

Agenda Item	6.10
Report No	PLN/013/23

HIGHLAND COUNCIL

Committee: North Planning Applications Committee
Date: 25 January 2023
Report Title: 22/04722/PIP : Highland Wind Limited
Land At The Dounreay Coast In Caithness, Immediately Adjacent To
The Western Boundary Of The Vulcan Naval Reactor Test
Establishment (Vulcan NRTE)
Report By: Area Planning Manager North

Purpose/Executive Summary

Description: Erection and operation of Onshore Substation, Underground Electricity Cables, Cable Landfall, Transition Joint bay, Cable Joint Bays, construction compounds, new and upgraded access tracks and associated infrastructure.

Ward: 02 - Thurso And North West Caithness

Development category: National

Reason referred to Committee: National Development

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

Recommendation

Members are asked to agree the recommendation to **GRANT** the application as set out in section 11 of the report

1. PROPOSED DEVELOPMENT

- 1.1 The proposal is for the onshore infrastructure required to allow the export of electricity from the proposed Pentland Offshore Wind Farm. The Offshore Wind Farm is subject to a separate application under Section 36 of the Electricity Act 1989. Members of the North Planning Applications Committee resolved to raise no objection to the application for the offshore wind farm in December 2022. The development is located primarily to the south west of the HMS Vulcan facility and comprises the following main elements:
- A cable landfall where two offshore export cables will be brought ashore via horizontal directional drilling;
 - A transition joint bay where the offshore and onshore cabling will be spliced together;
 - Up to two onshore cable circuits;
 - Cable joint bays (only required if the cable requires to be laid in sections);
 - A 132kv onshore substation measuring no more than 65m wide, 65m long and 14m high;
 - Cable circuit from the onshore substation to the grid connection point at Dounreay substation;
 - Construction compound to accommodate a working area, parking, welfare facilities, offices and changing rooms; and
 - New and upgraded access tracks to serve the development from an existing farm access track on the A836.
- 1.2 The proposed development is identified within Annex A of National Planning Framework 3 (NPF3) as a National Development, falling under the class of development noted as 'new and/or upgraded onshore sub stations directly linked to electricity transmission cabling of or in excess of 132 kilovolts'. It is also identified as a National Development in the Revised Draft National Planning Framework 4.
- 1.3 Given many of the uncertainties around this type of development related to the advances in technology, construction methods as well as the long lead time in which the project is likely to commence on site, the exact layout and design, requirements for each element of the development is yet to be determined. The Environment Impact Assessment Report is based on a design envelop approach principle known as the 'Rochdale Envelope'; a term deriving from established case law, which essentially means that consideration is given to the maximum and minimum extents of the project in order to establish a 'worst case scenario'. Work continues on refining the project concepts and the exact final design is unlikely to be known until after consent is given. This is however an application for planning permission in principle only and the impacts of each individual element and their finalised designs will be required to be brought forward under matters specified in conditions applications.
- 1.4 The applicant has been in regular contact with the Planning Authority in advance of submission of the application seeking advice on procedural matters and to advise on the details which will accompany the application. The applicant has also undertaken a

series of pre-application consultation events. Online events were held in September 2021 and in person events were held at Reay Golf Club in May 2022. A virtual exhibition was also held in August 2022. The application is supported by a Pre-Application Consultation Report outlining the consultation undertaken and the feedback received.

1.5 The application is supported by:

- Environmental Impact Assessment Report with chapters on
 - Policy and legislation;
 - Site selection;
 - Stakeholder engagement;
 - Project description;
 - EIA methodology;
 - Geology, hydrogeology and hydrology;
 - Landuse, agriculture and soils;
 - Terrestrial ecology;
 - Terrestrial ornithology;
 - Onshore archology and cultural heritage;
 - Air quality, climate and carbon,
 - Landscape and visual impact;
 - Traffic and transport;
 - Onshore noise and vibration;
 - Summary of mitigation.
- Planning and Policy Statement;
- Design and Access Statement; and
- Pre-Application Consultation Report

1.6 No variations have been made to the application since validation. The applicant has however provided a response to the matters raised by consultees to provide clarification.

2. SITE DESCRIPTION

2.1 The 103ha site is located on the north coast of Caithness, adjacent to the HMS Vulcan Establishment. The north of the site is bounded by the Pentland Firth, to the south lies the A836 and to the west Isauld House and agricultural land. The southern most edge of the site is approximately 0.8km north east of Reay. The eastern edge of the site is approximately 12.2km to the west of Thurso. A number of other groups of properties including those at Isauld, Shebster and Achvarasdal lie to the south of the application site.

- 2.2 The site will be accessed via an existing access point on the A836 which will be upgraded to accommodate the development. The applicant has not yet identified a port of entry for any abnormal loads required for the development. However, there are a number of accesses in close proximity of the site which may be able to be utilised.
- 2.3 In terms of Natural Heritage, the proposed site includes small elements of the North Caithness Cliffs Special Protection Area (SPA) on its northern edge. The Sandside Bay Site of Special Scientific Interest (SSSI) is located immediately to the west of the site boundary. The Caithness and Sutherland Peatlands Special Area of Conservation (SAC) and SPA is located to the south and south west of the site.
- 2.4 The applicant has undertaken a series of ornithological surveys during the preparation of the application. It has identified and considered the effects on a wide range of bird species but with a particular focus on those which have qualifying features of the nearby designated site.
- 2.5 The ecology of the site and surrounds has been surveyed by the applicant and considered by the applicant. Much of the site comprises of grassland habitats and agricultural land with some intertidal rock beds at the sites northern edge. Evidence of otters, hares, bats and reptiles were found on and in proximity of the site.
- 2.6 The geology of the site largely comprises of siltstone. Soil depths vary over the site to between 0.1 to 0.4m with superficial deposits below that comprising clay, gravels silt and silty sands. There is no peat present on the site.
- 2.7 The area is rich in archaeological potential. The applicant has reviewed the historic environment baseline in the area and identified the Cnoc Urray (Broch) Scheduled Monument as the only designated cultural heritage site within the study area. Other archaeological features have been identified including earthwork banks, stone piles, sheepfolds and depressions.
- 2.8 The site is located to the south of the Dunnet Bay and Thurso Bay Regional Coastal Character Assessment. The area generally has north west facing views but the coastlines (where the sea meets the land) is difficult to access. However there are more elevated locations from which views across the Pentland Firth toward the Atlantic can be appreciated. The more inland elements of the development sit within the farmed lowland plain landscape character type. The following landscape designations are present in vicinity of the application:

Special Landscape Areas

- Oldshoremore, Cape Wrath and Druness
- Eriboll East and Whiten Head
- Farr Bay, Strathy and Portskerra
- Dunnet Head

Other landscape designations are present in the wider area but given the limited scale of the development they are unlikely to be affected.

- 2.9 Some areas along the northern edge of the site, are at risk of coastal and fluvial flood risk in 1 in 200 year return storm events. There are limited areas of pluvial flood risk

within the site.

- 2.10 There are a number of other developments of a similar type in proximity to this site, including the Dounreay substation. The cumulative impact of such development will require to be taken into consideration.

3. PLANNING HISTORY

3.1	01.12.2017	17/05164/SCRE	Erection of High Voltage direct Current (HVDC) converter station as part of a new high voltage electricity link between mainland Scotland and Shetland to secure Shetland's electricity supply by means of connection to the Great Britain electricity network	Case Closed	
3.2	14.11.2017	17/05166/PAN	Erection of High Voltage direct Current (HVDC) converter station as part of a new high voltage electricity link between Dounreay and Shetland	Case Closed	
3.3	23.05.2018	18/02264/SCRE	Construction of Substation and ancillary development including construction access track, landscaping and drainage	EIA Required	Not
3.4	17.09.2019	19/01092/FUL	Erection of 275/220 kV electricity substation comprising platform area, electrical infrastructure and buildings, associated plant, ancillary infrastructure and temporary site compound	Permission Granted	
3.5	14.12.2021	21/04098/PAN	Pentland Offshore Wind Farm - Provision of onshore infrastructure including cable landfall, cable joint transition bay, underground grid connection and ancillary infrastructure.	Case Closed	
3.6	13.12.2022	22/03864/S36	Pentland Offshore Floating Wind Farm - Erection and Operation of an offshore floating wind farm and associated offshore infrastructure comprising up to seven floating wind turbines of up to 300m to blade tip height, seven floating substructures with associated mooring lines and anchors / piles, inter-array cables, two export cables , landfall, and associated scour and cable protection measures.	Raise Objection	No
3.7	09.10.2022	22/03890/SCRE	Habitats Regulations Appraisal Screening Request for the onshore	Habitat Regulations	

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour and EIA Development

Date Advertised: 4 November 2022 (John O' Groats Journal and Edinburgh Gazette)

Representation deadline: 4 December 2022

Timeous representations: 0

Late representations: 0

5. CONSULTATIONS

5.1 **Caithness West Community Council** did not respond to the consultation.

5.2 **Access Officer** does not object to the application. It sets out that access rights currently apply across much of the development site. It expects that access rights will be managed across the site as part of the construction and operation of the development.

5.3 **Contaminated Land Team** do not object to the application. It acknowledges the submission of a Geotechnical and Geo-Environmental Report where no significant issues were identified. It requests a condition to secure a scheme to deal with potential contamination on site.

5.4 **Environmental Health Officer** does not object to the application. It highlights that substations can be a source of noise during the operational period. It acknowledged that the design of the substation is unknown at this time therefore it seeks a condition for a detailed noise assessment to accompany any development for the substation. In doing so it recommends a condition to limit noise to 30dB in the 100Hz one third octave frequency. It recommends that a construction noise assessment accompanies any matters specified in conditions application which limits noise arising from horizontal directional drilling to no more than 45dB(A) at any noise sensitive receptor and identifies mitigation as appropriate. It requests that any construction noise assessment also considers the implementation of best practice in minimising noise disturbance at noise sensitive receptors.

5.5 **Flood Risk Management Team** do not object to the application. It notes that elements of the development require to be built within the coastal flood plain by due to the nature of the development. Applying the Flood Risk and Land Use Vulnerability Guidance published by SEPA, it considers that the development is "Essential Infrastructure". As this is the case, for any future matters specified in conditions application, it will need to be demonstrated that the site will be able to be operational up to and including a 1 in 200 year return period storm event. It highlights that any future matters specified in conditions application must be accompanied by drainage information.

5.6 **Historic Environment Team** do not object to the application. It considers the site is within an area of archaeological potential. It requests a condition to secure

archaeological investigation and recording across the areas of the site which will be developed.

- 5.7 **Transport Planning Team** do not object to the application. It is generally content with the anticipated traffic and transport impacts of the development. In doing so it accepts that the main impacts will occur during the construction phase of the project. It requests that an Abnormal Load Route Assessment is carried out post consent and it requests that this is secured by condition. It requests that the following matters are secured by condition: details of site access, construction traffic management plan; scheme of roads based mitigation; and abnormal load route assessment. Further it sets out that a Section 96 agreement under the Roads (Scotland) Act will be required.
- 5.8 **British Telecom** do not object to the application. It notes that the proposal does not affect any current or future planned radio links.
- 5.9 **Caithness Access Panel** did not respond to the consultation.
- 5.10 **Highlands and Islands Airports Limited** do not object to the application. It considers the proposal will not effect the safeguarding area for, or operation of, Wick Airport.
- 5.11 **Historic Environment Scotland** do not object to the application. It does not consider that the proposal will have an adverse impact on the setting of any scheduled monuments, listed buildings, inventory battlefields or gardens and designed landscapes.
- 5.12 **Ministry of Defence (Defence Infrastructure Organisation)** do not object to the application on safeguarding grounds. It seeks further communication with the applicant, the appointed contractors and the Head of Establishment at Vulcan. It sets out that it will require to undertake a more detailed appraisal once further detailed of the proposal are brought forward.
- 5.13 **NatureScot** object to the application unless it is subject to conditions to secure mitigation related to likely significant effects on the Caithness and Sutherland Peatlands Special Area of Conservation and the North Caithness Cliffs Special Protection Area. It does not consider that the proposal would have an effect on the integrity of the Caithness and Sutherland Peatlands Special Protection Area or Caithness Lochs Special Protection Area. It considers the proposed mitigation measures for the North Caithness Cliffs Special Protection Area will benefit the Sandside Bay Site of Special Scientific Interest.
- 5.14 **National Air Traffic Services** do not object to the application. It does not consider the proposed development would infringe safeguarding areas.
- 5.15 **Office for Nuclear Regulation** do not object to the application. It requests that the applicant liaises with Dounreay Site Restoration Limited in relation to the impacts of the proposed development.
- 5.16 **Royal Society of the Protection of Birds** do not object to the application. It notes that there would be likely significant effects on qualifying features of the adjacent special protection areas, but does not think that the proposal would have an impact on the integrity of the Special Protection Areas. It is concerned over the level of ornithological

survey work undertaken. It requests additional survey work on wider countryside birds and provision of a habitat management plan and proposals for biodiversity enhancement.

