

Agenda Item	6.1
Report No	PLS-05-22

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 08 February 2022

Report Title: 21/01521/S36: Renewable Energy Systems Ltd (RES)
Land 2.8KM SE Of Little Lyne, Glenferness

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Cairn Duhie Wind Farm Redesign - Erection and operation of wind farm for a period of 35 years, comprising of 16 wind turbines with maximum blade tip height of 149.9m, access tracks, borrow pits, switching station, substation, control building, temporary construction compound, battery storage infrastructure, and ancillary infrastructure

Ward: 18 – Nairn And Cawdor

Development category: Major

Reason referred to Committee: Raise no objection to Electricity Act application

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

Recommendation

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

1. PROPOSED DEVELOPMENT

- 1.1 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). The proposed development is located on the site of the consented Cairn Duhie Wind Farm which was approved by Scottish Ministers in 2017 and comprised 20 wind turbines up to 110m to turbine blade tip. A copy of the original Section 36 consent is attached in Appendix 2 of the report.
- 1.2 This current application seeks consent for the re-design of the consented scheme to include 16 turbines with a blade tip height of to 149.9m. A typical elevation plan is detailed in EIAR figure 4.2. It is anticipated that the total installed generating capacity will be 67.2MW. In addition, the re-design comprises the following.
- Turbine foundation approx. 20m in diameter and a depth of 3 to 5m and dressed back with topsoil (typical layout see figure 4.3). Crane hardstanding for each turbine measuring 35m x 40m and surfaced with coarse aggregate (typical layout see figure 4.4).
 - underground electrical cables located in trenches adjacent to access tracks, it is anticipated that there will be approx. 8.3km of cable trenches required (Typical details are shown in Figure 4.6).
 - onsite control building and substation compound. The compound will measure 150m x 100m, this will contain a 33kV/275kV step-up transformer, associated switchgear and ancillary equipment. The control building required at the sub-station would accommodate metering equipment, switchgear, the central computer system and electrical control panels (Typical details are shown in Figure 4.9 and 4.10).
 - Battery energy storage facility.
 - Two temporary construction compounds measuring 50m x 80m and will be constructed with a 50m x 80m hardcore base. This will provide site office facilities and storage for materials and components and 10m telecoms mast.
 - An onsite borrow pit for the extraction of stone for construction.
 - A concrete batching plant measuring 50m x 80m.
 - A new site access from the A939.
 - Approximately 8.3km of new permanent access tracks including nine passing places.
- 1.3 The applicant has set out that the re-design has been driven by a number of changes in the industry, not least the significant advances in turbine technology and changes in the route to market for new onshore wind projects in the UK. Subsequently, to optimise the renewable energy output from the site the applicant has submitted an application to utilise modern turbines.

- 1.4 The following table summarises the main changes between the consented and proposed re-design for the wind farm.

Infrastructure element	2017 Consented Scheme	Proposed Varied Scheme
Number of Turbines	20	16
Tip Height	110m	149.9m
Energy Generation	60MW (3 MW per turbine)	67.2 MW (4.2 MW per turbine)
Battery Storage	No	Yes
Access Track Length	10.3km	8.3km
Temporary Land Take	2.10ha	1.6ha
Permanent Land Take	10.52ha	8.51ha
Borrow Pits	0	1
Operational lifetime	25 years	35 years

- 1.5 The grid connection from the on-site substation to the National Grid would be subject to a separate consent application by the Network Operator. However, the EIAR expects that the point of connection for the proposed development into the electricity grid system within the substation compound located adjacent to an existing 275kV transmission overhead line which crosses the site. The exact arrangements of this connection will be subject to detailed design by Scottish Hydro Electric Transmission Ltd. Should further detailed studies determine that a connection to the local distribution network should prove more suitable, the proposed development would most likely be connected at Nairn Grid Supply Point, a substation located on Granny Barbour's Road to the southwest of Nairn.
- 1.6 Access to the site will be via a new access onto the A939. A Construction Traffic Management Plan (CTMP) will be prepared and agreed with the Council and Transport Scotland prior to works commencing. The delivery of the Abnormal Indivisible Loads (AILs) is anticipated to be from the Port of Inverness and will head north along Longman Drive and Stadium Road before joining the A9 travelling southeast. The AILs will join the A95 at Granish and continue northeast towards Dulnain Bridge where they will exit onto the A938 proceeding west. AILs will exit the A938 onto the B9007 travelling north before joining the A939, via a new access track to be located in Ferness Field (see Figure 10.3 in Chapter 10): Traffic and Transport and travelling south before exiting at the proposed site entrance on the A939. All other construction traffic will travel from Nairn and the surrounding areas via the A939 to the site entrance. No general construction traffic will be permitted to access the site via the B9007.

1.7 As per the consented wind farm, the applicant has requested a micro-siting allowance of 50m for site infrastructure (tracks, turbine locations, underground cables and crane hard standing areas) this is to avoid or minimise environmental or engineering constraints identified during pre-construction ground investigation or construction phase excavation works.

The final design of the turbines (colours and finish), aviation lighting, substation, welfare and store buildings/compounds/ancillary electrical equipment, battery storage, landscaping and fencing etc. are expected to be agreed with the Planning Authority and the Energy Consents Unit, by condition, at the time of project procurement. Whilst indicative drawings for these elements are set out in the application, turbine manufacturers regularly update the designs that are available, thereby necessitating the need for some flexibility in the approved design details.

1.8 To match onsite energy generation to energy demand, as well as facilitate options such as a reduction in any possible grid constraint requirements, the proposed re-design includes the provision of an energy storage device and compound. Containers mounted on small concrete pad foundations would house an energy storage device, inverters and other ancillary equipment. The battery storage capacity will be approximately 20MW. (See Figures 4.13, 4.14 and 4.15 for indicative layouts and elevations).

1.9 The applicant had undertaken the following pre-application consultation:

- Wrote to key stakeholders in February 2020 to inform them that they were in the early stages of revising the design, and the applicant's website was updated to reflect the new proposals.
- The applicants held a meeting with East Nairnshire Community Council.
- Door to Door visits were undertaken with residents within Glenferness.
- Due to the Covid-19 pandemic, a virtual online event was held on 12 May 2020. In addition, newsletters and newspapers adverts were undertaken.
- During May and June 2020 there was a Post-exhibition and consultation period with an online exhibition. A further update letter was sent in August 2020.

Feedback on the consultation events is contained within the submitted Pre-Application Consultation Report.

1.10 The applicant utilised the Council's Pre-Application Advice Service for Major Developments in late 2018 (18/04429/PREAPP). The summary of key issues provided to the applicant at that time is set out below:

- The site holds a deemed planning permission for a wind farm development, which carries weight in any future planning decision. That said the earlier application was processed via a planning inquiry. Therefore, care needs to be taken not to undo elements of the project which had bearing on the earlier decision.
- A ZTV for the proposed development, highlighting differences in visual exposure from the consented development will be a useful starting point for all parties to understand the potential difference in effects and identify the

additional assessment required over those used for the consented development. This will have to have regard for emerging projects in the locality including within Moray Council.

- The Council now has adopted Supplementary Guidance for assessing Onshore Wind Energy. This remains relevant in any assessment of a future application particularly with regard to the Council's Special Landscape Area for Drynachan Lochindorb and Dava Moors.
- Highlands and Islands Airport Ltd have highlighted their concerns in respect of the radar systems for Inverness airport.
- The extended life of the project will require the posting of financial bonds for decommissioning for an extended period though regular reviews.
- The case for the onsite borrow pit must also have regard for the sourcing of rock from local quarries in line with Scottish Planning Policy.
- It is important that a clear set of plans for approval together with a complete Schedule of Mitigation is set out in any presented application to the ECDU.
- It is likely that past concerns to this project may be reignited within any future amending applications which will dictate the processing of any future application. This needs to inform your expected project timetable.

- 1.11 The application is supported by an Environmental Impact Assessment Report (EIAR) which includes chapters on Landscape and Visual Impacts (including ZTVs, wireframes and visualisations); Cultural Heritage; Ecology; Ornithology; Hydrology, Hydrogeology, Geology and Peat, Traffic and Transport; Noise, Socio-Economics, Tourism and Recreation, other issues such as Carbon Balance and Aviation. The application is also accompanied by Technical Appendices, a Pre-Application Consultation Report, an EIA Non-Technical Summary (NTS), a Design and Access Statement and a Planning Statement. An Outline Borrow Pit Management Plan; Outline Construction and Decommissioning Environmental Management Plan, a Draft Peat Management Plan; and a Forestry Management Plan are also included.
- 1.12 The wind farm has an expected operational life of 35 years. Following this a further planning application would be required to determine any future re-powering proposal the site, which may include retention of the development. If the decision is made to decommission the wind farm, the detailed method and extent of the decommissioning activities would need to be agreed via a decommissioning method statement.
- 1.13 The applicant anticipates that the wind farm construction period will last 15 months. A Construction Environment Management Document (CEMP) will be in place during the construction phase. This would also include a programme of site reinstatement which would allow for the rehabilitation of disturbed areas as early as possible in order to minimise storage of excavated material on vegetation.
- 1.14 Variations: No variations have been made to the application; however, Additional Information has been submitted and consulted on. This related to the potential impact of the development on the setting of Lochindorb Castle and an updated Private Water Supply Risk Assessment

2. SITE DESCRIPTION

2.1 The site is located approximately 2km to the south-east of Ferness, 13.5km north/north-west of Grantown-on-Spey and 15km to the south-east of Nairn. The site is bounded to the west by the A939 road and the B9007 to the north. The site includes Cairn Duhie, a low conical hill with land sloping down from it in all directions. The site ranges from 312m Above Ordnance Datum (AOD) to 200m AOD at the northern end. The site is predominantly a mixture of degraded bog and heath habitats with localised wooded areas and scattered mature trees. There are several minor water courses on site of less than 1 m in width and less than 0.5m in depth. The southern part of the site is drained by the Burn of Lochantùtach, which runs east and north to the Dorback Burn on the east. The northern part of the site is drained by the Stripe of Muckle Lyne and the Stripe of Little Lyne. All watercourses form part of the River Findhorn catchment. Access to the site is via the A939. The permanent elements of the wind farm will equate to 8.51ha with a further 1.6ha for temporary purposes.

2.2 The site is not covered by any statutory international, national, regional or local landscape-related designations. The closest landscape designations are:

Designation	Distance to Site
Cairngorms National Park	7.8km to the south
The Cairngorm Mountains National Scenic Area (NSA)	27km to the south
Drynachan, Lochindorb and Dava Moors Special Landscape Area (SLA)	2 km to the south
Sutors of Cromarty, Rosemarkie and Fort George SLA	19km to the north-west
Findhorn Valley and the Wooded Estates SLA (within Moray Council)	1.8km to the north-east

2.3 There are no statutory or non-statutory natural heritage designations within the Site. Within 5km of the site the following designations are present:

Designation	Qualifying Feature	Distance to Site
Lower Findhorn Woods Special Area of Conservation (SAC)	Mixed woodland on base-rich soils associated with rocky slopes	2.8km
Lower Findhorn Woods SSSI	Upland mixed ash woodland, bryophyte assemblage, lichen assemblage, and Oligotrophic river/stream	2.8km
Moidach More SAC	Blanket bog	3.5km
Moidach More SSSI	Blanket bog	3.5km

2.4 There are no Scheduled Ancient Monuments, Listed Buildings or Conservation Areas within the application site. The site does contain a number cultural heritage assets of local importance from pre-history, through medieval times to 20th century developments. Within 5km of the site there are four scheduled monuments, six category A listed buildings and one Garden and Designed Landscape.

2.5 There are no Core Paths within the site. The following Core Paths are located within 5km of the site:

- Core Path BS05.01, which comprises the section of the Dava Way to the south of the site, this is within THC administrative area; and
- Core Path DA05, which comprises the section of the Dava Way to the east, northeast and southeast of the site, this located within the administrative area for Moray Council.

The Dava Way is a 38km path which links Forres and Grantown-on-Spey.

An access management plan has been prepared outlining a number of measures which will be implemented to manage public access safely during the construction phase and detailing access provisions during the operational phase.

2.6 The following table outlines operational, consented/ under construction or schemes within the planning system within approx. 20km of the site.

	No. of Turbines	Tip Height (m)
Operational Sites		
Hill of Glaschyle (within Moray Council area)	12	100
Berry Burn (within Moray Council area)	29	104
Paul's Hill (within Moray Council area)	28	100
Tom nan Clach	13	125
Moy	20	125
Roths – Phase 2 (within Moray Council area)	18	125
Roths Phase – 1 (within Moray Council area)	22	100
Consented / Under Construction Sites		
Paul's Hill 2 (within Moray Council area)	6	149.9
Kellas (within Moray Council area)	4	110
Application / Appeal Sites		

Lethen Wind Farm	17	185
Clash Gour (within Moray Council area)	48	180
Berry Burn Extension (within Moray Council area)	9	149.9

3. PLANNING HISTORY

- 3.1 Pending decision by Scottish Ministers 21/04243/S36: Cairn Duhie Wind Farm- Application under Section 36C of the Electricity Act to vary conditions 1 (Duration of the Consent, from 30 to 32 years) and 2 (Commencement of Development, from a period of 3 years to 6 years from consent) Pending decision – THC Raised No Objection
- 3.2 23.03.2020 20/01277/SCRE: Request for Screening Opinion for proposed S42 - Cairn Duhie Wind Farm Screening Opinion Issued
- 3.3 27.03.2020 20/00889/SCOP: Cairn Duhie Wind Farm - Erection of 16 turbines up to 149.9m in height to blade tip Scoping Opinion Issued
- 3.4 11.12.2018 18/04429/PREAPP: Amendment to 13/04142/S36 - Tip height increase from 110m to 135m to tip with an associated increase in rotor diameter. Amendment to the substation building accommodate 275kV grind connection, Inclusion of Borrow Pit areas of search. Amend the access route from the north via Nairn to a southerly route as utilised by Tom Nan Clach Wind Farm, Operational life extension from 25 years to 35 years Pre-application response Issued
- 3.5 09.10.2017 13/04142/S36: Cairn Duhie Wind Farm - Erection of 20 wind turbines up to 60 MW total installed capacity S36 Consent Granted By Scottish Ministers

4. PUBLIC PARTICIPATION

4.1 Advertised: EIA Development

Date Advertised: Strathspey and Badenoch Herald: Thursday 25th March and Thursday 1st April, Glasgow Herald: Friday 26th March and Edinburgh Gazette: Friday 26th March

Representation deadline: Mon 26th April

Additional Information was received. Advertised in the in the Edinburgh Gazette on Friday 3rd December and the Strathspey and Badenoch Herald on Thursday 2nd

December.

Representation deadline: 11 January 2022.

Representations received by The Highland Council 4 objection comment received
0 support comments

Representations received by Energy Consents Unit 11 objection comment received
0 support comments

4.2 Material considerations raised are summarised as follows:

- Landscape and visual impact including cumulative impact and scale of turbines.
- Impact upon the Lochindorb, Drynachan and Dava Moor Special Landscape Area
- Impact upon visitors/tourists using the A939 and A940.
- Noise Impacts and health impacts.
- Impacts from aviation lighting
- Military ordnance Issues
- Impacts from the access route
- Impacts upon private water supplies
- Shadow flicker
- Ornithological impacts
- Hydrology and flood risk

4.3 Non material considerations:

- Devaluation of property prices

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

5. CONSULTATIONS

Consultations undertaken by The Highland Council

5.1 **East Nairnshire Community Council** objects to some aspects of the application. It welcomes the applicant's efforts in communicating with the community. In terms of layout, it is broadly supportive of the work done since scoping but remains concerned about the proximity of newly numbered turbines T7 and T11 to the A939. It considers that from VP 1 A939 South of Ferness Village, the turbines are overpowering and distracting. It notes that there is a reliance of screening of trees from receptors, which is commercial plantation and will be felled. It also raises concerns with regards to the AIL route and potential measures to allow this route to be used. It highlights that there would potentially be loss of hedges. In addition, it raises concern with the access track linking the B9007 with A939 at Ferness Village.

5.2 **Access Officer** does not object to the application and welcomes the submission

of an Outline Access Management Plan. However, it is requested that the further information is presented including a 'red' survey which is a 'quantity survey', which provides further detail on problem sections, assesses the problems and prescribes and quantifies the work required to repair the path. Also requested is a plan showing the location of all fences, gates and tracks be submitted with the Outdoor Access Management Plan along with the location of and specifications for gates and any associated path surfacing and drainage that will accommodate walkers, cyclists and horse riders. A condition to secure the provision of a car park to accommodate path users and a financial or in-kind contribution to the Dava Way is required.

- 5.3 **Environmental Health Officer** does not object to the application subject to conditions regarding noise and private water supplies. Following the submission of Additional Information in relation to the private water supplies, it has been confirmed that the additional information clarifies that the circumstances of one private supply have changed slightly since their initial assessment. It is noted that the applicant submitted a review of their assessment which identifies that there is no change to the initial conclusions. There is a requirement to secure a Pollution Prevention, Water Quality Monitoring and Emergency Response Plan by condition.
- 5.4 **Flood Risk Management Team** do not object to the application.
- 5.5 **Forestry Team** do not object to the application on the basis that the compensatory planting strategy is acceptable and will mitigate the loss of trees if the trees were to be allowed to grow to their natural height. If any new planting areas are to be felled before they reach 6m in height, then further compensatory tree planting will be required outwith this tree height control area.
- 5.6 **Landscape Officer** does not object to this application and is in overall agreement with the landscape and visual impact assessment however, there is considered to be a major significant effect rather than a moderate significant effect at VP14. The landscape officer disagrees with the assessment undertaken by the applicant in terms of effects on the integrity of the Open Rolling Upland LCT and on the Drynachan, Lochindorb and Dava Moors Special Landscape Area (SLA). The manner in which the development would undermine the Landscape Character Areas is considered to be at odds with Criterion 10 of the Supplementary Guidance. It is contended that the impacts upon the SLA are major and significant. However, in considering the development in the light of the existing consented development, the effects on the landscape character and designated landscapes are not significantly different from the consented scheme. It is noted that there are some appreciable improvements to the composition due to the reduction in number of turbines and that these are generally not outweighed by the increase in height and that at Viewpoints 5 and 6 there is an improvement in the relationship to landscape horizons as a result of lifting the rotor sweep. Overall, while not in agreement that this is a suitable site for a windfarm the principle of development is established by the existing consent nonetheless and there are no clear grounds to object to this iteration.
- 5.7 **Transport Planning Team** do not object to the application. It sought clarification as to why the AIL deliveries were not being routed from the north via the A939 and A96 (T). In response the applicant has confirmed that this is due to the substantial

works required adjacent to the A96(T) likely to cause protracted disruption and impacts on an existing fuel pipeline. The applicant has also highlighted the potential conflict with the Transport Scotland A96 Dualling Scheme, including the Nairn Bypass, which could disrupt abnormal load movements. Transport Planning accept this rationale. Further conditions controlling the route for other construction traffic, the temporary AIL access track, a finalised CTMP, access and temporary signage and a road marking scheme on the A939 approaches to the site access, a Community Liaison Group, and a Wear and Tear Agreement have been requested.

Consultations Undertaken by The Scottish Government's Energy Consents Unit (ECU)

- 5.8 **Aberdeenshire Council Archaeology** do not object to the application.
- 5.9 **British Telecom** do not object to the application. It notes that the proposal should not cause interference to BT's current and presently planned radio network.
- 5.10 **Cairngorms National Park Authority** do not object to the application.
- 5.11 **Coal Authority** do not object to the application.
- 5.12 **Crown Estate Scotland** do not object to the application. It confirms that the assets of Crown Estate Scotland are not affected by this proposal.
- 5.13 **Fisheries Management Scotland (FMS)** do not object to the application. It notes that the proposed development falls within the catchment relating to the Findhorn DSFB and Findhorn, Nairn & Lossie Fisheries Trust. Main concern will be pollution and recommend that their guidelines are fully considered throughout the planning, construction and monitoring phases of the proposed development.
- 5.14 **Historic Environment Scotland (HES)** do not object to the application. It originally objected to the scheme on the basis that the EIA Report did not contain enough information to assess the impacts on the scheduled monument of Lochindorb Castle (SM1231). Further supplementary information was provided in the form of a detailed ZTV covering the road network to the southwest of Lochindorb castle, and a cumulative wireline produced from an appropriate viewpoint to demonstrate potential visibility of the proposed development and other relevant developments. The cumulative wireframe demonstrates that impacts on longer views from the road network southwest of the castle will not be significant enough that mitigation is required. HES have confirmed that it withdraws its objection to the application.
- 5.15 **Highlands and Islands Airports Limited (HIAL)** do not object to the application. Originally, it objected to the scheme, on the grounds that the turbines might affect the Instrument Flight Procedures and the performance of the Primary Surveillance Radar (PSR) installation for the airport. However, following further discussions with the applicants a resolution has been found and the objection has been withdrawn subject to a planning condition.
- 5.16 **Joint Radio Company** do not object to the application and does not foresee any potential problems based on known interference scenarios.

- 5.17 **Ministry of Defence - Defence Infrastructure Organisation (MOD)** do not object to the application. Originally, the MOD objected to the scheme, on the grounds that the proposed development would have an adverse impact upon the capability and operation of the primary surveillance air traffic control radar at RAF Lossiemouth (the Radar). In addition, that objection response highlighted the impact the development would have on aviation safety as a result of introducing structures of this size into an area used for military low flying training. In response the applicant has submitted a potential technical mitigation proposal this has been accepted as feasible by the MOD. The MOD have removed its objection subject to the recommended planning conditions.
- 5.18 **National Air Traffic Services - Safeguarding (NATS)** do not object to the application and notes that the proposal does not conflict with its safeguarding criteria.
- 5.19 **NatureScot** do not object to the application. Advise that no adverse impact on the integrity of the Darnaway and Lethen Forest Special Protection Area (SPA) or Inner Moray Firth & Moray and Nairn Coast SPAs is likely.
- It welcomes the mitigation and compensation measures outlined in the 'Outline Habitat Management Plan' to restore and maintain significant areas of blanket bog and wet heath, subject to amendments in relation to the removal of self-seeded trees, and monitoring the wider wind farm area to detect, and give the opportunity to address, any habitat loss or degradation resulting from wind farm construction and operation.
- In relation to landscape and visual impacts, it agrees with the applicants LVIA assessment with exception of its impact upon the Cairngorms National Park, which they consider under-represents the effects of the addition of the proposed development to the existing wind farms in relation to open space and separation between wind farms. With regards to the Open Rolling Upland Landscape Character Type, it consider that the effect is underrepresented. Agree with the residual visual effects and are satisfied that the assessment of cumulative effects is accurate.
- 5.20 **Royal Society for the Protection of Birds** do not object to the application or wish to make comment on the application.
- 5.21 **Scottish Water** do not object to the application. It notes that the proposal may impact on existing Scottish Water assets and this requires to be discussed between the applicant and Scottish Water. It notes that there are no drinking water or water abstraction sources that would be affected by the proposed development.
- 5.22 **Scottish Environment Protection Agency** do not object to the application subject to planning conditions relating to peat, the adherence to a finalised Habitat Management Plan and that construction is carried out in accordance with the measures outlined in (1) the Summary of Good Practice and Mitigation Measures (Appendix 14.1), (2) the Outline Construction and Decommissioning Environmental Management Plan (Appendix 4.2), (3) the Outline Borrow Pit Management Plan (Appendix 4.1) and (4) the FRA and Surface Water Management Plan (Appendix

9.3). It has set out that the proposal is “capable” of being authorised under the Controlled Activities Regulations authorisation process.

5.23 **Transport Scotland** do not object to the application. It requests conditions to secure the proposed route for any abnormal loads and appropriate traffic control measures being in place during construction.

