

**THE HIGHLAND COUNCIL**

**NORTH PLANNING APPLICATIONS COMMITTEE  
10 June 2014**

Agenda Item	6.2
Report No	PLN/039/14

**07/00263/S36SU - SSE Generation Ltd (SSEG)  
Strathy South, Strathy Forest, Strathy, Sutherland**

**Report by Head of Planning and Building Standards**

**SUMMARY**

**Description:** Wind farm (potentially 160MW) consisting of 47 turbines, max tip height of 135m, access tracks, temporary borrow pits, anemometer masts, control building, switching station and underground cabling.

**Recommendation** - Raise no objection (subject to the removal of 8 turbines).

**Ward:** 1 North, West and Central Sutherland

**Development category:** Section 36 Application

**Pre-determination hearing:** none

**Reason referred to Committee:** more than 5 objections  
objections raised by consultees

**1. PROPOSED DEVELOPMENT**

1.1 The application is for a wind farm (Strathy South) with the potential to generate 160MW. It has been submitted to the Scottish Government for approval under Section 36 of the Electricity Act 1989. Should Ministers approve the development, it will carry with it deemed planning permission under Section 57(2) of the Town and Country Planning (Scotland) Act 1997. The Council is a consultee on the proposed development. If the Council object to the development, Scottish Ministers will be required to hold a Public Local Inquiry before determining the application.

1.2 The proposed development, substantially amended from its initial submission for 77 turbines, now includes the following key elements:

- 47 wind turbines (3.4MW each) offering a potential generating capacity of 160MW. The turbines proposed will have a maximum tip height of 135m; hub height to 83m; rotor diameter up to 104m; and internal transformers;
- Four permanent anemometer masts (fixed);
- Access tracks 36km, cut / floating design including new / upgraded sections;

- A network of underground cables(approx. 41km);
- A concrete batching plant;
- A temporary construction compound on-site and a satellite temporary construction compound to the north of the River Strathy;
- Two lay down areas;
- Four borrow pits and;
- A switching station/ control welfare building.

1.3 The wind farm seeks to promote a change of use to the commercial / non-native woodland set within an open and isolated moorland south of Strathy. All trees are to be removed and much of the land restored as open moorland, allowing blanket bog and heathland habitat restoration. The design has been modified, including use of a larger turbine (135m) since the initial submission of smaller turbines (110), to take account of the ornithological constraints associated with the nature conservation designations (SSSI, SPA, SAC and Ramsar) on land surrounding the wind farm site.

1.4 Construction is anticipated to take 24 months. This would involve adherence to a full Construction and Environmental Management Plan / Document (CEMD) to manage all appropriate mitigation through construction. It also provides a commitment to a Habitat Management Plan, Deer Management Plan and Peat Management Plan.

1.5 The operational lifespan of the development is 25 years after which time the turbines will be decommissioned, with above ground facilities being removed, new access tracks being removed and the ground restored, including all borrow pits. The grid connection will happen within the application site. This will be via an underground 33kv cable to the Strathy North wind farm substation (under construction) and the soon to be established 33kv link to Strath Halladale.

1.6 The development is supported by an Environmental Statement (ES) under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000 (as amended). Additional information was provided within later addenda to the ES. In association with the knowledge and expertise of statutory consultees there is sufficient information available on the case file to allow the Council to make a judgement on the application. It is however important to point out: -

- To avoid confusion through the design process the reduced 47 turbine layout has not promoted a revised numbering of turbines so plans still highlight retained turbine numbers between 1 and 76.
- The turbines depicted within the addendum wirelines have been mis-numbered so T44 is actually T45, T45 is T46, T46 is T49, T49 is T50 and T54 is T57. The images portrayed are correct.

## **2. SITE DESCRIPTION**

2.1 The site is located within the Strathy South forest block, approximately 12km south of Strathy village, and 30-35 km west of Thurso. The coastal villages of Strathy, Armadale, Kirtomy, Bettyhill and Melvich are the main settlements to the north of the site. There are few other settlements within the vicinity of the site, with other

dispersed settlements principally situated along the coast and along the A897 and B871 inland routes. Four noise sensitive properties have been identified as part of the ES assessment including Braerathy; Dallangwell; Bowside Cottage & Bowside Lodge. The nearest property to Strathy South is Braerathy at a distance of 3.6km.

- 2.2 Strathy South Forest extends 12 – 17km inland from the north coast and the proposed wind farm occupies most of the forest between Loch nam Breac Mór and the River Strathy covering an area of approximately 1,600 hectares (ha), although the actual footprint of development is significantly less. The forest area to the north is currently under construction following the approval of the Strathy North wind farm. The development proposes to take access via the Strathy North wind farm which has recently established a new access off the A836 Thurso to Tongue Road east of Strathy.
- 2.3 The site varies in altitude between approximately 130m and 200m Above Ordnance Datum (AOD). The topography rises and falls throughout most of the forest with the lower ground towards the central boggy inner boundary of the U-shaped forest area, which follows the River Strathy valley. A network of watercourses is present on the site with water flowing generally in a northerly direction and draining into the River Strathy catchment. In addition, there are some areas of open water on the site, including Loch nan Clach in the northwest of the site.
- 2.4 Hills in the surrounding area include Cnoc Meala (211m) 2km to the north, Cnoc Badaireach (213m) 3km to the east, Meall Bad na Cuaiche (337m), Meall Ceann Loch Strathy (344m), and Cnoc nan Tri-clach (346m) to the south, and Dunviden Hill (180m) to the west. The surrounding area is generally open and undulating in nature, and characterised by lochs, pools and blanket bog. The area further to the south rises to more steeply sloping and hilly moorland.
- 2.5 The site itself is not covered by any known international, national, regional or local landscape-related designations. Various landscape designated areas can be found in the wider study areas including the Kyle of Tongue National Scenic Area (NSA) and 5 local designated Special Landscape Areas (SLA) the closest of which lie to the north comprising the Farr Bay, Strathy & Portskerra SLA and to the south Ben Griam and Loch Nan Clar SLA. Also in the wider area (30km) around the site are potential Search Areas for Wild Land (SAWL) and emerging Core Areas of Wild Land (CAWL). It is noteworthy that since the initial application was submitted in 2007 a number of landscape designations have changed. For example the Council's proposed Areas of Great Landscape Value has been taken forward as a Special Landscape Areas, now incorporated within the Highland-wide Local Development Plan (HwLDP). The Scottish Government has also advanced issues pertaining to wild land.
- 2.6 A number of ecological and ornithological designations border the site boundary, including the Caithness and Sutherland Peatlands SSSI, Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site. This designated area comprises a number of Sites of Special Scientific Interest (SSSI) including the Strathy Bogs SSSI, Lochan Buidhe Mires SSSI and West Halladale SSSI. It should be noted that the access track leading to the site falls within the Caithness and Sutherland Peatland designation.

- 2.7 There are no Scheduled Ancient Monuments within the site. However, there is one (Ben Griam Beg) located approximately 7 km south of the site boundary. There are several heritage assets within the site boundary, most of which are classified as being of local importance and one of regional importance which generally relate to agricultural and hunting use of the land, e.g. two sheepfolds and two buildings probably related to hunting and farmstead / hunting lodge at Lochstrathy.
- 2.8 When assessing a wind farm development consideration of similar developments around the site is required. The initial ES highlights 23 windfarms within a 60km radius of the site. The list below presents the projects 30km around this development site that are Operational, Approved or have been Submitted but are not yet determined. A plan highlighting these projects will be circulated with this report.

#### Built and / or Consented

Baillie Hill  
Forss 1 & 2  
Causeymire  
Boulfruich  
Gordonbush  
Kilbraur  
Wathegar 1  
Flex Hill (Bilbster)  
Achairn  
Burn of Whilk  
Camster  
Stroupster  
Wathegar 2  
Bettyhill  
Strathy North.  
Achlachan  
Bad a Cheo

#### Under consideration

Limekilns – (at Public Inquiry / Council objected).  
Halsary – (Council did not raise an objection).  
Sallachy – (Council did not raise an objection).  
Braemore – (under consideration)  
Strathy Wood – (under consideration)

### **3. PLANNING HISTORY**

- 3.1 **22 February 2013** renewal of temporary meteorological mast granted temporary planning permission for 5 years (Ref 13/00098/FUL).  
**22 February 2013** renewal of temporary meteorological mast granted temporary planning permission for 5 years (Ref 13/00099/FUL).

## 4. PUBLIC PARTICIPATION

4.1 Advertised as EIA development allowing 28 days for comments on 4 July 2007. The application has been advertised three times following submission of amended drawings and supporting (revised) information. The last deadline for representations was 11 October 2013. The Energy Consent Unit has received 8 letters of support and 118 letters of objection, totalling responses from 126 individuals. An updated picture of responses is awaited from the ECU.

4.2 From the Council's perspective, based on address points rather than individuals, the application has drawn a total of 204 representations including 20 letters of support and 184 objections.

4.3 Material considerations raised in objection are summarised as follows:

- Conflict with Council's HRES and Development Plan policies.
- Conflict with protected birds and other species.
- Conflict with local SSSI's and other additional designations (SAC & Ramsar).
- Impact on valued habitats.
- Impact on protected species – otter, pine martin, water vole, etc.
- Adverse visual impact.
- Cumulative impact with the other wind farm projects.
- Adverse impact on wild land and surrounding mountains.
- Impact on scenery / landscape / area of landscape value.
- Impact on hydrology / River Strathy and associated interests.
- Pollution to water / land
- Impact on use of local "open" bothy.
- Impact on local houses adjacent development site - noise.
- Impact on archaeology of area.
- Limited economic benefit.
- Impact on tourism / tourist businesses / national tourist routes including walkers, climbers, cyclists, fishers, shooters, bird watchers.
- Impact on MOD flying areas
- Impact on Peat
- Carbon footprint.
- Health and Safety

4.4 Material considerations raised in support are summarised as follows:

- Renewable energy - a priority.
- Project will secure restoration of peat-land.
- Project - carefully designed.
- Limited visual impact.
- Improved public access.
- Compatible with the existing wind farm.
- Current woodland is not sustainable
- Local benefit – social economic.
- Local employment.

