

Agenda Item	6.4
Report No	PLN/039/20

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 20 October 2020

Report Title: 20/01905/S36: Infinergy Limited
Land 3080M West of Shepherds Cottage, Shebster, Thurso

Report By: Acting Head of Development Management – Highland

1. Purpose/Executive Summary

- 1.1 **Description:** Limekiln Extension Wind Farm - Erection and Operation of a Wind Farm for a period of 30 years, comprising of 5 Wind Turbines with a maximum blade tip height 149.9m, with access tracks, hardstanding areas, substation, battery storage facility, control building compound, borrow pits and cabling
- 1.2

Ward: 02 – Thurso and North West Caithness

Development category: Major Development

Reason referred to Committee: Major Development and Community Council Objection.

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

2. Recommendations

- 2.1 Members are asked to agree the recommendation to Conditionally Raise No Objection to the application as set out in section 11 of the report.

3. PROPOSED DEVELOPMENT

- 3.1 The Highland Council has been consulted by the Scottish Government's Energy Consents Unit (ECU) on an application made under Section 36 of the Electricity Act 1989 (as amended) for erection and Operation of a Wind Farm for a period of 30 years, comprising of 5 Wind Turbines with a maximum blade tip height 149.9m, with access tracks, hardstanding areas, substation, battery storage facility, control building compound, borrow pits and cabling. The proposal has the capacity to generate up to 21MW. This extension is in addition to the consented development of 21 Wind Turbines which are between 126 m and 139 m to tip.
- 3.2 The proposed development would be an extension of the Limekiln Wind Farm which was consented by Scottish Ministers in June 2019. While this extension alone would be less than the 50MW which would require determination by Scottish Ministers under the Electricity Act, the applicant has followed the provisions of Section 36 Part 9 which outlines what would constitute an extension of a generating station "which includes the use by the person operating the station of any land (wherever situated) for a purpose directly related to the generation of electricity by that station and "extend" shall be construed accordingly." What this means is that if the applicant has submitted an application under the provisions of the Town and Country Planning (Scotland) Act 1997 (As Amended) it would subsequently be required to submit an application for consent under the Electricity Act 1989 as the combined capacity of the consented scheme and the proposed extension would exceed 50MW.
- 3.3 The development comprises a development of turbines as referred to in the Environmental Impact Assessment Report (EIAR). Key elements of the development as assessed within its supporting EIAR highlight:
- 5 wind turbines of 149.9m to blade tip (capable of generating up to 4.2MW each);
 - Crane hardstanding at each turbine base area of 1,800m²;
 - Approximately 3.2km of new on-site access track and turning points with six associated watercourse crossings;
 - A wind farm control building (shared with the consented wind farm);
 - Substation and substation compound (shared with the consented wind farm);
 - temporary site construction compound and laydown area (shared with the consented wind farm);
 - Underground cabling linking the turbines with the substation;
 - 2 borrow pits, one of which already has permission through the approved development; and
 - Energy Storage, likely to comprise of lithium ion batteries housed in either standard ISO containers, associated heating, ventilation and air conditioning, paired power conversion systems and associated landscaping.
- 3.4 The applicant held two public exhibitions to seek the views of the local community. These were held at Reay Village Hal in November 2019. The applicant also had an online consultation website, a freephone telephone line to discuss the proposals with the design team and issued newsletters to residents and businesses within 10km of the site.

- 3.5 The applicant has stated that the access will be via the A836, with an access being taken from an upgraded forestry access to the east of Reay.
- 3.6 The applicant has requested a micro-siting allowance of 50m for all tracks and turbines locations to accommodate unknown ground conditions, whilst also maintaining environmental buffers (e.g. set back from water courses, known archaeology, etc.). The final design of the turbines (colours and finish), aviation lighting, substation and control buildings/compounds/ancillary electrical equipment, landscaping and fencing etc. are expected to be agreed with the Planning Authority, by condition, at the time of project procurement. Whilst typical drawings for these elements are set out in the application, turbine manufacturers regularly update designs that are available, thereby necessitating the need for some flexibility on the approved design details.
- 3.7 The application is supported by an Environmental Impact Assessment Report (EIAR) which contains chapters on Planning Policy; Climate Change; Socio-Economics; Traffic and Transport; Noise; Landscape and Visual Impacts; Cultural Heritage; Ecology; Ornithology; Hydrology and Hydrogeology; Shadow Flicker and Safety; Infrastructure; and Forestry. The application is also accompanied by a Pre-Application Consultation Report and a Planning Statement.
- 3.8 The wind farm has an expected operational life of 30 years. Following this the applicant has advised that a decision will be made as to whether to re-power the site. If the decision is made to decommission the wind farm, the applicant advises that all turbine components, transformers, substation and associated buildings and infrastructure will be removed. Foundations would remain on site; the exposed concrete plinth would be removed to a depth of 0.5m below the surface. Cables would be cut away below ground level and sealed. It has not stated whether the tracks would remain in place. The applicant acknowledges that these matters will not be confirmed until the time of the submission of the decommissioning and restoration plan.
- 3.9 The applicant anticipates that the wind farm construction period will last 18 months. If consenting processes for this wind farm allow it is understood that the applicant would seek to construct the proposed development and the consented scheme concurrently. This 18 month period of time will include commencement on site through to site commissioning and testing. The applicant has stated it will utilise a Construction Environment Management Document throughout the construction period. This would require to be approved by the Council, in consultation with relevant statutory bodies before the start of development.
- 3.10 The applicant utilised the Council's Pre-Application Advice Service for major developments during which the applicant presented a 10 wind turbine proposal. A summary of the advice provided is below:
- Whilst the Council is supportive of renewable energy developments in principle, this must be balanced against the environmental impact of development. It is considered that this proposal has certain positive aspects.*

The major challenge for the proposal is the likely landscape and visual impact. Whilst the consented scheme was considered to be appropriate, there are some significant concerns regarding the extension, in particular the visual impact experienced by residents, road users and active travel users of the North Coast 500.

It is recognised that the impact on the settlement of Reay has been limited by the location of the turbines to the east of the consented scheme. This location of the turbines would however have a greater impact on the residents around Shebster.

The Reporter for the consented "Limekiln 2" set out that this was the least sensitive of the Landscape Character Types as identified in the Onshore Wind Energy Guidance. The Council are of the view that while it has the lowest score in that regard it is still a sensitive landscape. Careful consideration would need to be given to the layout, scale and height of any turbines which would form part of an extension to the consented scheme.

Further, there is concern that turbines of this scale would be out of keeping with the existing pattern of onshore wind energy development based on the proposals submitted to the Planning Authority. In addition there are concerns regarding the cumulative impact with Baillie Wind Farm.

There is also potentially an impact on with qualities of the wild land areas as the turbines would take up a larger horizontal envelope than the consented scheme when view from particular viewpoints. All of the above matters need to be thoroughly assessed and mitigation identified through the design process.

Notwithstanding the above, and as advised during the meeting, you must consider the provisions of the Electricity Act 1989 (As Amended) in relation to extensions to generating stations. We are happy to enter discussions with you on this matter alongside the Scottish Government's Energy Consents Unit, however we must be confident that the correct route to determination is followed.

Based on the submitted information, the information presented at the meeting and the follow up information it is unlikely that the Council would be in a position to support the proposed extension.

- 3.11 While no variations have been made during the course of the application, the applicant has submitted information to clarify methodology of the landscape and visual impact assessment to the Planning Authority. Further, a response clarifying matters related to ornithology has been submitted to the Energy Consents Unit.

4. SITE DESCRIPTION

- 4.1 approx. Site area 549.64 ha

- 4.2 The wind farm site extends to approximately 549.64ha with the built development occupying 13.685ha. The turbines which form the development are set within an area of commercial forestry on a slightly undulating area of ground between Creag Bheag (114m Above Ordnance Datum (AOD)) in the north and Cnoc na Claise Brice (197AOD) in the south. The ground on which the turbines sit varies between approximately 70m in height and 110m in height above ordnance datum (AOD).

- 4.3 The proposal utilises infrastructure from the consented wind farm, including the substation, substation compound, control building and access. The consented wind farm lies approximately 750m to the west of the proposed extension.
- 4.4 The site is located approximately 1.55km south of Reay, 12.3km west of Thurso. Small housing groups in this area include those at Isauld (1.6km) and Fresgoe (3.3km). The immediate area to the south and west of the turbine envelope is sparsely populated.
- 4.5 The site is not within any areas designated as important for natural heritage but there are a number of sites within a 20km radius study area of the site: including the following:

Special Areas of Conservation

- Caithness and Sutherland Peatlands
- Broubster Leans

Special Protection Areas

- Caithness and Sutherland Peatlands
- Caithness Lochs
- North Caithness Cliffs

Sites of Special Scientific Interest

- East Haladale
- Sandside Bay
- Loch Caluim Flows
- Broubster Leans
- Red Point Coast
- Caithness and Sutherland Peatlands.

- 4.6 A number of archaeological records exist within and in proximity of the site. The applicant has considered that due to presence of known archaeology in the area the area of the application site has potential for further finds.
- 4.7 There are a total of 18 Scheduled Monuments within 5km of the site. There are three listed buildings within 5km of the site, these include Sandside House, Sandside Harbour and Reay Parish Church.
- 4.8 A number of watercourses are present within the development site. The Reay Burn drains the western part of the site and the Achvarasdal Burn drains the eastern part of the site. These watercourses ultimately feed into the sea. Lochan nan Eun is the main waterbody within the site and is located toward the centre of the site.

- 4.9 Within the site there are a number of Ground Water Dependant Terrestrial Ecosystems (GWDTEs) which are protected under the Water Framework Directive. The Phase 1 Habitat Survey which accompanies the application identifies that the application site includes grassy marshland as the most prominent GWDTE on the site with smaller elements of other wet grassland communities and acid flushes.
- 4.10 The bedrock on the site is classified as Strath Halladale Granite and Rubha Sandstone. Peat probing has been undertaken which has identified average peat depths in areas where infrastructure is to be sites of between 0.07m and 0.056m albeit there are areas of deeper peat along the access track.
- 4.11 A variety of valued habitats are present across the application site. The ES reported the results of the surveys for Badger, Otter, Water Vole, Pine Martin, Bats, Freshwater Pearl Mussels, Freshwater Invertebrates, Fish and Red Deer. The surveys, both desk and on-site, identified that the site has the potential habitat, both within the site and around it, to attract these species.
- 4.12 Surveys have been carried out which identify the site (including its immediate surrounds) is frequented by a varied range of birds.
- 4.13 The turbine area is characterised as Sweeping Moorland Flows in the Scottish Landscape Character Types Map produced by NatureScot.
- 4.14 The site is not located within any international or regional landscape designations. The site lies in proximity (within 35km) to the following landscape designations:
- National Scenic Areas**
- Kyle of Tongue.
- Special Landscape Areas**
- Farr Bay, Strathy and Portskerra;
 - Ben Griam and Loch Nan Clar;
 - Flow Country and Berriedale Coast; and
 - Dunnet Head.
- 4.15 The turbine sites immediately adjacent to East Halladale Flows Wild Land Area (WLA) (WLA34) as identified on NatureScot's Wild Land Areas Map 2014. The application site is in proximity of the following wild land areas:
- WLA 35 - Ben Klibrek - Armine Forest;
 - WLA 36 - Causeymire-Knockin Flows; and
 - WLA 38 - Ben Hope - Ben Loyal.
- 4.16 While a boundary has not been identified as yet, the proposed development sits within an much wider area which is under consideration for inclusion as the Flow Country World Heritage Site.

4.17 The key recreational interests in this area are mountaineering, walking, and cycling. There are a number of low level walks in the area, including those around Reay and Broubster Forest which form part of the Core Path Network. Some higher level walks are also available in the area including those around Beinn Ratha and Beinn Dorrey.

4.18 When assessing a wind farm proposal, consideration of similar developments in proximity of the proposal for cumulative effects is required. The list below sets out the projects in the wider area (35km) that are operational, approved or have been submitted but not yet determined.

Built and / or consented

Within 5km

- Limekiln
- Baillie

Between 5km and 20km

- Forss
- Strathy North
- Hill of Lybster
- Weydale
- Achlachan
- Causeymire
- Bad a Cheo
- Halsary
- Dounreay Tri (Off-shore)

Between 20km and 35km

- Bettyhill
- Strathy South
- Cogle Moss
- Stroupster
- Bilbster
- Wathegar I and II;
- Camster
- Rumster

Under consideration

- Strathy South Redesign
- Strathy Wood (THC Raised Objection - awaiting Public Local Inquiry)
- Golticlay (THC Raised Objection - awaiting determination by Scottish Ministers)
- Camster II
- Bad Fearn
- Slickly.

Further to the above, while included in the applicant's cumulative assessment, the Planning Authority has recently refused the Drum Hollistan 2 Wind Farm to the west of the site.

5. PLANNING HISTORY

- | | | | |
|-----|--|--------------------------------|------------|
| 5.1 | 20/00279/SCOP - Limekiln Wind Farm Extension - Erection of 7 wind turbines and associated infrastructure | Scoping Response Issued | 27.02.2020 |
| 5.2 | 19/03277/PREMAJ – Proposed Wind Farm of Up to 10 Turbines | Closed | 11.09.2019 |
| 5.3 | 16/02752/S36 – Limekiln Wind Farm - Erection of 21 Wind Turbines | Approved by Scottish Ministers | 21.06.2019 |
| 5.4 | 12/04781/S36 - Erection of 24 5mW wind turbines up to a maximum tip height of 139m. a mix of turbines with tip height of 139m and 126m are proposed for Limekiln Wind Farm | Refused by Scottish Ministers | 13.05.2020 |

6. PUBLIC PARTICIPATION

6.1 Advertised: EIA Development

Date Advertised: 22.05.2020 and 29.05.2020 in the Edinburgh Gazette and John O' Groats Journal

Representation deadline: 30 June 2020

Representations to The 5 Highland Council:

Representations to the 64 Energy Consents Unit:

6.2 Material considerations raised are summarised as follows:

- a) Adverse impact on residential amenity due to noise and shadow flicker;
- b) Impact on use of existing tracks around the Limekiln estate;
- c) Visual impact of the proposed turbines both individually and cumulatively;
- d) Impact on ecology;
- e) Adverse socio-economic impacts, including impacts on tourism;
- f) Lack of wider benefits to the economy or climate change;
- g) Lack of need for the development;
- h) Prematurity of the development, consideration should not be given to the application until the consented Limekiln Wind Farm is built so that the effects of that are able to be assessed.

6.3 Non-material issues raised are summarised as follows:

- a) Constraints payments;
- b) impact on house values;
- c) Procedure for determination.

- 6.4 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam. Those responses sent solely to the Energy Consents Unit are available at www.energyconsents.scot.

7. CONSULTATIONS

- 7.1 **Caithness West Community Council** object to the application. It supports the view of Reay Area Windfarm Opposition Group who have also objected to the application. It raises concern with regard to the impact of the extension on the village of Reay and areas around Shebster, in particular the visual impact due to the size and siting of the turbines. It considers that the proposed development would, in combination with other wind energy development, mean that Reay is surrounded by a "ring of steel" and that the west Caithness landscape would become a windfarm landscape. Further, it considers that the sequential impact on wind energy development between Forss and Reay will be unacceptable.

Concern has also been highlighted in relation to the timing of the proposal and the process of determination as it has been submitted as an application under the Electricity Act rather than under the Town and Country Planning Act.

- 7.2 **Access Officer** does not object to the application. They note that the turbines are not on land where public access is regularly undertaken but explains that the core paths in Limekiln and Broubster forests are well used. The improved watercourse crossing on the Broubster Core path (CA11.01) is welcomed by the Access Officer. The core path at Limekiln (CA11.03) will be affected by the proposal due to the upgrading of the track and watercourse crossing as well as the proposed borrowpit. They require the core path to remain open at all times. A Recreational Access Management Plan is requested to be secured by condition.

- 7.3 **Environmental Health Officer** does not object to the application. They note that the applicant has set out that proposed extension and the consented wind farm would cumulatively meet the limits stipulated on the consented Limekiln Wind Farm. They recommend a cumulative noise condition across the proposed and consented developments.

- 7.4 **Flood Risk Management Team** do not object to the proposed development and have no comments.

- 7.5 **Historic Environment Team** do not object to the proposed development. It notes that the EIA Report is comprehensive and that the mitigation proposed (including the recording of structures, marking out of features close to turbine locations and watching briefs) is acceptable.