- 5.17 **Scottish and Southern Electricity Networks** do not object to the application. It does however raise concern over the conflict between the indicative layout of the proposed development and the consented, but as yet built, electricity transmission infrastructure.
- 5.18 **Scottish Environment Protection Agency** do not object to the application following submission of clarifications related to radioactive materials present in the area. It has requested a condition to secure a Radiological Walkover Survey, and a scheme of mitigation, if required.
- 5.19 **Scottish Water** do not object to the application. It highlights there is capacity in the water network to serve the development. It explains the nearest public sewer is over 2km from the proposed development.
- 5.20 **Transport Scotland** do not advise against the proposed development. It requests conditions to secure details of any abnormal load routing and provision of appropriate traffic management during the construction period.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

- 28 - Sustainable Design
- 30 - Physical Constraints
- 49 - Coastal Development
- 57 - Natural, Built & Cultural Heritage
- 58 - Protected Species
- 59 - Other important Species
- 60 - Other Importance Habitats
- 61 - Landscape
- 63 - Water Environment
- 67 - Renewable Energy Developments
- 69 - Electricity Transmission Infrastructure
- 72 - Pollution

Caithness and Sutherland Local Development Plan 2018 (CaSPlan)

- 6.2 There are no site-specific policies or allocations covering the application site, however it sits just outwith the Dounreay Economic Development Area identified in CaSPLAN. As a result, the application requires to be assessed against the general policies of the Highland-wide Local Development Plan referred to above. It is noted, however, that the CaSPlan does identify Special Landscape Areas (SLA) within the plan area. In this instance, the SLAs are within the EIAR's Study Area: Oldshoremore, Cape Wrath and Durness; Eriboll East and Whiten Head; Farr Bay, Strathy and Portskerra; and Dunnet Head.

Highland Council Supplementary Planning Policy Guidance

6.3 The following Supplementary Guidance forms an integral and statutory part of the Local Development Plan and is considered pertinent to the determination of this application:

- Highland Historic Environment Strategy (Jan 2013)
- Highland's Statutorily Protected Species (March 2013)
- Physical Constraints (March 2013)
- Special Landscape Area Citations (June 2011)
- Standards for Archaeological Work (March 2012)

Sustainable Design Guide (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

The Highland Council Non-Statutory Planning Guidance

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

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

7.3 The Pilot Pentland Firth and Orkney Waters Marine Spatial Plan (PFOWMSP) was published by Scottish Government in 2016. It was a jointly published document by Marine Scotland, The Highland Council and Orkney Islands Council. It is non-statutory planning guidance that can be used as a material consideration in the determination of applications within this area. As well as guiding development in the Pentland Firth and Orkney Waters, it is also proposed to be a useful basis for the preparation of the North Coast Scottish Marine Plan. The PFOWMSP contains a range of policies for development in the area covered by the plan.

Scottish Government Planning Policy (SPP), the Revised Draft National Planning Framework 4 (NPF4), and Guidance

7.4 Scottish Planning Policy (SPP) advances principal policies on Sustainability and Placemaking, and subject policies on A Successful, Sustainable Place; A Low Carbon Place; A Natural, Resilient Place; and A Connected Place, which relate national planning policy to the Scottish Government's National Outcomes. SPP highlights that the Development Plan is the starting point of decision making on planning applications. In that context, the content of the SPP is a material consideration that carries significant weight, but not more than the Development Plan, although it is for the decision maker to determine the appropriate weight to be afforded to it in each case. The weight to be attached is however lessened as a result of the move to adopt National Planning Framework 4.

7.5 SPP sets out continued support for renewable energy developments. SPP also lists considerations in respect of the scale of proposals in relation to area characteristics, to

be taken into account in the assessment of energy proposals (Para. 169 of SPP).

7.6 National Planning Framework 4 is likely to supersede Scottish Planning Policy very soon and form a fundamental part of the Development Plan. Draft National Planning Framework 4 was published in November 2021 with the subsequent revised draft laid before the Scottish Parliament on 08 November 2022. The Scottish Parliament voted on 11 January 2023 to adopt the Revised Draft National Planning Framework 4. Following the relevant section of the 2019 Planning (Scotland) Act being enacted NPF4 will be adopted and form a statutory part of the development plan. In its newest iteration, draft NPF4 comprises three parts, summarised below:

- 7.7
- Part 1 – sets out an overarching spatial strategy for Scotland in the future. This includes spatial principles, national and regional spatial priorities, and action areas.
 - Part 2 – sets out policies for the development and use of land that are to be applied in the preparation of local development plans; local place plans; masterplans and briefs; and for determining the range of planning consents. This part of the document should be taken as a whole in that all relevant policies should be applied to each application.
 - Part 3 – provides a series of annexes that provide the rationale for the strategies and policies of NPF4, which outline how the document should be used, and set out how the Scottish Government will implement the strategies and policies contained in the document.

7.8 The Spatial Strategy sets out that we are facing unprecedented challenges and that we need to reduce greenhouse gas emissions and embrace and deliver radical change so we can tackle and adapt to climate change, restore biodiversity loss, improve health and wellbeing, build a wellbeing economy while striving to create great places. Therefore, NPF4 sets out that choices need to be made about how we can make sustainable use of our natural assets in a way that benefits communities. The spatial strategy reflects legislation in setting out that decision making requires to reflect the long term public interest. However, in doing so, it is clear that we will need to make the right choices about where development should be located ensuring clarity is provided over the types of infrastructure that need to be provided and the assets that should be protected to ensure they continue to benefit future generations. To that end, the Spatial Priorities support the planning and delivery of sustainable places, where we reduce emissions, restore and better connect biodiversity; create liveable places, where we can all live better, healthier lives; and, create productive places, where we have a greener, fairer and more inclusive wellbeing economy.

7.9 It is anticipated that national developments, which includes new and/or upgraded infrastructure directly supporting on and offshore high voltage electricity lines, cables and interconnectors including converter stations, switching stations and substations (as proposed through this application), will assist in the delivery of the Spatial Strategy and Spatial Priorities for the north of Scotland. The Spatial Strategy considers that Highland can continue to make a strong contribution toward meeting our ambition for net zero. It considers that the strategy for Highland aims to protect environmental assets and stimulate investment in natural and engineered solutions to climate change. Specific to this proposal, draft NPF4 states that development proposals for grid transmission and distribution infrastructure, should only be supported where they

maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities, as set out in Policy 11. The policy goes on to state that significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets, similar to the existing provisions of Scottish Planning Policy, while identifying impacts, including cumulative impacts, that must be suitably addressed and mitigated against.

7.10 The policies in the revised draft NPF4 most relevant to this proposal include:

- Policy 1 – Tackling the climate and nature crisis
- Policy 2 – Climate mitigation and adaptation
- Policy 3 – Biodiversity
- Policy 4 – Natural places
- Policy 5 – Soils
- Policy 7 – Historic assets and places
- Policy 11 – Energy
- Policy 22 – Flood risk and water management
- Policy 23 – Health and safety
- Policy 25 – Community wealth benefits
- Policy 33 – Minerals

Other Relevant National Guidance and Policy

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

- National Planning Framework for Scotland 3, NPF3
- Scottish Energy Strategy (Dec 2017)
- Draft Scottish Energy Strategy and Just Transition Plan (January 2023)
- Historic Environment Policy for Scotland (HEPS, 2019)
- PAN 1/2011 - Planning and Noise (Mar 2011)
- Circular 1/2017: Environmental Impact Assessment Regulations (May 2017)
- PAN 60 – Planning for Natural Heritage (Jan 2008)
- 2020 Routemap for Renewable Energy (Jun 2011)
- Energy Efficient Scotland Route Map, Scottish Government (May 2018)

8. PLANNING APPRAISAL

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Determining Issues

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

Planning Considerations

- 8.3 The key considerations in this case are:
- a) Development Plan and National Policy
 - b) Energy and Economic Benefits
 - c) Layout, Design, Landscape and Visual Impact
 - d) Construction Impact
 - e) Roads, Transport and Access
 - f) Noise
 - g) Natural Heritage (including Ornithology)
 - h) Water, Flood Risk, Drainage and Soils
 - i) Other Material Considerations

Development plan/other planning policy

- 8.4 The Development Plan comprises the adopted Highland-wide Local Development Plan (HwLDP), Caithness and Sutherland Local Development Plan (CaSPlan) and all statutorily adopted supplementary guidance. The CaSPLAN identifies the Dounreay Economic Development Area and highlights the role of the Dounreay Development Framework 2 in decommissioning the Dounreay Facility. The proposed development lies adjacent to but wholly outwith that allocation and there is no site specific CaSPlan policies affecting this application site.
- 8.5 The Caithness and Sutherland Local Development Plan does not contain any specific land allocations related to the proposed development. Paragraph 74 of the CaSPlan sets out that the Special Landscape Area boundaries have been revised for the CaSPlan to ensure 'key designated landscape features are not severed and that distinct landscapes are preserved.' The boundaries set out in the CaSPlan are supported by a background paper that includes citations for each of the Special Landscape Areas. Policies 28, 57, 61 and 67 of the HwLDP seek to safeguard these regionally important landscapes. Revised Draft National Planning Framework 4 (Policy 4 – Natural Places) also provides a level of protection to such regionally designated features. The impact of this development on landscape is primarily assessed in the Design, Landscape and Visual Impact (including Wild Land) section of this report.
- 8.6 The CaSPlan recognises the potential for marine renewable energy generation, particularly in the north-east of the Plan area which is identified in the Spatial Strategy for energy business expansion. This reflects the National Planning Framework 3 (NPF3) which designates the Orkney, Pentland Firth and North Caithness as an Area of Coordinated Action of marine renewables. The CaSPlan aims to maximise the benefits to the local economy by adopting a more targeted, but still flexible, approach to identifying business and industrial land. It builds on the work carried out as part of the North Highland Onshore Vision (NHOV) which identified land use planning actions to support the growth of marine renewables. The Caithness and Sutherland Vision and Spatial Strategy 2030 states that the area will become an international centre of

excellence for marine renewables.