- Environmental benefits.
- Relevant to the Climate Change.

4.5 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](http://www.wam.highland.gov.uk/wam). Access to computers can be made available via Planning and Development Service offices.

## 5. CONSULTATIONS

### Consultations undertaken by the Planning Authority

- 5.1 Strathy Community Council has no objection to the application.
- 5.2 Melvich Community Council objects to the application. A survey in Melvich, Portskerra, Halladale and Forsinard highlighted 111 objections and 5 in support.
- 5.3 Bettyhill, Strathnaver and Altnaharra Community Council initially lodged a holding objection. No further commentary has been submitted.
- 5.4 TECS – Environmental Health has no objection to this application. Request is made for conditions in respect of noise and attention at the construction stage to private water supplies.
- 5.5 TECS – Roads has no objection to this application.
- 5.6 Historic Environment Team (HET - Archaeology) has no objection to this application.
- 5.7 Access Officer has no objection to this application. Conditions are requested in respect of future access provision and the continued use of the Lochstrathy open bothy.
- 5.8 Forestry Officer has no objections to this application.

### Consultation Undertaken by Energy Consent Unit

- 5.9 Transport Scotland – Trunk Road and Bus Operations Directorate (TRBOD) has no objection to the application. A request is made for conditions to protect the safety and free flow of traffic on the A9 (T) road, particularly with regard to abnormal loads vehicles.
- 5.10 Historic Scotland (HS) has no objection to the application.
- 5.11 Scottish Environmental Protection Agency (SEPA) has no objection to the application. Conditions are requested to address issues related to water crossing designs, the CEMP, watercourse buffers, micro-siting to avoid deep peat and site restoration.
- 5.12 Scottish Water (SW) has no objection to the application.

- 5.13 Scottish Natural Heritage (SNH) has objected to the application. It notes the proposal could raise natural heritage issues of national interest and has maintained its objection until further clarification is obtained from the applicant with regard to the interests pertaining to the Caithness and Sutherland peatlands SPA. SNH have suggested turbines 51, 55, 62, 63, 68, 73 and 74 are dropped from the scheme, four of which overlap with the request from the MOD. It has also suggested for design purposes that turbines 35, 36, 41 and 39 are removed for landscape and visual reasons.
- 5.14 Royal Society for the Protection of Birds (RSPB) has objected to the application for the following reasons: -
- Adversely affect the integrity of the adjacent Caithness and Sutherland Peatlands Special Protection Area (SPA), Ramsar site and the underlying SSSIs.
  - Unacceptable harm to a range of bird species, most notably greenshank, hen harrier and red-throated diver but also black-throated diver, golden eagle, golden plover, dunlin and wood sandpiper.
  - Prevent the restoration or re-establishment of the conservation value of the site from its current damaged state.
  - Inappropriate for a sensitive site in the very heart of the Flow Country.
  - Development would result in a permanent legacy of turbine bases, tracks and damaged peatland hydrology.
  - The adverse environmental effects of the development would not be outweighed by the contribution to renewable energy targets.
- 5.15 Scottish Wildlife Trust (SWT) objects to the application. The objection relates to the affect on the Caithness and Sutherland designated sites and in particular the effect on species present including greenshank, hen harrier, red throated diver, black throated diver, golden plover and dunlin. In addition its conflict with the Scottish Government's second Report on Proposals and Policies (RPP2) for meeting Climate Change.
- 5.16 Ministry of Defence MOD has objected to the application. However the objection can be removed with the removal of turbines No 68, 73, 74 and 76. Planning conditions are requested for aviation safety lighting scheme.
- 5.17 Civil Aviation Authority (CAA) has no objection to the application. There may be a requirement for aviation lighting.
- 5.18 Highlands and Islands Airports (HIAL) has no objection to the application.
- 5.19 National Air Traffic Safeguarding (NATS) has no objection to the development.
- 5.20 Office of Communications (OFCOM) has raised no objection to the application. No civil fixed links should be affected by the development.
- 5.21 British Telecommunications has no objection to the application.
- 5.22 Joint Radio – Links Company (JRC) has no objections to the application.

- 5.23 CSS Spectrum Management Services has no objection to the application having examined UHF Radio Scanning Telemetry communications at the site.
- 5.24 Forestry Commission Scotland (FCS) has no objection to the application. Strathy South Forest is surrounded by the Caithness and Sutherland SAC and SPA. Consequently the removal of this woodland and the restoration of the site is seen as having wider environmental benefit. In consideration with the Scottish Government Woodland Removal Policy this would mean that woodland removal would not require compensatory planting. A forest plan is still recommended to address woodland harvesting.
- 5.25 Northern District Salmon Fisheries Board has a holding objection to the application to ensure safeguards are put in place that will ensure the protection of salmon and sea trout in the River Strathy.
- 5.26 Marine Scotland Science- Freshwater Laboratory (MSS-FL) has no objection to the application. Information is sought over sites to be used for base line hydro-chemical baseline survey.
- 5.27 Scottish Rights of Way and Assess Society (Scotways) object to the application. Concerns relate to the proximity of several turbines to Track 334, a popular hill track for cyclists and walkers, and the proposal to temporarily close the track during construction.
- 5.28 John Muir Trust has no objection to the application.
- 5.29 Crown Estates has no objection to the application.

## 6. DEVELOPMENT PLAN POLICY

- 6.1 The following policies are relevant to the assessment of the application: -

### **Highland Wide Local Development Plan 2012**

- 6.2
- |           |  |
|-----------|--|
| Policy 28 | Sustainable Development                              |
| Policy 29 | Design, Quality and Place Making                     |
| Policy 31 | Developer Contributions                              |
| Policy 51 | Trees and Development                                |
| Policy 52 | Principle of Development in Woodland                 |
| Policy 55 | Peat and Soils                                       |
| Policy 57 | Natural, Built and Cultural Heritage                 |
| Policy 58 | Protected Species                                    |
| Policy 59 | Other Important Species                              |
| Policy 60 | Other Important Habitats                             |
| Policy 61 | Landscape  |
| Policy 64 | Flood Risk   |
| Policy 67 | Renewable Energy including significant effects on: - |
- Natural, Built and Cultural Heritage
  - Other Species and Habitat Interests
  - Landscape and Visual Impact
  - Amenity at Sensitive Locations



- Safety and Amenity of Individuals and Individual Properties
- The Water Environment
- Safety of Airport, Defence and Emergency Service Operations
- The Operational Efficiency of Other Communications
- The Quantity and Quality of Public Access
- Other Tourism and Recreation Interests
- Traffic and Transport Interests

Policy 72      Pollution  
 Policy 77      Public Access

**Sutherland Local Plan (2010) (as continued in force)**

6.3      No relevant policies.

**7      OTHER MATERIAL POLICY CONSIDERATIONS**

**Scottish Government Planning Policy and Guidance**

7.1      The Scottish Government has recently consulted on an updated policy statement. However, it is SPP (February 2010) which requires to be considered in the determination of the current application. It contains a number of subject specific policy statements which are relevant to this application, including:-

- Rural Development
- Landscape and Natural Heritage
- Wild Land
- Transport
- Renewable Energy

7.2      In addition to the above, the Scottish Government sets out further advice on Renewable Energy in a number of documents and web based information including: -

- National Planning Framework for Scotland 2
- PAN 56 – Planning and Noise
- PAN 58 – Environmental Impact Assessment
- PAN 60 – Planning for Natural Heritage
- 2020 Routemap for Renewable Energy
- Onshore Wind Turbines (Updates July 2013)
- Wind Farm developments on Peat Lands (June 2011)

**Interim Supplementary Guidance: On-shore Wind Energy (March 2012)**

7.3      The site falls within an Area of Search requiring proposals to be assessed against the HwLDP, particularly Policy 67.

## **Highland Renewable Energy Strategy (HRES) (May 2006)**

7.4 While superseded, in part, by the above Interim Supplementary Guidance, HRES is still relevant as a strategy document for renewable energy. Relevant policies to the current application, not otherwise superseded by the above noted Supplementary Guidance, include:

- Policy H1 Education and Training
- Policy K1 Community Benefit
- Policy N1 Local Content of Works

## **8. PLANNING APPRAISAL**

8.1 The application will ultimately be determined by Scottish Ministers under Section 36 of the Electricity Act 1989 (as amended). Ministers if supportive of the application will then grant the project deemed planning permission. The Council, as Planning Authority, assesses such applications using the Section 25 of the Town and Country Planning (Scotland) Act 1997 approach. This requires applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

8.2 The determining issues for the Council as planning authority responding to this consultation are:

- Does the proposal accord with the development plan?
- If it does, are there any material considerations for not approving the proposed development?
- If it does not accord, are there any material considerations for approving the proposed development?

### **Assessment**

8.3 To address the determining issues, the Planning Authority must consider the following:-

- a) Development Plan
- b) Interim Supplementary Guidance.
- c) Highland Renewable Energy Strategy.
- d) National Policy.
- e) Roads / Traffic Impact and Public Access.
- f) Water / Drainage and Peat.
- g) Natural Heritage.
- h) Design, Landscape (including Wild land) and Visual Impact.
- i) Cultural Heritage.
- j) Forestry
- k) Economic Impact and Tourism.
- l) Noise and other Amenity Considerations
- m) Aviation Interests
- n) Construction Impacts.
- o) Other Material Considerations within representations.