- 7.6 **Transport Planning** do not object to the application. It is generally satisfied with the assessment of traffic and transport matters associated with the development and requests that the following matters are secured by condition: detailed review of all access routes to the site and provision of any required mitigation; structural assessment of bridges, culverts and other structures along the route to the site; un-laden trial run between the port of entry and the site (with video trial run); conclusion of a Section 96 (roads wear and tear) agreement; and construction traffic management plan;

Consultations Undertaken by Energy Consents Unit

- 7.7 **British Telecom** do not object to the application. It notes that the proposed development the Project indicated should not cause interference to BT's current and presently planned radio network.
- 7.8 **Caithness District Salmon Fisheries Board** do not object to the application.
- 7.9 **Crown Estate Scotland** do not object to the application. It confirms that that assets of Crown Estate Scotland are not affected by the proposed development.
- 7.10 **Historic Environment Scotland** do not object to the application. It explains that the proposal does not raise historic environment issues of national importance.
- 7.11 **Highlands and Islands Airports Limited (HIAL)** do not object to the application following a review of their approach to potential wind farm mitigation for the safeguarding criteria for Wick Airport.
- 7.12 **Ironside Farrar for Scottish Ministers (Peat Landslide Hazard Risk Assessment (PLSRA))** do not object to the application. It notes that the PLSRA requires some minor revisions prior to the assessment being fully robust. This includes the need for clarification on matters related to omission of upslope moderate risk areas.
- 7.13 **Joint Radio Company** do not object to the application and states that the proposal has cleared their assessment process.
- 7.14 **Marine Scotland** do not object to the application. It welcomes the applicant's commitment repeat monitoring of fish habitat and electrofishing surveys. It recommends that an integrated water quality and fish population monitoring programme is carried out at key stages of the development. It further welcomes the proposed mitigation measures including buffer zones, floating roads, drainage schemes, pollution prevention, the appointment of an Ecological Clerk of Works and design of watercourses.
- 7.15 **Ministry of Defence (Defence Infrastructure Organisation)** do not object to the application. It requests that the development are fitted with MOD accredited aviation safety lighting, with the perimeter turbines fitted with 25 candela omnidirectional red lighting or infrared lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point. It wishes to be notified of the date construction starts and ends; the maximum height of construction equipment; and the latitude and longitude of every turbine.
- 7.16 **National Air Traffic Services** do not object to the application as it notes the development does not conflict with its safeguarding criteria.
- 7.17 **NatureScot (Formerly Scottish Natural Heritage)** do not object to the development. It considers that the proposed wind farm will result in the strength of Wild Land Quality 1 (An awe inspiring simplicity of landscape at the broad scale, with a strong horizontal emphasis, 'wide skies' and few foci) and Quality 2 (A

remote, discrete interior, with limited access and a strong sense of solitude) of Wild Land Area 39 (East Halladale Flows). However, it does not consider that the proposal would result in additional significant adverse effects beyond that of the consented Limekiln Wind Farm.

It considers that there is limited scope for a small extension, however it considers that the extension would have additional significant landscape and visual effects. It advises that through design modifications, it would be possible to mitigate the significant effects. It notes that there would be an increased horizontal extent of turbines, predominantly from Turbines 5 and 6. It considers that the increased height of the turbines (relative to the consented development), located closer to visual receptors in the east, contribute to significant cumulative effects eroding the design logic of the consented development. It encourages a reduction in turbine height commensurate with the smaller consented turbines, which in turn will reduce the spacing between turbines and footprint of the development.

It does not consider that the proposal will have an adverse affect on the integrity of the Caithness and Sutherland Peatlands SAC, Caithness and Sutherland Peatlands SPA or the Caithness Lochs SPA subject to application of mitigation identified in the EIA Report.

It is content with the way that bats, badgers, water vole and pine marten have been assessed and that the mitigation proposed is appropriate.

In relation to the Habitat Management Plan a condition is sought to ensure that peatland restoration is delivered as part of this development and ensuring that forest stands adjacent to blanket bog are not restocked in order to achieve Aim 3 of the outline habitat management plan. It notes that the Long Term Forest Management Plan for Broubster and Limekiln forests will need to be amended.

Providing the existing deer fence is maintained during construction and operation it is satisfied that there will be no impacts on the Caithness and Sutherland Peatland SAC as a result of deer displacement.

A condition is requested to secure a finalised decommissioning and restoration plan. It advises that further survey work may be required to fully assess the impacts on protected species and protected areas prior to decommissioning.

7.18 **Royal Society for the Protection of Birds (RSPB)** initially objected to the application due to the potential collision impacts on common scoter and the Caithness Lochs SPA with regards to Greenland white-fronted goose and greylag goose. It further raises concerns regarding limitations of the ornithological surveys and the location of turbines on areas of deep peat and the carbon payback time of the development. Following the submission of further information from the applicant it maintained its objection.

7.19 **Scottish Forestry** do not object to the application. It notes that Compensatory planting of 14.10 ha will be required to meet the requirements of Scottish Government's Policy on Control of Woodland Removal (CoWRP). It welcomes that the applicant has committed to compensatory planting on the neighbouring estate. The Approval of 125.48 ha of felling required to improve wind source (temporary woodland loss) will be subject to Forestry and Land Management (Scotland) Act 2018 and Felling (Scotland) Regulations 2019. It advises that this must be secured by approved amendments to the existing felling and restocking proposals in the Limekiln and Broubster Long Term Forestry Plans.

7.20 **Scottish Water** do not object to the application. It notes that there are no Scottish Water drinking water catchments that may be affected by the proposed development. It sets out that any potential sewer connections can not include surface water.

7.21 **Scotways** do not object to the application and have not comments to make on the application.

7.22 **Scottish Environment Protection Agency** do not object to the application. It is content that with the exception of the access track between the construction compound and T6 we are content that the layout avoids deep peat. It welcomes the use of a floated track in areas of deep peat. A condition is requested to secure a Peat Management Plan.

It is satisfied that the layout is acceptable as it relates to potential adverse impacts to Ground Water Dependent Terrestrial Ecosystems.

It welcomes that all parts of the development will be at least 50m away from the watercourses. It seeks a condition to ensure that micro-siting allowance does not affect this. A condition to secure final designs of the watercourse crossings is also requested.

It explains that it has been demonstrated that both of the search areas for borrow pits are located away from watercourses and other sensitive features. A condition is requested to require the finalised extraction areas and restoration proposals for each borrow pit.

In relation to the Habitat Management Plan a condition is sought to ensure that peatland restoration is delivered as part of this development and ensuring that forest stands adjacent to blanket bog are not restocked.

A condition is requested to require all works to be carried out in accordance with the Summary of Mitigation and Enhancement Measures Table 3.7 of the EIA Report.

It notes that the EIA Report states that no felling to waste is planned. It is requested that this is secured by condition.

A condition is requested to secure a finalised decommissioning and restoration plan.

7.23 **NatureScot (Formerly Scottish Natural Heritage)** do not object to the development. It considers that the proposed wind farm will result in the strength of Wild Land Quality 1 (An awe inspiring simplicity of landscape at the broad scale, with a strong horizontal emphasis, 'wide skies' and few foci) and Quality 2 (A remote, discrete interior, with limited access and a strong sense of solitude) of Wild Land Area 39 (East Halladale Flows). However, it does not consider that the proposal would result in additional significant adverse effects beyond that of the consented Limekiln Wind Farm.

It considers that there is limited scope for a small extension, however it considers that the extension would have additional significant landscape and visual effects. It advises that through design modifications, it would be possible to mitigate the significant effects. It notes that there would be an increased horizontal extent of turbines, predominantly from Turbines 5 and 6. It considers that the increased height of the turbines (relative to the consented development), located closer to

visual receptors in the east, contribute to significant cumulative effects eroding the design logic of the consented development. It encourages a reduction in turbine height commensurate with the smaller consented turbines, which in turn will reduce the spacing between turbines and footprint of the development.

It does not consider that the proposal will have an adverse affect on the integrity of the Caithness and Sutherland Peatlands SAC, Caithness and Sutherland Peatlands SPA or the Caithness Lochs SPA subject to application of mitigation identified in the EIA Report.

It is content with the way that bats, badgers, water vole and pine marten have been assessed and that the mitigation proposed is appropriate.

In relation to the Habitat Management Plan a condition is sought to ensure that peatland restoration is delivered as part of this development and ensuring that forest stands adjacent to blanket bog are not restocked in order to achieve Aim 3 of the outline habitat management plan. It notes that the Long Term Forest Management Plan for Broubster and Limekiln forests will need to be amended.

Providing the existing deer fence is maintained during construction and operation it is satisfied that there will be no impacts on the Caithness and Sutherland Peatland SAC as a result of deer displacement.

A condition is requested to secure a finalised decommissioning and restoration plan. It advises that further survey work may be required to fully assess the impacts on protected species and protected areas prior to decommissioning.

- 7.24 **Transport Scotland** do not object to the application. They are content with the findings of the assessment on the implications for the trunk road. It requests conditions to secure a construction traffic management plan (including quality assured signage) and abnormal load assessments.

8. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

8.1 Highland Wide Local Development Plan 2012

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 53	Minerals
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 63	Water Environment
Policy 64	Flood Risk
Policy 66	Surface Water Drainage
Policy 67	Renewable Energy
Policy 68	Electricity Transmission Infrastructure

Policy 72	Pollution
Policy 73	Air Quality
Policy 77	Public Access

8.2 **Caithness and Sutherland Local Development Plan (2018)**

There are no site-specific policies covering the site – therefore the application requires to be assessed against the general policies of the Highland-wide Local Development Plan referred to above. However, the Caithness and Sutherland Local Development Plan identifies Special Landscape Areas within the plan area.

8.4 **Highland Council Supplementary Planning Policy Guidance**

The Onshore Wind Energy Supplementary Guidance provides additional guidance on the principles set out in Policy 67 - Renewable Energy Developments of the Highland-wide Local Development Plan and reflects the position on these matters as set out in Scottish Planning Policy. This document is a material consideration in the determination of planning applications following its adoption as part of the Development Plan in November 2016.

8.5 The document includes a Spatial Framework, which is in line with Table 1 of Scottish Planning Policy. The site sits partially within an “area with potential for wind farm development” and “an area with significant protection”.

8.6 The document also contains the Landscape Sensitivity Appraisals. The application site does not currently sit within an area covered by an adopted sensitivity appraisal.

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

- Developer Contributions (November 2018)
- Flood Risk & Drainage Impact Assessment (Jan 2013)
- Highland Historic Environment Strategy (Jan 2013)
- Highland's Statutorily Protected Species (March 2013)
- Highland Renewable Energy Strategy & Planning Guidelines (May 2006)
- Managing Waste in New Developments (March 2013)
- Onshore Wind Energy: Supplementary Guidance (Nov 2016)
- Physical Constraints (March 2013)
- Special Landscape Area Citations (June 2011)
- Standards for Archaeological Work (March 2012)
- Trees, Woodlands and Development (Jan 2013)

9.0 **OTHER MATERIAL CONSIDERATIONS**

9.1 The Highland-wide Local Development Plan is currently under review and is at Main Issues Report Stage. It is anticipated the Proposed Plan will be published following publication of secondary legislation and National Planning Framework 4.

- 9.2 In addition to the above, The Highland Council has further advice on delivery of major developments in a number of documents. This includes Construction Environmental Management Process for Large Scale Projects and The Highland Council Visualisation Standards for Wind Energy Developments.

Scottish Government Planning Policy (SPP) and Guidance

- 9.4 Scottish Planning Policy (SPP) advances principal policies on Sustainability and Placemaking, and subject policies on A Successful, Sustainable Place; A Low Carbon Place; A Natural, Resilient Place; and A Connected Place. It also highlights that the Development Plan continues to be the starting point of decision making on planning applications. The content of the SPP is a material consideration that carries significant weight, but not more than the Development Plan, although it is for the decision maker to determine the appropriate weight to be afforded to it in each case.
- 9.5 SPP sets out continued support for onshore wind. It requires Planning Authorities to progress, as part of the Development Plan process, a spatial framework identifying areas that are most likely to be most appropriate for onshore wind farms as a guide for developers and communities. It also lists likely considerations to be taken into account relative to the scale of the proposal and area characteristics (Para. 169 of SPP).

Other Relevant National Guidance and Policy

- 9.6
- National Planning Framework for Scotland 3.
 - Scottish Energy Strategy (Dec 2017).
 - PAN 56 – Planning and Noise.
 - PAN 58 – Environmental Impact Assessment.
 - PAN 60 – Planning for Natural Heritage.
 - 2020 Routemap for Renewable Energy.
 - Onshore Wind Energy (Statement) (Dec 2017).
 - Onshore Wind Turbines.
 - NatureScot Siting and Designing wind farms in the landscape.
 - Wind Farm developments on Peat Lands.

10. PLANNING APPRAISAL

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

Schedule 9 of The Electricity Act 1989 contains tests in relation to the impact of proposals on amenity and fisheries. These tests should:

- Have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and

- Reasonably mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.

Determining Issues

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

Planning Considerations

- 10.3 The key considerations in this case are:
- a) Development Plan
 - b) Onshore Wind Energy Supplementary Guidance
 - c) National Policy
 - d) Energy and Economic Benefits
 - e) Construction
 - f) Roads, Transport and Access
 - g) Water, Flood Risk, Drainage and Peat
 - h) Natural Heritage including ornithology;
 - i) Built and Cultural Heritage
 - j) Design, Landscape and Visual Impact (including Wild Land Areas and impact of aviation lighting)
 - k) Noise and Shadow Flicker
 - l) Telecommunications
 - m) Aviation
 - n) Other material considerations

Development plan/other planning policy

- 10.4 The Development Plan comprises the adopted Highland-wide Local Development Plan (HwLDP), Caithness and Sutherland Local Development Plan and all statutorily adopted supplementary guidance. There are no site specific policies affecting this application site within the Caithness and Sutherland Local Development Plan. The principal HwLDP policy on which the application needs to be determined is Policy 67 - Renewable Energy.
- 10.5 Policy 67 sets out that renewable energy development should be well related to the source of the primary renewable resource needed for operation, the contribution of the proposed development in meeting renewable energy targets and positive/negative effects on the local and national economy as well as all other relevant policies of the Development Plan and other relevant guidance. In that context the Council will support proposals where it is satisfied 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). Such an approach is consistent with the concept of Sustainable Design (Policy 28) and aim of Scottish Planning Policy to achieve the right development in the right place; it is not to allow development at any cost.

- 10.6 If the Council is satisfied that the proposal is not significantly detrimental overall then the application will accord with the Development Plan.

Caithness and Sutherland Local Development Plan

- 10.7 The Caithness and Sutherland Local Development Plan does not contain any specific land allocations related to the proposed development. Paragraph 74 of the CASPlan sets out that the Special Landscape Area boundaries have been revised for CASPlan to ensure “key designated landscape features are not severed and that distinct landscapes are preserved.” The boundaries set out in CASPlan are supported by a background paper which includes citations for the Special Landscape Areas. Policies 28, 57, 61 and 67 of the HwLDP seek to safeguard these regionally important landscapes. The impact of this development on landscape is primarily assessed in the Design, Landscape and Visual Impact (including Wild Land) section of this report.

Onshore Wind Energy Supplementary Guidance (OWESG)

- 10.8 The Council’s Supplementary Guidance - Onshore Wind Energy, is a material consideration in the determination of planning applications. The supplementary guidance does not provide additional tests in respect of the consideration of development proposals against Development Plan policy. However, it provides a clear indication of the approach the Council towards the assessment of proposals, and thereby aid consideration of applications for onshore wind energy proposals.
- 10.9 The OSWESG contains a Spatial Framework for onshore wind energy as required by SPP. The area in which the turbines are sited falls within a “Group 3 - Area with Potential For Wind Energy”. The access to the site falls within a Group 2 – “Area of Significant Protection”. In Group 3 areas further consideration is required to demonstrate that any significant effects can be substantially overcome by design, siting or other mitigation. Group 2 features within the site relate to Carbon Rich Soils.
- 10.10 The spatial framework identifies a number of Group 1 Areas. These are areas where wind farms will not be acceptable. There are a number of these in proximity of the site.
- 10.11 The OSWESG provides strategic considerations that identify sensitivities and potential capacity for wind farm development. These are called the Landscape Sensitivity Appraisals (LSA). One of the six areas to be examined is the area of Sutherland and Ross-shire LSA.
- 10.12 The Landscape Sensitivity Appraisal for Caithness was published in 2017 and forms part of the statutorily adopted Onshore Wind Energy Supplementary Guidance. The turbine envelope for this application falls within area CT4 Central Caithness, a landscape area described as flat to gently undulating where the guidance advises “there is some limited potential for further commercial scale development in this LCT, to concentrate and consolidate with existing development.”
- 10.13 Further, the OSWESG approach and methodology to the assessment of proposals is applicable and is set out in the OSWESG para 4.16 – 4.17. It provides a methodology for a judgement to be made on the likely impact of a

development on assessed “thresholds” in order to assist the application of Policy 67. The 10 criterion will be particularly useful in considering visual impacts, including cumulative impacts.

- 10.14 The application is seen to accord, in part, with the landscape sensitivity appraisal for Caithness, however it gives a strong steer as to the siting and design of developments a matter which is discussed later in this report.

