

06 May 2022

Dear Mr Sage,

CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 AND DEEMED PLANNING PERMISSION UNDER SECTION 57(2) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 FOR THE CONSTRUCTION AND OPERATION OF LIMEKILN WIND FARM EXTENSION IN THE HIGHLAND COUNCIL PLANNING AUTHORITY AREA

Application

I refer to the application made on 21 May 2020 (the “Application”) under section 36 of the Electricity Act 1989 (“the Act”) by Infinergy Limited on behalf of Limekiln Wind Limited, a company with registered number 08074755 and having its registered office at Infinergy Limited, 16 West Borough, Wimborne, Dorset, BH21 1NG, (the “Company”), for the construction and operation of the proposed Limekiln Wind Farm Extension located in the Highland Council planning authority area.

The Application, proposes 5 wind turbines with a ground to blade tip height of up to 149.9 metres (“m”) with an installed generating capacity of approximately 21 megawatts (“MW”), battery storage of around 5 MW and associated ancillary development (the “proposed Development”) as an extension to the consented Limekiln Wind Farm. The total installed capacity when operated in combination with Limekiln Wind Farm (as an extension) exceeds 50 MW thereby necessitating a requirement for section 36 consent.

Limekiln Wind Farm (“the consented Development”) was granted consent by the Scottish Ministers on 21 June 2019. On 21 July 2021 the Company submitted an application to vary the consented Development, to increase the height of 15 wind turbines at 139 m and 6 turbines at 126 m to 149.9 m.

This letter contains the Scottish Ministers’ decision to grant consent for the Limekiln Wind Farm Extension, as more particularly described at Annex 1.

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Planning Permission

In terms of section 57(2) of the Town and Country Planning (Scotland) Act 1997 (“the 1997 Act”) the Scottish Ministers may, on granting consent under section 36 of the 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’ direction that planning permission is deemed to be granted.

Background

The proposed Development would be sited within the Limekiln, Broubster and Achaveilan North Estates, approximately 1.55 kilometres (“km”) south east of the village of Reay and 12.3 km west of Thurso. The site boundary encloses an area of approximately 520 hectares (5.2 square kilometres) of mixed commercial forestry in an undulating area intersected by forestry tracks. Access would be taken from the A836 via the entrance to the consented Development. Two lochans, Loch Thormaid and Loch Saorach, are located adjacent to the site boundary. The closest residential properties are Loanscorribest, located approximately 2.1 km to the north-west of Turbine 5; and Broubster Cottage and Achreregan, located approximately 2.3 km to the east.

Consultation

Under Schedule 8 to the Act, and the Electricity (Applications for Consent) Regulations 1990 (“the Consents Regulations”) made under the Act, the relevant planning authority is required to be notified in respect of a section 36 consent application. In accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (“the 2017 Regulations”) on 21 May 2020 the Company submitted an Environmental Impact Assessment report (“EIA Report”) describing the proposed Development and giving an analysis of its environmental effects.

In accordance with the Consents Regulations and the 2017 Regulations, a notice of the proposed Development was advertised in the local and national press and the opportunity given for those wishing to make representations to do so. In addition, to comply with the 2017 Regulations, Scottish Ministers were required to consult the relevant planning authority as well as Scottish Natural Heritage (now operating as NatureScot) the Scottish Environment Protection Agency (“SEPA”) and Historic Environment Scotland (“HES”) as well as any other public body likely to be concerned by the proposed Development by reason of their specific environmental responsibilities. Notification was sent to the Highland Council (the “Planning Authority”) as well as to NatureScot, SEPA and HES. A wide range of other relevant organisations were also notified and consulted.

The EIA Report was advertised and consulted upon in accordance with the requirements of the 2017 Regulations.

The Scottish Ministers have had regard to the requirements regarding publicity and consultation laid down in the Consents Regulations and the 2017 Regulations and are satisfied the general public as well as statutory and other consultees have been afforded the opportunity to consider and make representation on the proposed Development.

Public Inquiry

In terms of paragraph 2(2) of Schedule 8 to the Act, if the relevant planning authority makes an objection to the application and that objection is not withdrawn, the Scottish Ministers must cause a public inquiry to be held unless the Scottish Ministers propose to accede to the application subject to such modifications or conditions as will give effect to the objection.

As set out below, the Highland Council, as the relevant planning authority, objected to the Application and did not withdraw that objection. The Scottish Ministers did not consider it possible to overcome the objection, by way of applying conditions to give effect to the Planning Authority's objection, and caused a public inquiry to be held.

Public Inquiry and Report

At the request of the Reporters appointed by the Scottish Ministers, additional information was submitted in March 2021 ("AI") for the purposes of the inquiry. The AI comprised an updated landscape and visual impact assessment to account for an application to vary the consented Development which was submitted by the Company in July 2021. Notification of the AI was given to the Planning Authority and those originally sent a copy of the EIA Report. The Company was also required to serve the requested information on the consultation bodies for the application and those who were party to the Inquiry.

The Reporters held inquiry sessions on 15 June 2021. In addition to the inquiry sessions, hearing sessions were held on 16 June 2021. The Reporters conducted unaccompanied site inspections between 21 to the 26 June 2021. The report of that inquiry ("PI Report") was received by the Scottish Ministers on 29 December 2021.

In each chapter of the PI Report the Reporters have summarised the arguments for each party, taking account of the precognitions, hearing statements, hearing sessions, the discussion at the public inquiry and the closing submissions. The Reporters also took into account the environmental information included in the EIA Report and the AI, consultation responses, representations and all of the other information supplied for the inquiry and hearing sessions. The chapters of the PI Report provide the following:

- Chapter 1 – Background, consultations and representations
- Chapter 2 – Legislative and policy context

Chapter 3 – Landscape and visual impact
Chapter 4 – Ornithology and ecology
Chapter 5 – Other matters comprising of:

- noise
- traffic and transportation
- cultural heritage
- hydrology
- hydrogeology and geology
- forestry
- socio-economic impacts/benefits

Chapter 6 – Planning conditions and monitoring

Chapter 7 – Policy assessment, overall conclusions and recommendation

The Reporters' recommendation is that the Scottish Ministers grant consent under section 36 of the Electricity Act 1989 and direct that planning permission is deemed to be granted; both subject to conditions.

Summary of the Consultation Responses and Representations

Statutory Consultees

The Highland Council (the “Planning Authority”) **object** on the basis that:

- the proposed Development is located, sited and designed in such a way that the turbines will be significantly detrimental overall, individually and cumulatively with the already consented Development from viewpoint number four at Shebster; and
- the proposed Development does not demonstrate sensitive siting, has a significant adverse impact on the surrounding area and is therefore contrary to Policy 67 of the Highland Wide Local Development Plan.

HES do not object to the proposed Development. They advise that no significant effects are anticipated on their interests.

NatureScot do not object to the proposed Development. They consider the proposed Development would increase both the area from which the turbines would be prominent and the overall degree of prominence of turbines from within East Halladale Flows Wild Land Area (WLA 39). They also consider that the larger scale and increased lateral extent of the proposed turbines and proximity to Reay would increase the landscape and visual impacts of the consented Development.

NatureScot advise the proposed Development is likely to have significant effects on the natural heritage interests of the Caithness and Sutherland Peatlands Special Protection Area (“SPA”) in relation to the following qualifying bird species; red-throated diver, black throated diver, dunlin, golden eagle, golden plover, hen harrier, merlin,

greenshank and common scoter. Taking into account their appraisal of the effects of the proposed Development in respect of disturbance during construction, collision risk and displacement of the aforementioned qualifying species they advise that although the proposed Development is likely to have significant effects, the integrity of the Caithness and Sutherland Peatlands SPA will not be adversely affected.

NatureScot further advise that the proposed Development is likely to have significant effects on otter, a qualifying interest of the Caithness and Sutherland Peatlands Special Area of Conservation (“SAC”) due to the potential for otter to access the proposed Development site. Taking account of their appraisal of the distance between known otter resting sites and infrastructure associated with the proposed development as well as the mitigation proposed in Appendix 11.C of the EIA Report, to minimise disturbance, they are satisfied that the proposed Development will not adversely affect the integrity of the Caithness and Sutherland Peatlands SAC.

NatureScot also advise that the proposed Development is likely to have significant effects on greylag geese, Greenland white-fronted geese and whooper swan interests of the Caithness Lochs SPA. NatureScot, having appraised the recorded flights across the proposed Development site and the likelihood of disturbance to roosting and foraging birds, advise that the proposed Development will not adversely affect the integrity of the Caithness Lochs SPA.

NatureScot advise that appropriate assessments of the effects of the Caithness and Sutherland Peatlands SPA, the Caithness and Sutherland Peatlands SAC and the Caithness Lochs SPA, should be carried out by the Scottish Government.

SEPA do not object to the proposed Development subject to conditions, detailed in their consultation response, relating to peat, Ground Water Dependent Terrestrial Ecosystems (GWDTEs), watercourse buffers and crossings, borrow pits, habitat management, micrositing, pollution prevention and construction and environmental management as well as decommissioning and post construction restoration.

Internal Scottish Government Advisors

Marine Scotland welcome the proposed mitigation measures set out in the EIA Report (buffer zones, floating roads, drainage schemes, pollution prevention guidelines, the appointment of an Environmental Clerk of Works, and the careful design of watercourse crossings) to protect watercourses and the aquatic biota.

Scottish Forestry advises that conditions are required in relation to compensatory planting and forest plans.

Transport Scotland advises that it requires to be satisfied that the turbine parts can negotiate the selected route and that their transportation will not have any detrimental effect on structures within the trunk road route path. Conditions are recommended to address this and the execution of any associated temporary works required.

Advisors to Scottish Government

Ironside Farrar were engaged by the Scottish Ministers to appraise the Peat Landslide Hazard and Risk Assessment submitted by the Company. Following minor revisions and clarifications, provided by the Company, they advised they had no concerns with the Peat Landslide Hazard and Risk Assessment submitted by the Company.

Consultees who object

RSPB Scotland object to the proposed Development. RSPB consider that insufficient information has been provided to ascertain the effects on common scoter. As a consequence RSPB are of the view that it's not possible to reach a conclusion that there would be no adverse effect on site integrity for Caithness and Sutherland Peatlands SPA with regards to collision risk impacts on common scoter.

Community Councils or Community Groups

Caithness West Community Council object principally on the basis that the size and siting of the wind turbines associated with the proposed Development mean they would be visually dominant and overwhelming across the relatively open landscape resulting in major detrimental impacts on the village of Reay and areas around Shebster.

Reay Area Windfarm Opposition Group, an informal grouping of local residents mainly from Reay village, **object** on the basis the proposed Development's cumulative and standalone adverse landscape and visual impacts and its adverse impacts on wild land, ornithology and the local tourism economy.

Consultees who do not object

The following consultees have no objection to the proposed Development or have no objection subject to appropriately worded planning conditions:

- British Telecom (BT)
- Caithness District Salmon Fishery Board
- Crown Estate Scotland
- Defence Infrastructure Organisation
- Highland and Island Airport
- Joint Radio Company
- NATS Safeguarding
- Scottish Rights of Way and Access Society (ScotWays)
- Scottish Water

The Scottish Ministers have imposed conditions, taking account of those recommended by the Reporters, which give effect to the relevant requirements of the consultation bodies as set out above.

Details of the consultation responses are available on the Energy Consents website at www.energyconsents.scot

Consultees who did not respond

British Horse Society, Civil Aviation Authority – Airspace, Fisheries Trust, Fisheries Management Scotland, John Muir Trust, Mountaineering Scotland, Nuclear Safety Directorate, Scottish Wildlife Trust, Scottish Wild Land Group, Visit Scotland, Flow Country Rivers Trust, Office for Nuclear Regulation.

