Agenda Item	6.6
Report No	PLN/011/24

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 30 January 2024

Report Title: 23/00142/FUL: Bettyhill 2 Wind Limited

Report By: Area Planning Manager - North

Purpose/Executive Summary

Description: Bettyhill Wind Farm Phase 2 - Erection and operation of a wind farm comprising up to 10 wind turbines with a maximum blade tip height of 149.9m, substation compound including control building and battery energy storage system, access tracks, temporary borrow pits and construction compound, and ancillary infrastructure

Ward: 01 – North, West And Central Sutherland

Development category: Major Development

Reason referred to Committee: Major 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 application is for the erection and operation of a wind farm for a period of 35 years, comprising of 10 wind turbines with a maximum blade tip height of 149.9m, access tracks, borrow pits, substation, control building, ancillary infrastructure and a potential Battery Energy Storage System (BESS). The combined maximum capacity of the wind turbines and potential battery storage would not exceed 49.9 MW.

1.2 The proposal has been submitted under the Town and Country Planning (Scotland) Act 1997 on the basis that the applicant has sought to operate the wind farm as a standalone consent which would have an electricity output of less than 50 MW.

1.3 Key elements of the development as assessed within the application's Environmental Impact Assessment Report (EIAR) and the EIAR Further Environmental Information (FEI) include:

- 10 wind turbines of 149.9m to blade tip, capable of generating approximately 4.8 MW each (a range of wind turbine model are suitable, the EIAR has therefore assessed the use of an indicative turbine type);
- Turbine transformers (internal or external adjacent to the base of each tower depending upon the final turbine supplier's specification);
- Turbine foundations with associated permanent crane hard standing areas of 1,380sqm and temporary hard standing areas of 510sqm at each turbine location;
- Approximately 6.77 km of upgraded (0.273 km) and new (6.49km) access tracks of a 5m width typically, with passing places and turning heads;
- 1 new watercourse crossing, 5 upgraded watercourse crossings and 7 crossings of ephemeral watercourses;
- A substation compound (with a total indicative area of approximately 5,000sqm) to include substations, control building, parking and ancillary grid services equipment and a potential BESS;
- Underground power cabling linking the turbines with the proposed onsite substation;
- Two temporary Borrow Pit Search Areas (covering approximately 4 ha) to source aggregate for construction; and,
- One temporary construction compound (100 m x 55 m).

1.4 The Site access will be via the existing entrance from the A836 and along the current track, built for access to the existing Bettyhill Wind Farm (two wind turbines). The existing access track will be extended to serve the proposed site.

1.5 The applicant has requested a micrositing allowance of 25m for site infrastructure, tracks and turbine locations to accommodate unknown ground conditions, whilst also maintaining environmental buffers (e.g. set back from watercourses). The applicant is content to accept a condition preventing the micrositing of turbine T4 (and the access track between turbines T3 and T4) closer to the Caithness and Sutherland Peatlands Special Area of Conservation (SAC).

1.6 The final design of the turbines (colours and finish), substations and control buildings, compounds, ancillary electrical equipment, landscaping and fencing etc. are expected to be agreed by the Planning Authority, by condition, at the time of project procurement. Whilst typical drawings for these elements are set out in the application, turbine manufacturers regularly update designs that are available, thereby necessitating the need for some flexibility on any approved design details.

1.8 The wind farm has an expected operational life of 35 years. Following this a further planning application would be required to determine any future re-powering of the site. If the decision is made to decommission the wind farm, all turbine components and above ground infrastructure would be removed, except the access tracks and watercourse crossings which would remain in-situ. Any such track or crossing retention, would however need to be agreed via a decommissioning method statement and would require a planning application at the time of decommissioning the remainder of the site. Any application for retention of such infrastructure will be determined in line with the development plan in place at that time.

1.9 The applicant anticipates that the wind farm construction period will last approximately 12 months with a Construction Environmental Management Plan (CEMP) to be utilised throughout the construction period. This would need to be approved by the Planning Authority, in consultation with relevant statutory bodies before the start of development.