6. **DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

6.1 **Highland Wide Local Development Plan 2012**

28 - Sustainable Design

29 - Design Quality & Place-making

30 - Physical Constraints

31 - Developer Contributions

51 - Trees and Development

53 - Minerals

54 - Mineral Wastes

55 - Peat and Soils

56 - Travel

57 - Natural, Built & Cultural Heritage

58 - Protected Species

59 - Other important Species

60 - Other Importance Habitats

61 - Landscape

63 - Water Environment

64 - Flood Risk

65 - Waste Water Treatment

66 - Surface Water Drainage

67 - Renewable Energy Developments:

- Natural, Built and Cultural Heritage
- Other Species and Habitat Interests
- Landscape and Visual Impact
- Amenity at Sensitive Locations
- Safety and Amenity of Individuals and Individual Properties
- The Water Environment
- Safety of Airport, Defence and Emergency Service Operations
- The Operational Efficiency of Other Communications
- The Quantity and Quality of Public Access
- Other Tourism and Recreation Interests
- Traffic and Transport Interests

68 - “Community” Renewable Energy Developments

69 - Electricity Transmission Infrastructure

72 - Pollution

73 - Air Quality

77 - Public Access

6.2 **Inner Moray Firth Local Development Plan (2015)**

The Inner Moray Firth Local Development Plan does not contain any specific land allocations related to the proposed development. It does provide confirmation of the boundaries for the Special Landscape Areas

6.3 **Inner Moray Firth Local Development Plan 2**

The Inner Moray Firth Local Development Plan is currently under review and at Main Issues Report stage, with the Proposed Plan to be published in March 2022. It is not anticipated that it will contain policies or proposals relevant to this application.

The Highland Council Supplementary Guidance

6.3 Onshore Wind Energy Supplementary Guidance, Nov 2016 (OWESG) provides additional guidance on the principles set out in HwLDP Policy 67 - Renewable Energy Developments and reflects the updated position on these matters as set out in Scottish Planning Policy (SPP). This document forms part of the Development Plan and is a material consideration in the determination of planning applications.

6.4 The document includes a Spatial Framework, which is in line with Table 1 of SPP. The site lies partly within a Group 2 Area of Significant Protection, due to the presence Carbon Rich Soils, Deep Peat and Priority Peatland Habitat (CPP). CPP is a nationally important mapped environmental asset that indicates where the resource is likely to be found with a detailed peat assessment being required to guide development away from the most sensitive areas and help inform potential mitigation. Part of the site is also located within Group 3 which describes land which may be suitable for wind farm development.

6.5 The following Supplementary Guidance also 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)
- Physical Constraints (March 2013)
- Special Landscape Area Citations (June 2011)
- Standards for Archaeological Work (March 2012)
- Trees, Woodlands and Development (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

- 7.1 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.
- 7.2 In addition, the Council has further advice on delivery of major developments in a number of documents. This includes Construction Environmental Management Process for Large Scale Projects (Aug 2010) and The Highland Council Visualisation Standards for Wind Energy Developments (Jul 2016).

Scottish Government Planning Policy (SPP) and Guidance

- 7.3 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.
- 7.4 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).
- 7.5 Paragraph 170 of SPP sets out that areas identified for wind farms should be suitable for use in perpetuity. This means that even though the consent is time limited the use of the site for a wind farm must be considered as, to all intents and purposes, a permanent one. The implication of this is that operational effects should be considered as permanent, and their magnitude should not be diminished on the basis that the specific proposal will be subject to a time limited consent.
- 7.6 Paragraph 174 of SPP sets out that proposals to repower existing wind farms which are already in suitable sites can help to maintain or enhance installed capacity, under pinning renewable energy targets. It further highlights that the current use of a wind farm site will be a material consideration in any repowering proposal.
- 7.7 National Planning Framework 4 will, in due course, supersede Scottish Planning Policy and form part of the Development Plan. Draft National Planning Framework 4 was published in November 2021. It comprises four parts which are summarised below:
- Part 1 – sets out an overarching spatial strategy for Scotland in the future. This includes priorities, spatial principles and action areas.
 - Part 2 – sets out proposed national developments that support the spatial strategy.

- Part 3 – sets out policies for the development and use of land which are to be applied in the preparation of local development plans; local place plans; masterplans and briefs; and for determining the range of planning consents. It is clear that this part of the document should be taken as a whole, and all relevant policies should be applied to each application.
- Part 4 – provides an outline of how Scottish Government will implement the strategy set out in the document.

7.8 The Spatial Strategy sets out that we must embrace and deliver radical change so we can tackle and adapt to climate change, restore biodiversity loss, improve health and wellbeing, build a wellbeing economy and create great places. It makes it clear that new development and infrastructure will be required to meet the net zero targets by 2045. To facilitate this, it sets out that we must rebalance our planning system so that climate change and nature recovery are the primary guiding principles for all our decisions. It sets out that significant weight should be given to the global climate emergency when considering development proposals. The draft sets out that the planning system should support all forms of renewable energy development in principle. Specific to this proposal for re-powering, it states that development proposals to repower, extend and expand existing wind farms and for the extension of life to existing windfarms should be supported unless the impacts identified (including cumulative effects) are unacceptable. It continues to highlight a range of considerations for renewable energy applications, similar to the existing provisions of Scottish Planning Policy.

Other Relevant National Guidance and Policy

7.9 A range of other national planning and energy policy and guidance is also relevant, including but not limited to the following:

- National Planning Framework for Scotland 3, NPF3
- Scottish Energy Strategy (Dec 2017)
- Historic Environment Policy for Scotland (HEPS, 2019)
- PAN 1/2011 - Planning and Noise (Mar 2011)
- Circular 1/2017: Environmental Impact Assessment Regulations (May 2017)
- PAN 60 – Planning for Natural Heritage (Jan 2008)
- 2020 Routemap for Renewable Energy (Jun 2011)
- Onshore Wind Energy (Statement), Scottish Government (Dec 2017)
- Onshore Wind Energy (Statement) Refresh Consultation Draft, Scottish Government (October 2021)
- Siting and Designing Wind Farms in the Landscape, SNH (Aug 2017)
- Wind Farm Developments on Peat Lands, Scottish Government (Jun 2011)
- Energy Efficient Scotland Route Map, Scottish Government (May 2018)
- Assessing Impacts on Wild Land Areas, Technical Guidance, NatureScot (Sep 2020)

8. PLANNING APPRAISAL

8.1 As detailed above, this application has been submitted to the Scottish Government for approval under Section 36 of the Electricity Act 1989 (as amended). Should Ministers approve the variation, 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 Section 36 applications in the same way as a planning application as a consent under the Electricity Act will carry with it deemed planning permission. The principle of a wind farm in this location has been established through the previously granted planning permission in 2017. Therefore, the Council cannot re-assess the principle of development on this site and are required to consider only the impact of the changes to the development i.e. the decrease in turbine numbers but increase in blade tip height, changes to layout and infrastructure and the increase in the operational life of the proposed wind farm.

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

8.3 It should be noted that for applications under the Electricity Act 1989 that the Development Plan is just one of a number of considerations and Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise, is not engaged.

Determining Issues

8.4 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.

8.6 The principle of the development of a wind farm in this location has been established. This application is for a re-design which will alter the layout of the site and see a decrease the number of turbines, but an increase in the over blade tip height. In order to address the determining issues therefore, the Council must consider the extent to which the proposal, as amended, continues to comply with policy and take into consideration any other material considerations.

Planning Considerations

8.7 The key considerations in this case are:

- a) compliance with the development plan and other planning policy
- b) construction;
- c) design, landscape and visual impact (including wild land areas)
- d) cultural heritage and archaeology;

- e) ecology and ornithology;
- f) hydrology, hydrogeology, geology and peat
- g) transport and access
- h) noise and shadow flicker
- i) socio-economics, tourism and recreation;
- j) climate change and carbon balance
- k) telecommunications;
- l) aviation;
- m) decommissioning, and
- n) other material considerations

Development plan/other planning policy

- 8.8 The Development Plan comprises the adopted Highland-wide Local Development Plan (HwLDP), Inner Moray Firth Local Development Plan (IMFLDP) and all statutorily adopted supplementary guidance. If the Council is satisfied that the proposal is not significantly detrimental overall, then the application will accord with the Development Plan. The HwLDP was in place at the time of consideration and determination of the original application.
- 8.9 The principal HwLDP policy on which the application needs to be determined is Policy 67 - Renewable Energy. HwLDP Policy 67 sets out that renewable energy development should be well related to the source of the primary renewable resource needed for operation, the contribution of the proposed development in meeting renewable energy targets and positive/negative effects on the local and national economy as well as all other relevant policies of the Development Plan and other relevant guidance. 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 HwLDP Policy 67). Such an approach is consistent with the concept of Sustainable Design (HwLDP Policy 28) and aim of SPP to achieve the right development in the right place; it is not to allow development at any cost.
- 8.10 If the Council is satisfied that the proposal is not significantly detrimental overall, then the application will accord with the Development Plan.

Inner Moray Firth Local Development Plan (IMFLDP) (2015)

- 8.20 No policies or allocations relevant to the proposal are included in the adopted Local Development Plan. Para 2.6 of the plan confirms the extent of the SLAs within the Inner Moray Firth area. This made an adjustment to the Drynachan, Lochindorb and Dava Moors SLA boundary. First of all, the southern extent of this SLA has been redrawn to accord with the development plan boundary. There is a minor extension to the SLA on the northern boundary at Streens where the land reflects particular characteristics of the existing SLA and includes a special landscape feature at the 'Three Waterfalls Gorge'. Following Public Examination, this SLA has

also been extended in the vicinity of Hill of Aitnoch. The boundary is extended north approximately one kilometre to follow the minor road linking the B9007 and the A939.

Onshore Wind Energy Supplementary Guidance (OWESG)

- 8.21 The Council's OWESG is a material consideration in the determination of planning applications. The supplementary guidance does not provide additional tests in respect of the consideration of development proposals against Development Plan policy. However, it provides a clear indication of the approach the Council towards the assessment of proposals, and thereby aid consideration of applications for onshore wind energy proposals
- 8.22 The document includes a Spatial Framework, which is in line with Table 1 of SPP. The site lies partly within a Group 2 Area of Significant Protection, due to the presence Carbon Rich Soils, Deep Peat and Priority Peatland Habitat (CPP). CPP is a nationally important mapped environmental asset that indicates where the resource is likely to be found with a detailed peat assessment being required to guide development away from the most sensitive areas and help inform potential mitigation. The application has been supported by a peat assessment as detailed in EIAR Chapter 9 and a draft Peat Management Plan has also been submitted which demonstrates how any impacts will be minimised and mitigated. Part of the site is also located within Group 3 which describes land which may be suitable for wind farm development. As detailed above there is an extant permission for a wind farm on this site.
- 8.23 The Council's Landscape Sensitivity Appraisal: Black Isle, Surrounding Hills and Moray Firth Coast Caithness, Addendum Supplementary Guidance: 'Part 2b' was published in 2017 and includes landscape sensitivity appraisals and strategic capacity studies for the Black Isle, Surrounding Hills and Moray Firth Coast, and Caithness. The application site is located within area BL10: Tom nan Clach, Lochindorb to Airdrie Mill, South of River Findhorn. This states that the nature of the landscape itself is not inherently incompatible with wind energy development. Susceptibility arises from the role of the particular landscape character area in the wider landscape and the degree to which any development would intrude:
1. in the layering of the landscape when seen in more distant key views in the north.
 2. on the perception of the landscape and Key Qualities and Characteristics of the SLA.
- 8.24 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.

National Planning Policy

- 8.25 National planning policy remains supportive of onshore wind energy development with the framework for assessing wind farm proposals set out in Scottish Planning Policy (SPP). SPP sets out that areas identified for wind farms should be suitable for use in perpetuity. In determining the original application, Ministers considered that impacts had been minimised or mitigated.
- 8.26 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.
- 8.27 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. A number of criteria are set out in SPP against which proposals for on-shore wind energy development should be assessed (paragraph 169). These criteria are primarily reflected in Policy 67 (Renewable Energy) of the Highland-wide Local Development Plan. A failure against one of these criteria does not necessarily mean that a development fails, all these criteria must be given consideration
- 8.28 As a 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. However, it should be noted that the targets set out in NPF3 have now been superseded by legislation which sets the legally binding target of net zero by 2045.
- 8.29 As set out above, National Planning Framework 4 (NPF4) was published in draft form in November 2021. This document is still going through the parliamentary process and consultation therefore the weight to be attached to the document is not at the same as the adopted Scottish Planning Policy, National Planning Framework 3 or the Development Plan. However, it can be given weight in the process of determining applications. It will be up to Scottish Ministers to determine the weight to be afforded to it in reaching their determination depending on the status of the document at the time of reaching their determination on this re-design application. It is anticipated that the Planning Authority may wish to make further representation to the application if it is not determined at the time of adoption of NPF4.

8.30 A number of matters of relevance arise out of the draft NPF4 in relation to this proposal and these are explored further below:

- Draft NPF4 identifies electricity generation from renewable sources of, or exceeding 50MW as national development. The proposed development would therefore be classed as a national development as it would have a capacity of 67.2MW. Such developments have been identified as national developments due to the need for an increase in renewable energy production in order to meet net zero targets. It also highlights that generation is for consumption domestically as well as for export to the UK and beyond, with new capacity helping to decarbonise heat, transport and industrial energy demand. It notes that this has the potential to support jobs and business investment, with wider economic benefits.
- For the first time in a planning policy document, confirmation has been provided that when considering all developments significant weight should be given to the Global Climate Emergency. As a development that generates renewable energy this proposal has inherent support from this aspect of NPF4, however the impact on the carbon resource as a result of the development will require further consideration to determine whether the impact of the proposed development is positive or negative in this regard. While this is considered further later in this report, the overall carbon payback period is considered to be acceptable.
- Recognising the Ecological Emergency, the draft NPF4 also sets out that proposals should contribute to the enhancement of biodiversity. The proposed development includes provision for compensatory planting and peatland restoration which meets with the provisions of the proposed approach in draft NPF4 for the restoration of degraded habitats and the strengthening of nature networks.
- Considerations for green energy applications have been updated and there is no longer an explicit spatial framework for onshore wind energy developments. Instead, it sets out that proposals for new development, extensions and repowering of existing renewable energy developments should be supported. The proposal subject to this application would be considered a repowering proposal so would benefit from this in principle support. However, it goes on to set out that such proposals should be supported unless the impacts identified (including cumulative effects), are unacceptable. The impacts of the change to the proposal are assessed in relation to this application later in this report. Draft NPF4 also highlights a number of matters which must be taken into account in reaching a determination on an application for renewable energy. Subject to some minor wording changes, this is largely reflective of the considerations set out in SPP paragraph 169.

8.31 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 (Dec 2017)

- On-shore Wind Policy Statement (Dec 2017)
- Scottish Government, Securing a Green Recovery on a Path to Net Zero: Climate Change Plan 2018–2032 – update, December 2020;
- Committee on Climate Change, The Sixth Carbon Budget, *The UK's Path to Net Zero*. (including Policy and Methodology) December 2020;
- National Audit Office, Net Zero Report, December 2020;
- HM Government, Energy White Paper, Powering our Net Zero Future, December 2020.

8.32 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.

8.32 The statements of continued strong support relating to onshore wind contained within these documents are acknowledged. Support for onshore 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. This appears to be the primary reason behind the submission of this re-design application.

8.33 However, it is also recognised that such support should only be given where justified. The Onshore 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 NPF3 and SPP, a policy framework that supports development in 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.

8.34 The Scottish Government published Onshore Wind Policy Statement Refresh 2021: Consultative Draft in October 2021. This set out that onshore wind remains vital to Scotland's future energy mix and that we will need additional onshore wind energy toward the target of net zero. In doing so it was clear that additional capacity is not at any cost and it needs to be balanced and aligned with protection of natural heritage, native flora and fauna. The document also highlights the challenges and opportunities faced by the deployment of additional onshore wind energy capacity as well as consulting on a target of an additional 8-12GW of onshore wind energy capacity being delivered. Importantly it notes that the matter of landscape and visual impacts of onshore wind development remains an evolving area. As part of this evolution, it considers that while decisive action to tackle climate change will change how Scotland looks Scotland's most cherished landscape are a key part of

natural and cultural heritage and must be afforded the necessary protection

8.35 The proposal is one which would fit the definition of a “re-powering” project under the terms of paragraph 174 of Scottish Planning Policy. This sets out that “proposals to repower existing wind farms which are already in suitable sites where environmental and other impacts have been shown to be capable of mitigation can help to maintain or enhance installed capacity, underpinning renewable energy generation targets. The current use of the site as a wind farm will be a material consideration in any such proposals.” In consenting the original application Scottish Ministers concluded that the applicant had regard to the desirability of preserving natural beauty, of conserving flora, fauna, and geological and physiographical features of special interest and protecting sites, buildings and objects of architectural, historic or archaeological interest. Further Ministers considered that the applicant had done what it reasonably could to mitigate the effects of the development on the aforementioned features. Scottish Ministers. In reaching these conclusions, the Scottish Ministers concluded that the development accorded with the provisions of the Development Plan and Scottish Planning Policy subject to the application of conditions to secure mitigation.

Of particular note in the Reporters’ Public Local Inquiry Report are the overall conclusions set out in paragraphs 7.1 to 7.11 and are summarised below.

- Para 7.2 - the site would be suitable for wind farm development. The adverse impacts in terms of the landscape, visual appreciation of it and the experience of those who live there or visit the area would not be so substantial that the development would be unacceptable.
- Para 7.3 - subject to conditions, there would be no unacceptable impacts on transport, private water supplies, cultural heritage, or residential amenity.
- Para 7.5 - the wind farm would sufficiently preserve natural beauty, conserve flora, fauna and geological or physiographical features of special interest and protect sites, buildings and objects of architectural, historic or archaeological interest. The conditions I recommend would provide reasonable mitigation of any adverse effects. The proposals would also avoid, so far as possible, causing injury to fisheries or the stock of fish in any waters. Therefore, the proposed wind farm would comply with the requirements of the Electricity Act.
- Para 7.6 - the proposed wind farm would be a positive change, helping to meet the need for alternative energy supplies. The lack of any substantial harm to the landscape character or to residential amenity and recreation leads me to conclude that, on balance, the application conforms with NPF 3 and SPP.
- 7.7 - conclude that the proposed development would accord with Policy 67 and with the development plan as a whole.

Construction

8.36 It is estimated that 15 months are required for construction and, following the 35-year operational period, an application may be submitted to retain or replace the turbines, or they could be decommissioned. The proposed working hours are 07.00 – 19.00 Monday to Friday, 07.00 – 14.00 on Saturday with no Sunday or Bank

Holiday working. Although Environmental Health have suggested a start time of 8am, it is noted that condition 19 on the decision notice for the consented scheme allowed construction work to commence at 7am. 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.

- 8.37 The applicant has stated they will utilise a Construction Traffic Management Plan (CTMP) and a Construction and Environmental Management Plan (CEMP). Both of which will be secured by planning conditions. These will detail measures to avoid or mitigate potential effects associated with key construction activities. These will also provide a mechanism for ensuring that construction methods avoid, minimise and control potentially adverse significant environmental effects, as identified in the EIAR. This will also include a Pollution Prevention Plan (PPP), a Construction Method Statements (CMS), a Peat Management Plan (PMP) a Site Waste Management Plan (SWMP) and a Site Restoration Plan. A Decommissioning Plan will also be prepared. SEPA have no objection but request a planning condition to ensure that construction works are carried out in line with the measures described in the submission. Due to the scale of the development SEPA will control pollution prevention measures relating to surface water run-off via a Controlled Activities Regulations Construction Site Licence.
- 8.38 As per the extant consent, the applicant has requested a micro-siting allowance of 50m for site infrastructure (tracks, turbine locations, underground cables and crane hard standing areas) this is to avoid or minimise environmental or engineering constraints identified during pre-construction ground investigation or construction phase excavation works. This is considered to be a reasonable allowance to address unforeseen onsite constraints, anything in excess of 50m may have a significant effect on the composition of a development. SEPA are content with this distance subject to any siting within this allowance not being located on peat deeper than currently shown for the relevant infrastructure on Drawing 02914-RES-STE-DR-EN001 Rev 0.
- 8.39 As per the extant planning permission, a condition is recommended requiring the ongoing engagement with the community, through a Community Liaison Group, this will ensure that the community council and other stakeholders are kept up to date and consulted before and during the construction period.

Design, Landscape and Visual Impact

- 8.40 The results of the applicant's Landscape and Visual Impact Assessment (LVIA) are outlined in Chapter 5 of the EIAR. The submission also includes a cumulative assessment with other renewable energy developments.
- 8.41 A 40km study area radius from the site boundary has been used (see EIAR Figure 5.1.6), however, the main focus of assessment is on receptors within 20km of the development. A total of 21 viewpoints across the wider 40km study area have been submitted, 18 are full photomontages and 3 are wireframes. The majority of viewpoints were assessed for the consented scheme. However, there are new VPs e.g., VP1 (A939 South of Ferness Village), VP3 (Hill Track to Loch Kirkcaldy) and VP10 (A939 – Cairn Glas Brae) and some of the VPs have altered slightly in their location e.g., VP12 (Drumguish Croft. This was VP 7 in the application for the

consented scheme). The viewpoints are representative of a range of receptors including residents, recreational users of the outdoors and road users. The expected bare earth visibility of the development can be appreciated from the ZTV to Blade Tip with Viewpoint Locations (see EIAR Figure 5.1.2a) in the EIAR. Sufficient information has been provided to undertake an assessment of landscape and visual impact and the quality of the visual information provided is acceptable.

- 8.42 EIAR Technical Appendix 5.1 includes the applicants' landscape and visual impact methodology. The methodology for the Landscape and Visual Impact Assessment follows that set out in Guidelines for Landscape and Visual Impact Assessment Third Edition (GLVIA). As set out at GLVIA Para 3.32 "LVIA should always clearly distinguish clearly between what are considered to be significant and non-significant effects." The EIAR states that the threshold for both landscape and visual impact is for a negligible or minor level of effect this is generally taken as not significant, and a moderate or major level of effect is generally taken as significant. This is in line with the approach taken by The Highland Council in the identification of significant effects. NatureScot has also confirmed that the LVIA has been carried out in accordance with good practice outlined in the GLVIA.

Design and Layout

- 8.43 The proposed scheme sits on the same land parcel as the consented wind farm. The Highland Council raised an objection to the original application, on the basis of significant adverse landscape and visual impacts on the Special Landscape Area (SLA), travellers and tourists and a degree of adverse visual impact on the local community. However, following a public enquiry Scottish Ministers granted consent for the scheme in 2017. The Reporters' Public Local Inquiry Report considered that 'The adverse impacts in terms of the landscape, visual appreciation of it and the experience of those who live there or visit the area would not be so substantial that the development would be unacceptable'. As such this extant consent is in the baseline and must be given material weight in any considerations on the present application.
- 8.44 In bringing forward this current scheme, the applicants contend that the design and layout of the wind farm has been informed by a large number of factors. In relation to landscape and visual impacts the applicant sought to
- to minimise visibility in views from the nearest settlement (Ferness) and in lower lying viewpoints including loch side views near Lochindorb;
 - to achieve the most balanced and coherent grouping of turbines possible in key viewpoints including Ardclah Bell Tower and in sequential views from the A939 travelling north from the Cairngorms National Park;
 - to avoid triggering the 'residential visual amenity threshold' from the nearest properties; and
 - to consider the wider cumulative scenario and how the proposed development relates to broad patterns of wind farm groups

In addition, the applicant has made commitments to restore disturbed areas after construction are detailed in the outline Construction and Decommissioning Environmental Management Plan (CDEMP) contained in Appendix 4.2.

Landscape Impacts

- 8.45 As detailed above, the site is located within area BL10: Tom nan Clach, Lochindorb to Airdrie Mill, South of River Findhorn, as described in the Council's Landscape Sensitivity Appraisal. This states that the nature of the Landscape itself is not inherently incompatible with wind energy development. Susceptibility arises from the role of the particular landscape character area in the wider landscape and the degree to which any development would intrude:
1. in the layering of the landscape when seen in more distant key views in the north.
 2. on the perception of the landscape and Key Qualities and Characteristics of the SLA. The high table-land of the area affords borrowed views to more distant hills while obscuring views of the inhabited shores of the firth, major transport corridors and conurbations. It is this perception of limitless horizons and apparent isolation which is highly valued in this LCA and SLA. While the LCA itself is not prominent, the relatively low relief within the higher ground would have only limited potential to screen development.
- 8.46 There are 38 individual Landscape Character Types (LCTs) identified within the 40km study area, with five taken forward for detailed assessment (EIAR Figure 5.1.4b identified the LCTS with the proposed ZTV). The site is located within the Open Rolling Moorland (291) LCT. The character of this landscape type consists of largescale, smooth rounded hills, with summits of a similar height, spaced apart which collectively form a broad, undulating, upland plateau. The vertical elements of the development (turbines) would make a significant effect on the landscape in the immediate area. However, this effect diminishes in some of the surrounding (rolling) landscape. The applicant has only identified significant impacts upon the Open Rolling Moorland (291) LCT, this is categorised as a major (significant) adverse impact at a site level with moderate significant adverse effects within 5km of the turbines with visibility from the A939 and local summits. The Council's Landscape Officer largely agrees with the assessment of landscape effects but disagrees with the effects on the integrity of the Open Rolling LCT. NatureScot also disagree with this element of the assessment, and whilst it does not object to the scheme it considers that the applicant has underrepresented the effects on this LCT.
- 8.47 The Landscape Officer considers that the zone of significant effects identified in the landscape assessment extends from Airdrie Mill in the north to encompass parts of Lochindorb and the northern slopes of Carn Ruigh Chorrach in the south. This is a much larger area than that identified by the applicant. The Landscape Character Area (LCA) is effectively split into a central zone, where the landscape Character is most strongly affected and where human receptors will have the highest awareness of these effects, and the wider LCA where a less modified character prevails. This undermines the integrity of the Landscape Character Area to its detriment, by effectively creating a separate character sub-type, covering the network of routes through the LCA and altering the transition between the Open Rolling Uplands and adjacent Upland Moorland and Forestry and Narrow Wooded Valley landscape character areas and setting this transitional zone further apart from the wider LCA. This is considered to be contrary to Criterion 10 of the Council's

Onshore Wind Energy Supplementary Guidance (OWESG) which looks at the extent to which the proposal affects the distinction between neighbouring landscape character types, in areas where the variety of character is important to the appreciation of the landscape. However, whilst it is accepted that the effect on Open Rolling LCT is considered to be significant, the overall effect in EIA terms of the increased tip height but reduction in turbines is not significantly different to the consented scheme which was considered to be acceptable by Scottish Ministers.