- 8.7 The Development Plan must be read as a whole, with applications then assessed against all of the policies relevant to the proposed development and its location. Conformity with a single policy or element of the plan does not necessarily indicate that a proposal is acceptable. If the Council is satisfied that the proposal is not significantly detrimental overall, then the application will accord with the Development Plan.
- 8.8 The principal policy against which the applications requires to be determined is the Policy 69 Electricity Transmission Infrastructure of the Highland-wide Local Development Plan. This policy offers support for electricity transmission infrastructure, having regard to their level of strategic significance in transmitting electricity from areas of generation to areas of consumption. Such support is subject to the proposals not having an unacceptable significant impact on the environment. The proposal must therefore be assessed against the other HwLDP policies referenced in this report. These matters are assessed in full within a number of material considerations examined within this report. These include matters raised within consultation responses, including the response from the host Kilmorack Community Council.
- 8.9 As the development would allow for renewable energy to be exported from an offshore wind farm to the transmission network, the principle of the development receives support under HwLDP Policy 69, subject to site selection, design and overcoming any unacceptable significant environmental effects.
- 8.10 In this regard, the site does not benefit from any positive development allocation and is outwith a Settlement Development Area (SDA). As such HwLDP Policy 36 Development in the Wider Countryside applies and sets out that all development in the countryside will be determined on the basis of a number of criteria. Pertinent matters to this proposal include siting and design, being compatible with the existing pattern of development, landscape character and capacity, as well as drainage and servicing implications. The main aspect of the development is the proposed new substation building which would form an extension of built development around the HMS Vulcan Establishment. The majority of the site does however comprise undeveloped land with the majority of the site not falling within any natural heritage, built heritage or landscape designation.
- 8.12 SPP recognises that the need for energy and the need to protect and enhance Scotland's natural and historic environments must be regarded as compatible goals. The planning system has a significant role in securing appropriate protection to the natural and historic environment without unreasonably restricting the potential for renewable energy. National policies highlight potential areas of conflict but also advise that detrimental effects can often be mitigated and that effective planning conditions can be used to overcome potential objections to development. A number of criteria are set out in SPP against which proposals for energy development should be assessed (paragraph 169). These criteria are primarily reflected in Policy 67 (Renewable Energy) of the Highland-wide Local Development Plan and to a lesser extent Policy 68 (Electricity Transmission Infrastructure).
- 8.13 As a statement of the Government's approach to spatial planning in Scotland, National Planning Framework 3 (NPF3) is a material consideration that should be afforded significant weight in the planning balance. NPF3 considers that onshore wind has a

role in meeting the Scottish Government's targets to achieve at least an 80% reduction in greenhouse gas emissions by 2050, and to meet at least 30% overall energy demand from renewables by 2020, including generating the equivalent of at least 100% of gross electricity consumption from renewables. However, it should be noted that the targets set out in NPF3 have now been superseded by legislation which sets the legally binding target of net zero by 2045.

- 8.14 As set out above, National Planning Framework 4 (NPF4) was published in draft form in November 2021 with a revised draft laid before the Scottish Parliament on 08 November 2022. The Scottish Parliament voted to adopt Revised Draft NPF4 on 11 January 2023. As such, the document is going through the final parliamentary process, and will shortly become the new principal planning policy and spatial strategy for Scotland and a statutory part of the development plan. Therefore, significantly more weight can be attached to NPF4 than to previous revisions.
- 8.15 The development subject to this application is identified as a national development as "Strategic Renewable Electricity Generation and Transmission Infrastructure" given it will allow for the export and onward transmission of more than 50MW of energy at over 132kv. There is in principle support for national scale developments as they have been identified of national importance in the delivery of Scotland's Spatial Strategy. However, any project identified as a national development requires to be considered at a project level to ensure all statutory tests are met. This includes consideration against the provisions of the Development Plan, of which National Planning Framework 4 will be a part.
- 8.16 Specific to this proposal, draft NPF4 states that development proposals for energy proposal should only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities, as set out in Policy 11. The policy goes on to state that significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets, similar to the existing provisions of Scottish Planning Policy, while identifying impacts, including cumulative impacts, that must be suitably addressed and mitigated against. These considerations relate to matters of: impacts on communities and individual dwellings in relation to amenity; landscape and visual impact; public access; aviation and defence interests; telecommunications; traffic; historic environment; biodiversity (including birds); impacts on trees; decommissioning; site restoration; and cumulative effects. In relation to landscape and visual impacts it advises that where impacts are localised and / or appropriate design mitigation has been applied such effects will generally be considered acceptable .
- 8.17 However NPF4 must be read as a whole and detailed consideration given to linked policies. Relevant to this proposal are the following policy matters:
- Policy 4 (Natural Places) – this policy sets out that development proposals that by virtue of type, location or scale will have an unacceptable impact on the natural environment will not be supported. The policy also is clear that development proposals that affect a site designated as a landscape area in the LDP (Special Landscape Areas for Highland Council) will only be supported where it will not have a significant adverse effect on the integrity of the area as assessed against the special qualities for which it has been identified. This effect

on integrity can effectively be set aside where significant adverse effects on the integrity of the area are clearly outweighed by social, economic or environmental benefits of at least local importance. This is relevant due to the impact on the Special Landscape Areas along the north coast.

The other policies relevant to this proposal are set out in para 7.10 of this report, the provisions of which are considered throughout the report where any conflicts or compliance issues are highlighted.

8.18 The Scottish and UK Governments have published a number of reports in recent years relating to national energy policy and climate change. In short, none indicate a distinct policy change but rather indicate a direction of travel in terms of future policy which has now been brought forward in Revised Draft NPF4. Most relevant to this application are as follows:

- Scottish Energy Strategy: The future of energy in Scotland (December 2017);
- Draft Scottish Energy Strategy and Just Transition Plan (January 2023);
- Scottish Government, Securing a Green Recovery on a Path to Net Zero: Climate Change Plan 2018–2032 (updated December 2020);
- Committee on Climate Change, The Sixth Carbon Budget, The UK's Path to Net Zero (including Policy and Methodology) (December 2020);
- National Audit Office, Net Zero Report (December 2020);
- HM Government, Energy White Paper, Powering our Net Zero Future (December 2020); and,
- Department for Business, Energy and Industrial Strategy 'Enabling a High Renewable, Net Zero Electricity System: Call for Evidence'

8.19 Further to the above, in late 2019 the Scottish Government's targets for reduction in greenhouse gases were amended by The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019. This sets targets to reduce Scotland's emissions of all greenhouse gases to net-zero by 2045 at the latest, with interim targets for reductions of at least 56% by 2020, 75% by 2030, 90% by 2040.

8.19 The statements of continued strong support relating to offshore wind energy contained within these documents are acknowledged. Support for wind energy development is anticipated to meet with the continued aspiration to decarbonise the electricity network, enable communities to benefit more directly in their deployment and to support the renewables industry and wider supply chain. The proposed development would assist in the delivery of renewable energy to the grid.

8.20 However, it is also recognised that such support should only be given where justified. With regard to planning policy, these statements largely reflect the existing position outlined within the National Planning Framework 3 and Scottish Planning Policy, a policy framework that supports development in justified locations where there is an expectation that areas already hosting wind energy schemes will continue to do so beyond the lifetime of current consents, a policy line echoed in Policy 11 of the emerging NPF4. In addition, it must be recognised that the greenhouse gas reduction targets and the targets in the Energy Strategy are related not just to production of

green energy but also related to de-carbonisation of heat and transport.

- 8.21 The Pilot Pentland Firth and Orkney Waters Marine Spatial Plan was adopted in 2016. It was put in place to support sustainable decision making on marine use and management. Specifically related to this proposal is Sectoral Policy 4 (Renewable Energy Generation). This sets out that the plan will support proposals sited in the areas identified through the Sectoral Marine Spatial Plan; integration of different marine uses have been considered; regard has been had to relevant factors in regional locational guidance; connections for developments have been considered against policies in the Local development Plan; there has been early communication and consultation with affected stakeholders to avoid or minimise adverse impacts; and any adverse impacts are satisfactorily mitigated.

Energy and Economic Benefits

- 8.22 The UK Government targets an addition 5GW of offshore wind energy capacity by 2030. The recently published draft Scottish Energy Strategy and Just Transition Plan has identified a target of 8-11GW of installed offshore wind energy capacity in Scottish Waters by 2030.
- 8.23 It is in this context that the Pentland Firth Offshore Wind Farm indicative maximum capacity of 100MW would make a significant contribution to Scottish and UK Government policy targets, the international commitments for renewable energy and electricity generation to facilitate net zero by 2050. The proposed development would allow the electricity generated by the Pentland Firth Offshore Wind Farm to be exported to the grid. There will be a carbon cost to the construction of the development. Based on the applicant's assessment of the of CO₂ equivalent emissions for the construction of the development would be approximately 8,833 tonnes equivalent. However, this will be paid back between 15-20 times within the first year of operation of the offshore wind farm to which the development relates.
- 8.24 In terms of economic benefits, the proposed development anticipates a construction period of approximately 18 months and 30 years of operation prior to decommissioning or repowering. Such a project can offer significant investment/opportunities to the local, Highland, and Scottish economy including for businesses ranging across construction, haulage, electrical and service sectors through the supply chain, with opportunities in research and development, design, project management, civil engineering, component fabrication / manufacture, installation, and maintenance. The application is accompanied by a socio-economic, recreation and tourism assessment. that looks at both the construction and operational phases for the development. During construction of the development and the associated wind farm, it is anticipated that between 6-13 full time equivalent jobs will be created within Caithness, between 401-639 in Highland, 639-894 in Scotland and between 944-1304 UK wide. These would be considered significant benefits at a Caithness and Highland level.
- 8.25 The applicant estimates that the construction of the Project as a whole (the onshore development and the offshore wind farm) would generate additional economic output (measured in gross value added (GVA)) both directly and indirectly. High and low scenarios have been applied to give a range of the likely economic benefits in GVA each year. This is set out below:

Indicator	Average annual total GVA (£m)
Caithness Low	0.3
Caithness High	0.8
Highland Low	23.7
Highland High	37.2
Scotland Low	36.6
Scotland High	51
UK Low	52.6
UK High	72.8

While not significant in EIA terms the increase in GVA against the baseline figures for the area are considered beneficial.

- 8.26 The applicant estimates that the operation of the Project as a whole (the onshore development and the offshore wind farm) would generate additional economic output (measured in gross value added (GVA)) both directly and indirectly. High and low scenarios have been applied to give a range of the likely economic benefits in GVA each year. This is set out below:

Indicator	Average annual total GVA (£m)
Caithness Low	1.6
Caithness High	1.6
Highland Low	1.9
Highland High	2.2
Scotland Low	2.5
Scotland High	3.1
UK Low	4.9
UK High	5.4

While not significant in EIA terms the increase in GVA against the baseline figures for the area are considered beneficial.

8.27 The applicant has set out a range of measures it is putting in place to boost the benefits of the development, alongside the offshore wind farm, to the communities in Highland. The most significant of which includes the signing of a Memorandum of Understanding with Scrabster Harbour to facilitate the provision of support services during both the construction and operation and maintenance phases. However, the applicant has also and is continuing to undertake supply chain engagement; delivery of initiatives with secondary education establishments in Caithness to deliver education and training on STEM subjects as well as the appointment of a Community Liaison Officer.

Layout, Design, Landscape and Visual Impact

8.28 As set out in section 1 of this report there will be a number of different elements to the development, each having different impacts through their layout and design. The application is for planning permission in principle and due to the complex nature and timescales for the project the final details are yet to be brought forward. As set out in section 1 of the report, the applicant has brought forward the application on a design envelope approach and identified the “worst case” scenario for the proposal.

8.29 The applicant has provided an indicative layout and design for the development based on a series of development zones in which particular elements of the development will take place. These are considered below:

- **Landfall Zone:** This is an area to the west of the HMS Vulcan Establishment and is where the offshore export cables will meet the onshore cables in a joint transition bay. The cables will be brought ashore via horizontal directional drilling. The joint transition bay will be an excavation of approximately 5m wide, 15m long and 2.5m deep. Following the completion of the cable jointing works the bay may be backfilled with to protect the cable joint. The exact location of this will be dependant on ground conditions but locationally it will require to be close to the coastline. There will be no significant above ground structures in the landfall zone post completion of the construction works. As a result, it is unlikely to have any landscape or visual impacts;
- **Cable and Access Zone:** this development zone runs from the landfall zone, around the south of the HMS Vulcan Establishment toward the Dounreay substation and then south toward the A836. This development zone will include any permanent and temporary access tracks, all onshore cable circuits and any cable joint bays that may be required. The onshore cable circuits and joint bays will be located underground and therefore will not have a visual impact beyond the construction period. There are however significant working corridors proposed by the applicant during the construction period. Therefore it is anticipated that there will be a temporary visual impact as a result of these aspects throughout the construction period. There is unlikely to be any landscape or visual impacts as a result of the cable works during the operational period.