Summary of Public Representations

The Scottish Ministers received 64 representations, all in objection, prior to the Application being referred for a Public Inquiry. The Reporters also reference 5 representations in objection that were made to the Planning Authority (paragraph 1.18 of the PI Report). The Scottish Ministers note that 4 of these were made by people who also submitted objections to the Scottish Government's Energy Consents Unit. A further representation in objection was also submitted directly to the Planning and Environmental Appeals Division. In summary, the main issues raised in the objections relate to:-

- Adverse impacts on the settlements of Reay and Shebster and other individual residential properties due to the proximity and size of the turbines;
- Caithness has more than enough wind farms and this development would contribute to a 'ring of steel' around Reay;
- Adverse impact on residential amenity due to noise and shadow flicker;
- Impact on use of existing tracks around the Limekiln estate;
- Visual impact of the proposed turbines both individually and cumulatively;
- The development would result in the wind farm having more turbines than initially refused by the Scottish Government;
- Impact on ecology;
- Adverse socio-economic impacts, including impacts on tourism;
- Lack of local jobs and wider benefits to the economy or climate change;
- Dis-benefits to the community outweigh any benefits in CO2 savings
- Lack of need for the development;
- Prematurity of the development, the application should not be determined until the consented Limekiln wind farm is built so that the effects of that are able to be assessed;
- Constraints payments;
- Impact on house values;
- Alternative renewable developments would be more appropriate and efficient; and
- Procedure for determination and lack of cognisance of local opinion

Although not all directly submitted to the Scottish Ministers in response to consultation on the proposed Development, the matters raised in the representations have been considered by the Reporters at paragraph 1.18 of the PI Report and subsequently taken into account by the Scottish Ministers in reaching their decision on the proposed Development.

The Scottish Ministers have considered the matters raised in the consultation responses and in the representations made to them on the Application and are satisfied, having taken into account the EIA Report, the AI, responses to the consultation, representations made to the Application and the PI Report, that the significant environmental impacts of the proposed Development have been appropriately assessed and largely mitigated by design. Further environmental mitigation has been secured by the Scottish Ministers through the imposition of conditions attached to the planning permission.

The remaining impacts, mainly landscape and visual impacts, are considered to be acceptable in light of the overall benefits of the proposed Development. This reasoning is set out in more detail under the heading “Assessment of Determining Issues” at pages 11 to 17 of this decision letter.

Details of the representations made to the Scottish Ministers are available on the Energy Consents website at www.energyconsents.scot

The Scottish Ministers’ Considerations

Legislation and Environmental Matters

The Scottish Ministers have had regard to the matters set out in Schedule 9 of the Act in respect of the desirability of preserving the natural beauty of the countryside, of conserving flora, fauna and geological and physiological features of special interest and of protecting sites, buildings and objects of architectural, historic, or archaeological interest. The Scottish Ministers shall avoid, so far as possible, causing injury to fisheries or to the stock of fish in any waters.

In accordance with section 36(5A) of the Act, before granting any section 36 consent the Scottish Ministers are also required to:

- obtain SEPA advice on matters relating to the protection of the water environment; and
- have regard to the purposes of Part 1 of the Water Environment and Water Services (Scotland) Act 2003.

SEPA’s advice has been obtained and considered as required by section 36(5A) with due regard given to the purposes of Part 1 of the Water Environment and Water Services (Scotland) Act 2003.

SEPA have no objection to the proposed Development. They further advise that they expect the proposed Development to be capable of being authorised under the Water Environment (Controlled Activities)(Scotland) Regulations 2011.

Sufficiency of Environmental Information

Caithness West Community Council submitted at PI that the environmental information provided was incomplete and that a determination without the provision of further information would be unlawful.

The Reporters advise at paragraph 1.27 of Chapter 1 of the PI report that they “are satisfied that the EIA Report and the additional information are adequate to allow us to consider the proposal before us. We, therefore, consider that the EIA Report satisfies the terms of the Regulations, including Schedule 4, and are not persuaded that it is insufficient to enable a decision to be taken in respect of this development.”

The Scottish Ministers agree with the Reporters and are satisfied that the EIA Report and the AI have been produced in accordance with the 2017 Regulations and that their provision adequately assesses the likely significant effects of the proposed Development on the environment. The Scottish Ministers have assessed the environmental impacts of the proposed Development and taken the EIA Report, the AI, representations, consultation responses including those from NatureScot, SEPA, HES and the Planning Authority, and the PI Report into consideration in reaching their decision.

The Scottish Ministers also consider that there is sufficient information to allow the Scottish Ministers to be satisfied that the Company has 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.

The Scottish Ministers are satisfied that the Company 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.

The Scottish Ministers are also satisfied that the proposed Development would not have any adverse effect on fisheries or to stock of fish in any waters.

The Scottish Ministers have had regard to the requirements regarding publicity and consultation laid down in the Consents Regulations and the 2017 Regulations and are satisfied the general public as well as statutory and other consultees have been afforded the opportunity to consider and make representation on the proposed Development.

Conservation of Habitats and Species Regulations 2017

NatureScot informed the Scottish Ministers of the potential for the proposed Development to have a significant effect on the qualifying interests of the following Natura 2000 sites:

- the Caithness and Sutherland Peatlands SPA
- the Caithness and Sutherland Peatlands SAC
- the Caithness Lochs SPA

In compliance with the Conservation of Habitats and Species Regulations 2017, Appropriate Assessments have been carried out with respect to the above mentioned Natura sites (Annex 4). The environmental information which informed the appraisals was presented in the EIA Report which accompanied the Application. The Appropriate Assessments have therefore been produced using information already advertised in accordance with the 2017 Regulations.

The Scottish Ministers conclude, having considered information relevant to the consideration of the Caithness and Sutherland Peatlands SPA in the EIA Report, consultation responses and PI report in view of the conservation objectives of the Caithness and Sutherland Peatlands SPA, that the results of survey work and collision risk analysis demonstrate that the proposed Development will not adversely affect the integrity of the site (Annex 4(1)).

In respect of the Caithness and Sutherland SAC, following advice from NatureScot and having considered information relevant to the consideration of the Caithness and Sutherland Peatlands SAC in the EIA Report, consultation responses and PI report in view of the conservation objectives of the Caithness and Sutherland SAC, the Scottish Ministers are satisfied that subject to conditions imposing mitigation measures in respect of deer management and species protection that the proposed Development will not adversely affect the integrity of the site (Annex 4(2)).

The proposed Development site is not on a regular commuting route between feeding and roosting areas for any of the qualifying features of the Caithness Lochs SPA. Taking account of NatureScot's appraisal of the low level of recorded flight activity within 500 metres of the wind turbines in addition to relevant information within the EIA Report, consultation responses and PI report, in view of the conservation objectives of the Caithness Lochs SPA, the Scottish Ministers are satisfied that the proposed Development proposal is unlikely to disturb the roosting and foraging of the Caithness Lochs SPA's birds during both construction and operation and that the conservation objectives would be maintained (Annex 4(3)).

Main Determining Issues

Having considered the Application, the EIA Report and its AI, responses from consultees and third parties, the PI Report and Scottish Government policies, the

Scottish Ministers consider, in line with the Reporters, that the main determining issues in respect of the proposed Development are:

- The likely significant landscape and visual impacts, including effects on East Halladale Flow Wild Land Area (“WLA 39”) and residential amenity;
- The likely impacts on ornithology;
- The potential socio-economic impacts including effects on tourism and recreation
- The benefits of the proposed Development, including its renewable energy generation and net economic impact; and
- The extent to which the proposed Development accords with Scottish Government policies, the local development plan and other relevant guidance.

Assessment of the Determining Issues

Landscape and Visual Impacts, including effects on Wild Land and Residential Amenity

The Planning Authority object on the basis that the proposed Development *“is located, sited and designed in such a way that the turbines will be significantly detrimental overall, individually and cumulatively with the already consented Development. It does not demonstrate sensitive siting, has a significant adverse impact on the surrounding area and is therefore contrary to Policy 67 of the Highland Wide Local Development Plan.*

A summary of their position on agreed matters in respect of the landscape and visual impacts of the proposed Development is set out at paragraph 3.4 of Chapter 3 of the PI Report and a summary of their position at inquiry is set out in paragraphs 3.7 - 3.11 of Chapter 3.

NatureScot do not object to the proposed Development however in a summary of their position, at paragraphs 3.14–14 of Chapter 3 of the PI Report, it is noted they consider there are predicted additional significant landscape and visual effects which are contrary to both the Planning Authority’s and NatureScot’s design guidance. NatureScot accept the conclusions of the wild land assessment that the proposed Development would not result in significant adverse effects on the wild land qualities of WLA 39.

Caithness West Community Council and Reay Area Windfarm Opposition Group (CWCC & RAWOG) both object as a consequence of the landscape and visual impacts of the proposed Development as well as its impacts on WLA 39. A summary of their joint position is set out at paragraph 3.12 of Chapter 3 of the PI Report.

The Scottish Ministers note that many of the representations also cite the landscape and visual impacts, as well as the impacts on residential amenity, as the reasons for objecting.

The Reporters have considered the consultation responses of the Planning Authority, CWCC & RAWOG and NatureScot as well as comments of third parties. The Reporters' conclusions on landscape and visual impacts, impacts on WLA 39 and residential amenity are detailed in Chapter 3 of the PI Report (pages 32 – 47) with their overall conclusions set out at paragraphs 3.96-3.98 of Chapter 3.

Landscape Impacts

At paragraph 3.97 of Chapter 3 of the PI Report the Reporters conclude that *“there would be no effects on nationally or locally designated landscapes”* and that *“landscape effects would be localised and would avoid sensitive transitional areas”*.

The Scottish Ministers note the Reporters' view that the proposed Development will have a logical relationship with the consented Development which can be accommodated within the landscape setting.

The Scottish Ministers have taken account the EIA Report and its AI, consultation responses and public representations alongside the Reporters' considerations and subsequent conclusions. The Scottish Ministers agree with the Reporters' conclusions that there will be localised significant effects on the landscape but that these are acceptable.

Visual Impacts and Impacts on Residential Amenity

The Scottish Ministers also agree with the Reporters, in terms of impacts on visual amenity and residential amenity, noting the appraisal of effects undertaken by the Reporters, that;

- Significant visual effects would principally affect the settlement of Shebster;
- Effects on Broubster Forest core path would be limited and overall not significant;
- No individual residential properties would fail to meet acceptable levels of residential visual amenity.

The Scottish Ministers have taken account the EIA Report and its AI, consultation responses and public representations alongside the Reporters' considerations and subsequent conclusions. The Scottish Ministers agree with the Reporters' conclusions that significant visual effects would be limited and would mostly affect properties at Shebster but that these are not unacceptable.

Impacts on Wild Land

Impacts on wild land and in particular impacts on Wild Land Area (“WLA”) 39: East Halladale Flows (which lies approximately 1.5 km from the nearest turbine of the proposed Development) are considered by the Reporters in paragraphs 3.83 – 3.95 of Chapter 3 of the PI Report.

Neither the Planning Authority nor NatureScot object on the basis of the impact of the proposed Development on wild land, with NatureScot accepting the conclusions of the EIA Report's wild land assessment that the proposed Development would not result in significant adverse effects on the wild land qualities of WLA 39.

At paragraph 3.95 of Chapter 3 of the PI Report the Reporters conclude that the proposed Development "*would not result in any significant effects on the wild land qualities of WLA 39, over and above those previously considered acceptable in granting consent for Limekiln 2**" (* the consented Development).

The Scottish Ministers have taken account the EIA Report and its AI, consultation responses and public representations alongside the Reporters' considerations and subsequent conclusions. The Scottish Ministers agree with the Reporters' conclusions in respect of the impact of the proposed Development on WLA 39 and adopt them for the purpose of their own decision.

Impacts on Ornithology

The proposed Development site is located 1.5 km to the north of Caithness and Sutherland Peatlands SPA, which is protected for its important populations of moorland birds including common scoter and 1.6 km from the Caithness Lochs SPA protected for wintering geese and swans.

The proposed Development is likely to have a significant effect on the following qualifying interests of the Caithness and Sutherland Peatlands SPA: red-throated diver, black-throated diver, dunlin, golden eagle, golden plover, hen harrier, merlin, greenshank and common scoter as well as on the greylag geese, Greenland white-fronted geese and whooper swan interests of the Caithness Lochs SPA.

The potential impacts of the proposed Development on ornithology, in particular in relation to common scoter are considered by the Reporters in full at Chapter 4 of the PI Report with the Reporters' conclusions set out through paragraphs 4.28 to 4.37.

At paragraphs 4.8 – 4.27 the Reporters reference the consultation responses and representations, including those who raised concerns, in relation to the impacts on the ornithological interest at and in the vicinity of the application site including the Caithness and Sutherland SPA.

The Scottish Ministers note that neither NatureScot nor the Planning Authority object, subject to the imposition of conditions securing mitigation measures, on the basis of ornithological impacts, but that RSPB Scotland continue to object on the basis of impacts on common scoter citing that it is not possible to reach a conclusion of no adverse effect on site integrity for Caithness and Sutherland Peatlands SPA with regards to collision risk or barrier effect impacts on common scoter. A summary of RSPB Scotland's position is set out at paragraphs 4.21 – 4.25 of Chapter 4 of the PI Report.