8.48 The site is not within any designated landscapes but there are a number of designated landscapes within the wider study area. The applicant's assessment has taken forward two of the designations for further assessment, the Cairngorms National Park and Drynachan, Lochindorb and Dava Moors Special Landscape Area.

8.49 The Cairngorms National Park (CNP) is located approx. 7.8km from the development site. The applicant's assessment is contained within EIAR Appendix 5.2. The Special Qualities of the National Park are:

- Vastness of space, scale and height
- Strong juxtaposition of contrasting landscapes
- A landscape of layers and layers of receding ridge lines
- The surrounding hills
- Magnificent mountains towering over moorland, forest and strath and Grand panoramas and framed views
- Dramatic, historical routes
- Focal cultural landmarks of castles, distilleries and bridges
- Broad Farmed Straths
- Extensive moorland, linking the farmland, woodland and high tops
- Dark Skies

The applicant's assessment concludes that there will only be minor (not significant) effects on the Special Qualities of the National Park. Unlike the original consent, the Cairngorms National Park Authority have raised no objection to this current application.

8.50 NatureScot generally agree with the assessment of effects on the identified Special Landscape Qualities of the Park apart from the special quality of 'vastness of space, scale and height'. The LVIA focusses on areas within 20km of the proposed development, excluding areas of theoretical visibility from hill summits within the CNP beyond this distance and the applicants have assessed the effects on the special quality of 'vastness of space, scale and height' as being minor (not significant). NatureScot consider that the applicant has underrepresented the effects of the addition of the proposed development to the baseline of existing wind farms in the area. The extent of the proposal would diminish the qualities of open space and perceived separation between the existing wind farm groups as illustrated by the wireline for VP 19 (Creagan a' Chaise), where the separation distance between visible turbines at Tom nan Clach and Hill of Glaskyle would be

reduced with Cairn Duhie occupying a right of centre position in this gap. However, whilst NatureScot consider the effect on this particular special quality to be significant, it considers the effect to be limited to a small number of mountain tops, at considerable distance and occupies a relatively small area of the viewshed. In addition, NatureScot agree that the effects on the other 9 special qualities would be minor (not significant). As such whilst raising some concerns NatureScot do not object to the scheme as it will not have an adverse effect on the integrity of the Cairngorms National Park or the overall objectives of the designation. The Planning Authority agree with this assessment.

8.51 No significant effects have been identified for any National Scenic Areas or Wild Land Areas. NatureScot have no objection.

8.52 The Drynachan, Lochindorb and Dava Moors Special Landscape Area lies to the south of the site. The Special Qualities of the SLA are:

- A Sense of Solitude, Views over Heather Moorland, and Big Skies
- Expansive views and broad panoramas across open, rolling moorland and vast skies instil a boundless sense of scale and space, enhanced by the consistency of moorland cover and landform character;
- A narrow, deep section of the Findhorn river valley at Streens offers enclosed and intimate relief in contrast to the elevated and exposed moorland. Elsewhere, valleys frame views to Lochindorb;
- Land management practices create distinctive abstract muirburn patterns, accentuated by ever-changing weather and light patterns;
- The limited extent of tree cover and human habitation creates a simple yet powerful moorland image of tranquillity, simplicity and isolation which is emphasized by Lochindorb and its ruined castle;
- Where buildings exist, these are of a distinctive estate character. Also building remains from pre-clearance farmsteads, with enclosures, head dykes and associated field systems and improved land form one of the few built and 'managed' elements within the landscape. These engender a strong atmosphere which can arouse contemplative emotions of past human endeavour and hardship; and
- The long, fairly straight routes through this landscape allow an easy appreciation of the openness and simplicity of the landscape. These are typically lined with permanent snow poles which serve to reinforce the impression that this is a landscape exposed to adverse weather."

8.53 ZTV indicates that theoretical visibility of the proposed development from within the SLA will be widespread. When taking into account the qualities of the SLA, it is important to recognise that the proposed development sits outwith the SLA. That said, many receptors that experience the special qualities of the SLA are those who travel through this designation particularly using the main roads and rights of way (Dava Way) in the area. The Knock of Braemoray and Hill of Aitnock will offer some areas of visual screening, but as surmised in the EIAR there is limited tree cover and built form in the locality to provide screening so actual visibility is considered likely to closely reflect theoretical.

8.54 The EIAR states that there will be indirect effects on certain perceptual qualities of the SLA including the 'expansive views', 'broad panoramas' and 'sense of solitude', but that due to the existing alteration in views in and from the SLA these effects will not compromise the overall integrity of the designation or the qualities for which it has been designated. However, it is considered that the applicant underrepresents the impact and, as detailed in the Landscape Officer's comments, this does sufficiently take into account the effect on key Landscape and Visual Features such as:

- The strongly horizontal composition of elements [...] dominated by the sky and moorland, and a simple and prominent skyline in between. Occasional foci do exist, however, such as small craggy hills, lochans and lodges.

Or the full detail of Special Qualities such as:

- Expansive views and broad panoramas across open rolling moorland and vast skies instil a boundless sense of scale and space, enhanced by the consistency of moorland cover and landform character.

The effect is likely to be major (significant) with the development affecting perceptions of scale and distance, so does not fully accord with Criterion 8 of the OWESG. These concerns were raised by the Council as part of the consented scheme however, Scottish Ministers did not consider that they were sufficient grounds to refuse the development. The applicant's landscape and visual impact assessment has not identified any further significant effects on landscape character or the designated landscapes beyond that of the consented development. The principle of wind energy development on this site has been set. Whilst the Council was not supportive of the site, the impacts of development in comparison to the consented scheme do not vary sufficiently for an objection to be raised.

Visual Impact

8.56 The visual influence of this wind farm extends to the west, south west and north of the application site as seen in the Zone of Theoretical Visibility. This is due to the site sitting on a high open and transitional part of the area with extensive views southwest extending across open moorland to the more distant Cairngorm massif. It is this open view to the south west which impacts upon the designated landscape Drynachan, Lochindorb and Dava Moor Special Landscape Area (SLA) which raised the most concern with regards to the consented scheme. The ZTV submitted in supported of the current re-design indicates that although the turbines will have a greater height to tip the ZTV visibility is not significantly different to the consented scheme.

8.57 The submission includes photomontages from 18 viewpoints and largely follow those submitted in support of the approved scheme. The visualisations comply with both The Highland Councils visualisation standards and NatureScot's guidance.

8.58 The applicant has identified the following major (significant) visual effects as a result of the proposal at the following VPs:

VP Location	Distance to nearest turbine (km)
Viewpoint 1: A939 South of Ferness Village;	0.42
Viewpoint 2: Little Aitnoch;	1.1
Viewpoint 3: Hill track to Loch Kirkaldy;	1.75
Viewpoint 5: A940 above Kerrow;	1.71
Viewpoint 6: A939 west of Aitnoch;	2.09
Viewpoint 8: Ardclach Bell Tower;	2.39
Viewpoint 9 Knock of Braemoray;	2.75
Viewpoint 12: Drumguish Croft;	4.85

Eight of the VPs are considered to have significant major adverse visual effects; however, these VPs are all located within 5km of the site. In addition, there are major effects for some properties at Dava and part of the A939.

The following VPs have been considered to have a moderate (significant) visual impact as a result of the proposal. Moderate significant effects have also been identified for part of the A940 and the Dava Way.

VP Location	Distance to nearest turbine (km)
Viewpoint 10: Cairn Glas Brae on the A939;	3.18
Viewpoint 11: B9007, Old Military Road;	4.51
Viewpoint 13: A940, Auchearn;	5.22
Viewpoint 14: A939 and Dava Way;	7.9
Viewpoint 15: Carn nan Gabhar above Lochindorb;	8.03
Viewpoint 17: Carn Allt Laoigh;	11.83

8.59 Overall, the applicant's assessment indicates that there will be significant effects at 14 of the VPs. The consented scheme anticipates that there would be significant effects at 12 VPs. Although two more are detailed in the current scheme, these are at viewpoints which were not previously assessed and are located very close to the site on the A939 (0.42km) and VP10 from Cairn Glas Brae on the A939. Although the turbines will be higher and likely to be more prominent in views close to the site, the overall effects in EIA terms are not considered to be noticeably different than the consented scheme due to the proximity to the development. When considering

the development in the light of the existing consented development and its visual impact, there are some appreciable improvements to the composition due to the reduction in number of turbines. At Viewpoints 5 (A940 above Kerrow) and 6 (A939 West of Aitnoch) there is an improvement in the relationship to landscape horizons as a result of lifting the rotor sweep. In addition, the reduction in the number of turbines has also resulted in a slightly more compact visual envelope in views e.g. as seen from VP14 (A939 adjacent to Dava Way). However, the proposal will still result in significant effects similar to those raised during the original scheme but were not considered by Scottish Ministers to be sufficient to refuse the application.

- 8.60 NatureScot consider that the applicant's assessment accurately reflects the influence of the proposed development on visual receptors. In relation to cumulative effects with other operational, consented and potential wind farms in the area. NatureScot consider that the effects of Cairn Duhie in addition to those other development in scenario 1 (operational, under construction and consented) would not give rise to effects greater than those predicted to arise from the construction of Cairn Duhie in isolation. With regard to scenario 2 (scenario 1 plus wind farms at appeal/Public Inquiry and scoping), it concludes that landscape effects resulting from the addition of Cairn Duhie would not result in effects greater than those predicted for Cairn Duhie in isolation. NatureScot is satisfied that the assessment of cumulative effects is accurate.
- 8.61 As with the consented scheme the development will be prominent. As outlined above it will have significant visual impact upon the immediate locality, as a consequence there will be effects on amenity in terms of residential and transitory receptors on roads or nearby recreational ways. The ZTV and assessment demonstrates that the main settlements of Nairn, Forres and Grantown on Spey will not be affected by the development. In terms of the wider road network, the A95(T) and A96(T) will also not be significantly impacted. It will be the local roads such as the A939 and the A940 that will be primarily affected. However, the views will not be constant but instead will be interrupted by the change in road alignment and topography. In addition, minor local roads such as the B9007 will be affected. Significant effects are likely for walkers on the Dava Way. However, again, these effects were present with the consented scheme, the re-design is not considered to alter the significance of the effects in EIA terms.
- 8.62 A residential amenity assessment has been submitted which assess the impacts of the proposal on all properties within 2km of the turbines. The EIAR contends that many of the properties are orientated away from the development site or as a consequence of intervening forestry or topography have limited views of the development. Eight properties were taken forward to a full assessment. The ES however concludes that despite the impact on the views from these properties they are unlikely to have a reduction in their overall residential amenity and the residential visual amenity threshold is not considered to be breached. Environmental Health have considered the impacts of noise on nearby receptors and subject to planning conditions offer no objection – see noise section in this report.

Cultural Heritage and Archaeology

- 8.63 The results of the applicant's assessment are outlined in EIAR, Chapter 6. There are no Scheduled Ancient Monuments, Listed Buildings or Conservation Areas within the application site. The site contains a number cultural heritage assets of local importance from pre-history, through medieval times to 20th century developments. Whilst significant direct effects are not predicted, a mitigation strategy has been set out in the form of an archaeological watching brief, the full scope of this will be secured via a planning condition.
- 8.64 In terms of indirect impacts, within 5km of the site there are four scheduled monuments, six category A listed buildings and one Garden and Designed Landscape. The applicant has provided an assessment as to the likely effect upon these heritage assets. Overall, the assessment indicates that that there would be minor, very minor or nil residual effects, so not significant. Historic Environment Scotland (HES) do not agree with the assessment for Ardclach Bell Tower, which is a category A listed building situated 2.54km from the nearest turbine – views are illustrated by Viewpoint 8. HES consider that views out from the tower contribute to our current understanding, appreciation and experience of its setting in a remote and isolated location. Viewpoint 6 (A939 West of Aitnoch) shows that this view would be significantly altered by the addition of large industrial features, particularly as their movement would likely become the focus of the view and erode the current sense of remoteness. However, the impact of the increased tip height is not considered to appreciably alter the impact over the already consented scheme, which was considered to be acceptable by Scottish Ministers. As such HES do not object but maintain that the effect will be significant.
- 8.65 However, HES did object on the basis of insufficient information to assess the impacts upon Lochindorb Castle (Scheduled Monument 1231) which is located 5.4km from the nearest turbine. Additional Information was provided in the form of a detailed ZTV covering the road network to the southwest of Lochindorb castle, and a cumulative wireline produced from an appropriate viewpoint to demonstrate potential visibility of the proposed development and other relevant developments. The cumulative wireframe demonstrates that impacts on those longer distant views which include the castle will not be significant enough to require mitigation. On this basis HES withdrew its objection.

Ecology and Ornithology

- 8.66 The EIAR has identified and assessed impacts on protected species, ornithology, ecology and designated sites. The results of the applicant's assessment are outlined in EIAR Chapters 7 and 8. The application is also supported by a Phase 1 Habitat Survey, National Vegetation Classification Survey, updated protected species surveys (with particular focus on otter, wildcat, water vole, badger, pine marten, red squirrel, and including a great crested newt), bird surveys and a Bat Survey a GWDTE assessment have been undertaken. Third parties have raised concerns with regards to baseline used for the surveys, however, NatureScot, SEPA and RSPB have raised no concerns in this regard.

- 8.67 There are no statutory designations within the site. The closest designated site is the Lower Findhorn Woods SSSI and SAC, at 2.8km from the site, and the Moidach More SSSI and SAC is located 3.5km from the site. However, these have been scoped out of detailed assessment due to their respective qualifying features, distance and lack of connectivity to the site therefore direct and indirect impacts are unlikely. This approach was outlined in the EIA Scoping Report and agreed by consultees.
- 8.68 The most tangible effect will be the loss of habitat, with the EIAR concluding that although the site is partially underlain by Class 1 peatland, and with just a small area of Class 2 peatland in the north-east. The remainder of the site is made up of Class 3, Class 4, and Class 5 soils. An outline Habitat Management Plan has also been submitted which details mitigation and compensation measures (see EIAR Appendix 7.4), with the overall aim of restoring and maintaining significant areas of blanket bog and wet heath. Both SEPA and NatureScot welcome the plan and the measures proposal will adequately off-set the anticipated losses. SEPA recommend a planning condition requiring the adherence and delivery of no less than 131 ha of peatland improvement works. In addition, in order to maximise the plans effectiveness NatureScot have recommended the following measures:
- In relation to the removal of self-seeded trees, additionally exploring opportunities to remove the seed source or sources.
 - monitoring the wider wind farm area to detect, and give the opportunity to address, any habitat loss or degradation resulting from wind farm construction and operation.
- 8.69 Through the design of the development, it is considered that the applicant has avoided or minimised the impact on these ecological receptors. There are no predicted significant effects on any of the receptors assessed in the ecological assessment, either during construction, operation, or cumulatively. 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). 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. No objections have been received from SEPA or NatureScot subject to conditions.
- 8.70 No ancient woodland is present within the site and no woodland removal resulting from the proposed development will occur in areas of ancient woodland. However, 0.27ha of woodland would be permanently lost to development, mainly at turbines 1, 2, 7 and 11 and also at the entrance to the site. It is proposed that 1.0ha of new woodland at the site entrance and 1.4ha around the proposed sub-station would be planted. The Council's Forestry Officer has stated that this would be adequate to compensate for the proposed woodland loss and could be accepted if the trees were to be allowed to grow to their natural height. However, on the Woodland and Scattered Tree Management Layout drawing there is a Potential Tree Height Control Area where it is proposed Trees to be selectively felled before the maximum allowable tree height of 6-10 m is exceeded and replanted in situ. If the new planting areas are to be felled before they reach 6m in height, then further

compensatory tree planting will be required outwith this tree height control area. The applicants have confirmed that given the predicted growth rates on site, and do not expect any replanted trees to grow beyond that height during the operational lifespan of the wind farm. Therefore, the applicants consider that the re-planted trees would be free to grow to their full, natural height in the locations proposed.

- 8.71 In terms of ornithological interests, the site is located between the Darnaway and Lethen forest Special Protection Area (SPA) (4km from the site) and the Strathspey SPA and are protected for its breeding populations of capercaillie. NatureScot consider that given the lack of suitable habitat on the wind farm site, its elevated location, and the presence of lower lying corridors with more suitable habitat, the likelihood of such flights is very low and the resulting collisions from those flights would be even lower. On this basis NatureScot have concluded no adverse impact on the integrity of the associated SPAs. However, the site's status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") apply or, for reserved matters, The Conservation of Habitats and Species Regulations 2017. Consequently, Scottish Government is required to consider the effect of the proposal on the SAC before it approves any application (commonly known as Habitats Regulations Appraisal).
- 8.72 The site is located within 20km of, and could affect, the Inner Moray Firth SPA, designated for greylag geese, and the Moray and Nairn Coast SPA which is designated for greylag and pink footed geese. There is potential for connectivity to both these sites with both species having been recorded flying over the site at potential collision height. However, NatureScot consider that given the low predicted collision risk and a lack of suitable habitat for foraging geese on site and in the surrounding area means there will be no adverse impact on the integrity of either SPA. Again, with that said, it is for Scottish Ministers, as the determining Authority to undertake a Habitat Regulations Appraisal (including Appropriate Assessment) prior to the determination of the application.
- 8.73 Overall, there are no expected residual effects on species or the SPAs both when the scheme is considered in isolation or cumulatively with other developments. No objections have been received from SEPA, NatureScot or RSPB.

Hydrology, Hydrogeology, Geology and Peat

- 8.74 The results of the applicant's assessment are outlined in Chapter 9 of the EIAR. Mitigation through design and layout has been used as far as practical, for instance exclusion zones around surface water features and buffers from Ground Water Dependent Terrestrial Ecosystems (GWDTE). In addition, the applicant is committed to providing a finalised Construction Environment Management Plan, this also includes a section on decommissioning, and which will ensure that potential sources of pollution on site can be effectively managed throughout these phases. A draft has been submitted with the application. In addition, an Outline Habitat Management Plan, Peat Management Plan, Peat Probing and Peat Landside and Risk Assessment, FRA and Surface Water Management Plan and a Private Water Supply Assessment have been submitted with the application.

- 8.75 Peat depth surveys have been undertaken across the site, with a total of 1,461 peat depth probes were carried out during the surveys. It was noted that only 6% (75) of the peat probes undertaken recorded peat depths greater than 2.0m (maximum thickness of peat recorded was 5.1m). The EIAR anticipates that a total of 74,275m³ of peat shall be excavated during construction and that 74,350m³ shall be used for reinstatement purposes, demonstrating that the required peat volume is slightly more the excavated peat volume. To optimise the peat balance, the width of the peat verges on floating tracks and depth of borrow pit restoration have been varied. It is anticipated the excavated volumes will be reduced during construction and a peat balance can still be achieved by varying peat verge widths and borrow pit restoration depths. A Peat Management Plan will be developed and implemented to assess the quantities of peat likely to be excavated during construction and identify suitable reuse and management options. This will include methods and timing involved in excavating, handling and storing peat for use in reinstatement. SEPA have no objection but in order to minimise impacts on peat and carbon loss it requires that the finalised Peat Management Plan which should demonstrate how micro-siting and other measures such as floating tracks have been used to further minimise peat and good quality peat habitat disturbance. It considers that specific attention should be taken in relation to any micro-siting of turbine 10 to minimise impact on deep peat. SEPA have accept the requested micro-siting allowance of up to 50m but require that the re-sting is not onto peat deeper than currently shown in the submission. As detailed above, a Habitat Management Plan controlling peatland restoration is proposed.
- 8.76 To minimise the volume of imported material brought onto the site, a borrow pit will be used for infrastructure construction including access tracks and hardstanding. An Outline Borrow Pit Management Plan is provided in EIAR Appendix 4.1. A Borrow Pit Method Statement will be agreed with SEPA and prior to the commencement of construction. Provisions for the control of surface run-off during and post construction (SuDS) and the re-vegetating of working faces post construction will be included. To ensure that reinstatement and decommission works are carried out in a way that is sensitive to the environment, SEPA have requested that further details of the borrow pit restoration be secured by a planning condition. In addition, SEPA require a finalised Decommissioning and Restoration Plan with proposals in line with their Guidance on the life extension and decommissioning of onshore wind farms.
- 8.77 The applicant has undertaken a risk assessment of private water supplies, this was supported by Additional Information. Environmental Health have no objection but recommend a condition securing a Pollution Prevention, Water Quality Monitoring and Emergency Response Plan in relation to private water supplies. SEPA note that the distance between the abstraction and any construction works is significant and we are content that the abstraction should not be significantly affected by the development.
- 8.78 A third party has raised concerns with regards to hydrology and flood risk. The EIAR considers that the potential flood risk to the site is low. The Council's Flood Risk Management Team have offered no objection to the application. SEPA have also offered no objection.

Transport and Access

- 8.79 The applicant's assessment is presented in Chapter 10 of the EIAR. The port of entry is envisaged to be from the Port of Inverness and travel to the site via the A9, A938, B9007 before joining the A939. Access to the site will be via a new access onto the A939. Non AIL construction traffic will from Nairn and the surrounding areas via the A939 to the site entrance. No general construction traffic will be permitted to access the site via the B9007. Concerns have been raised by third parties regarding the access route and impact upon residential properties.
- 8.80 Across the whole construction period it is anticipated that the peak levels of traffic will be between months 6 and 9. Month 6 anticipating 106 vehicle movements, this equates to 40 HGV movements per day (20 inbound and 20 outbound) and 66 Car / LGV movements (33 inbound trips and 33 outbound trips). These figures on average indicate approximately two HGVs arriving at site every hour at the peak period. Months 7, 8 and 9 are anticipating as having 105 vehicle movements. Overall, the applicant's Transport Assessment has found that the effects of the construction traffic will be temporary in nature and are transitory and will not be significant. The applicant proposes a range of mitigation such as the delivery of a Construction Traffic Management Plan (CTMP) and an Abnormal Load Management Plan which will be prepared and agreed with the Council and Transport Scotland prior to works commencing. In principle this type of mitigation is accepted subject to detailed consideration of the plans and upgrades in due course.
- 8.81 The Council's Transport Planning Team has assessed the application. It accepts the applicant's reasoning for not accessing the site from the north due to the need to undertake works to the A96(T) and the potential conflict with the A96 Dualling Scheme, including the Nairn Bypass. It accepts that the abnormal loads will reach the site via Dulnain Bridge. This is also a route previously used for the Tom nan Clach Windfarm. Conditions controlling the northern route for all other construction traffic and the provision of road mitigation measures required along the proposed AIL access route which should be informed by trial runs is requested to be secured by condition.
- 8.82 The submission (EIAR Figure 10.3) also includes a temporary Access Track Loop that connects the B9007 to the A939, this is intended to be used by the AIL turbine component movements to the site. Concerns have been raised by raised in representations about the delivery of this access loop and the impact in terms of heritage, hedgerow and amenity. Transport Planning recommend a condition controlling this element of the scheme. It is important that any submission against this condition considers the matters of concern that have been raised. In addition, conditions are sought to control a finalised CTMP, access and temporary signage and a road marking scheme on the A939 approaches to the site access, a Community Liaison Group, and a Wear and Tear Agreement. Subject to the recommended conditions Transport Planning has no objection to the application.
- 8.83 Transport Scotland has no objection and consider that the proposed development would not give rise to any significant effects on the trunk road network and its adjacent receptors. Planning conditions are recommended to cover an abnormal

load assessment and accommodation measures such as the removal of street furniture, junction widening and traffic management measures. In addition, during the delivery period additional signing or temporary traffic control measures will also be controlled.