### Development Plan

- 8.4 The Development Plan comprises the adopted Highland-wide Local Development Plan (HwLDP) and Sutherland Local Plan. There are no site specific policies affecting this application site within the latter plan. The principal HwLDP policy on which the application needs to be determined is Policy 67 - Renewable Energy. The other HwLDP policies listed at 6.2 of this report are also relevant and the application must be assessed against these policies also; for example Policy 61 - Landscape. These additional matters all fall within the ambit of Policy 67 and are assessed in full within a number of material considerations examined within this report.
- 8.5 Policy 67 highlights that the Council will consider the contribution of the project towards renewable energy targets, positive and negative effects on the local and national economy and other material considerations including making effective use of existing and proposed infrastructure and facilities. In that context the Council will support proposals where it is satisfied they are located, sited and designed such as they will not be significantly detrimental overall individually or cumulatively with other developments having regard to 11 specified criteria (as listed in para 6.2). If the Council is satisfied that there will be no significant adverse impact then the application will accord with the Development Plan.

### Interim Supplementary Guidance

- 8.6 The Council has developed Interim Supplementary Guidance (ISG) to assist with the consideration of onshore wind energy. The site principally falls within an "Area of Search" for wind energy requiring the policy to be assessed, as noted above, within Policy 67 of the HwLDP. The existing access track leading to the site falls within the Caithness and Sutherland Peatland designation and thereby a Stage 1 – Significant Protection area under the above ISG.
- 8.7 The guidance also expands on the considerations / criteria set out in the Development Plan policy including Criterion 1 (Natural, Built and Cultural Heritage); 2 (Other species and Habitat Interests); 3 (Landscape and Visual Impact), 4 (Amenity at Sensitive Locations); 6 (Water Environment) and 7 (Safety of Airport, Defence and Emergency Service Operations). These will be key issues to be examined in this assessment. If the Council is satisfied on these matters then the application will accord with its Interim Supplementary Guidance.

### Highland Renewable Energy Strategy (HRES)

- 8.8 The Development Plan references HRES that was developed by the Council for a range of Renewable Energy technologies. In particular the additional benefits from such investment including for example 'Education and Training,' 'Community Benefit' and 'Local Content' which are important considerations when assessing individual project proposals – see also later section on economic impact. For the avoidance of any doubt only those parts of the Council's HRES which are compliant with Scottish Government SPP remain in force.

## National Policy

- 8.9 The Scottish Government has a positive approach to Renewable Energy technologies. This is set out in Scottish Planning Policy (SPP) with further advice on renewable energy targets available from its “Routemap for Renewable Energy in Scotland 2013”. There is a Scottish Government target of 50% of Scotland’s electricity demand to be generated from renewable resources by 2015, and 100% of Scotland’s electricity demand to be generated from renewable resources by 2020. The targets are not a cap. The Scottish Government has advised that operational onshore wind energy capacity deliver 46% of Scotland’s Gross electricity consumption in 2013. 11.216GWh was delivered from wind turbines. At the end of 2013, 6,592MW of installed renewable electricity capacity was available. Highland onshore wind energy projects in operation or approved as of April 2014 have a capacity to generate 1,650MW. A further 2,500MW has been approved offshore. The draft SPP documents, recently out for public consultation, do not substantially change the emphasis of the Scottish Government’s stance on wind energy. No great weight can be given to this draft position at the current time.
- 8.10 SPP advises that planning authorities should support the development of wind farms in locations where technology can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed. Criteria for the assessment of applications include landscape and visual impact; effects on heritage and historic environment; contribution to renewable energy targets; effect on the local and national economy and tourism and recreation interests; benefits and dis-benefits to communities; aviation and telecommunications; noise and shadow flicker; and cumulative impact. These elements, as relevant to this application, are examined within this assessment.
- 8.11 SPP advises that when considering cumulative impact the factors for planning authorities to consider should be set out in the development plan or supplementary guidance. Development Plans are expected to have a spatial framework for onshore wind farms over 20MW drawn from the identification of areas requiring significant protection, areas with potential constraints against identified criteria and areas of search where appropriate proposals are likely to be supported, again subject to identified criteria. The spatial approach advanced by the Highland Council is as set out in its Interim Supplementary Guidance, noted above.

## Roads / Traffic Impact and Public Access

- 8.12 The development will take access via the Strathy North Wind Farm, which is currently under construction. Construction traffic will access the site from the A836 road using the new access east of Strathy village, with abnormal loads (turbine parts) arriving to the site via the A9 (T) road from Scrabster. There are no significant concerns over access / construction traffic via the public road infrastructure.
- 8.13 Proposals have come forward for a wind farm development at Strathy Forest promoted by Eon, north east of Strathy South, south and east of Strathy North. Each has provided its own preferred access track from the public road, but both need to cross the River Strathy. SSE and Eon have reached agreement that an

'alternative' shared route / river crossing option serving both developments is suitable for both parties. This development corridor was included within the ES in support of Strathy South. SSE has confirmed the revised shared bridging option with Eon between Strathy North / Strathy South will be taken forward. This is formed as part of this application.

- 8.14 The Council's local Road manager has advised that notwithstanding the improvements already made to the road networks to cater for the Strathy North wind farm project and cyclical traffic loading derived from similar developments taking place at the one time. To ensure that road safety and road infrastructure is not compromised, including the cumulative effect, the agreement with the Roads Authority is required. This is secured in part through the Road Construction Consent (RCC) process, requiring relevant before and after defect surveys, investment in the infrastructure and controls on traffic usage.
- 8.15 The existing estate access tracks and forestry tracks are used for recreational purposes. In particular the bothy at Lochstrathy is open for public use with the permission of the owners of the building, maintained in part by the Mountain Bothies Association. When compared to national figures on bothy usage the number of users of the forest track from West Strathy to Lochstrathy is low. However the area is important as it is one of the few interior routes from the north coastal road. A small number of turbines are located close to these access tracks / bothy and therefore will present an adverse impact to the walkers.
- 8.16 It is understood that there will be a need to restrict access to the site during construction works. Where and when feasible however the existing forest road should be made available for public use during the construction phase. Access tracks to the proposed development should be accessible to a wide variety of users. Large pedestrian gates and by-pass gates adjacent to cattle grids should all be "easy open" accesses. All other gates within the application boundary should similarly be unlocked to responsible access takers. An Access Management Plan to mitigate highlighted concerns can be controlled by condition.

#### Water / Drainage and Peat

- 8.17 Scottish Water has confirmed it has no Drinking Water Protected Areas within the site boundary. Private water supplies prevail lower in the watershed and are limited in number. Lochstrathy Bothy is located close to the southern border of the site. The bothy does not have a water supply. However, it is likely that visitors to the bothy will take water from the adjacent River Strathy. Such supplies can be safeguarded through appropriate construction and environmental management procedures, secured by condition.
- 8.18 The key water interests in this area relate to the fishing interests of the River Strathy and its catchment. Specific measures including development setback, good construction and environmental management procedures and water quality sampling were put into practice with the development of the Strathy North Wind Farm project. A continuance of these practices would ensure that the key fishing interests in terms of water quality can be addressed with the construction and operation of the proposed Strathy South project and potential cumulative impact in

association with other construction activities in the area. Information on buffers to be deployed around all water features remains inconsistent but generally is in excess of what is needed. An updated water buffer scheme set as a condition is requested by SEPA requiring a minimum buffer of 50m to water features on the Ordnance Survey 1:50k map and a minimum buffer of 20m to other any other water features.

- 8.19 No objections have been raised to the application from SEPA subject to appropriate conditions to minimise the risk of pollution, flooding, ground water dependant terrestrial eco-systems, etc. by design and the adoption of best practice construction compliant with the Council's policy on Construction and Environmental Management (CEMD). Final flood risk assessment should relate to a 1:200 year event plus 20% for climate change.
- 8.20 Peat deposits prevail across most of the site, ranging from depths of less than 0.5m to 5.0m. Design alterations from the initial application have allowed for avoidance of areas of deep peat and areas of peat slide risk. A small number of turbines remain in areas where a degree of risk remains but consultees are content that a 50m allowance for turbine micro-siting at the final design / construction stage will ensure that the level of risk can be reduced to "insignificant".
- 8.21 As with all projects working within a peat environment there are a range of good construction practices which can significantly minimise impact upon this resource. These can be managed by condition through compliance with the Council's CEMD policy requiring a Peat Management Plan to assist with the handling of peat / peat storage during construction to maximise the re-use of this material. The applicant has also committed to significant mitigation and enhancement offering habitat management / peatland restoration in lieu of the loss of commercial forestry. SEPA is content with the carbon balance calculations produced for this project.

#### Natural Heritage

- 8.22 This proposal is surrounded by national and international nature conservation designations (SSSI, SPA, SAC and Ramsar) with significant wetland habitats, ornithological interests and protected species. Accordingly the ES presents significant information for assessment. This led to the ES addendum and the changed proposal as highlighted in para 1.3 above. Continuing dialogue between the applicant and SNH has managed to address many of the issues of concern. However at the time of writing this report, two matters pertaining to the Red throated Diver and Greenshank remain unresolved. There is continuing dialog which may result in further mitigation and enhancement works and which can be left as a matter of judgement for Scottish Ministers to determine. Ministers will be required to undertaken an appropriate assessment on the impact of the development on SPA interests.
- 8.23 Depending on the outcome of the above, the application could be determined largely as presented or with the removal of up to 4 further turbines in addition to those to be lost to satisfy the objection by the MOD. The applicant has advised that deletion of the turbines from the scheme, as specified within discussions with

the MOD and SNH, would not give rise to any changes to the significance of environmental effects other than to decrease the relevant impacts reported upon in the ES Addendum.