Scottish Planning Policy

- 10.15 SPP sets out continued support for onshore wind. It requires planning authorities to progress, as part of the Development Plan process, a spatial framework identifying areas that are most likely to be most appropriate for onshore wind farms as a guide for developers and communities. It also lists likely considerations to be taken into account relative to the scale of the proposal and area characteristics (Para. 169 of SPP).
- 10.16 Notwithstanding the overarching context of support, SPP recognises that the need for energy and the need to protect and enhance Scotland’s natural and historic environment must be regarded as compatible goals. The planning system has a significant role in securing appropriate protection to the natural and historic environment without unreasonably restricting the potential for renewable energy. National policies highlight potential areas of conflict but also advise that detrimental effects can often be mitigated or effective planning conditions can be used to overcome potential objections to development.
- 10.17 Criteria outlined within SPP for the assessment of applications for renewable energy developments include landscape and visual impact; effects on heritage and historic environment; contribution to renewable energy targets; effect on the local and national economy and tourism and recreation interests; benefits and dis-benefits to communities; aviation and telecommunications; development with the peat environment, noise and shadow flicker; and cumulative impact.
- 10.18 As an up to date statement of the Government’s approach to spatial planning in Scotland, National Planning Framework 3 (NPF3) is a material consideration that should be afforded significant weight in the planning balance. NPF3 considers that onshore wind has a role in meeting the Scottish Government’s targets to achieve at least an 80% reduction in greenhouse gas emissions by 2050, and to meet at least 30% overall energy demand from renewables by 2020, including generating the equivalent of at least 100% of gross electricity consumption from renewables.
- 10.19 A number of publications relating to national energy policy have been published by the Scottish Government. In short, none indicate a relevant distinct policy change. Most relevant to this application are as follows:
- Scottish Energy Strategy: The future of energy in Scotland, December 2017
 - On-shore Wind Policy Statement, December 2017

- 10.20 Further to the above, in late 2019 the Scottish Government's targets for reduction in greenhouse gases were amended by The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019. This sets targets to reduce Scotland's emissions of all greenhouse gases to net-zero by 2045 at the latest, with interim targets for reductions of at least 56% by 2020, 75% by 2030, 90% by 2040.
- 10.21 The statements of continued strong support relating to on-shore wind contained within these documents are acknowledged. Support for on-shore wind is anticipated to meet with the continued aspiration to decarbonise the electricity network, enable communities to benefit more directly in their deployment and to support the renewables industry and wider supply chain. Larger, more optimal turbines are anticipated as is the expectation that landscapes already hosting wind energy schemes will continue to do so beyond the lifetime of current consents/permissions.
- 10.22 However, it is also recognised that such support should only be given where justified. The On-shore Wind Policy Statement sets out the need for a more strategic approach to new development that acknowledges the capacity that landscapes have to absorb development before landscape and visual impacts become unacceptable. With regard to planning policy, these statements largely reflect the existing position outlined within the National Planning Framework and Scottish Planning Policy, a policy framework that supports development in the justified locations. In addition it must be recognised that the greenhouse gas reduction targets and the targets in the Energy Strategy are related not just to production of green energy but also related to de-carbonisation of heat and transportation.

Energy and Economic Benefits

- 10.23 The Council continues to respond positively to the Government's renewable energy agenda. Nationally onshore wind energy in the 1st quarter of 2020 had an installed capacity of 13.75GW. Highland onshore wind energy projects in operation, under construction or approved as of 1 January 2019 have a capacity to generate 2.497GW; approximately 34% of the national installed onshore wind energy capacity. There is a further 1.696GW off-shore wind constructed, under-construction and consented.
- 10.24 While Highland Council has effectively met its own target, as previously set out in the Highland Renewable Energy Strategy, it remains the case that there are areas of Highland capable of absorbing renewable developments without significant effects. However, equally the Council could take a more selective approach to determining which wind farm developments should be supported, consistent with national and local policy. This is not treating targets as a cap or suggesting that targets cannot be exceeded, it is simply a recognition of the balance that is called for in both national and local policy.
- 10.25 Notwithstanding any significant impacts that this proposal may have upon the landscape resource, amenity and heritage of the area, the development could be seen to be compatible with Scottish Government policy and guidance and increase its overall contribution to the Government, UK and European energy targets.

- 10.26 The proposed development anticipates a construction period of 18 months, 30 years of operation prior to several months of decommissioning. Such a project can offer significant investment/opportunities to the local, Highland, and Scottish economy including businesses ranging across construction, haulage, electrical and service sectors.
- 10.27 There is also likely to be some adverse effects caused by construction traffic and disruption. Representations have raised the economic impact that turbines may have on tourism. These adverse impacts are most likely to be within the service sector particularly during the construction phase when abnormal loads are being delivered to site.
- 10.28 The assessment of socio-economic impact by the applicant identifies that the development is unlikely to have a significant adverse impact on tourism. The applicant notes that there will be economic benefits to the local community and economy arising from the community benefit fund and additional expenditure in the local economy. This is disputed by those making representations.
- 10.29 The applicant highlights that the project, including its potential connection to the grid, represents a significant investment and identifies significant economic benefits at a ward level during construction. During the operational and decommissioning phases, it is considered that there would be minor benefits at a regional and national level. This would include annual expenditure during the operation of the wind farm and payment of business rates and a contribution to public finance expenditure over its lifetime.
- 10.30 The applicant states that the developer is committed to maximising the local economic impact from the proposed development. The applicant proposes to implement shared ownership in line with Scottish Government guidance. Policy 68 of the HwLDP is clear that initially the same level of assessment will apply to community schemes as it will to commercial schemes. The policy then goes on to state that if the impacts of the development are solely limited to the community which will benefit from the proposal, then community ownership will be a material consideration. In the case of this proposal, it is considered that the proposed development has wider impacts than the community in which the project is based and of which may benefit from community ownership. As this is the case Policy 68 does not apply.

Construction Impacts

- 10.31 It is anticipated that the construction period for the development would take 18 months. Working hours on site would likely be restricted to be 07.00–19.00 Monday to Saturday with no Sunday working, nor deliveries to site after 13.00 on Saturdays. Some flexibility is normally granted at turbine erection stage and electrical fit out. Such activities involve specialist labour and are weather dependent and generally do not involve activities which generate impacts beyond the site boundary.
- 10.32 The project anticipates the deployment of a Construction Environmental Management Document (CEMD) in association with the successful contractor engaged. This should include a site specific environmental management procedures which can be finalised and agreed through appropriate planning

conditions with the local Planning Authority and relevant statutory consultees. For the avoidance of any doubt submissions are expected to be “plan based” highlighting the measures being deployed to safeguard specific local environmental resources and not simply re-state best practice manuals. Due to the scale of the development SEPA will control pollution prevention measures relating to surface water run off via a Controlled Activities Regulations Construction Site Licence.

- 10.33 In addition to the requirement for submission and agreement on a CEMD, the Council will require the applicant to enter into legal agreements and provide financial bonds with regard to its use of the local road network (Wear and Tear Agreement) and final site restoration (Restoration Bond). In this manner the site can be best protected from the impacts of construction and for disturbed ground to be effectively restored post construction and operational phases. This would include the full restoration of any new access tracks and other associated infrastructure. As this is an application under the Electricity Act, such agreements are secured by condition.
- 10.34 Developers have to comply with reasonable operational practices with regard to construction noise so as not to cause nuisance. Section 60 of the Control of Pollution Act 1974 sets restrictions in terms of hours of operation, plant and equipment used and noise levels etc. and is enforceable via Environmental Health.
- 10.35 The applicant has sought a micrositing allowance of 50m. Micrositing is acceptable within reason to address unforeseen onsite constraints, anything in excess of 50m may have a significant effect on the composition of a development. Further if matters are identified during the application stage which require movement of infrastructure, it is considered that this is best addressed during the application stage rather than relying on micrositing. If Scottish Ministers are minded to grant the application micrositing of no more than 50m, should be secured by condition.
- 10.36 Should the development be granted consent, a Community Liaison Group should be set up to ensure that the community council and other stakeholders are kept up to date and consulted before and during the construction period.

Roads, Traffic Impact and Public Access

- 10.37 The applicant has highlighted the expected impact of this development particularly through the construction phase, with the Port of Entry likely to be Scrabster. The turbines would then travel from the port of entry via the A9 and A836. Other roads likely to be affected by construction would be the A1001 and the B784. Both Trunk Road Authority and the Council Transport Planning Team has confirmed that development traffic can be accommodated on the road networks and the impact of development traffic is unlikely to be significant particularly given the measures proposed to mitigate the impact of construction traffic.
- 10.38 Conditions and a requirement for a legal agreement to address “wear and tear” provisions have been requested. These will be consistent with current “best practice”. These need to highlight potential cumulative impacts arising with other major developments. The conditions are to secure: -

- A (final) Construction Traffic Management Plan for approval and implementation as agreed highlighting all mitigation / improvement works required for general construction traffic and abnormal load movements, including the timing of such works and appropriate reinstatement / restoration works.
- An un-laden trial run between the Port of Entry and the site access will be required in liaison with the police and both roads authorities.
- Structural assessment of bridges, culverts and any other affected structures along the route in consultation with the Council's Structures Team.
- Community liaison to ensure the project construction minimises impact on the local community and identified community events.

10.39 The existing estate access tracks and forestry tracks are used for recreational purposes. The applicant has proposed that these will be maintained and some will be upgraded.

10.40 The site, like most land in Scotland, is subject to the provisions of the Land Reform (Scotland) Act 2003. There are paths running through and around the site and the wider area is rich in opportunities to access the outdoors. There will be a need to restrict access to the site during construction works at key times, including the track upgrade works. Where and when feasible however the existing track 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 concerns could be controlled by condition if required. In particular it is noted that the Broubster Core path (CA11.01) and the core path at Limekiln (CA11.03) will be affected by the proposal. To ensure access is provided throughout the construction period and that enhanced recreational access opportunities are provided during the operational phase, a Recreational Access Management Plan will be required. This will also be required to include details of signage to be included on the site to warn users of the paths within the wind farm of any hazards such as maintenance or potential ice throw during winter.

Water, Flood Risk, Drainage and Peat

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

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

10.43 In order to protect the water environment a number of measures have been highlighted by the applicant for inclusion in the CEMD including the adoption of sustainable drainage principles, and measures to mitigate against effects of

potential chemical contamination, sediment release and changes in supplies to Ground Water Dependant Terrestrial Ecosystems. This includes setbacks from water courses and employment of an Ecological Clerk of Works. SEPA support this approach however conditions are sought to secure further details.

- 10.44 The site infrastructure is not considered to be at risk of flooding. It is proposed that any watercourse crossings are designed to accommodate a 1 in 200 year flood event plus an allowance for climate change. Further, the development proposes the use of Sustainable Drainage Systems (SuDS) to attenuate run off and filter out any potential pollutants. Details of the SuDS plan can be secured by condition to allow final assessment by SEPA and the THC Flood Risk Management Team.
- 10.45 The wider site is home to Ground Water Dependent Terrestrial Ecosystems (GWDTEs), in particular wet heath, blanket bog and marshy grassland. The positioning of the tracks and turbines have generally avoided the most sensitive GWDTEs. SEPA is satisfied that the proposed development has been designed to avoid impacts on GWTEs.
- 10.46 The majority of the site contains peat. A total of 3,757 peat probes and 39 peat cores were taken across the application site to identify the depth of peat and to identify impacts of the proposed development on the peat resource. The resultant information has been used to inform the site layout which, with the exception of the track between the construction compound and turbine 6, avoids deep peat. The applicant has advised that approximately 12,047m³ of peat would be disturbed to facilitate construction with all of this to be reused on site for re-instatement purposes. Mitigation proposed to protect the peat resource will include the use of a 0.9km floated track between borrow pit search area 1 and the proposed turbine 6. A Peat Management Plan will be secured through the construction environment management document condition.
- 10.47 To enable further peatland restoration across the site, the outline Habitat Management Plan sets out that where forest blocks are to be removed that peatland restoration should be taken forward. This conflicts with the forest management plan, therefore a condition has been sought by SEPA and NatureScot to ensure that provisions are put in place to ensure that this aim is met.
- 10.48 There are no known private water supplies in proximity of the proposed development.
- 10.49 The applicant has committed to water quality monitoring and monitoring of fish habitats and fresh water invertebrates through the EIA Report. This is welcomed by Marine Scotland. A condition can be applied by Scottish Ministers to secure the integrated water quality and fish population monitoring programme as requested by Marine Scotland.

Natural Heritage including ornithology

- 10.50 The development is not situated within any sites designated for ecological interests but is close to, and has potential connectivity with, a number of sites which are designated at national and international level. As there is a potentially connected sites designated at a European level (Caithness and Sutherland

Peatlands SAC and SPA, Caithness Lochs SPA), the proposal needs to be assessed against the 'Habitats Directive' which is translated into Scots law through the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). Ministers will require to be satisfied that this is completed prior to making a decision on the application. NatureScot advise that the based upon the information presented there would be a likely significant effect on the aforementioned sites. Subject to mitigation it considers that the development is unlikely to have an adverse affect on the integrity of the sites.

- 10.51 The conditions on the site support a number of valued habitats and protected species. The EIA Report has identified the ecological receptors present within and outwith the site. Through the design of the development, it is considered that the applicant has avoided or minimised the impact on these ecological receptors. With that said, mitigation is proposed in order to further reduce the potential for adverse effects. This includes undertaking further baseline monitoring of the ecology; implementation of pollution prevention plans; and implementation of species protection plans (if required). Due to its location the proposed extension, unlike the consented scheme, has the potential to effect badgers but mitigation can be put in place, including set backs from active sets to avoid adverse impacts. A Habitat Management Plan would be produced and implemented. The implementation of a Habitat Management Plan and employment of an Ecological Clerk of Works during construction can be set by condition.
- 10.52 The impacts of this development on ornithology are related to displacement during the construction phase and potential collision risk through the operation phase of the development. The development has designed out many of the risks to ornithology, this has included minimising the open areas around the turbines. Mitigation is still considered appropriate. RSPB have objected to the development due to the impact on common scoter. It notes that “the issues faced at this wind farm highlight the more general issue regarding the need for investment in strategic monitoring. Given the wind farm pressures in this area and the limited information regarding common scoter in the Flow Country, this is species would directly benefit from strategic monitoring work to ensure that existing and future risk of conflicts with wind farm proposals can be better understood and avoided.”
- 10.53 The concern of RSPB also relates to the more regular movements of common scoter rather than those which may just occur related to migration. The applicant has contested the RSPB response with a technical note. RSPB do not consider there to be sufficient information to reach a conclusion of no likely significant effect on the Caithness and Sutherland SPA. This view is not shared by the applicant or NatureScot. While this may be the case, there may be some merit in including specific provisions in the Habitat Management Plan related to monitoring of the impacts on common scoter in vicinity of the wind farm to help gain an understanding of the risk of conflicts.
- 10.54 NatureScot have advised that the deer fence is maintained throughout construction and operation to ensure there will be no impacts on the Caithness and Sutherland Peatland SAC as a result of deer displacement. This can be secured by condition.

10.55 The Peatlands Partnership have been progressing the case for the designation of the Flow Country as a World Heritage site since the late 1990's. The Peatlands Partnership includes the following bodies / organisations:

- Scottish Natural Heritage;
- Highland Council;
- Forestry Commission (Scotland);
- RSPB Scotland;
- Plantlife Scotland;
- The Environmental Research Institute;
- Northern Deer Management Group;
- Flow Country Rivers Trust;
- The Highland Third Sector Interface; and
- Highlands and Islands Enterprise.

It also liaises with local community groups, the Scottish Government's Rural Payments and Inspections Directorate and the North Sutherland Community Forest Trust.

10.56 The reason for seeking designation of the Flow Country as a World Heritage Site relate to the quality and extent of the blanket bog habitat. It is not possible, due to the lack of a formal designation along with supporting qualities / citations, at this stage to assess the potential impacts on any potential World Heritage Site resulting from any current adjacent or proposed developments. Inevitably this means that there is a risk that land use change prior to possible nomination and inscription may compromise areas which might otherwise have been included within the site boundary. However, the impacts on the habitats for which the Flow Country are famed can be minimised through appropriate mitigation.

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

Built and Cultural Heritage

10.58 The area in which the wind farm sits contains a limited amount of built and cultural heritage features. The wider area contains a modest number of Scheduled Monuments and Listed buildings. No designated sites will be directly affected as a result of the proposed development, however there is potential for indirect impacts. These are however negligible. Historic Environment Scotland have not objected. The EIA Report identifies known archaeological features within the site, including the Clach Clais an Tuire Standing Stone, and there is further potential for buried archaeology on the site. From the standing stone, the tip of the blade of Turbine 5 would theoretically be visible when forest cover was removed, however it is not considered that its setting would be affected. It is considered that a scheme for the investigation, preservation and evaluation of archaeological remains is appropriate and can be agreed with the Planning Authority prior to the commencement of development.