At paragraph 4.32 of Chapter 4 of the PI Report the Reporters conclude that they “are satisfied that NatureScot has provided reasonable details explaining the basis of its professional judgement in relation to common scoter. We consider that there is no scientific evidence or substantive cause to doubt the validity of or to not accept NatureScot’s assessment of and conclusions on ornithological impacts. We attach weight to the view of NatureScot as a competent authority who will be familiar with the legal obligations and find that the proposal would not adversely affect the qualifying interest and conservation objectives or the integrity of the Caithness and Sutherland Peatlands SPA.”

The Scottish Ministers have taken account the EIA Report and its AI, consultation responses and public representations alongside the Reporters’ considerations and subsequent conclusions. The Scottish Ministers agree with the Reporters’ conclusions in respect of the impact of the proposed Development on ornithological species, in particular the likely effects on common scoter, and adopt them for the purpose of their own decision.

The Scottish Ministers are satisfied, in view of the conservation objectives of the Caithness and Sutherland Peatlands SPA and the Caithness Lochs SPA, that the results of survey work and collision risk analysis demonstrate that the proposed Development will not adversely affect the integrity of either site.

The Scottish Ministers note that the Reporters have recommended that a condition be attached to any section 36 consent to secure a sum of money to fund a common scoter research programme. The Scottish Ministers are satisfied that the effects of the proposed Development on common scoter do not undermine the integrity of the Caithness and Sutherland Peatlands SPA and therefore it is not considered necessary to impose this as a condition of the section 36 consent.

It is acknowledged that the Company has offered to contribute to such a scheme being set up but this proposal has not been considered by the Scottish Ministers as relevant to reaching a conclusion on the effects of the proposed Development on common scoter or to the overall determination.

Socio-economic impacts including effects on tourism and recreation.

The Reporters have set out their considerations and conclusions on the socio-economic effects (including effects on recreation and tourism) of the proposed Development at Chapter 5, paragraph 5.37 – 5.40 of the PI Report.

Scottish Planning Policy 2014 (“SPP”) advises that proposals for energy infrastructure developments should always take account of spatial frameworks for wind farms where these are relevant. Considerations will vary relative to the scale of the proposal and area characteristics but are likely to include, as well as a number of other considerations, net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.

The transition to a low carbon economy is an opportunity for Scotland to take advantage of our natural resources to grow low carbon industries and create jobs.

The Scottish Ministers note the overall conclusions at paragraphs 7.19 and 7.34 of Chapter 7 of the PI Report that the proposed Development “*would have no significant effects on tourism and recreation*” and “*would over the construction and operational period, deliver significant socio-economic benefits of local significance.*” The Scottish Ministers are satisfied that there would be economic benefits arising from both the construction and operational phases of the proposed Development.

Renewable Energy Generation and Targets

National Planning Framework 3 (“NPF3”) is clear that planning must facilitate the transition to a low carbon economy, and help to deliver the aims of the Scottish Government’s Report on Proposals and Policies. Our spatial strategy facilitates the development of generation technologies that will help to reduce greenhouse gas emissions from the energy sector. Scotland has significant renewable energy resources, both onshore and offshore.

The seriousness of climate change, its potential effects and the need to cut carbon dioxide emissions, remain a priority for the Scottish Ministers. The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 (the “2019 Act”) sets a target for Scotland to be carbon-neutral, meaning net-zero emissions by 2045 at the latest. Additionally the 2019 Act sets out two interim targets to reduce emissions by 75% by 2030 and by 90% by 2040.

The proposed Development makes a valuable contribution towards meeting greenhouse gas emission and renewable electricity targets. The proposed Development will have a generating capacity of up to 21 MW based on current technology. The Scottish Ministers agree with the conclusions of the Reporters at paragraph 7.34 of Chapter 7 of the PI Report that the proposed Development “*would make a positive contribution in terms of renewable energy generation and carbon reduction. While the scale of the positive effects is limited they remain an important consideration and gain support from the UK and national energy and climate change context*” and are therefore satisfied that the deployment of this amount of renewable energy produced in Scotland is entirely consistent with the Scottish Government’s policy on the promotion of renewable energy and its target date for net-zero emissions of all greenhouse gases by 2045.

The carbon payback figures for the proposed Development has been presented in the chapter 5 of the EIA Report referencing the approved Scottish Government carbon calculator. In overall terms the proposed Development, if built, would be expected to have a payback period of 1.8 years if it replaces the fossil fuel mix and 3.3 years if it replaces a grid mix of electricity generation.

Whilst noting the limitations of any such calculations, the online carbon calculator provides the best available means by which carbon calculations can be provided in a consistent and comparable format.

Scottish Government Policies and Local Development Plan

Chapter 2 of the PI Report sets out the policy context against which the proposed Development should be considered and Chapter 7 of the PI Report sets out the Reporters' consideration and assessment of the proposed Development in the context of relevant national climate change and energy policy, national planning policy and other relevant local planning policy and guidance.

Scotland's renewable energy and climate change targets, energy policies and planning policies are all material considerations when weighing up the proposed Development. NPF3, SPP, the Energy Strategy and the Onshore Wind Policy Statement make it clear that renewable energy deployment remains a priority of the Scottish Government. This is a matter which should be afforded significant weight in favour of the proposed Development.

Scottish Government's Energy Strategy and Onshore Wind Policy Statement ("OWPS") sets out targets for the increase in the supply of renewable energy. The OWPS in particular reaffirms the vital role for onshore wind in meeting Scotland's energy targets. The statement sets out the Scottish Government's position for the ongoing need for more onshore wind development in locations across Scotland where it can be accommodated. There is also clear support in principle for extending existing sites by making best use of the potential at existing sites.

The aforementioned NPF3 sets out Scottish Government's commitment to establishing Scotland as a leading location for the development of renewable energy technology. In Scotland there has been significant progress towards low carbon objectives whilst continuing to protect our special places from significant adverse impacts.

SPP contains guidance in respect of the granting of consent for wind farm development and is to be read and applied as a whole. It sets out overarching principal policies to be applied to all development and subject policies which set out guidance in respect of development management.

An overarching principle of SPP is that the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits over the longer term. The aim is to achieve the correct development in the right place, it is not to allow development at any cost. This means that decisions and policies should be guided by certain principles including, among others, giving due weight to net economic benefit; supporting the delivery of infrastructure; supporting climate change mitigation and protecting natural heritage. The aims of these policies require to be considered and balanced when reaching a decision on applications for wind energy development. At Chapter 7 of the

PI Report the Reporters have taken account of the proposed Development against the provisions of SPP with their conclusions set out at paragraphs 7.19 - 7.21 where they find, in the context of their detailed consideration against policy 169 of SPP, that the proposed Development is supported by SPP.

The relevant development plan policies for the proposed Development are contained in the Highland-wide Local Development Plan 2012 and the statutory supplementary guidance associated with the plan, the Onshore Wind Energy Supplementary Guidance.

The Reporters' conclusions on the development plan are found at paragraph 7.27 of Chapter 7 of the PI Report where they conclude "*we do not consider that the proposal fails to comply overall with the development plan and associated Supplementary Guidance.*"

With regards to the policy context more generally, the Scottish Ministers have taken account of the Reporters' considerations at Chapter 7 of the PI Report, and agree the proposed Development is supported by both national and local planning policies, and adopt this reasoning for the purposes of their own decision.

The Scottish Ministers are satisfied that although the proposed Development will have significant localised landscape and visual impacts, overall these do not outweigh the benefits of the proposed Development.

Emerging Policy

The Scottish Ministers note that following the inquiry and hearing sessions, and prior to completion of the PI Report and its submission to Scottish Ministers, the Onshore Wind Policy Statement Refresh 2021: Consultative Draft was published (in October 2021) and Scotland 2045 Fourth National Planning Framework Draft ("Draft NPF4") was laid in Parliament (on 10 November 2021). The parties were invited by the Reporters to make submissions on their relevance to this Application, these are addressed by the Reporters within chapter 7 of the PI Report.

The Draft NPF4 sets out the spatial strategy with a shared vision that is to guide future development in a way which reflects the overarching spatial principles: sustainable places, liveable places, productive places and distinctive places. Relevant policies in Draft NPF4 strengthen the support afforded to renewable energy development proposals which are not sited in National Scenic Areas or National Parks, setting out that renewable energy proposals should be supported in principle unless the impacts identified are unacceptable.

Onshore Wind Policy Statement Refresh 2021: Consultative Draft sets out that additional onshore wind will be vital to Scotland's future energy mix and in meeting net zero targets.

The Scottish Ministers note the position taken by the Reporters in Chapter 7, paragraph 7.17 and agree that irrespective of the direction of travel in relation to national planning and energy policy and the declaration of the climate emergency, both SPP and NPF3 remain the extant position on planning policy.

The Scottish Ministers have considered both Draft NPF4 and Onshore Wind Policy Statement Refresh 2021: Consultative Draft. Taking account that both are at the consultative draft stage the Scottish Ministers have afforded them limited weight.

The Scottish Ministers' Conclusions

Reasoned Conclusions on the Environment

The Scottish Ministers are satisfied that the EIA Report and the AI have been produced in accordance with the 2017 Regulations and that the procedures regarding publicity and consultation laid down in the those Regulations have been followed.

The Scottish Ministers have fully considered the EIA Report and the AI, the consultation responses, representations, the findings, conclusions and recommendation of the PI Report and are satisfied that the environmental impacts of the proposed Development have been sufficiently assessed. The Scottish Ministers have taken the environmental information into account when reaching their decision.

Taking into account the above assessment, subject to conditions to secure environmental mitigation, the Scottish Ministers consider the environmental effects of the proposed Development are mostly overcome with the exception of significant local landscape and visual effects.

The Scottish Ministers are satisfied, having regard to current knowledge and methods of assessment, that this reasoned conclusion addresses the likely significant effects of the proposed Development on the environment. The Scottish Ministers are satisfied that this reasoned conclusion is up to date.

Acceptability of the proposed Development

The proposed Development, if built, will contribute to renewable energy targets and towards reducing greenhouse emissions. Benefits to the Scottish economy are anticipated alongside short and longer term benefits to the Planning Authority area.

The Scottish Ministers acknowledge that there will be some significant localised landscape and visual impacts, however Ministers are satisfied that these are acceptable in the context of the benefits that the proposed Development will bring.

The Scottish Ministers are satisfied that the other environmental issues will be appropriately addressed by the mitigation measures secured by relevant conditions attached to the planning permission deemed to be granted by the Scottish Ministers.

The Scottish Ministers consider that these are significant considerations which strongly support the decision to grant consent under section 36 of the Act, and for deemed planning permission to be granted.

Duration of planning permission

Section 58(1) of the Town and Country Planning (Scotland) Act 1997 provides that planning permission will lapse if development has not begun within a period of 3 years. Section 58(2) of that Act enables the Scottish Ministers to direct that a longer period is allowed before planning permission will lapse. Scottish Government policy is that due to the constraints, scale and complexity of constructing such developments, a 5-year time scale for the commencement of development is typically appropriate.

As a consequence of the potential delays the COVID 19 pandemic may have on predicted construction timescales the Scottish Ministers consider it is reasonable to add an additional year to typical timescales. The Scottish Ministers therefore direct that section 58(1) of the Town and Country Planning (Scotland) Act 1997 is not to apply and that planning permission is to lapse on the expiry of a period of 6 years from the date of this direction if there has been no development within that period.

The Scottish Ministers' Determination

As set out above the Scottish Ministers have considered fully the Reporters' findings and their reasoned conclusions, including their reasoned conclusion on the likely significant effects of the proposed Development on the environment, and adopt them for the purposes of their own decision.

The Scottish Ministers agree with the Reporters' recommendation that section 36 consent should be granted for the construction and operation of Limekiln Wind Farm Extension, and that a direction deeming planning permission to be granted should be given for the Development.

Subject to the conditions set out in Annex 2, Part 1, the Scottish Ministers grant consent under section 36 of the Electricity Act 1989 for the construction and operation of the Limekiln Wind Farm Extension, a wind powered electricity generating station in the Highland Council area, as described at Annex 1.

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

Section 36 consent and expiry of Planning Permission

The consent hereby granted will last for a period of 40 years from the earlier of: i) the date when electricity is first exported to the electricity grid network from all of the wind turbines hereby permitted; or ii) the date falling 18 months after electricity is generated from the first of the wind turbines hereby permitted.

The Scottish Ministers direct that section 58(1) of the Town and Country Planning (Scotland) Act 1997 is not to apply with regard to that planning permission, and that planning permission is to lapse on the expiry of a period of 6 years from the date of this direction, unless the development to which the permission relates is begun before the expiry of that period.