Noise and Shadow Flicker

- 8.84 As detailed in EIAR Chapter 11, a background noise survey was undertaken subject to a noise management strategy the residual impact from noise is not considered to be significant. Noise management involves altering the operational mode of the turbines in certain conditions by changing the pitch of the blades, resulting in a trade-off between power production and noise reduction. This provides a potential mechanism for further reducing the level of noise experienced at nearby residential properties although the acoustic assessment demonstrates that this is not required. The Council's Environmental Health Officer assessed the noise assessment and is content that this demonstrates that there will be very little difference in predicted levels compared to the consented development. A planning condition to control operational noise is requested.
- 8.85 A third party has raised concerns regarding shadow flicker. This is an effect that can occur when the shadow of a moving wind turbine blade passes over a small opening (e.g. a window), briefly reducing the intensity of light within the room, and causing a flickering to be perceived. There are no properties within 11 rotor diameters of any turbines, so shadow flicker is not considered to be an issue for this development and no further assessment is required.

Socio-economics, Tourism and Recreation

- 8.86 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 as it has the potential to generate 67.2MW of electricity from 16 turbines, whereas the consented development has the capacity to generate up to 60MW from 20 turbines. This is based upon the current candidate turbines, but this may change as a result of the applicant's procurement process. Each turbine has the potential to generate up to 4.2MW. In addition, the current proposal includes the potential for battery storage on site. The increased yield from the development as a result of the proposed re-design is a key consideration in relation to the matters set out in paragraph 174 of SPP, where there is support for the enhancement of installed capacity through wind farm repowering proposals, subject to mitigation of impacts. The support for repowering projects is also acknowledged in the draft NPF4, as well as the Onshore Wind Energy Policy Statement and associated refresh consultation draft.
- 8.87 The Reporter for the consented wind farm considered that tourism is unlikely to be significantly affected by the proposed wind farm. The assessment of socio-economic impact by the applicant found that the development is unlikely to have a significant adverse impact on tourism. The EIAR details that the development and construction costs will be around £67.2 million and 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 based upon national studies. Wherever reasonably practicable, the applicant is committed to using local contractors, suppliers and employees during the construction phase of the proposed development. It is estimated that the value of contract in the Highlands could be up to £6.72m. The applicant envisages that there would be significant benefit at a local level, but in terms of across Highland and Scotland, this would be classed as not significant. However, there is also likely to be some adverse effects caused by construction traffic and disruption. 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.

- 8.88 In terms of wider access, there are no Core Paths or Rights of Way located within the site boundary. However, impacts upon users on the Dava Way which is located close to the site have been identified in the Landscape and Visual Impact section above. Public access throughout the construction phase will be managed by the appointed Contractor for health and safety reasons in line with requirements of the Construction (Design and Management) (CDM) Regulations 2015. The Applicant proposes the provision of a footpath linking the new wind farm access tracks to the summit of Cairn Duhie and the provision of informal seating in the form of natural rocks/boulders to provide opportunity for rest. The proposed route of the footpath is shown in Fig 1.9.1 of the Outline Access Management Plan (OAMP). In addition, 2-way bridle type gates would be provided where tracks cross fence lines. The Councils Access Officer does not object to the application and welcomes the submission of an OAMP, further details are required, therefore a final detailed version will be secured via a planning condition. The access officer also requests the provision of a car park to accommodate path users and a financial or in-kind contribution to the Dava Way. This is not considered to mitigate the impact on the users of the Dava Way therefore is unlikely to meet the tests for use of planning conditions under Circular 4/1998.

Climate change and Carbon Balance

- 8.89 The proposed development is likely to have an installed capacity of up to 67.2 MW. Based upon the average consumption of a UK home, it is anticipated that the development could generate power equivalent to powering 48,000 homes. The EIAR concludes that, during construction, the proposed development will create more carbon emissions than it removes from the atmosphere and therefore an effect of minor significance is predicted. Once operational, a moderate positive effect is predicted as the wind farm will become a 'net avoider' of emissions within 0.0 to 1.7 years. Assuming a 35-year operational life, this equates to a carbon saving of approximately 83,974 tonnes of CO₂ per year and approximately 2,939,090 tonnes of CO₂ over the lifetime of the proposed development. The EIAR estimates that the carbon payback period for the development would be 1.7 years based on a fossil fuel mix. Further elements of the carbon offsetting will come in the form of peatland restoration which will occur following the felling of the forestry and erection of the wind farm as part of the habitat management plan and compensatory planting.

Telecommunications

- 8.90 No concerns have been raised in relation to potential interference with radio / television reception in the locality. The Council has a standard practice of recommending that developers address adverse impacts that may emerge during construction and over the initial year of operation when problems may be detected and/or experienced. It is recommended that a planning condition is attached to secure a scheme of mitigation should an issue arise.

Aviation

- 8.91 The application originally raised objection from both the MOD and HIAL. In relation to impacts upon the radar at RAF Lossiemouth, its location within a military low flying training area and the Primary Surveillance Radar (PSR) installation for the airport. Following discussions with the applicants a resolution has been found and the objections have been withdrawn subject to a planning condition. In addition, NATS have confirmed that they have no objection to the application. Therefore, subject to planning conditions there are no outstanding objections on the grounds of aviation impacts.
- 8.92 The matter of aviation lighting has been raised by third parties and an aviation lighting assessment has been submitted with the application. The current MOD recommendation is for 25 candela omni-directional, this is less prominent than the standard 2000 candela obstacle lights. This is anticipated to only apply to turbines 1, 7, 9 and 15. As detailed by the applicant Appendix 1 of the MOD Obstruction Lighting Guidance the full 25 candela brightness of these lights is only experienced at viewing angles above the horizontal (upwards overspill). Downwards overspill is to be minimised such that the red-light intensity is no more than 10% of the intensity at 0° (2.5 candela). In addition to this, it is anticipated that each of the sixteen turbines within the proposed development will be fitted with infrared (IR) lighting, which is not visible to the human eye.
- 8.93 The applicant's assessment concludes that from Viewpoint 2 – Little Aitnoch and Viewpoint 5 - A940 above Kerrow, both of which represent closer proximity residential views, due to the viewing angle the aviation lights will be seen at a reduced intensity of 2.5 candela. From Viewpoint 19 - Creagan a' Chaise, a minor effect was found due to the distance between the proposed development and the viewpoint, and the presence of existing artificial light in views towards the site. From Viewpoint 14 - A939 and Dava Way, a negligible (not significant) effect was found due to the viewing angle (aviation lights seen at a reduced intensity) and due to the viewing distance. The applicants' assessment concluded that there would be no significant visual effects from the aviation lighting.
- 8.94 In terms of landscape effects, the applicants acknowledge that from most upland landscapes the aviation lights will more likely be seen at their full 25 candela intensity. From lower lying landscape types and due to the reduced intensity of aviation lighting and the assessment considers that there are existing lights from settlements, scattered properties and transport corridors are part of the night time experience.

- 8.95 Overall, the applicant's assessment concludes that there will be no significant effect on the landscape or visual receptors. The Reporter for the consented scheme did not consider that the provision of aviation lighting would alter their conclusions for the consented scheme. NatureScot is content with the aviation lighting assessment and have no objection. It is noted that a final aviation lighting scheme is to be secured by a planning condition, however, it is still the Council's preference for the provision of infra-red lighting, and this is reflected in the recommended condition.

Decommissioning

- 8.96 The operational lifespan of the proposed development and associated infrastructure will be 35 years. Following this, an application may be submitted to retain or replace the turbines, or they could be decommissioned. The applicants anticipate that if decommissioning is opted for then this will involve the removal of wind turbines and the restoration of the turbine areas, hardstandings and tracks, and demolition and removal of the substation and battery storage compounds. The cables will be left in place to avoid unnecessary ground disturbance. Turbine components and electrical equipment will be dismantled and removed in a similar fashion to their delivery and erection. The CEMP will be updated prior to decommissioning by the Applicant to reflect current legislation and policy and will be agreed with THC, NatureScot and SEPA. The final aspects of these matters will not be confirmed until the submission of the Decommissioning and Restoration Plan (DRP), the scope and implementation period for which will be controlled by a planning condition.

Other material considerations

- 8.97 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.
- 8.98 In addition, due to the climate and biodiversity emergency and the provisions of the Planning (Scotland) Act 2019, the Council is seeking to ensure that developments will deliver a positive effect for biodiversity. As a result, this project is expected to make a contribution toward the delivery of biodiversity enhancements in vicinity of the site. A scheme to ensure delivery can be secured by condition and either delivered via direct provision or a financial contribution.
- 8.99 A third party has raised the issue of unexploded ordinance on the site. The Reporter considered this issue under the extant scheme and stated that 'unexploded ordinance may exist on the site. However, from the available evidence, the likelihood is low. Although the potential for harm could be high, the risk would be very low. Site investigation and site practice would reduce the risk to an acceptable level'. A condition is again recommended to cover this.

Non-material considerations

- 8.100 The issue of community benefit is not a material planning consideration. In line with Council policy and practice, community benefit considerations are undertaken as a separate exercise and generally parallel to the planning process.
- 8.101 The de-valuation of property prices is not a material planning consideration.

Matters to be secured by Section 75 Agreement

- 8.102 As is standard practice in relation to applications progressed under the Electricity Act, matters related to decommissioning, restoration and roads wear and tear are, in the first instance secured by condition.

9. CONCLUSION

- 9.1 The Scottish Government gives considerable commitment to renewable energy and encourages planning authorities to support the repowering of wind farms where it can be demonstrated that they are on suitable sites and environmental and other impacts have been shown to be capable of mitigation. The varied project would allow for an additional 67.2MW contribution toward Scottish Government renewable energy targets for a period of 35 years. This is an increased contribution which can be realised with arguably less impact than the consented scheme. It is considered appropriate to support a scheme where additional value in terms of contribution to renewable energy targets, climate change, socio-economic benefits can be gained with limited additional impact.
- 9.2 The principle of a wind farm has been established in this location. The key consideration therefore is whether the proposed increase in the size of the turbines but a decrease in the number of turbines, together with a reduction in access tracks, the inclusion of a borrow pit is deemed acceptable. It is noted that the scheme will have a greater generating capacity and have the potential for a battery storage scheme. The effect of the increase in blade tip height is most obvious when considering matters of landscape and visual impact.
- 9.3 The findings of the Reporter for the consented scheme, which were adopted by Scottish Ministers, were that a wind farm in this location was acceptable. Therefore, Scottish Ministers have considered the principle of the delivery of the right development, in the right place as outlined in Scottish Planning Policy. The redesigned wind farm reduces its horizontal extent from a number of locations. However, the turbines, due to their increased height and in particular the increased rotor diameter, would be more prominent.
- 9.4 There are no unresolved objections from statutory consultees and there is not an outright objection from East Nairnshire Community Council, albeit it has raised concern from particular locations.
- 9.5 While the impacts of the wind farm will be significant, weight has to be given to the principle of a wind farm in this location being established. Further, given the need for delivery of a de-carbonised electricity system in Scotland to reach net zero by 2045, it could be argued that it is better to “re-power” this site rather than increase

the pressure for wind energy development in other areas. The matter for Scottish Ministers to consider is whether the applicant has had 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. In doing so Ministers need to consider whether the impacts have been reasonably mitigated. It is considered that the applicant has had regard to the desirability of preserving natural beauty of the area, however having regard to and doing what they reasonably can to mitigate effects are not one in the same.

- 9.6 It is considered that the development continues to conflict with Scottish Planning Policy and the Highland-wide Local Development Plan. However, on balance, it is not considered that the re-designed development is significantly detrimental overall when taking into consideration the consented development. As a result, it is recommended that no objection is raised to the application.

10. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: If the committee determine that an objection should be raised to the application, the application will be subject to a Public Local Inquiry prior to determination by Scottish Ministers.
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: the proposed varied development will generate renewable energy and make a meaningful contribution to renewable energy and carbon reduction targets.
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued: N

Members are asked to agree the recommendation to **RAISE NO OBJECTION** to the application subject to the following conditions and reasons:

1. Duration of the Consent

The consent is for a period of 35 years from the date of Final Commissioning. Written confirmation of both the Date of First Commissioning and the Date of Final Commissioning shall be provided to the Planning Authority and Scottish Ministers no later than one calendar month after those dates.

Reason: To define the duration of the consent.

2. **Commencement of Development**

The development shall be commenced 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.

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

3. **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 allow the Planning Authority and Scottish Ministers to monitor compliance with obligations attached to this consent and deemed planning permission as appropriate.

4. **Non-Assignment**

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 local 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.

5. **Serious Incident Reporting**

In the event of any breach of health and safety or environmental obligations relating to the development during the period of this consent, the Company will provide written notification of the nature and timing of the incident to the Scottish Ministers, 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.

6. **Radar Mitigation Scheme**

1. No turbine shall be erected unless and until an Air Traffic Control Radar Mitigation Scheme to address the impact of the wind turbines upon air safety has been submitted to and approved in writing by Scottish Ministers in conjunction with the Ministry of Defence (MOD).

The Air Traffic Control Radar Mitigation Scheme (ATCRMS) is a scheme designed to mitigate the impact of the development upon the operation of the Primary Surveillance Radar at RAF Lossiemouth (“the Radar”) and the

air traffic control operations of the MOD which are reliant upon the Radar. The ATCRMS shall set out the appropriate measures to be implemented to mitigate the impact of the development on the Radar and shall be in place for the lifetime of the development provided the Radar remains in operation.

The development shall be implemented strictly in accordance with the details set out in the approved ATCRMS.

2. No wind turbine erected as part of this development shall be permitted to rotate its rotor blades about its horizontal axis, other than for the purpose of testing radar mitigation for this development for specific periods as defined in the approved Air Traffic Control Radar Mitigation Scheme (ATCRMS) or otherwise arranged in accordance with provisions contained in the approved ATCRMS, until:
 - a) those mitigation measures required to be implemented prior to any wind turbine being permitted to rotate its rotor blades about its horizontal axis as set out in the approved ATCRMS have been implemented; and
 - b) any performance criteria specified in the approved ATCRMS and which the approved ATCRMS requires to have been satisfied prior to any wind turbine being permitted to rotate its rotor blades about its horizontal axis have been satisfied and Scottish Ministers, in conjunction with the Ministry of Defence, have confirmed this in writing.

Thereafter the development shall be operated strictly in accordance with the details set out in the approved ATCRMS for the lifetime of the development, provided the Radar remains in operation.

Reason: In the interests of aviation safety

Conditions to be attached to deemed planning permission

7. Implementation in accordance with approved plans.

Except as otherwise required by the terms of the section 36 consent and deemed planning permission, the development shall be undertaken in accordance with the application including the approved drawings, Environmental Impact Assessment Report submitted March 2021.

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

8. Aviation Safety

The undertaker must notify the Ministry of Defence, at least 14 days prior to the commencement of the works, in writing of the following information:

- a) the date of the commencement of the erection of wind turbine generators;
- b) the maximum height of any construction equipment to be used in the erection of the wind turbines;
- c) the date any wind turbine generators are brought into use;

- d) the latitude and longitude and maximum heights of each wind turbine generator, and any anemometer mast(s).

The Ministry of Defence must be notified of any changes to the information supplied in accordance with these requirements and of the completion of the construction of the development.

Reason: In the interests of aviation safety.

9. **Aviation Lighting**

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

This should set out:

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

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

The Council request that infra-red lighting is provided to avoid extending the visual impacts of the proposed development into hours of darkness.

Reason: In the interests of aviation safety.

10. **Air Traffic Control Mitigation Scheme**

No turbine shall operate, other than for testing and evaluation as agreed with Inverness Airport, until an Air Traffic Control Mitigation Scheme which addresses the impact of the wind turbines upon the Inverness Primary Surveillance Radar and any impact on the Air Traffic Control Surveillance Minimum Altitude Chart (ATCSMAC) has been submitted to and approved in writing by the planning authority, in consultation with the operator of Inverness Airport and approved by the Civil Aviation Authority. No wind turbine(s) forming part of the development shall be operational until and unless all measures required by the Air Traffic Control Scheme have been fully implemented. The development shall thereafter be operated fully in accordance with the approved Mitigation Scheme.

“Air Traffic Control Mitigation Scheme” means a scheme comprising the appropriate measures (as varied from time to time) which when operated mitigates the impact of the development upon the operation of the Primary Surveillance Radar at Inverness Airport and the Air Traffic Control operations at the airport. The scheme will include the appropriate measures to be implemented and that are to be in place for the operational life of the development provided the Radar remains in operation.”

Reason: In the interests of aviation safety.

11. **Turbine design Design and Operation of Wind Turbines**

No turbine shall be erected until full details of the proposed wind turbines hereby permitted, 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.
- c) No text, sign or logo shall be displayed on any external surface of the wind turbines, save those required by law under other legislation.
- d) 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 dis-colouration until such time as the wind farm is decommissioned.
- e) All wind turbine blades shall rotate in the same direction.
- f) All electrical cabling between the wind turbines and the switchgear control building 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.

12. **Signage**

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.

13. **Design of Sub-station, Ancillary Buildings and other Ancillary Development**

- 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, battery storage, 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 ensure that the environmental impacts of the sub-station and ancillary development forming part of the development conform to the impacts assessed in the environmental statement and in the interests of the visual amenity of the area.

14. **Micro-siting**

All wind turbines, buildings, masts, areas of hardstanding and tracks shall be constructed in the location shown on plan reference Site Layout Plan (FIGURE 4.1, receive March 2021) 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 NatureScot, SEPA and the ECoW, micrositing is subject to the following restrictions:

- a) the wind turbines and other infrastructure hereby permitted may be microsited within 50 metres;
- b) No wind turbine foundation shall be positioned higher, when measured in metres Above Ordinance Datum (AOD), than the position shown Site Layout Plan (Figure 4.1).
- c) No micro-siting shall take place within areas of peat deeper than currently shown for the relevant infrastructure on Drawing 02914-RES-STE-DR-EN001 Rev 0.
- d) All micro-siting permissible under this condition must be approved in advance in writing by the Environmental Clerk of Works (ECoW).

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. **Unexploded Ordinance**

No development shall commence unless and until a scheme to identify and manage the risk of any unexploded ordinance on site is submitted to, and approved in writing by the Planning Authority. The approved scheme shall be implemented in accordance with the approved details.

Reason: To ensure any risk of unexploded ordinance is appropriately mitigated, prior to and during the construction phase of the development.

16. Private Water Supplies

No development shall commence unless and until a method statement has been submitted to and approved in writing by the Planning Authority, detailing 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 this section 36 consent, and which may be affected by the development. The method statement shall include water quality sampling methods and shall specify abstraction points. The approved method statement shall thereafter be implemented in full.

Reason: To maintain a secure and adequate water supply to all properties with private water supplies which may be affected by the development.

17. Access Management Plan

No development must commence unless and until a finalised Outdoor Access Management Plan (OAMP) has been submitted to and approved in writing by the Planning Authority. This shall ensure public access is retained in the vicinity of the Cairn Duhie Wind Farm during construction, and thereafter suitable public access is provided during the operational phase of the wind farm. In addition, the finalised OAMP shall include the following:

- A "Red" survey for the proposed path, detailed in the Upland Path Management guidance be provided with this application along with a scheme identifying the maintenance regime and those responsible for its implementation. Thereafter, the path shall be completed to the access officer's satisfaction before the scheme comes into operation.
- The provision of a plan showing the location of all fences, gates and tracks along with the location of and specifications for gates and any associated path surfacing and drainage that will accommodate walkers, cyclists and horse riders.

The development shall be carried out in accordance with the approved details.

Reason: In the interests of recreational amenity.

18. Community Liaison Group

No development shall commence unless and until a Community Liaison Plan has been approved in writing by the Planning Authority after consultation with the relevant local community councils. This plan shall include the arrangements for establishing a Community Liaison Group to act as a vehicle for the community to be kept informed of project progress by the Company. The terms and condition of these arrangement must include that the Community Liaison Group will have timely dialogue in advance on the provision of all transport-related mitigation measures and keep under review the timing of the delivery of turbine components. The terms and conditions shall detail the continuation of the Community Liaison Group until the wind farm has been completed and is fully operational. The approved Community Liaison Plan shall be implemented in full.

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

19. Construction Hours

Construction work which is audible from any noise-sensitive receptor 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 16:00 on Saturdays, with no construction work taking place on a Sunday or on a Bank Holiday or Public Holiday. Outwith these specified hours, development on the site shall be limited to turbine erection, maintenance, emergency works, dust suppression and the testing of plant and equipment unless otherwise approved in advance in writing by the Planning Authority with the exception of emergency works which shall be notified in writing within 24 hours of their occurrence.

(2) Heavy Goods Vehicle (HGV) movements to and from the site (excluding abnormal loads) during construction of the wind farm shall be limited to 07:00 to 19:00 Monday to Friday inclusive, and 07:00 to 16:00 on Saturdays, with no HGV movements to or from the site taking place on a Sunday or on a Bank Holiday or Public Holiday.

Reason: In the interests of local amenity

20. Construction Traffic Management Plan ("CTMP")

No development shall commence until a Construction Traffic Management Plan ("CTMP") has been submitted to and approved in writing by the Planning Authority in consultation with the Trunk and Local Roads Authorities, Police and appropriate community representatives. The CTMP shall be submitted no later than six months prior to commencement. The approved CTMP shall be carried out as approved in accordance with the timetable specified within the approved CTMP. The CTMP shall include:

- a) the routing of all traffic associated with the development on the local road network; - the commercial goods vehicles serving this site shall not use the A939 between Grantown-on-Spey and the proposed site access, or the A938 through Carrbridge between the A9 Trunk Road and the B9007 junction at Duthil.
- b) measures to ensure that the specified routes are adhered to, including monitoring procedures;
- c) details of the temporary traffic sign and road marking scheme on the A939 approaches to the proposed site access;
- d) details of all signage and lining arrangements to be put in place;
- e) provisions for emergency vehicle access;
- f) identification of a nominated person to whom any road safety issues can be referred; and
- g) a plan for access by vehicles carrying abnormal loads, the number and timing of deliveries and the length, width and axle configuration of all extraordinary traffic accessing the site.
- h) A route assessment report for abnormal indivisible loads traffic, including swept path analysis and details of the movement of any street furniture,

- any traffic management measures and any upgrades and mitigation measures as necessary together with the subsequent delivery of the works;
- i) The arrangements for the carrying out of a videoed trial run conducted with the local roads authority in attendance to confirm the ability of the local road network to cater for turbine delivery, including details of how three weeks' notice of this trial run will be made to the local roads authority;
 - j) A risk assessment for the transportation of abnormal loads to site during daylight hours and hours of darkness;
 - k) A contingency plan prepared by the abnormal load haulier. The plan shall be adopted only after consultation and agreement with Police Scotland and the respective roads authorities. It shall include measures to deal with any haulage incidents that may result in public roads becoming temporarily closed or restricted;
 - l) A detailed delivery programme for abnormal load movements, which shall be made available to The Highland Council and community representatives;
 - m) Drainage and wheel washing measures to ensure water and debris are prevented from discharging from the site onto the public road;
 - n) A procedure for the regular monitoring of road conditions and the implementation of any remedial works required during the construction period;
 - o) Design details for the new access junction onto the A939 shall be submitted. Such works may include suitable drainage measures, improved geometry and construction, measures to protect the public road and the provision and maintenance of appropriate visibility splays – the works shall be implemented in full prior to any development commencing on site.
 - p) Details of traffic management, which shall be established and maintained at the site access for the duration of the construction period. Full details shall be submitted for the prior approval of The Highland Council, as roads authority;
 - q) A concluded agreement in accordance with Section 96 of the Roads (Scotland) Act 1984 under which the Company is responsible for the repair of any damage to the local road network that can reasonably be attributed to construction related traffic. As part of this agreement, pre- start and post-construction road condition surveys shall be carried out by the Company, to the satisfaction of the roads authorities. Appropriate reinstatement works shall be carried out, as required by The Highland Council, at the end of the turbine delivery and erection period; and
 - r) Measures to ensure that construction traffic adheres to agreed routes;

The approved traffic management plan shall thereafter be implemented in full, unless otherwise agreed in advance in writing with the Planning Authority.