Design, Landscape and Visual Impact (including Wild Land)

- 10.59 A total of 18 viewpoints across a study area of 35km have been assessed with regard to landscape and visual impact. These viewpoints replicate those that were used for the consented wind farm and are representative of a range of receptors including recreational users of the outdoors and road routes. The expected impact of the development in with the consented scheme can be seen with the ZTV to Blade Tip with Viewpoints (Figure 9.24) in the EIA Report. Sufficient information has been provided to enable an assessment. It is not considered that the application is premature as the effects of the Limekiln Wind Farm have been assessed cumulatively with the proposed development.
- 10.60 The methodology for the Landscape and Visual Impact Assessment (LVIA) required some clarification. While generally in accordance with the Guidelines for Landscape and Visual Impact Assessment Volume 3, the text based approach of the author in explaining their approach to how they reached their conclusions on significance or otherwise of effect was not clear. In particular to enable the Planning Authority to come to a view on what combination of effects on the sensitivity of receptor and magnitude of change are leading to a significant effect, there needs to be a clear process followed so all parties can understand and follow the methodology. It was not considered that this was the case. However, the applicant has subsequently provided a clarifications paper to facilitate the Planning Authority's appraisal of the assessment contained within the LVIA.
- 10.61 The methodology for the Landscape and Visual Impact Assessment generally follows that set out in Guidelines for Landscape and Visual Impact Assessment Third Edition (GLVIA3). As set out in para 3.32 of GLVIA 3 the "LVIA should always clearly distinguish clearly between what are considered to be significant and non-significant effects." The clarifications paper more clearly sets out what the assessor considers to be a significant effect following the combination of judgements (Sensitivity and Magnitude). The area where the applicant applies professional judgement as to whether a significant effect is found is quite broad with anything from moderate minor up to major / moderate being potentially significant. This leads to a lack of clarity in the applicant's consideration of significance of effect. THC is of the view that Moderate effects can be significant but this needs to be considered on a viewpoint by viewpoint basis. This has been done in Appendix 2 to this report. Generally, THC would consider that an effect of major / moderate to be significant. Finally, the applicant's LVIA does not appear to reach a conclusion as to the acceptability or otherwise of the effects.
- 10.62 In the assessment of each viewpoint, the applicant has come to a judgement as to whether the effect is significant or not. In assessing visual impacts in particular, it is important to consider that the viewpoint is representative of particular receptors i.e. people who would be at that point and experiencing that view of the landscape not just in that single view but in taking in their entire surroundings.
- 10.63 A key consideration in the effects on receptors of wind energy development is the sequential effect when travelling through and area on the local road network both by individuals who live and work in the area and tourists. Those travelling scenic routes, whether designated as such or not, have a higher sensitivity to views.

While a driver of a vehicle is likely to be concentrated on the view immediately in front, passengers have a greater scope for looking at their surroundings. In addition the area is regularly frequented by cyclists. As such it is considered that road users are usually very high sensitivity receptors.

Design

- 10.65 The development will predominantly be viewed from the north east and south-west as an array of 5 turbines, alongside the 21 turbines of the consented Limekiln Wind Farm. The design of the wind farm has had to balance of: landscape character and visual amenity; environmental constraints; topography and ground conditions; and technological and operational requirements. The applicant has explained for each viewpoint how the design has sought to address the receptor(s) at the viewpoint. The design of the development is best demonstrated by the visuals from VP4 – Shebster and VP1 – Drum Hollistan Layby.
- 10.66 The design process started with a proposed development of 10 turbines when the proposed development was presented to the Planning Authority’s Pre-Application Advice Service. This was reduced 7 at the scoping stage and subsequently the 5 that are subject to the application. The design evolution of the scheme has taken into consideration the impact of taller turbines, the findings of the Reporter on the consented development and the proximity to key visual receptors. The development sits on a slightly undulating site that is currently utilised by forestry operations. The layout has sought to utilise the forestry and the surrounding topography to screen the development in views from the north west and north of the proposal. In doing so views from the east in locations such as Shebster are more exposed to the proposed wind farm. In addition topographical screening changes significantly as one travels through the area on the principle road networks, in some locations there is very limited visibility of the scheme and it is difficult to discern the proposed development from consented development. In other views, in particular when viewed from the east and west when travelling toward the development, there is a stark contrast between the consented turbines which are a combination of 126m and 139m to blade tip and the proposed turbines which are 149.9m to blade tip.
- 10.67 The applicant’s focus appears to have been on reduction of impacts on the settlement of Reay and impacts on the Wild Land Area. However, this has had a detrimental effect on the design of the development when viewed from other locations, in combination with the consented Limekiln Wind Farm. The horizontal extent of turbines visible extends out past the envelope of the consented scheme in a number of views, this can be demonstrated in middle-longer distance views such as those from VP7 – Strathy Point and VP8 – Loch Calder. At VP7 in particular this horizontal extent leads to some conflict with the findings of the Reporter on the consented Limekiln Wind Farm who raised concern with the impact of the scale of turbines as it relates to the north Caithness Cliffs. Therefore it is considered that the wind farm design requires some refinement in relation to this element of the proposal.
- 10.68 Further the chosen height of turbines, while now common across Scotland, contrasts with the scale of the surrounding wind farms and that of the consented Limekiln Wind Farm. As set out above, the consented Limekiln Wind Farm

contains a mix of turbine heights of 126m to blade tip and 139m to blade tip. These are higher than those in constructed wind farms in the wider area but it is considered, in line with the findings of the Reporter, could be accommodated on this site. The applicant discounted the use of turbines taller than the proposed 149.9m to tip turbines due to the contrast with the surrounding wind turbines, consented and built as well as the need for aviation lighting which would have extended the impacts of the proposed development into hours of darkness.

10.69 Given the potential contrast between the turbines of the consented Limekiln Wind Farm and those proposed in this application, the applicant was asked to provide clarification on the proportion of the turbines to be used within the consented scheme. In doing so it has been clarified that the consented scheme, those turbines which are to be 139m to blade tip height, will have shorter towers and longer blades while remaining in line with the overall consented blade tip height. These longer blades in the consented scheme would be 58.5m in length which would be the same as those proposed in this application. This would mean that there may appear to be less of a contrast between the scale of the turbines within the consented scheme and the proposed wind farm. It is generally accepted that to increase yield from a turbine, the larger blade lengths are important. Further, the commercial availability of smaller turbines is understood to be constrained. However, the contrast in height from a range of viewpoints is of concern.

10.70 With these points raised, the applicant was asked to consider whether a reduced scheme could be brought forward. In doing so the applicant was asked to consider the removal of Turbines 5 and 6 (to reduce the horizontal extent) and reduce the height of the other turbines within the application to match those within the consented scheme. While the applicant has not formally set out whether it would either accept or reject this request, it has provided a response in the context of visual impact of the requested modifications. Its response concludes that:

“It is accepted that by deleting turbines 5 and 6 from the scheme, and by also reducing the turbine dimension of the remaining turbines, you may reduce the extent of landscape and visual effect that would arise to some degree. This would also reduce the benefits arising from the proposals. It is not the objective of the design process for a wind farm to design out all significant landscape and visual effects, as to do so would significantly limit the potential for renewable energy generation in Scotland, rather than maximise the potential, commensurate with the planning balance being met. What is more relevant for an extension proposal such as this, is to consider whether the additional significant effects that would arise beyond those that would already occur from the Consented Development, would be limited and localised in their extent and nature and would avoid the most sensitive parts of the landscape so that effects can be minimised by the design whilst maintaining the appropriate level of generation. This has been achieved with the Proposed Development, where new significant landscape and visual effects have been kept to a minimum across the landscape as a whole and in particular in relation to the WLA, respecting the relative sensitivity of this landscape. This allows for a planning balance exercise to take place whereby these limited additional effects can be weighed against the benefits of the 5 further turbines, noting in particular the increased benefit and efficiency that comes with the deployment of larger typology turbine.”

- 10.71 The matter of design and the benefits and disbenefits of the modifications proposed to the applicant is considered further in the sections related to landscape and visual impact which follow.
- 10.72 The relationship with other wind energy schemes in the area, beyond the consented Limekiln, has generally been well considered. There are limited opportunities in which Limekiln Extension will add to visual stacking of wind turbines within other consented or operational developments beyond the consented development. There are limited receptors who would experience the visual effect of Baillie and Forss alongside the proposed development and given the different landscapes in which the developments sit, they would appear as distinctly separate schemes. The matter of cumulative and sequential impact is more of a concern as one travels through the area on the principal road network and as it relates to the consented Limekiln Wind Farm and other wind energy developments.
- 10.73 In terms of design of the other infrastructure on the site, these appear to have been well sited and designed with those elements of greatest visual impact (borrow pits and tracks) set into the forested area. However, the forestry will continue to be managed through the operation of the wind farm. This may increase the visibility of turbines from some areas, however the areas where felling takes place will be re-stocked.

Landscape Impact (including Wild Land)

- 10.74 Given the scale of the Landscape Character Type that the proposed development sits within, the applicant has assessed the landscape impacts of the proposal against the Landscape Character Type (LCT) set out in the NatureScot National Mapping, but it has also identified Local Landscape Character Types (LLCT) to consider the more localised effects on the landscape. This is welcomed.
- 10.75 The EIAR identifies that there would be significant localised landscape effects experienced related to Sweeping Moorland. While the effects would not cover the whole LCT, the applicant has identified that the effects would cover the following LLCT areas:
- LLCT134.1 – Coniferous Forest Plantation;
 - LLCT134.3 – Open Moorland Flows (Western part); and
 - LLCT134.4 Sweeping Moorland and Leans (south of Shurrey).
- These effects are not disputed.
- 10.75 Outwith the LCT in which the development sits, the applicant has set out that there would be localised significant effects related to LCT143 (Farmed Lowland Plain). This is accepted.
- 10.76 The Reporter on the consented Limekiln Wind Farm concluded that:
- “Importantly, the development would not have a strong influence upon the character of the coast and coastal landscapes, largely due to the separation distance, in excess of 3.5 kilometres at its nearest point, and the presence of intervening development and landforms.”*

In relation to the proposed development, it is considered that due to the way in which the wind farm appears to extend northwards outwith the visual envelope of the consented scheme, that there would be an effect on the coastal landscapes. This can be seen through consideration of the landscape character from VP7 (Strathy Point) where Turbines 5 and 6 would appear closely related to the coast line and of a scale similar to the cliffs. This effect could be mitigated if Turbines 5 and 6 were removed. In doing so the proposal would align more closely to the Reporters' conclusion set out above.

- 10.77 As set out in the Caithness Landscape Sensitivity appraisal, the landscape in which the proposed development sits is a transitional one between the wilder and more rugged north west and the more settled and managed east. The transition in the landscape is visible as one travels along the north coast on the A836, which forms part of the North Coast 500 route and is most pronounced as one travels past Drum Hollistan. This is a further location where the horizontal spread of the proposed extension would be noticeable and have a significant effect when one would be travelling from west to east.
- 10.78 The landscape character effects as a result of the presence of the turbines will be reversible. However, as set out in Scottish Planning Policy (Paragraph 170), wind farm sites should be suitable in perpetuity. Therefore it is considered reasonable to assess all landscape character effects as non-reversible in that context.
- 10.79 The applicant has stated in the ES that the introduction of the development into the landscape would not affect the special qualities of the nationally and regionally designated sites. These include those set out in paragraph 4.14 of this report. The assessment is not disputed due to the intervening distances to the proposed development.

Wild Land

- 10.80 No element of the proposed development is within a wild land area, however it is immediately adjacent to Wild Land Area 39 - East Halladale Flows. As it is not within a Wild Land Area it is considered that Paragraph 215 of Scottish Planning Policy does not apply, but the general test considering the effects on wild land as set out in Paragraph 169 of SPP and reflected in Policy 67 of the Highland-wide Local Development Plan and the Onshore-Wind Energy Supplementary Guidance. A Wild Land Assessment has been carried out by the applicant and NatureScot have commented on this. This policy requires consideration of the impacts on the wild land area. In considering this matter, the impacts on the wild land area need to be considered. These are as follows:
- Introduction of turbines and other infrastructure into views from the wild land area; and
 - Introduction of a dominant contemporary land use visible from the wild land area affecting the perceptual qualities of wildness.
- 10.81 NatureScot published descriptors for each of the 42 Wild Land Areas across Scotland in January 2017. These descriptors set out wild land qualities for each of the Wild Land Areas and are based on the particular combinations of the wild land attributes and influence when experienced.

- 10.82 In the report for the Public Local Inquiry the Reporter concluded that:
- “The overall strength of wildness in one sub-area, forming part of the interior of the wild land area, is particularly high and includes locations where wildness qualities are strongly present. There are limited other locations across the wild land area where these qualities are equally as strong. Limekiln 2 would have a significant effect upon a large proportion of this area of strongest wildness (which would be intensified further in a cumulative scenario where Drum Hollistan was to also exist), but the ability to experience this same level of wildness would not be lost from WLA 39 altogether, whether considered in isolation or cumulatively with Drum Hollistan.”*
- 10.83 It is accepted that the development will not be the only modern feature in this landscape, as the commercial forestry is clearly manmade. However, it is considered that a wind farm would have a much greater impact, due to the scale and movement of turbine blades, on qualities of wildness than the currently present features in this area of the wild land. However, this needs to be viewed in its context and from a number of locations within the Wild Land Area (WLA) to gain an understanding of the impact.
- 10.84 NatureScot have not objected to the proposed development but have noted that the turbines would reduce the strength of Wild Land Quality 1 (An awe inspiring simplicity of landscape at the broad scale, with a strong horizontal emphasis, ‘wide skies’ and few foci) and Quality 2 (A remote, discrete interior, with limited access and a strong sense of solitude). It agrees with the applicant’s assessment which does not identify any significant effects on the Qualities of WLA 39 in isolation but considers that the combination of the proposed and consented development will lead to significant effects.
- 10.85 The additional spread of turbines when viewed from the interior of WLA39, in particular to the south and south-east of Beinn nam Bad Beag VPH and from VPF at Loch Meadhoin diminishes the qualities of wildness beyond that of the consented scheme.
- 10.86 On balance having considered the applicants’ assessment, the consultation response from NatureScot, representations made to the application, the relevant policies and guidance, that the WLA as a whole is unlikely to be adversely affected as a result of the proposed development.

Visual Impact

- 10.87 The applicant’s assessment draws upon the supportive elements of how the proposal could be viewed within the landscape. The ZTV demonstrates that the scheme will be predominantly visible from areas to the north and east of the development, with more limited visibility to the west beyond the Beinn Ratha ridgeline. The development would extend the theoretical visibility of turbines beyond that already experienced as a result of the consented and operational wind farms in the area. However, this is relatively limited in areas to the south and south west of the proposed extension. This extension of theoretical visibility is limited, albeit it is recognised that some of these areas are occupied and are frequented by tourists.

