration of development proposals against Development Plan policy. However, it provides a clear indication of the approach the Council towards the assessment of proposals, and thereby aid consideration of applications for onshore wind energy proposals

A4.27 The OWESG approach and methodology to the assessment of proposals is applicable and is set out in the OWESG Para 4.16 - 4.17. It provides a methodology for a judgement to be made on the likely impact of a development on assessed "thresholds" in order to assist the application of HwLDP Policy 67. The 10 criteria are particularly useful in considering visual impacts, including cumulative impacts. An appraisal of how the proposal meets with the thresholds set out in the criteria is included in Appendix 6 of this report.

Landscape Sensitivity Study

A4.28 The OWESG also provides strategic considerations that identify sensitivities and potential capacity for wind farm development. These are called the Landscape Sensitivity Appraisals (LSA) and form part of the statutorily adopted Onshore Wind Energy Supplementary Guidance. The Appraisals identify Key Views, Key Routes and Gateways as well as Landscape Character Area sensitivities and guidance. The site is not currently located within an appraisal area.

Other Material Policy Considerations - Onshore Wind Energy Policy Statement (2022) and Draft Energy Strategy and Just Transition Plan (2023)

A4.29 The Onshore Wind Energy Policy Statement supersedes the previously adopted Onshore Wind Energy Policy Statement which was published in 2017. The

document sets out a clear ambition for onshore wind in Scotland and for the first time sets a national target for a minimum level of installed capacity for onshore wind energy, being 20 GW. This is set against a currently installed capacity of 9.4 GW (June 2023). Therefore, a further 10.6 GW of onshore wind requires to be installed to meet the target. It is however acknowledged that targets are not caps. In delivering such a target Scotland would play a significant role in meeting the requirement of 25-30 GW of installed capacity across the UK identified by the Climate Change Committee.

A4.30 Like the previous iteration of the Onshore Wind Energy Policy Statement, the document recognises that balance is required and that no one technology can allow Scotland to reach its net zero targets. The document is clear that in achieving a balance, environmental and socio-economic benefits to Scotland must be maximised. In taking this approach, this echoes Scotland's Third Land Use Strategy.

A4.31 The document recognises that there may be a need to develop onshore wind energy development on peat. Priority peatland is present on the site, and it is considered that a Peat Management Plan and the Habitat Management Plan, which shows adequate compensation, can be secured by condition.

A4.32 Additionally, the document acknowledges that in order for Scotland to achieve its climate targets and the ambition for the minimum installed capacity of 20 GW by 2030, the landscape will change. However, the OWEPS also sets out that the right development should happen in the right place. Echoing NPF4, the document sets out that significant landscape and visual impacts are to be expected and that where the impacts are localised and / or appropriate mitigation has been applied the effects will be considered acceptable.

A4.33 Benefits to rural areas, such as provision of jobs and opportunities to restore and protect natural habitats, are also highlighted in the document. It considers some of the wider benefits and challenges faced by in delivery of ambition and vision for onshore wind energy in Scotland. These include shared ownership, community benefit, supply chain benefits, skills development and financial mechanisms for delivery. The proposed development does lead to such benefits being delivered, however, in relation to maximising socio-economic benefits, there is no current guidance on what that should look like and evidence of a significant shift of requirements is yet to emerge, which Members may expect to see, from what was likely to be offered pre-adoption of NPF4.

A4.34 Finally, the document also highlights technical considerations, those relevant to this application have been considered and mitigation, where required has been secured by condition.

A4.35 The Draft Energy Strategy and Just Transition Plan has been published for consultation. Ministers will likely give consideration to this document in their decision on the application, however, limited weight can be applied to the document given its draft status. Unsurprisingly, the material on onshore wind in the document reflects in large part that contained in NPF4 and the Onshore Wind Energy Policy Statement 2022. A fundamental part of the Strategy is expanding the energy generation sector. Overall, the draft Energy Strategy forms part of the new policy approach alongside the OWEPS and NPF4 and confirms the Scottish Government's policy objectives and related targets reaffirming the crucial role that onshore wind and enabling transmission infrastructure will play in response to the climate crisis which is at the heart of all these policies.

A4.36 To deliver the ambition for onshore wind, the Onshore Wind Sector Deal for Scotland was introduced in September 2023. The document focuses on necessary high-level actions by Government and the Sector to support onshore wind delivery. Jointly, Government and the Sector are committed to working together to ensure a balance is struck between onshore wind and the impacts on land use and the environment. The document looks to expediate decision making and consent implementation to achieve 20 GW of installation by 2030, meaning we should be seeing faster decisions on applications that are already in the system, with more consents being build out. Again, the sector deal does not detail what the socio-economic commitments should be.

Onshore Wind Standard Conditions
Section 36 Consent and Deemed Planning Permission
February 2025

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Section 36 Conditions

No.	Condition Wording	Applicant / Consultee Comment or Modification	Standard or Optional
1.	**Notification of Date of First Commissioning and Final Commissioning** (1) Written confirmation of the Date of First Commissioning shall be provided to the Planning Authority and Scottish Ministers no later than one calendar month after that date. (2) Written confirmation of the Date of Final Commissioning shall be provided to the Planning Authority and Scottish Ministers no later than one calendar month after that date. **Reason:** To allow the Planning Authority and Scottish Ministers to calculate the date of expiry of the consent.		Standard
2.	**Commencement of Development** (1) The Development shall be commenced no later than [five years][1] from the date of this consent, or such other period as the Scottish Ministers may approve in writing. (2) Written confirmation of the intended date of Commencement of Development shall be provided to the Scottish Ministers and the Planning Authority as soon as is practicable after deciding on such a date and in any event no later than one calendar month prior to the Commencement of Development. **Reason:** To ensure that the consent is implemented within a reasonable period and to allow the Planning Authority and Scottish Ministers to monitor compliance with obligations attached to this consent and deemed planning permission as appropriate.		Standard
3.	**Assignation** (1) This consent shall not be assigned, alienated or transferred without the prior written authorisation of the Scottish Ministers.[2] (2) In the event that the assignation is authorised, the Company shall notify the Planning Authority and Scottish Ministers in writing of the principal named contact at the assignee and contact details within fourteen days of the consent being assigned. **Reason:** To safeguard the obligations of the consent if transferred to another company.		Standard

[1] This period may be changed where a longer or shorter period for implementation is justified in the circumstances of the case.
[2] The Scottish Ministers may authorise the assignation (with or without conditions), or refuse the assignation.

No.	Condition Wording	Applicant / Consultee Comment or Modification	Standard or Optional
4.	**Serious Incident Reporting** In the event of any serious breach of health and safety or environmental obligations relating to the Development causing harm to the environment (including harm to humans) 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. Reason: To keep the Scottish Ministers informed of any such incidents which may be in the public interest.		Standard
5.	**Compensatory Planting** (1) In the event that felling is required, ~~N~~no felling ~~or development~~ shall commence, including site and ground investigations[3] until a woodland planting scheme to compensate for the removal ~~of [ ] hectares~~ of existing woodland ("the Replanting Scheme") has been submitted to, and approved in writing by, the Scottish Ministers in consultation with [ ][4]. (2) The Replanting Scheme shall provide: (a) details of the location of the area(s) to be planted, including a map and description of current land use; (b) the nature, design/layout, species composition, purpose and specification of the proposed woodland to be planted; (c) the phasing and associated timescales for implementing the Replanting Scheme; (d) proposals for reporting to the Planning Authority on compliance with timescales for obtaining the necessary consents and thereafter implementation of the Replanting Scheme; (e) proposals for the maintenance and establishment of the woodland to be planted, including annual checks, replacement planting, fencing, ground preparation and drainage; and (f) details evidencing compliance with The UK Forestry Standard and the Scottish Government's Policy on Control of Woodland Removal (as amended or replaced from time to time).	Requested as a 'belts and braces' position to cover the eventuality that woodland may require to be removed.	Optional

[3] If a Site Enabling Works condition is to be applied under the Deemed Planning Permission, the timescales and scope should be complimentary and where appropriate there should be no felling (including as part of Enabling Works until a FPP is submitted and approved).
[4] Insert "Planning Authority" and, if the compensatory planting is in a different authority area, the name of the relevant local authority.

No.	Condition Wording	Applicant / Consultee Comment or Modification	Standard or Optional
	(3) The Replanting Scheme approved under part (1) of this condition shall be implemented in full, unless otherwise agreed in writing by the Scottish Ministers in consultation with the Planning Authority. **Reason:** To secure replanting to mitigate against effects of deforestation arising from the Development		
6.	**Aviation Impact Mitigation Scheme** (1) No turbine shall be erected, other than for testing and evaluation on a basis agreed with [name of airport], until a Mitigation Scheme[5] to address the impact of the wind turbines upon the [name of equipment and location] Radar (and if applicable [name of any secondary equipment]) has been submitted to and approved in writing by the Scottish Ministers, in consultation with the operator of [name of airport] and the Civil Aviation Authority. (2) The approved Mitigation Scheme shall provide the appropriate measures to be implemented and be in place for the operational life of the development provided the [name of equipment] (and if applicable the [name of secondary equipment]) remain in operation. (3) No turbine(s) shall become fully operational until the measures required by the approved Mitigation Scheme by that stage have been implemented. The development shall thereafter be operated in accordance with the approved Mitigation Scheme. (4) No later than the fifth anniversary of the date of First Commissioning and every five-year anniversary thereafter, the Company shall submit a written review of the Mitigation Scheme to the Scottish Ministers. (5) The review may propose amendment of the Mitigation Scheme. If a review assesses that it is technically feasible and reasonable to undertake alternative mitigation measures, such review shall also provide the Company's proposals for installation of and alternative mitigation measures together with a proposed timetable for installation which has been agreed with the operator of [name of airport] and the Civil Aviation Authority. "Approved Mitigation Scheme" means a scheme designed to mitigate the impact of the development upon the operation of the [name of equipment] (and if applicable the [name of secondary equipment]) and the Air Traffic Control operations of the airport which are reliant on these navigation aids.	THC request the inclusion of this condition. Parts (4) and (5) are specifically requested.	Optional

[5] The name of the mitigation scheme will vary on a case by case basis but should be defined at this point of the condition for example "Air Traffic Control Mitigation Scheme"

No.	Condition Wording	Applicant / Consultee Comment or Modification	Standard or Optional
	Reason: Mitigation is required to ensure that there will be no unacceptable impacts on the safe operation of [name of airport] Airport's radar[6]		

[6] Aviation mitigation conditions tend to be bespoke to the airport and mitigation required. This condition is provided as an initial template.

Deemed Planning Permission Conditions

No.	Condition Wording	Applicant / Agent Comment or Modification	Standard or Optional
7.	**Commencement of Development** (1) The Development must be commenced no later than 5 years from the date of this consent. (2) 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.	THC does not agree to the applicant's request for a 10 year implementation period due to potential changes to the baseline conditions as assessed through the EIAR.	Standard
8.	**Design of Wind Turbines** [7] (1) No turbines shall be erected until details and specification of the proposed wind turbines, (including the size, make and model, power rating and sound power levels, nameplate generating capacity, type, external finish and colour) any anemometry masts and all turbine associated apparatus have been submitted to and approved in writing by the Planning Authority. (2) For the avoidance of doubt the scale of the turbines shall not exceed the parameters assessed in the EIA Report and set out in the description of the Development at Annex 1. (3) The submission shall demonstrate that all wind turbine blades shall rotate in the same direction. (4) Thereafter the wind turbines, any anemometry masts and all associated apparatus shall be constructed and operated in accordance with the details approved under part (1) and shall be maintained in the free from external rust, staining or discolouration, until such time as the Development is decommissioned unless otherwise agreed in writing by the Planning Authority. **Reason:** To ensure that the environmental impacts of the turbines forming part of the Development conform to the impacts assessed in the EIA Report and in the interests of the visual amenity of the area.	THC respectfully requests that Annex 1 includes the maximum number and maximum heights of turbines to convey the substance of the development and so that any additional assessment work required for a proposed increase in the scope and scale of the development is undertaken through the appropriate process and so that the Council resource required for such work is reflected through the appropriate fee.	Standard
9.	**Design of Sub-station and ancillary development** (1) There shall be no Commencement of Development on the sub-station until final details of the location, layout, external appearance, dimensions, and surface materials of the substation and control room buildings (which shall reflect the Highland vernacular), any	THC request the inclusion of this condition.	Optional

[7] Consider whether there is anything else specific to the project that must be included in this condition or condition [9] on design of the substation or [10] on design of the energy storage facility, for example are the electricity and control cables between the turbines to be laid out underground, positioning of turbine transformers etc.