The access tracks are proposed as a mix of upgrades to existing access tracks on the site and new access tracks. The exact routing will be determined in due course. Permanent tracks will be required to the substation for operational and maintenance purposes. Temporary tracks will also be required during the construction within the Landfall Zone. Other than for receptors on the A836, in

immediate vicinity of the access it is not considered that the access infrastructure will be visible for most receptors. As there is an existing access in place to the site in the form of a semi-surfaced farm track which will be upgraded in terms of surfacing, the magnitude of change will not be significant and is unlikely to have adverse visual impacts.

- Onshore Substation Zone: The proposed zone covers much of the application site but the applicant has identified two preferred areas within the site for the location of the substation. One of these is close to the Dounreay Substation, the other is adjacent to the Landfall Zone. The location of the substation compound and building, will be determined by technical constraints on the site and will be subject to detailed design. The building itself will likely have a visual impact but given its location close to existing developments of a similar use, it is unlikely to have a landscape impact. The applicant has identified that from a range of viewpoints in vicinity of the site that the proposal will not have a significant visual effect. This is not to say it won't be visible but that based on the EIA methodology it won't have a significant visual effect on receptors. An assessment based on the worst case scenario of the scale of the substation at the two locations has been undertaken with consideration given to receptors on the A836 (travelling eastbound and westbound), those visiting Sandside Bay, people who stop at the Drum Hollistan Layby, and recreational users of the outdoors who climb Beinn Ratha, a prominent local hill. It is considered that the visual impact is limited by virtue of its location in proximity of other existing and proposed buildings of a similar scale and use. The final design of the building, through choice of materials and siting, shape and style of the building, will be able to mitigate any residual effects and integrate the development into the existing built environment.

- 8.30 In relation to each element of the proposal within the proposed development zones, it is not considered that the proposals would have an impact on the integrity of the Special Landscape Areas in proximity of the site due to the scale and location of the proposed development.
- 8.31 The consultation response from Scottish and Southern Electricity Networks (SSEN), raises concern over the location of the substation in relation to consented but as yet unbuilt, substation infrastructure which it is proposing in the area. The applicant has been working with SSEN on the exact siting and design of infrastructure. It is entering a Proximity Agreement with SSEN to ensure both proposals are able to be accommodated in the area. Based on the scale of the application site and the Onshore Substation Development Zone and Cable and Access Development Zone, it is considered that there is sufficient space to accommodate both developments. This is however a matter which requires to be agreed between the applicant and SSEN.
- 8.32 Overall, subject to appropriate conditions to manage the development, the design, layout, landscape and visual impact of the proposed development is acceptable.

Construction Impact

- 8.33 The development of a project of this scale will have considerable temporary impacts including for example construction traffic but also construction noise, dust, waste, etc. The applicant has a commitment toward a project specific Construction and

Environmental Management Document (CEMD) approach, the finalised details of which, following appointment of the project contractor, would require approval of the Planning Authority in consultation relevant consultees. In addition, the applicant has also committed to the appointment of an Ecological Clerk of Works (ECoW) to oversee the project. This can usefully dovetail with a Planning Monitoring Officer role to monitor compliance with the conditions attached to any consent.

- 8.34 The Council's Environmental Health Service has highlighted potential disturbance to local residents in respect of construction noise and vibration, particularly in relation to the Horizontal Directional Drilling (HDD). Accordingly, a Construction Noise Management Plan (CNMP) would be required any appointed contractor adopting best practical means to limit the degree and timings of such impacts. While the HDD may involve 24 hour working, other construction hours with may require to be restricted. The HDD will require a specific condition to limit noise arising from the HDD process given the 24 hour nature of the work.
- 8.35 Developers must also comply with reasonable operational practices with regard to construction noise so as not to cause nuisance. Section 60 of the Control of Pollution Act 1974 sets restrictions in terms of hours of operation, plant and equipment used and noise levels, amongst other factors, which is enforceable via Environmental Health. The applicant has submitted a construction noise assessment that indicates predicted construction noise levels will meet the permitted levels. It is also expected that the developer and contractors would employ the best practicable means to reduce the impact of noise from construction activities at all times. While construction noise will not be controlled by planning condition, Environmental Health have suggested that work commencing at 7am may be acceptable for activities which are inaudible at the boundary of noise sensitive properties.
- 8.36 Timing of deliveries (HGV's and abnormal loads) shall also be agreed through a Construction Traffic Management Plan (CTMP) with construction traffic avoiding school travel times and identified community events. In addition to the requirement for submission and agreement on a CEMD, the Council will require the applicant to enter into legal agreements and provide a financial bond with regard to its use of the local road network (a Section 96 Wear and Tear Agreement). A package of road mitigation works are also proposed as set out within the Roads, Transport and Access section of this report.
- 8.37 Other controls including Dust Management Plans, Pollution Prevention Plans, Waste Management Plans, which would also be expected within a project specific CEMD. Due to the scale of the development SEPA will control pollution prevention measures relating to surface water run-off via a Controlled Activities Regulations Construction Site Licence.
- 8.39 Should the development be granted consent, a condition would require that the provision of a Community Liaison Group to help ensure that the community council and other stakeholders are kept up to date and consulted before, during and after the construction period.
- 8.40 Given the location of the proposed development the Council's Contaminated Land Team have sought a scheme to deal with potential contamination on the site. SEPA have also requested a condition related to the radioactive potential of the site given

the adjacent uses of the site. SEPA are the regulator for matters related to radioactivity but the planning system has a role to play in securing appropriate mitigation. A condition can be applied to secure a radiological walkover survey prior to commencement of development. This condition will also secure a detailed remediation strategy which will require to be implemented throughout construction with a validation report being prepared prior to first use and occupation of the facility.

- 8.41 The Ministry of Defence have sought that prior to commencement of development there should be liaison between the applicant, its contractors and the Head of Establishment at Vulcan. This can be secured by condition.

Roads, Transport and Access

- 8.42 The traffic and transport impacts of the development will be focused on the construction period with limited predicted traffic to support the operation and maintenance of the development. It is predicted that the construction period will lead to an additional 36 HGV's and 29 light vehicles utilising the local and trunk road network and development will lead to an additional impact on the local and trunk road network. The most significant impact of this increase is likely to be related to noise and vibration as both the local and trunk road networks have sufficient capacity to support this increase in traffic. The cumulative impact, if the adjacent Dounreay Substation and wind farms in the area are brought forward at the same time would be greater than the individual impact but would not have a significant impact.
- 8.43 The substation will require some abnormal load deliveries. While a port of entry has not been finalised, it is considered that there are a number of local port opportunities that could be utilised. An assessment of the routes for abnormal loads will require to be undertaken and support matters specified in condition applications for the substation complex. This would not however be required for other elements of the development as those do not involve abnormal loads.
- 8.44 The use of a Construction Traffic Management Plan which considers individual and cumulative impacts will be required. This will also need to ensure that appropriate mitigation is in place on the local road network for any localised impacts on the infrastructure. This will also set out the requirement for a Section 96 wear and tear agreement under the Roads (Scotland) Act.
- 8.45 The application site is currently subject to public access. The construction period will limit public access in the area for health and safety reasons. The operation period for the development will have less of an impact due to the limited areas which will be inaccessible (i.e. the substation compound). Prior to commencement of development on any development zone, an access management plan should be submitted to the Planning Authority. This should address the construction and operational phases of the development.

Noise

- 8.46 The applicant has undertaken an assessment of likely noise arising from the development. The assessment is based on a number of assumptions given the final design of the substation is unknown. Such facilities will create a level of noise, and the Council has experience of this causing amenity issues at noise sensitive

receptors. Environmental Health have suggested that the planning permission sets out a noise limit of 30dB when measured and / or calculated in the 100hz one third octave frequency. Any matters specified in conditions application for the substation will require the submission of a detailed operational noise assessment which shall not exceed this level. It is also proposed that for all other plant that the noise levels should not exceed background levels at noise sensitive properties.

Natural Heritage (including Ornithology)

- 8.47 The application site largely avoids the designed sites for natural heritage in the area, however, the Landfall Development Zone does include some small areas of the North Caithness Cliffs SPA. There is also some connectivity between the site and the qualifying features of the Caithness and Sutherland SAC and SPA. NatureScot have advised that subject to a protected species survey for otter being undertaken and any mitigation being implemented that there would not be a likely significant effect on the qualifying features of the Caithness and Sutherland SAC. In relation to the North Caithness Cliffs SPA, NatureScot have advised that an effect on the integrity of the seabird assemblage and peregrine falcon can be avoided through suitable implementation of a pollution prevention plan. This will also have benefit to the Sandside Bay SSSI. Impacts on the Caithness and Sutherland Peatlands SPA are not likely to lead to a significant effect due to the location of the development being limited to the application site which would avoid disturbance of the qualifying species of the SPA. For the same reasons (lack of proximity to qualifying features to allow disturbance to be caused) and the limited loss of foraging areas it is not considered that there would be an impact on the qualifying features of the Caithness Lochs SPA. A habitat regulations appraisal has been undertaken and forms an appendix to this report.
- 8.48 RSPB have raised concern over the limited nature of bird survey work for wider countryside (i.e. birds which are not qualifying features of designated sites). However, the level of survey work was agreed with NatureScot and RSPB are content with additional survey work accompanying future applications for the site.
- 8.49 In relation to ecology, given the habitats present on site, there are limited species present on the site. However, pre-commencement protected species surveys will be required and these should also inform any matters specified in conditions applications.

Water, Flood Risk, Drainage and Soils

- 8.50 Some aspects of the site are subject to coastal, fluvial and pluvial flood risk. Under the Flood Risk and Land Use Vulnerability Guidance published by SEPA, the proposed development is classed as essential infrastructure. As this is the case it can be developed within areas at risk of coastal and fluvial flooding. However, it will be for the applicant to demonstrate that the development can continue to operate during a 1 in 200 year return period storm event. The Council's Flood Risk Management Team is content with this approach and detailed flood risk assessments will be required when further details of the proposal are known. This can be secured by condition.
- 8.51 To manage the pluvial flood risk in relation to the development, each matters specified in conditions application will be required to submit details of the proposed drainage infrastructure, both in terms of surface water drainage and waste water drainage. Such

details can be secured by condition.

- 8.52 The impact of the development on the water environment, which includes the Pentland Firth and minor watercourses which run through the site, has been considered by the applicant. It is proposed that a pollution prevention plan is secured by condition to ensure the water environment is not adversely effected.
- 8.53 The soil on the site is not considered to be of local significance in terms of quality. No peat is present on the site.

Other material considerations

- 8.54 The site is not situated within any built heritage designation and there are no scheduled monuments or listed buildings within the boundary of the proposed development. There are however undesignated built heritage records across the site with parts of the site having previously been subject to archaeological investigation. It is considered that a scheme for archeological investigation and recording is secured by condition.
- 8.55 Based on the EIAR and the responses from consultees, the proposed development will not affect any aviation interests or telecommunication links.
- 8.56 Draft Revised NPF4 brought forward a requirement for developments of this scale to deliver biodiversity enhancement. This matter can be secured by condition.
- 8.57 At the end of the operational life of the wind farm (projected to be 30 years) it is proposed that the supporting infrastructure which is proposed through this application is decommissioned. No decommissioning plan has been included within the EIA but will need to be subject to further consideration, prior to decommissioning. Such a plan and a financial guarantee to secure decommissioning and site restoration can be secured by conditions. Having said that, a decision may be taken at some point within the period of operation on whether the offshore wind farm development should be re-powered, if that is the case, the operational time period for substation could be extended.

Non-material considerations

- 8.58 None.

Matters to be secured by Section 75 Agreement

- 8.59 None.