In accordance with the 2017 Regulations, the Company must publicise notice of this determination and how a copy of this decision letter may be inspected on the application website, in the Edinburgh Gazette and a newspaper circulating in the locality in which the land to which the application relates is situated.

Copies of this letter have been sent to the public bodies consulted on the Application including the Planning Authority, NatureScot, SEPA and HES. 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:

<https://www.scotcourts.gov.uk/docs/default-source/rules-and-practice/rules-of-court/court-of-session/chap58.pdf?sfvrsn=20>

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

Yours sincerely,

William Black
For and on behalf of the Scottish Ministers
A member of the staff of the Scottish Government

Annex 1 - Description of Development;

Annex 2 - (Part 1) Conditions attached to section 36 consent and (Part 2) Conditions attached to Deemed Planning Permission;

Annex 3 - Site Layout; and

Annex 4 - Appropriate Assessments in respect of: the Caithness and Sutherland Peatlands Special Protection Area (SPA), the Caithness and Sutherland Peatlands Special Area of Conservation (SAC) and the Caithness Lochs SPA

Annex 1: Description of Development

The wind powered electricity generating station by the name of Limekiln Wind Farm Extension, to be operated as an extension to Limekiln Wind Farm, located on land south east of Reay in Caithness in the Highland Council planning area, with a generating capacity of around 21MW and battery electricity storage with an installed capacity of around 5MW together with all ancillary infrastructure described in more detail in Chapter 3 of Volume 1 of the EIA Report depicted in Figure 3 (Annex 3).

The principal components of Limekiln Wind Farm Extension and its ancillary development comprise:

- 5 wind turbines of up to 149.9m ground to blade tip height, and their foundations;
- energy storage, likely to comprise of lithium ion batteries housed containers, associated heating, ventilation and air conditioning paired power conversion systems and associated landscaping;
- crane hardstandings;
- new onsite access tracks with turning points and water crossings;
- a wind farm control building (shared with Limekiln Wind Farm);
- substation and substation control building (shared with Limekiln Wind Farm);
- temporary site construction compound and laydown area (shared with Limekiln Wind Farm); and
- underground cabling from the turbines to the control building and substation;
- two borrow pits (one of which already has permission through the consented Limekiln Wind Farm).

Annex 2 part 1 - Section 36 consent conditions

1. Defining Duration of the consent

- (1) Written confirmation of the date of First Commissioning shall be provided to the Planning Authority and the Scottish Ministers no later than one calendar month after that date.
- (2) Written confirmation of the date of Final Commissioning shall be provided to the Planning Authority and the Scottish Ministers no later than one calendar month after that date.

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

2. Commencement of development

- (1) The Commencement of Development shall not occur later than five years from the date of this consent, or in substitution, such other period as the Scottish Ministers may hereafter direct in writing.
- (2) Written confirmation of the intended date of Commencement of Development shall be provided to the Planning Authority and the Scottish Ministers no later than one calendar month before that date.

Reason: *To avoid uncertainty and ensure that the consent is implemented within a reasonable period and to allow the Planning Authority and Scottish Ministers to monitor compliance with obligations attached to this consent and deemed planning permission as appropriate.*

3. Non-assignment

This consent may not be assigned without the prior written authorisation of the Scottish Ministers. The Scottish Ministers may authorise the assignment of the consent (with or without conditions) or refuse assignment as they may, in their own discretion, see fit. The consent shall not be capable of being assigned, alienated or transferred otherwise than in accordance with the foregoing procedure. The Company shall notify the 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 assignment having been granted.

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

4. Serious incident reporting

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

Annex 2 part 2 - Deemed planning permission conditions

5. Approved Details

The development shall be undertaken in accordance with the Application and Environmental Impact Assessment Report dated 14 May 2020, including the list of mitigation and enhancement measures contained within Table 3.7, except in so far as amended by the terms of this consent.

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

6. Redundant turbines

- (1) 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.
- (2) If deemed to have ceased to be required, then the wind turbine and its ancillary equipment will be dismantled and removed from the site 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.*

7. Failure of Development to Generate Electricity

- (1) 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 60% 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.
- (2) The Planning Authority shall have due regard to the circumstances surrounding the failure to generate and shall take the decision on decommissioning following discussions with the Scottish Ministers and other such parties as the Planning Authority consider appropriate.

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

8. Design and Operation of Wind Turbines

- (1) No development shall commence unless and until full details of the wind turbines hereby permitted, including each turbine number and specific height of that turbine, have been submitted to and approved in writing by the Planning Authority. These details shall include:
 - (a) the make, model, design, direction of rotation (all wind turbine blades shall rotate in the same direction), power rating, sound power level and dimensions of the turbines to be installed; and
 - (b) the external colour and/or finish of the wind turbines to be used (including towers, nacelles and blades) which shall be non-reflective, pale grey semi-matte.
- (2) No text, sign or logo shall be displayed on any external surface of the wind turbines, save those required by law under other legislation.
- (3) Thereafter, the wind turbines shall be installed and operated in accordance with these approved details and, with reference to part (b) above, the wind turbines shall be maintained in the approved colour, free from rust, staining or discolouration until such time as the wind farm is decommissioned.
- (4) All cables between the turbines and between the turbines and the control building on site shall be installed and kept underground.

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

9. Signage

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

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

10. Design of the 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, associated compounds, construction compound boundary fencing, external lighting and parking areas have been submitted to, and approved in writing by, the Planning Authority;

- (2) The substation building, associated compounds, fencing, external lighting and parking areas shall be constructed in accordance with the details approved under paragraph (1).

Reason: *To safeguard the visual amenity of the area.*

11. Decommissioning and Site Restoration

- (1) Upon either the expiration of a period of 40 years from the Date of Final Commissioning or the completion of decommissioning of the Consented Limekiln Wind Farm, whichever occurs the earliest, the wind turbines shall be decommissioned and removed from the site, with decommissioning and restoration works completed in accordance with the terms of this condition.
- (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 2 years before decommissioning of the Development or the expiration of this consent (whichever is the earlier), a detailed decommissioning, restoration and aftercare plan, based upon the principles of the approved decommissioning, restoration and aftercare strategy, shall be submitted to and approved in writing by 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) a pollution prevention and control method statement, including arrangements for the storage and management of oil and fuel on the site;

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

(4) The Development shall be decommissioned, the site restored and aftercare undertaken and completed in accordance with the approved plan.

Reason: *To ensure the decommissioning and removal of the Development in an appropriate and environmentally acceptable manner and the restoration of the Site - in the interests of safety, amenity and environmental protection*

12. Supply of energy to the National Grid

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

(2) In the event that:

- (a) any one or more (up to three) of the wind turbine generators hereby permitted cease to export electricity to the grid for a continuous period of 6 months, unless otherwise agreed in writing with the Planning Authority, then a scheme shall be submitted to the Planning Authority for its written approval within 3 months from the end of that 6 month period for the repair or removal of those turbines. The scheme shall include either a programme of remedial works where repairs to the relevant turbine(s) are required, or a programme for removal of the relevant turbine(s) and associated above groundworks approved under this permission and the removal of the turbine foundations to a depth of at least 1 metre below ground and for site restoration measures following the removal of the relevant turbine(s). The scheme shall thereafter be implemented in accordance with the approved details and timetable;
- (b) four or more of the wind turbine generators hereby permitted cease to export electricity to the grid for a continuous period of 12 months, unless otherwise agreed in writing with the Planning Authority, then a scheme shall be

submitted to the Planning Authority for its written approval within 3 months of the end of that 12 month period for either the repair of those turbines, including a programme of remedial works, or decommissioning of the development in accordance with Condition 11. The approved scheme shall then be implemented in accordance with the programme contained therein.

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

13. Financial provision

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

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

14. Micrositing

- (1) The wind turbines hereby permitted shall be erected in the locations of Figure 3.0 of the AI, at the following grid co-ordinates:

Turbine	Easting	Northing
5	299410	961991
6	299636	961633
3	299842	961209
9	299998	960677
2	299937	960079

- (2) Wind turbines, buildings, masts, areas of hardstanding and tracks may be adjusted by micro-siting within the site. However, unless otherwise approved in advance in writing by the Planning Authority in consultation with the ECoW, micro-siting is subject to the following restrictions:
- (a) the wind turbines and other infrastructure hereby permitted may be micro-sited within 50 metres save that no wind turbine or other infrastructure may be micro-sited to less than 50 metres from surface water features, except access tracks in the vicinity of watercourse crossings; and;
 - (b) in the case of Turbine 2, it may not be micro-sited any closer to an area of deep peat than its current position.
- (3) A plan showing the final position of all wind turbines, buildings, masts, areas of hardstanding, tracks and associated infrastructure forming part of the Development shall be submitted to the Planning Authority and SEPA within one month of the completion of the Development works. The plan shall also specify areas where micro-siting 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. Borrow Pits – Scheme of Works

- (1) No development shall commence unless and until a scheme for the working and restoration of each borrow pit has been submitted to, and approved in writing by, the Planning Authority (in consultation with SEPA). The scheme shall include:
- (c) a detailed working method statement based on site survey information and ground investigations;
 - (d) details of the handling of any overburden (including peat, soil and rock);
 - (e) drainage measures, including measures to prevent surrounding areas of peatland, water dependant sensitive habitats and Ground Water Dependent Terrestrial Ecosystems (GWDTE) from drying out;
 - (f) a programme of implementation of the works described in the scheme; and;

- (g) details of the reinstatement, restoration and aftercare of the borrow pit(s) to be undertaken at the end of the Construction Period, including topographic surveys of pre-construction profiles and details of topographical surveys to be undertaken of the restored borrow pit profiles.

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

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

16. Borrow pits – blasting

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

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

17. Environmental Clerk of Works

- (1) No development shall commence unless and until the terms of appointment of an independent Environmental 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 EIA Report and AI and the Construction Environmental Management Plan, Peat Management Plan, Habitat Management Plan, Species Protection Plan, Bird Protection Plan, Water Quality Management Plan and other plans approved in terms of the conditions of this permission ("the ECoW Works");
 - (b) advise on micro-siting proposals issued pursuant to Condition 14;
 - (c) require the ECoW to report to the nominated construction project manager any incidences of non-compliance with the ECoW Works at the earliest practical opportunity and stop the job where any breach has been identified until the time that it has been reviewed by the construction project manager;
 - (d) require the ECoW to report to the Planning Authority any incidences of non-compliance with the ECoW Works and terms of the deemed planning permission at the earliest practical opportunity; and
 - (e) impose a duty to submit a quarterly report to the Planning Authority summarising works undertaken on site.

- (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 terms approved by the Planning Authority throughout the decommissioning, restoration and aftercare phases of the Development.

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

18. Construction Method Statement

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

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

- (q) cleaning of site entrances, site tracks and the adjacent public road and the sheeting of all HGVs taking spoil or construction materials to/from the site to prevent spillage or deposit of any materials on the road;
- (r) details and a timetable for post construction restoration/reinstatement of the temporary working areas, and the construction compound;
- (s) working practices for protecting nearby residential dwellings, including general measures to control noise and vibration arising from on-site activities, shall be adopted as set out in British Standard 5228 Part 1: 2009;
- (t) location of fencing to be erected around Milton Township and the associated rig and furrow;
- (u) areas on site designated for the storage, loading, off-loading, parking and manoeuvring of heavy duty plant, equipment and vehicles;
- (v) a Site Waste Management Plan to include details of measures to be taken during the Construction Period to minimise the disturbance of soil and peat;
- (w) site specific details for management and operation of any concrete batching plant (including disposal of pH rich waste water and substances); and
- (x) details of watercourse crossings, which shall be designed and implemented in accordance with SEPA's requirements.

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

19. Construction Environmental Management Plan

- (1) No development shall commence unless and until a Construction Environmental Management Plan ("CEMP") outlining site specific details of all on-site construction works, post-construction reinstatement, drainage and mitigation, together with details of their timetabling, has been submitted to and approved in writing by the Planning Authority in consultation with SEPA. The CEMP shall include:
 - (a) a peat management plan including peat slide hazard and risk assessment and emergency plans for peat slide;
 - (b) a species protection plan;
 - (c) a bird protection plan; and
 - (d) a water quality management plan.
- (2) 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 dated*

May 2020 which accompanied the application, or as otherwise agreed, are fully implemented.

20. Hours of Construction

Construction work which is audible from any noise-sensitive receptor shall only take place on the site between the hours of 0700 to 1900 on Mondays to Fridays inclusive and 0700 to 1830 on Saturdays, with no construction work taking place on a Sunday or on a Public Holiday. Outwith these specified hours, construction activity shall be limited to concrete pours, wind turbine erection and delivery, maintenance, emergency works, dust suppression, and the testing of plant and equipment.