- 8.24 In November 2013, SNH cited objections with regard to the Caithness and Sutherland Peatlands site adjacent to the proposal with particular regard to the red-throated diver, hen harrier, greenshank, black-throated diver, wood sandpiper, golden eagle; otter and the access track improvements on blanket bog / wetland. A request was also made for planning conditions to address issues pertaining to construction works and provision of a deer management plan. Continued dialogue between the applicant and SNH has managed to resolve many, but not all, of these issues to ensure the ES assessment confirms and / or appropriate mitigation is put in place so that “there would be no significant adverse effect on SPA site integrity beyond reasonable doubt”. The applicant has advised that it has carried out an assessment of impacts on the SPA (Technical Appendix A11.4 from the Addendum) in order to inform any Appropriate Assessment to be undertaken by Ministers as competent authority. It is its view that there would be no adverse effect on the integrity of the SPA and continues to engage constructively with SNH and the Scottish Government to seek to resolve remaining concerns held by SNH.
- 8.25 The applicant, with SNH advice, has set out a series of mitigation measures to ensure the development and operation of the proposed wind farm does not adversely impact on local nature conservation interests. Some of these measures were highlighted in the initial ES for example significant woodland removal of non native species with associated habitat restoration, pre commencement protected species surveys, etc. Further mitigation / enhancement works have been tabled following ongoing discussions with SNH. This includes a range of matters including: -
- Employment of up to two suitably qualified and experienced habitat managers to delivery of all habitat mitigation works on site, including sward monitoring and management, drain blocking, and installation, monitoring and maintenance of diver rafts.
  - Approximately 1,300ha of additional offsite peatland management within the Caithness and Sutherland SPA. This work involves a combination of grazing management (initially for five years) and drain blocking (for 25 years) to improve peatland habitat across this area.
  - Peat Management Plan.
  - Deer Management Plan.
- 8.26 The application has received a number of objections particularly in respect of the key interests associated with the adjacent designated Caithness and Sutherland peatlands, SSSI, SPA, SAC and Ramsar site, including from RSPB and SWT in addition to these from SNH. SNH’s current position is that evidence as presented by the applicant on Greenshank and Red Throated Diver does not fully demonstrate “no adverse effect” on the SPA beyond reasonable doubt.
- 8.27 With regard to the Red-throated diver SNH is of the view that the survey data provided for 2010 and 2012 are the more relevant surveys to those undertaken in the 2003, 2004 and 2007 survey years. It believes from the survey points used

that a significant proportion of diver flights may have been missed. It has requested additional survey point work looking at flight activity rates and flight directions, particularly around Loch 64. With regard to the Greenshank, SNH are of the view that there is need of a 800 buffer away from putative territory centres, that will require the removal or moving of turbines, to reduce (mitigate) collision risk. SNH furthermore believe that the estimated collision risks by the applicant are underestimated. It is happy to assess any new information but that it considers “all conservation objectives for the Sutherland and Caithness Peatland SPA for greenshank as a qualifying interest do not show, beyond reasonable doubt, that the integrity of the SPA will not be adversely affected.

- 8.28 There is a degree of impasse between the parties, which requires mediation, particularly by the decision maker, Scottish Ministers, who are bound by EU law to undertake and conclude on an “Appropriate Assessment” when making the decision on the application. Given the time and the ongoing developments since this application was first lodged, there is a need for decisions to be reached with this project. The Council does rely on SNH for advice on nature conservation matters. It’s current and continuing objection to the application highlights therefore that the application is in conflict with the Council’s Development Plan Policies 57 and 67.

#### Design, Landscape (including Wild land) and Visual Impact.

##### Design

- 8.29 The layout has been derived from the consideration of a range of factors through the EIA process. The turbines although slightly larger (135m to tip height) are generally consistent in layout with the Strathy North wind farm (tip height 110m) currently under construction. The layout offers the setting of turbines across a wide area in no formal array / formation. The spacing of turbines is generally even across an extensive site. The amended 47 turbine scheme has slightly greater impact from the initial proposal on account of the increased turbine height, but offers less stacking and overlapping given the lesser number of turbines.
- 8.30 The 47 turbine design has attracted objections from the MOD and SNH. The objections can be overturned should the applicant agree to the removal of some turbines, the final arbitration of which is to rest with Scottish Ministers. The applicant has confirmed a willingness to reduce the scheme by condition, which removes four turbines for MOD aviation interests and some turbines (potentially up to 4 additional turbines) for nature conservation purposes. However the exact turbines, over and above those to be removed to address the concerns raised by the MOD, remains a matter of judgement by Scottish Ministers pertaining to the final assessment of impacts on the Red Throated Diver and Greenshank.
- 8.31 The reduction in turbine numbers is not anticipated to significantly affect the general design and assessment of turbines spread across the existing Strathy South woodland, which will be felled. The applicant has advised in its opinion that the removal of turbines 35, 36, 41 and 39, as recommended by SNH for landscape and visual reasons, offers no significant change to the assessed impact.



### Landscape Impact (including Wild Land)

- 8.32 The expected impact of the development is highlighted within the ES from the Zone of Theoretical Visibility (ZTV) Fig 9.3, and in combination with other operational and approved wind farms as noted within paragraph 2.8. A total of 16 viewpoints have been assessed at the outset of this project with regard to landscape and visual impact, together with other key receptors including settlements, route-ways etc. Further photomontages and wirelines have been presented for the amended scheme. Information on the development has also been available from other applications and their associated ES's submitted since the Strathy South application was lodged, principally the Strathy Forest application.
- 8.33 The ES Addendum, July 2013, has helped assess the amended scheme on updated landscape designations. The assessment highlights that impact on key designations for example Kyle and Tongue National Scenic Areas are negligible. SNH has agreed with this assessment due to the low visibility from the NSA. In addition, SNH has advised that although there will be substantial impacts on the landscape character of the development site and some neighbouring Landscape Character Types, the proposal is within the capacity of the landscape in which it is located. SNH has also recognised that the wind farm is set back from the coastal road which helps to take the focus away from the more sensitive and complex character of the north coastline.
- 8.34 With regard to the Council's former AGLV's, now Special Landscape Areas (SLAs), the applicant's ES highlights that the only impact of note is in relation to the project as seen from Ben(s) Griam and Loch Nan Clar SLA which has been assessed as being Moderate / Adverse, which is significant. The landscape of this SLA is focused around a trio of prominent, isolated hills - Ben Griam Mòr, Ben Griam Beg and Meall a' Bhùirich. These rise abruptly out of the surrounding sweeping moorland that includes a series of large lochs. It is seen to have a strong sense of remoteness, wildness and space. The citations highlight that the introduction of new structures could impinge on views of the exposed and striking nature of the distinct hills and /or compromise their perceived scale.
- 8.35 With the wind farm site offset 6km from the SLA and being 8km from Ben Griam Beg, SNH has commented that the integrity of the designation will not be impacted, but the design of the scheme needs attention to retain "cohesiveness of the turbine composition". SNH has recommended the removal of turbines 35, 36, 41 and 39 which appear as an outlying group from the summit of Ben Griam Beg and sister hill top Ben Griam Mor. This, SNH advises, would reduce the apparent extent of the development from key viewpoints in the Bens Griam and Loch nan Clar SLA. Removal of these turbines will also reduce the apparent extent of the wind farm from locations along the A836 road, such as VPs 3 and 9 below. In response to the above request the applicant has advised that in their opinion the removal of the four turbines would not make a material difference.
- 8.36 The ES has assessed likely impact on wild land and particularly the Search Area for Wild Land (SAWL) by Ben Loyal. The findings of the LVIA is that the wind farm will have localised significant effects upon components of the SAWL but that in general, significant effects upon the SAWL will not arise. The subsequent Core

Areas of Wild Land (CAWL) as identified by SNH / Scottish Government in emerging policy do not change the assessment findings. SNH agrees with the ES's findings on this matter and have not objected on the basis of wild land.

### Visual Impact

- 8.37 The applicant's ES highlights that the development is set back from local communities (Strathy, Melvich, Bettyhill, Strath Halladale, Strathnaver and Forsinard) and route-ways (A836, B871 and A897). This, together with the undulating topography of the area limits the visual impact from many of the principal receptors in the locality. VP 4, close to the A836 at Strathy highlights visibility of the development at 12.1km to the nearest turbine, but behind the already approved Strathy North development. Further west on the A836 at Borgie (VP 3) the full array of turbines can be seen, with the nearest turbine at 8.4km, particularly to east bound traffic, albeit briefly. The visual impact is assessed within the ES as being Slight – Moderate Adverse, that is to say the impact is not significant. This assessment is not contested.
- 8.38 There would be clear visual impact of this proposal from a number of mountain peaks which occur in the surrounding area including Ben Griam Beg (8.4km), Ben Klibreck, Beinn Ratha and Ben Loyal. However the latter three mountains are at some distance; all are elevated locations (rendering the turbines below the skyline); and this changed view forms a small part of the overall panorama obtained at these locations. The key impacts therefore are expected to arise on the A836 briefly at (VP3) and from a small number of elevated forest tracks/footpaths to the south-east and Ben Griam Beg. The ES highlights the impact of the development from these location would be moderate, which is considered to be significant, with the whole development being visible, albeit in a wider panorama. The ES concludes the impact of the proposals on the visual amenity of the study area when taken as a whole is not considered significantly adverse. This view is not contested.
- 8.39 As noted earlier SNH has suggested that four turbines might be removed (see para 8.36) to tighten the array of turbines as seen from Ben Griam Beg, VP3 (Borgie) and VP9 (Bettyhill). This position is adopted notwithstanding that the impact from both viewpoints is not assessed in the ES to be significantly adverse. The assessment is not contested by SNH.
- 8.40 The ES has also assessed the likely cumulative impact of the development. Cumulative visual impacts are anticipated to particularly arise in conjunction with consented Strathy North and proposed Strathy Wood wind farms. It is important to recognise that significant weight cannot be given to assessed impact arising from the proposed Strathy Wood given that the application remains to be determined. The location where such cumulative impact is likely to arise is identified at CVP1 Ben Griam Beg and CVP 2 from the A836 near Borgie, west of Bettyhill. At all other locations and route receptors assessed for cumulative impact, the assessment of impact is not considered to be significant.
- 8.41 SNH has advised that Strathy South, in combination with Strathy North and Strathy Wood, would significantly extend the presence of turbines in views from the summit and slopes within the Bens Griam and Loch nan Clar SLA. Furthermore from the

Ben(s) Giam, it is the addition of Strathy South in isolation that causes the most significant impact, rather than the cumulative impact with Strathy North. The turbines of Strathy North are partially visually enveloped by, and subsumed into, the larger Strathy South wind farm. In other areas, sequential impacts on routes, particularly the A836, are also likely to be extended by the proposal. These cumulative impacts are broadly reflected within the LVIA findings, which predict that significant impacts would occur at CVP1, Ben Giam Beg, and CVP2, A836 near Borgie.