9. CONCLUSION

- 9.1 The Scottish Government and the Council each have policies in support of projects which increase the capacity of the grid network to serve the community and in particular the significant level of investment in renewable energy. The proposed development falls under the category of National Development, where there is support in principle for such proposals.

- 9.2 Highland has been successful in attracting inward investment in renewables, enabled in part by a significant level of investment in the improvement of the electricity transmission network. This success has led to the Highlands having a good understanding of this type of project and this Council having appropriate policies and guidance to assist in its assessment, and to effectively manage their implementation on the ground. For example, the use of Construction and Environmental Management Documents “CEMD”, a particular approach to assist with the implementation / management of such large-scale projects with a focus on environmental protection. There are investment benefits too that favour these projects, not just from the short term construction but a continued stream of investment assisting with apprenticeships schemes and partnership networks with local companies.
- 9.3 Subject to conditions, there are no statutory consultee objects to the application. There are clear impacts that might be expected from this development, particularly during its construction. These can be managed through best practice construction management techniques to ensure surrounding interests, particularly road access and the amenity of local housing is safeguarded from the key impacts of the development; by planning conditions. Such details will be brought forward and assessed in future matters specified in conditions applications. The proposal will also be overseen by an appointed Ecological Clerk of Works, with any permission requiring regular compliance monitoring and ongoing engagement by means of a Community Liaison Group.
- 9.4 Under the provisions of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, the Council is required to reach a reasoned conclusion on the environmental impacts of the proposed development. The Council is satisfied that environmental effects of this development can be addressed by way of mitigation. The Council has incorporated the requirement for a schedule of mitigation within the conditions of this permission.
- 9.5 The application can be supported in the context of the Council’s Development Plan and in particular it’s HwLDP Policy 69 on Electricity Transmission Infrastructure and the underlying support for renewable energy development which is consented in this area. All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: The proposed development provide the opportunity to export renewable energy to the transmission network.
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued

Notification to Scottish Ministers	N
Conclusion of Section 75 Obligation	N
Revocation of previous permission	N

Subject to the above actions, it is recommended to **GRANT** the application subject to the following conditions and reasons

1. An application or applications for the approval of matters specified in conditions attached to this planning permission in principle must be made no later than whichever is the latest of the following:

For Submission of Matters Specified in Conditions for the first Development Zone to be commenced

- i. The expiry of THREE YEARS from the date on this decision notice;
- ii. The expiry of SIX MONTHS from the date on which an earlier application for the requisite approval was refused; or
- iii. The expiry of SIX MONTHS from the date on which an appeal against such refusal was dismissed.

For each subsequent Development Zone:

- i. The expiry of FOUR YEARS from the date on this decision notice;
- ii. The expiry of SIX MONTHS from the date on which an earlier application for the requisite approval was refused; or
- iii. The expiry of SIX MONTHS from the date on which an appeal against such refusal was dismissed.

from the date of the requisite approval of any matters specified in conditions applicable to that Development Zone (or, in the case of approval of different matters on different dates, from the date of the requisite approval for the last such matter being obtained), whichever is the later, unless that phase of the development to which the permission relates is begun before that expiration.

The development to which this planning permission in principle relates must commence no later than TWO YEARS from the date of the requisite approval of any matters specified in conditions (or, in the case of approval of different matters on different dates, from the date of the requisite approval for the last such matter being obtained), whichever is the later. If development has not commenced within this period, then this planning permission in principle shall lapse.

Reason: In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. Planning Permission in Principle is hereby granted for the erection and

operation of an onshore substation and associated infrastructure upon 103 hectares to be developed in accordance with the Proposed Infrastructure Development Zones Plan hereby approved.

No development shall commence on each Development Zone until a phasing plan setting out the detailed layout of infrastructure for each Development Zone has been submitted to and approved in writing by the Planning Authority.

Thereafter the development shall be undertaken in accordance with the agreed Phasing Plan or in Sub-Phases as may be approved in writing by the Planning Authority.

A Sub-Phase means any part of any Development Zone subject of an Approval of Matters Specified in Conditions issued by the Council following an application in that behalf, or otherwise subject of any equivalent planning approval following an application in that behalf.

Reason: To ensure that the development proceeds in an appropriate manner and that the necessary elements of the development are provided at the appropriate stages.

3. No development shall commence within each Development Zone, until an application, or applications, as they relate to or are relied upon by that Development Zone has been submitted to and approved by the Planning Authority in respect of the following matters, insofar as they relate to the details of the Development Zone, taking full account of the EIAR and relevant national and local policy and guidance related to the matters set out below:-
 - a. the siting, design and external appearance of all buildings and other structures which shall be no more than 14m AOD in height;
 - b. the means of access to the site including connections to the A836 for all modes of transport inclusive of type and form of routes; junction layout and design with projected traffic figures supported by traffic modelling; junction and forward visibility requirements; vehicle tracking at junctions and standard radii;
 - c. the provision of car parking inclusive of disabled parking and electric vehicle charging infrastructure;
 - d. the provision of covered staff cycle parking;
 - e. the details of and timetable for delivery of any and all landscaping associated with the Development Zone, including any post construction site restoration.
 - f. details of all boundary treatments within the development;
 - g. the provision for service vehicles following occupation of the development;
 - h. details of the provision of surface water drainage systems, including access for maintenance, across the phase or sub-phase, how it relates to the surface water drainage strategy for the site as a whole and management and maintenance arrangements of said infrastructure;

- i. details of the water and waste water connections;
- j. means of dealing with waste in accordance with the Highland Council's 'Managing Waste in New Developments' Supplementary Guidance' (or any superseding guidance prevailing at the time of submission);
- k. details of existing and proposed site levels with fall arrows;
- l. details of finished floor levels;
- m. details of all external lighting ensuring that safety and security are addressed with no lighting directed skyward.

Reason: Planning permission is granted in principle only and these specified matters must be approved prior to development commencing within each phase or sub-phase.

- 4. The development shall be constructed and operated in accordance with the provisions of the Application, and the Environmental Impact Assessment Report (EIAR), except in so far as amended by the terms of this consent or any future matters specified in conditions approval.

Reason: To identify the extent and terms of the development consent.

- 5. Any details pursuant to condition 2 in so far as they relate to the Onshore Substation Development Zone, shall include full details of the Onshore Substation building, substation compound, and associated infrastructure hereby permitted. These details shall include:

- a) The scale and design of the substation, not exceeding 45m x 45m x 14m, external materials, colours and finishes of all buildings, external plant or equipment and site fencing, with a non-reflective, semi-matte finish to be specified throughout;
- b) Details of the layout of the substation compound, inclusive of location of welfare facilities, parking and offices;
- c) Details of any temporary construction compounds; and
- d) No element of the development shall have any text, sign or logo displayed on any external surface of the facility, save those required by the applicant's safety systems and law under other legislation; and

Thereafter, the facility shall be installed in accordance with these approved details and, with reference to part (a), (b) and (c) above, the facility shall be maintained in the approved colour, free from rust, staining or discolouration until such time as the development is decommissioned.

Reason: Planning permission is granted in principle only and these specified matters must be approved prior to development commencing on the onshore substation, onshore substation compound and associated infrastructure

- 6. Any details pursuant to condition 2 in so far as they relate to the Cable and Access Development Zone, shall include full details of the cable and access track routing. These details shall include:

- a) The routing, width, surfacing (to be of a dark non-reflective material) and construction of any and all permanent and temporary access tracks;
- b) The routing and installation methodology of any and all cabling and ducting;
- c) The location and design for any cable joint bays; and
- d) details of any temporary construction compound.

Thereafter, the facility shall be installed in accordance with these approved details and, with reference to part (a), (b) and (c) above, the facility shall be maintained in an appropriate condition until such time as the development is decommissioned.

Reason: Planning permission is granted in principle only and these specified matters must be approved prior to development commencing on the cable circuits and access tracks.

7. Any details pursuant to condition 2 in so far as they relate to the Landfall Development Zone, shall include full details of the Transition Joint Bay and any cable routing and access track routing. These details shall include:

- b) The routing and installation methodology of any and all cabling and associated ducting;
- c) The location and design for the Transition Joint Bay; and
- d) details of any temporary construction compound.

Thereafter, the facility shall be installed in accordance with these approved details and, with reference to part (a), (b), (c) and (d) above, the facility shall be maintained in an appropriate condition until such time as the development is decommissioned.

Reason: Planning permission is granted in principle only and these specified matters must be approved prior to development commencing on the cable circuits and access tracks.

- 8 Any details pursuant to condition 2 in so far as they relate to the Cable and Access Development Zone, shall include full details of the cable and access track routing. These details shall include:

- a) The routing, width, surfacing (to be of a dark non-reflective material) and construction of any and all permanent and temporary access tracks;
- b) The routing and construction methodology of any and all cabling;
- c) The location and design for any cable joint bays.

Thereafter, the facility shall be installed in accordance with these approved details and, with reference to part (a), (b) and (c) above, the facility shall be maintained in an appropriate condition until such time as the development is decommissioned.

Reason: Planning permission is granted in principle only and these specified matters must be approved prior to development commencing on the onshore substation, onshore substation compound and

associated infrastructure

- 9 Any details pursuant to Condition 2 above for any Development Zone shall be informed by and include an access management plan (including details of footpaths and cycle ways and lighting (existing, during construction and upon completion and information on temporary or permanent diversion or closure)) shall be submitted for the written approval of the planning authority for each phase or sub-phase of the development. The plan shall show:-
- a. All existing paths, tracks and rights of way and any areas currently outwith or excluded from statutory access rights;
 - b. Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or curtilage in relation to proposed buildings or structures;
 - c. All paths and tracks proposed to be constructed for use by walkers, riders, cyclists, all-abilities users etc and how these will integrate with existing or proposed networks; and
 - d. Any diversion of paths, temporary or permanent proposed for the purposes of the development.

The Access Management Plan shall be implemented as approved and in accordance with the timetables outlined therein, unless otherwise approved in writing by the Planning Authority.

Reason: To ensure accordance with the Land Reform (Scotland) Act 2003.

- 10 No development shall commence on each development zone unless and until, a scheme to deal with potential contamination within the phase will be submitted to, and approved in writing by, the Planning Authority. Each scheme shall include:
- i) the nature, extent and type of contamination on site, identification of pollutant linkages and assessment of risk (i.e. Contaminated Land Risk Assessment and Remediation Plan). The scope and method of this assessment to be agreed in advance with the planning authority, and undertaken in accordance with PAN 33 (2000) and BS10175:2011+A1:2013 Investigation of Potentially Contaminated Sites – Code of Practice;
 - ii) the measures required to treat/remove contamination (remedial strategy) including a method statement, programme of works and proposed verification plan to ensure that the site is fit for the uses proposed;
 - iii) measures to deal with contamination during construction works
 - iv) in the event that remedial action be required, a validation report that validates and verifies the completion of the approved decontamination measures;
 - v) in the event that monitoring is required, monitoring statements submitted at agreed intervals for such time period as is considered appropriate in writing by the Planning Authority. Thereafter, no development

shall commence within any phase until written confirmation that the approved scheme has been implemented, completed and, if required, on-going monitoring is in place, has been issued by the Planning Authority.

Reason: In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.