No.	Condition Wording	Applicant / Agent Comment or Modification	Standard or Optional
	above ground electrical equipment, associated compounds, construction compound, boundary fencing, external lighting and parking areas have been submitted to, and approved in writing by, the Planning Authority. For the avoidance of doubt the details of the sub-station shall not exceed the parameters assessed in the EIA Report. (2) Thereafter, the substation and control room buildings, any above ground electrical equipment, associated compounds, fencing, external lighting and parking areas shall be constructed in accordance with the details approved under part (1). **Reason:** To ensure that the environmental impacts of the sub-station and ancillary development forming part of the Development conform to the impacts assessed in the EIA Report and in the interests of the visual amenity of the area.		
10.	**Design of Energy Storage Facility** (1) There shall be no Commencement of Development on the energy storage facility until details of the location, layout, external finishes and appearance, dimensions and surface materials of the energy storage facility, inclusive of battery containers, substation(s), control buildings (which shall reflect the Highland vernacular), external above ground electrical equipment, associated compounds, construction compound, boundary fencing and other enclosures, external lighting, security cameras and parking areas have been submitted to, and approved in writing by, the Planning Authority. For the avoidance of doubt the details of the energy storage facility shall not exceed the parameters assessed in the EIA Report (2) Thereafter, the battery energy storage facility shall be constructed in accordance with the details approved under part (1) and the infrastructure shall be maintained in the approved colour, free from rust, staining or discolouration until such time as the Development is decommissioned. **Reason:** To ensure that the environmental impacts of the energy storage facility forming part of the Development conform to the impacts assessed in the EIA Report and in the interests of the visual amenity of the area.	THC request the inclusion of this condition.	Optional
11.	**Signage** No part of the Development shall display any text, logo, sign or advertisement (other than health and safety signage as required by law) or be illuminated [with the exception of aviation safety lighting]) unless otherwise approved in writing by the Planning Authority. **Reason:** In the interests of health and safety on site and the visual amenity of the area.		Standard
12.	**Micro-siting** (1) All wind turbines, buildings, masts, areas of hardstanding, associated infrastructure and tracks shall be constructed in the locations shown on plan	To be finalised by the ECU with any additional consultee requirements.	Standard

No.	Condition Wording	Applicant / Agent Comment or Modification	Standard or Optional
	reference [ ][8] and at the grid references for the turbines set out in [ ][9]. The locations of wind turbines, buildings, masts, [energy storage facility][10], areas of hardstanding and tracks[11] may be adjusted by micro-siting within the redline boundary shown on plan reference [EIAR Volume 2 Figure 3.1: Proposed Layout]. Any such micro-siting is subject to the following restrictions unless otherwise approved in advance in writing by the Planning Authority in consultation with the relevant consultees[12].[13][14] (a) [no wind turbine, building, mast or hardstanding shall be moved more than ~~XXm~~ 50 metres from the position shown on plan reference [ ] and at the grid references set out in [ ]]; (b) [no access track shall be moved more than ~~XXm~~ 100 metres from the position shown on plan reference [ ] and at the grid references set out in [ ]]; (c) [No micro-siting shall take place with the result that infrastructure (excluding floating tracks or hardstanding) has a greater overall impact on peat than the original location]; (d) [no infrastructure other than as required for a water course crossing shall be microsited to within 50[15] metres of a water course].]; (e) No wind turbine foundation shall be positioned higher than ~~[...]~~ [3] metres Above Ordnance Datum (AOD) than the position for that turbine shown on the Site Layout Plan; (f) [no micro-siting shall take place which will bring the infrastructure closer to [ ] .as shown on plan [ ][16]. (2) All micro-siting permissible under this condition shall be submitted to, and approved in writing by the ~~Ecological~~ Environmental Clerk of Works ("ECoW")in advance of any works or development associated with the micro-siting request being implemented.[17]; (3) No later than six months after the Date of First Commissioning[18], an updated site layout plan showing the final position of all wind turbines, buildings, masts, areas of hardstanding, tracks and associated infrastructure forming part of the Development shall be submitted to the Planning Authority. The plan shall also		

[8] Insert site layout plan reference here and throughout this condition where it states "plan reference [ ]".
[9] Insert the title of the relevant sections of the EIAR, likely within the Project Description Chapter, which should set out six figure grid references for each part of the infrastructure.
[10] Only applicable where a energy storage is being consented as part of a wind energy development.
[11] List any other infrastructure as appropriate
[12] It may be appropriate to remove the wording in the square brackets given that the locations of the turbines and other infrastructure should be established.
[13] It may be appropriate to include wording that this is approved "in consultation with" other statutory bodies for example SEPA, HES or NatureScot. Only include NatureScot here if the condition was applied at their request to avoid an outright objection, or have made a specific request in their consultation response or otherwise agreed to be consulted further on this matter.
[14] (A) to (d) are examples of restrictions that could be imposed. Consider which restrictions are required and which should be removed. Regard should be had to the project design envelope assessed in the EIAR when formulating restrictions. Any restriction in relation to proximity to individual residential properties should be specific and name the property and give a six-figure grid reference.
[15] To be adjusted where requested by a consultee.
[16] To be used where a consultee has stipulated that there is a feature / features which needs to be safeguarded via a set back i.e. ground water dependent terrestrial ecosystems, scheduled monument, archaeological feature or protected species / habitat).
[17] ECoW should approve micro-siting where an ECoW is being appointed under another condition.
[18] If the final position of all infrastructure may not be known at "First" commissioning, it may be that he wording is changed to "Date of Final Commissioning" or other date as appropriately defined.

No.	Condition Wording	Applicant / Agent Comment or Modification	Standard or Optional
	specify areas where micrositing 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.		
13.	**Implementation of mitigation measures** (1) No development (including the Site Enabling Works) shall commence until a Schedule of Mitigation has been submitted to and approved in writing by the Planning Authority. This Schedule shall encompass a list of all mitigation measures from the EIA Report, any other commitments made by the applicant and all relevant mitigation secured by conditions attached to this permission with defined timescales for implementation of each mitigation measure. (2) Thereafter, the approved Schedule of Mitigation shall be implemented in full unless otherwise approved in writing by the Planning Authority in consultation with the relevant consultees. **Reason:** to ensure that the identified mitigation through the EIA Report is carried out in accordance with the approved details.		Standard
14.	**Enabling Works**[19] (a) No development or works shall commence on the Site unless and until a programme of Site Enabling Works, detailing the extent, area and timings of such works (the 'Site Enabling Works Programme') has been submitted to and approved in writing by the Planning Authority in consultation with the relevant consultees[20]. The Site Enabling Works Programme must as a minimum provide for the following: (b) A plan showing the extent and layout of the enabling works; (c) The employment of a suitably qualified and experienced ~~Ecological~~ Environmental Clerk of Works~~, or equivalent~~, for the project, with specific responsibility for environmental management and the authority to take action when required, including stopping operations and implementing mitigation measures; (d) The employment of a Planning Monitoring Officer, to discharge and to monitor compliance with this condition, including provision of a quarterly compliance report to the Council; (e) Species Protection Plans which shall be informed by pre-commencement surveys for [otter, water vole, common lizard, bats, and any other protected species identified] carried out by a suitably qualified person. The surveys shall	To be finalised by the ECU with any additional consultee requirements.	Standard

[19] This condition should only be included where there is a specific need for developer to commence certain named enabling works ahead of Commencement of Development. This would not be appropriate for standard ground investigations. "Site Enabling Works" should be defined in the Definitions section. The condition requires to be tailored to the impact and requirements of the development and will not.
[20] Reference consultation with appropriate consultees (SEPA, NatureScot, Transport Scotland etc) if specifically requested by those consultees.

No.	Condition Wording	Applicant / Agent Comment or Modification	Standard or Optional
	inform the mitigation measures required to protect [otter, water vole, common lizard, bats, and any other protected species identified during site enabling works. The Plan shall provide mitigation measures, as required, and a timetable for implementation; (f) Bird Protection Plans which shall be informed by pre-commencement surveys for [breeding birds, greenshank, golden eagle, red kite, and any other bird species identified] carried out by a suitably qualified person. The surveys shall inform the mitigation measures required to protect [breeding birds, greenshank, golden eagle, red kite, and any other bird species identified during site enabling works. The Plan shall provide mitigation measures, as required, and a timetable for implementation; ~~(e)~~(g) A programme for environmental auditing and monitoring within the Site, before and during the Site Enabling Works, to provide the establishment of an environmental checklist, to monitor and input into the planning of construction activities and ensure implementation of all environmental mitigation measures; ~~(f) A forest felling and management plan;~~ ~~(g)~~(h) A site specific statement outlining drainage and sediment management for all exploration areas and measures to limit above ground construction activities during periods of high rainfall, including weather forecasting and actions to be taken in advance of adverse forecasts. ~~(h)~~(i) Working arrangements, including a programme for the phasing of operations, and particularly the movement of plant, materials and rock into, across and out of the site to minimise, so far as reasonably possible, impact on communities or businesses adjacent to or in close proximity to the Site.; ~~(i)~~(j) Waste Management and Pollution Controls including contingency plans in case of pollution incidents; ~~(j)~~(k) A programme of work for the evaluation, preservation and recording of any archaeological and historic features affected by the Development, including a timetable for investigation, which must be submitted for the written approval of the Planning Authority. The approved programme must be implemented in accordance with the agreed timetable for investigation unless otherwise agreed in writing with the Planning Authority; ~~(k)~~(l) Measures to protect any scheduled monument(s) within the area of the enabling works; ~~(l)~~(m) Details for the delivery, storage, loading and unloading of plant and materials to be used in constructing the development, with particular regard for the deployment of HGVs and any abnormal loads; ~~(m)~~(n) Measures to control the emission of dust and dirt during construction; ~~(n)~~(o) Provision of welfare facilities on site during construction and the means of disposal of foul drainage; ~~(o)~~(p) Measures to protect all existing public water, private water and drainage arrangements, with suitable back up arrangements in case of any disruption to these provisions from Site Enabling Works; ~~(p)~~(q) An Access Management Plan to maintain public access and promote the general safety of walkers, cyclists, fishing and game stalking parties, canoeists		

No.	Condition Wording	Applicant / Agent Comment or Modification	Standard or Optional
	and other marine users[21] out-with the principal construction areas and access roads serving the Development during the Site Exploratory Works. A key principal to be advanced within the Plan is to minimise restrictions on public access to important recreational facilities[22]; ~~(q)~~(r) Wheel washing facilities to prevent vehicles associated with the Site Enabling Works from depositing mud or dirt on the public road network when leaving the Site. ~~(r)~~ Lighting for Site Enabling Works which will minimise illumination, glare or light spillage outwith the site boundary.[23] (s) All Site Enabling Works must be carried out in accordance with the approved Site Enabling Works Programme unless otherwise agreed in writing with the Planning Authority. **Reason:** To ensure that all Site Exploratory Works 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 accompanying the application are fully implemented**.**		
15.	**Planning Monitoring Officer[24][25]** (1) There shall be no Commencement of Development until the terms of appointment by the Company of an independent and suitably qualified consultant as Planning Monitoring Officer ("PMO") have been submitted to, and approved in writing by, the Planning Authority. The terms of appointment shall: (a) impose a duty to monitor compliance with the terms of the deemed planning permission and the conditions attached to it; (b) require the PMO to submit a quarterly report to the Planning Authority summarising works undertaken on site, matters of compliance or otherwise with the terms of the deemed planning permission and conditions attached to it, alongside a summary of the incidents recorded and reported by the ECoW and GCoW[26]; 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 it at the earliest practical opportunity, and no later than 10 working days following the incidence of non-compliance.		Standard

[21] Adjust as appropriate.
[22] Insert any specific routes identified for protection / mitigation in the EIA.
[23] Depending on the site specifics, the extent of the enabling works and other conditions applied to the consent, there may be other environmental aspects that require to be covered in this condition such as peat managements plans, pollution prevention and management plans etc.
[24] This condition should be applied unless it can be demonstrated that there are reasons why it is not required or there are other measures are in place. If a PMO is to be appointed, it is expected that it should only be during the construction and immediate post-construction reinstatement period rather than throughout the lifetime of the development. It is however recognised that a PMO may be appropriate during the decommissioning stage and where deemed appropriate
[25] Where there are arrangements in place for a Planning Authority to employ the services of an independent PMO, the condition should be modified to suit those circumstances.
[26] Delete ECoW / GCoW reporting as required.