Reason: *In the interests of local amenity to restrict noise impacts and ensure the protection of the local environment.*

21. Traffic Management Plan

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

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

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

22. Floating Access Tracks

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

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

23. Habitat Management Plan

- (1) No development shall commence unless and until a Habitat Management Plan ("HMP"), which will include the mitigation measures described within the Environmental Impact Assessment Report May 2020, has been submitted to, and approved in writing by the Planning Authority in consultation with NatureScot, and SEPA.
- (2) The HMP shall set out proposed habitat management of the site during the period of construction, operation, decommissioning, restoration and aftercare, and shall provide for the maintenance, monitoring and reporting of habitat on site and ensure that Aim 3 of the Outline Habitat Management Plan to not restock forest stands where they are adjacent to blanket bog and design a programme of habitat restoration works on suitable areas where restocking is not taking place is delivered as a priority over the forestry restocking.
- (3) The HMP shall include provision for regular monitoring and review to be undertaken to consider whether amendments are needed to better meet the habitat plan objectives. In particular, the approved habitat management plan shall be updated to reflect ground condition surveys undertaken following construction and prior to the date of Final Commissioning and submitted for the written approval of the Planning Authority in consultation with NatureScot and SEPA.
- (4) Unless and until otherwise agreed in advance in writing with the Planning Authority, the approved HMP (as amended from time to time) shall be implemented in full.

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

24. Species Specific Surveys

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

- (a) otter surveys at watercourses and adjacent suitable habitats and within a 250 metres radius of each wind turbine and associated infrastructure;
- (b) water vole surveys at watercourses and adjacent suitable habitats up to 200 metres upstream and downstream of watercourse crossings;
- (c) pine marten surveys at suitable habitats prior to tree felling, vegetation removal and dismantling of log and rubble piles;
- (d) bat surveys between May and September to include surveys at all structures within 30 metres of proposed works;
- (e) breeding bird surveys, particularly for breeding waders and raptors, of any land affected by construction activity, plus an appropriate buffer as agreed with the ECoW to identify any species within disturbance distance of construction activity (only required if construction work is carried out during the bird breeding season from 15 March to 31 August inclusive);
- (f) electrofishing surveys at Achvarasdal Burn;
- (g) badger surveys at suitable habitats and within 30 metres of each wind turbine and associated infrastructure.

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

Reason: *In the interests of nature conservation.*

25. Forestry

No development shall commence unless and until a Forestry Residue Management Plan is submitted to and approved in writing by the Planning Authority in consultation with SEPA, this should include that there will be no felling to waste. Thereafter, the Forestry Residue Management Plan shall be implemented as approved.

Reason: In the interests of nature conservation and to ensure that forest waste is managed appropriately with respect to the intended peatland restoration and habitat management elements of the development.

26. Forestry Felling

No development shall commence until revised felling and restocking proposals for Limekiln Long Term Forest Plan (ref: 16FGS09175) and Broubster Long Term Forest Plan (ref: 16FGS11837) have been submitted to and approved in writing by the Planning Authority, in consultation with Scottish Forestry.

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

27. Replanting of Forestry

No development shall commence until the Compensatory Planting Plan (CPP) is submitted to and approved in writing by the Planning Authority, in consultation with Scottish Forestry. The CPP must include the commitment to replant an area (minimum of 14.1 ha) equating to the area of permanent woodland lost to accommodate the proposed development), the design of planting, timing of delivery and ongoing management and maintenance arrangements. The approved CPP shall be implemented in full and in accordance with the approved timing, unless otherwise agreed in writing by the Planning Authority.

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

28. Access

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

Reason: *In the interests of securing public access rights.*

29. Archaeology

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

- (a) an archaeological evaluation to be undertaken in accordance with the agreed WSI; and
- (b) an archaeological recording programme the scope of which will be dependent upon the results of the evaluation and will be in accordance with the agreed WSI.

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

30. Peat

No development shall commence unless and until the Company has appointed an independent and suitably qualified geotechnical engineer as a Geotechnical Clerk of Works ("GCoW"), the terms of whose appointment (including specification of duties

and duration of appointment) shall be approved by the Planning Authority. The terms of the appointment shall impose a duty to monitor compliance with the Peat Management Plan referred to in condition 19(1)(a).

Reason: *To ensure a satisfactory level of environmental protection.*

31. Air Safety

- (1) No turbine shall be erected until a scheme for aviation lighting for the wind farm consisting of Ministry of Defence accredited infra-red aviation lighting has been submitted to and approved in writing by the Planning Authority in consultation with the MoD. The turbines shall be erected with the approved lighting installed and the lighting shall remain operational throughout the duration of the permission. No visible aviation lighting shall be installed.
- (2) No development shall commence unless and until the Company has provided the Planning Authority, Ministry of Defence, Defence Geographic Centre and National Air Traffic Services ("NATS") with the following information, and has provided evidence to the Planning Authority of having done so:
 - (a) the date of the expected commencement of each stage of construction;
 - (b) the height above ground level of the tallest structure forming part of the Development;
 - (c) the maximum extension height of any construction equipment; and
 - (d) the position of the wind turbines and masts in latitude and longitude.

Reason: *In the interests of aviation safety.*

32. Private Water Supply

- (1) No development shall commence unless and until a private water supply method statement and monitoring plan in respect of private water supplies has been submitted to, and approved in writing by, the Planning Authority.
- (2) The detail of the private water supply method statement must detail all mitigation measures to be taken to secure the quality, quantity and continuity of water supplies to properties which are served by private water supplies at the date of the section 36 consent and which may be affected by the Development.
- (3) The private water supply method statement shall include water quality sampling methods and shall specify abstraction points.
- (4) The approved private water supply method statement and monitoring plan shall be implemented in full.

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

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

33. Hydrology

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

Reason: *To ensure that surface water drainage is provided timeously and complies with the principles of SUDS; in order to protect the water environment.*

34. Deer Management

The existing deer fence shall be retained and maintained during construction and operation.

Reason: *To ensure that there will be no impacts on the Caithness and Sutherland Peatland SAC as a result of deer displacement.*

35. Noise

The rating level of noise immissions from the combined effects of the wind turbines and of the wind turbines within the adjoining wind farm known as Limekiln (including the application of any tonal penalty) when determined in accordance with the attached Guidance Notes, shall not exceed the values for the relevant integer wind speed set out in, or derived from, the tables attached to these conditions at any dwelling which is lawfully existing or has planning permission at the date of this permission and:

- (a) The Company shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1(d). These data shall be retained for a period of not less than 24 months. The Company shall provide this information in the format set out in Guidance Note 1(e) to the Planning Authority on its request, within 14 days of receipt in writing of such a request.
- (b) No electricity shall be exported until the Company has submitted to the Planning Authority for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition.

Amendments to the list of approved consultants shall be made only with the prior written approval of the Planning Authority.

- (c) 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 to assess the level of noise immissions from the wind farm at the complainant's property in accordance with the procedures described in the attached Guidance Notes. The written request from the Planning Authority shall set out at least the date, time and location that the complaint relates to and any identified atmospheric conditions, including wind direction, and include a statement as to whether, in the opinion of the Planning Authority, the noise giving rise to the complaint contains or is likely to contain a tonal component.
- (d) The assessment of the rating level of noise immissions shall be undertaken in accordance with an assessment protocol that shall previously have been submitted to and approved in writing by the Planning Authority. The protocol shall include the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken, whether noise giving rise to the complaint contains or is likely to contain a tonal component, and also the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise immissions. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Planning Authority under paragraph (c), and such others as the independent consultant considers likely to result in a breach of the noise limits.
- (e) Where a dwelling to which a complaint is related is not listed in the tables attached to these conditions, the 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 dwelling for compliance checking purposes. The proposed noise limits are to be those limits selected from the Tables specified for a listed location which the independent consultant considers as being likely to experience the most similar background noise environment to that experienced at the complainant's dwelling. The rating level of noise immissions resulting from the combined effects of the wind turbines when determined in accordance with the attached Guidance Notes shall not exceed the noise limits approved in writing by the Planning Authority for the complainant's dwelling.
- (f) The wind farm operator shall provide to the Planning Authority the independent consultant's assessment of the rating level of noise immissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Planning Authority for compliance measurements to be made under paragraph (c), unless the time limit is extended in writing by the Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in 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 Planning Authority with the independent consultant's assessment of the rating level of noise immissions.

- (g) Where a further assessment of the rating level of noise immissions from the wind farm is required pursuant to Guidance Note 4(c), the Company shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph (d) above unless the time limit has been extended in writing by the Planning Authority.

Table 1 – Between 07:00 and 23:00 – Noise limits expressed in dB LA90,10 minute as a function of the measured wind speed (m/s) at 10 metre height as determined within the site averaged over 10 minute periods.

Location	Measured wind speed at 10 metre height (m/s) within the site averaged over 10-minute periods									
	3	4	5	6	7	8	9	10	11	12
Achins	35	35	35	35	35	35	35	35	35	35
Reay	35	35	35	35	35	35	35	35	35	35
Borum House	35	35	35	35	35	35	35	35	35	35
Milton	35	35	35	35	35	35	35	35	35	35
Loanscorribest	35	35	35	35	35	35	35	35	35	35
Achunabust	35	35	35	35	35	35	35	35	35	35
Water Plant Houses	35	35	35	35	35	35	35	35	35	35
Rathlin	35	35	35	35	35	35	35	35	35	35
Shebster	35	35	35	35	35	35	35	35	35	35

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

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

Rathlin	38	38	38	38	38	38	38	38	38	38
Shebster	38	38	38	38	38	38	38	38	38	38

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

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

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

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

36. Site Inspection Plan

- (1) Prior to the Date of Final Commissioning the Company must submit a draft Site Inspection Strategy (SIS), for the written approval of the Planning Authority. This shall set out details for the provision of site inspections and accompanying Site Inspection Reports (SIR) to be carried out at 25 years of operation from the Date of Final Commissioning and every 5 years thereafter. At least one month in advance of submitting the SIR, the scope of content shall be agreed with the Planning Authority. The SIR shall include, but not be limited to:
 - (a) Requirements to demonstrate that the infrastructure of the Development is still fit for purpose and operating in accordance with condition 8 and condition 35; and
 - (b) An engineering report which details the condition of tracks, turbine foundations and the wind turbine generators and sets out the requirements and the programme for the implementation for any remedial measures which may be required.
- (2) Thereafter the SIS and SIR shall be implemented in full unless otherwise agreed in advance in writing by the Planning Authority.

Reason: *To ensure the condition of the infrastructure associated with the Development is compliant with the EIA Report, condition 8 and condition 35 and is to ensure the Development is being monitored at regular intervals throughout its operation.*

Guidance Notes for Noise Conditions – Condition 35

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

Guidance Note 1

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

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

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

(d) To enable compliance with the conditions to be evaluated, the Company shall continuously log arithmetic mean wind speed in metres per second and wind direction

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

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

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

Guidance Note 2

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

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

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

Guidance Note 3

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

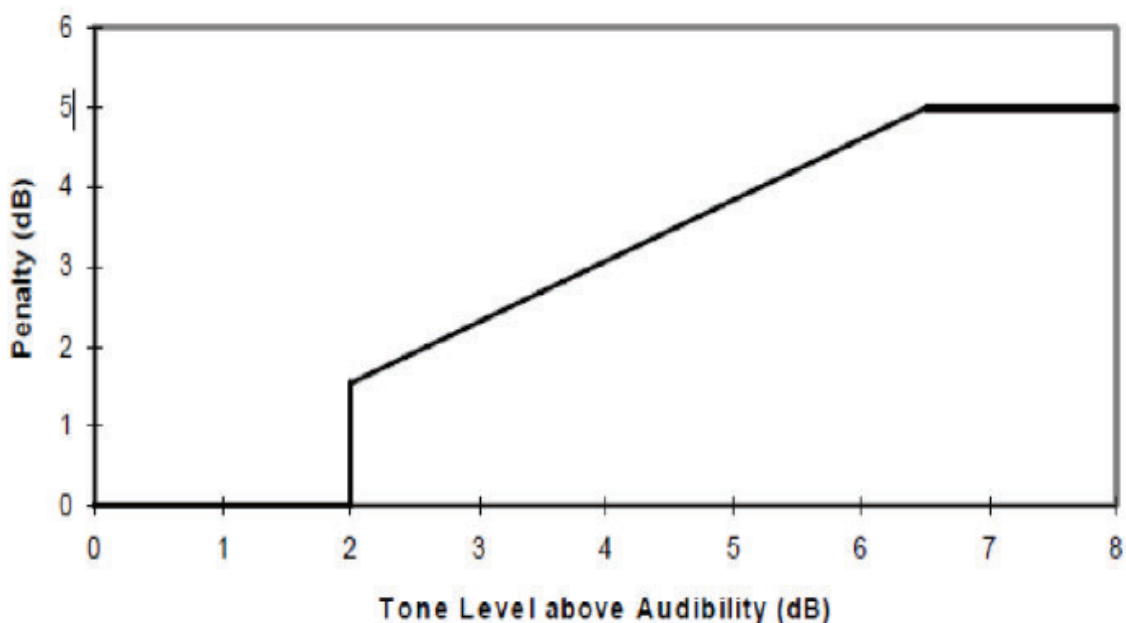
(b) For each 10 minute interval for which LA90,10 minute data have been determined as valid in accordance with Guidance Note 2 a tonal assessment shall be performed on noise immissions during 2 minutes of each 10 minute period. The 2 minute periods should be spaced at 10 minute intervals provided that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

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

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

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

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



Guidance Note 4

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

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

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

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

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

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

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

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

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

the values set out in the Tables attached to the conditions or the noise limits approved by the Planning Authority for a complainant's dwelling in accordance with paragraph (e) of the noise condition then the development fails to comply with the conditions.