Reason: To ensure that the construction of the windfarm is carried out appropriately and does not have an adverse effect on the environment, and to protect road safety and the amenity of other users of the public road and rights of way.

21.: Additional Signing and Temporary Traffic Control Measures

(1) During the delivery period of the wind turbine construction materials any additional signing or temporary traffic control measures deemed unnecessary due to the size or length of any loads being delivered or removed must be undertaken by a recognised quality assured traffic management consultant to be approved in writing by The Highland Council in consultation with Transport Scotland before delivery commences.

(2) Temporary signage, in the form of demountable signs or similar approved, shall be established, when required, to alert road users and local residents of expected abnormal load movements.

(3) All such movements on The Highland Council maintained roads shall take place outwith peak times on the network, including school travel times, and shall avoid local community events.

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

22.: **Abnormal Indivisible Loads Deliveries**

No deliveries by abnormal indivisible loads shall take place until an assessment of the capacity of existing bridges and structures along the abnormal indivisible load delivery route is carried out and submitted to and approved by the Planning Authority in consultation with Transport Scotland and full engineering details and drawings of any works required to such structures to accommodate the passage of abnormal indivisible loads have been submitted to and approved by the Planning Authority. Thereafter the approved works shall be completed prior to the abnormal indivisible load deliveries to the site.

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

23.: **Temporary Access Route**

Prior to the commencement of development full design details for the proposed new temporary access loop connecting the B9007 to the A939 shall be submitted to and approved by the Planning Authority. Such details should clarify how this land will be reinstated, including the land impacted within the local public road boundary. In addition, full details of any compensatory planting if required will be included and a timescale for the reinstatement works. The scheme shall be fully implemented prior to any abnormal load movements accessing this site.

Reason: To ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road and to ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the A887 trunk road is not diminished

24.: **Archaeology**

No development shall commence unless and until a programme of archaeological works to be carried out during construction of the development has been submitted

to, and approved in writing by, the Planning Authority. The programme of archaeological works shall include measures to be taken to protect and preserve any features of archaeological interest in situ and the recording and recovery of archaeological features which cannot be protected or preserved. The approved programme of archaeological works shall be implemented in full.

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

25.: **Construction Environment Management Plan**

No development shall commence 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) Adherence to the mitigation outlined in the Schedule of Mitigation (Table 16.1).
- b) Adherence to the measures outlined in the Summary of Good Practice and Mitigation Measures (Appendix 14.1).
- c) Adherence to the Outline Construction and Decommissioning Environmental Management Plan (Appendix 4.2).
- d) Adherence to the Outline Borrow Pit Management Plan (Appendix 4.1)
- e) Adherence to the FRA and Surface Water Management Plan (Appendix 9.3).
- f) A peat management plan including peat slide hazard and risk assessment and emergency plans for peat slide,
- g) Any species protection plans (as required by condition 26);
- h) Private Water Supply Protection Plan – including a scheme for monitoring water quality with regard to private water supplies and a contingency plan in the event of an adverse impact occurring.
- i) All new watercourse crossings shall be designed following the recommendations in the Watercourse Crossing Schedule (Appendix 9.1) with single span bridges designed to pass the 1 in 200-year flood plus an allowance for climate built for WXC01, 07 and 08. All existing watercourse crossings which require to be replaced shall be designed following recognised best practice guidance.

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 which accompanied the application, or as otherwise agreed, are fully implemented.

26.: **Ecology**

No development must commence unless and until a Bird, Mammal and Fish Protection Plan (the Plan) has been submitted to, and approved in writing by, the Planning Authority in consultation with NatureScot. The Plan shall address:

- Otters;
- Badgers
- Wildcat
- Pine Marten
- Water Vole
- Bats
- Fish within and downstream of the development area, including the
- River Findhorn; and
- Breeding Birds

The Plan shall contain the outcome of pre-construction surveys for these species and proposed mitigation measures to be employed.

The Plan shall provide details of water quality monitoring and mitigation measures in accordance with current best practice to protect the fish population.

The approved Plan shall include provision for regular monitoring and review to be undertaken to consider whether amendments are needed to the mitigation measures to better protect these species.

Where a review indicates that amendments are required an updated and amended Plan (the "Amended Plan") shall be submitted for the written approval of the Planning Authority in consultation with NatureScot.

The approved Plan and any subsequent approved Amended Plan shall be implemented in full.

A summary of the mitigation measures required by this condition shall be provided to the Planning Authority, together with details of the process of controlling implementation of all the mitigation measures.

Reason: To ensure that appropriate surveys are carried out to understand potential impacts on birds, mammals and fish and to ensure that suitable protection and mitigation measures are put in place.

27.: **Planning Monitoring Officer**

No development shall commence until the Planning Authority has approved in writing the terms of appointment by the Company of an independent and suitably qualified environmental consultant to assist the Planning Authority in monitoring compliance with the terms of the deemed planning permission and conditions attached to this consent ("PMO"). The terms of appointment shall;

- a) Impose a duty to monitor compliance with the terms of the deemed planning permission and conditions attached to this consent;
- b) Require the PMO to submit a monthly report to the Planning Authority summarising works undertaken on site; and

- 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.

28.: **Ecological Clerk of Works (ECoW)**

1. No further development shall take place 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 received March 2021 and the Construction Environmental Management Plan, Peat Management Plan, Habitat Management Plan, any Species Surveys and Species and Bird Protection Plans, 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 ECoW shall be appointed on the approved terms throughout the construction, 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.

29.: **Television Reception**

No development shall commence until a Television Reception Mitigation Plan has been submitted to, and approved in writing by, the Planning Authority. The Television Reception Mitigation Plan shall provide for a baseline television reception survey to be carried out prior to the installation of any turbine forming part of the development, the results of which shall be submitted to the Planning Authority. For the avoidance of doubt the scheme shall include, but not be limited to:

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

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

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

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

30.: **Financial Guarantee**

- 1) No further development shall take place 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 33 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 33.

- 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 33.

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.

31.: **Replanting of Forestry**

No development shall commence unless and until a finalised woodland planting scheme to compensate for the removal of woodland has been submitted for the written approval of the Planning Authority in consultation with Forestry Commission Scotland Conservator. The Scheme shall 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 Replanting Scheme for approval. The Replanting Scheme must include:

- a) details of the location of the area to be planted;
- b) the nature, design and specification of the proposed woodland to be planted;
- c) the phasing and associated timescales for implementing the scheme;
- d) proposals for the maintenance and establishment of the Replanting.

Reason: To secure replanting to mitigate against effects of loss of woodland arising from the development.

32.: **Redundant Turbines**

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 NatureScot, 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 NatureScot.

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

33.: **Site Decommissioning, Restoration and Aftercare**

- 1) The development will be decommissioned and will cease to generate electricity by no later than the date forty 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 NatureScot 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 3 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 NatureScot 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 stockpiles, oil storage, lighting columns, and any construction compound boundary fencing;
 - c) a dust management plan;
 - d) details of measures to be taken to prevent loose or deleterious material being deposited on the local road network, including wheel cleaning and lorry sheeting facilities, and measures to clean the site entrances and the adjacent local road network;
 - e) details of anticipated impacts on the road networks and vehicle types and movements;
 - f) a pollution prevention and control method statement, including arrangements for the storage and management of oil and fuel on the site;
 - g) details of measures for soil storage and management;
 - h) 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;
 - i) details of measures for sewage disposal and treatment;

- j) temporary site illumination;
- k) the construction of any temporary access into the site and the creation and maintenance of associated visibility splays;
- l) details of watercourse crossings; and
- m) 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.

The development shall be decommissioned, site restored, and aftercare thereafter undertaken in accordance with the approved plan, unless otherwise agreed in writing in advance with the Planning Authority in consultation with NatureScot and SEPA.

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.

34. **NOISE**

The rating level of noise imissions from the combined effects of the wind turbines hereby permitted (including the application of any tonal penalty), when determined in accordance with the attached Guidance Notes, shall not exceed more than 2dB above the predicted levels within EIAR Chapter 11 Tables 11.11 up to a maximum permissible limit of 39dB LA90.

Table 11.11: Predicted Noise Levels At Nearby Residential Properties, dB(A)

House ID	Reference Wind Speed, Standardised v_{10} (ms^{-1})											
	1	2	3	4	5	6	7	8	9	10	11	12
H4	13.5	13.5	13.5	16.4	20.6	24.4	26.3	26.4	26.4	26.4	26.4	26.4
H5	14.5	14.5	14.5	17.4	21.6	25.4	27.3	27.4	27.4	27.4	27.4	27.4
H6	19.6	19.6	19.6	22.5	26.7	30.5	32.4	32.5	32.5	32.5	32.5	32.5
H7	16.3	16.3	16.3	19.2	23.4	27.2	29.1	29.2	29.2	29.2	29.2	29.2
H8	24.3	24.3	24.3	27.2	31.4	35.2	37.1	37.2	37.2	37.2	37.2	37.2
H9	16.0	16.0	16.0	18.9	23.1	26.9	28.8	28.9	28.9	28.9	28.9	28.9
H10	16.7	16.7	16.7	19.6	23.8	27.6	29.5	29.6	29.6	29.6	29.6	29.6
H11	25.2	25.2	25.2	28.1	32.3	36.1	38.0	38.1	38.1	38.1	38.1	38.1
H12	17.0	17.0	17.0	19.9	24.1	27.9	29.8	29.9	29.9	29.9	29.9	29.9
H13	24.9	24.9	24.9	27.8	32.0	35.8	37.7	37.8	37.8	37.8	37.8	37.8
H14	20.7	20.7	20.7	23.6	27.8	31.6	33.5	33.6	33.6	33.6	33.6	33.6
H15	25.0	25.0	25.0	27.9	32.1	35.9	37.8	37.9	37.9	37.9	37.9	37.9
H16	21.8	21.8	21.8	24.7	28.9	32.7	34.6	34.7	34.7	34.7	34.7	34.7
H17	21.8	21.8	21.8	24.7	28.9	32.7	34.6	34.7	34.7	34.7	34.7	34.7
H18	21.8	21.8	21.8	24.7	28.9	32.7	34.6	34.7	34.7	34.7	34.7	34.7
H19	23.4	23.4	23.4	26.3	30.5	34.3	36.2	36.3	36.3	36.3	36.3	36.3
H20	22.9	22.9	22.9	25.8	30.0	33.8	35.7	35.8	35.8	35.8	35.8	35.8
H21	22.4	22.4	22.4	25.3	29.5	33.3	35.2	35.3	35.3	35.3	35.3	35.3
H22	20.3	20.3	20.3	23.2	27.4	31.2	33.1	33.2	33.2	33.2	33.2	33.2
H23	21.6	21.6	21.6	24.5	28.7	32.5	34.4	34.5	34.5	34.5	34.5	34.5
H24	23.2	23.2	23.2	26.1	30.3	34.1	36.0	36.1	36.1	36.1	36.1	36.1
H25	19.4	19.4	19.4	22.3	26.5	30.3	32.2	32.3	32.3	32.3	32.3	32.3
H26	19.2	19.2	19.2	22.1	26.3	30.1	32.0	32.1	32.1	32.1	32.1	32.1
H27	22.2	22.2	22.2	25.1	29.3	33.1	35.0	35.1	35.1	35.1	35.1	35.1
H28	22.2	22.2	22.2	25.1	29.3	33.1	35.0	35.1	35.1	35.1	35.1	35.1
H29	22.0	22.0	22.0	24.9	29.1	32.9	34.8	34.9	34.9	34.9	34.9	34.9
H30	21.8	21.8	21.8	24.7	28.9	32.7	34.6	34.7	34.7	34.7	34.7	34.7
H31	21.5	21.5	21.5	24.4	28.6	32.4	34.3	34.4	34.4	34.4	34.4	34.4
H32	21.5	21.5	21.5	24.4	28.6	32.4	34.3	34.4	34.4	34.4	34.4	34.4
H33	21.5	21.5	21.5	24.4	28.6	32.4	34.3	34.4	34.4	34.4	34.4	34.4
H34	21.2	21.2	21.2	24.1	28.3	32.1	34.0	34.1	34.1	34.1	34.1	34.1
H35	20.9	20.9	20.9	23.8	28.0	31.8	33.7	33.8	33.8	33.8	33.8	33.8
H36	23.6	23.6	23.6	26.5	30.7	34.5	36.4	36.5	36.5	36.5	36.5	36.5
H37	23.3	23.3	23.3	26.2	30.4	34.2	36.1	36.2	36.2	36.2	36.2	36.2
H38	19.6	19.6	19.6	22.5	26.7	30.5	32.4	32.5	32.5	32.5	32.5	32.5
H39	19.3	19.3	19.3	22.2	26.4	30.2	32.1	32.2	32.2	32.2	32.2	32.2

House ID	Reference Wind Speed, Standardised v_{10} (ms^{-1})											
	1	2	3	4	5	6	7	8	9	10	11	12
H40	19.2	19.2	19.2	22.1	26.3	30.1	32.0	32.1	32.1	32.1	32.1	32.1
H41	19.2	19.2	19.2	22.1	26.3	30.1	32.0	32.1	32.1	32.1	32.1	32.1
H42	19.2	19.2	19.2	22.1	26.3	30.1	32.0	32.1	32.1	32.1	32.1	32.1
H43	19.2	19.2	19.2	22.1	26.3	30.1	32.0	32.1	32.1	32.1	32.1	32.1
H44	19.1	19.1	19.1	22.0	26.2	30.0	31.9	32.0	32.0	32.0	32.0	32.0
H45	15.9	15.9	15.9	18.8	23.0	26.8	28.7	28.8	28.8	28.8	28.8	28.8
H46	15.5	15.5	15.5	18.4	22.6	26.4	28.3	28.4	28.4	28.4	28.4	28.4
H47	13.7	13.7	13.7	16.6	20.8	24.6	26.5	26.6	26.6	26.6	26.6	26.6
H48	12.5	12.5	12.5	15.4	19.6	23.4	25.3	25.4	25.4	25.4	25.4	25.4
H49	10.5	10.5	10.5	13.4	17.6	21.4	23.3	23.4	23.4	23.4	23.4	23.4
H50	10.6	10.6	10.6	13.5	17.7	21.5	23.4	23.5	23.5	23.5	23.5	23.5
H51	12.9	12.9	12.9	15.8	20.0	23.8	25.7	25.8	25.8	25.8	25.8	25.8
H52	11.9	11.9	11.9	14.8	19.0	22.8	24.7	24.8	24.8	24.8	24.8	24.8
H53	20.2	20.2	20.2	23.1	27.3	31.1	33.0	33.1	33.1	33.1	33.1	33.1
H54	20.1	20.1	20.1	23.0	27.2	31.0	32.9	33.0	33.0	33.0	33.0	33.0
H55	21.1	21.1	21.1	24.0	28.2	31.9	33.9	34.0	34.0	34.0	34.0	34.0
H56	21.4	21.4	21.4	24.3	28.5	32.3	34.2	34.3	34.3	34.3	34.3	34.3

- a) Prior to the First Export Date, the wind farm operator shall submit to the Local Authority for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the Local Authority.
- b) Within 21 days from receipt of a written request of the Local Authority, following a complaint to it alleging noise disturbance at a dwelling, the wind farm operator shall, at its expense, employ an independent consultant approved by the Local Authority to assess the level of noise imissions from the wind farm at the complainant's property (or a suitable alternative location agreed in writing with the Local Authority) in accordance with the procedures described in the attached Guidance Notes.

The written request from the Local Authority shall set out at least the date, time and location that the complaint relates to. Within 14 days of receipt of the written request of the Local Authority made under this paragraph (B), the wind farm operator shall provide the information relevant to the complaint to the Local Authority in the format set out in Guidance Note 1(e).

- c) 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 Local Authority for written approval the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken.

Where the proposed measurement location is close to the wind turbines, rather than at the complainants property (to improve the signal to noise ratio), then the operators submission shall include a method to calculate the noise level from the wind turbines at the complainants property based on the noise levels measured at the agreed location (the alternative method). Details of the alternative method together with any associated guidance notes deemed necessary, shall be submitted to and agreed in writing by the Local Authority prior to the commencement of any measurements.

Measurements to assess compliance with the noise limits of this condition shall be undertaken at the measurement location approved in writing by the Local Authority

- 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 Local 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 imissions.
 - 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 of the Local Authority under paragraph (B), 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 imissions shall be undertaken in accordance with the assessment protocol approved in writing by the Local Authority and the attached Guidance Notes.

- e) The wind farm operator shall provide to the Local Authority the independent consultant's assessment of the rating level of noise imissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Local Authority made under paragraph (B) of this condition unless the time limit is extended in writing by the Local Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall

be submitted to the Local Authority with the independent consultant's assessment of the rating level of noise emissions.

- f) Where a further assessment of the rating level of noise imissions from the wind farm is required pursuant to Guidance Note 4(c) of the attached Guidance Notes, the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph (E) above unless the time limit for the submission of the further assessment has been extended in writing by the Local Authority.
- g) The wind farm operator shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1(d) of the attached Guidance Notes. The data from each wind turbine 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) of the attached Guidance Notes to the Local Authority on its request within 14 days of receipt in writing of such a request.
- h) Where it is proposed to operate any turbine in a reduced running mode in order to meet the limits, no turbine shall be erected until a curtailment plan for the turbines has been submitted and approved in writing by the local planning authority. The curtailment plan shall demonstrate how the limits will be complied with and shall include the following:
 - i. Definition of each noise reduced running mode including sound power data;
 - ii. The wind conditions (speed & direction) at which any noise reduced running mode will be implemented;
 - iii. Details of the manner in which the running modes will be defined in the SCADA data or how the implementation of the curtailment plan can be otherwise monitored and evidenced.

The Curtailment Plan shall be implemented in accordance with the approved details

- i) Prior to the First Export Date, the wind farm operator shall submit to the Local Authority for written approval, a scheme of mitigation to be implemented in the event that the rating level, after adjustment for background noise contribution and any tonal penalty, is found to exceed the conditioned limits. The scheme shall define any reduced noise running modes to be used in the mitigation together with sound power levels in these modes and the manner in which the running modes will be defined in the SCADA data.

- j) The scheme referred to in paragraph I above should include a framework of immediate and long term mitigation measures. The immediate mitigation measures must ensure the rating level will comply with the conditioned limits and must be implemented within seven days of the further assessment described in paragraph F being received by the Local Authority. These measures must remain in place, except during field trials to optimise mitigation, until a long term mitigation strategy is ready to be implemented.

Guidance Notes for Noise Condition

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

Note 1

- a) Values of the LA90,10-minute noise statistic should be measured at the complainant's property (or an approved alternative representative location as detailed in Note 1(b)), using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated before and after each set of measurements, using a calibrator meeting BS EN 60945:2003 "Electroacoustics - sound calibrators" Class 1 with PTB Type Approval (or the equivalent UK adopted standard in force at the time of the measurements) and the results shall be recorded. Measurements shall be undertaken in such a manner to enable a tonal penalty to be calculated and applied in accordance with Guidance Note 3.
- b) The microphone shall be mounted at 1.2 - 1.5 metres above ground level, fitted with a two-layer windshield or suitable equivalent approved in writing by the Local Authority, and placed outside the complainant's dwelling. Measurements should be made in "free field" conditions. To achieve this, the microphone shall be placed at least 3.5 metres away from the building facade or any reflecting surface except the ground at the

approved measurement location. In the event that the consent of the complainant for access to his or her property to undertake compliance measurements is withheld, the wind farm operator shall submit for the written approval of the Local Authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements shall be undertaken at the approved alternative representative measurement location.

- c) The LA90,10-minute measurements should be synchronised with measurements of the 10-minute arithmetic mean wind speed and wind direction data and with operational data logged in accordance with Guidance Note 1(d) and rain data logged in accordance with Note 1(f).
- d) To enable compliance with the conditions to be evaluated, the wind farm operator shall continuously log arithmetic mean wind speed in metres per second and wind direction in degrees from north at hub height for each turbine, arithmetic mean power generated by each turbine and any data necessary to define the running mode as set out in the Curtailment Plan, all in successive 10-minute periods. Unless an alternative procedure is previously agreed in writing with the Planning Authority, this hub height wind speed, averaged across all operating wind turbines, shall be used as the basis for the analysis. Each 10 minute arithmetic average mean wind speed data as measured at turbine hub height shall be 'standardised' to a reference height of 10 metres as described in ETSU-R-97 at page 120 using a reference roughness length of 0.05 metres. It is this standardised 10 metre height wind speed data which is correlated with the noise measurements determined as valid in accordance with Note 2(b), such correlation to be undertaken in the manner described in Note 2(c). All 10 minute periods shall commence on the hour and in 10 minute increments thereafter synchronised with Greenwich Mean Time and adjusted to British Summer Time where necessary.
- e) Data provided to the Local Authority shall be provided in comma separated values in electronic format with the exception of data collected to assess tonal noise (if required) which shall be provided in a format to be agreed in writing with the Local Authority.
- f) A data logging rain gauge shall be installed in the course of the independent consultant undertaking an assessment of the level of noise imissions. The gauge shall record over successive 10 minute periods synchronised with the periods of data recorded in accordance with Note 1(d). The wind farm operator shall submit details of the proposed location of the data logging rain gauge to the Local Authority prior to the commencement of measurements.

Note 2

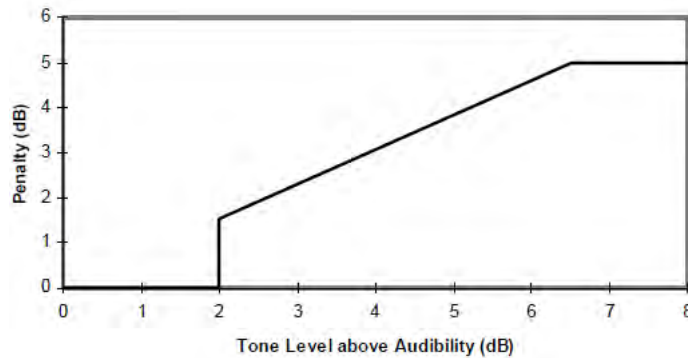
- a) The noise measurements should be made so as to provide not less than 20 valid data points as defined in Note 2 paragraph (b).
- b) Valid data points are those measured during the conditions set out in the assessment protocol approved by the Local Authority but excluding any periods of rainfall measured in accordance with Note 1(f).
- c) Values of the LA90,10-minute noise measurements and corresponding values of the 10-minute standardised ten metre height wind speed for those data points considered valid in accordance with Note 2(b) shall be plotted on an XY chart with noise level on the Y-axis and wind speed on the X-axis. A least squares, "best fit" curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) shall be fitted to the data points to define the wind farm noise level at each integer speed.

Note 3

- a) Where, in accordance with the approved assessment protocol noise imissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component, a tonal penalty shall be calculated and applied using the following rating procedure.
- b) For each 10-minute interval for which LA90,10-minute data have been determined as valid in accordance with Note 2, a tonal assessment shall be performed on noise imissions 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 shall be reported.
- c) For each of the 2-minute samples the tone level above 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 substituted.
- e) A least squares "best fit" linear regression 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 fitted to values within $\pm 0.5\text{m/s}$ of 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 Note 2.

- f) The tonal penalty is derived from the margin above audibility of the tone according to the figure below derived from the average tone level above audibility for each integer wind speed.



Note 4

- a) If a tonal penalty is to be applied in accordance with 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 Note 2 and the penalty for tonal noise as derived in accordance with Note 3 at each integer wind speed within the range set out in the approved assessment protocol.
- b) If no tonal penalty is to be applied then the rating level of the turbine noise at each wind speed is equal to the measured noise level as determined from the best fit curve described in Note 2.
- c) If the rating level lies at or below the noise limits approved by the Local Authority then no further action is necessary. In the event that the rating level is above the noise limits, 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 imission only.
- d) The wind farm operator shall ensure that all the wind turbines in the development are turned off for such period as the independent consultant requires to undertake the further assessment. The further assessment shall be undertaken in accordance with the following steps:
- i. Repeating the steps in Note 2, with the wind farm switched off, and determining the background noise (L_3) at each integer wind speed within the range set out in the approved noise assessment protocol.
 - ii. The wind farm noise (L_1) at this speed shall then be calculated as follows where L_2 is the measured level with turbines running but without the addition of any tonal penalty:

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

- iii. The rating level shall be re-calculated by adding the tonal penalty (if any is applied in accordance with Note 3) to the derived wind farm noise L1 at that integer wind speed.
- iv. If the rating level after adjustment for background noise contribution and adjustment for tonal penalty lies at or below the noise limits approved by the Local Authority then no further action is necessary. If the rating level at any integer wind speed exceeds the noise limits approved by the Local Authority then the development fails to comply with the conditions.