No.	Condition Wording	Applicant / Agent Comment or Modification	Standard or Optional
	(2) The PMO shall be appointed on the approved terms throughout the period from Commencement of Development to completion of construction works and post-construction site reinstatement works. (3) Prior to the decommissioning, restoration and aftercare phases of the Development or the expiration of the operational period of the consent (whichever is the earlier), details of the terms of appointment of a and suitably qualified consultant as PMO by the Company throughout the decommissioning, restoration and aftercare phases of the Development shall be submitted to, and approved in writing by the Planning Authority. (4) the PMO shall be appointed on the terms approved under part (3) throughout the decommissioning, restoration and aftercare phases of the Development. **Reason:** To ensure compliance with the planning permission and the conditions attached to it.		
16.	~~**Ecological Clerk of Works**~~ ~~**Ecological Clerk of Works**~~ ~~(1) There shall be no Commencement of Development until the terms of appointment of a suitably qualified, experienced, and independent Ecological Clerk of Works ("ECoW") by the Company have been submitted to, and approved in writing by, the Planning Authority. The terms of appointment shall:~~ ~~(a) impose a duty to monitor compliance with the ecological and hydrological commitments provided in Schedule of Mitigation dated [ ], any micrositing approved under condition [ ], the Construction and Environmental Management Plan approved under condition [ ], the Habitat Management Plan approved under condition [ ], [any species protection plans approved under condition [ ]][27], and consider and approve any micro-siting requests in accordance with the provisions of condition [ ] ("the ECoW works");~~ ~~(b) require the ECoW to report to the nominated construction project manager any incidences of non-compliance with the ECoW works at the earliest practical opportunity;~~ ~~(c) require the ECoW to submit a quarterly report to the Planning Authority summarising works undertaken on site; and~~ ~~(d) require the ECoW to report to the Planning Authority any incidences of non-compliance with the ECoW works at the earliest practical opportunity, and no later than 5 working days following the incidence of non-compliance.~~ ~~(2) The ECoW shall be appointed on the terms approved under part (1) throughout the period from pre-construction works[28], Commencement of Development to completion of construction works and post-construction site reinstatement works.~~		Standard

~~[27] Any such plans should be named.~~
~~[28] This may include Site Enabling Works. If the Site Enabling Works condition is included the wording should be updated to reflect this.~~

No.	Condition Wording	Applicant / Agent Comment or Modification	Standard or Optional
	~~(3) Prior to the decommissioning, restoration and aftercare phases of the Development or the expiration of the operational period of the consent (whichever is the earlier), details of the terms of appointment of a suitably qualified, experienced, and independent ECoW by the Company throughout the decommissioning, restoration and aftercare phases of the Development shall be submitted to, and approved in writing by the Planning Authority.~~ ~~(4) the ECoW shall be appointed on the terms approved under part (3) throughout the decommissioning, restoration and aftercare phases of the Development.~~ ~~**Reason:** To secure effective monitoring of and compliance with the environmental mitigation and management measures associated with the Development during the construction, post-construction restoration, decommissioning, restoration and aftercare phases.~~		
17.	**Environmental Clerk of Works**[2930] (1) There shall be no Commencement of Development until the terms of appointment of an independent Environmental Clerk of Works ("EnvCoW") by the Company have been submitted to, and approved in writing by, the Planning Authority. The terms of appointment shall: ~~(2)~~a. impose a duty to monitor compliance with the environmental commitments provided in the EIA Report, any micrositing under condition [ ], the Construction and Environmental Management Plan approved under condition [ ], the Habitat Management Plan approved under condition [ ], [any species or habitat management plans identified in the EIA Report], [and other plans approved under condition[s]] ("the EnvCoW works"); ~~(3)~~ require the EnvCoW to report to the nominated construction project manager, developer and Planning Authority any incidences of non-compliance with the EnvCoW works at the earliest practical opportunity; ~~(4)~~b. require the EnvCoW to submit a monthly report to the construction project manager, developer and Planning Authority summarising works undertaken on site. (2) The EnvCoW shall be appointed on the approved terms throughout the period from site-enabling works, commencement of Development to completion of construction works and post-construction site reinstatement works. ~~(5)~~(3) Prior to the decommissioning, restoration and aftercare phases of the Development or the expiration of the operational period of the consent (whichever is the earlier), details of the terms of appointment of a suitably qualified,	THC request the inclusion of this condition to be finalised by the ECU with any additional consultee requirements..	Standard

[29] The role of the Environmental Clerk of Works is separate to that of the ~~Ecological Clerk~~Environmental Clerk of Works and has a wider remit on environmental matters beyond ecology. The above is based on the model condition set out in the Heads of Planning Scotland Position Statement on the Role of Environmental Clerk of Works within the Planning System. However, it is noted that the Developer may employ one person carrying out both roles depending on the circumstances of the case.

[30] This provides for an "Environmental Clerk of Works" given the broad nature of the role in this condition. Each project will be different. If the role relates only to ecological compliance, then "~~Ecological Clerk~~Environmental Clerk of Works" may be the more appropriate appointment and the condition can be amended accordingly.

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No.	Condition Wording	Applicant / Agent Comment or Modification	Standard or Optional
	experienced, and independent EnvCoW by the Company throughout the decommissioning, restoration and aftercare phases of the Development shall be submitted to, and approved in writing by the Planning Authority.[31]. ~~(6)~~(4) the EnvCoW shall be appointed on the terms approved under part (2) throughout the decommissioning, restoration and aftercare phases of the Development. **Reason:** To secure effective and transparent monitoring of and compliance with the environmental mitigation and management measures associated with the Development during the construction, decommissioning, restoration and aftercare phases		
18.	**Geotechnical Clerk of Works[32]** (1) There shall be no Commencement of Development until the terms of appointment by the Company of an independent and suitably qualified engineer as a Geotechnical Clerk of Works ("GCoW") have been submitted to, and approved in writing by, the Planning Authority in consultation with the relevant consultees. The terms of appointment shall: (a) impose a duty to monitor compliance with the Construction and Environmental Management Plan approved under condition [ ], the Peat Management Plan, the Peat Landslide Risk Management Plan[33], and consider and approve any micro-siting requests in accordance with the provisions of condition [ ] ("the GCoW works"); (b) require the GCoW to report to the Planning Authority and nominated construction project manager any incidences of geotechnical risks at the earliest practical opportunity, and no later than 5 working days following the incidence of non-compliance; and (c) require the GCoW to report to the Planning Authority any incidences of peat land slips at the earliest practical opportunity to SEPA where there are risks to the wider environment, and no later than 5 working days following the incidence of peat land slips . (2) The GCoW shall be appointed on the terms approved under part (1) throughout the period from Commencement of Development to completion of construction works and post-construction site reinstatement works. (3) Prior to the decommissioning, restoration and aftercare phases of the Development or the expiration of the operational period of the consent (whichever is the earlier), details of the terms of appointment of a suitably qualified engineer as a GCoW by the Company throughout the decommissioning, restoration and	For the ECU to decide in consultation with the relevant consultees.	Optional

[31] Consider if consultees are required.
[32] This condition should be included in instances where there is a risk of peat landslide risk identified through the assessment accompanying the application.
[33] Where submitted with the application.

No.	Condition Wording	Applicant / Agent Comment or Modification	Standard or Optional
	aftercare phases of the Development shall be submitted to, and approved in writing by the Planning Authority.[34] (4) the GCoW shall be appointed on the terms approved under part (3) throughout the decommissioning, restoration and aftercare phases of the Development. **Reason:** To secure effective monitoring of and compliance with the mitigation related to geotechnical matters, particularly peat land slip and management measures associated with the Development during the construction, post-construction restoration, decommissioning, restoration and aftercare phases.		
19.	**Construction and Environmental Management Plan** (1) There shall be no Commencement of Development until a Construction and Environmental Management Plan (CEMP) containing site specific details of all on-site construction works, post-construction reinstatement, drainage and mitigation, together with details of their timetabling, has been submitted to, and approved in writing by, the Planning Authority.[35] The CEMP shall be informed by the site and ground investigation works and best practice guidance. (2) The CEMP shall provide:[36] (a) a site waste management plan (dealing with all aspects of waste produced during the construction period other than peat and other carbon rich soils), including details of contingency planning in the event of accidental release of materials which could cause harm to the environment, evidencing all proposals comply with SEPA's guidance and the requirements of the waste management licensing regime as appropriate; (b) details of the location, layout, formation of the construction compound, welfare facilities, any areas of hardstanding, turning areas, internal access tracks, car parking, material stockpiles, oil, fuel and chemical storage, lighting columns, and any construction compound boundary fencing required for the construction period; (c) a dust management plan detailing all mitigation/dust suppression measures intended to reduce the impacts of dust on site, including measures to reduce dust on roads; (d) site specific details for management and operation of any concrete batching plant (including disposal of pH-rich waste water and substances); (e) details of measures to be taken to prevent loose or deleterious material being deposited on the local road network including wheel cleaning and lorry	To be finalised by the ECU with any additional consultee requirements.	Standard

[34] Consider if consultees are required.
[35] It may be appropriate to include wording that this is approved "in consultation with" NatureScot or SEPA (or certain parts only depending on the requests of these consultees) where sensitivities of the specific project indicate that consultation with other statutory consultees is required.
[36] Select from the following list only those requirements which are relevant to the circumstances of the application – for example batching plants (d) may not be included in the proposed development.