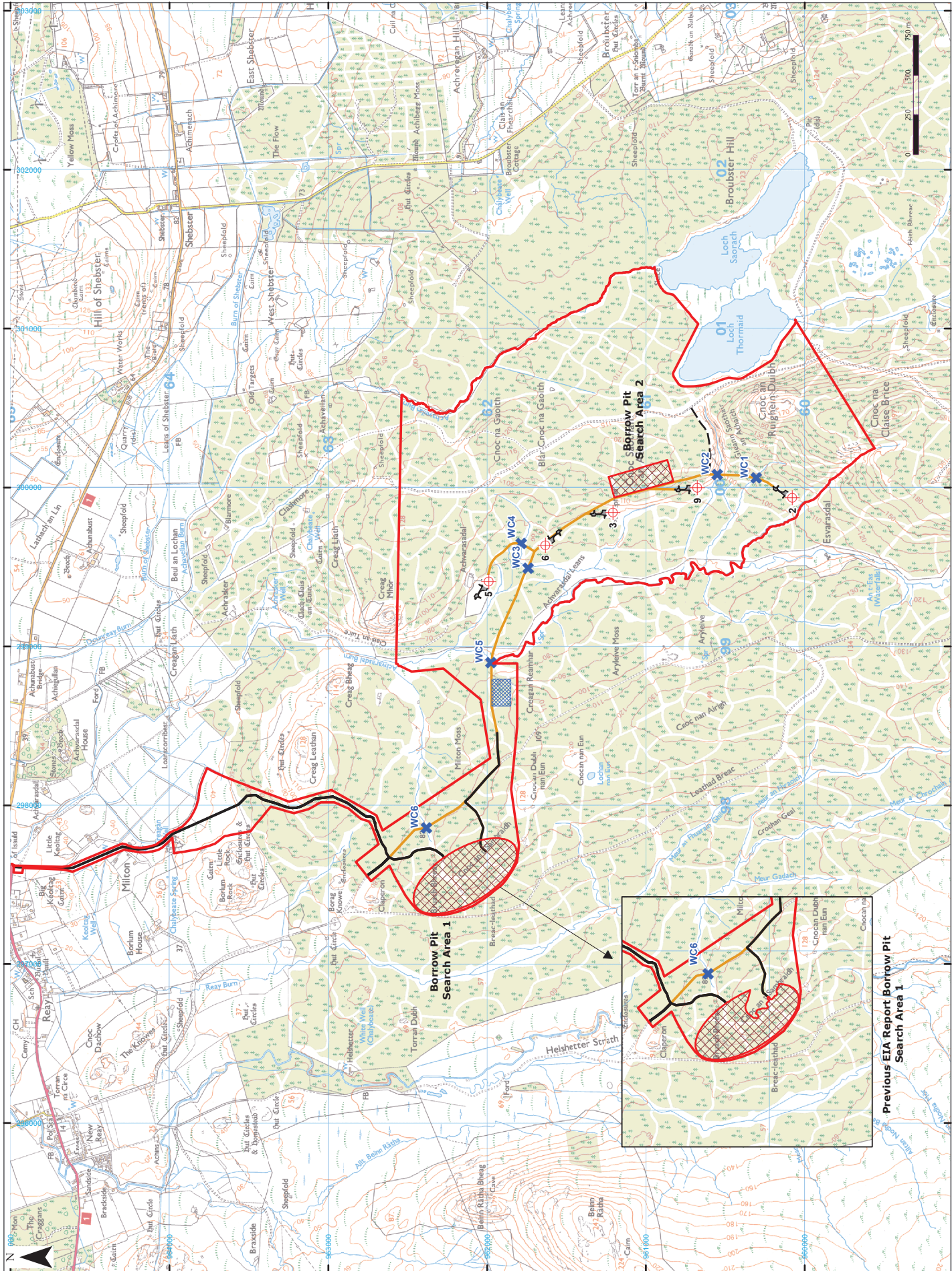
Definitions	
AI	Means the additional information submitted to supplement the EIA Report in March 2021.
Commencement of Development	Means the initiation of any development pursuant to the consent and/or the deemed planning permission by the carrying out of a material operation within the meaning of section 27 of the Town and Country Planning (Scotland) Act 1997.
Company	Means Limekiln Wind Limited, a company with registered number 08074755 and having its registered office at Infinergy Limited, 16 West Borough, Wimborne, Dorset, BH21 1NG, or such other person as from time to time has the benefit of the consent granted under section 36 of the Electricity Act 1989.
Consented Limekiln Wind Farm	Means Limekiln Wind Farm, the electricity generating station which obtained consent from the Scottish Ministers pursuant to Section 36 of the Electricity Act 1989, together with deemed planning permission pursuant to Section 57(2) of the Town and Country Planning (Scotland) Act 1997, on land approximately 1.5 km to the south of the village of Reay and 3 km south/southwest of the Dounreay nuclear power station in Caithness, on 21 June 2019, or any variation granted thereafter.
Construction Period	Means the period from the commencement of development until the approved site compound areas have been reinstated in accordance with the conditions of this consent and deemed planning permission.
development	means the implementation of the consent and deemed planning permission excluding Site Enabling Works by the carrying out of a material operation within the meaning of section 27 of the Town and Country Planning (Scotland) Act 1997.
The Development	means the wind powered generating station and ancillary development located within the Site as described in Annex 1.
EIA Report	Means the Environmental Impact Assessment Report dated April 2020 submitted with the section 36 application for the Development.
Date of Final Commissioning	means the earlier of (i) the date on which electricity is exported to the grid on a commercial basis from the last of the wind turbines forming part of the Development erected in accordance with this consent; or (ii) the date falling thirty six months from the date of Commencement of Development.
Date of First Commissioning	means the date on which electricity is first exported to the grid on a commercial basis following completion of commissioning of any of the wind turbines forming part of the Development (excluding for the avoidance of

	doubt any export of electricity required as part of the commissioning process).
Planning Authority	means The Highland Council and its statutory successors as local Planning Authority under the Town and Country Planning (Scotland) Act 1997 for the area where the Development is or is to be located.
Public Holiday	means: New Year's Day, if it is not a Sunday or, if it is a Sunday, 3rd January. 2nd January, if it is not a Sunday or, if it is a Sunday, 3rd January. Good Friday. Easter Monday. The first Monday in May. The first Monday in August. The third Monday in September. 30th November, if it is not a Saturday or Sunday or, if it is a Saturday or Sunday, the first Monday following that day. Christmas Day, if it is not a Sunday or, if it is a Sunday, 27th December. Boxing Day, if it is not a Sunday or, if it is a Sunday, 27th December.

Figure 3.0: Site Layout

Annex 3

Legend: Turbine Location Site Boundary Watercourse crossing Crane Pad Hardstanding Construction Compound, Control Building, Substation & Battery Array Borrow Pit Search Consented Limestone Farm Layout Proposed Access Core Path CA11.01 Connection Path	This is the map referred to in the consent by the Scottish Ministers in terms of Section 36 of the Electricity Act 1989 for the construction and operation of the Limekiln Wind Farm Extension, a wind powered electricity generating station 1.55 kilometres (1 mi) south east of the village of Reay and 12.3 km west of the town of Invermoriston in the planning authority area of Highland Council. Dated 09/05/2022 Signed W Black, A member of the staff of the Scottish Ministers.
	Title: Site Layout Project: Limekiln Wind Farm Extension Source: © Crown copyright and database rights 2019 Ordnance Survey 0100031673 Client: Infinergy Drawn by: panning Checked: hughig Date: February 2021 Figure: 3.0 Scale: 1:22,500 Revision No: 9



ANNEX 4(1)

Scottish Government: Energy & Climate Change Directorate
Habitats Regulations Appraisal of the Implications of the proposed **Limekiln Wind Farm Extension** (ECU00002070)

1. Caithness & Sutherland Peatlands Special Protection Area

May 2022

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

	Description
1	<p data-bbox="568 1554 596 1980">Brief description of the project</p> <p data-bbox="568 383 895 1234">This proposal is for an extension to the consented Limekiln wind farm. The proposal consists of five turbines at 149.9m to blade tip height with an installed capacity of up to 21MW to be located within coniferous woodland plantation south of the village of Reay. Access to the site will be from an existing road off the A835, utilising the purpose built access track which will be built for the consented 21 turbine development. The proposed development site is located to the east of East Halladale SSSI and to the West of Loch Caluim Flows SSSI.</p> <p data-bbox="935 383 1038 1234">The principal components of Limekiln Wind Farm Extension the proposed Development) and its ancillary development comprise:</p> <ul data-bbox="1086 383 1335 1189" style="list-style-type: none">• 5 wind turbines of up to 149.9m ground to blade tip height, and their foundations;• energy storage, likely to comprise of lithium ion batteries housed containers, associated heating, ventilation and air conditioning paired power conversion systems and associated landscaping;• crane hardstandings;

		<ul style="list-style-type: none"> • new onsite access tracks with turning points and water crossings; • a wind farm control building (shared with Limekiln Wind Farm); • substation and substation control building (shared with Limekiln Wind Farm); • temporary site construction compound and laydown area (shared with Limekiln Wind Farm); and • underground cabling from the turbines to the control building and substation; • two borrow pits (one of which already has permission through the consented Limekiln Wind Farm). <p>The proposed Development site is located 1.5 km to the north of Caithness and Sutherland Peatlands SPA</p>
2	Brief description of the designated Natura site	<p>The Caithness & Sutherland Peatlands are located across the northernmost parts of mainland Scotland. The SPA contains a large proportion of these peatlands, which form one of the largest and most intact areas of blanket bog in the world. The peatlands include an exceptionally wide range of vegetation and surface pattern types (pool systems), some of which are unknown elsewhere. This range of structurally diverse peatland and freshwater habitats supports a wide variety of breeding birds including internationally important populations of raptors, wildfowl and waders.</p> <p>The SPA qualifies under Article 4.1 of the Directive (79/409/EEC) by supporting populations of European importance of the following species listed on Annex I of the Directive:</p>

	<p>During the breeding season;</p> <ul style="list-style-type: none"> • Black-throated Diver <i>Gavia arctica</i>; • Golden Eagle <i>Aquila chrysaetos</i>; • Golden Plover <i>Pluvialis apricaria</i>; • Hen Harrier <i>Circus cyaneus</i>; • Merlin <i>Falco columbarius</i>; • Red-throated Diver <i>Gavia stellate</i>; • Short-eared Owl <i>Asio flammeus</i>; • Wood Sandpiper <i>Tringa glareola</i>. • Dunlin <i>Calidris alpina schinzii</i>; <p>This site also qualifies under Article 4.2 of the Directive (79/409/EEC) by supporting populations of European importance of the following migratory species:</p> <p>During the breeding season;</p> <ul style="list-style-type: none"> • Common Scoter <i>Melanitta nigra</i>; • Greenshank <i>Tringa nebularia</i>; • Wigeon <i>Anas penelope</i>.
3	<p>Conservation objectives for the qualifying interests of the Caithness & Sutherland Peatlands Special Protection Area</p> <p>To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained.</p> <p>To ensure for the qualifying species that the following are maintained in the long term:</p>

		<ul style="list-style-type: none"> • Population of the species as a viable component of the site; • Distribution of the species within site; • Distribution and extent of habitats supporting the species; • Structure, function and supporting processes of habitats supporting the species; • No significant disturbance of the species.
4	<p>Is the proposal directly connected with, or necessary to, conservation management of the Natura site?</p>	<p>The proposal is not directly connected with or necessary to the conservation management of the SPA and therefore, further consideration is needed.</p>
5	<p>Is the construction or operation likely to have a significant effect on the qualifying interest? Consider each qualifying interest in relation to conservation objectives.</p>	<p>Based on the assessment undertaken in respect of the aforementioned species, in relation to the likelihood of significant effects on the qualifying interests, NatureScot advised the following in respect of consideration of the following potential effects on the following species as a consequence of:</p> <ul style="list-style-type: none"> • impacts through disturbance to breeding and/or foraging birds • displacement from breeding and/or foraging habitat; and, • collision risk. <p><u>Red throated diver</u> In 2018 a single red-throated diver was observed loafing on Loch Thormaig. No flights were recorded over the proposed Development site. <u>Conclusion:</u> <u>Likely to have a significant effect on the red throated diver qualifying interest.</u></p> <p><u>Black throated diver</u></p>

A single flight was recorded in 2014. No breeding activity was recorded.