- 10.88 The ZTV does not however demonstrate how the increase in number of turbines visible when compared with the consented scheme nor does it demonstrate the proportion of the turbines visible. This extension of theoretical visibility is limited, albeit it is recognised that this area is well occupied and is frequented by tourists utilising the North Coast 500.
- 10.89 Unsurprisingly, as visual impact assessment is largely subjective and dependant on the application of professional judgement, there is a difference between the applicant's assessment and the appraisal of the Planning Authority. The information in Appendix 2 and 3, combined with matters set out earlier in this report, explain the difference between the outcomes of the assessments.
- 10.90 The visual receptors for the development have been assessed in the EIA Report. The applicant screened out full assessments on visual impact at VP7 (Strathy Point), VP11 (Georgemas Junction), VP12 (A9 at Spittal), and VP13 (Dunnet Head) on the grounds of distance from the proposed development and visibility of turbines from these viewpoints. The EIA Report states that receptors at Viewpoints 4 (Shebster) and Viewpoint 18 (Broubster Forest Path) have the potential to be significantly affected by the proposed development. However, the applicant has identified significant effects at VP1 (Drum Hollistan), VP2 (Reay Footpath), VP3 (Reay Church), VP4 (Shebster), VP5 (Sandside Bay), VP14 (Borlum Hill), VP15 (Beinn Ratha), VP18 Broubster Forest Path) when considering the consented and proposed development in a combined scenario. These viewpoints range in their proximity to the site and in most cases a new element is not introduced into the view. The views from the remaining viewpoints have not been assessed as significant by the applicant. The intervening distance between the viewpoint and the scheme, the limited magnitude of change due to the baseline now containing the consented Limekiln Wind Farm is the most common reason for these viewpoints not being assessed as significant.
- 10.91 The significant effects identified in the LVIA (individual and combined) are not disputed. However, the judgements used and the contributing factors are disputed. The Council's appraisal of the proposal and summary of the applicant's assessment can be found in Appendix 2 of this report.
- 10.92 It is considered that in views where the proposed turbines will appear in front of the consented scheme and where the proposal will extend the horizontal spread of turbines that the applicant has underplayed the magnitude of change. This can be demonstrated through the consideration of VP 4 (Shebster) where the turbines will be in front of the consented scheme and appear larger due to their positioning and scale. Further the matter can be demonstrated through VP14 (Borlum Hill) where the extension to the consented envelope is easily identifiable. In such instances it is considered that the magnitude of change can not be described as low but would more appropriately be medium as these changes are, in most instances, clearly notable in the view and forms an easily identifiable component in the view. This has led to the findings of significant effects at viewpoints VP6 (Dounreay), VP 8 (Loch Calder), VP14 (Borlum Hill) and VP16 (Shurrey).
- 10.93 The assessment undertaken by the applicant appears to have understated the sensitivity of receptors at a number of viewpoints. In particular the users of the A836, which forms part of the North Coast 500 route, have not been given an appropriate sensitivity based upon the methodology. As an example, for VP6

(A836, Dounreay) and VP17 (A836, Hill of Forss) the applicant has attributed a medium sensitivity to the users of this route. For users of this route to be medium sensitivity, this would have to be a minor road which would not appear to be used primarily for recreation or the specific enjoyment of the landscape. While this route is also used by residents and those working in the area, it is considered that the sensitivity of users would be more appropriately considered as high sensitivity, which is in line with what the applicant has identified the receptors at the A836 layby at Drum Hollistan (VP1), this is due to the scenic nature of the route which is on a promoted tourist route (North Coast 500) and also on the National Cycle Network. Further for some assets used by recreational users of the outdoors, namely VP8 (Loch Calder) and VP15 (Beinn Ratha), the applicant has suggested receptors have a medium sensitivity. Based upon the methodology presented it is more appropriate that the receptors (recreational users of the outdoors) at these viewpoints should be considered high sensitivity. This has led to findings of significant effects at VP6 (A836, Dounreay), VP8 (Loch Calder).

10.94 While further significant effects have been identified, it is considered that through adjustments to the scheme, principally the removal of Turbines 5 and 6, these findings of significant effect do not mean that the scheme as a whole is unacceptable visually. The matter of visual impact does however have to be considered in the round with all other matters to allow the Planning Authority to come to a view as to whether the proposed extension is significantly detrimental overall.

10.95 The Reporter's report following the PLI on the consented scheme, concluded that:
"Given the nearest properties are over 2 kilometres away, there is no prospect of the development having an overbearing effect at any residential property. No property would be affected to an extent that residential amenity would be materially reduced."

This is consistent with the findings of the Reporter on the original Limekiln Wind Farm Inquiry. While the turbines will be a stark new feature, appearing larger in scale than the consent turbines when viewed from Shebster and Shurrey, the residential receptors here would not have an overbearing or dominant effect on any residential properties. In these locations the properties would experience the greatest overall visual effects not just when in their homes but also when going about their everyday lives. The Planning Authority consider these effects to be significant but it is not concluded that the turbines which would sit approximately 3km from Shebster and 5.3km from Shurrey would be overly dominant or overbearing, to the extent that residential amenity would be materially reduced.

10.96 The development will be one of a number that will be visible as one travels through the area. Representations have raised concerns about encirclement. On plan this may be the case due to the presence of Baillie, Forss and Strathy North as onshore schemes and the potential for off-shore development in the Pentland Firth and Orkney Waters. Due to the landforms and the areas from which receptors will see the developments, there are limited positions at which there will be the sense of encirclement and enclosure by wind turbines of the proposed development.

- 10.97 The wind farm will be visible from the A836, however this will not be the only wind farm visible from this route. This section of the A836 forms part of the North Coast 500 and National Cycle Network 1. The consented scheme Limekiln will be most prominent to the north of the development and will be visible for shorter distances when travelling eastward rather than west. The view for eastbound travellers of the proposed and consented development is at its most significant at the Drumhollistan Layby (Viewpoint 1), however the majority of the proposed turbines will sit within the visual envelope of the consented turbines. For westbound travellers, the scheme will be in view first at Hill or Forss before dropping out of view briefly before reappearing from east of Dounreay. In more distant views such as at Hill of Forss, the proposed turbines will sit in the same visual envelope as the consented scheme and Baillie Wind Farm. However, due to topographic screening of the consented scheme, for which the proposed scheme does not benefit from, the turbines which comprise the extension would become more visible from this point before dropping out of view again when approaching Reay. As set out earlier in the report the reduction in scale of the proposed development through the removal of turbines 5 and 6 would be of benefit in considerations of sequential impact as well. As the scheme would be viewed from the A836 at Dounreay (VP6), it would mean that the remaining turbines would appear as a stand alone wind farm separate to the consented turbines. However, this is considered to be beneficial given the positioning of the turbines relative to the consented scheme.
- 10.98 When assessing recreational receptors the focuses on walkers and cyclists utilising National Cycle Network 1 and core paths. Walkers and cyclists are considered to be both high and medium sensitivity. For consistency THC would consider all recreational users of the outdoors where their focus is on their surroundings to be high sensitivity. This is disputed due to the heightened sense of awareness and slower speed of movement through an area, giving the receptor more time to appreciate their surroundings. With that said, in this instance, it does not fundamentally alter the result of the assessment for most viewpoints where there is a difference in opinion as other factors have led to THC reaching a conclusion of significant effects on these routes. The EIAR has considered that the visual impact of the development when viewed from a number of core paths will be significant. These are principally the routes in close proximity to the proposed development. These effects may be felt both during construction and operation of the scheme. It is considered that the assessment of recreational receptors undertaken gives a fair account of the likely effects of the development.
- 10.99 Overall, the design and setting of the scheme has reduced the visual impact on a number of settlements including Reay. Further, while there will be an impact on the Wild Land Area 39, it is as a result of the combined effect with the consented scheme rather than the scheme in isolation. However there remains some concerns particularly in relation to the design and location of turbines 5 and 6 due to the extent that these spread the horizontal turbine envelope beyond the consented scheme and change the perceived relationship between the turbines and the coast. It is considered that if appropriate mitigation can be brought forward on these matters then the visual impact of the development is likely to be considered acceptable.

Noise and Shadow Flicker

- 10.100 It is not anticipated that noise will be a significant issue as a result of this development, both individually and in combination with the consented scheme, due to the distance between it and noise sensitive properties. The noise assessment includes a background noise survey which indicates high background levels both for daytime and night time. The assessment demonstrates that predicted noise levels will comply with the simplified ETSU limit of 35dB LA90 at all receptors. That being the case, it is considered appropriate to seek a cumulative noise mitigation and management scheme if an issue arises. By taking this approach, the Planning Authority will retain effective control over the potential noise impacts and have a suitable avenue for investigation should any noise complaints arise from the development.
- 10.101 In terms of shadow flicker, it is not anticipated that this will be an issue for this development either individually or cumulatively given the location of the development in relation to properties.

Telecommunications

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

Aviation

- 10.103 The application has raised no concerns with regard to aviation interests in relation to the Civil Aviation Authority, Highlands and Islands Airports Limited, Ministry of Defence or National Air Traffic Control. Should the proposal be granted consent, a condition can be applied to secure suitable mitigation in terms of aviation lighting and notification to the appropriate bodies of the final turbine positions.

Forestry

- 10.104 As the development is located within a commercial forestry plantation, it is considered that there will be a significant loss of trees as a result of this development to enable turbines to be keyholed. The applicant anticipates that 14.01ha of woodland will be permanently removed to facilitate the construction of the wind farm, with a further temporary felling of 125.48ha which will be compensated by on-site planting. The replanting will be across the Limekiln, Broubster and Achaveilan North forests. The Long Term Forest Plans for these sites need to be updated to reflect this and it will require to be agreed with Scottish Forestry and other relevant consultees. The woodland will continue to be managed during the operation of the development. Scottish Forestry are generally content with the approach proposed. While no forest waste is anticipated, a Forest Residual Waste Management Plan will be sought to ensure that any waste is appropriately dealt with in line with good practice.

Other Material Considerations

- 10.105 Given the complexity of major developments, and to assist in the discharge of conditions, the Planning Authority seek that the developer employs a Planning Monitoring Officer (PMO). The role of the PMO, amongst other things, will include

the monitoring of, and enforcement of compliance with, all conditions, agreements and obligations related to this permission (or any superseding or related permissions) and shall include the provision of a bi-monthly compliance report to the Planning Authority.

- 10.106 In line with Council policy and practice, community benefit considerations are undertaken as a separate exercise and generally parallel to the planning process.
- 10.107 The applicant has advised that at the end of their operational life, if the decision is made to decommission the wind farm, all turbine components, transformers, substation and associated buildings and infrastructure will be removed from the site. Foundations would remain on site; the exposed concrete plinths would be removed to a depth of 0.5m below the surface, graded with soil and replanted. Cables would be cut away below ground level and sealed. New site tracks and hardstanding areas constructed during development of the wind farm would be reinstated to the approximate pre-wind farm condition, unless otherwise agreed with the landowner and/or Highland Council. The material used to construct the tracks would be taken up, removed to areas identified in the site restoration scheme, backfilled with suitable material and covered with topsoil/reseeded. Backfilling of access tracks would be carefully planned in advance to avoid having to move plant machinery and equipment on freshly reinstated land. Any tracks which were upgraded during the development of the wind farm would be left unchanged from the conditions used during the operation phase of the wind farm.
- 10.108 The applicant acknowledges that these matters will not be confirmed until the time of the submission of the Decommissioning and Restoration Plan (DRP). The DRP would be submitted to and approved in writing by The Highland Council in consultation with NatureScot and SEPA no later than 12 months prior to the final decommissioning of the wind farm. The detailed DRP would be implemented within 18 months of the final decommissioning of the development unless otherwise agreed in writing with the planning authority.
- 10.109 The requirements to decommission and restore a wind farm site at its end of life is relatively standard and straight forward, with any request for re-powering to be considered with the submission of a relevant future application. SEPA may also require best practices and the removal of buried cables at the time of decommissioning. It is important to ensure that any approval of this project secures by condition a requirement to deliver a draft decommissioning and restoration plan for approval prior to the commencement of any development and ensure an appropriate financial bond is put in place to secure these works.
- 10.110 There are no other relevant material factors highlighted within representations for consideration of this application.
- 10.111 In recommending a suite of conditions, should Members be minded to raise no objection, due consideration has been given to keeping the conditions consistent with the deemed planning permission granted by Scottish Ministers for Limekiln Wind Farm to ensure ease of use by the applicant and ease of enforcement by the Planning Authority.

Non-material considerations

- 10.112 The issues of constraint payment and impact on house values are not material planning considerations.

11. CONCLUSION

- 11.1 The Scottish Government gives considerable commitment to renewable energy and encourages planning authorities to support the development of wind farms where they can operate successfully and situated in appropriate locations. The project has the potential to contribute an additional 21MW of renewable energy capacity towards Scottish Government targets. However, as with all applications, the benefits of the proposal must be weighed against potential drawbacks and then considered in the round, taking account of the relevant policies of the Development Plan.
- 11.2 As set out in the Landscape Sensitivity Appraisal for the site and the NatureScot response to the application, it is considered that there is limited scope for an appropriately scaled and sited extension to a wind farm in this area. However as noted in the report, the location of some of the turbines is not considered appropriate and lead to significant adverse visual effects which are beyond what would be anticipated for the scale of the proposed development. These effects can be mitigated by the removal of Turbines 5 and 6. Given the proportions of the wind turbines being brought forward on the consented scheme, it is considered that the height difference between the consented and proposed scheme is acceptable and the turbine heights on the remaining turbines do not need further reduction. While the removal of turbines will not remove all significant effects, it will reduce them to acceptable levels for residential receptors, recreational users of the outdoors and road users, including tourists travelling on the North Coast 500. It is considered that while a five turbine scheme would have unacceptable visual effects cumulatively with the consented development, a 3 turbine scheme, having removed turbines 5 and 6, would however be acceptable.
- 11.3 Having found effects on other matters can be adequately managed by condition, it therefore comes to the planning balance in relation to the benefits and dis-benefits of the scheme. While the proposed additional mitigation does reduce the benefits of the scheme, it is considered that the benefits would still outweigh the adverse impacts of the scheme and that the proposed development would not be considered significantly detrimental overall, if the scheme is reduced to a three turbine scheme with the removal of turbines 5 and 6 and the retention of turbines 2, 3, and 9. Scottish Planning Policy aims to achieve the right development in the right place, it is considered that, subject to the additional mitigation this proposal meets with this aim.
- 11.4 The Highland Council has determined its response to this application against the policies set out in the Development Plan, principally Policy 67 of the Highland-wide Local Development Plan with its eleven tests which are expanded upon with the Onshore Wind Energy Supplementary Guidance. This policy also reflects policy tests of other policies in the plan, for example Policy 28. This policy also draws in the range of subject specific policies as also contained within the HwLDP as listed in section 8.1 above. Given the above analysis, the application if reduced to three turbines, would accord with the Development Plan.

- 11.5 Schedule 9 of the Electricity Act sets out what an applicant shall do in relation of the preservation of amenity. It is considered that the proposal has had regard to the desirability of preserving natural beauty but has not fully mitigated the effects of the development in relation to the effects on the natural beauty of the countryside. The additional mitigation proposed by the Planning Authority could allow this test in Schedule 9 to be met. However, in considering these matters it is not considered that having “regard to” and “in doing what he reasonably can” to mitigate these effects mean that the effects of the development, in a reduced three turbine form, are acceptable.

12. IMPLICATIONS

- 12.1 Resource: Not applicable.
- 12.2 Legal: If an objection is raised to the proposal, the application will likely be subject to a Public Local Inquiry. Further if the Scottish Ministers chose not to give effect to the conditional raise no objection, then it would also likely be subject to a Public Local Inquiry.
- 12.3 Community (Equality, Poverty and Rural): Not applicable.
- 12.4 Climate Change/Carbon Clever: The proposal has the ability to make a meaningful contribution toward the production of renewable energy.
- 12.5 Risk: Not applicable.
- 12.6 Gaelic: Not applicable.

13. RECOMMENDATION

Action required before decision N issued

Subject to the above, it is recommended that Raise No Objection, subject to

- A. The removal of turbines 5 and 6 as shown on Figure 3.0, all ancillary infrastructure (inclusive of tracks, crane hardstanding and water crossings) and no felling of trees to accommodate the development;

and

- B. The following conditions and reasons to be attached to the Section 36 Consent (Conditions 1-5) and Deemed Planning Permission (Conditions

Conditions and Reasons

1. The consent is for a period of 30 years from the date of Final Commissioning. Written confirmation of the date of Final Commissioning shall be provided to the Planning Authority and Scottish Ministers no later than one calendar month after the event.

Reason: To define the duration of the consent.

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

(2) Written confirmation of the intended date of Commencement of Development shall be provided to the planning authority and Scottish Ministers no later than one calendar month before that date.

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

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

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

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

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

5. The development shall be undertaken in accordance with the Application and Environmental Impact Assessment Report dated 14 May 2020, subject to the removal of Turbines 5 and 6 and all associated supporting infrastructure, except in so far as amended by the terms of this consent.

Reason: To ensure the development is carried out in accordance with the application documentation.

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

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

7.

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

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

8.

(1) No development shall commence unless and until full details of the proposed wind turbines hereby permitted, including each turbine number and specific height of that turbines (as stated in Figure 1.1 of the Supplementary Information dated September 2017), have been submitted to and approved in writing by the Planning Authority. These details shall include:

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

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

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

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

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

9.

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

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

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

Reason: To safeguard the visual amenity of the area.