- 8.42 The cumulative ZTV of North and South Strathy identifies that areas of potential additional visibility of the Strathy South turbines are relatively limited. However, the cumulative impact of the development, including sequential impact, in conjunction with Strathy North and Strathy Wood result in what will be seen as a single large wind farm of considerable extent, particularly along its north-south axis. The variation in turbine height between Strathy South and the consented Strathy North wind farms has the potential to produce adverse impacts arising from visual conflict. However, SNH do not consider that the variation in actual or apparent scale is such that significant adverse impacts will arise.
- 8.43 Whilst the Strathy South turbines in conjunction with Strathy North contribute to an increased visual presence of turbines in the landscape, SNH further advises that it does not consider that they would significantly impact upon the wider appreciation of the Caithness and Sutherland seaboard and hinterland moorland and mountains. However, if Strathy South is consented, in combination with Strathy North and Strathy Wood, this will have a significant influence on the future capacity of the northern seaboard to accommodate further wind energy development.

#### Cultural Heritage

- 8.44 Thirteen sites of cultural heritage significance have been identified within the application site. Additional buried and unrecorded remains of archaeological significance may survive in the area but are considered more likely to occur on land bordering the River Strathy and minor tributaries where known sites are concentrated. Following the changes to the design of the wind farm impact on these interests are considered to be low. A single Scheduled Ancient Monument (SAM), Ben Giam Beg hill fort by Forsinard, is predicted to have some indirect impact from the development. However this has been assessed within the supporting ES to be of low magnitude / significance.
- 8.45 Historic Scotland (HS) has noted the adverse impact on the scheduled monument and considers that this was not of such an order as to warrant our objection to the application. The Council's HET also do not have any significant concerns with the proposed development. It is noted that previous palaeo-environmental studies within the area demonstrate that results from this type of mitigation may well be compromised as a consequence of the forestry. As such this form of mitigation will not be pursued further. The ES recommends a programme of mitigation in the form of a pre-felling survey and targeted watching brief. This has the support of the Council's Archaeologist. The work should be secured by the Council's standard ARC1 condition.

## Forestry

- 8.46 Strathy South Forest is completely surrounded by the Caithness and Sutherland Peatlands SAC and SPA. The Forestry Commission (FC) has advised that the removal of this woodland and the restoration of the site as moorland are seen as having “wider environmental benefit.” Therefore with regard to the Scottish Government’s Woodland Removal Policy this would mean that the proposed woodland removal would not require compensatory planting. A Forest Plan is still recommended by FC as a condition to any consent to address woodland harvesting. SEPA has highlighted, as within other similar proposals including for example Strathy North, that woodland removal should seek to harvest existing timber as far as possible, with mulching / brash disposal on site being undertaken based on genuine ecological grounds and not waste disposal.

## Economic Impact and Tourism

- 8.47 The capital cost of the development is estimated to be approximately £256 million invested in the purchase of plant, equipment and the construction of buildings and other structures. The greatest opportunities for contracts and employment opportunities in the local area are from civil engineering contracts. It is estimated that the on-site construction workforce would total approximately 140 individuals: approximately 21 foresters, 78 civil contractors, 16 turbine contractors, 19 electrical contractors and six project management staff. A significant amount of this work would be open to local tender. The applicant has highlighted its track record of delivering positive economic effects in the Highlands and Islands where it already employs around 2,000 people.
- 8.48 This ES has highlighted the potential impacts relating to recreational and tourism interests within a 30km radius of the proposed site boundary. It has identified a wide range of resources relating to accommodation, tourist routes, access to the countryside, game shooting, fishing, hill walking, surfing and bird-watching. Fishing interests largely relate to the maintenance of water quality concerns which are addressed earlier in this assessment. In overall terms the existing benefits of tourism to the local economy are not expected to be adversely affected as a result of the development.
- 8.49 The majority of Hotels / Inns, Bed and Breakfast and Self-Catering accommodation can be found along the coast, mainly associated with the coastal villages of Tongue, Bettyhill, Strathy and Melvich. These Hotels/ Inns generally serve meals to non-residents as well as residents. There is also a Mountain Bothy at Lochstrathy at the south end of the site, a Youth Hostel in Tongue and caravan and camping sites at Talmine, Tongue, Bettyhill, Melvich, and Reay. These act as a base for tourists exploring the region. The development is not expected to adversely affect these businesses, indeed the reverse is expected as personnel involved with the project are anticipated to require and use these facilities year round.
- 8.50 The ES identifies that during the construction stage of the development there would be a significant impact on the following receptors: -views from Bettyhill Viewpoint, Hill Tracks, Lochstrathy Bothy and from the hills to the south, particularly Ben

Griam Beg that would be used by climbers and walkers. These impacts would remain during the operational phase. Accordingly, there would be locally significant impacts to these recreation and tourism resources. However, it is concluded that impacts upon the wider recreational resource of the study area would not be significant.

- 8.51 The Scottish Rights of Way and Access Society (Scotways) has objected to the development on account of impact to walkers particularly on Track 334. The Council 's Access officer however has raised no objection to the application subject to conditions in respect of maintaining access rights and the continued use of the Lochstrathy Bothy.

#### Noise and other Amenity Considerations

- 8.52 As the development is located away from habitable properties / housing there are few amenity concerns (e.g. noise, shadow flicker and ice throw) with the application other than public safety issues on an area of land with general access rights. There are however cumulative impacts to consider with existing and emerging wind farm projects in this location.
- 8.53 The ES has looked at the effect of cumulative noise from this development, the consented Strathy North wind farm and the proposed Strathy Wood wind farm. Four noise sensitive properties have been identified; Braerathy; Dallangwell; Bowside Cottage & Bowside Lodge. The nearest property to Strathy South is Braerathy at a distance of 3.6km. The noise levels from Strathy South alone are predicted to be very low at Dallangwell and Bowside, down around 20 -22dB. No significant impact is predicted arising from developments on their own or in terms of cumulative noise from the mix of wind farm schemes assessed is expected.
- 8.54 The Strathy South noise assessment also recognises that that there is an understanding that if the development at Strathy Wood goes ahead, the property at Braerathy will not be occupied. The matter however remains uncertain. If Strathy Wood does not go ahead, the predicted maximum levels from Strathy South are 10dB below the maximum predicted levels for Strathy North. Provided this is the case, Strathy South would have a negligible impact in terms of cumulative noise levels. In addition, the two developments are to either side of Braerathy therefore, the maximum levels due to downwind propagation cannot occur for both wind farms at the same time. Environmental Health has recommended restricting the maximum noise levels from Strathy South to 30dB LA90 to maintain this 10dB difference.

#### Aviation Interests

- 8.55 The site is located well away from civilian aviation interests, but falls within the recognised MOD tactical low flying airspace. The removal of 4 turbines would result in the MOD changing their objection to the application and requesting a condition for an appropriate aviation lighting scheme, which can be secured using infra red lighting. The applicant is content for the identified turbines to be removed from the scheme at the request of Scottish Minister's. HIAL have also requested a degree of aviation lighting for civil aviation interests, which can be secured by

condition. The removal of the four turbines and therefore objection would ensure the proposal complies with the Council's Development Plan Policy 67 criteria - Safety of Airport, Defence and Emergency Service Operations.

### Construction Impacts

- 8.56 The applicant has a well established track record on managing construction project associated with wind farms including in this locality at Strathy North wind farm. All such projects are now procured using a Construction and Environmental Management Document (CEMD) approach, the final details of which are approved following appointment of the successful contractor through a procurement exercise. Such an approach is consistent with Council's Policy and in line with joint SNH and SEPA guidance. Key areas of interest relate to woodland removal; working within peatlands; protection of local hydrology – water buffers / local watercourses; habitat enhancement; safeguards for protected species, pre-commencement survey, pollution prevention; waste management; site restoration works, etc. Key consultees have highlighted their requirements which can be set within the Council's standard CEMD planning condition attached to any approval.
- 8.57 The applicant has highlighted its expectation of a 50m tolerance for the micro-siting of infrastructure to allow final positioning to further safeguard environmental features such as deep peat, key habitats at the final design /development stage. Furthermore the applicant has set out provisions for the site to be partly restored following the initial construction phase for example within borrow pits and construction laydown areas etc. and final site restoration on decommissioning. An appropriate level of decommissioning funding can be secured by legal bond through planning condition. Such legal agreement would also address the Council's requirements in respect of Wear and Tear provisions covering the use of the local road network. Such approaches have already been clearly established with the applicant through the Strathy North project.

### Other Material Considerations within Representations

- 8.58 In line with The Highland Council policy and practice, community benefit considerations are undertaken as a separate exercise and generally in parallel to the planning process.
- 8.59 There are no other relevant material factors highlighted within representations for consideration of this application by the committee.

## **9. CONCLUSION**

- 9.1 The Scottish Government gives considerable commitment to renewable energy and encourages planning authorities to support the development of wind farms where they can operate successfully and where concerns can be satisfactorily addressed. The project has the potential to provide considerable renewable energy contributing towards Scottish Government targets. As with all applications the benefits of the proposal must be weighed against potential drawbacks and then considered in the round, particularly against the policies of the Development Plan.