No.	Condition Wording	Applicant / Agent Comment or Modification	Standard or Optional
	sheeting facilities, and measures to clean the site entrances and the adjacent local road network; (f) a Pollution Prevention and Incident Plan incorporating a Pollution Prevention Plan, Pollution Incident Plan and a Pollution Control Monitoring Plan, this shall provide measures to protect watercourses, groundwater, management of natural surface hydrological flows (flushes, springs, etc.) and protection of peatland/soils, arrangements for the storage and management of oil and fuel and other chemicals on the site and sewage disposal and treatment; (g) details of soil storage and management including outline quantities, locations (other than peat and other carbon rich soils) management of long term storage of construction generated to facilitate future site restoration; (h) a drainage management strategy, demonstrating how all surface and waste water arising during and after construction is to be managed and prevented from impacting on the water environment and to mitigate flood risk; (i) a surface water and groundwater management and treatment plan, including details of the separation of clean and dirty water drains, and location of settlement lagoons for silt laden water; (j) details of temporary site illumination, including measures to ensure light spill/pollution is minimised and avoids habitats within the site and does not extend beyond the immediate working area, and not beyond the site boundary; (k) Protected Species Plan. The Plan shall be informed by [~~insert protected species~~otter, water vole, common lizard, bats, and any other protected species identified] surveys carried out by a suitably qualified person. The surveys shall inform the mitigation measures required to protect [otter, water vole, common lizard, bats, and any other protected species identified~~insert protected species]~~ during construction of the Development. The Plan shall provide mitigation measures, as required, and a timetable for implementation. (l) details of the construction of the access into the site, including associated drainage and the creation and maintenance of associated visibility splays; (m) Site-specific Construction Method Statements for the following: i. crane pads; ii. turbine foundations; iii. working cable trenches; iv. erection of the wind turbines and meteorological masts; v. Energy storage compound formation and installation of energy storage equipment; vi. Substation compound formation, erection of associated buildings and ancillary infrastructure;		

No.	Condition Wording	Applicant / Agent Comment or Modification	Standard or Optional
	vii. watercourse crossings including full details and plans of the design and specification of all new and upgraded watercourse crossings to be constructed, ensuring continuous flow and fish passage with no hanging culverts, noting all crossings shall be oversized bottomless arched culverts or traditional style bridges;[37] (n) details of post-construction restoration/reinstatement of the working areas not required during the operation of the Development; (o) Historic Environment Protection Plan including details of protective fencing of the location of the historic environment features to be protected during construction works, including appropriate buffers[38]; (p) a wetland ecosystems survey and mitigation plan[39]; (q) a tree felling and management plan[40]; (r) A Construction Noise Management Plan including details of the management of noise and vibration during construction and post-construction restoration, including that caused by construction traffic, to the lowest practicable levels and in accordance with BS 5228:2009 “Code of Practice for noise and vibration control on construction and open sites – Part 1: Noise and Part 2: Vibration” (or any updated version/document which superseded this document) and how any properties likely to be affected by construction noise will be kept informed; (s) Construction Method Statements for all roads/tracks to be altered/formed within the development site including their width, likelihood of widening or passing places, means of drainage (which shall have regard to SUDS principles), means of construction, and edge reinstatement including verge width. The specification shall be accompanied by relevant plans at a scale sufficient; (t) the cable trenches; (u) A phasing plan for the construction works; and (v) A written scheme which details the methodology for dealing with any revisions to any of the documents required under this part (3). Any revised documents will require to be submitted to and approved in writing by the Planning Authority prior to the revisions being implemented on site. (3) The Development shall be implemented in accordance with the CEMP approved under part (1) unless otherwise approved in advance in writing by the Planning Authority. **Reason:** To ensure that all construction operations are carried out in a manner that minimises their impact on road safety, amenity and the environment, and that the		

[37] List of infrastructure should be added to or reduced as required.
[38] This requirement should be applied only where appropriate in the circumstances of the case and will not be relevant to all applications.
[39] This requirement should be applied only where appropriate in the circumstances of the case and will not be relevant to all applications.
[40] This requirement should be applied only where appropriate in the circumstances of the case and will not be relevant to all applications.

No.	Condition Wording	Applicant / Agent Comment or Modification	Standard or Optional
	mitigation measures contained in the EIA Report accompanying the application, or as otherwise agreed, are fully implemented.		
20.	**Borrow Pits – Scheme of Works** (1) There shall be no Commencement of Development until a scheme for the working and restoration of [the/each] borrow pit forming part of the Development has been submitted to, and approved in writing by, the Planning Authority in consultation with SEPA.[41] The scheme shall provide: (a) a detailed working method statement based on site survey information and ground investigations; (b) details of the handling of any overburden (including peat, soil and rock); (c) drainage measures, including measures to protect and manage surrounding areas of peatland, water dependant sensitive habitats and ground water dependent terrestrial ecosystems from drying out; (d) a programme of implementation of the works described in the scheme; and (e) Outline details of the reinstatement, restoration and aftercare of the borrow pit[s] to be undertaken at the end of the construction period, including topographic surveys of pre-construction profiles and details of topographical surveys to be undertaken of the restored borrow pit profiles.[42] (2) The scheme approved under part (1) shall thereafter be implemented in full following Commencement of Development. **Reason:** To ensure that excavation of materials from the borrow pit(s) is carried out in a manner that minimises the impact on amenity and the environment, and to secure the restoration of borrow pit(s) at the end of the construction period.	THC request the inclusion of this condition.	Optional
21.	**Borrow Pits - Blasting**[43] (1) No blasting shall take place until a scheme specifying blast monitoring locations is submitted to and approved in writing by the Planning Authority. (2) Ground vibration from blasting shall not exceed a peak particle velocity of 6mm/second at the blasting monitoring locations approved in the scheme. The measurement is to be the maximum of three mutually perpendicular directions taken at the ground surface. (3) Unless otherwise approved in writing in advance by the Planning Authority, blasting shall only take place between the hours of [10.00 to 16.00 on Monday to Friday inclusive and 10.00 to 12.00 on Saturdays][44], with no blasting taking place on a Sunday or on a Public Holiday[45].	THC request the inclusion of this condition.	Optional

[41] SEPA has requested to be included as standard as a consultee.
[42] This may require to be amended depending on whether borrow pits are being reinstated to the original land profile or are being repurposed as something else.
[43] This condition may not be required if there are no communities in blasting disturbance proximity.
[44] Amend the hours as required.
[45] Definitions of what public holiday means in the context of individual permissions must be considered (see end of this document for example) there may be other local holidays that the PlanningA would wish to see included.

No.	Condition Wording	Applicant / Agent Comment or Modification	Standard or Optional
	(4) The scheme shall be implemented as approved. **Reason:** To ensure that blasting activity is carried out within defined parameters and timescales to control impact on amenity.		
22.	**Construction Hours** (1) Construction work shall only take place between the hours of [07.00 to 19.00 on Monday to Friday inclusive and 07.00 to 16.00][46] on Saturdays, with no construction work taking place on a Sunday or Public Holiday[47]. Outwith these specified hours, maintenance works, emergency works and construction works shall be limited to concrete pours, wind turbine erection, dust suppression, and the testing of plant and equipment, unless otherwise approved in advance in writing by the Planning Authority. (2) HGV movements (excluding abnormal loads) to or from the site during construction of the wind farm shall be limited to [07.00 to 19.00 Monday to Friday (inclusive), and 07.00 to 16.00 on Saturdays][48], with no HGV movements to or from site taking place on a Sunday or Public Holiday. Outwith these hours, and subject to paragraph (1), HGV movements are to be limited to wind turbine delivery [(unless otherwise approved in advance in writing by the Planning Authority)][49]. **Reason:** In the interests of local amenity.	THC does not seek to limit construction hours through the use of planning conditions: *Section 60 of the Control of Pollution Act 1974 sets restrictions in terms of hours of operation, plant and equipment used and noise levels etc. and is enforceable via Environmental Health and not Planning*	Standard
23.	**Traffic Management** **Construction Traffic Management Plan** (a) There shall be no Commencement of Development until a Construction Traffic Management Plan (CTMP) has been submitted to, and approved in writing by, the Planning Authority [in consultation with [The Roads Authorities]][50]. The Traffic Management Plan shall provide[51]: (b) the routeing of all traffic associated with the Development on public roads including identification of any local quarries and suppliers that will be used in the construction of the development; (c) details of the volume of material quantities to be imported and removed from the site; (d) details of the number and type of vehicle movements that will be generated; (e) a risk assessment for transportation during daylight hours and hours of darkness with reference to the peak tourist season.	To be finalised by the ECU with any additional consultee requirements. CTMP Condition to be finalised by the ECU with any additional consultee requirements. In addition, THC would request the following condition: (1) There shall be no Commencement of Development until the following has submitted to, and approved in writing by, the Council: a. an engineering assessment of the A839 from Rogart to Lairg to identify sections of road with historic verge damage and provide proposals for widening and/or strengthening on these sections; b. an engineering assessment of the C1107 from its junction with the A836 to the site entrance with proposals for widening the road to a minimum of 3.5 metres (including a detailed design of how the road will be widened) and the provision of passing places for use by HGV on the C1107;	Standard

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[46] Amend the hours to take into consideration the response of the Planning Authority or the content of the EIA if there is no response on this from the Planning Authority.
[47] Definitions of what public holiday means in the context of individual permission circumstances must be included (see end of this document for example) there may be other local holidays that the Planning Authority request are included and those should be considered and included where appropriate.
[48] Amend the hours as required.
[49] Consider adding only after discussion with Planning Authority regarding the extent of any flexibility which may be sought, taking particular circumstances of the case into account.
[50] Consider if any other party, e.g. an adjoining Council who is the roads authority for all or part of the route, or Transport Scotland if a trunk road, requires to be consulted.
[51] Include any other requirements for the TMP in the following list, for example details of junction designs where relevant.

No.	Condition Wording	Applicant / Agent Comment or Modification	Standard or Optional
	(f) an assessment of the suitability of the proposed routes including identification of any sensitive receptors such as schools and lengths of road (outwith those which are to be upgraded) which are susceptible to damage due to extra-ordinary construction traffic or abnormal loads; (g) an assessment of any structures along the public road which are susceptible to damage due to extra-ordinary construction traffic or abnormal loads; ~~(e)~~(h) measures to ensure that the specified routes are adhered to, including monitoring procedures of HGV movements, the establishment of 'acceptable' levels of HGV activity on the A836, and proposals to manage HGV movement levels on the A836; ~~(d)~~(i) details of all proposed traffic management and mitigation measures including but not limited to temporary speed limits, suitable temporary signage, road markings, and speed activated signs to be put in place~~details of all signage and lining arrangements to be put in place~~; (j) consideration of any concurrent construction traffic from other developments where there is significant (greater than 10%) trip generation; (k) details of 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 which shall include measures to deal with any haulage incidents that may result in public roads becoming temporarily closed or restricted; ~~(e)~~(l) provisions for emergency vehicle access; (m)a procedure for the regular monitoring of road conditions and the implementation of any remedial works required during the construction period; (n) measures to ensure that all affected public roads are kept free of mud and debris arising from the development; ~~(f)~~(o) provision for the submission ~~and~~ of a Section 96 agreement (which may require to be entered in to with additional developers should development that also generates significant traffic on the identified road network) including of a roads condition survey pre-and post-construction accompanied by an appropriate agreement between the Planning Authority and the Company to ensure the delivery of any post-construction public road restoration that may be required; and (p) An up to date review of road accidents; ~~(g)~~(q) identification of a nominated person to whom any road safety issues can be referred. (2) The approved ConstructionTraffic Management Plan shall be implemented in full, unless otherwise approved in advance in writing by the Planning Authority. **Reason:** In the interests of road safety.	c. full details including a detailed layout drawing of the upgrades required to the site access junctions with the C1107 and the U2247; and, d. full details including a detailed layout drawing of a new footway on the A836 the Lower Shin dam to Lairg Railway Station; and e. A programme for the delivery of the proposals for the public road mitigation including road widening and strengthening, provision of passing places, upgrades of the site access junctions and provision of the footway as set out in Part (1) above; (2) All works on the A836, A838, and C1107 shall comply with the Council's 'Roads and Transport Guidelines for New Developments'; ~~(1)~~(3) Thereafter, all works as set out in Part (1) shall be completed in full to the satisfaction of the Council and made available for use in accordance with the agreed delivery programme.	

No.	Condition Wording	Applicant / Agent Comment or Modification	Standard or Optional
	Abnormal Loads		
24.	(1) There shall be no abnormal load deliveries to the site until an Abnormal Load Route Assessment Report, [including proposed trial runs][52], has been submitted to and approved in writing by the Planning Authority in consultation with Transport Scotland. The Abnormal Load Route Assessment Report shall provide: (a) Details of a communications strategy to inform the relevant communities of the programme of abnormal load deliveries; (b) Details of any accommodation measures required for the local road network including the removal of street furniture, junction widening and traffic management; (c) 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. (d) Details of the route for abnormal loads on the local and trunk road networks and any recommendations for delivery of abnormal loads; (e) An assessment of the capacity of any bridge crossings on the route to cater for abnormal loads, and details of proposed upgrades and mitigation measures required for any bridge crossings; and (f) A plan for access by vehicles carrying abnormal loads, including but not limited to the number and timing of deliveries and the length, width and axle configuration of all such traffic associated with the Development. (2) Prior to the first delivery of an abnormal load, a programme for abnormal load deliveries shall be submitted to, and be approved in writing by the Planning Authority in consultation with Transport Scotland which shall avoid peak times on Council maintained roads including school travel times, and scheduled community events. (3) Prior to any movement of abnormal loads (including trial runs) the Company must complete any mitigation works set out in in the scheme approved under part (1) of this condition, and maintain such measures during the period of abnormal load deliveries. (4) The trial-run shall be undertaken in accordance with the details approved under part (1) prior to the movement of any abnormal loads. (5) The details in the approved report shall thereafter be implemented in full prior the first delivery of an abnormal load. **Reason:** In the interest of road safety and to ensure that abnormal loads access the site in a safe manner.		Standard

[52] This wording can be removed if trial runs are not required.