11. (1) The Development will be decommissioned and will cease to generate electricity by no later than the date thirty years from the date of Final Commissioning. The total period for restoration of the Site in accordance with this condition shall not exceed three years from the date of Final Decommissioning without prior written approval of the Scottish Ministers in consultation with the Planning Authority.
- (2) No development shall commence unless and until a decommissioning, restoration and aftercare strategy has been submitted to, and approved in writing by, the Planning Authority (in consultation with SNH and SEPA). The strategy shall outline measures for the decommissioning of the Development and restoration and aftercare of the site, and shall include proposals for the removal of the Development, the treatment of ground surfaces, the management and timing of the works and environmental management provisions.
- (3) Not later than 2 years before decommissioning of the Development or the expiration of this consent (whichever is the earlier), a detailed decommissioning, restoration and aftercare plan, based upon the principles of the approved decommissioning, restoration and aftercare strategy, shall be submitted for the written approval of the Planning Authority in consultation with SNH and SEPA. The detailed decommissioning, restoration and aftercare plan shall provide updated and detailed proposals, in accordance with relevant guidance at that time, for the removal of the Development, the treatment of ground surfaces, the management and timing of the works and environment management provisions which shall include (but is not limited to):
- a) site waste management plan (dealing with all aspects of waste produced during the decommissioning, restoration and aftercare phases);
 - b) details of the formation of the construction compound, welfare facilities, any areas of hardstanding, turning areas, internal access tracks, car parking, material tockpiles, oil storage, lighting columns, and any construction compound boundary fencing;
 - c) a dust management plan;
 - d) details of measures to be taken to prevent loose or deleterious material being deposited on the local road network, including wheel cleaning and lorry sheeting facilities, and measures to clean the site entrances and the adjacent local road network;
 - e) a pollution prevention and control method statement, including arrangements for the storage and management of oil and fuel on the site;

- f) details of measures for soil storage and management;
 - g) a surface water and groundwater management and treatment plan, including details of the separation of clean and dirty water drains, and location of settlement lagoons for silt laden water;
 - h) details of measures for sewage disposal and treatment;
 - i) temporary site illumination;
 - j) the construction of any temporary access into the site and the creation and maintenance of associated visibility splays;
 - k) details of watercourse crossings; and
 - l) a species protection plan based on surveys for protected species (including birds) carried out no longer than eighteen months prior to submission of the plan.
- (4) The Development shall be decommissioned, the site restored and aftercare undertaken in accordance with the approved plan.

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

12.

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

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

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

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

13. (1) No development shall commence unless and until a bond or other form of financial guarantee in terms reasonably acceptable to the Planning Authority which secures the cost of performance of all decommissioning, restoration and aftercare obligations referred to in condition 11 is submitted to the Planning Authority.
- (2) The value of the financial guarantee shall be agreed between the Company and the Planning Authority or, failing agreement, determined (on application by either party) by a suitably qualified independent professional as being sufficient to meet the costs of all decommissioning, restoration and aftercare obligations referred to in condition 11,
- (3) The financial guarantee shall be maintained in favour of the Planning Authority until the date of completion of all decommissioning, restoration and aftercare obligations referred to in condition 11.
- (4) The value of the financial guarantee shall be reviewed by agreement between the Company and the Planning Authority or, failing agreement, determined (on application by either party) by a suitably qualified independent professional no less than every five years and increased or decreased to take account of any variation in costs of compliance with decommissioning, restoration and aftercare obligations and best practice prevailing at the time of each review.

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

14. (1) The wind turbines hereby permitted, with the exception of turbines 5 and 6 shall be erected in the locations shown on Figure 3.0
- (2) Wind turbines, buildings, masts, areas of hardstanding and tracks may be adjusted by micro-siting within the site. However, unless otherwise approved in advance in writing by the Planning Authority in consultation with ECoW, micrositing is subject to the following restrictions:
- a) the wind turbines and other infrastructure hereby permitted may be microsited within 50 metres save that no wind turbine or other infrastructure may be microsited to less than 50 metres from surface water features.
- (3) A plan showing the final position of all wind turbines buildings, masts, areas of hardstanding, tracks and associated infrastructure forming part of the Development shall be submitted to the Planning Authority within one month of the completion of the Development works. The plan shall also specify areas where micrositing has taken place and, for each instance, be accompanied by copies of the Environmental Clerk of Works ("ECoW") or Planning Authority's approval, as applicable.

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

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

- a) detailed working method statement based on site survey information and ground investigations;
- b) details of the handling of any overburden (including peat, soil and rock);
- c) drainage measures, including measures to prevent surrounding areas of peatland, water dependant sensitive habitats and Ground Water Dependent Terrestrial Ecosystems (GWDTE) from drying out;
- d) a programme of implementation of the works described in the scheme; and
- e) details of the reinstatement, restoration and aftercare of the borrow pit(s) to be undertaken at the end of the construction period, including topographic surveys of pre-construction profiles and details of topographical surveys to be undertaken of the restored borrow pit profiles.

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

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

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

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

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

a) Impose a duty to monitor compliance with the ecological, ornithological and hydrological commitments provided in the Environmental Impact Assessment Report May 2020 and the Construction Environmental Management Plan, Peat Management Plan, Habitat Management Plan, Species Protection Plan, Bird Protection Plan, Water Quality Management Plan and other plans approved in terms of the conditions of this permission ("the ECoW Works");

b) Advise on micro-siting proposals issued pursuant to Condition 14;

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

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

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

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

(4) The ECoVV shall be appointed on the approved terms throughout the decommissioning, restoration and aftercare phases of the Development.

Reason: To secure effective monitoring of and compliance with the environmental mitigation and management measures associated with the Development during the decommissioning, restoration and aftercare phases.

18.

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

- a) details of the phasing of construction works;
- b) the formation of temporary construction compounds, access tracks and any areas of hardstanding;
- c) details of the temporary site compound including temporary structures/buildings, fencing, parking and storage provision to be used in connection with the construction of the development;
- d) the maintenance of visibility splays on the entrance to the site;
- e) the method of construction of the crane pads and turbine foundations;
- f) the method of working cable trenches;
- g) the method of construction and erection of the wind turbines;
- h) a dust management plan;
- i) pollution prevention and control statement: protection of the water environment, bunding of fuel storage areas, surface water drainage, sewage disposal and discharge of foul drainage;
- j) details of water crossings;
- k) temporary site illumination during the construction period;
- l) details of the proposed storage of materials and soils and disposal of surplus materials;
- m) details of timing of works;
- n) details of surface treatments and the construction of all hard surfaces and access tracks between turbines and between turbines and other infrastructure;
- o) details of routing of onsite cabling;
- p) details of emergency procedures and pollution response plans;
- q) siting and details of wheel washing facilities;

- r) cleaning of site entrances, site tracks and the adjacent public road and the sheeting of all HGVs taking spoil or construction materials to/from the site to prevent spillage or deposit of any materials on the road;
- s) details and a timetable for post construction restoration/reinstatement of the temporary working areas, and the construction compound;
- t) working practices for protecting nearby residential dwellings, including general measures to control noise and vibration arising from on-site activities, shall be adopted as set out in British Standard 5228 Part 1: 2009;
- u) location of fencing to be erected around Milton Township and the associated rig and furrow;
- v) areas on site designated for the storage, loading, off-loading, parking and manoeuvring of heavy duty plant, equipment and vehicles;
- w) details of the excavation, use and subsequent restoration of the approved borrow pits;
- x) a Site Waste Management Plan to include details of measures to be taken during the construction period to minimise the disturbance of soil and peat;
- y) site specific details for management and operation of any concrete batching plant (including disposal of pH rich waste water and substances); and
- z) details of watercourse crossings.

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

19.

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

- a) a peat management plan including peat slide hazard and risk assessment and emergency plans for peat slide;
- b) a species protection plan;
- c) a bird protection plan; and
- d) a water quality management plan.

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

Reason: To ensure that all construction operations are carried out in a manner that minimises their impact on road safety, amenity and the environment, and that the mitigation measures contained in the Environmental Impact Assessment Report May 2020 which accompanied the application, or as otherwise agreed, are fully implemented.

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

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

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

- a) the routing of construction traffic and traffic management including details of the capacity of existing bridges and structures along the abnormal load delivery route and a risk assessment;
- b) scheduling and timing of movements;
- c) the management of junctions to and crossings of the public highway and other public rights of way;
- d) any identified works to accommodate abnormal loads (including the number and timing of deliveries and the length, width and axle configuration of all extraordinary traffic accessing the site) along the delivery route including any temporary warning signs;
- e) temporary removal and replacement of highway infrastructure/street furniture;
- f) details of all signage and lining arrangements to be put in place and the reinstatement of any signs, verges or other items displaced by construction traffic;
- g) banksman/escort details;
- h) a procedure for monitoring road conditions and applying remedial measures where required as well as reinstatement measures; and
- i) a timetable for implementation of the measures detailed in the TMP;
- j) Provisions for emergency vehicle access; and
- k) Identification of a nominated person to whom any road safety issues can be referred.

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

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

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

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

Reason: To protect ecological interests.

24. (1) No development shall commence unless and until a Habitat Management Plan ("HMP"), which will include the mitigation measures described within the Environmental Impact Assessment Report May 2020, has been submitted to, and approved in writing by the Planning Authority in consultation with NatureScot, and SEPA,

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

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

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

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

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

a) otter surveys at watercourses and adjacent suitable habitats and within a 250m radius of each wind turbine and associated infrastructure;

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

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

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

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

- f) electrofishing surveys at Sandside Burn and Achvarasdal Burn;
- g) badger surveys at suitable habitats and within 30m of each wind turbine and associated infrastructure.

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

Reason: In the interests of nature conservation.

26.

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

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

Reason: In the interests of nature conservation.

27.

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

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

a) details of the location of the area to be planted to compensate for the trees that will be temporarily felled and permanently felled to accommodate the development, as identified in Chapter 16 of the Environmental Impact Assessment Report;

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

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

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

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

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

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

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

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

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

29. No development shall commence unless and until an Access Management Plan ("AMP") has been submitted to and agreed in writing by the Planning Authority. The AMP should ensure that public access is retained in the vicinity of Limekiln Extension Wind Farm during construction, and thereafter that suitable public access is provided during the operational phase of the wind farm. The plan as agreed shall be implemented in full.

Reason: In the interests of securing public access rights.

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

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

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

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

31. No development shall commence unless and until the Company has appointed an independent and suitable qualified geotechnical engineer as a Geotechnical Clerk of Works ("GCoW"), the terms of whose appointment (including specification of duties and duration of appointment) shall be approved by the Planning Authority. The terms of the appointment shall impose a duty to monitor compliance with the Peat Management Plan referred to at condition 19(a).

Reason: To ensure a satisfactory level of environmental protection.

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

For the avoidance of doubt if the scheme includes visible aviation lighting for reasons of aviation safety, the scheme shall be supported by an assessment of impact of visible aviation lighting in hours of darkness. For the avoidance of doubt this shall include an assessment in terms of visual impact, landscape impact, nightscape impact and impact on qualities of wildness of WLA39

No lighting other than that described in the scheme may be applied at the Site, other than as required for health and safety, unless otherwise approved in advance and in writing by the planning authority.

Reason: In the interests of aviation safety.

33.

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

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

Reason: In the interests of aviation safety.

34.

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

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

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

(4) The approved private water supply method statement and monitoring plan shall be implemented in full.

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

Reason: To maintain a secure and adequate quality water supply to all properties

ith private water supplies which may be affected by the Development.

35.

No development shall commence unless and until full details of all surface water drainage provision within the application site (which should accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland Third Edition, or any superseding guidance prevailing at the time) have been submitted to, and approved in writing

by, the Planning Authority. Thereafter, only the approved details shall be implemented and all surface water drainage provision shall be completed prior to the Date of First Commissioning.

Reason: To ensure that surface water drainage is provided timeously and complies

with the principles of SUDS; in order to protect the water environment.

36.

There shall be no Commencement of Development until the planning authority has approved in writing the terms of appointment by the Company of an independent and suitably qualified environmental consultant to assist the planning authority in monitoring compliance with the terms of the deemed planning permission and conditions attached to this consent ("PMO") for the period between commencement of development and completion of post-construction restoration works. The terms of appointment shall;

- a. Impose a duty to monitor compliance with the terms of the deemed planning permission and conditions attached to thereto;
- b. Require the PMO to submit a quarterly report to the planning authority summarising works undertaken on site; and
- c. Require the PMO to report to the planning authority any incidences of non-compliance with the terms of the terms of the deemed planning permission and conditions attached to this consent at the earliest practical opportunity.

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

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

37.

The rating level of noise emissions from the combined effects of the wind turbines comprising the Limekiln Extension wind farm (including the application of any tonal penalty) hereby permitted together with the noise emissions of the wind turbines comprising the Limekiln (Resubmission) Wind Farm (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:

The rating level of noise emissions from the combined effects of the wind turbines (including the application of any tonal penalty) of Limekiln Extension wind farm when determined in accordance with the attached Guidance Notes (to this condition), shall not exceed 35dB LA90 at the consented dwelling site at grid reference 824550 275303 and:

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

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

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

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

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

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

ii. A reasoned assessment as to whether the noise giving rise to the complaint contains or is likely to contain a tonal component. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the information provided in the written request from the planning authority under paragraph (c), and such others as the independent consultant considers necessary to fully assess the noise at the complainant's property. The assessment of the rating level of noise emissions shall be undertaken in accordance with the assessment protocol approved in writing by the planning authority and the attached Guidance Notes.

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

Location	Measured wind speed at 10 metre height (m/s) within the site averaged over 10-minute periods									
	3	4	5	6	7	8	9	10	11	12
Achins	38	38	38	38	38	38	38	38	38	38
Reay	38	38	38	38	38	38	38	38	38	38
Borlum House	38	38	38	38	38	38	38	38	38	38
Milton	38	38	38	38	38	38	38	38	38	38
Loanscorribest	38	38	38	38	38	38	38	38	38	38
Achunabust	38	38	38	38	38	38	38	38	38	38
Water Plant Houses	38	38	38	38	38	38	38	38	38	38
Rathlin	38	38	38	38	38	38	38	38	38	38
Shebster	38	38	38	38	38	38	38	38	38	38

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

Property	Easting	Northing
Achins	295877	964090
Reay	296167	964440
Borlum House	297199	964065
Milton	297861	964470
Loanscorribest	298508	964010
Achunabust	299559	964415
Water Plant Houses	300551	964205
Rathlin	301008	964000
Shebster	301405	963875

Guidance Note 1

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

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

compliance measurements is withheld, the Company shall submit for the written approval of the Planning Authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements shall be undertaken at the approved alternative representative measurement location.

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

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

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

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

Guidance Note 2

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

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

(c) For those data points considered valid in accordance with Guidance Note 2(b), values of the LA90,10 minute noise measurements and corresponding values of the 10- minute 10- metre height wind speed averaged across all operating wind turbines using the procedure specified in Guidance Note **1(d)**, shall be plotted on an XY chart with noise level on the Y-axis and the 10- metre height mean wind

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

Guidance Note 3

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

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

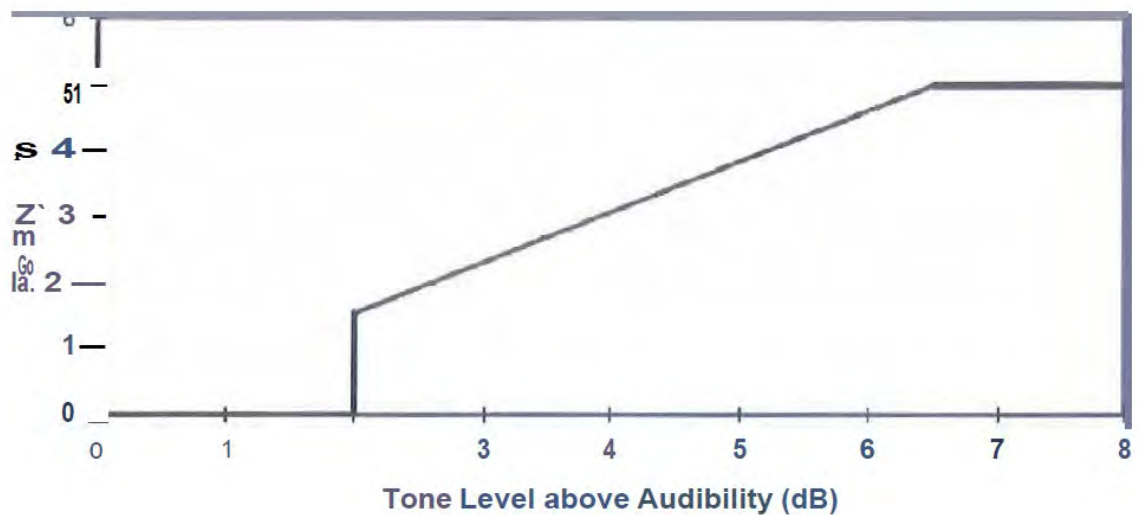
(c) For each of the 2 minute samples the tone level above or below audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104-109 of ETSU-R-97.

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

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

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

to the figure below.



Guidance Note 4

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

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

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

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

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

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

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

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

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

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

Designation: Acting Head of Development Management – Highland

Author: Simon Hindson, Strategic Projects Team Leader

Background Papers: Documents referred to in report and in case file.