- 9.2 The site falls within an “Area of Search” within the Council’s Supplementary Guidance for onshore wind farm development; the default position set out in the guidance once national and local constraints are identified. Many issues highlighted in the processing of this application, for example in relation to construction traffic and impact on peat and archaeology, can be managed through offered and secured mitigation, the adoption of good construction practices and planning conditions, the latter potentially requiring legal agreement to secure bonds for final site restoration. Objections have not been made to the application by many statutory consultees, subject to appropriate planning conditions being put in place. A number of letters of support for the project have also been received.
- 9.3 There are further benefits arising from the application in addition to the potential generation of renewable energy. In the main these include the economic benefits both in the short term through construction, but also during the operational stage. A further significant benefit to the area is the potential removal of the existing commercial non native woodland within the Strathy South plantation, with the land then being actively managed to return to open moorland, with positive blanket bog and heathland restoration activity. This change to the landscape as well as the resource is seen to be a valued outcome from the development, in line with Scottish Government woodland policy.
- 9.4 However, the application has attracted 184 public representations against the proposal and significantly objections from several consultees of the Scottish Government including two Community Councils adjacent to the Community Council area in which the development is located, the MOD, SNH, SWT, RSPB and local Fisheries Board. With regard to both the concerns raised by the MOD and Fisheries Board it is anticipated that two objections could be addressed by the removal of 4 turbines and appropriate water quality safeguards to the River Strathy to safeguard salmon and sea trout interests. On both matters the applicant is content to comply with conditions that secure these provisions. Considerable mitigation has also been secured to safeguard the interests of many protected species and habitats that prevail in the area.
- 9.5 With regard to the nature conservation interests of the Caithness and Sutherland Peatlands all parties with an interest in these matters have considerable knowledge and expertise. The Council, like Scottish Ministers, rely upon SNH to provide it with commentary to allow the Planning Authority determine its position. It is clear with this application that substantial assessment has been undertaken, generally within the advice and parameters set by SNH. The 2013 addendum has enabled SNH to remove its concerns on many key issues. However a final agreed position has not yet been reached and further discussion continues. For the avoidance of doubt SSE is content to remove four additional turbines to those identified by the MOD as requested by SNH for nature conservation purposes (turbine numbers 51, 52, 62 and 63).
- 9.6 Two outstanding matters pertaining to two bird species remain, both of which seem to come down to a matter of judgement of the assessment undertaken to demonstrate “no adverse effect” on the SPA beyond reasonable doubt. Further mitigation may yet be committed to by the applicant. There is ongoing discussion to broker an agreed position however it will ultimately be Scottish Ministers who

determine the outcome as part of the required appropriate assessment to be undertaken by the decision-maker. The objection by SNH highlights that the application would be in conflict with the policies of the Council's Development Plan including Policy 57 and Policy 67. However, the application does seem to offer the potential of returning a large area of non native woodland back to open moorland which offers significant mitigation for the Council to consider in favour of the application for landscape and nature conservation interests. This would then leave Scottish Government to finally determine the proposal in respect of the final areas of dispute between SNH and the applicant.

- 9.7 It is clear that the current application offering 47 turbines is unlikely to proceed as applied for. The MOD and applicant are content that 4 turbines are removed from the scheme. The impact of this 4 turbine change is not considered to affect the overall assessment of the project in landscape and or visual terms. Similarly the change to accommodate a further loss of 4 turbines, for nature conservation reasons, would not substantially amend the assessment of the project in landscape and or visual terms.
- 9.8 The application has been assessed in landscape and visual terms from many receptors. Given its rather isolated location, set back from the northern coastline and in combination with other approved wind farm projects, particularly Strathy North, the application is regarded as one that is acceptable. This stance also recognises the turbine reductions as required for MOD interests (4 turbines) and additionally nature conservation interests (additional 4 turbines). A further reduction of four turbines has also been highlighted through the assessment, but not supported by the applicant, to tighten the design as viewed from Ben Griam Beg, which falls within a SLA designation, Viewpoint 3, Borgie and Viewpoint 9, Bettyhill. The design however of the proposed turbine layout, including the identified turbines (see para 8.36) was not considered to be significantly adverse. The removal of these additional turbines as highlighted by SNH for LVIA purposes is not considered necessary.
- 9.9 There are some significant adverse impacts to taken into account with the application, but the development is also considered to be acceptable on many of the specific criteria set out in the Development Plan. The impact of the project is also reversible in that permission is being sought for a period of 25 years after which time the infrastructure can be removed and the site largely restored to open moorland. The removal of over 1,000ha of non native woodland and significant peat land restoration is seen as a significant benefit. The application is one that can be seen as being located and sited such that it will not be significantly detrimental overall, either individually or cumulatively with other operational onshore wind farms. The application, with the exception of the matters highlighted above (SNH objection re the SPA on two bird species) is one which is seen to otherwise accord with the policies of the Council's Development Plan. The application is therefore one which on a planning balance basis should be supported.



## 10. RECOMMENDATION

- 10.1 It is recommended that the Council **raise no objection** to the application. This is on the understanding that the changes advanced by the applicant are secured to exclude turbines 51, 52, 62, 63, 68, 73, 74 and 76 together with associated access tracks, and that the only the eastern-most access road option across the River Strathy is deployed. Should the application ultimately be approved by Scottish Ministers it should be subject to a number of planning conditions as presented below.

### CONDITIONS

- 1 This planning permission shall expire and cease to have effect after a period of 30 years from the date when electricity is first exported from any of the approved wind turbines to the electricity grid network (the "First Export Date"). Upon the expiration of a period of 25 years from the First Export Date, the wind turbines shall be decommissioned and removed from the site, with decommissioning and restoration works undertaken in accordance with the terms of condition 3 of this permission. Written confirmation of the First Export Date shall be submitted in writing to the Planning Authority within one month of the First Export Date.

**Reason:** - Wind turbines have a projected lifespan of 25 years, after which their condition is likely to be such that they require to be replaced, both in terms of technical and environmental considerations. This limited consent period also enables a review and, if required, reassessment to be made of the environmental impacts of the development and the success, or otherwise, of noise impact, species protection, habitat management and mitigation measures. The 30 year cessation date allows for a 5 year period to complete commissioning and site restoration work.

- 2 No development shall commence until a draft Decommissioning and Restoration Plan (DRP) for the site has been submitted to, and approved in writing by, the Planning Authority in consultation with SNH and SEPA. Thereafter:
- I. No later than 3 years prior to the decommissioning of the development, the draft DRP shall be reviewed by the Wind Farm Operator and a copy submitted to the Planning Authority for their written approval, in consultation with SNH and SEPA; and
  - II. No later than 12 months prior to the decommissioning of the development, a detailed DRP, based upon the principles of the approved draft plan, shall be submitted to, and approved in writing by, the Planning Authority, in consultation with SNH and SEPA.

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

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

- 3 No development shall commence until section 69 Agreement Local Government (Scotland) Act 1973 is in place to provide a financial guarantee with the Highland Council to secure the proper de-commissioning of the wind farm and site reinstatement as set out within the approved draft Decommissioning and Restoration Plan required under Condition 3 above.

**Reason:** - To ensure the necessary finances are secured to guarantee site restoration.

- 4 The Wind Farm Operator shall, at all times after the First Export Date, record information regarding the monthly supply of electricity to the national grid from each turbine within the development and retain the information for a period of at least 24 months. The information shall be made available to the Planning Authority within one month of any request by them. In the event that:

- I. any wind turbine installed and commissioned fails to supply electricity on a commercial basis to the grid for a continuous period of 6 months, then the wind turbine in question shall be deemed to have ceased to be required. Under such circumstances, the wind turbine, along with any ancillary equipment, fixtures and fittings not required in connection with retained turbines, shall, within 3 months of the end of the said continuous 6 month period, be dismantled and removed from the site and the surrounding land fully reinstated in accordance with this condition; or
- II. the wind farm fails to supply electricity on a commercial basis to the grid from 50% or more of the wind turbines installed and commissioned and for a continuous period of 12 months, then the Wind Farm Operator must notify the Planning Authority in writing immediately. Thereafter, the Planning Authority may direct in writing that the wind farm shall be decommissioned and the application site reinstated in accordance with this condition. For the avoidance of doubt, in making a direction under this condition, the Planning Authority shall have due regard to the circumstances surrounding the failure to generate and shall only do so following discussion with the Wind Farm Operator and such other parties as they consider appropriate.

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

**Reason:** To ensure that any redundant or non-functional wind turbines removed from site, in the interests of safety, amenity and environmental protection.

- 5 No development shall commence until full details of the proposed wind turbines have been submitted to, and approved in writing by, the Planning Authority. These details shall include:
- I. The make, model, design, power rating and sound power levels of the turbines to be used; and
  - II. The external colour and/or finish of the turbines to be used (incl. towers, nacelles and blades) which should be non-reflective pale grey semi-matt.

Thereafter, development shall progress in accordance with these approved details and, with reference to part ii above, the turbines shall be maintained in the approved colour, free from external rust, staining or discolouration, until such time as the wind farm is decommissioned. For the avoidance of doubt, all wind turbine blades shall rotate in the same direction.

**Reason:** To ensure that the turbines chosen are suitable in terms of visual, landscape, noise and environmental impact considerations.

- 6 Unless otherwise agreed in writing by the Planning Authority, all of the wind turbine transformers shall be located within the tower of the wind turbine to which they relate. Agreement for external transforms will only be given if the developer can, through detailed design work and additional landscape and visual impact assessment, demonstrate, to the satisfaction of the Planning Authority, that they would not adversely affect the character, integrity or general amenity of the application site and its setting.

**Reason:** To ensure ancillary elements of the development, such as external transformers, are only permissible if, following additional design and LVIA work, are demonstrated to be acceptable in terms of visual, landscape and other environmental impact considerations.

- 7 No development shall commence until full details of the final location, layout, external appearance, dimensions and surface materials of all control buildings, welfare facilities, compounds and parking areas, as well as any fencing, walls, paths and any other ancillary elements of the development, have been submitted to, and approved in writing by, the Planning Authority (in consultation with SEPA and SNH, as necessary). Thereafter, development shall progress in accordance with these approved details. For the avoidance of doubt the deployment of peat bunds for screening of buildings / equipment is not permitted.