No.	Condition Wording	Applicant / Agent Comment or Modification	Standard or Optional
25.	**Trunk Road Mitigation Measures** (1) Prior to construction of any part of the development, [insert type of trunk road mitigation], generally as illustrated on [name of drawing and drawing number], shall be constructed to the satisfaction of the Planning Authority, in consultation with Transport Scotland[53]. OR (2) No development shall commence until the detailed design and specification for the proposed [insert type of trunk road mitigation], generally as illustrated on [name of drawing and drawing number], has been submitted to and approved by the planning authority in consultation with Transport Scotland. Thereafter the access shall be constructed in accordance with the approved plans prior to construction of any part of the Development.[54] **Reason:** To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished.		Optional
26.	**Habitats and Ecology** Habitat Management and Monitoring Plan[5556] (1) There shall be no Commencement of Development until a Habitat Management Plan (HMP) [taking account of the Outline/Draft Habitat Management Plan (Technical Appendix [ ] of the EIA Report)][57], has been submitted to, and approved in writing by the Planning Authority[58]. (2) The HMP shall set out proposed habitat management of the site during the period of construction, operation, and decommissioning, restoration and aftercare, and shall provide for the maintenance, monitoring and reporting of [insert site specific details or particular species, habitats or wetlands as appropriate] habitat on site.[59] (3) The HMP shall provide provision and details for regular monitoring and review to be undertaken against the HMP objectives and reasonable measures for securing amendments or additions to the HMP in the event that the HMP objectives are not being met.[60]	To be finalised by the ECU with any additional consultee requirements.	Optional

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[53] To be utilised where the mitigation has been assessed and agreed through the application process.
[54] To be used where details of the trunk road mitigation was not explicit in the application.
[55] Include only where relevant in response to demonstrable requirement. Include site specific requirements, for example creation of a habitat management group where required. Wording can be included such that the group shall monitor the progress of actions under the HMP, and shall publish annual reports of such progress,
[56] If the condition is applied, consider application of a condition related to the setting up and operation of a Habitat Management Group to monitor and review the effectiveness of the measures in the HMP.
[57] It is common practice for a draft HMP to be included with the application. Complete details of any draft HMP included with application. If there was no draft HMP, the wording in square brackets should be removed.
[58] It may be appropriate to include wording that this is approved "in consultation with" other statutory bodies, for example NatureScot, Forestry Scotland. Only include NatureScot here if the condition was applied at their request to avoid an outright objection or if they have made a specific request in their planning response or otherwise agreed to be consulted further on this matter. HES should only be consulted where habitat management will interact with scheduled monuments in the HMP area and where HES have requested to be consulted.
[59] Consider whether a draft HMP included in the application (often as a technical appendix to the EIA Report) can be referred to if helpful. The condition can require that the HMP fully addresses the mitigation measures outlined in a draft HMP.
[60] If any specific updates to the HMP will be required at certain stages, such as to reflect ground condition surveys undertaken following construction and prior to the Date of Final Commissioning, the condition can be tailored here to reflect that.

No.	Condition Wording	Applicant / Agent Comment or Modification	Standard or Optional
	~~(3)~~(4) GIS Shapefiles of the HMP areas shall be supplied to the Planning Authority prior to the commencement of works on site. ~~(4)~~(5) Until otherwise approved in advance in writing by the Planning Authority, the approved HMP (as amended from time to time with written approval of the Planning Authority) shall be implemented in full in line with the timescales set out in the approved plan. **Reason:** In the interests of good land management and the protection of habitats and in order to allow the compensation and enhancement areas to be mapped on Council systems for the duration of the plan.		
27.	**Water Quality and Fish Monitoring Plan**[61] (1) There shall be no Commencement of Development until an integrated Water Quality and Fish Monitoring Plan (WQFMP) has been submitted to and approved in writing by the Planning Authority in consultation with [ ] . (2) The WQFMP must take account of the Marine Directorate's guidance and shall provide: a) provision that water quality sampling should be carried out for at least 12 months prior to Commencement of Development, during construction and for at least 12 months after construction is complete ; b) key hydrochemical parameters (including turbidity and flow data), the identification of sampling locations (including control sites), frequency of sampling, sampling methodology, data analysis and reporting; c) fully quantitative electrofishing surveys at sites potentially impacted and at control sites for at least 12 months prior to the Commencement of Development, during construction and for at least 12 months after construction is completed to detect any changes in fish populations; and d) appropriate site specific mitigation measures including those detailed in the EIA Report. (3) Thereafter, the WQFMP shall be implemented in full within the timescales set out in the WQFMP. Reason: To ensure no deterioration of water quality and to protect fish populations within and downstream of the development area.	For ECU to decide in consultation with the Marine Directorate.	Optional
28.	**Bird Protection Plan**[62] (1) There shall be no Commencement of Development until a Bird Protection Plan has been submitted to and approved in writing by the Planning Authority in consultation with NatureScot[63]. The Bird Protection Plan shall be informed by pre-commencement	To be finalised by the ECU with any additional consultee requirements.	Standard

[61] This condition may not always be applicable and will depend on the survey work already undertaken. It may be appropriate to split this condition out to a separate Water Quality Monitoring Plan and a separate Fish Monitoring Plan depending on the circumstances of the case.
[62] The condition on the Bird Protection Plan or Breeding Bird Protection Plan should be a standalone condition unless there is a particular reason for it to be included in the HMP condition.
[63] Where requested in the consultation response from NatureScot

No.	Condition Wording	Applicant / Agent Comment or Modification	Standard or Optional
	bird surveys and set out measures to protect ~~[name of bird species~~breeding birds, golden eagle, red kite, and greenshank~~]~~[64] including post construction ornithology surveys at intervals to be agreed with the Planning Authority.[65]. (2) Thereafter, the approved Bird Protection Plan shall be implemented in full within the timescales set out in the approved Bird Protection Plan **Reason:** In the interests of protecting ornithological interests[66] through the construction, operational and decommissioning of the wind farm.		
29.	**Forestry** **Forestry Felling Plan**[67] (1) No felling shall take place[68] until a Forestry Felling Plan (FFP) has been submitted to and approved in writing by the Planning Authority in consultation with Scottish Forestry. The FFP shall cover the Development site and shall provide: (a) details of felling and restocking proposals; (b) details of the management measures to reduce the amount of felling required to accommodate the Development; (c) measures to deal with forest waste including brash in line with the UK Forestry Standard; (d) timelines for implementing the plan; (e) details setting out annual monitoring of the felled area and reporting procedures to be carried out by a qualified expert; (f) details of forestry management practices; and (g) details demonstrating compliance with The UK Forestry Standard and the Scottish Government's Policy on Control of Woodland Removal (as amended or replaced from time to time) and [insert any local woodland strategy]. (2) The approved FFP shall be implemented in full upon Commencement of Felling. **Reason:** to minimise and manage the effects of forestry felling required to accommodate the Development.	THC do not request this condition.	Optional
30.	**Archaeology** Programme of Archaeological Works[69] (1) There shall be no Commencement of Development unless an archaeological Written Scheme of Investigation (WSI) has been submitted to, and approved in	THC request the inclusion of this condition	Optional

[64] Insert relevant species of bird(s).
[65] It may be appropriate to limit post-construction surveys to areas affected by construction (with a buffer) and only if such works are required during the breeding bird season.
[66] Insert relevant species of bird.
[67] Where the application contains a restocking plan or similar, this can be referenced in this condition such that the FFP must be "based on" any such plan.
[68] Ensure that this ties in with any Site Enabling Works condition. There should be no felling (including as part of Enabling Works until a FPP is submitted and approved).
[69] This requirement may not be for any particular "works" to be undertaken but for a "watching brief" or other such "scheme". Tailor to reflect site specific requirements.

No.	Condition Wording	Applicant / Agent Comment or Modification	Standard or Optional
	writing by, the Planning Authority. The WSI shall provide details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the Written Scheme of Investigation will be provided throughout the implementation of the programme of archaeological works. The WSI shall also detail how any requirement for reporting, post-excavation analysis, archive deposition, publication of results, and the delivery of public benefit (including how this will be recorded and reported) will be undertaken. (3) A programme of archaeological works must be carried out in accordance with the approved WSI, and any addendums to it, as agreed under part (1). (4) Should the archaeological works carried out under part (2) reveal the need for post excavation analysis, the development hereby approved shall not be occupied or brought into use unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results, including additional public engagement, and archive deposition has been submitted to and approved in writing by the Planning Authority. The PERD shall be carried out in complete accordance with the approved details. **Reason:** To ensure the protection or recording of archaeological features on the site.		
31.	**Peat and Carbon Rich Soils**[70] Peat and Carbon Rich Soils Management Plan (1) There shall be no Commencement of Development until a detailed Peat and Carbon Rich Soils Management Plan (PMP), [taking account of the Draft Peat Management Plan (Technical Appendix [ ] of the EIA Report)][71] has been submitted to and approved in writing by the Planning Authority in consultation with SEPA. (2) The PMP shall: (a) take account of site and ground investigations to minimise the loss of peat and other carbon rich soil and minimise carbon loss; (b) include actions, including micrositing, to minimise excavated peat and other carbon rich soils volumes (c) encourage use of excavated peat and other carbon rich soils in an appropriate manner; and (d) follow good practice for handling, storing and reinstating peat and other carbon rich soils.	THC request the inclusion of this condition	Optional

[70] A condition requiring a peat landslide hazard risk assessment is not included in this document as a model condition. Work should be undertaken upfront at application stage on this matter in line with best practice guidance for peat landslide hazard and risk assessments for proposed electricity generation developments, rather than being dealt with at condition stage.
[71] The wording in square brackets can only be included where there is a draft PMP and where there are key principles that have been established in any draft PMP that require to be carried through into the final PMP.

<table>
<tr><th>No.</th><th>Condition Wording</th><th>Applicant / Agent Comment or Modification</th><th>Standard or Optional</th></tr>
<tr><td></td><td>(3) The Peat and Carbon Rich Soils Management Plan shall thereafter be implemented as approved upon the Commencement of Development.

Reason: To ensure that disruption to peat is minimised.</td><td></td><td></td></tr>
<tr><td>32.</td><td>Residential Amenity
Operational Noise[72][73]
(1) The rating level of noise immissions from the combined effects of the wind turbines forming part of the Development (including the application of any tonal penalty) when determined in accordance with the attached Guidance Notes[74] for this condition, shall not exceed the values for the relevant integer wind speed set out in, or derived from, Tables 1 and 2 at those properties identified or any dwelling which is lawfully existing or has planning permission at the date of this consent.