11

No development shall commence on each Development Zone unless and until a Construction Environment Management Document (CEMD) for the works and development related to that Development Zone has been submitted to and approved in writing by the Planning Authority in consultation with NatureScot. The development shall then proceed in accordance with the approved CEMD unless otherwise agreed in writing by the Planning Authority. The CEMD shall include details of:

- a) An updated Schedule of Mitigation (SM) as it relates to construction highlighting mitigation set out within each chapter of the Environmental Impact Assessment Report (EIAR), and the conditions of this consent;
- b) Pre-commencement protected species survey with a focus on, but not limited to, the qualifying interests of the Caithness and Sutherland SAC and the North Caithness Cliffs SPA
- c) Processes to control / action changes from the agreed SM;
- d) Construction Environmental Management Plans (CEMPs) for the construction phase, covering:
 - i) Habitat and Species Protection, including a Otter Protection Plan;
 - ii) Pollution Prevention and Control Plan;
 - iii) Dust Management, covering demolition and construction activity, including vehicle movements;
 - iv) Construction Noise and Vibration (refer to Condition 5);
 - v) Temporary Site Lighting;
 - vi) Site Waste Management;
 - vii) Surface and Ground Water Management, including: drainage and sediment management measures from all construction areas including access tracks; mechanisms to ensure that construction will not take place during periods of high flow or high rainfall; and a programme of water quality monitoring;
 - viii) Soil Management, with details of soil placement and measures to utilise the soils' existing seed base in the finalised landscaping plan;
 - ix) Public and Private Water Supply Protection Measures;
 - x) Emergency Response Plans;
 - xi) Timetable for post construction restoration / reinstatement of the temporary working areas and construction compound; and
 - xii) Other relevant environmental management as may be relevant to the

development.

- e) A statement of responsibility to 'stop the job/activity' if a breach or potential breach of mitigation or legislation occurs; and
- f) Methods for monitoring, auditing, reporting and the communication of environmental management on site and with client, Planning Authority and other relevant parties.

Reason: to ensure the environment is appropriately managed to avoid impacts on the natural environment as a result of construction of the development and to avoid likely significant effects on qualifying features of the Caithness and Sutherland Peatlands SAC, North Caithness Cliffs SPA and to avoid impacts on the Sandside Bay SSSI.

12 Any details pursuant to condition 2 above for each Development Zone shall be supported by a Construction Noise Management Plan (CNMP) which demonstrates how the developer will ensure the best practicable measures are implemented in order to reduce the impact of construction noise and vibration. The CNMP shall include, but is not limited to, the following:

- a) A description of the most significant noise sources in terms of equipment; processes or phases of construction;
- b) The proposed operating hours and the estimated duration of the works for each phase;
- c) A detailed plan showing the location of noise and vibration sources and noise sensitive receptors;
- d) A description of noise mitigation methods that will be put in place including the proposals for community liaison. The best practice found in BS5228 Code of practice for noise and vibration control on construction and open sites should be followed. Any divergence requires to be justified; and
- e) A method statement demonstrating the measures which will be put in place to ensure that construction noise at night time audible at the boundary of any noise sensitive receptor does not exceed 45dB(A) LAeq 15mins.

Thereafter the development shall progress in accordance with the approved CNMP for each Development Zone with all approved mitigation measures to be in place prior to the commencement of development, or as otherwise agreed in writing by the Planning Authority.

Reason: In the interest of safeguarding residential amenity.

13 No development shall commence until the Planning Authority has approved in writing the terms of appointment by the applicant of an independent Ecological Clerk of Works (ECoW). The terms of appointment shall:

- a) Impose a duty to monitor compliance with the ecological and hydrological commitments provided in the Environmental Impact Assessment Report, Supplementary Environmental Information and Construction and Environmental Management Document (CEMD) and other plans

approved. This shall include, but is not limited to: undertaking a further pre-construction breeding bird and protected species site walkover survey; overseeing site construction tree protection and site lighting requirements to ensure lighting is directed away from trees to reduce disturbance to any foraging bats; and to monitor compliance with all pollution prevention measures including water quality monitoring (“the ECoW Works”);

- b) Require the ECoW to report to the applicant’s nominated construction project manager any incidences of non-compliance with the ECoW Works at the earliest practical opportunity;
- c) Require the ECoW to submit a report every three months to the Planning Authority and Planning Monitoring Officer, or monthly at the further written request of the Planning Authority, summarising progress with the development and environmental works undertaken on site;
- d) Have power to stop to the job / activities being undertaken within the development site when ecological interests dictate and / or when a breach or potential breach of environmental legislation occurs to allow for a briefing of the concern to the applicant’s nominated construction project manager; and
- e) Require the ECoW to report to the Planning Authority any incidences of non-compliance with the ECoW Works at the earliest practical opportunity.

The ECoW shall be appointed on the approved terms throughout the period from pre-construction survey work ahead of the commencement of development, throughout any period of construction activity, ground reinstatement and landscaping and for one year post construction to monitor the environmental effects of the development.

Reason: To secure effective monitoring of and compliance with the environmental mitigation and management measures associated with the Development.

14

No development shall commence until a Construction Traffic Management Plan (CTMP) to manage all construction traffic with the exception of abnormal indivisible loads, has been submitted to and approved in writing by the Planning Authority, in consultation with the local Roads Authority, and any affected local Community Councils. The CTMP shall be carried out as approved in accordance with the timetable specified within the approved CTMP. The CTMP shall include:

- a) Identification of the routes to site for general construction traffic and details of the number and type of vehicle movements anticipated on these routes during the construction period;
- b) Scheduling and timing of movements, respecting any large public event taking place in the local area which would be unduly affected or disrupted by construction vehicles using the public road network;
- c) Traffic management measures on the routes to site for construction traffic provided by QA traffic management consultant. Measures such as

temporary speed limits, suitable temporary signage, road markings and the use of speed activated signs and banksman/escort details should be considered. During the delivery period of construction materials any additional signing or temporary traffic control measures deemed necessary due to the size or length of any loads being delivered or removed must be undertaken by a recognised Quality Assured traffic management consultant, to be approved by the Local Roads Authority before delivery commences;

- d) Measures to mitigate the impact of general construction traffic on the routes to site following detailed assessment of the relevant roads;
- e) A procedure for the regular monitoring of road conditions and the implementation of any remedial works required during the construction period;
- f) Measures to ensure that all affected public roads are kept free of mud and debris arising from the development;
- g) The provision of a wear and tear agreement under Section 96 of the Roads (Scotland) Act 1984 under which the developer will be responsible for the repair of any damage to the local road network attributable to construction related traffic. As part of the agreement, pre-start and post construction road condition surveys must be carried out by the developer to the satisfaction of the Roads Authority. It will also require the submission of an appropriate financial bond acceptable to the Council in respect of the risk of any road reconstruction works;
- h) Provisions for emergency vehicle access;
- i) A timetable for implementation of the measures detailed in the CTMP; and
- j) Identification of a nominated person to whom any road safety issues can be referred and measures for keeping the Community Council informed and dealing with queries and any complaints regarding construction traffic.

Reason: In the interests of road safety and to ensure adequate road safety measures are in place including measures to minimise conflict with routes to schools, cyclists and local events.

15

No development shall commence until a plan detailing the extent of any proposed improvements to the local road network on the route between the port of entry and the site access, is submitted to and approved in writing by the Planning Authority, in consultation with the local Roads Authority. The Plan shall be based on an assessment of the route and the likely level of traffic using the route for the construction of the development. Thereafter, the improvement works shall be implemented either prior to the main construction works commencing on the substation, or within 4 months of the commencement of development, whichever is the sooner.

Reason: To ensure the road is enhanced and thereafter maintained to safely accommodate the increased traffic arising from the construction traffic

associated with this development and existing road users.

- 16 No delivery of abnormal indivisible load (AIL) shall be made to site until an Abnormal Indivisible Load Assessment and Construction Traffic Management Plan (AIL-CTMP) has been submitted to, and approved in writing by, the Planning Authority, in consultation with the local Roads Authority, Transport Scotland, the Police and all affected Community Councils. The AIL-CTMP shall provide a detailed protocol for the delivery of AILs, including details of their proposed routing on the local and trunk road network, with any accommodation measures required, including the removal and replacement of street furniture, junction widening, and traffic management with these measures to be undertaken by a recognised Quality Assured traffic management consultant. The AIL-CTMP shall be prepared in consultation with all interested parties and thereafter be carried out as approved.

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

- 17 No development shall commence until a Biodiversity Net Gain Planting Plan (BNGPP) is submitted to and approved in writing by the Planning Authority. The BNGPP must include: a commitment to ensure the development results in at least 10% biodiversity net gain; the design of planting; timing of delivery; and ongoing management and maintenance arrangements. The approved BNGPP shall be implemented in full and in accordance with the approved timing, unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure that the development delivers biodiversity net gain.

- 18 Any details pursuant to condition 2 above for the construction of the Onshore Substation within the Onshore Substation Zone shall be supported by an operation noise impact assessment.

This shall demonstrate that noise arising from within the operational land of the substation, hereby permitted, when measured and/or calculated as an Leq, 5min, in the 100Hz one third octave frequency band must not exceed 30 dB, at noise sensitive premises;

The Rating Level of noise arising from the use of plant, machinery or equipment installed or operated within the operational land of the substation, hereby permitted, must not exceed the current background noise levels at noise sensitive premises. The Rating Level should be calculated in accordance with BS 4142: 2014+A1:2019 Methods for rating and assessing industrial and commercial sound.

Within 4 weeks of the energisation of the development, the applicant shall carry out compliance monitoring which shall be undertaken by a suitably qualified and competent acoustic consultant.

Within 4 weeks of the monitoring being completed, a noise assessment report shall be submitted for the written approval of the Planning Authority. In so doing the report shall demonstrate the noise emitted from the

substation has not exceeded the noise levels set out in this condition.

If the noise level exceeds the levels set out in this condition, the noise assessment shall include scheme of mitigation including timescales for the implementation of the mitigation. Thereafter any mitigation measures shall be implemented in accordance with the approved scheme and timescales.

Prior to undertaking any compliance monitoring, details of the proposed compliance monitoring shall be submitted to and agreed in writing by the Council's Environmental Health Service, with the expectation being that noise monitoring will be undertaken for a period of at least 2 weeks to ensure sufficient data is obtained.

Reason: In the interest of safeguarding residential amenity.

- 19 No development or work (including site clearance) shall commence until a programme of work for the survey, evaluation, preservation and recording of any archaeological and historic features affected by the proposed development/work, including a timetable for investigation, has been submitted to, and approved in writing by, the Planning Authority. The approved programme shall be implemented in accordance with the agreed timetable for investigation.

Reason: In order to protect the archaeological and historic interests of the site.

- 20 No development shall commence until a community liaison group is established by the applicant, in collaboration with the Planning Authority and affected local Community Councils.

The group shall act as a forum for the community to be kept informed of project progress and, in particular, should allow advanced dialogue on the provision of all transport related mitigation measures and to keep under review the timing of the delivery of abnormal loads and performance of the Construction Traffic Management Plan.

This should also ensure that local events and tourist seasons are considered and appropriate measures to co-ordinate deliveries and work with these and any other major projects in the area to ensure no conflict between construction traffic and the increased traffic generated by such events / seasons / developments.

The liaison group, or element of any combined liaison group relating to this development, shall be maintained until the construction of the development and all site infrastructure becomes fully operational.

Reason: To assist project implementation, ensuring community dialogue and the delivery of appropriate mitigation measures for example to minimise potential hazards to road users, including pedestrians, travelling on the road networks.

- 21 No development shall commence until the Planning Authority has approved in writing the terms of appointment by the applicant of a suitably qualified environmental specialist to assist the Planning Authority in monitoring

compliance with the planning permission and conditions attached to this consent. The terms of Planning Monitoring Officer (PMO) appointment shall:

- a) Impose a duty to monitor compliance with the planning permission and conditions attached to this consent;
- b) Require the PMO to submit a report at least every three months to the Planning Authority, or monthly at the further written request of the Planning Authority, summarising works undertaken on site; and
- c) Require the PMO to report to the Planning Authority any incidences of non-compliance with the planning permission and conditions attached to this consent at the earliest practical opportunity.

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

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

- 22 No development shall commence in any Development Zone until, a Radiological Walkover Survey report has been submitted to and approved in writing by the Planning Authority, in consultation with SEPA. This shall be undertaken in accordance with a methodology submitted and approved by the Planning Authority in consultation with SEPA. The survey shall be completed in accordance with The Radioactive Contaminated Land (Scotland) Regulations 2007 (as amended). Any radioactive material or radioactive wastes arising shall be regulated in accordance with the Environmental Authorisations (Scotland) Regulations 2018.