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

- 8 Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended), and unless there is a demonstrable health and safety or operational reason, none of the wind turbines, anemometers, power performance masts, switching stations or transformer

buildings/enclosures, ancillary buildings or above ground fixed plant shall display any name, logo, sign or other advertisement without express advertisement consent having been granted on application to the Planning Authority.

**Reason:** To ensure that the turbines are not used for advertising, in the interests of visual amenity.

9 No development shall commence until a scheme of aviation lighting is submitted to, and approved in writing by, the Planning Authority after consultation with the Ministry of Defence. Thereafter the approved scheme of aviation lighting shall be fully implemented on site. The Company shall provide both the Ministry of Defence and the Defence Geographic Centre (AIS Information Centre) with a statement, copied to the Planning Authority and Highland and Islands Airports Limited, containing the following information:

- I. the date of commencement of the Development;
- II. the exact position of the wind turbine towers in latitude and longitude;
- III. a description of all structures over 300 feet high;
- IV. the maximum extension height of all construction equipment;
- V. the height above ground level of the tallest structure; and
- VI. detail of an infra red aviation lighting scheme as agreed with aviation interests and the Planning Authority to include: -

- I. turbines at the cardinal points should be fitted with 25 candela omnidirectional red lighting and infra red lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point.
- II. remaining perimeter turbines should be fitted with infra red lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point.

**Reason:** -To ensure that the erected turbines present no air safety risk and in a manner that is acceptable to local visual impact considerations.

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

**Reason:** To assist with the provision of mitigation measures to minimise the potential hazard to road users, including pedestrians travelling on the road networks.

- 11 Prior to commencement of deliveries to site, the proposed route for any abnormal loads on the trunk road / local network must be approved by the relevant roads authority prior to the movement of any abnormal load. Any accommodation measures required including the removal of street furniture, junction widening, traffic management must similarly be approved.

**Reason:** - To minimise interference and maintain the safety and free flow of traffic on the Trunk / Local Road Network as a result of the traffic moving to and from the development.

- 12 During the delivery period of the wind turbine construction materials any additional signing or temporary traffic control measures deemed necessary due to the size or length of any loads being delivered or removed must be undertaken by a recognised QA traffic management consultant, to be approved by Transport Scotland / Highland Council before delivery commences.

**Reason:** - To ensure that the transportation will not have any detrimental effect on the road and structures along the route.

- 13 Prior to the commencement of development, an updated traffic impact statement must be submitted to the Planning Authority for final approval in consultation with the Roads Authority. Where departures are proposed from the initial traffic impact assessment, these must be supported with an agreed pre construction survey assessment and appropriate mitigation to safeguard the integrity of the local road network including as necessary the prior provision of “wear and tear” agreement / financial bond.

**Reason:** To ensure that all construction traffic will not have any detrimental effect on the road and structures to be used within the construction of the development.

- 14 No development shall commence until an Access Management Plan (ACP) is submitted for the approval of the Planning Authority to detail: -

- I. how construction traffic will be managed to ensure general access to the countryside will be sustained / improved during the construction period.
- II. Permanent site signage and access control (gates) etc. to facilitate public access provision including walkers, cyclists and by horse during the operation of the development when the wind farm tracks are available for public access.

The approved plan will then be implemented on an agreed timetable.

**Reason:** - To ensure public access to the countryside is not unnecessarily impeded as a result of this development, including during its construction.

15 No development shall commence until a finalised Construction Environmental Management Document is submitted to and agreed in writing by the Planning Authority in consultation with SNH and SEPA. The document shall include:

- An updated Schedule of Mitigation (SM) including mitigation proposed in support of the application and supported by statutory agencies and other agreed mitigation as set out within conditions. These may include matters which extend well beyond the construction phase of the project and the application site.
- Processes to control / action changes from the agreed Schedule of Mitigation.
- The following specific Construction and Environmental Management Plans (CEMP):
  - i. Peat Management Plan – to include details of all peat stripping, excavation, storage and reuse of material in accordance with best practice advice published by SEPA and SNH. This should for example highlight how sensitive peat areas are to be marked out on-site to prevent any vehicle causing inadvertent damage.
  - ii. Management of Geo-technical Risks including provision of a completed Peat Landslide Risk Assessment
  - iii. Water Management Plan - highlighting drainage provisions including monitoring / maintenance regimes, deployment of water- crossings using bottomless culverts, surface water drainage management (SUDs) and development buffers from watercourses (50m), water features (20m) and identified groundwater dependent terrestrial ecosystems.
  - iv. Pollution Prevention Plan.
  - v. Site Waste Management Plan.
  - vi. Spoil Heap Plan addressing storage, re use and removal of spoil.
  - vii. Working methods for Cable laying
  - viii. Construction Noise Mitigation Plan.
  - ix. Species Protection Plan for otter, wildcat, Atlantic salmon, fresh pearl mussels, pine martin, water vole, protected / breeding birds and groundwater dependent terrestrial ecosystems (GWDTEs) including details of pre-commencement surveys and development of buffer areas to prevent encroachment on protected species and valued habitat.
  - x. Site Landscaping and Restoration Plan highlighting measures to ensure grazing animals including deer do not damage restored and reinstated ground.
  - xi. Habitat Management Plan to highlight positive enhancement of priority habitat and peatland including the effective monitoring and reporting post construction. This plan should include a Deer Management Plan addressing deer numbers on site, construction displacement, the potential for the wind farm to create new sources of food, the impacts this may have and how this will be monitored and managed over time. It should also take into account the potentially competing objectives of any other objectives for the site (eg habitat restoration), and seek the optimum outcome for both.

- xii. Woodland Plan highlighting the extent and type of felling works to be undertaken and the details of compensatory habitat management to be undertaken throughout the operation of the wind farm. This plan should seek to maximise extraction of timber.
- Details of the appointment of an appropriately qualified Environmental Clerk of Works with roles and responsibilities which shall include but not necessarily be limited to:
  - i. Providing training to the developer and contractors on their responsibilities to ensure that work is carried out in strict accordance with environmental protection requirements;
  - ii. Monitoring compliance with all environmental and nature conservation mitigation works and working practices approved under this consent;
  - iii. Advising the developer on adequate protection for environmental and nature conservation interests within, and adjacent to, the application site;
  - iv. Directing the placement of the development (including any micro-siting, as permitted by the terms of this consent) and the avoidance of sensitive features; and
  - v. The power to call a halt to development on site where environmental considerations warrant such action.
- Details of any other methods of monitoring, auditing, reporting and communication of environmental management on site and with the client, Planning Authority and other relevant parties.
- Statement of any additional persons responsible for 'stopping the job / activity' if in potential breach of a mitigation or legislation occurs.

Unless otherwise agreed in writing by the Planning Authority the development shall proceed in accordance with the agreed document / mitigation.

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

- 16 Prior to the commencement of development, a programme of work for the evaluation, preservation and recording of any archaeological and historic features affected by the proposed development, including a timetable for investigation, all in accordance with the attached specification, shall be submitted to and agreed in writing by the Planning Authority. The agreed proposals shall be implemented in accordance with the agreed timetable for investigation.

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

- 17 The rating level of noise immissions from the combined effects of the wind turbines (including the application of any tonal penalty) when determined in accordance with the attached Guidance Notes (to this condition), shall not exceed the values for the

relevant integer wind speed set out in, or derived from, the tables attached to these conditions at any dwelling which is lawfully existing or has planning permission at the date of this permission and:

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

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

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

d) The assessment of the rating level of noise immissions shall be undertaken in accordance with an assessment protocol that shall previously have been submitted to and approved in writing by the Local Planning Authority. The protocol shall include the proposed measurement location identified in accordance with the Guidance Notes 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 during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Local Planning Authority under paragraph (c), and such others as the independent consultant considers likely to result in a breach of the noise limits.

e) Where a dwelling to which a complaint is related is not listed in the tables attached to these conditions, the wind farm operator shall submit to the Local Planning Authority for written approval proposed noise limits selected from those listed in the Tables to be adopted at the complainant's dwelling for compliance checking purposes. The proposed noise limits are to be those limits selected from the Tables specified for a listed location which the independent consultant





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

Property	Easting	Northing
Braerathy Lodge	282307	956157

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

## **Guidance Notes for Wind Farm Noise Conditions**

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

### **Guidance Note 1**

(a) Values of the LA90,10 minute noise statistic should be measured at the complainant’s property, using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated in accordance with the procedure specified in BS 4142: 1997 (or the equivalent UK adopted standard in force at the time of the measurements). Measurements shall be undertaken in such a manner to enable a tonal penalty to be applied in accordance with Guidance Note 3.

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

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

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

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

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

## **Guidance Note 2**

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

(b) Valid data points are those measured in the conditions specified in the agreed written protocol under paragraph (d) of the noise condition, but excluding any periods of rainfall measured in the vicinity of the sound level meter. Rainfall shall be assessed by use of a rain gauge that shall log the occurrence of rainfall in each 10 minute period concurrent with the measurement periods set out in Guidance Note 1. In specifying such conditions the Local 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 wind speed, as derived from the standardised ten 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 standardised mean

wind speed on the X-axis. A least squares, “best fit” curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) should be fitted to the data points and define the wind farm noise level at each integer speed.