Table 1 – Between 07:00 and 23:00, and 23:00 and 07:00– Noise Limits expressed in dB LA90

<table>
<tr><td>Location (Easting and Northings)</td><td colspan="12">Standardised wind speed at 10 meter height (m/s) within the site averaged over 10-minute periods</td></tr>
<tr><td></td><td>1</td><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td><td>7</td><td>8</td><td>9</td><td>10</td><td>11</td><td>12</td></tr>
<tr><td>Rhaoine 264867 905121</td><td></td><td></td><td></td><td>24</td><td>25.7</td><td>27.3</td><td>27.2</td><td>27.2</td><td>27.4</td><td>27.4</td><td>27.4</td><td>27.4</td></tr>
<tr><td>337 Acheilidh 266333 903831</td><td></td><td></td><td></td><td>25.7</td><td>27.4</td><td>29.1</td><td>29</td><td>29</td><td>29.1</td><td>29.1</td><td>29.1</td><td>29.1</td></tr>
<tr><td>4 Rowan Cottage 266639 903713</td><td></td><td></td><td></td><td>26</td><td>27.7</td><td>29.4</td><td>29.3</td><td>29.3</td><td>29.4</td><td>29.4</td><td>29.4</td><td>29.4</td></tr>
<tr><td>24 Ardachu 266993 903572</td><td></td><td></td><td></td><td>24.6</td><td>26.3</td><td>28</td><td>27.9</td><td>27.9</td><td>28.1</td><td>28.1</td><td>28.1</td><td>28.1</td></tr>
<tr><td>22 Ardachu 267218 903610</td><td></td><td></td><td></td><td>24.1</td><td>25.8</td><td>27.4</td><td>27.3</td><td>27.3</td><td>27.5</td><td>27.5</td><td>27.5</td><td>27.5</td></tr>
<tr><td>20 Ardachu 267249 903550</td><td></td><td></td><td></td><td>24.1</td><td>25.8</td><td>27.4</td><td>27.3</td><td>27.3</td><td>27.5</td><td>27.5</td><td>27.5</td><td>27.5</td></tr>
</table>

~~Table 2 – Between 23:00 and 07:00 – Noise Limits expressed in dB LA90~~</td><td></td><td>Standard</td></tr>
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[72] This is an example condition only – noise conditions should be in line with the Institute of Acoustics guidance and can, for example, include an overall limit only rather than limits at specific properties.
[73] Cumulative Operational Noise Conditions may be required and appropriate in certain circumstances. A bespoke condition for such matters would be required depending on the limits of the consent.
[74] If cross-referring to Guidance Notes, the Guidance Notes below this Model Conditions must be included and should be inserted directly after the noise condition as they form part of the noise condition.

No.	Condition Wording	Applicant / Agent Comment or Modification	Standard or Optional

~~Location (including coordinates)~~ | ~~Standardised wind speed at 10 meter height (m/s) within the site averaged over 10-minute periods~~

	~~1~~	~~2~~	~~3~~	~~4~~	~~5~~	~~6~~	~~7~~	~~8~~	~~9~~	~~10~~	~~11~~	~~12~~

(2) The turbines shall be designed to permit individually controlled operation or shut down at specified wind speeds and directions in order to facilitate compliance with noise criteria.

(3) The Company shall continuously log power production, wind speed and wind direction at each wind turbine all (in accordance with Guidance Notes). These data shall be retained for a period of not less than 24 months. The Company shall provide this information to the Planning Authority, in the format set out in the Guidance Notes, within 14 days of receipt in writing of a request to do so.

(4) Prior to the Date of First Commissioning, the Company shall have submitted to, and received written approval of the Planning Authority of, a list of proposed independent consultants who will 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.

(5) Within 21 days from receipt of a written request from the Planning Authority, following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the Company shall employ a consultant approved by the Planning Authority in terms of part (4) above to assess the level of noise immissions from the wind farm at the complainant's property (or a suitable alternative location agreed in writing by the Planning Authority). The written request from the Planning Authority shall set out at least the date, time and location to which the complaint relates 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.

(6) The assessment of the rating level of noise immissions in terms of part (5) above shall be undertaken in accordance with the Guidance Notes and an assessment protocol that shall previously have been submitted to and approved in writing by the Planning Authority. The protocol shall include the proposed measurement location(s) where measurements for compliance checking purposes shall be undertaken, whether noise giving rise to the complaint contains or is likely to contain a tonal component, and also the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise immissions. The proposed range of conditions shall be those which prevailed

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	during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Planning Authority under paragraph (5) above. (7) Where the property to which a complaint is related is not listed by name or location in Tables 1 or 2 at part (1) of this condition, the Company shall submit to the Planning Authority, for its written approval, proposed noise limits selected from those listed in Tables 1 and 2 to be adopted at the complainant's property for compliance checking purposes, prior to compliance checking. The proposed noise limits are to be those limits selected from Tables 1 and 2 specified for a listed location which the independent consultant considers as being likely to experience the most similar background noise environment to that experienced at the complainant's property. The protocol shall include a justification of the choice of the representative background method to determine compliance at the complainant's property based on the noise environment provided by the independent consultant. levels measured at the agreed location and, where appropriate, any limit apportionment undertaken to consider cumulative impacts. (8) The rating level of noise immissions resulting from the combined effects of the wind turbines when determined in accordance with the Guidance Notes and approved Noise Assessment Protocol shall not exceed the noise limits approved in writing by the Planning Authority for the complainant's property. (9) In the event that a complainant does not allow the Company access to undertake a compliance assessment, the assessment protocol shall set out details of the proposed alternative representative measurement position. Where the proposed measurement location is close to the wind turbines, rather than at the complainant's property (e.g. to improve the signal to noise limits to ratio) (10) The Company shall provide to the Planning Authority the independent consultant's assessment of the rating level of noise immissions undertaken in accordance with the Guidance Notes and the approved Noise Assessment Protocol within two months of the date of the written request of the Planning Authority for compliance measurements to be made under part (5), unless the time limit is extended in writing by the Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with the Guidance Notes and certificates of calibration shall be submitted to the Planning Authority with the independent consultant's assessment of the rating level of noise immissions. (11) Where a further assessment of the rating level of noise immissions from the wind farm is required pursuant to (in accordance with the Guidance Notes), the Company shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to part (8) above unless the time limit has been extended in writing by the Planning Authority.		

No.	Condition Wording	Applicant / Agent Comment or Modification	Standard or Optional
	Reason: to protect nearby residents from undue noise and disturbance and to ensure that noise limits are not exceeded and to enable prompt investigation of complaints. **Guidance Notes for Operational Noise Condition** These notes are to be read with and form part of the noise condition. They further explain the condition and specify the methods to be employed in the assessment of complaints about noise immissions from the wind farm. The rating level at each integer wind speed is the arithmetic sum of the wind farm noise level as determined from the best-fit curve described in 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). IOA GPG is “A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise” (2013) and includes Supplementary Guidance Notes 1 to 5 of the IOA GPG. **Guidance Note 1** (a) The LA90,10 minute noise statistic should be measured in accordance with the IOA GPG. Measurements shall be undertaken in such a manner to enable a tonal penalty to be applied in accordance with Guidance Note 3. (b) 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. All 10 minute periods shall commence on the hour and in ten minute increments thereafter, synchronised with Universal Coordinated Time (UTC). The wind speeds at turbine hub height shall be 'standardised' to a reference height of ten metres as described in ETSU-R-97 at page 120 using a reference roughness length of 0.05 metres. Unless an alternative procedure is previously agreed in writing with the Planning Authority, It is these standardised ten metre height wind speed data which are correlated with the noise measurements determined as valid. (c) Data provided to the Planning Authority in accordance with the noise condition shall be provided in comma separated values in electronic format unless otherwise agreed in writing with the Planning Authority. (d) 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(b). **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, 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		

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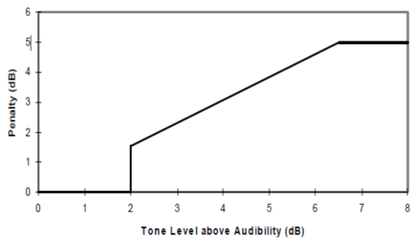
	the occurrence of rainfall in each 10 minute period concurrent with the measurement periods set out in Guidance Note 1. In specifying such conditions the Planning Authority shall have regard to those conditions which prevailed during times when the complainant alleges there was disturbance due to noise 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 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 is to be calculated and applied using the following rating procedure. (b) For each 10 minute interval for which LA90,10 minute data have been determined as valid in accordance with Guidance Note 2 a tonal assessment shall be performed on noise immissions during 2 minutes of each 10 minute period. The 2 minute periods should be spaced at 10 minute intervals provided that uninterrupted uncorrupted data are available (“the standard procedure”). Where uncorrupted data are not available, the first available uninterrupted clean 2 minute period out of the affected overall 10 minute period shall be selected. Any such deviations from the standard procedure, as described in Section 2.1 on pages 104-109 of ETSU-R-97, shall be reported. (c) For each of the 2 minute samples the tone level above or below audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104-109 of ETSU-R-97. (d) The tone level above audibility shall be plotted against wind speed for each of the 2 minute samples. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be used. (e) The average tone level above audibility shall be calculated for each wind speed bin, each bin being 1 metre per second wide and centred on integer wind speeds. This process shall be repeated for each integer wind speed for which there is an assessment of overall levels in Note 2. (f) The tonal penalty is derived from the margin above audibility of the tone according to the figure below.		

No.	Condition Wording	Applicant / Agent Comment or Modification	Standard or Optional
	 **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. (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 Table attached to the noise conditions or the noise limits for a complainant's dwelling, 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 and the approved protocol. (f) The wind farm noise (L1) at this speed shall then be calculated as follows where L2 is the measured level with turbines running but without the addition of any tonal penalty: $L_1 = 10 \log\left[10^{L_2/10} - 10^{L_3/10}\right]$ (g) The rating level shall be re-calculated by adding arithmetically the tonal penalty (if any is applied in accordance with Note 3) to the derived wind farm noise L1 at that integer wind speed. (h) If the rating level after adjustment for background noise contribution and adjustment for tonal penalty (if required in accordance with note 3 above) at any integer wind speed lies at or below the values set out in the Table attached to the conditions or at or below the noise limits approved by the Planning Authority for a complainant's dwelling in accordance with the noise condition then no further		

No.	Condition Wording	Applicant / Agent Comment or Modification	Standard or Optional
	action is necessary. If the rating level at any integer wind speed exceeds the values set out in the Table attached to the conditions or the noise limits approved by the Planning Authority for a complainant's dwelling in accordance with the noise condition then the Development fails to comply with the conditions.		
33.	**Shadow Flicker**[75] (1) No turbine shall be erected until a scheme for the avoidance or mitigation of shadow flicker at residential properties which lawfully exist or for which planning permission has been granted as at the date of this section 36 consent, has been submitted to, and approved in writing by, the Planning Authority. (2) The approved mitigation scheme shall be implemented in full in line with the approved scheme. **Reason:** To offset any impacts of shadow flicker on residential property amenity.	THC does not request this condition because there are no properties within 11 rotor diameter distance.	Optional
34.	**Radio [and Television] Reception**[76] (1) No development shall commence unless and until a baseline Television and Radio Reception survey has been undertaken. (2) In the event of a claim by any individual person regarding TV picture loss or interference, including radio reception, at their house, business premise or other building, this shall be investigated by an independent qualified engineer, appointed by the Company, and the results, including any mitigation measures, shall be submitted to the Planning Authority, alongside a copy of the results of the baseline survey undertaken under the terms of part (1). (3) Should any impairment to the TV signal or radio reception be attributable to the Development, the Company shall remedy such impairment so that the standard of reception at the affected property is equivalent to the baseline TV or radio reception as relevant. For the avoidance of doubt, the resolution of disputes shall be determined by an independent arbiter e.g. OFCOM or other professional body as appropriate. **Reason:** To ensure local radio [and television] services are sustained during the construction and operation of the Development.	THC request the inclusion of this condition	Optional
35.	**Access Management Plan** (1) There shall be no Commencement of Development until an Access Management Plan ("AMP") has been submitted to and approved in writing by the Planning Authority. The AMP should ensure that public access is retained within and across the Development	THC request the inclusion of this condition	Standard

[75] To be imposed only in cases where there are properties within the 10 rotor diameter distance from the nearest turbine (11 rotor diameters in Highland Council and potentially other north of Scotland Planning Authority areas) and / or impacts have been assessed as capable of mitigation to an extent that impacts are acceptable. This condition should not be imposed as a precaution where acceptability of impacts has not been assessed and demonstrated.

[76] Given advances in technology and cross-country digital television coverage, the television aspects of this condition in square brackets should only be included where there is clear evidence that an issue could arise with television reception.