Thereafter, where recommended by the Radiological Walkover Survey report, a detailed remediation strategy shall be submitted for the written approval of the planning authority. The development shall not commence until the planning authority has approved in writing the Radiological Walkover Survey and any associated remediation works in consultation with SEPA.

Prior to the occupation of the development a validation report confirming that all necessary remediation works have been undertaken shall be submitted for the written approval of the planning authority.

Reason: In the interests of amenity and safety.

- 23 No development shall commence in any Development Zone until a programme of works has been submitted to and approved in writing by the Planning Authority, in consideration with the Head of Establishment at the Vulcan NRTE in relation to the programming of works on the roadways adjacent to the Vulcan NRTE. This agreement shall form part of the Traffic Management Plan, as required by Condition 14. The works shall thereafter be carried out in accordance with the agreement between the parties.

Reason: in the interests of safeguarding the use of the adjacent development.

24 Any details pursuant to Condition 2 above for each Development Zone shall include full details of surface water drainage provision within the relevant Phase or sub-Phase and how that relates to the surface water drainage approach for the site as a whole (which should accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in the CIRIA Manual and Sewers for Scotland Fourth Edition, or any superseding guidance prevailing at the time). This shall also detail updated greenfield run-off rates to reflect the details of the proposed development.

Thereafter, only the approved details shall be implemented and all surface water drainage provision for the relevant phase or sub-phase shall be completed prior to the occupation of the relevant phase or sub-phase.

Reason: In the interests of amenity, to protect and enhance the natural environment, protect the water environment and prevent pollution.

25 Any details pursuant to Condition 2 above for each development phase shall be supported by a Flood Risk Assessment. This shall include full details of how the development within that Development Zone will remain operational in a 1 in 200 year return storm period event. This shall also include details of any modelling work and finished floor levels to reflect the details of the proposed development.

Thereafter, only the approved details shall be implemented and any / all flood risk mitigation measures for the relevant Development Zone shall be completed prior to the occupation of the relevant elements of the Development Zone.

Reason: In the interests of amenity, to protect and enhance the natural environment, protect the water environment and prevent pollution.

26 (1) There shall be no Commencement of Development 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 27 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 27.

(3) The financial guarantee shall be maintained in favour of the Planning Authority until the completion of all decommissioning, restoration and aftercare obligations referred to in condition 27.

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 not less than every five years, and at the time of

the approval of the detailed decommissioning, restoration and aftercare plan approved under Condition 27. The value of the financial guarantee shall be increased or decreased to take account of any variation in costs of compliance with decommissioning, restoration and aftercare obligations referred to in condition 27 and best practice prevailing at the time of each review.

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

27

1. The Development shall cease to be operational no later than the date falling 30 years from the Date of Final Commissioning of the Pentland Firth Offshore Wind Farm.
2. No later than one year prior to the date of final transmission of the associated wind farm or the expiry of the planning permission (whichever is earlier) a detailed decommissioning, restoration and aftercare plan, based upon the principles of the approved decommissioning, restoration and aftercare strategy, shall be submitted for the written approval of the Planning Authority. 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. a site waste management plan (dealing with all aspects of waste produced during the decommissioning, restoration and aftercare phases and, including details of measures to be taken to minimise waste associated with the Development and promote the recycling of materials and infrastructure components);
 - b. details of the formation of the construction compound, welfare facilities, any areas of hardstanding, turning areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns, and any construction compound boundary fencing;
 - c. a dust management plan;
 - d. details of measures to be taken to prevent loose or deleterious material being deposited on the local road network, including wheel cleaning and lorry sheeting facilities, and measures to clean the site entrances and the adjacent local road network;
 - e. a pollution prevention and control method statement, including arrangements for the storage and management of oil and fuel on the site;
 - f. details of measures for soil storage and management;

- g. a surface water and groundwater management and treatment plan, including details of the separation of clean and dirty water drains, and location of settlement lagoons for silt laden water;
 - h. details of measures for sewage disposal and treatment;
 - i. temporary site illumination;
 - j. the construction of any temporary access into the site and the creation and maintenance of associated visibility splays; and
 - k. details of watercourse crossings.
3. The Development shall be decommissioned, the site restored and aftercare undertaken prior to the date falling three years after the Date of Final Generation and in accordance with the approved detailed decommissioning, restoration and aftercare plan.

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

28

(1) There shall be no Commencement of Development unless and until a Habitat Management Plan (HMP) has been submitted to, and approved in writing by the Planning Authority.

(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 otters and breeding birds.

(3) The HMP shall include provision for regular monitoring and review to be undertaken against the HMP objectives and measures for securing amendments or additions to the HMP in the event that the HMP objectives are not being met.

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

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

REASON FOR DECISION

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

REASONED CONCLUSION

The Council is in agreement with the findings of the Environmental Impact Assessment Report that the proposed development is unlikely to give rise to any new or other significant adverse impact on the environment. The Council is satisfied that all environmental effects of this development can be addressed by way of mitigation. The Council has incorporated the requirement for a schedule of mitigation within the conditions of this permission. Monitoring of operational compliance has been secured through Conditions 11, 12, 13, 14, 17, 18, 19, 20, 21, and 28 of this permission.

INFORMATIVES

Initiation and Completion Notices

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

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

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

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

Septic Tanks & Soakaways

Where a private foul drainage solution is proposed, you will require separate

consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

Local Roads Authority Consent

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

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

Further information on the Council's roads standards can be found at:

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

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

http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2

Mud & Debris on Road

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

Construction Hours and Noise-Generating Activities: You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of

the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

Protected Species – Halting of Work

You are advised that work on site must stop immediately, and NatureScot must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from NatureScot: <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species>

Signature: Dafydd Jones
Designation: Area Planning Manager North
Author: Simon Hindson
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan
Plan 2 – Indicative Layout
Plan 3 – Proposed Infrastructure Development Zones

Appendix 1 – Letters of Representation

None.

Appendix 2 – Habitat Regulations Appraisal

Erection and operation of Onshore Substation, Underground Electricity Cables, Cable Landfall, Transition Joint bay, Cable Joint Bays, construction compounds, new and upgraded access tracks and associated infrastructure.

22/04722/PIP

CONSIDERATION OF PROPOSALS AFFECTING EUROPEAN SITES

Caithness and Sutherland Peatlands Special Protection Area (SPA)

Caithness and Sutherland Peatlands Special Area of Conservation (SAC)

North Caithness Cliffs SPA

Caithness Lochs SPA

The status of Caithness and Sutherland Peatlands Special Protection Area (SPA), Caithness and Sutherland Peatlands Special Area of Conservation (SAC), North Caithness Cliffs SPA, Caithness Lochs SPA means that the requirements of the Conservation (Natural Habitats, & c.) Regulations 1994 as amended (the ‘Habitats Regulations’) or, for reserved matters the Conservation of Habitats and Species Regulations 2017 as amended apply.

This means that where the conclusion reached by the Council on a development proposal unconnected with the nature conservation management of a Natura 2000 site is that it is likely to have a significant effect on those sites, it must undertake an Appropriate Assessment of the implications for the conservation interests for which the areas have been designated. The need for Appropriate Assessment extends to plans or projects out with the boundary of the site in order to determine their implications for the interest protected within the site.

This means that the Council, as competent authority, has a duty to:

- Determine whether the proposal is directly connected with or necessary to site management for conservation; and, if not,
- Determine whether the proposal is likely to have a significant effect on the site either individually or in combination with other plans or projects; and, if so, then
- Make an Appropriate Assessment of the implications (of the proposal) for the site in view of that site’s conservation objectives.

The competent authority can only agree to the proposal after having ascertained that it will not have an adverse effect on the integrity of the sites. If this is not the case and there are not alternative solutions, the proposal can only be allowed to proceed if there are imperative reasons of overriding public interest, which in this case can include those of a social or economic nature.

Screening of Likely Significant Effects

It is evident that the proposal is not connected with or necessary to site management for conservation, hence further consideration is required. The proposed works has the potential to have a likely significant effect on the qualifying interests of the SPA due to impacts arising from construction, operation and decommissioning of the Proposed Development. The Council is therefore required to undertake an appropriate assessment of the implications of the proposal on the above named European designated sites.

Caithness and Sutherland Peatlands Special Protection Area (SPA)

NatureScot have advised that the proposal is not likely to have a significant effect on the qualifying interests on red-throated diver and common scoter as qualifying interests of the Caithness and Sutherland Peatland SPA due to the construction and decommissioning activities associated with onshore development being limited to the onshore site, all parts of which are greater than the maximum disturbance distance of 750 m from the inshore waters of Sandside Bay.

As a result of this, as competent authority, The Highland Council is **not required** to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interests.

Caithness and Sutherland Peatlands Special Area of Conservation (SAC)

NatureScot have advised that the proposal is likely to have a significant effect on the qualifying interests of otters a qualifying interest of the Caithness and Sutherland Peatlands SAC due to potential impact of construction on water quality which may affect otters.

As a result of the likely significant effects, as competent authority, The Highland Council is **required** to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interests.

North Caithness Cliffs SPA

NatureScot have advised that the proposal is likely to have a significant effect on the qualifying interests due to potential impact of construction on water quality which may affect qualifying features.

As a result of the likely significant effects, as competent authority, The Highland Council is **required** to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interests.

Caithness Lochs SPA

NatureScot have advised that the proposal is not likely to have a significant effect on the qualifying interests of non-breeding whooper swan, Greenland white-fronted and greylag goose as qualifying interests of the Caithness Lochs SPA due to the construction and decommissioning activities associated with onshore development leading to a limited loss in suitable foraging habitat for greylag geese and greylag geese are not considered to be site faithful and so are not restricted to which feeding sites they use. Therefore, any birds

that are disturbed by the onshore development are anticipated to be displaced to alternative nearby areas of foraging habitat.

As a result of this, as competent authority, The Highland Council is ***not required*** to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interests.

APPROPRIATE ASSESSMENT

While the responsibility to carry out the Appropriate Assessment rests with the Council, advice contained within Circular 6/1995 is that the assessment can be based on the information submitted from other agencies. In this case, the Appropriate Assessment is informed by information supplied by SNH, the applicant and various published information.

Caithness and Sutherland SAC

In its response to the Council of 08 October 2022, NatureScot advised that the proposal is likely to have a significant effect on otter as a qualifying interest of the SAC. Their advice is set out below:

The proposal lies within 3.3 km of Caithness and Sutherland Peatlands SAC, protected for blanket bog habitats, otter and marsh saxifrage¹. The site's status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the 'Habitats Regulations') apply or, for reserved matters, The Conservation of Habitats and Species Regulations 2017. Consequently, the Highland Council is required to consider the effect of the proposal on the SAC before it can be consented (commonly known as Habitats Regulations Appraisal). The NatureScot website has a summary of the legislative requirements².

Our advice is that this proposal is likely to have a significant effect on Caithness and Sutherland Peatlands SAC. Consequently, The Highland Council, as competent authority, is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interests.

To help you do this we advise that based on the information provided, if the proposal is carried out strictly in accordance with the following mitigation, our conclusion is that the proposal will not adversely affect the integrity of the site.

- ***Production of, and adherence to, mitigation measures for otter as detailed within the embedded mitigation for protected species. This includes a pre-construction survey with reference to otter. This should be included as part of the CEMP to be approved by the Highland Council, in consultation with NatureScot (and others as appropriate) before commencement of works on site. The agreed methods detailed in the plan should be fully implemented for the duration of construction, operation and decommissioning of the site.***

The appraisal we carried out considered the impact of the proposals on the following factors:

- *Otter are a highly mobile species which and so are in connectivity with the SAC. Whilst the habitat onsite is considered suboptimal for otter, otter spraint was found during surveys and they may use it for foraging and commuting.*
- *The EIA document includes Embedded Mitigation measures which include the production of a CEMP to be submitted prior to construction. This is proposed to include measures to prevent accidental harm to protected species and pre-construction surveys. Such measures will avoid risk to otter from the development.*

In relation to the SPA, a number of trial pits and borehole locations will be sited within (and close to) known favoured feeding fields for Greenland white-fronted geese. This species is site-faithful, with the Forss Water valley and Westfield Marshes being an important feeding area for 1 of the 2 flocks known to be present in Caithness at this time of year. Excavation and drilling works could therefore result in disturbance to birds feeding in this area and, given their small population and restricted feeding regime, any such impacts could be significant.