Conclusion: Likely to have a significant effect on the black throated diver qualifying interest.

Hen harrier

No nest sites were recorded within 2km of the proposal and no flights were recorded passing through the site. Flights were however recorded within the 500m development buffer. Given the forestry on site there is likely to be limited foraging availability therefore no displacement to foraging hen harriers is anticipated.

Conclusion: Likely to have a significant effect on the hen harrier qualifying interest.

Short-eared owl

No nest sites were recorded within 2km and no flights were recorded.

Conclusion: No likely significant effect on the short-eared owl qualifying interest.

Golden plover

Only non-breeding birds were recorded and no flights were recorded over the application site. Given the habitat present on site it is considered that there is not likely to be any potential for disturbance/displacement to breeding or foraging GP. From the survey results there is no collision risk.

Conclusion: No likely significant effect on the golden plover qualifying interest.

Dunlin

No breeding dunlin were recorded and only a single flight was recorded.

Conclusion: likely significant effect on dunlin on basis of flight.

Greenshank

Only one flight was recorded within the application area. Breeding activity was recorded at Loch Soradh and Thormaid however these are outwith disturbance distance.

Conclusion: likely significant effect on greenshank on basis of flight.

Common scoter

Common scoter was recorded in the breeding season of 2014 on Loch Thormaid and Loch Saorach, at distances greater than 500m to the east of the proposed Development. A maximum of three pairs were present in June 2014; however no further records were made after 18 June 2014 indicating they had either failed or did not breed. In the 2018 breeding season no pairs were present. No flight activity was recorded in these areas during the survey period and despite the presence of apparently paired birds and efforts to record breeding birds no evidence of breeding was found in any year of baseline survey.

Conclusion: likely to have a significant effect on the common scoter qualifying interest.

Merlin

No flights over the application site were recorded. A single merlin was observed during a walkover survey but no breeding was recorded.

Conclusion: likely to have a significant effect on basis of merlin found during walkover.

Golden Eagle

GE territory is present within 6km of the application site. No flights were recorded over the application site.

	<p>Conclusion: likely to have a significant effect on basis of territory within connectivity distance.</p> <p>Wigeon – Non-breeding wigeon were recorded at Loch Thormaidd and no flights were recorded over the application site.</p> <p>Conclusion: No likely significant effect on the widgeon qualifying interest.</p>
<p>Appraisal</p> <p>6 Identify the relevant conservation objectives to consider for the Caithness & Sutherland Peatlands Special Protection Area</p>	<p>The conservation objectives to consider for this site are:</p> <p>To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained.</p> <p>To ensure for the qualifying species that the following are maintained in the long term:</p> <ul style="list-style-type: none"> • Population of the species as a viable component of the site; • Distribution of the species within site; • Distribution and extent of habitats supporting the species; • Structure, function and supporting processes of habitats supporting the species; • No significant disturbance of the species.
<p>7 Can it be ascertained that the proposal/plan will not adversely affect the integrity of the Caithness & Sutherland Peatlands Special Protection Area</p>	<p>Based on the assessment undertaken in respect of the aforementioned species, in relation to the likelihood of significant effects on the qualifying interests, NatureScot advised the following in respect of consideration of the</p>

following potential effects on the following species as a consequence of:

- impacts through disturbance to breeding and/or foraging birds
- displacement from breeding and/or foraging habitat; and,
- collision risk.

Red throated and black throated diver

Given the very low activity of both species and the location of Loch Thormaoid and Loch Saorach being over 500m with forestry screening between the development and the lochs then it is considered that there will be no disturbance to any divers using these lochs. Collision risk is not considered to be an issue due to low flight activity. **The conservation objectives will be maintained.**

Hen harrier and merlin

No breeding activity was recorded and no flights were recorded over the development area. Providing that the breeding bird protection plan is implemented then there should not be any disturbance to breeding birds. **The conservation objectives will be maintained.**

Dunlin

No breeding recorded and only a single flight means that it is unlikely that there will be impacts to breeding, foraging birds. There is not likely to be any collision risk. **The conservation objectives will be maintained.**

Greenshank

The lochs are outwith disturbance distance and the forestry between the lochs and the application site will act as a screen ensuring disturbance is minimised. The single flight recorded means collision risk is not an issue. **The conservation objectives will be maintained.**

Common scoter

Any potential disturbance from construction would be unlikely if the birds did return to attempt breed at Loch Thormaoid and Loch Saorach again due to the distance between the lochs and the turbines. However, the mitigation outlined in the EIA would ensure there would be no construction related disturbance should the birds nest here again. There is potential for collision risk to this species from this proposal, but as they arrive/leave their breeding lochs at night then it is difficult to be certain of what route they might take. Although no assessment of the potential collision risk has been made in the EIA, scoters leaving Loch Thormaoid and Loch Saorach would likely take the shortest route to the sea which would be out towards Sandside Bay and Dounreay (and vice versa) and not across the turbine envelope to the NW. This would appear to be the most sensible route based on energetics. The cumulative collision risk in combination with the consented Limekiln wind farm and the proposed Drum Hollistan II WF is also likely to be extremely small given the small scoter population and therefore low number of potential flights, the high probability that the scoters will use the most energy efficient route to and from the coast, therefore avoiding these wind farms. In the event scoters did directly cross these wind farm sites then the height gain required to clear the ground between the SPA breeding lochs and the wind farms would mean the birds would be flying at a sufficient height to clear the turbines. This is also true for birds travelling south from the coast as they would have to

	<p>gain enough height in advance of the Limekiln and Drum Hollistan II in order to clear the ground to the south of these proposals.</p> <p>Ackron Wind Farm is now at application stage and is now included in the cumulative collision risk assessment for scoters. The addition of Ackron WF does not change the cumulative CR for the same reasons as Drum Hollistan II and Limekiln as outlined above. The conservation objectives will be maintained.</p> <p>Golden Eagle</p> <p>A breeding territory is located within 6km of the proposal however no flight activity was recorded within 2km of the proposal. It is considered that the forestry within the site is sub optimal for GE. There is no disturbance or displacement to foraging or breeding GE anticipated and no collision risk. The conservation objectives will be maintained.</p>
8	<p>Consider whether mitigation measures or conditions to be adopted to avoid impacts on site integrity</p> <p>Mitigation (<i>Conditions of consent etc.</i>)</p> <p>A breeding bird protection plan (as outlined in the Environmental Impact Assessment report) has been secured by the imposition of condition 24 (part (e)) to prevent direct disturbance to breeding birds linked to the SPA.</p>
9	<p>Can adverse impacts on site integrity be avoided?</p> <p>The Limekiln Wind Farm Extension application will not adversely affect the integrity of the Caithness & Sutherland Peatlands Special Protection Area subject to implementation of the mitigation in the condition referred to above.</p>

ANNEX 4(2)

Scottish Government: Energy & Climate Change Directorate
Habitats Regulations Appraisal of the proposed **Limekiln Wind Farm Extension** (ECU00002070)
2. Caithness & Sutherland Peatlands Special Area of Conservation

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

	Description
1	<p>Brief description of the project</p> <p>This proposal is for an extension to the consented Limekiln wind farm. The proposal consists of five turbines at 149.9m to blade tip height with an installed capacity of up to 21MW to be located within coniferous woodland plantation south of the village of Reay. Access to the site will be from an existing road off the A835, utilising the purpose built access track which will be built for the consented 21 turbine development. The proposed development site is located to the east of East Halladale SSSI and to the West of Loch Caluim Flows SSSI.</p> <p>The principal components of Limekiln Wind Farm Extension the proposed Development) and its ancillary development comprise:</p> <ul style="list-style-type: none">• 5 wind turbines of up to 149.9m ground to blade tip height, and their foundations;• energy storage, likely to comprise of lithium ion batteries housed containers, associated heating, ventilation and air conditioning paired power conversion systems and associated landscaping;• crane hardstandings;• new onsite access tracks with turning points and water crossings;• a wind farm control building (shared with Limekiln Wind Farm);• substation and substation control building (shared with Limekiln Wind Farm);• temporary site construction compound and laydown area (shared with Limekiln Wind Farm); and• underground cabling from the turbines to the control building and substation;

		<ul style="list-style-type: none"> two borrow pits (one of which already has permission through the consented Limekiln Wind Farm). <p>The proposed Development site is 1.5km away from Caitness & Sutherland Peatlands Special Area of Conservation (“the SAC”) which is designated for its internationally important peatland habitats, rare plant species and offer at its nearest point. The proposed Development site is contained within a forestry plantation which extends to the edge of the SAC.</p>
2	Brief description of the designated Natura site	<p>General site character</p> <p>Inland water bodies (Standing water, Running water) (3%) Bogs, Marshes, Water fringed vegetation, Fens (78.5%) Heath, Scrub, Maquis and Garrigue, Phygrana (18%) Dry grassland, Steppes (0.5%).</p> <p>Annex I habitats that are a primary reason for selection of this site</p> <p>Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or of the Isoëto-Nanojuncetea.</p> <p>Caitness and Sutherland Peatlands supports a range of high-quality freshwater loch habitats that include Oligotrophic to mesotrophic standing waters. The lochs are part of large, generally nutrient-poor, drainage systems which characterise this part of the northern Highlands. The site covers an area greater than 140,000 ha and includes several hundred freshwater lochs of which the larger are oligotrophic. The lochs are generally located within blanket bog and peatlands that sit on nutrient-poor rocks. The aquatic vegetation is dominated by a very narrow range of species typical of northern, upland, lochs but there is much local variation in their abundance. The most characteristic species are shoreweed <i>Littorella uniflora</i>, water lobelia <i>Lobelia dortmanna</i>, bulbous rush <i>Juncus bulbosus</i>, bog pondweed <i>Potamogeton polygonifolius</i> and alternate water-milfoil <i>Myriophyllum alterniflorum</i>. More mesotrophic lochs support a wider range of pondweed <i>Potamogeton</i> species; other species present include stoneworts <i>Chara</i> spp. and <i>Nitella</i> spp. and least bur-reed <i>Sparganium natans</i>. The margins of a few lochs support two nationally scarce plants; bog hair-grass <i>Deschampsia setacea</i> and</p>

marsh clubmoss *Lycopodiella inundata*. Other notable species include awlwort *Subularia aquatica* and water sedge *Carex aquatilis*. The range of aquatic invertebrates includes the nationally rare water beetle *Oreodytes alpinus*.

Natural dystrophic lakes and ponds

This site represents Natural dystrophic lakes and ponds on Blanket bogs in northern Scotland. The scale and diversity of the peatlands of Caithness and Sutherland make them unique in Europe. They are three times larger than any other peat mass in the UK. Dystrophic waters are especially common in the Peatlands. Compared to most other blanket bog systems, at this site waterbodies account for a high proportion of the bog surface. Dystrophic water bodies here range in size from pools to medium-sized lochans. Surface patterns and pool complexes occur in a variety of forms, reflecting different climatic and hydrological conditions within the site.

Blanket bogs (Priority feature)

The scale and diversity of the Caithness and Sutherland peatlands in northern Scotland make them unique in Europe. They form the largest peat mass in the UK and are three times larger than any other peatland area in either Britain or Ireland. The site is important because of the considerable abundance of large (several square kilometres) continuous areas of Sphagnum carpets and hummocks, including *Sphagnum fuscum*, *S. imbricatum* and *S. pulchrum*, and for its numerous intact pool systems. Not only are these features usually rare and localised on other bog systems in the UK, but a very high proportion of this ground remains undisturbed. The vegetation is mainly cross-leaved heath *Erica tetralix* with *Sphagnum papillosum* as well as deergrass *Trichophorum cespitosum* and hare's-tail cottongrass *Eriophorum vaginatum* blanket mire. Freshwater pools and lochans are an integral component of the mire expanse.

Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site

Northern Atlantic wet heaths with *Erica tetralix*;
Transition mires and quaking bogs;
Depressions on peat substrates of the Rhynchosporion.

		<p>Annex II species that are a primary reason for selection of this site</p> <p><u>Otter <i>Lutra lutra</i></u></p> <p>This extensive site contains numerous lochs, lochans and extensive areas of headwaters of burns and rivers. There is extensive habitat suitable for otters <i>Lutra lutra</i> and this is reflected in the presence of a good population, representative of the northern mainland of Scotland.</p> <p><u>Marsh saxifrage <i>Saxifraga hirculus</i></u></p> <p>species occurrence description not yet available.</p>
3	<p>Conservation objectives for the Caithness & Sutherland Peatlands Special Area of Conservation</p>	<p>ANNEX I HABITATS</p> <p>To avoid deterioration of the qualifying habitats thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features.</p> <p>To ensure for the qualifying habitats that the following are maintained in the long term:</p> <ul style="list-style-type: none"> • Extent of the habitats on site; • Distribution of the habitats within site; • Structure and function of the habitats; • Processes supporting the habitats; • Distribution of typical species of the habitats; • Viability of typical species as components of the habitats; • No significant disturbance of typical species of the habitats. <p>ANNEX II SPECIES</p> <p>To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is</p>

		<p>maintained and the site makes an appropriate contribution to achieving favourable conservation status for the qualifying feature.</p> <p>To ensure for the qualifying species that the following are maintained in the long term:</p> <ul style="list-style-type: none"> • Population of the species as a viable component of the site; • Distribution of the species within the site; • Distribution and extent of habitats supporting the species; • Structure, function and supporting processes of habitats supporting the species; • No significant disturbance of the species.
4	<p>Is the proposal directly connected with, or necessary to, conservation management of the Natura site?</p>	<p>The proposal is not directly connected with or necessary to, the conservation management of the SAC and consequently, further consideration is needed.</p>
5	<p>Is the proposed Development likely to have a significant effect on the qualifying interest? Consider each qualifying interest in relation to conservation objectives.</p>	<p>Peatland Habitats The application site is contained within a forestry plantation which extends to the edge of the SAC. The site itself is 1.5km to the SAC at its nearest point. No impacts to the peatland habitat are predicted. Conclude - No likely significant effect.</p> <p>Marsh saxifrage There are no known records in this area. Conclude - No likely significant effect.</p> <p>Otter An otter resting site was recorded within the site and otters are considered to travel through this site. Temporary disturbance during construction is likely. Conclude - Likely significant effect.</p>
	Appraisal	

6	<p>Identify the relevant conservation objectives to consider for the Caithness & Sutherland Peatlands Special Area of Conservation</p>	<p>The conservation objectives to consider for this site are:</p> <p>Habitat</p> <ul style="list-style-type: none"> • Extent of the habitats on site; • Distribution of the habitats within site; • Structure and function of the habitats; • Processes supporting the habitats; • Distribution of typical species of the habitats; • Viability of typical species as components of the habitats; • No significant disturbance of typical species of the habitats. <p>Species</p> <ul style="list-style-type: none"> • Population of the species as a viable component of the site; • Distribution of the species within the site; • Distribution and extent of habitats supporting the species; • Structure, function and supporting processes of habitats supporting the species; • No significant disturbance of the species.
7	<p>Can it be ascertained that the proposal/plan will not adversely affect the integrity of the Caithness & Sutherland Peatlands Special Area of Conservation</p>	<p><u>Otters</u></p> <p>An otter resting site was recorded within the application site however due to the distance between the resting site and the proposed infrastructure no disturbance or displacement of otter is anticipated. The mitigation measures provided in the otter protection plan in the EIA Report (Appendix 11.C - Otter Survey) would ensure that any disturbance is minimised. The conservation objectives will be maintained.</p>
8	<p>Consider whether mitigation measures or conditions to be adopted to avoid impacts on site integrity</p>	<p>A requirement, prior to commencement of development, for otter surveys at watercourses and adjacent suitable habitats and within a 250 metres radius of each wind turbine and associated infrastructure to be undertaken, following which those results and any mitigation measures required shall be set out in a species mitigation and management plan, which shall inform construction activities, has been imposed at condition 24 in the interests of nature conservation.</p>

		<p>The requirement for an existing deer fence be retained and maintained during construction and operation has been imposed at condition 34 to ensure that there will be no impacts on the Caithness and Sutherland Peatland SAC as a result of deer displacement .</p>
9	Can adverse impacts on site integrity be avoided?	<p>The Limekiln Wind Farm Extension will not adversely affect the integrity of the Caithness & Sutherland Peatlands Special Area of Conservation subject to implementation of the mitigation (enforced through conditions) as detailed above.</p>

ANNEX 4(3)

Scottish Government: Energy & Climate Change Directorate
Habitats Regulations Appraisal of the Implications of the Proposed Limekiln Wind Farm Extension (ECU00002070)

3. Caithness Lochs Special Protection Area (SPA)

May 2022

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

	Description
1	<p>Brief description of the project</p> <p>This proposal is for an extension to the consented Limekiln wind farm. The proposal consists of five turbines at 149.9m to blade tip height with an installed capacity of up to 21MW to be located within coniferous woodland plantation south of the village of Reay. Access to the site will be from an existing road off the A835, utilising the purpose built access track which will be built for the consented 21 turbine development. The proposed development site is located to the east of East Halladale SSSI and to the West of Loch Caluim Flows SSSI.</p> <p>The principal components of Limekiln Wind Farm Extension (the proposed Development) and its ancillary development comprise:</p> <ul style="list-style-type: none">• 5 wind turbines of up to 149.9m ground to blade tip height, and their foundations;• energy storage, likely to comprise of lithium ion batteries housed containers, associated heating, ventilation and air conditioning paired power conversion systems and associated landscaping;• crane hardstandings;

		<ul style="list-style-type: none"> • new onsite access tracks with turning points and water crossings; • a wind farm control building (shared with Limekiln Wind Farm); • substation and substation control building (shared with Limekiln Wind Farm); • temporary site construction compound and laydown area (shared with Limekiln Wind Farm); and • underground cabling from the turbines to the control building and substation; • two borrow pits (one of which already has permission through the consented Limekiln Wind Farm). <p>The proposed Development site is located 1.6 km from the Caithness Lochs SPA.</p>
2	Brief description of the designated Natura site	<p>Caithness Lochs are located in lowland Caithness in northern Scotland. The site comprises Broubster Leans, a complex area of mire and fen developed on a river floodplain; Loch of Mey, a shallow ephemeral loch fringed by fen and marshy grassland; Loch Watten, a large, shallow, base-rich loch; Loch Scarmclate, a shallow mesotrophic marl loch; Loch Calder, an oligotrophic loch deeper than the other lochs within the site; and Loch of Wester and Loch Heilen, shallow mesotrophic sand lochs. In winter, Broubster Leans and Loch of Mey are subject to prolonged inundation and provide sheltered undisturbed roosting sites for two separate flocks of Greenland White-fronted Goose <i>Anser albifrons flavirostris</i>. As such, these constitute the two most important roost sites for this goose population in northern Scotland. In harsh conditions, the Broubster Leans flock roost on Loch</p>

	<p>Calder and some of the Loch of Mey flock occasionally roost at Loch Heilen. Whooper Swan <i>Cygnus cygnus</i> use all components of the site but the largest numbers occur at Loch of Wester with large numbers also occurring on Loch Heilen and Loch Calder. Icelandic Greylag Goose <i>Anser anser</i> use all the lochs within the site as roosts during the winter, with Loch Watten, Loch Scarmciate, Loch Calder and Loch Heilen all supporting internationally important numbers. The geese and swans feed in surrounding areas of agricultural land and other wetlands outside the SPA, as well as within the SPA.</p> <p>This site qualifies under Article 4.1 of the Directive (79/409/EEC) by supporting populations of European importance of the following species listed on Annex I of the Directive:</p> <p>Over winter;</p> <ul style="list-style-type: none"> • Greenland White-fronted Goose <i>Anser albifrons flavirostris</i>; • Whooper Swan <i>Cygnus cygnus</i>; <p>This site also qualifies under Article 4.2 of the Directive (79/409/EEC) by supporting populations of European importance of the following migratory species:</p> <p>Over winter;</p> <ul style="list-style-type: none"> • Greylag Goose <i>Anser anser</i>.
3	<p>Conservation objectives for the Caithness Lochs Special Protection Area</p> <p>To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained.</p> <p>To ensure for the qualifying species that the following are maintained in the long term:</p>

		<ul style="list-style-type: none"> • Population of the species as a viable component of the site; • Distribution of the species within site; • Distribution and extent of habitats supporting the species; • Structure, function and supporting processes of habitats supporting the species; • No significant disturbance of the species.
4	<p>Is the proposal directly connected with, or necessary to, conservation management of the Natura site?</p>	<p>The proposal is not directly connected with or necessary to the conservation management of the SPA and therefore, further consideration is needed.</p>
5	<p>Is the construction or operation likely to have a significant effect on the qualifying interest? Consider each qualifying interest in relation to conservation objectives.</p>	<p><u>Whooper swan</u> Two flights of non-breeding whooper swan were recorded by baseline survey effort over the Proposed Development during both generic vantage point (GVP) watches and dedicated watches during the migration watch period (MWP). These flight records did not indicate that the proposed Development lies on a regular migratory route used by this species, or that whooper swan overflew the Proposed Development on routine commutes between roosting and feeding sites when overwintering. Likely significant effect concluded.</p> <p><u>Greenland white-fronted goose</u> Baseline surveys recorded Greenland white-fronted goose (hereafter GWF goose) using the Loch Thormaig and Loch Saoradh for roosting during the winter months. Commuting flightpaths were similar during all baseline years with the majority of movement recorded on a northeast - southwest axis with flights between roosting lochs (including Loch nan Clachan Geala) and foraging fields at Broubster Leans.</p>

	<p>During baseline flight activity surveys no GWF goose flights were recorded during GVP watches. Twenty-one GWF goose flights were recorded during dedicated goose roost watches; however only one flight, involving eighty GWF geese, passed within 500m of the Proposed Development. Likely significant effect concluded.</p> <p><u>Greylag goose</u></p> <p>Flights of non-breeding greylag were recorded by baseline survey effort over the proposed Development during both GVP watches and MWP watches. These flight records did not indicate that the Proposed Development lies on a regular migratory route used by these species, or that greylag geese regularly overflew the Proposed Development on routine commutes between roosting and feeding sites when overwintering.</p> <p>Likely significant effect concluded.</p>
<p>6 Identify the relevant conservation objectives to consider for the Caithness Lochs Special Protection Area</p>	<p>The conservation objectives to consider for this site are:</p> <ul style="list-style-type: none"> • To ensure for the qualifying species that the following are maintained in the long term : Population of the species as a viable component of the site; • Distribution of the species within site; • Distribution and extent of habitats supporting the species; • Structure, function and supporting processes of habitats supporting the species; • No significant disturbance of the species. <p><u>All three SPA species</u></p>
<p>7 Can it be ascertained that the proposal/plan will not adversely affect the integrity of the Caithness Lochs Special Protection Area</p>	<p>The Scottish Government agree with NatureScot's appraisal of the assessment in the Environmental Impact assessment Report (EiAR) that the proposed Development site is not on</p>

		<p>a regular commuting route between feeding and roosting areas for any of the qualifying features and the low level of recorded flight activity within 500m of the turbines means that there is not a significant collision risk (CR) for the qualifying features of the SPA. In combination with other proposals there will not be a significant CR. Based on the survey info within the EIA, the proposal is unlikely to disturb roosting and foraging SPA birds during both construction and operation. The conservation objectives will be maintained.</p>
8	<p>Consider whether mitigation measures or conditions to be adopted to avoid impacts on site integrity</p>	<p>Mitigation (<i>Conditions of consent etc.</i>)</p> <p>No specific mitigation is required to avoid impacts on the integrity of the site.</p>
9	<p>Can adverse impacts on site integrity be avoided?</p>	<p>The proposed Development <u>will not</u> adversely affect the integrity of the Caithness Lochs Special Protection Area.</p>