No.	Condition Wording	Applicant / Agent Comment or Modification	Standard or Optional
	site during construction, where appropriate, and thereafter that suitable public access is provided during the operational phase of the wind farm. (2) The approved plan shall be implemented in full upon Commencement of Development. **Reason:** In the interests of securing public access rights		
36.	**Private Water Supplies**[77] (1) There shall be no Commencement of Development until a private water supplies method statement has been submitted to and approved in writing by the Planning Authority, detailing all contingent mitigation measures to be delivered to secure the quality, quantity and continuity of water supplies to any properties which are served by private water supplies at the date of this planning permission which may be affected by the Development.[78] (2) The method statement shall set out: a) details of the methodology for water quality and quantity sampling for a period of 12 months prior to construction (including abstraction points); b) details of the methodology and programme for undertaking water quality and quantity sampling during the construction period (including abstraction points); and c) details of the methodology for water quality and quantity sampling for a period of 12 months post construction (including abstraction points); (3) The approved method statement shall thereafter be implemented in full upon the Commencement of Development. **Reason:** To maintain a secure and adequate water supply to all properties with private water supplies that may be affected by the Development.	THC's environmental health officer has advised that the there are no supplies likely to be hydrologically connected to the development site and has not requested this condition.	Optional
37.	**Aviation** Aviation Safety (1) Prior to the installation of any turbine, the Company shall provide the Planning Authority, Ministry of Defence, Defence Geographic Centre and NATS with the following information in writing, and provide evidence to the Planning Authority that this has been done: (a) the dates of the expected stages of construction of the Development; (b) the height above ground level of the tallest structure forming part of the Development; (c) the maximum height of any construction equipment; and	THC request the inclusion of this condition	Standard

[77] Where there are private water supplies close to the site, it is expected that this condition will be included. The requirements of the method statement should be tailored to the particulars of the site. This should include stipulating which properties the condition applies to where possible.
[78] If the EIAR contains an adequate baseline survey and evidence of consultation responses, this can be referred to by adding "on the basis of the baseline survey in the EIAR and relevant consultation responses to the application" at the end of paragraph(1).

No.	Condition Wording	Applicant / Agent Comment or Modification	Standard or Optional
	(d) the position of the wind turbines and masts in latitude and longitude. (2) The Company shall, as soon as is practicable and in any event with 7 days prior to the event, provide to the Planning Authority and the Ministry of Defence and NATS written notice of any proposed changes to the information provided under part (1). (3) Within 1 month of the erection of the final turbine, the Company shall provide written confirmation to the Planning Authority, the Ministry of Defence and NATS of the actual date on which construction was completed and the confirmed latitude and longitude of all turbines (in degrees, minutes and seconds) and the height above ground level of each turbine (in metres to blade tip). **Reason:** In the interests of aviation safety.		
38.	**Aviation and Other Lighting**[79] (1) No wind turbines shall be erected until a scheme for aviation lighting (Aviation Lighting Scheme) for the Development has been submitted to, and approved in writing by, the Planning Authority[80] in consultation with the Civil Aviation Authority[81]. The scheme shall provide details of aviation lighting which is to be applied. (2) No later than the third and fifth anniversary of the date of First Commissioning and every five-year anniversary thereafter, the Company shall submit a written review of the Aviation Lighting Scheme to the Planning Authority. Each review shall provide: a. An assessment of options available for the reduction in the number of visible lights installed on turbines, the time period when lights are visible, and/or the intensity of the visible lighting; b. An assessment of the potential for installation of an Aircraft Detection Lighting System ("ADLS"), including a statement setting out the current and anticipated regulatory environment in relation to ADLS; and c. An assessment of whether it is technically feasible, through the regulatory framework to install an ADLS at the Development (taking into account installation and operational costs) (3) The review may propose amendment of the Aviation Lighting Scheme. Specifically regarding ADLS, if a review assesses that it is technically feasible to install ADLS, provided that such installation shall not require planning permission, such review shall also provide the Company's proposals for installation of ADLS together with a proposed timetable for installation. Any proposed amendment shall be compliant with the then current aviation lighting requirements of the Civil Aviation Authority and the Ministry of Defense.	THC request the inclusion of the condition.	Optional

[79] Conditions on aviation lighting will be project-specific and should be drafted carefully to reflect the commitments made in the application documentation, rather than this matter being left to condition discharge stage. The technology on aviation lighting is developing. Some developments may commit fully to uses of specific lighting technology, for example the use of an aircraft detection lighting system, with no alternative fall-back. Where that is the case, bespoke conditions can be drafted to require a plan to be submitted for use of those technologies.
[80] Consider whether this needs to be in consultation with the Ministry of Defence, the Civil Aviation Authority, and any others, e.g. airports.
[81] The Ministry of Defence can also be added as a consultee if required.

No.	Condition Wording	Applicant / Agent Comment or Modification	Standard or Optional
	(4) Any proposed amendment to the Aviation Lighting Scheme under part (3) must be submitted to, and have received the written approval of, the Planning Authority in consultation with the Civil Aviation Authority and the Ministry of Defence, and shall thereafter be installed in accordance with the approved details. (5) The Aviation Lighting Scheme, or such alternative scheme as may be approved under part (4), shall thereafter be maintained throughout the operational life of the Development. (6) The Development shall be operated in accordance with the approved scheme, or any alternative scheme as may be approved under part (4), unless otherwise approved in advance in writing by the Planning Authority in consultation with []82 as a result of a periodic reviews. **Reason:** In the interests of aviation safety and to minimise visual effects of the Development.		
39.	**Eskdalemuir Seismic Array**83 (1) Within [three months] of the completion of construction of the turbines, the Company shall provide written confirmation to the Scottish Ministers, the Planning Authority, the Ministry of Defence, the Defence Geographic Centre and NATS of the following: (a) the as-constructed position of each turbine in eastings and northings (each to six figures); and (b) the hub height and rotor diameter of each turbine (in metres). **Reason:** To manage any impact on the Eskdalemuir Seismic Array.	Not required.	Optional
40.	**Ongoing Operation and Maintenance** Turbine Operation (1) The wind turbines shall be maintained in the approved colour, free from external rust, staining or discolouration, until such time as the wind farm is decommissioned. **Reason:** In the interests of the visual amenity of the area.	THC request the inclusion of this condition	Standard
41.	**Redundant Turbines** (1) If one or more wind turbines fails to generate electricity on a commercial basis to the public network for a continuous period of 12 months, then unless otherwise approved in writing by the Planning Authority in consultation with SEPA, the Company shall: (a) Within one month of the expiration of the 12 month period, submit a scheme to the Planning Authority for written approval setting out how the relevant wind turbine(s) and associated infrastructure will either be repaired or	THC request the inclusion of this condition	Standard

82 Insert relevant consultee, e.g. Civil Aviation Authority or Ministry of Defence.
83 Only relevant for applications in the following Planning Authorities: Dumfries and Galloway, Scottish Borders, South Lanarkshire and Midlothian.

No.	Condition Wording	Applicant / Agent Comment or Modification	Standard or Optional
	removed from the site and the ground restored to a condition agreed with the Planning Authority in consultation with SEPA; and (b) Implement the approved scheme within 12 months of the date of approval of the scheme, all to the satisfaction of the Planning Authority. **Reason:** To ensure that any redundant wind turbine is removed from site, in the interests of safety, amenity and environmental protection.		
42.	**Site Inspection Strategy**[84] (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 (SIR) 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 Site Inspection Reports (SIR), 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 SIR to the Planning Authority, the scope of the SIR shall be agreed with the Planning Authority. (4) The SIR shall provide: (a) Details to demonstrate that the infrastructure components of the Development are still operating in accordance with condition [31] and condition [38][85]; 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 SIR shall be implemented in full following the Date of Final Commissioning unless otherwise agreed in advance in writing by the Planning Authority. **Reason:** To ensure the Development is being monitored at regular intervals after the first 25 years of operation.	THC request the inclusion of this condition	Standard
	Decommissioning, Restoration and Aftercare Interim Decommissioning, Restoration and Aftercare Strategy	THC request the inclusion of this condition	

[84] This condition should only be included for consents of 40 years or longer.
[85] Insert the condition numbers relating to noise and appearance of the turbines.

No.	Condition Wording	Applicant / Agent Comment or Modification	Standard or Optional
43.	(1) There shall be no Commencement of Development until an Interim decommissioning, restoration and aftercare strategy has been submitted to, and approved in writing by, the Planning Authority in consultation with SEPA and Transport Scotland. The interim decommissioning, restoration and aftercare strategy shall outline measures for the decommissioning of the Development and restoration and aftercare of the site, and shall provide proposals for the removal of the Development, the treatment of ground surfaces, the management and timing of the works and environmental management provisions in any instance that the site as a whole, or in part, ceases to operate prior to the approval of the Decommissioning, Restoration and Aftercare Plan required under the provisions of Condition [ ]. **Reason:** To ensure the decommissioning and removal of the Development in an appropriate and environmentally acceptable manner and the restoration and aftercare of the site, in the interests of safety, amenity and environmental protection when a detailed decommissioning, restoration and aftercare Plan has not yet been approved.		Standard
44.	**Site Decommissioning, Restoration and Aftercare** (1) The Development shall cease to generate electricity to the grid network by no later than the date falling [ ][86] years from the Date of Final Commissioning. (2) No later than [one][87] year prior to the Date of Final Generation or the expiry of the section 36 consent (whichever is earlier) a decommissioning, restoration and aftercare plan shall be submitted for the written approval of the Planning Authority, in consultation with SEPA and Transport Scotland. The detailed decommissioning, restoration and aftercare plan shall provide updated and detailed proposals, in accordance with relevant guidance at that time, for the removal of the Development, the treatment of ground surfaces, the management and timing of the works and environment management provisions which shall provide: (a) a site waste management plan (dealing with all aspects of waste produced during the decommissioning, restoration and aftercare phases and, including details of measures to be taken to minimise waste associated with the Development and promote the recycling of materials and infrastructure components); (b) details of the formation of the construction compound, welfare facilities, any areas of hardstanding, turning areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns, and any construction compound boundary fencing; (c) a dust management plan; (d) details of measures to be taken to prevent loose or deleterious material being deposited on the local road network, including wheel cleaning and	THC request the inclusion of this condition	Standard

[86] This must be consistent with the duration granted in Annex A.
[87] Insert appropriate number of years if more than one year. In practice it may be difficult for the developer to know a number of years in advance what the Date of Final Generation will be if not the expiry date of the consent.

No.	Condition Wording	Applicant / Agent Comment or Modification	Standard or Optional
	lorry sheeting facilities, and measures to clean the site entrances and the adjacent local road network; (e) a pollution prevention and control method statement, including arrangements for the storage and management of oil and fuel on the site; (f) details of measures for soil storage and management; (g) a surface water and groundwater management and treatment plan, including details of the separation of clean and dirty water drains, and location of settlement lagoons for silt laden water; (h) details of measures for sewage disposal and treatment; (i) temporary site illumination; (j) the construction of any temporary access into the site and the creation and maintenance of associated visibility splays; and (k) [a species protection plan based on surveys for protected species (including birds) carried out no longer than eighteen months prior to submission of the plan].[88] (3) The Development shall be decommissioned, the site restored and aftercare undertaken prior to the date falling three years after the Date of Final Generation and in accordance with the approved detailed decommissioning, restoration and aftercare plan. **Reason:** To ensure the decommissioning and removal of the Development in an appropriate and environmentally acceptable manner and the restoration and aftercare of the site, in the interests of safety, amenity and environmental protection.		
45.	**Financial Guarantee**[89] (1) There shall be no Commencement of Development until a bond or other form of financial guarantee in terms which secures the cost of performance of all decommissioning, restoration and aftercare obligations referred to in conditions [ ][90] and [ ] has been submitted to and approved in writing by the Planning Authority. (2) The value of the financial guarantee shall be agreed between the Company and the Planning Authority or, failing agreement, determined (on application by either party) by a suitably qualified independent professional as being sufficient to meet the costs of all decommissioning, restoration and aftercare obligations referred to in condition [ ][91].	THC request the inclusion of this condition	Standard

[88] This may not be required depending on the project.
[89] If this condition is applied it should not also be the subject of a planning obligation, per Circular 3/2012.
[90] The condition numbers referred to should be those for the Interim Decommissioning, Restoration and Aftercare Strategy and the Site Decommissioning, Restoration and Aftercare Strategy

[91] Some planning authorities and/or developers may prefer the value of the guarantee to simply be determined by an independent expert at the outset rather than only if they fail to agree on a value. If that is the case, the wording here can be amended to reflect that.