NatureScot highlight that mitigation of the impacts is required as the significant impact on qualifying features may effect site integrity as a result of the mobile nature of the species. It is considered appropriate to condition the requirement for a pre-commencement protected species survey (including otters) and a species protection plan for otters.

North Caithness Cliffs SPA

In its response to the Council of 08 December 2022, NatureScot advised that the proposal is likely to have a significant effect on seabird assemblages as a qualifying interest of the SPA. Their advice is set out below:

The proposal lies adjacent to the marine extension of the North Caithness Cliffs SPA, protected for its seabird assemblage and peregrine falcon³. The site's status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the 'Habitats Regulations') apply or, for reserved matters, The Conservation of Habitats and Species Regulations 2017. Consequently, the Highland Council is required to consider the effect of the proposal on the SPA before it can be consented (commonly known as Habitats Regulations Appraisal). The NatureScot website has a summary of the legislative requirements⁴.

Our advice is that this proposal is likely to have a significant effect on Caithness and Sutherland Peatlands SPA. Consequently, The Highland Council, as competent authority, is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interests.

To help you do this we advise that based on the information provided, if the proposal is carried out strictly in accordance with the following mitigation, our conclusion is that the proposal will not adversely affect the integrity of the site.

- ***Production of, and adherence to, a pollution prevention plan. This should be included as part of the CEMP to be approved by the Highland Council, in consultation with NatureScot (and others as appropriate) before commencement of works on site. The agreed methods detailed in the plan should be fully implemented for the duration of construction, operation and decommissioning of the site.***

The appraisal we carried out considered the impact of the proposals on the following factors:

- *The proposal lies adjacent to the marine extension of the North Caithness Cliffs SPA. Construction of the onshore works have the potential to result in pollution to the marine environment resulting in short-term and long-term effects ranging from temporary changes to water quality to mortality.*

- *The EIA document includes Embedded Mitigation measures which include the production of a CEMP to be submitted prior to construction. This would include a Pollution Prevention Plan detailing how any pollution events can avoid risk to the SPA from the onshore section of the development.*
- *The risk to disturbing peregrine falcon are low due to the distance from nest sites. Hunting peregrine have the potential to use the onshore site, however any disturbance from the proposals is not considered likely to have a significant impact upon the species.*

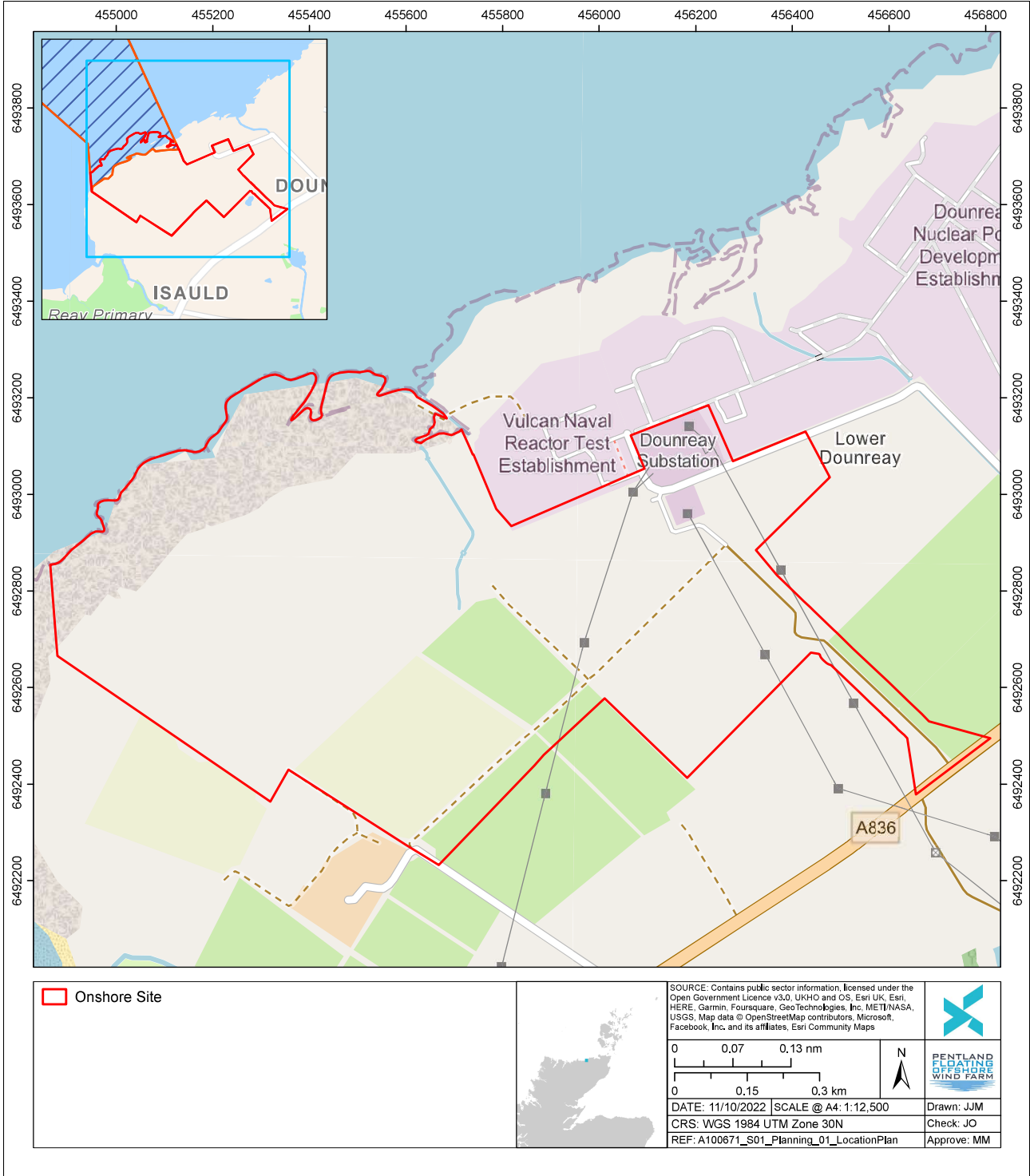
NatureScot highlight that mitigation of the impacts is required as the significant impact on qualifying features may effect site integrity as a result of the construction of the proposed development potentially affecting the water quality. It is considered appropriate to condition the requirement for a pollution prevention plan as part of the CEMD.

HIGHLAND COUNCIL APPRAISAL OF THE PROPOSAL

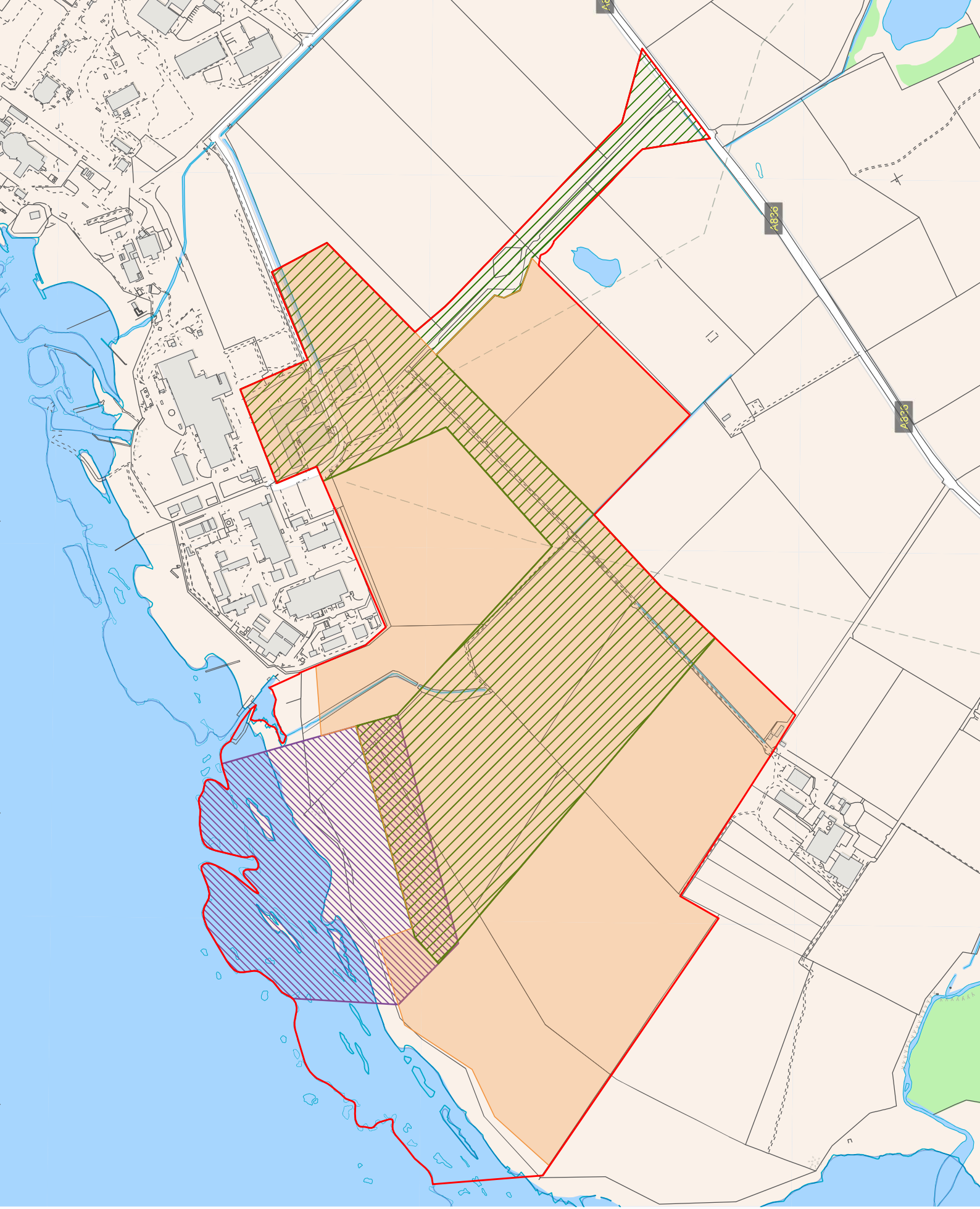
- The proposal is not directly connected with or necessary to site management for conservation;
- The proposal is likely to have a significant effect on the site either individually or in combination with other plans or projects; therefore;
- An Appropriate Assessment of the implications (of the proposal) for the site in view of that site's conservation objectives is provided below.

The impacts on the Caithness and Sutherland Peatlands SAC and North Caithness Cliffs SPA have been considered. The mitigation proposed by the applicant in their EIAR in addition to conditions to secure the submission and implementation of species protection plans for qualifying features of the designated sites and a pollution prevention plan will be sufficient to address any significant risk and avoid an impact on the integrity of the designated sites and their qualifying features.

Overall, it can be therefore concluded that while likely significant effects have been identified during both the construction and operational phases of the development, there will not be an adverse effect on site integrity on the Caithness and Sutherland Peatlands SAC and North Caithness Cliffs SPA if the mitigation set out within the appropriate assessment is applied.



re ent Zones



Map data provided under the Open Government
Licence. Bathymetry data provided by the
UK Hydrographic Office (UKHO). Map data
provided by OpenStreetMap (and) contributors,
CC-BY, OpenStreetMap contributors, CC-
BY, OpenStreetMap contributors, CC-
BY, USGS, USGS, Esri, DeLorme, NAVTEQ,
Swire, Qantas, UTA, Foursquare, GeoTechnologies, Inc.,



0.16 0.24 0.32 km
Scale: 1:8,000
022
UTM Zone 30N