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

35.: **Biodiversity Enhancement**

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

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

36.: **Finalised Peat Management Plan**

No development shall commence until a finalised Peat Management Plan has been submitted to and approved in writing by the Planning Authority in consultation with NatureScot, and SEPA. The details shall include

- a) the mitigation measures described within the Environmental Impact Assessment Report submitted March 2021.
- b) All tracks on greater than 1m peat to be floated (as outlined in Appendix 4.3 of the EIR Report).
- c) And demonstrate how micrositing and other measures such as floating tracks have been used to further minimise peat and good quality peat habitat disturbance. Specific attention should be taken to Micrositing T10 to minimise peat deep peat disturbance.

Reason: To ensure that a plan is in place to deal with the storage and reuse of peat within the application site, including peat stability and slide risks.

37.: **Borrow Pit Restoration**

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) A cross section capturing the restoration profile should be submitted demonstrating the different types of materials (overburden, peat, turves etc) used and at what specified depths.
- b) If peat is being utilised in the restoration of the borrow pit, it should be clearly demonstrated how catotelmic peat will remain stable, and whether any impermeable aggregate bunds need to be constructed within the base of the borrow pit (such as series of cells) to ensure stability and allow progressive restoration to contain the peat and maintain hydrological conditions.
- c) Any cut of drains around the borrow pits should be shown on a site plan, clearly demonstrating that clean water will be captured before entering the site, and directed away from the working area and access tracks. This clean water should not be mixed with dirty water construction SuDS.

Thereafter, the approved scheme shall be implemented in full.

Reason: To secure the restoration of borrow pits at the end of the construction period.

38.: **Habitat Management Plan**

No development shall commence until a Finalised Habitat Management Plan ("HMP"), has been submitted to, and approved in writing by the Planning Authority in consultation with NatureScot, and SEPA. The information shall include

- a) the mitigation measures described within the Environmental Impact Assessment Report (EIAR) received March 2021.
- b) the 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;
- c) the delivery peatland improvement works over an area of no less than 131 ha (as proposed in Appendix 7.4 and shown in Figure 7.9).
- d) the removal of self-seeded trees, additionally exploring opportunities to remove the seed source or sources.
- e) the 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.

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 protecting ecological features.

39.: **Failure of Development to Generate Electricity**

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

Signature: David Mudie
Designation: Area Planning Manager – South
Author: Alison Harvey
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Location Plan Figure 1.1
Layout Plan Figure 4.1
ZTV with Viewpoints Figure 5.1.2a

Appendix 2 Copy of 2017 decision notice from Scottish Ministers

Carolyn Wilson
RES UK & Ireland Limited
Third Floor
STV
Pacific Quay
Glasgow
G51 1PQ

6 October 2017

Dear Ms Wilson

APPLICATION FOR CONSENT UNDER S36 OF THE ELECTRICITY ACT 1989 AND DEEMED PLANNING PERMISSION UNDER S57(2) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 FOR CAIRN DUHIE WIND FARM, IN THE HIGHLAND PLANNING AUTHORITY AREA.

Application

I refer to the application made by RES UK & Ireland Limited (a company incorporated under Companies Acts with registered number 4913493 and having its registered office at Beaufort Court, Egg Farm Lane, Off Station Road, Kings Langley, Hertfordshire, WD4 8LR dated 4 November 2013 for consent under section 36 of the Electricity Act 1989 ("the Electricity Act") for the construction and operation of the Cairn Duhie Wind Farm, approximately 1.5km south-east of Ferness, off the A939 between Nairn and Grantown on Spey. The wind farm would comprise 20 wind turbines with a generating capacity in excess of 50MW. This letter contains the Scottish Ministers' decision to grant consent.

Following formal consultation on the application, additional information was submitted on 10 October 2014 which included information relating to carbon balance assessment, peat assessment, forestry replanting, information relating to an additional viewpoint and an assessment of capercaillie connectivity in relation to the Darnaway and Lethen Forest Special Protection Area (SPA). In January 2016 additional information was submitted which included an update to the cumulative landscape and visual impact assessment of the proposal, an assessment of impacts in relation to the Drynachan, Lochindorb and Dava Moor Scenic Landscape Area and information in relation to visual impacts on communities.

Planning Permission

In terms of section 57(2) of the Town and Country Planning (Scotland) Act 1997 Scottish Ministers may on granting consent under section 36 of the Electricity Act for the construction and operation of a generating station direct that planning permission be deemed to be

granted in respect of that generating station and any ancillary development. This letter contains the Scottish Ministers' decision on such a direction.

Consultation

The application was advertised and consulted upon in accordance with the requirements of the Electricity Act, the Electricity (Applications for Consent) Regulations 1990 and the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000 ("the 2000 Regulations").

Under paragraph 2(1) of Schedule 8 of the Electricity Act, the relevant Planning Authority must be notified in respect of a section 36 consent application. Notifications were sent to The Highland Council as Planning Authority, and also Scottish Natural Heritage (SNH) and the Scottish Environment Protection Agency (SEPA). A wide range of other relevant organisations were also notified and consulted.

In accordance with the 2000 Regulations, on 4 November 2013, the applicant submitted an Environmental Statement. The applicant complied with the statutory requirements and advertised the application and Environmental Statement in the local and national press giving the public and interested parties the opportunity to make representations.

A total of 2,516 public representations have been received and considered: 1,925 public representations in objection and 591 public representations in support of the proposal. The Public Local Inquiry (PLI) Report provides a summary of the points of the written representations at paragraphs 1.29 and 1.30. The arguments of objector groups Cairn Duhie Action Group and Save Our Dava are summarised at paragraphs 4.47 - 4.60 and 4.61 - 4.68 respectively of the PLI Report. 13 of the representations of objection were received after referral of the proposal for a PLI and these have been taken into account in this decision.

Public Local Inquiry (PLI)

The Highland Council objected to the application and did not withdraw its objection. In accordance with the terms of paragraph 2(2)(a) of Schedule 8 to the Electricity Act a Public Local Inquiry was held.

The pre-examination meeting was held on 27 October 2015. The inquiry sessions were held on 9 and 10 March 2016 and the Hearing session was held on 16 March 2016.

The Reporter's report was received by the Scottish Government Energy Consents Unit on 27 January 2017. The Reporter recommended that the application for section 36 consent for Cairn Duhie Wind Farm should be granted and that Ministers should direct that planning permission be deemed to be granted.

No claims for expenses was made by any party to the PLI.

Environmental Matters

The Scottish Ministers are satisfied that the Environmental Statement and additional information submitted has been produced in accordance with the EIA Regulations and that the applicable procedures regarding publicity and consultation laid down in those Regulations have been followed.

Scottish Ministers have had regard to the desirability of preserving the natural beauty of the countryside, of conserving flora, fauna, and geological and physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic, or archaeological interest.

Scottish Ministers are satisfied that the applicant has done what it reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or any such flora, fauna, features, sites, buildings or objects.

Scottish Ministers can confirm that an appropriate assessment has been undertaken in accordance with the Conservation of Habitats and Species Regulations 2010, following advice from SNH, to protect the qualifying interests of the Darnaway and Lethen Forest SPA, Moray and Nairn Coast SPA and Inner Moray Firth SPA from the possible effects of the development. All environmental information used to inform this assessment was drawn from the Environmental Statement and additional information, which has been advertised and made available to the public as required by the 2000 regulations.

The conclusions of Scottish Ministers' assessment is that the Cairn Duhie Wind Farm will not adversely affect the integrity of the Darnaway and Lethen Forest SPA, Moray and Nairn Coast SPA and the Inner Moray Firth SPA.

The Scottish Ministers' Considerations

Part 1(3) of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 ("the 2017 Regulations") requires that Scottish Ministers must not:

- a) Grant an Electricity Act consent for EIA development; or
- b) Direct that planning permission is deemed to be granted under section 57(2) of the Town and Country Planning (Scotland) Act 1997 in respect of EIA development,

unless an environmental impact assessment has been carried out in respect of that development and in carrying out such assessment the Scottish Ministers must take the environmental information into account.

Part 1(4) of the 2017 Regulations outlines the obligations under the EIA process, including the preparation by the Company of an EIA Report or Environmental Statement (ES) - where submitted to Ministers before 16 May 2017; consideration by Ministers of the likely significant effects of the proposed development; and the consultation, publication and notification procedures required.

In accordance with paragraph 3 of Schedule 9 to the Electricity Act the Scottish Ministers have had regard to the desirability of preserving the natural beauty of the countryside, of conserving flora, fauna, and geological and physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic, or archaeological interest. Ministers have also had regard to the extent to which the Company has complied with its duty to do what it can to mitigate the effects of the Development.

Scottish Ministers are satisfied that the requirements of the 2017 Regulations and the Electricity Act 1989 have been met.

The Reporter concludes that the proposal is supported by national policies which promote the principle of onshore wind farms and that the location is appropriate. Residual environmental impacts would not be so great as to justify the refusal of the proposal.

The Reporter recommends that consent is granted under section 36 of the Electricity Act 1989 subject to conditions, and that deemed planning permission is granted under section 57 of the Town and Country Planning (Scotland) Act 1997 subject to conditions. Scottish Ministers have considered fully the Reporter's findings, reasoning and conclusion and adopt them for the purposes of their own decision.

An environmental impact assessment has been carried out and Scottish Ministers have taken the environmental information into account. The Scottish Ministers agree with and adopt the reasoning and conclusions of the reporter set out in Chapter 7 of the PLI Report with regard to the significant effects on the environment of the proposed development consisting of turbines of 110 metres height to blade tip and associated infrastructure, including access tracks and ancillary buildings.

Scottish Ministers are satisfied, having regard to current knowledge and methods of assessment, that this reasoned conclusion is still up to date.

In reaching their decision Ministers have also considered the Onshore Wind Energy Supplementary Guidance published by The Highland Council in November 2016.

The Scottish Ministers' Determination

Subject to the conditions set out in Part 1 of Annex 2, Scottish Ministers **grant consent** under section 36 of the Electricity Act 1989 in respect of the construction and operation of the generating station described more particularly in Annex 1.

Subject to the conditions set out in Part 2 of Annex 2, Scottish Ministers direct under section 57(2) of the Town and Country Planning (Scotland) Act 1997 that **planning permission is deemed to be granted** in respect of the Development described in Annex 1.

In accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017, the applicant must publish a description of the development, the terms of the decision and how a copy of the decision notice is available for inspection, on the application website; in the Edinburgh Gazette and in a newspaper circulating in the locality in which the Development is situated.

Copies of this letter and the consent have been sent to The Highland Council. This letter has also been published on the Scottish Government Energy Consents website at <http://www.energyconsents.scot>.

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

<http://www.scotcourts.gov.uk/rules-and-practice/rules-of-court/court-of-session-rules>

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

Yours sincerely



CATHERINE CACACE
Head of Operations – Energy Consents
A member of the staff of the Scottish Ministers

ANNEX 1

DESCRIPTION OF THE DEVELOPMENT

The Development comprises a wind-powered electricity generating station known as Cairn Duhie Wind Farm, located approximately 1.5km south-east of Ferness, off the A939 between Nairn and Grantown on Spey within the administrative area of The Highland Council, all as specified in the Application and accompanying Environmental Statement submitted on 4 November 2013 and the additional information submitted on 10 October 2014 and January 2016. This is subject to the conditions in Annex 2.

The principal components of the wind farm and ancillary development compromise:

- 20 turbines with a maximum tip height of 110 metres;
- 20 turbine foundations and associated hardstandings;
- Approximately 10.3km of access tracks;
- 1 permanent, free-standing meteorological/wind monitoring mast;
- 1 10m communications mast;
- 6 temporary guyed meteorological masts;
- Road widening works for access of abnormal load vehicles;
- Creation of new site entrance from public road network;
- A control building and temporary construction compound;
- A temporary storage area;
- Drainage works;
- Woodland and tree management;
- Landscaping and ecological enhancement works;
- Associated ancillary works; and
- Engineering operations

ANNEX 2

PART 1

Conditions applying to the section 36 consent

Duration of the Consent

1. (1) This consent shall expire after a period of 30 years from the date of Final Commissioning.
- (2) Written confirmation of the date of First Commissioning and Final Commissioning shall be provided to the Planning Authority and Scottish Ministers no later than one calendar month after that date.

Reason: *To define the duration of the consent.*

Commencement of Development

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

Reason: *To ensure that the consent is implemented within a reasonable period.*

3. 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 allow the Planning Authority and Scottish Ministers to monitor compliance with obligations attached to this consent and deemed planning permission as appropriate.*

Non-assignment of consent

4. (1) This consent shall not be assigned without the prior written authorisation of the Scottish Ministers. The Scottish Ministers may authorise the assignment of the consent with or without conditions.
- (2) The Company shall notify the Planning Authority in writing of the name of the assignee, principal named contact and contact details within fourteen days of the consent being assigned.

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

Serious Incident Reporting

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

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

Radar Mitigation Scheme

6. (1) No development shall commence unless and until a radar mitigation scheme setting out measures to be taken to minimise any impairment by the Development upon the performance of aerodrome navigation aids at Inverness Airport has been submitted to, and approved in writing by, the Scottish Ministers in consultation with the operator of Inverness Airport. The radar mitigation scheme shall include (but will not be limited to):
- (a) details of the mitigation required to be completed prior to any wind turbine being erected.
 - (b) details setting out how a safety case shall be submitted to the Civil Aviation Authority (CAA).
- (2) No wind turbine shall be erected unless and until those measures required by the radar mitigation scheme under the foregoing condition 6(1)(a) have been carried out and approved in writing by the Scottish Ministers in consultation with the operator of Inverness Airport. The Development shall thereafter be operated fully in accordance with the approved radar mitigation scheme, unless otherwise agreed in writing by the Scottish Ministers in consultation with the operator of Inverness Airport.
- (3) The radar mitigation scheme must set out the appropriate measures to be implemented to mitigate the impact of the Development on the radar and shall be in place for the operational life of the development.
- These measures shall include (but will not be limited to):
- (a) the compatibility and interoperability with the Inverness radar;
 - (b) the proven effective range and coverage;
 - (c) the proven effectiveness of filtering out the turbines without loss of aircraft returns; and
 - (d) the reliability of the mitigation; the security arrangements in place to protect any installation or equipment associated with the radar mitigation scheme.

Reason: In the interests of aviation safety.

Annex 2

PART 2

Conditions applying to Deemed planning permission

Implementation in accordance with approved plans and requirements of this section 36 consent

7. Except as otherwise required by the terms of the section 36 consent and deemed planning permission, the Development shall be undertaken in accordance with the application (including the approved drawings listed at Appendix E to this decision), environmental statement (as supplemented or by additional information – ES Addendum – submitted 10 October 2014 and additional information submitted January 2016).

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

Aviation Safety

8. (1) Unless and until no less than one month after the Planning Authority, Ministry of Defence, Defence Geographic Centre and NATS have been provided with the following information, copied to Scottish Ministers and Highland and Islands Airports Limited (HIAL) and evidence has been provided to the Planning Authority that this has been done:
 - (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) a description of all structures over 300 feet high;
 - (d) the maximum extension height of any construction equipment; and
 - (e) the position of the wind turbines and masts in latitude and longitude
- (2) No less than one month prior to Final Commissioning, a revised statement highlighting any changes to the exact position of the wind turbine towers in latitude and longitude from (b) above shall be submitted to the Ministry of Defence and the Defence Geographic Centre (AIS Information Centre), copied to Scottish Ministers, the Planning Authority and Highland and Islands Airports Limited (HIAL).

Reason: In the interests of aviation safety.

Aviation Lighting Scheme

9. (1) No wind turbines shall be erected unless and until a scheme for aviation lighting for the Development has been submitted to, and approved in writing by

the Planning Authority in consultation with the Ministry of Defence. The scheme shall include details of infra-red aviation lighting which is to be applied.

- (2) No lighting other than that described in the scheme shall be applied, other than that required for health and safety purposes, unless otherwise agreed in advance and in writing by the Planning Authority.
- (3) The Development shall be operated in accordance with the approved scheme.

Reason: *in the interests of aviation safety.*

Design and operation of wind turbines

10. (1) No development shall commence unless and until full details of the proposed wind turbines (including, but not limited to, the power rating and sound power levels, size, external finish and colour which should be non-reflective pale grey semi-matt), any anemometry masts and all associated apparatus have been submitted to, and approved in writing by, the Planning Authority.
- (2) The wind turbines shall be consistent with the candidate wind turbine or range assessed in the environmental statement, and the tip height shall not exceed 110 metres above ground level.
- (3) The wind turbines shall be constructed and operated in accordance with the approved details and maintained in the approved colour, free from external rust, staining or discolouration, until such time as the wind farm is decommissioned.
- (4) All wind turbine blades shall rotate in the same direction.
- (5) All wind turbine transformers shall be located within the tower of the wind turbine to which they relate.

Reason: *To ensure that the environmental impacts of the turbines forming part of the Development conform to the impacts assessed in the environmental statement and in the interests of the visual amenity of the area.*

Signage

11. No wind turbine, anemometer, power performance mast, switching station, transformer building or enclosure, ancillary building or above ground fixed plan 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.*

Design of sub-station and ancillary development

- 12.(1) No development shall commence unless and until final details of the external appearance, dimensions, and surface materials of the substation building, associated compounds, any 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 approved details.

Reason: To ensure that the environmental impacts of the sub-station and ancillary development forming part of the development conform to the impacts assessed in the environmental statement and in the interests of the visual amenity of the area.

Electrical Cabling

13. All electrical cabling between the wind turbines and the switchgear control building shall be installed and kept underground.

Reason: In the interests of visual amenity.

Micro-siting

14. (1) All wind turbines, buildings, masts, areas of hardstanding and tracks shall be constructed in the locations shown on Figure 4.1 of ES Addendum submitted 10 October 2014. However, wind turbines, buildings, masts, areas of hardstanding and tracks may be adjusted by micro-siting up to 50 metres within the site. Micro-siting is subject to the following restrictions:
- (a) no wind turbine, building, mast, track or hardstanding shall be positioned higher, when measured in metres Above Ordinance Datum (Newlyn), than the position shown on Figure 4.1 of ES Addendum submitted October 2014;
 - (b) no wind turbine, building, mast or hardstanding shall be moved more than 50m from the position shown on Figure 4.1 of ES Addendum submitted 10 October 2014 unless and until a move not exceeding 100m is approved in writing by the Planning Authority in consultation with SEPA and SNH
 - (c) no access track shall be moved more than 50m from the position shown on ES Addendum submitted 10 October 2014 unless and until a move not exceeding 100m is approved in writing by the Planning Authority in consultation with SEPA and SNH;
 - (d) No micro-siting shall encroach further into any buffer areas identified in respect of watercourses, nature conservation, or historic environment; identified in Chapters 8-11 inclusive of Volume 2 of the Environmental Statement (2013);
 - (e) With the exception of watercourse crossings and related tracks, no element of the Development shall be micro-sited to a location within 50 metres of a watercourse (or closer to a watercourse if approved within such distance);
 - (f) no micro-siting shall take place within areas of peat of greater depth than the original location;
 - (g) no micro-siting shall take place within areas hosting Ground Water Dependent Terrestrial Ecosystems;
 - (h) all micro-siting permissible under this condition shall be approved in advance in writing by the Ecological Clerk of Works ("ECoW")

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

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

Unexploded Ordinance

- 15.(1) No development shall commence unless and until a scheme to identify and manage the risk of any unexploded ordinance on site is submitted to, and approved in writing by the Planning Authority.
- (2) The approved scheme shall be implemented.

Reason: *To ensure any risk of unexploded ordinance is appropriately mitigated, prior to and during the construction phase of the development.*

Private Water Supplies

16. No development shall commence unless and until a method statement has been submitted to and approved in writing by the Planning Authority, detailing 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 this section 36 consent and which may be affected by the Development. The method statement shall include water quality sampling methods and shall specify abstraction points. The approved method statement shall thereafter be implemented in full.

Reason: *To maintain a secure and adequate water supply to all properties with private water supplies which may be affected by the development.*

Access Management Plan

17. No development must commence unless and until an Access Management Plan to ensure public access is retained in the vicinity of the Cairn Duhie Wind Farm during construction, and thereafter suitable public access is provided during the operational phase of the wind farm, has been submitted to, and agreed in writing by, the Planning Authority.

Reason: *In the interests of recreational amenity.*

Community Liaison Group

18. No development shall commence unless and until a Community Liaison Plan has been approved in writing by the Planning Authority after consultation with the relevant local community councils. The plan shall include the arrangements for establishing a Community Liaison Group to act as a vehicle for the community to be kept informed of project progress by the Company. The terms and conditions of these arrangements

must include that the Community Liaison Group will have timely dialogue in advance on the provision of all transport-related mitigation measures and keep under review the timing of the delivery of turbine components. The terms and conditions shall detail the continuation of the Community Liaison Group until the wind farm has been completed and is fully operational. The approved Community Liaison Plan shall be implemented in full.

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

Construction Hours

19. (1) Construction work which is audible from any noise-sensitive receptor 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 16:00 on Saturdays, with no construction work taking place on a Sunday or on a Bank Holiday or Public Holiday. Outwith these specified hours, development on the site shall be limited to turbine erection, maintenance, emergency works, dust suppression and the testing of plant and equipment unless otherwise approved in advance in writing by the Planning Authority with the exception of emergency works which shall be notified in writing within 24 hours of their occurrence.
- (2) Heavy Goods Vehicle (HGV) movements to and from the site (excluding abnormal loads) during construction of the wind farm shall be limited to 07:00 to 19:00 Monday to Friday inclusive, and 07:00 to 16:00 on Saturdays, with no HGV movements to or from the site taking place on a Sunday or on a Bank Holiday or Public Holiday.

Reason: *In the interests of local amenity*

Traffic Management Plan

20. (1) No development shall commence unless and until a Construction Traffic Management Plan (CTMP) prepared by a recognised suitably qualified traffic management consultant, has been submitted to, and approved in writing by, the Planning Authority in consultation with the relevant roads authorities and Transport Scotland.

The CTMP, shall include:

- (a) the routing of all traffic associated with the Development on the local road network;
- (b) measures to ensure that the specified routes are adhered to, including monitoring procedures;
- (c) details of all signage and lining arrangements to be put in place;
- (d) provisions for emergency vehicle access;
- (e) identification of a nominated person to whom any road safety issues can be referred; and
- (f) a plan for access by vehicles carrying abnormal loads, the number and timing of deliveries and the length, width and axle configuration of all extraordinary traffic accessing the site.

- (g) A route assessment report for abnormal indivisible loads traffic, including swept path analysis and details of the movement of any street furniture, any traffic management measures and any upgrades and mitigation measures as necessary together with the subsequent delivery of the works;
- (h) The arrangements for the carrying out of a videoed trial run conducted with the local roads authority in attendance to confirm the ability of the local road network to cater for turbine delivery, including details of how three weeks' notice of this trial run will be made to the local roads authority;
- (i) A risk assessment for the transportation of abnormal loads to site during daylight hours and hours of darkness;
- (j) A contingency plan prepared by the abnormal load haulier. The plan shall be adopted only after consultation and agreement with Police Scotland and the respective roads authorities. It shall include measures to deal with any haulage incidents that may result in public roads becoming temporarily closed or restricted;
- (k) A detailed protocol for the delivery of abnormal indivisible loads/vehicles prepared in consultation and agreement of East Nairnshire, Grantown on Spey and Vicinity and Edinkillie Community Councils and the Planning Authority. The protocol shall identify any requirement for convoy working and/or escorting of vehicles and include arrangements to provide advance notice of abnormal load movements in the local media and to emergency services.
- (l) A detailed delivery programme for abnormal load movements, which shall be made available to The Highland Council and community representatives;
- (m) A description of all measures to be implemented by the Company in order to manage traffic during the construction phase; the decommissioning and restoration phase; and major repairs during the operational phase, which involve in excess of 10 HGV arrivals in one day; or abnormal indivisible load deliveries (including routing strategies), with any additional or temporary signage and traffic control;
- (n) The identification and delivery of all upgrades to the public road network, including those at Nairn and Househill, to ensure that it is to a standard capable of accommodating non abnormal indivisible load construction-related traffic (including the formation or improvement of any junctions leading from the site to the public road) to the satisfaction of The Highland Council and Transport Scotland;
- (o) Drainage and wheel washing measures to ensure water and debris are prevented from discharging from the site onto the public road;
- (p) A procedure for the regular monitoring of road conditions and the implementation of any remedial works required during the construction period;
- (q) Details of any upgrading works required at the junction of the site access and the public road. Such works may include suitable drainage

- measures, improved geometry and construction, measures to protect the public road and the provision and maintenance of appropriate visibility splays;
- (r) Details of traffic management, which shall be established and maintained at the site access for the duration of the construction period. Full details shall be submitted for the prior approval of The Highland Council, as roads authority;
 - (s) A concluded agreement in accordance with Section 96 of the Roads (Scotland) Act 1984 under which the Company is responsible for the repair of any damage to the local road network that can reasonably be attributed to construction related traffic. As part of this agreement, pre-start and post-construction road condition surveys shall be carried out by the Company, to the satisfaction of the roads authorities. Appropriate reinstatement works shall be carried out, as required by The Highland Council, at the end of the turbine delivery and erection period; and
 - (t) Measures to ensure that construction traffic adheres to agreed routes;
- (2) The approved traffic management plan shall thereafter be implemented in full, unless otherwise agreed in advance in writing with the Planning Authority.