No.	Condition Wording	Applicant / Agent Comment or Modification	Standard or Optional
	(3) The financial guarantee shall be maintained in favour of the Planning Authority[92] until the completion of all decommissioning, restoration and aftercare obligations referred to in conditions [ ] and [ ]. (4) The value of the financial guarantee shall be reviewed by agreement between the Company and the Planning Authority or, failing agreement, determined (on application by either party) by a suitably qualified independent professional[93] not less than every five years, and at the time of the approval of the detailed decommissioning, restoration and aftercare plan approved under condition [ ]. The value of the financial guarantee shall be increased or decreased to take account of any variation in costs of compliance with decommissioning, restoration and aftercare obligations referred to in conditions [ ] and [ ] and best practice prevailing at the time of each review. **Reason:** to ensure that there are sufficient funds to secure performance of the decommissioning, restoration and aftercare conditions attached to this deemed planning permission in the event of default by the Company.		

[92] The bond may be a multi-party bond. If this is the case this should is reflected in the wording of the condition.
[93] Again, some planning authorities and/or developers may prefer the value of the guarantee to simply be reviewed by an independent expert every five years rather than only if they fail to agree on a value. If that is the case, the wording here can be amended to reflect that.

Definitions[94]

In this consent and deemed planning permission:-

“Commencement of 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.

“the Company” means [ ][95] having its registered office at [ ], Company No. [ ], or such other person who from time to time may lawfully have the benefit of this consent.

“Date of 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 constructed as part of the Development.

“Date of Final Commissioning” means the earlier of (i) date when electricity is first exported to the electricity grid network on a commercial basis from the last of the wind turbines being constructed as part of the Development; or (ii) the date falling [eighteen] months from the Date of First Commissioning.

“Date of Final Generation” means the date that the Development ceases to generate electricity to the grid network on a permanent basis.

“Development” means the development authorised by this section 36 consent and deemed planning permission as described in Annex 1 Part B.

“EIA Report” means the Environmental Impact Assessment Report in respect of the Development dated [ ].[96]

“Planning Authority” means [ ].[97]

“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.

“SEPA” means the Scottish Environment Protection Agency.

“Site Enabling Works” means [ ].[98]

[94] Definitions are not limited and should reflect specific requirements in each application.
[95] Insert full name of company
[96] Insert any references to Additional Information reports.
[97] Insert the name of the local planning authority.
[98] A specific description of any enabling works should be inserted here.

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Figure 1.1: Site Boundary

Key:

- Site Boundary
- Excluded Areas

0 0.5 1 km

N

Drawn by: LM Scale: 1:35,000 @ A3
Date: 06/03/2024 Revision: 1

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Figure 4.6: Application Layout

Key:

- Site Boundary
- Excluded Areas
- Turbine Locations
- Crane Pads
- Site Tracks
- Borrow Pit Search Areas
- 132kV Substation Plan
- Battery Storage Compound
- Construction Compound
- Turning Heads
- Passing Place

Native Woodland Areas

- Native Woodland Areas
- Designed open ground
- Other Land

Consented Lairg II Wind Farm

- Consented Lairg II Turbines
- Consented Lairg II Infrastructure

N

0 0.5 1 km

Drawn by: LM Scale: 1:35,000 @ A3
Date: 16/04/2024 Revision: 1

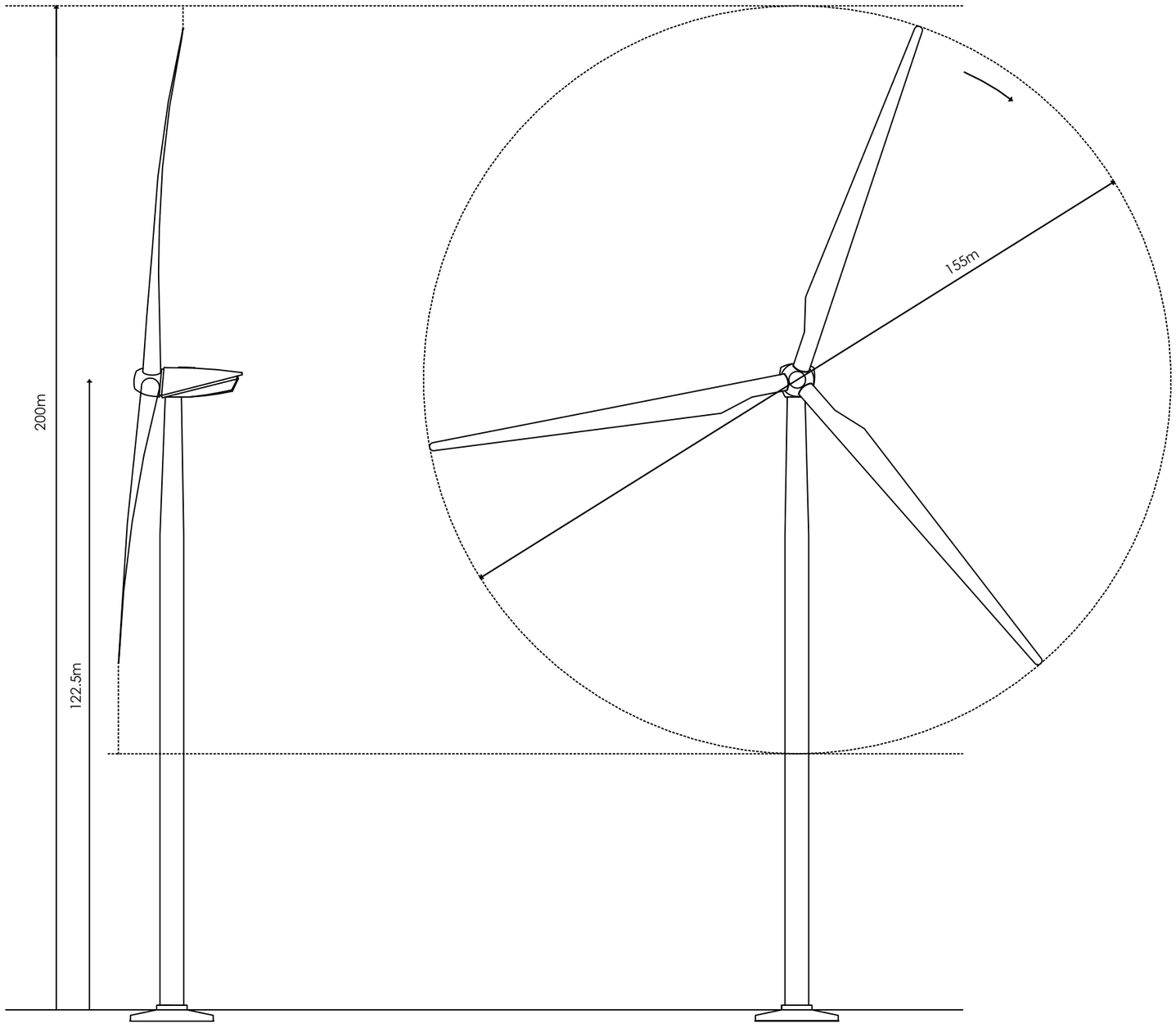

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Figure 3.2a: Typical Turbine Elevation (200m)

NOTES:

For indicative purposes only

0 10 20 30 40 50 m

Drawn by: LL Scale:1:1,000 @ A3 Date: 27/11/2023

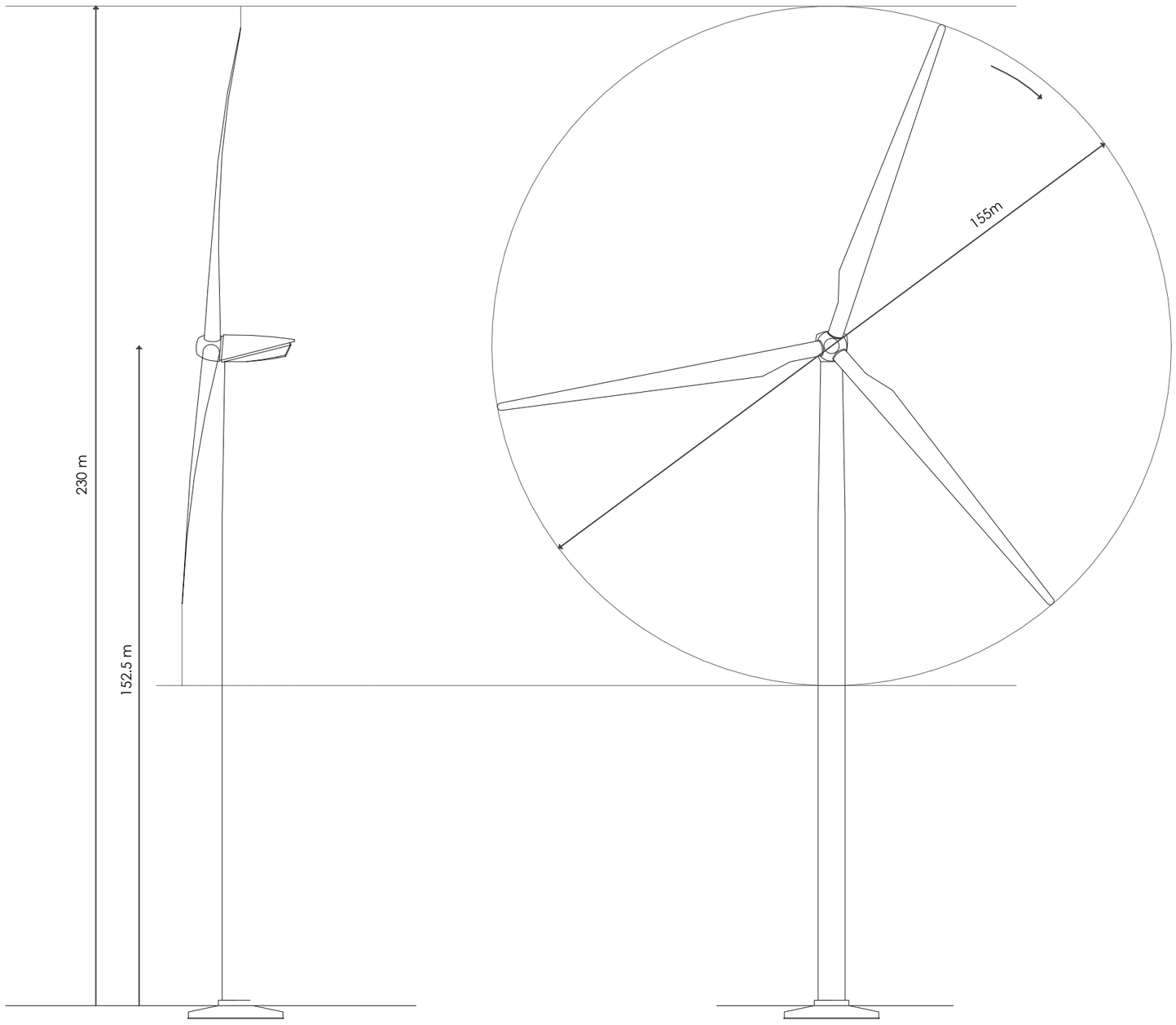

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Figure 3.2b: Typical Turbine Elevation

NOTES:

For indicative purposes only

0 10 20 30 40 50 m

Drawn by: LL Scale:1:1,000 @ A3 Date: 27/11/2023