### **Guidance Note 3**

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

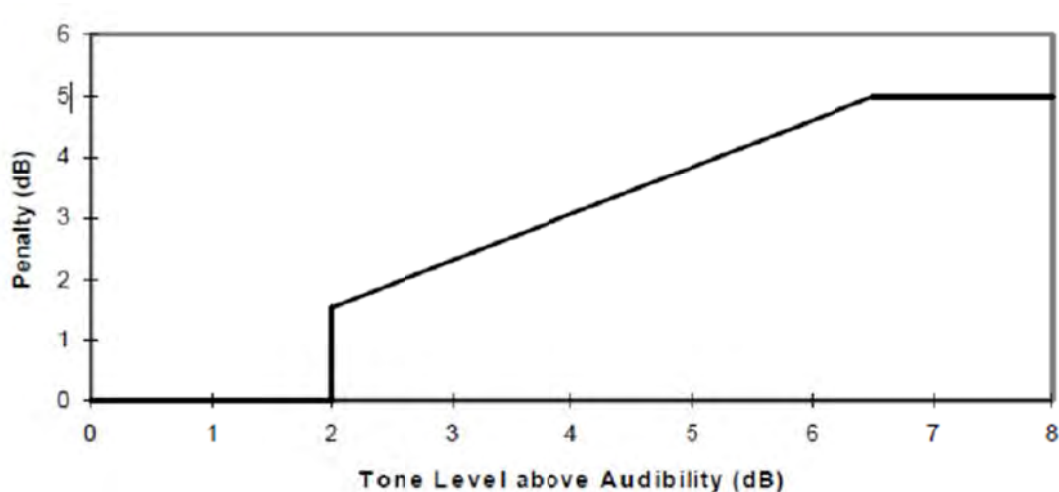
(b) For each 10 minute interval for which LA90,10 minute data have been determined as valid in accordance with Guidance Note 2 a tonal assessment shall be performed on noise immissions during 2 minutes of each 10 minute period. The 2 minute periods should be spaced at 10 minute intervals provided that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

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

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

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

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



#### Guidance Note 4

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

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

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

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

(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 Local Planning Authority in its written request under paragraph (c) and the approved protocol under paragraph (d) of the noise condition.

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

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

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

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

## **FOOTNOTE TO APPLICANT**

### **Initiation and Completion Notices**

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

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

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

### **Accordance with Approved Plans & Conditions**

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

### **Flood Risk**

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (p.198), planning permission does not remove the liability position of developers or owners in relation to flood risk.

### **Septic Tanks & Soakaways**

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

## **Local Roads Authority Consent**

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

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

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

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

<http://www.highland.gov.uk/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupation.htm>

## **Mud & Debris on Road**

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

Signature: Malcolm MacLeod

Designation: Head of Planning and Building Standards

Author: Ken McCorquodale, Principal Planner

Background Papers: Documents referred to in report and in case file 07/00263/S36SU.

Appendix – Letters of Representation for application 07/00263/S36SU

## **OBJECTORS**

1. Mrs S Dickson, 24 Silverburn Road, Bridge Of Don, Aberdeen, AB22 8RU,
2. Mr James Grant, The Old Schoolhouse, Mulchiach, Conon Bridge, IV7 8HX,
3. Tony Draper Rickards, Schoolhouse, Bultach, Latheron, KW5 6DU,
4. George Herraghty, Lothlorien, Lhanbryde, Elgin, IV30 8LD,
5. Ian Knott,
6. Mr Graham Thompson, Ardachadh, Forsinard, KW13 6YT, ,
7. Mr James Hilder,
8. Claire Foot, 25 Upper Bighouse, Forsinard, Sutherland, KW13 6YU, ,



9. Mr Garry Stagg, Blairinraish East, Tulliemet, PITLOCHRY, PH9 0PA, ,
10. Mr Paul Stagg, 25 Upper Bighouse, , Forsinard, , Sutherland,, KW13 6YU, ,
11. Miss S J Beck, 3 Back Street, Hilton Of Cadboll, Tain, IV20 1XB, ,
12. Mrs Sally Mackintosh, 1 Inveran, Invershin, IV27 4EY,
13. Ms Anna Widmanska, ,
14. Robert Swann, 14 St.Vincent Road, Tain, Ross-shire, IV19 1JR, ,
15. Gordon Shaw, 2 Greentree Drive, Glasgow, G69 7UW,
16. Mr Michael Upton, 10 Lithgow Place, Denny, FK6 5BF,
17. Mr Steve Lonsdale, 31 Caroline Close, Alvaston, Derby, DE24 0QX,
18. Mr W Ian Frost, 9 Comiston Springs Avenue, Edinburgh, EH10 6NT,
19. Mr Chris Urmson, 13 Bowmans View, Newmills Road, Dalkeith, EH22 1EZ, ,
20. Ms Janet Bell, 14 Rose Park, Peebles, EH45 8HP,
21. Mr John Chester, Millers Cottage, Isle Of Eigg, Small Isles, PH42 4RL,
22. Ms Margaret Harrison, 2 Station House, High Manuel, Linlithgow, EH49 6LQ,
23. Mrs Mary Clegg, The Coach House, Merton Lodge, Newton Stewart, DG8 6QL,
24. Mrs E J Richards, 2 Croft Road, Kiltarlity, Beauly, Inverness-shire, IV4 7HZ,
25. R\_J Doake, 15 Blackford Hill View, Edinburgh, EH9 3HD,
26. Mr Andrew Sandeman, Sandeman, 4 Kinghorn Place, Edinburgh, EH6 4BN,
27. Mr Guy Johnson, 20 Findhorn Place, Edinburgh, EH9 2JP,
28. Ms Margaret Mccolgan, 47 Murrayfield, Bishopbriggs, G64 3DS,
29. Mr IR Marshall, 12 Finlay Rise, Milngavie, Glasgow, G62 6EQ,
30. Ms Sophia Hale-Sutton, 3 Roseburn Drive, Flat 1F2, Edinburgh, EH12 5NR,
31. Dr St Clair S Taylor, 7 Glenorchy Terrace, Edinburgh, EH9 2DQ,
32. Ms Leslie Fortune, 13 Drumblane Strand, Kirkcudbright, DG6 4EX,
33. J Robertson, "Libister", Harray, Orkney, KW17 2JR,
34. Ms Margaret H Dunn, Greenside, Whiting Bay, Isle Of Arran, KA27 8QL,
35. Ms Sheila D Stuart, 7/6 Perdrischroune, 82 Colinton Rd, Edinburgh, EH14 1AF,
36. Mr Nick Hook, ,
37. Mrs Hilary MacBean, Charlestown House, Carlestown Road, Aboyne
38. Mr Graham Maples, 7 Manor Gardens, Woodchester, Stroud, Glos, GL5 5PY,
39. Mr & Mrs Cripps, 9 Grindal Drive, Grange Park, Swindon, Wiltshire, SN5 6HD, ,
40. Ms Terri Cunningham, Hartshill Cottage, Dalhalvaig, Sutherland, KW13 6YT, ,
41. Mr George Binns, 21 Barnfield Close, Hastings, East Sussex, TN34 1TS,
42. Mr Alexander John Urquhart CEng.MIET MInstMC, 4 High Gill Rd., Nunthorpe
43. Ann Bertall And Mary Soyka, Bridgend Cottage, 454 Dornoch, IV25 3JG, ,
44. Paul & Jenny Butterworth, 124 Newlands, Bettyhill, By Thurso, KW14 7SR,
45. Gary & Abigail Rhodes, 78 Dalcharn, Tongue, Lairg, Sutherland, IV27 4XU,
46. J Bryan Nelson, Mine House, Auchencairn, Castle Douglas, DG7 1RL,
47. Mr Anthony Baker, 4 Leathern Place, Erskine, Renfrewshire, PA8 6AA,
48. Dr M V Bell, 48 Newton Crescent, Dunblane, Perthshire, FK15 0DZ,
49. Mr Jeremy Hopkins, Woodlands Croft, Fowlershill, Dyce, Aberdeenshire
50. Miss Diane Houston Andrews, 27 Morlich Dourt, Dalgety Bay, Fife, KY11 9XU,
51. Mr Jack Paterson, Flat 19, 2 Merlin Avenue, Edinburgh, EH5 1FS,
52. Samuel Watson, ,
53. Dr David W Gregory, 15, Westhill Grange, WESTHILL, Aberdeenshire, AB32 6QJ, ,
54. David W Raistrick,
55. Michael Gray, Michael Gray, Fairfield, 2C Hillcrest Park, Exeter, EX4 4SH,
56. Mr Phil Hawes, 9 Fieldfare View, Dunfermline, Fife, KY11 8FY,
57. Mr Andrew Budd, 40 Tavistock Avenue, Ampthill, Bedford, MK45 2RY,
58. John Stuart, 16 Lansdowne Crescent, Glasgow, G20 6NQ, ,

59. Mr Andrew Vivers, Arniefouol, Glamis, Forfar, DD8 1UD,
60. Denise Lloyd & Peter Batten, ,
61. Mr And Mrs Russell, 58 Longfield Road, Tring, Herts , HP23 4DF, ,
62. Janice Duncan, Edale, 9 Hillfield Road, Chalfont St Peter, Gerrards Cross, Bucks
63. David And Judith Roseblade, ,
64. Mrs Janice Scott, The Old Chapel, Padside, Harrogate, North Yorkshire, HG3 4AL, ,
65. Mr Ian Loudon, Runnington Farm Cottage, Wellington, Somerset,
66. Mrs Theresa Thompson, Ardachadh, Forsinard, KW13 6YT,
67. Mr Kevin Lee, Seafield, Lednagullin, Armadale, KW14 7SA, ,
68. Tom Delaney, 7 Wadingburn Lane, Lasswade , Midlothian, EH18 1HG, ,
69. Donald And Alison Omand, ,
70. John L M Garrett, 13 Spinnaker Close, Isle Of Wight , PO31 7 FJ,
71. Rosemary Brown, Radfall Court , Radfall Road, Whitstable, Kent , CT5 3EN,
72. Charles Macpherson, 6 Queens Road, Scone , Perth, PH2 6QJ,
73. Mrs R Rickard, 38 Maes Gerddi, Porthmadog, Gwynedd,
74. Mrs Gillian Mackenzie, Braeriach, 24 Woodstock Drive, Worsley, Manchester, M28
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