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

Additional Signing and Temporary Traffic Control Measures

21. (1) During the delivery period of the wind turbine construction materials any additional signing or temporary traffic control measures deemed unnecessary due to the size or length of any loads being delivered or removed must be undertaken by a recognised quality assured traffic management consultant to be approved in writing by The Highland Council in consultation with Transport Scotland before delivery commences.
- (2) Temporary signage, in the form of demountable signs or similar approved, shall be established, when required, to alert road users and local residents of expected abnormal load movements.
- (3) All such movements on The Highland Council maintained roads shall take place outwith peak times on the network, including school travel times, and shall avoid local community events.

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

Abnormal Indivisible Loads Deliveries

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

accommodate the passage of abnormal indivisible loads have been submitted to and approved by the Planning Authority. Thereafter the approved works shall be completed prior to the abnormal indivisible load deliveries to the site.

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

Programme of Archaeological Works

- 23.(1) No development shall commence unless and until a programme of archaeological works to be carried out during construction of the Development has been submitted to, and approved in writing by, the Planning Authority.
- (2) The programme of archaeological works shall include measures to be taken to protect and preserve any features of archaeological interest in situ and the recording and recovery of archaeological features which cannot be protected or preserved.
- (3) The approved programme of archaeological works shall be implemented in full.

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

Construction and Environmental Management Plan

- 24.(1) No development shall commence unless and until a Construction and Environmental Management Plan ("CEMP") containing site specific details of all onsite construction works, post-construction reinstatement, drainage and mitigation together with the details of their timetabling, has been submitted to and approved in writing by the Planning Authority in consultation with SNH and SEPA. A summary of the mitigation measures required by this condition shall be provided to the Planning Authority, SNH and SEPA, together with details of the process of controlling implementation of all the mitigation measures.
- (2) The CEMP shall include (but shall not be limited to):
 - (a) a site waste management plan (dealing with all aspects of waste produced during the construction period other than peat), including details of contingency planning in the event of accidental release of materials which could cause harm to the environment;
 - (b) details of the formation of the construction compound, welfare facilities, any areas of hardstanding, turning areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns, and any construction compound boundary fencing;
 - (c) site specific details for management and operation of any concrete batching plant (including disposal of high alkaline content waste water and substances);
 - (d) a dust management plan;
 - (e) details of measures to be taken to prevent loose or deleterious material being deposited on the local public road network including wheel

cleaning and lorry sheeting facilities, and measures to clean the site entrances and the adjacent local road network;

- (f) a pollution prevention and control method statement, including arrangements for the storage and management of oil and fuel on the site;
 - (g) details of soil storage and management;
 - (h) a peat management plan, to include details of vegetated turf stripping and storage, peat excavation (including volumes), handling, storage and re-use;
 - (i) a drainage management plan to accord with current SuDs best practice guidelines, demonstrating how all surface and waste water arising during and after development will be monitored, managed and prevented from polluting any watercourses or sources;
 - (j) 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;
 - (k) details of sewage disposal and treatment;
 - (l) details of temporary site illumination;
 - (m) details of the construction of the access into the site and the creation and maintenance of associated visibility splays;
 - (n) details of the method of construction of the crane pads;
 - (o) details of the method of construction of the turbine foundations;
 - (p) a scheme to identify and manage the risk of any unexploded ordinance on site;
 - (q) details of the method of working cable trenches;
 - (r) details of the method of construction and erection of the wind turbines and meteorological masts;
 - (s) details of watercourse crossings; and
 - (t) details of post-construction restoration/ reinstatement of the working areas not required during the operation of the Development, including construction access tracks, construction compound, storage areas, laydown areas, access tracks, passing places and other construction areas. Wherever possible, reinstatement is to be achieved by the careful use of turfs removed prior to construction works. Details should include all seed mixes to be used for the reinstatement of vegetation.
- (3) The approved CEMP shall be implemented in full unless otherwise approved in advance in writing by the Planning Authority in consultation with SNH and SEPA.

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 accompanying the application, or as otherwise agreed, are fully implemented.

Ecology

- 25.(1) No development must commence unless and until a Bird, Mammal and Fish Protection Plan (the Plan) has been submitted to, and approved in writing by, the Planning Authority in consultation with SNH. The Plan shall address:
- (a) Otters;
 - (b) Badgers;
 - (c) Wildcat;
 - (d) Pine Marten;
 - (e) Water Vole;
 - (f) Bats;
 - (g) Fish within and downstream of the development area, including the River Findhorn; and
 - (h) Breeding Birds
- (2) The Plan shall contain the outcome of pre-construction surveys for these species and proposed mitigation measures to be employed.
- (3) The Plan shall provide details of water quality monitoring and mitigation measures in accordance with current best practice to protect the fish population.
- (4) The approved Plan shall include provision for regular monitoring and review to be undertaken to consider whether amendments are needed to the mitigation measures to better protect these species.
- (5) Where a review indicates that amendments are required an updated and amended Plan (the "Amended Plan") shall be submitted for the written approval of the Planning Authority in consultation with SNH.
- (6) The approved Plan and any subsequent approved Amended Plan shall be implemented in full.
- (7) A summary of the mitigation measures required by this condition shall be provided to the Planning Authority, together with details of the process of controlling implementation of all the mitigation measures.

Reason: *To ensure that appropriate surveys are carried out to understand potential impacts on birds, mammals and fish and to ensure that suitable protection and mitigation measures are put in place.*

Planning Monitoring Officer

- 26.(1) No development shall commence unless and until the terms of appointment by the Company of an independent and suitably qualified environmental consultant as Planning Monitoring Officer ("PMO") have been submitted to, and approved in writing by, the Planning Authority. The terms of appointment shall:
- (a) impose a duty to monitor compliance with the terms of the deemed planning permission and the conditions attached to it;

- (b) require the PMO to submit a monthly 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 deemed planning permission and conditions attached to it at the earliest practical opportunity.
- (2) The PMO shall be appointed on the approved terms throughout the period from Commencement of Development to completion of post construction restoration works.

Reason: *To enable the development to be suitably monitored to ensure compliance with the planning permission and the conditions attached to it.*

Ecological Clerk of Works

- 27.(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 SNH and SEPA. The terms of appointment shall:
- (a) Impose a duty to monitor compliance with the ecological and hydrological commitments provided in the environmental statement, ES Addendum submitted 10 October 2014, the Construction and Environmental Management Plan approved under condition 24, the Outline Habitat Management Plan at Technical Appendix 8.7 of the Environmental Statement and the Bird, Mammal and Fish Protection Plan approved in terms of condition 25;
 - (b) require the ECoW to report to the nominated construction project manager any incidences of non-compliance with the ECoW works at the earliest practical opportunity;
 - (c) Require the ECoW to submit a monthly report to the Planning Authority summarising works undertaken on site; and
 - (d) Require the ECoW to report to the Planning Authority any incidences of non-compliance with the ECoW works at the earliest practical opportunity.
- (2) The ECoW shall be appointed on the approved terms throughout the period from Commencement of Development to completion of post construction restoration works;
- (3) No later than six 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 to the Planning Authority for approval in consultation with SNH and SEPA.
- (4) The ECoW 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.

Television Reception

28. (1) No development shall commence unless and until a Television Reception Mitigation Plan has been submitted to, and approved in writing by, the Planning Authority. The Television Reception Mitigation Plan shall provide for a baseline television reception survey to be carried out prior to the installation of the first wind turbine. The results of the baseline television reception survey shall be submitted to the Planning Authority.
- (2) The approved Television Reception Mitigation Plan shall be implemented in full.
- (3) Any claim by any person regarding television picture loss or interference at their house, business premises or other building, made during the period from installation of any wind turbine to the date falling twelve months after the date of Final Commissioning, shall be investigated by a qualified engineer and the results of the investigation shall be submitted to the Planning Authority.
- (4) Should any impairment to the television signal be attributable to the Development, the impairment shall be remedied so that the standard of reception at the affected property is equivalent to the baseline television reception.

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

Financial Guarantee

29. (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 32 is submitted to the Planning Authority. 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 32.
- (2) No development shall commence unless and until the value of the financial guarantee has been 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, dismantling, removal, disposal, site restoration, remediation and incidental work, as well as associated professional costs referred to in condition 32 has been submitted to, and approved in writing by the Planning Authority.
- (3) No development shall commence unless and until documentary evidence that the bond or other financial provision approved by virtue of paragraph (1) is in place, has been submitted to the Planning Authority, and the Planning Authority has confirmed in writing that it is satisfactory
- (4) Thereafter, the Company shall:

- (a) ensure that a bond or other suitable financial provision is maintained throughout the duration of this permission;
 - (b) The value of the financial guarantee shall be reviewed by agreement or by a suitably qualified independent professional no less than every five years after the Commencement of Development and every five years until such times as the wind farm is decommissioned and the site restored 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.
 - (c) each review must be:
 - (i) conducted by a suitably qualified independent professional;
 - (ii) provided within three months of each five year period ending, with a copy submitted upon publication to the landowner(s) and the Planning Authority; and
 - (iii) approved in writing by the Planning Authority without amendment or, as the case may be, approved in writing by the Planning Authority following amendment to their reasonable satisfaction.
- (5) Where a review approved by virtue of paragraph (2)(c) recommends that the amount of the bond or other financial provision should be altered (be that an increase or decrease) or the framework governing the bond or other financial provision requires to be amended, that must be done within one month of receiving the approved review, or another timescale as may be agreed in writing by the planning authority, and in accordance with the recommendations contained therein.

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.

Replanting of Forestry

- 30.(1) No development shall commence unless and until a woodland planting scheme to compensate for the removal of 9.07 hectares of existing woodland ("the Replanting Scheme") as described in Section 5 of the ES Addendum submitted on 10 October 2014 has been submitted for the written approval of the Planning Authority in consultation with Forestry Commission Scotland Conservator. The plan shall indicate the retention and management of the woodland areas highlighted yellow in the Company's drawing No. 02914D2505-06.
- (2) The Replanting Scheme shall 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 Replanting Scheme for approval. The Replanting Scheme must include:
- (a) details of the location of the area to be planted;
 - (b) details of 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 Replanting Scheme and timescales within which each will be obtained;
 - (e) the phasing and associated timescales for implementing the Replanting Scheme;
 - (f) proposals for the maintenance and establishment of the Replanting Scheme, 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 Replanting Scheme.
- (3) Unless and until otherwise agreed in writing by the Planning Authority, the Development shall not be commissioned to supply electricity on a commercial basis unless and until all relevant consents necessary for implementation of the approved Replanting Scheme in accordance with the phasing and timescales it contains have been obtained.
- (4) In the event that there is no reasonable prospect of the relevant consents necessary for implementation of the approved Replanting Scheme being obtained an amended Replanting Scheme shall be submitted to the Planning Authority for approval in consultation with Forestry Commission Scotland Conservator. Unless otherwise agreed in writing by the Planning Authority, the Development shall not be commissioned to supply electricity on a commercial basis unless and until all relevant consents necessary for implementation of the approved amended Replanting Scheme in accordance with the phasing and timescales it contains have been obtained.

Reason: *To secure replanting to mitigate against effects of deforestation arising from the Development.*

Redundant Turbines

- 31.(1) Unless otherwise agreed in writing by the Planning Authority, if one or more wind turbine fails to generate electricity for a continuous period of twelve months a scheme setting out how the relevant wind turbine(s) and associated infrastructure will be removed from the site and the ground restored shall be submitted for the written approval of the Planning Authority no later than one month after the date of expiry of the twelve month period.
- (2) The approved scheme shall be implemented within six months of the date of its approval, to the satisfaction of the Planning Authority.

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

Site Decommissioning, Restoration and Aftercare

- 32.(1) The Development shall be decommissioned and cease to generate electricity by no later than the date falling thirty years from the date of Final Commissioning. The total period for decommissioning and restoration of the site in accordance with this condition shall not exceed three years from the date of Final Commissioning without the 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 final site restoration. It 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) No later than 2 years prior to decommissioning of the Development or the expiry of the section 36 consent (whichever is the earlier) a detailed 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 for the removal of the Development, the treatment of ground surfaces, the management and timing of the works and environment management provision which shall include:
- (a) a site waste management plan (dealing with all aspects of waste produced during the decommissioning, restoration and aftercare phases);
- i) details of the formation of the construction compound, welfare facilities, any areas of hardstanding, turning areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns and any construction compound boundary fencing;
 - ii) a dust management plan;
 - iii) 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;
 - iv) a pollution prevention and control method statement, including arrangements for the storage and management of oil and fuel on the site;
 - v) soil storage and management;
 - vi) 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;
 - vii) sewage disposal and treatment;
 - viii) temporary site illumination;
 - ix) the construction of any temporary access into the site and the creation and maintenance of associated visibility splays;
 - x) details of watercourse crossings; and
 - xi) a species protection plan based on surveys for protected species (including birds) carried out no longer than eighteen months prior to submission of the finalised decommissioning plan.
- (4) The Development shall be decommissioned, the site restored and aftercare undertaken in accordance with the approved plan, unless and until otherwise

agreed in writing in advance with the Planning Authority in consultation with SNH and SEPA.

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.*

Noise

- 33.(1) The rating level of noise immissions from the combined effects of the wind turbines forming part of the Development (including the application of any tonal penalty) shall not exceed the values for the relevant integer wind speed set out in, or derived from, the tables attached to this condition at any dwelling which is lawfully existing or has planning permission at the date of this consent. The turbines shall be designed to permit individually controlled operation or shut down at specified wind speeds and directions in order to facilitate compliance with noise criteria and:
- (a) The Company shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1(d). These data shall be retained for a period of not less than 24 months. The Company shall provide this information in the format set out in Guidance Note 1(e) to the Planning Authority within 14 days of receipt in writing of a request to do so.
 - (b) There shall be no first commissioning of the Development until the Company has received written approval from the Planning Authority of 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)
 - (i) Within 21 days from receipt of a written request from the Planning Authority following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the Company shall, at its expense, employ a consultant approved by the Planning Authority in terms of b. above to assess the level of noise immissions from the wind farm at the complainant's property in accordance with the submitted Noise Measurement & Mitigation Scheme. The written request from the Planning Authority shall set out at least the date, time and location to which the complaint relates and any identified atmospheric conditions, including wind direction, and include a statement as to whether, in the opinion of the Planning Authority, the noise giving rise to the complaint contains or is likely to contain a tonal component.
 - (ii) Within 14 days of receipt of a written request from the Planning Authority, the Company shall provide the Planning Authority with the information relevant to the complaint logged in accordance

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

- (d) The assessment of the rating level of noise immissions in terms of c. above shall be undertaken in accordance with an assessment protocol that shall previously have been submitted to and approved in writing by the Planning Authority. The protocol shall include the proposed measurement location(s) where measurements for compliance checking purposes shall be undertaken, whether noise giving rise to the complaint contains or is likely to contain a tonal component, and also the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise immissions. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Planning Authority under paragraph c and such others as the independent consultant considers likely to result in a breach of the noise limits.
- (e) Where there is more than one property at a location specified in Tables 1 and 2 attached to this condition, the noise limits set for that location shall apply to all dwellings at that location.
- (f) Where the property to which a complaint is related is not listed in the tables attached to this condition, the Company shall submit to the Planning Authority for written approval proposed noise limits selected from those listed in the tables to be adopted at the complainant's property for compliance checking purposes. The submission of the proposed noise limits to the Planning Authority shall include a written justification of the choice of limits. The proposed noise limits are to be those limits selected from the tables specified for a listed location which the independent consultant considers as being likely to experience the most similar background noise environment to that experienced at the complainant's property. The rating level of noise immissions resulting from the combined effects of the wind turbines when determined in accordance with the submitted Noise Measurement and Mitigation Scheme shall not exceed the noise limits approved in writing by the Planning Authority for the complainant's property.

- (g) No development shall commence unless and until a Noise Measurement and Mitigation Scheme has been submitted to the Planning Authority. The scheme shall include:
- (i) A framework for the measurement and calculation of the rating level of noise immissions from the wind farm (including the identification of any tonal component) to be undertaken in the event of a complaint in accordance with ETSU-R-97 and its associated Good Practice Guide and Supplementary Guidance Notes to be agreed in writing by the Planning Authority.
 - (ii) Details of potential mitigation measures to be implemented within one week of identifying that the agreed noise limits are exceeded which will ensure that those limits are complied with.
- (h) The Company shall provide to the Planning Authority the independent consultant's assessment of the rating level of noise immissions within 2 months of the date of the written request of the Planning Authority for compliance measurements to be made under paragraph e, unless the time limit is extended in writing by the Planning Authority. All data collected for the purposes of undertaking the compliance measurements shall be made available to the Planning Authority on the request of the Planning Authority. The instrumentation used to undertake the measurements shall be calibrated in accordance with the submitted Noise Measurement and Mitigation Scheme and certificates of calibration shall be submitted to the Planning Authority with the independent consultant's assessment of the rating level of noise immissions.
- (i) Where a further assessment of the rating level of noise immissions from the wind farm is required, the Company shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment to the Planning Authority pursuant to paragraph (d) above unless the time limit has been extended in writing by the Planning Authority.
- (j) Within one week of the Planning Authority receiving an assessment which identifies that the wind farm noise levels are exceeding any of the limits in Tables 1&2 attached to this condition, the Company shall implement relevant mitigation measures identified in the submitted Noise Measurement and Mitigation Scheme which will ensure that those limits are complied with. Thereafter, these measures will remain in place.

Reason: to protect nearby residents from undue noise and disturbance. To ensure that noise limits are not exceeded and to enable prompt investigation of complaints.

SCHEDULE OF NOISE GUIDANCE NOTES

These notes form part of condition 25 (A) – 31 (H). They further explain these conditions and specify the methods to be deployed in the assessment of complaints about noise immissions from the wind farm.

Reference to ETSU-R-97 refers to the publication entitled "The Assessment and Rating of Noise from Wind Farm" (1997) published by the Energy Technology Support unit (ETSU) for the Department of Trade and Industry (DTI).

- **NOTE 1**

- a) Values of the $L_{A90,10min}$ noise statistic shall be measured at the complainant's property using a sound level meter of EN 60651/BS EN 60804 Type 1, or EN 61672 Class 1 quality (or the replacement thereof) set to measure using a 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 shall be calibrated in accordance with the procedure specified in BS 4142: 1997 (or the replacement thereof). These measurements shall be made in such a way that the requirements of Note 3 shall also be satisfied.
- b) The microphone should be mounted at 1.2 - 1.5 m above ground level, fitted with a two layer windshield (or suitable alternative approved in writing from the Local Planning Authority), and placed outside the complainant's dwelling. Measurements should be made in "free-field" conditions. To achieve this, the microphone should be placed at least 3.5m away from the building facade or any reflecting surface except the ground at a location agreed with the Local Planning Authority.
- c) The $L_{A90,10min}$ measurements shall be synchronised with measurements of the 10-minute arithmetic mean wind speed and with operational data, including power generation information for each wind turbine, from the turbine control systems of the wind farm.
- d) The Company shall continuously log arithmetic mean wind speed and arithmetic mean wind direction data in 10 minute periods on the wind farm site to enable compliance with the conditions to be evaluated. The mean wind speed at hub height shall be 'standardised' to a reference height of 10 metres as described in ETSU-R-97 at page 120 using a reference roughness length of 0.05 metres. It is this standardised 10m height wind speed data which is correlated with the noise measurements of Note 2(a) in the manner described in Note 2(c).

- **NOTE 2**

- a) The noise measurements shall be made so as to provide not less than 20 valid data points as defined in Note 2 paragraph (b). Such measurements shall provide valid data points for the range of wind speeds, wind directions, times of day and power generation requested by the Local Planning Authority. In specifying such conditions the Local Planning Authority shall have regard to those conditions which were most likely to have prevailed during times when the complainant alleges there was disturbance due to noise.
- b) Valid data points are those that remain after all periods during rainfall have been excluded. Rainfall shall be assessed by use of a rain gauge that shall log the

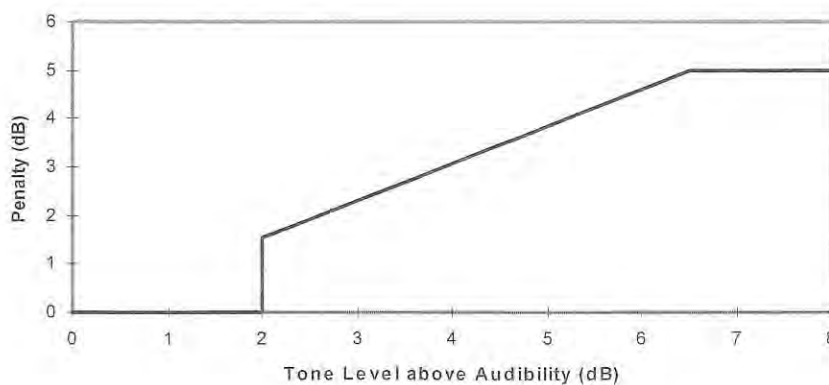
occurrence of rainfall in each 10 minute period concurrent with the measurement periods set out in Note 1(c) and is situated in the vicinity of the sound level meter.

- c) A least squares, "best fit" curve of a maximum 2nd order polynomial or otherwise as may be agreed with the local Planning Authority shall be fitted between the standardised mean wind speed (as defined in Note 1 paragraph (d)) plotted against the measured $L_{A90,10min}$ noise levels. The noise level at each integer speed shall be derived from this best-fit curve.

• **NOTE 3**

Where, in the opinion of the Local Planning Authority, noise immissions at the location or locations where assessment measurements are being undertaken contain a tonal component, the following rating procedure shall be used.

- a) For each 10-minute interval for which $L_{A90,10min}$ data have been obtained as provided for in Notes 1 and 2, a tonal assessment shall be performed on noise immissions during 2-minutes of each 10-minute period. The 2-minute periods shall be regularly spaced at 10-minute intervals provided that uninterrupted clean data are available. Where clean 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 standard procedure, as described in Section 2.1 on pages 104-109 of ETSU-R-97, shall be reported.
- b) For each of the 2-minute samples the margin above or below the audibility criterion of the tone level difference, ΔL_{tm} (Delta L_{tm}), shall be calculated by comparison with the audibility criterion, given in Section 2.1 on pages 104-109 of ETSU-R-97.
- c) The arithmetic average margin above audibility shall be calculated for each wind speed bin where data is available, each bin being 1 metre per second wide and centred on integer wind speeds. For samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be substituted.
- d) The tonal penalty shall be derived from the margin above audibility of the tone according to the figure below. The rating level at each wind speed shall be calculated as the arithmetic sum of the wind farm noise level, as determined from the best-fit curve described in Note 2, and the penalty for tonal noise.



- **NOTE 4**

If the wind farm noise level (including the application of any tonal penalty as per Note 3) is above the limit set out in the conditions, measurements of the influence of background noise shall be made to determine whether or not there is a breach of condition. This may be achieved by repeating the steps in Notes 1 & 2 with the wind farm switched off in order to determine the background noise, L_3 , at the assessed wind speed. The wind farm noise at this wind speed, L_1 , is then calculated as follows, where L_2 is the measured wind farm noise level at the assessed wind speed with turbines running but without the addition of any tonal penalty:

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

The wind farm noise level is re-calculated by adding the tonal penalty (if any) to the wind farm noise.