Relevant Plans:

- Plan 1 Location Plan (Figure 1.0)
- Plan 2 Site Layout Plan (Figure 3.0)
- Plan 3 Comparative ZTV to 35km (Figure 9.24)
- Plan 4 Typical Turbine Elevation (Figure 3.1a)

Appendix 2 – Viewpoint Assessment Appraisal – Visual Impact

Viewpoint	App / THC	Sensitivity	Proposed Development			Combined Development		THC Notes
			Magnitude of Change	Level of effect	Significance	Magnitude of Change	Significance	
VP1 – A836 Drum Hollistan Layby	APP	High	Low	Minor Moderate	Not Significant	Medium High	Significant	At this viewpoint one would get a sweeping view across the flow country during the transitioning from the more rugged landscapes of the west when travelling eastbound. Turbines 5 and 6 would extend the horizontal array toward the coast and sit outwith the visual envelope of the consented turbines. As a result of the location of turbines 5 and 6, it is considered that the magnitude of change is medium rather than low. The remaining turbines sit relatively well with those in the consented scheme.
	THC	High	Medium	Moderate	Not significant	High	Significant	
VP2 – Reay – Reay Footpath	APP	High	Very Low	Minor	Not Significant	High	Significant	There would be very limited visibility of turbines 2 and 9 in the proposed scheme. They would sit well with the consented scheme. Agree with the applicant's assessment.
	THC	High	Very Low	Minor	Not Significant	High	Significant	
VP3 – A836 Reay Church	APP	High	Very Low	Slight	Not Significant	High	Significant	While only blade tips would be visible of turbines 5,6 and 9 and to a lesser extent 3. These would extend the horizontal spread of turbines at this location beyond the containment currently provided by the topographical screening. It is considered that turbines 5, 6 and 9 would benefit from a reduction in height at this viewpoint to take them below the skyline as to not extend the horizontal spread of turbine visibility further east.
	THC	High	Low	Moderate	Not Significant	High	Significant	
VP4 –	APP	High	Low	Major	Significant	High	Significant	For receptors at this location, the

Viewpoint	App / THC	Sensitivity	Proposed Development			Combined Development		THC Notes
			Magnitude of Change	Level of effect	Significance	Magnitude of Change	Significance	
Shebster				Moderate				turbines will be a stark new feature, even when considered against the baseline of the consented turbines due to the scale of the turbines proximity between the receptor and turbines (3km). There is a clear contrast between the proposed and consented turbines in terms of scale and this is exacerbated due to perspective. However, if the consented turbines are to have longer blades, while matching the overall blade tip height of their consent, the issue may not be as prominent. Nevertheless, it is considered that the magnitude of change has been underplayed.
	THC	High	Major	Major	Significant	High	Significant	
VP5 – Sandside Bay Harbour	APP	High	Low	Moderate minor	Not Significant	High	Significant	At this viewpoint it is considered that given the increased horizontal spread of turbines into an area which previously contained no turbines through the consented development, that the magnitude of change has been underplayed. The turbines, while partially screened by topography would clearly be visible. It is considered that the removal of turbines 5 and 6 with the reduction in height of turbines 3 and 9 to take them below the skyline would be beneficial and would reduce the magnitude of change.
	THC	High	Medium	Moderate	Not Significant	High	Significant	
VP6 – A836 Dounreay Road Junction	APP	Medium	Low	Moderate Minor	Not Significant	Medium	Significant	While the route is representative of a number of different types of road users, the fact this is located on a promoted tourist route and as part of the National
	THC	High	Medium	Moderate	Significant	High	Significant	

Viewpoint	App / THC	Sensitivity	Proposed Development			Combined Development		THC Notes
			Magnitude of Change	Level of effect	Significance	Magnitude of Change	Significance	
								<p>Cycle Network, the receptors at this viewpoint should be considered as high sensitivity. There the turbines would be dominant in the view and draw the eye due to their location and scale. It is considered that as a result of this the magnitude of change has been underplayed in the applicant's assessment. Turbines 2, 3 and 9 however sit comfortably against the landscape due to their positioning and separation from the consented scheme. The Turbines 5 and 6 however, bridge a short saddle in the landscape which contains limited turbines from the consented scheme. Given the location of these turbines and the relationship with the consented scheme the increased horizontal spread at this point is likely to be perceived as greater than would be expected given the scale and separation of the turbines. Without mitigation, it is considered that there would be a significant effect for receptors at this viewpoint.</p>
VP8 – Angler's Car Park, Loch Calder	APP	Medium	Low	Moderate Minor	Not Significant	Medium	Not Significant	<p>At this viewpoint, people are likely to be engaged in outdoor activities that involve the appreciation of ones surroundings, therefore it is considered that the receptors would more appropriately be considered to have a high sensitivity.</p> <p>The propsoed turbines from this viewpoint would appear significantly</p>
	THC	High	Medium	major / moderate	Significant	High	Significant	

Viewpoint	App / THC	Sensitivity	Proposed Development			Combined Development		THC Notes
			Magnitude of Change	Level of effect	Significance	Magnitude of Change	Significance	
								larger than those of the consented scheme. While some of this would be due to perspective, the proximity and positioning of turbines is not helpful to the schemes integration with the consented turbines. Turbines 9 and 3 would benefit from a reduction in height to address this. The removal of turbines 5 and 6 would be beneficial in relation to the adverse effect of stacked turbines. This issue would likely be exacerbated due to the difference in scale of the turbines.
VP9 – Ben Dorrey	APP	High	Low	Moderate	Not Significant	Medium	Not Significant	Turbines 3, 5 and 6 all sit outwith the visual envelope of the consented turbines and as a result extend the horizontal spread. As these turbines would clearly appear as larger in scale despite the intervening distance, it is considered that there would be a medium magnitude of change. Overall, it is considered that only Turbine 2 sits comfortably with the design of the consented scheme from this viewpoint.
	THC	High	Medium	Moderate	Significant	Medium	Significant	
VP10 – Lythmore Junction	APP	Medium	Low	Moderate minor	Not Significant	Medium low	Not significant	Agree with the applicant's assessment.
	THC	Medium	Low	Moderate minor	Not Significant	Medium low	Not significant	
VP14 – Borlum Hill	APP	Low	Medium High	Moderate	Not Significant	High	Significant	The proposed development would appear to increase its horizontal spread significantly from this viewpoint with Turbines 3, 5, 6 and 9 all sitting outwith the visual envelope of the consented turbines. Turbine 2 sits well with the
	THC	Medium	High	Major Moderate	Significant	High	Significant	

Viewpoint	App / THC	Sensitivity	Proposed Development			Combined Development		THC Notes
			Magnitude of Change	Level of effect	Significance	Magnitude of Change	Significance	
								consented scheme. As a result it is considered that the magnitude of change is more appropriately considered as high for this viewpoint. Further, it is considered that the sensitivity of receptors at this viewpoint has been underplayed as these would be recreational users of the outdoors using minor paths in the area to go to a waymarked viewpoint.
VP15 – Beinn Ratha	APP	Medium	Medium	Moderate	Not Significant	High	Significant	It is considered that the sensitivity of receptors on Beinn Ratha has been underplayed. This is a prominent local landmark which at which the receptor will be there to take in the view while engaging in outdoor recreation. However, the turbines all sit well within the visual envelope of the consented turbines and as a result the change in sensitivity of receptor would not lead to a significant effect.
	THC	High	Medium	Moderate	Not Significant	High	Significant	
VP16 – Shurrey	APP	Medium	Low	Moderate Minor	Not Significant	Medium	Not Significant	It is considered that for receptors at Shurrey, the proposed turbines would appear significantly larger in scale than the consented turbines due to their positioning and size. Further as there are scale indicators in the form of houses and forestry, this allows the scale of those elements of the turbines which are not screened by forestry to be more readily identified. While limited elements of turbines 5 and 6 are currently visible, this would increase when the forestry is felled. As a result
	THC	Medium	Medium	Moderate	Not Significant	Medium	Not Significant	

Viewpoint	App / THC	Sensitivity	Proposed Development			Combined Development		THC Notes
			Magnitude of Change	Level of effect	Significance	Magnitude of Change	Significance	
								turbines 5 and 6 would appear to significantly extend the horizontal spread of turbines from this location.
VP17 – A836 Hill of Forss	APP	Medium	Very Low	Minor	Not Significant	Medium Low	Not Significant	At this viewpoint the users of the A836 would be a combination of tourists, recreational users of the outdoors as well as residents and commuters. These would, in the view of the Planning Authority be of higher sensitivity. All other aspects of the applicant's assessment are agreed.
	THC	High	Very Low	Moderate	Not Significant	Medium	Not Significant	
VP18 – Broubster Forest Core Path	APP	High	High	Major	Significant	Major	Significant	The turbines at this viewpoint would be dominating features, however would flit in and out of view as one travels along the path. When forestry is felled, further views would likely be opened up. It is not considered that the visual effects of the turbines can be mitigated from this viewpoint given the proximity to the turbines.
	THC	High	High	Major	Significant	Major	Significant	

Note 1 – the text in bold indicates a significant effect has been identified.

Note 2 – The applicant screened out full assessments on visual impact at VP7 (Strathy Point), VP11 (Georgemas Junction), VP12 (A9 at Spittal), and VP13 (Dunnet Head). Therefore no appraisal has been undertaken on the significance or otherwise of the effect on receptors at this viewpoints.

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

Criterion 1 is related to relationships between settlements/key locations and the wider landscape. The nearest settlements are Reay and Shebster. Due to the site location and topography, the proposed turbines are screened from the majority of Reay, however they would be stark new features at Shebster, given the proximity to the receptors and the lack of screening. The proposed development would be seen in the majority of views to and from the majority of settlement approach routes, in particular as one travels westward along the A836 toward Reay and when using the minor roads to and from Shebster. In line with the findings of the Public Local Inquiry for the consented scheme, it is not considered that the proposal would contribute to the encirclement of settlements. The proposed development meets the threshold of Criteria 1 with the exception of Shebster and the approaching roads.

Criterion 2 is related to the transitional nature of key gateway locations and routes. The A836 is a key route in the Landscape Sensitivity Appraisal and the transition between the open flat moorland of Caithness to the undulating and rugged moorland of Sutherland and vice versa is clearly experienced in proximity of Drum Hollistan to the west of the site. Given the site location and topography the proposed turbines are predominantly within the visual turbine envelope of the consented Limekiln Wind Farm with the exception of turbines 5 and 6. It is considered while there will be a reduction in the transitional qualities of this route it is considered this is more as a result of the consented scheme rather than the proposed turbines, albeit the proposed turbines are a contributing factor due to their positioning. The reduction in scale of the scheme would however, reduce the adverse effects. While turbines would appear closer to the road and the coast in this area, it is considered that, for the most part, the turbines comprising the proposed development would have an adverse impact on the setting of the route as it relates to its transitional qualities. When travelling westward from Thurso on the A836 toward the site, the proposed turbines would be dominant features between Dounreay and Reay. A reduction in the scale of the scheme could mitigate the effects on this criteria. The threshold of the criterion is not met in localised sections but it is met overall for the A836 route..

Criterion 3 is related to the extent to which the proposal affects the fabric and setting of valued natural and cultural landmarks. The surrounding land hosts a number of archaeological remains and built heritage. The applicant's assessment in this regard is accepted by statutory consultees. The proposed development will have cumulative impacts on the views toward Beinn Ratha, however the proposed turbines do not contribute significantly toward this. The proposed development meets the threshold of Criteria 3.

Criterion 4 is related to the amenity and visual appeal of key recreational routes and ways. For this scheme this would include the A836, Broubster Forest Core Path and the Core Paths around Limekiln and Reay.

The turbines will be visible from Beinn Ratha but will sit, mostly within the envelope of the consented scheme. The key impacts on matters highlighted by this criterion would be the impacts on the recreational users of the A836 (NC500 and NCN1) and the core paths. The core paths around Reay will not be affected by the proposed turbines (with the exception of during the construction period), however those in Broubster Forest would be, as would

the route to Borlum Hill. The proposed development would be visually prominent for large sections of these routes. The users of the NC500 and NCN1 would be affected between Dounreay and Reay when travelling westward and for a short distance between Drum Hollistan and Reay when travelling eastward.

The proposed development would affect the amenity of key recreational routes and would detract the visual appeal of the affected routes. The proposed development does not meet the threshold of Criteria 4.

Criterion 5 is related to the amenity and visual appeal of transport routes. As discussed under Criteria 1 and 2, the turbines would be visible from the A836 and the minor road network in the area. While there will be significant effects, it is for sections of the route and not the route as a whole. The remainder of the routes would not be subject to significant adverse effects.

Other key routes in the area, including the A9, are unlikely to be subject to significant adverse effects or impacts on the amenity of the routes.

The proposed development would not affect the amenity or visual appeal of transport routes as a whole but has significant effects over a key section of the A836 between Dounreay and Reay as one is travelling westbound. Further mitigation could be put in place to address this through the removal of turbines 5 and 6. The turbines would, for a section of the A836, detract from the visual appeal of the route. Overall, the proposed development meets the threshold of Criteria 5.

Criterion 6 is related to pattern of development. The pattern of development is discussed under Criteria 1 above in so far as it relates to encirclement and raised no issues given the lack of views from settlements.

The proposed development will reduce the perceived separation between the coast and the existing wind energy developments, particularly as viewed from the east and west. Again, this could be mitigated by the removal of turbines furthest north within the development.

In some views, particularly VP6 on the A836 at Dounreay, the proposed turbines do not have a positive relationship with the consented turbines due to the overlap and horizontal spread of turbines. As set out in the main body of the report and Appendix 2, this could be mitigated. The contrast in turbine heights in a number of views lead to a discordant design when considered in the context of the consented Limekiln Wind Farm.

On balance, the proposal in its current form does not meet the threshold of Criteria 6, however would meet the threshold if development is reduced in scale.

Criteria 7 and 9 are related to the separation between development/and or clusters both in visual and landscape terms. The majority of the viewpoints provided show Limekiln Extension with other wind farms including the consented Limekiln Wind Farm and Baillie Wind Farm. This is discussed in Criteria 6 above.

The turbines at Limekiln Extension would appear to horizontally extend the pattern of turbine development in a large number of views. As discussed above, the turbines would

not benefit from the visual containment of the existing development in a number of views due to the location and scale of the proposed turbines. The proposed development would not undo previously secured mitigation as that was focused on the Wild Land Area and Reay.

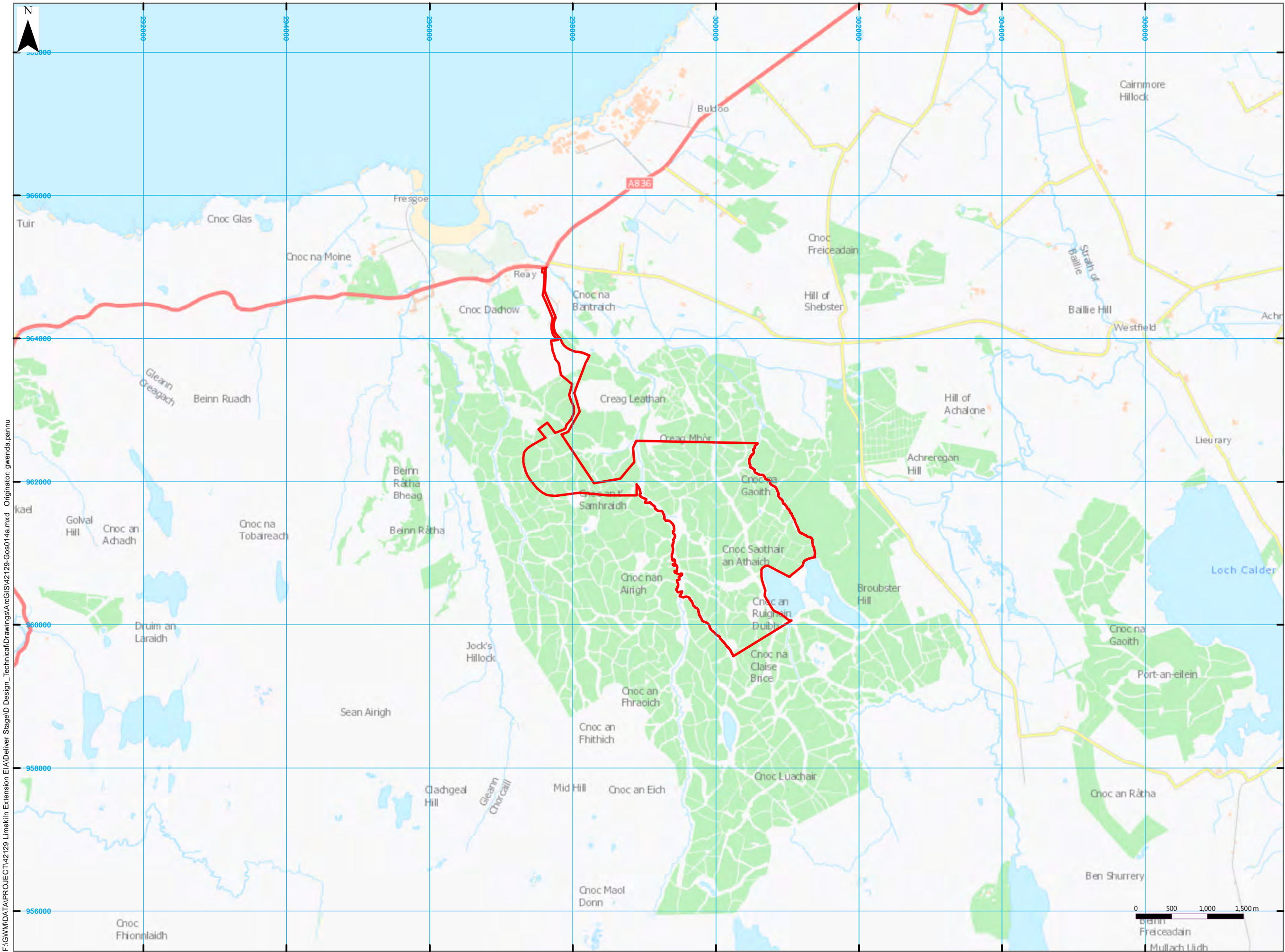
Given that this is an extension to an existing wind farm, it is considered that this criteria is challenged somewhat however it is concluded that the proposed development would for the most part, retain appropriate and effective separation between existing development, except when viewed from the A836 east of the site. As this is the case Criteria 7 and 9 are met.