Table 1 – Night Time Noise Conditions (Between 23:00 and 07:00 hours)

House ID	House Name	Reference Wind Speed, Standardised v10 (ms-1)											
		1	2	3	4	5	6	7	8	9	10	11	12
H1	Aitnoch Farmhouse	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0
H2	Little Aitnoch	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0
H3	Kerrow Farmhouse	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0
H4	Braemoray Lodge	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0
H5	The White House	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0
H6	1 Drumore Cottages	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0
H7	3 Drumore Cottages	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0
H8	2 Drumore Cottages	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0
H9	Glenferness Mains	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0
H10	Achanabechan Farm	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0
H11	Culfearn	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0
H12	Tombain	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0
H13	Factors Cottage	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0
H14	Tomnarroch	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0
H15	Tomdow	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0
H16	Tomdow Cottage	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0
H17	Leonach Cottage	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0
H18	6 Glenferness	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0
H19	Birch Cottage	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0

House ID	House Name	Reference Wind Speed, Standardised v10 (ms-1)											
		1	2	3	4	5	6	7	8	9	10	11	12
H20	Sturrock	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0
H21	Smiddy House	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0
H22	Rose Cottage	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0
H23	The Old Post Office House	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0
H24	Bungalow	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0
H25	New Inn	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0
H26	Glebe Cottage	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0
H27	Roundwood House	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0
H28	Muckle Lyne	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0
H29	Little Lyne	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0
H30	Head Foresters House	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0
H32	1 Forestry Houses	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0
H33	2 Forestry Houses	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0
H34	3 Forestry Houses	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0
H35	4 Forestry Houses	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0
H36	5-6 Forestry Houses	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0
H37	The Mount	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0
H38	Score Farm	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0
H39	Airdrie Mill	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0
H40	Logie Farm	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0
H41	Logie Farm Riding Centre	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0
H42	Airdrie Farm	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0
H46	Property A	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0
H47	The Lodge	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0
H48	The Old Schoolhouse	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0
H50	Wester Tillieglens	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0
H51	Wester Glenfernie	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0
H52	Refouble	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0
H53	Milltown	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0
H54	Ballindore	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0
H55	Kennels	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0

Table 2 – Day Time Noise Limits for Conditions

House ID	House Name	Reference Wind Speed, Standardised v10 (ms-1)											
		1	2	3	4	5	6	7	8	9	10	11	12
H1	Aitnoch Farmhouse	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0
H2	Little Aitnoch	35.0	35.0	35.0	35.0	35.0	35.2	38.0	39.0	39.0	39.0	39.0	39.0
H3	Kerrow Farmhouse	36.5	36.5	36.7	37.5	38.7	39.0	39.0	39.0	39.0	39.0	39.0	39.0
H4	Braemoray Lodge	35.0	35.0	35.0	35.0	37.4	39.0	39.0	39.0	39.0	39.0	39.0	39.0
H5	The White House	35.0	35.0	35.0	35.0	37.4	39.0	39.0	39.0	39.0	39.0	39.0	39.0
H6	1 Drumore Cottages	35.0	35.0	35.0	35.0	35.0	35.0	36.2	38.6	39.0	39.0	39.0	39.0
H7	3 Drumore Cottages	35.0	35.0	35.0	35.0	35.0	35.0	36.2	38.6	39.0	39.0	39.0	39.0
H8	2 Drumore Cottages	35.0	35.0	35.0	35.0	35.0	35.0	36.2	38.6	39.0	39.0	39.0	39.0
H9	Glenferness Mains	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0
H10	Achanabechan Farm	35.0	35.0	35.0	35.0	35.0	35.0	36.2	38.6	39.0	39.0	39.0	39.0
H11	Culfearn	35.0	35.0	35.0	35.0	37.4	39.0	39.0	39.0	39.0	39.0	39.0	39.0
H12	Tombain	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0
H13	Factors Cottage	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0
H14	Tomnarroch	35.0	35.0	35.0	35.0	36.5	38.9	39.0	39.0	39.0	39.0	39.0	39.0
H15	Tomdow	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0
H16	Tomdow Cottage	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0
H17	Leonach Cottage	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0
H18	6 Glenferness	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0
H19	Birch Cottage	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0
H20	Sturrock	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0
H21	Smiddy House	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0
H22	Rose Cottage	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0
H23	The Old Post Office House	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0
H24	Bungalow	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0
H25	New Inn	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0
H26	Glebe Cottage	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0
H27	Roundwood House	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0
H28	Muckle Lyne	35.0	35.0	35.0	35.0	35.0	36.3	38.1	39.0	39.0	39.0	39.0	39.0
H29	Little Lyne	35.0	35.0	35.0	35.0	35.0	36.3	38.1	39.0	39.0	39.0	39.0	39.0
H30	Head Foresters House	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0
H32	1 Forestry	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0

House ID	House Name	Reference Wind Speed, Standardised v10 (ms-1)											
		1	2	3	4	5	6	7	8	9	10	11	12
	Houses												
H33	2 Forestry Houses	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0
H34	3 Forestry Houses	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0
H35	4 Forestry Houses	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0
H36	5-6 Forestry Houses	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0
H37	The Mount	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0
H38	Score Farm	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0
H39	Airdrie Mill	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0
H40	Logie Farm	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0
H41	Logie Farm Riding Centre	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0
H42	Airdrie Farm	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0
H46	Property A	35.0	35.0	35.0	35.0	35.0	35.0	36.2	38.6	39.0	39.0	39.0	39.0
H47	The Lodge	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0
H48	The Old Schoolhouse	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0
H50	Wester Tillieglens	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0
H51	Wester Glenfernie	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0
H52	Refouble	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0
H53	Milltown	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0
H54	Ballindore	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0
H55	Kennels	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0

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

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

Table 3 – Coordinates of Properties Listed in Tables 1 & 2

House ID	House Name	OSGB Co-ordinates	
		X / m	Y / m
H1	Aitnoch Farmhouse	298159	839664
H2	Little Aitnoch	296891	840817
H3	Kerrow Farmhouse	299625	841891

House ID	House Name	OSGB Co-ordinates	
		X / m	Y / m
H4	Braemoray Lodge	299789	842834
H5	The White House	300059	843252
H6	1 Drumore Cottages	295442	843576
H7	3 Drumore Cottages	295443	843615
H8	2 Drumore Cottages	295448	843632
H9	Glenferness Mains	294960	843656
H10	Achanabechan Farm	295788	843732
H11	Culfearn	300008	843810
H12	Tombain	300613	844376
H13	Factors Cottage	295764	844470
H14	Tomnarroch	296158	844552
H15	Tomdow	300493	844646
H16	Tomdow Cottage	300526	844681
H17	Leonach Cottage	296232	844817
H18	6 Glenferness	296240	844835
H19	Birch Cottage	296250	844855
H20	Sturrock	296261	844881
H21	Smiddy House	296260	844907
H22	Rose Cottage	296272	844916
H23	The Old Post Office House	296281	844939
H24	Bungalow	296312	844990
H25	New Inn	296376	845076
H26	Glebe Cottage	295583	845277
H27	Roundwood House	295583	845277
H28	Muckle Lyne	297924	845289
H29	Little Lyne	297390	845305
H30	Head Foresters House	296355	845369
H32	1 Forestry Houses	296449	845627
H33	2 Forestry Houses	296459	845638
H34	3 Forestry Houses	296468	845648
H35	4 Forestry Houses	296474	845657
H36	5-6 Forestry Houses	296488	845662
H37	The Mount	297902	845725

House ID	House Name	OSGB Co-ordinates	
		X / m	Y / m
H38	Score Farm	297275	845877
H39	Airdrie Mill	297564	845882
H40	Logie Farm	296931	846534
H41	Logie Farm Riding Centre	296947	846555
H42	Airdrie Farm	297990	846929
H46	Property A	295665	843879
H47	The Lodge	295166	843037
H48	The Old Schoolhouse	296296	844955
H50	Wester Tilliglens	300433	846102
H51	Wester Glenernie	300860	845679
H52	Refouble	295199	839996
H53	Milltown	294502	841260
H54	Ballindore	294642	841998
H55	Kennels	294145	842516

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

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

Definitions:

“**The Application**” means the application submitted by the Company on 4 November 2013;

“**Bank Holiday**” means:

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

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

“**the Company**” means RES UK and Ireland Limited incorporated under the Companies Acts (Company number 04913493) and having its registered office at Beaufort Court Egg Farm Lane, Off Station Road, Kings Langley, Hertfordshire, WD4 8LR or such other person for the time being entitled to the benefit of the consent under section 36 of the Electricity Act 1989.

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

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

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

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

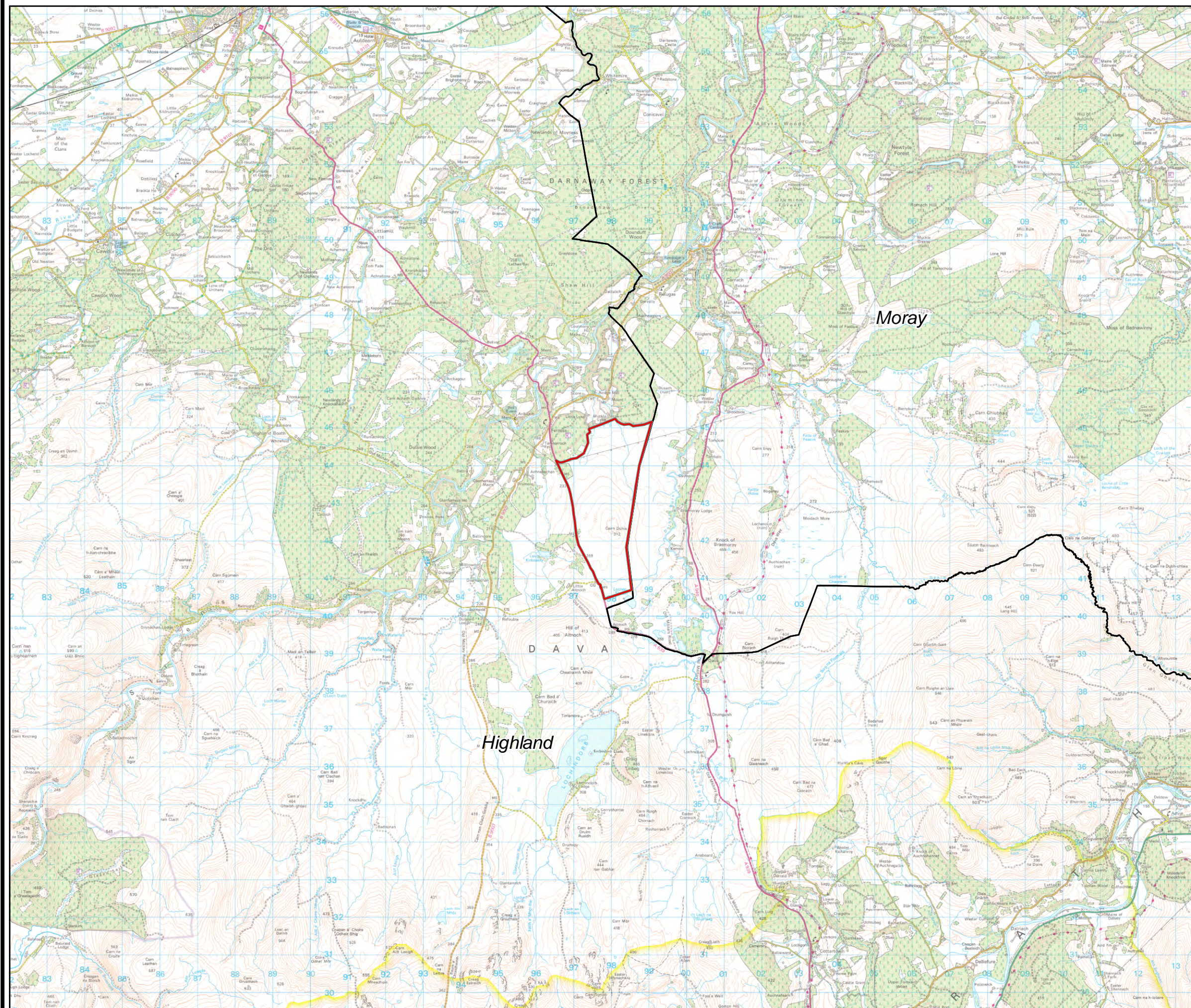
“**Public Holiday**” means Easter Monday and the third Monday in September.

“**radar mitigation scheme**” means a scheme designed to mitigate the impact of the wind farm upon the operation of the primary surveillance radar at Inverness Airport and the air traffic control operations of the airport which are reliant upon that radar.



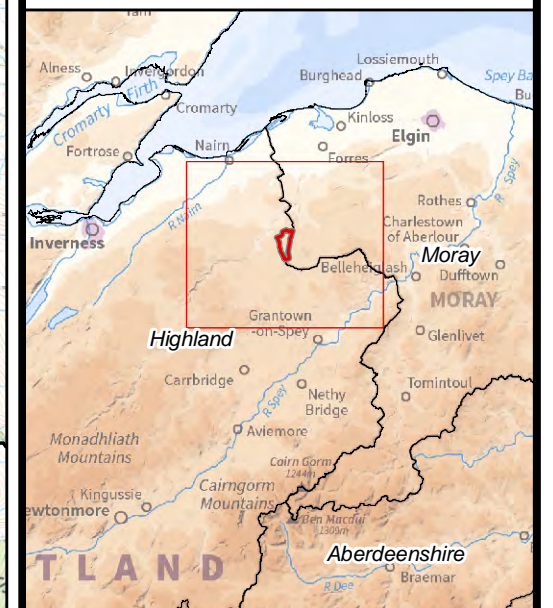
CAIRN DUHIE WIND FARM

FIGURE 1.1 SITE LOCATION



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- Site boundary
- Local authority boundary



Data source: RES, LUC

LAYOUT DWG: 02914-RES-PRO-DR-PT-001

LAYOUT NO: PSC0cnd088

DRAWING NUMBER: FIG01-01_10896_r0_SiteLocation_A3L

SCALE - 1:100,000 @ A3

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CAIRN DUHIE WIND FARM

FIGURE 4.1

INFRASTRUCTURE LAYOUT

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- KEY**
- ⊕ WIND TURBINE LOCATION
 - SITE BOUNDARY
 - NEW SITE TRACKS AND TURNING HEADS
 - TEMPORARY PASSING PLACES
 - TEMPORARY SITE TRACKS
 - CONTROL BUILDING & SUBSTATION COMPOUND
 - ⊕ CRANE HARD STANDING AREA
 - PERMANENT
 - TEMPORARY
 - TEMPORARY CONSTRUCTION COMPOUND
 - BATCHING PLANT
 - BORROW PIT SEARCH AREA
 - 10m TELECOMS MAST (NOT TO SCALE)
 - ➔ SITE ENTRANCE LOCATION

NOTE

- THIS DRAWING REPLACES RES DRAWING NUMBER 02914D1001.

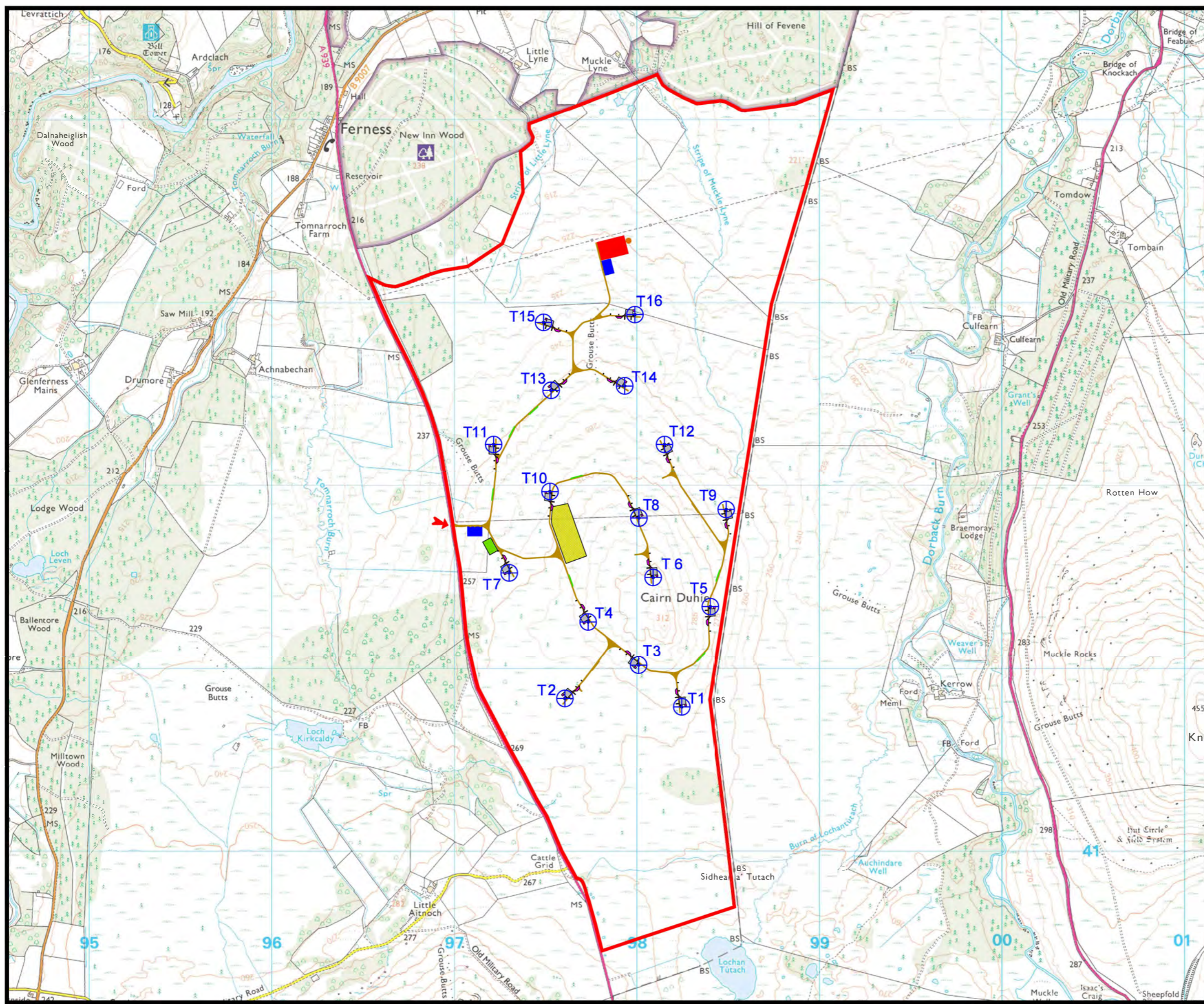
LAYOUT DWG: N/A | T-LAYOUT NO.: N/A

DRAWING NUMBER: **02914-RES-PRO-DR-PT-001**

SCALE - 20,000 @ A3

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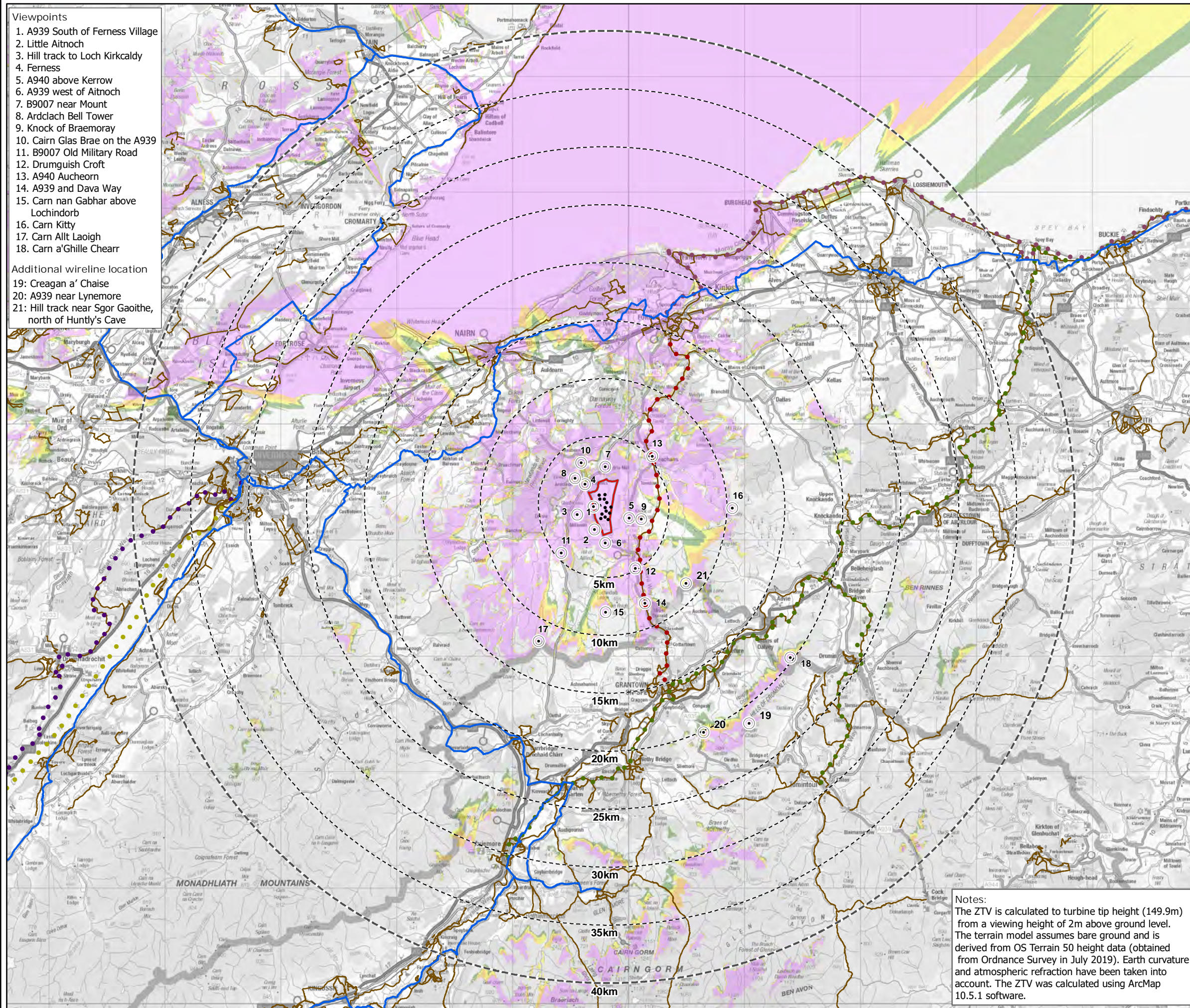
CAIRN DUHIE WIND FARM

FIGURE 5.1.2a

BLADE TIP HEIGHT (149.9M) ZONE OF THEORETICAL VISIBILITY AND VIEWPOINT LOCATIONS

CONTAINS ORDNANCE SURVEY DATA © CROWN
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- Viewpoints**
1. A939 South of Ferness Village
 2. Little Aitnoch
 3. Hill track to Loch Kirkcaldy
 4. Ferness
 5. A940 above Kerrow
 6. A939 west of Aitnoch
 7. B9007 near Mount
 8. Ardcloch Bell Tower
 9. Knock of Braemoray
 10. Cairn Glas Brae on the A939
 11. B9007 Old Military Road
 12. Drumguish Croft
 13. A940 Auchern
 14. A939 and Dava Way
 15. Carn nan Gabhar above Lochindorb
 16. Carn Kitty
 17. Carn Allt Laoigh
 18. Carn a'Ghille Chearr
- Additional wireline location**
- 19: Creagan a' Chaise
 - 20: A939 near Lynmore
 - 21: Hill track near Sgor Gaoithe, north of Huntly's Cave



- Turbine
 - ▭ Site boundary
 - - - 5km intervals from outer turbines
 - - - 40km study area
 - ⊙ Viewpoint location
- Theoretical visibility**
- 1-4 Turbines visible
 - 5-8 Turbines visible
 - 9-12 Turbines visible
 - 13-16 Turbines visible
- Recreational routes**
- National Cycle Network (NCN)
 - Dava Way
 - Great Glen Way
 - Great Glen Canoe Trail
 - Moray Coast Trail
 - Speyside Way
 - Core path



Data source: RES, LUC Sustrans, SNH
 LAYOUT DWG: 02914-RES-LAY-DR-TE-008 LAYOUT NO: PSC0cnd088
 DRAWING NUMBER: FIG5-1-2a_10896_r0_ZTV_TIPH149pt9_A3L

Notes:
 The ZTV is calculated to turbine tip height (149.9m) from a viewing height of 2m above ground level. The terrain model assumes bare ground and is derived from OS Terrain 50 height data (obtained from Ordnance Survey in July 2019). Earth curvature and atmospheric refraction have been taken into account. The ZTV was calculated using ArcMap 10.5.1 software.

SCALE - 1:325,000 @ A3
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