Criterion 8 is related to perception of landscape scale and distance. Where the turbines appear with other wind energy developments, they are either as a horizontal extension to the existing pattern or are viewed to the front or rear of the existing developments. At Strathy Point and a number of the other viewpoints due east and west of the development, the cumulative horizontal extent of the turbines reduces the perceived scale of the landscape between the coast and the turbines. When viewed from Strathy Point the scale of the cliffs is slightly affected due to the scale and positioning of the turbines. Although, there are some other exceptions, such as at Shurrey, Shebster and Loch Calder, the perception of scale and distance is not significantly adversely effected by the proposed scheme. Therefore, it meets the threshold of Criteria 8.

Criterion 10 is related to distinctiveness of landscape character. For the avoidance of doubt this does not relate to landscape designations. Consideration should be given to the variety of landscape character as one travels through the area and how that changes and transitions as one moves through the area.

It is considered the proposed development does not have an adverse impact on the integrity and variety of Landscape Character Types when moving through the landscape. Therefore the criterion is met.

Figure 1.0: Proposed Development Site Location



Legend:
 Site Boundary

Title:
Proposed Development Site Location

Project:
Limekiln Wind Farm Extension

Source:
 Service Layer Credits: Contains OS data © Crown Copyright and database right 2019

Client:
 Infinergy

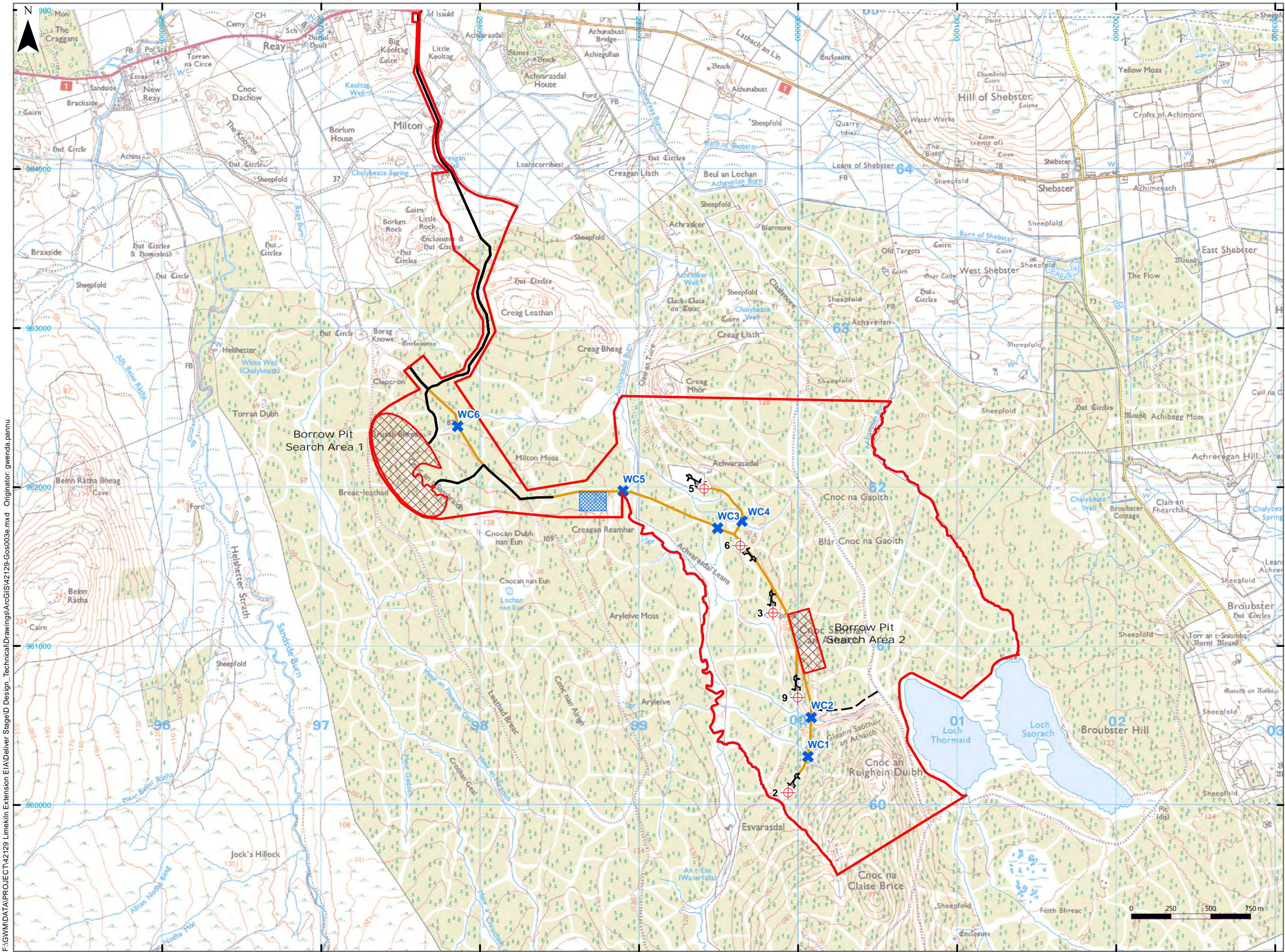
Drawn by: panng	Checked: hughg
Date: March 2020	Figure: 1.0
Scale: 1:50,000	Revision No: a

INFINERGY

Drawing Ref: 42129-Gos014a

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Figure 3.0: Site Layout



Legend:

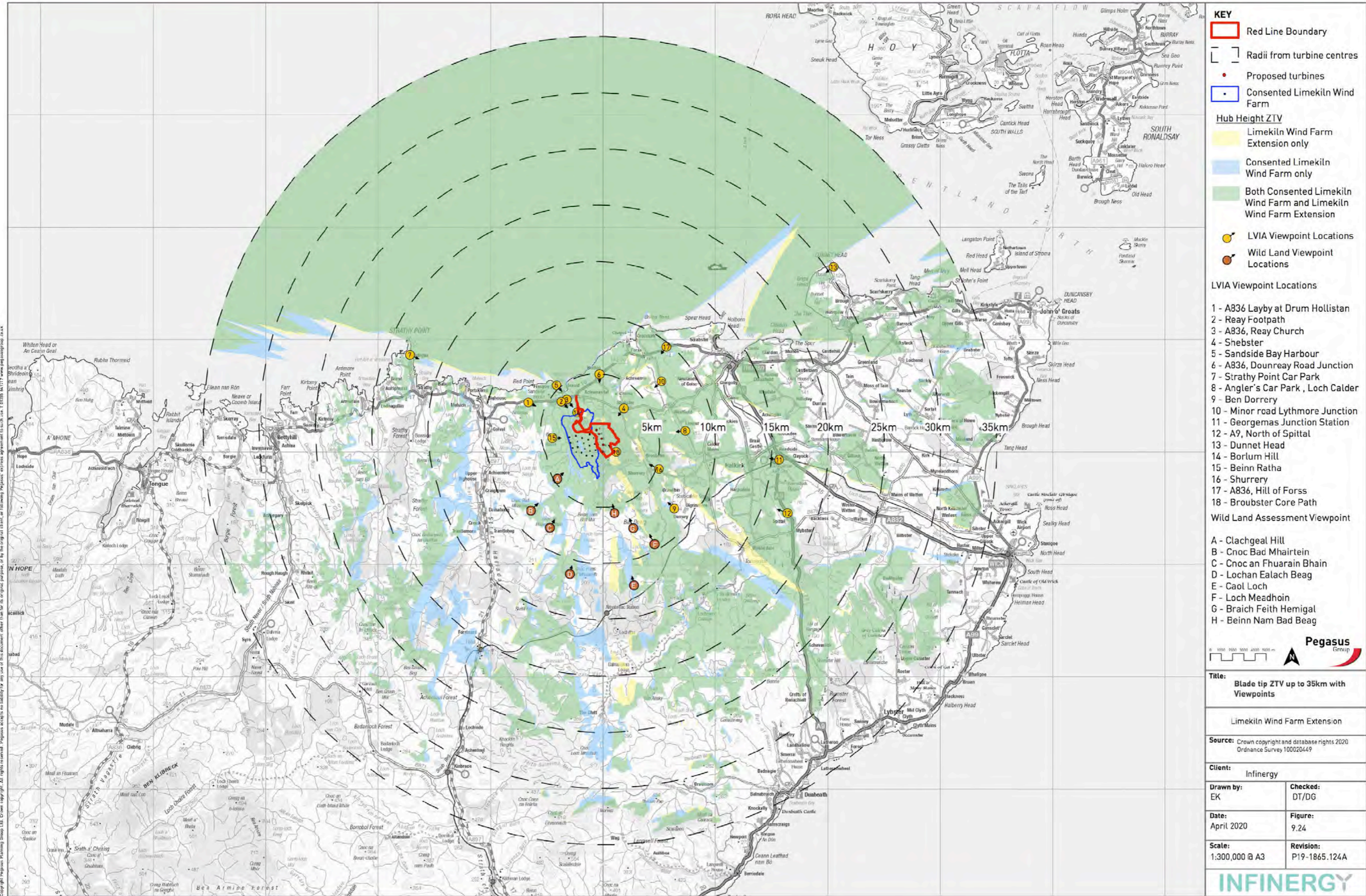
- Turbine Location
- Site Boundary
- Watercourse crossing
- Crane Pad Hardstanding
- Construction Compound, Control Building, Substation & Battery Array
- Borrow Pit Search Area
- Consented Limekiln Wind Farm Layout
- Proposed Access Tracks
- Core Path CA11.01 Connection Path

Title:		Site Layout	
Project:		Limekiln Wind Farm Extension	
Source:		© Crown copyright and database rights 2019 Ordnance Survey 0100031673	
Client:		Infinergy	
Drawn by:	Checked:		
panng	hughg		
Date:	Figure:		
April 2020	3.0		
Scale:	Revision No:		
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INFINERGY

Drawing Ref: 42129-Gos003e

Figure 9.24: Blade tip ZTV up to 35km with Viewpoints



KEY

- Red Line Boundary
- Radii from turbine centres
- Proposed turbines
- Consented Limekiln Wind Farm

Hub Height ZTV

- Limekiln Wind Farm Extension only
- Consented Limekiln Wind Farm only
- Both Consented Limekiln Wind Farm and Limekiln Wind Farm Extension

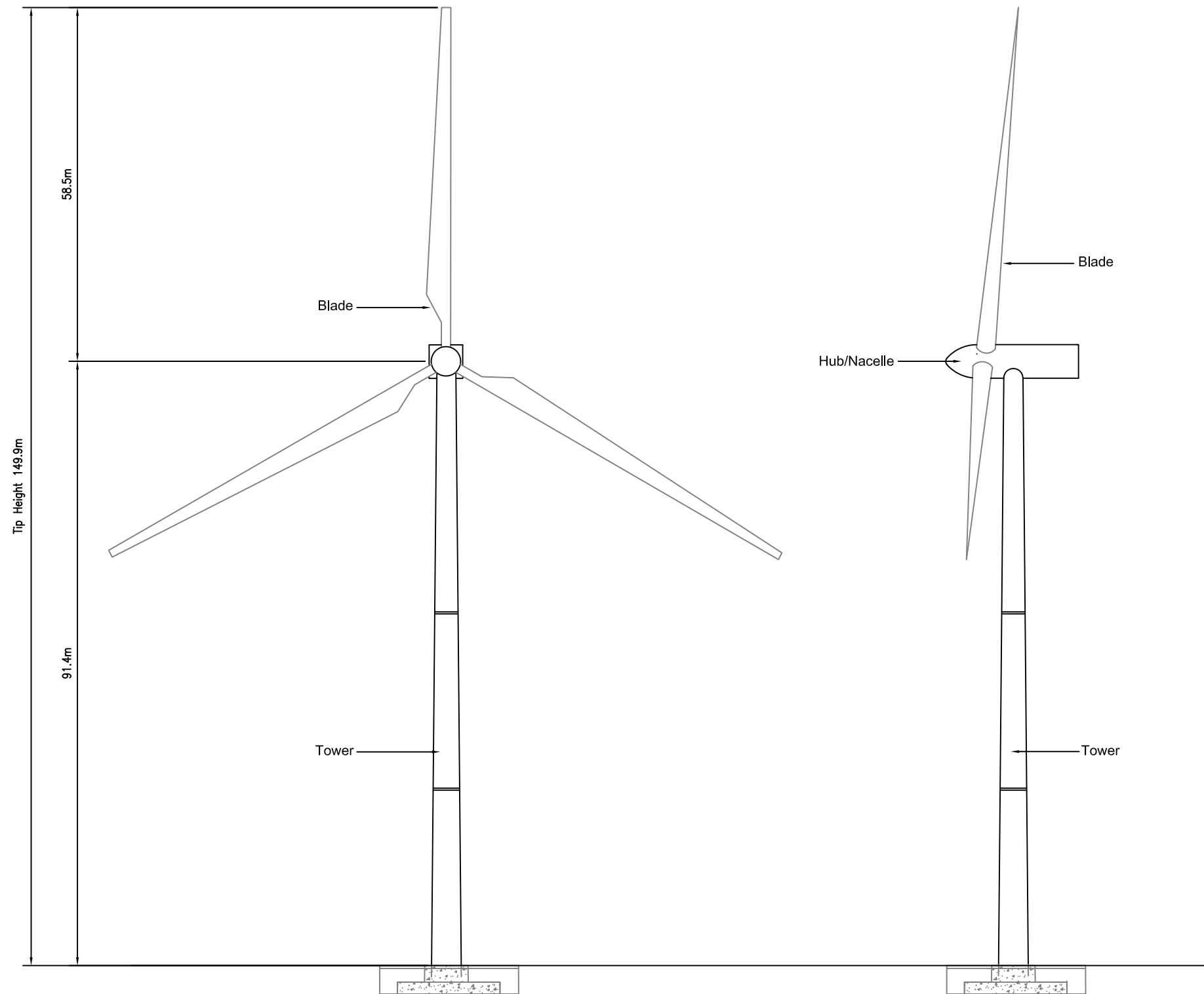
L VIA Viewpoint Locations

- L VIA Viewpoint Locations
- Wild Land Viewpoint Locations

- L VIA Viewpoint Locations**
- 1 - A836 Layby at Drum Hollistan
 - 2 - Reay Footpath
 - 3 - A836, Reay Church
 - 4 - Shebster
 - 5 - Sandside Bay Harbour
 - 6 - A836, Dounreay Road Junction
 - 7 - Strathly Point Car Park
 - 8 - Angler's Car Park, Loch Calder
 - 9 - Ben Dorrery
 - 10 - Minor road Lythmore Junction
 - 11 - Georgemas Junction Station
 - 12 - A9, North of Spittal
 - 13 - Dunnet Head
 - 14 - Bortum Hill
 - 15 - Beinn Ratha
 - 16 - Shurrery
 - 17 - A836, Hill of Forss
 - 18 - Broubster Core Path
- Wild Land Assessment Viewpoint**
- A - Clachgeal Hill
 - B - Cnoc Bad Mhairtein
 - C - Cnoc an Fhuarain Bhain
 - D - Lochan Ealach Beag
 - E - Caol Loch
 - F - Loch Meadhoin
 - G - Braich Feith Hemigal
 - H - Beinn Nam Bad Beag

Pegasus Group

Title: Blade tip ZTV up to 35km with Viewpoints	
Limekiln Wind Farm Extension	
Source: Crown copyright and database rights 2020 Ordnance Survey 100020449	
Client: Infinergy	
Drawn by: EK	Checked: DT/DG
Date: April 2020	Figure: 9.24
Scale: 1:300,000 @ A3	Revision: P19-1865.124A



Legend:	
Title: Typical Wind Turbine Structure	
Project: Limekiln Wind Farm Extension	
Source:	
Client: Infinergy	
Drawn by: panng	Checked: hughg
Date: March 2020	Figure: 3.1
Scale: 1:750	Revision No: a

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