1.10 The applicant has undertaken public consultation in advance of submission of their application. This has included holding several meetings with the host and six neighbouring Community Councils; holding two public information days in July and August 2021 to allow the public to view a draft design layout and provide information; providing an in-person public exhibition at Bettyhill Village Hall on 8 July 2021; providing two virtual public exhibitions on 14 July 2021 and 9 August 2021 (during the Covid-19 pandemic); and undertaking door to door community engagement visits (51 homes were visited over a two-day period). The applicant raised awareness of these events by notifying both the host and six neighbouring Community Councils, contacting elected members, placing newspaper adverts, distributing posters and sending postcards to 858 properties within 18km of the site. 26 written responses were received with a focus on ecology survey results, local socio-economic benefits and local business / accommodation notification in advance of site surveys / investigations.

1.11 The applicant utilised the Council's Major Pre-Application Advice Service and Wind Farm Design Workshop Service. Feedback from this was incorporated into the design evolution process. A further meeting was held with THC Planning Case Officer and Landscape Officer on 4 November 2021 to discuss the design evolution and layout iterations and the historical context to the site development. A separate

design meeting was held with Historic Environment Scotland (HES) on 28 October 2021 to discuss the design and setting effects on designated heritage assets. The submitted layout iterations, wirelines and photomontages demonstrate how feedback from these meetings has been accommodated in the proposed development.

1.12 Variations made during the course of the application in response to the feedback received from the Planning Authority and consultees include:

- For each turbine location, the permanent crane hardstanding footprint has been reduced from 1,960sqm in total for the Original Scheme to 1,380sqm in total for the Revised Scheme, a reduction of approximately 30%;
- For each turbine location, the temporary hardstanding footprint has been reduced from 1,960sqm in total for the Original Scheme to 510sqm in total for the Revised Scheme, a reduction of approximately 74%;
- Permanent and temporary hardstanding areas for turbine T5 have been repositioned to avoid areas of deeper peat;
- Revised peatland restoration and habitat management proposals include bog restoration over an increased area of 141.1 ha which equates to 9.86 x the area of peatland habitat that would be lost as a result of construction of the proposed development;
- Bracken control is also now proposed over approximately 15 ha plus heathland within the borrow pits will be restored (approximately 3.81 ha), once the working of the borrow pits has been completed. Together, this would represent up to 4 times the area of heathland habitat that would be lost as a result of the construction of the proposed development;
- Access tracks have been realigned at turbines T4, T8 and T9 to avoid areas of deeper peat, whilst approximately 210m of proposed new access track at turbine T5 has been removed;
- Removal of proposed native woodland planting to the north of the substation / BESS compound as well as to the west of the site entrance and access track, to satisfy the requests of NatureScot;
- Further ecological enhancements are proposed including an artificial breeding raft for black-throated divers and kestrel boxes installed across the wider area; and
- Flow Country candidate World Heritage Site (FCWHS) Impact Assessment Gap Analysis has been prepared. This concludes there will be no significant residual impacts on the FCWHS and its Outstanding Universal Values (OUVs), and the implementation of positive actions within the FCWHS mean that overall, there will be a positive impact on the FCWHS.

1.13 The application is supported by an EIAR and EIAR FEI which contain chapters on: Site Description and Design Evolution; Development Description; Renewable

Energy and Planning Policy; Environmental Impact Assessment (EIA); Scoping and Consultation; Landscape and Visual; Ecology; Ornithology; Hydrology, Hydrogeology and Soils; Cultural Heritage and Archaeology; Site Access, Traffic and Transport; Noise; Socio-economics and Land-Use; Other Issues (including shadow flicker, climate and carbon balance, risks of accidents and other disasters, population and human health, air quality, aviation, telecommunications and other infrastructure, television reception and waste and environmental management); and Schedule of Commitments. The application is also accompanied by a Pre-Application Consultation Report, Planning Statement, Planning Statement Addendum, Design and Access Statement and Statement of Community Benefits.

2. SITE DESCRIPTION

2.1 The site is situated on Bettyhill Common Grazings land, immediately south of the two Phase 1 Bettyhill turbines and approximately 2 km south-east of Bettyhill and 3 km south of Kirtomy, Farr and Swordly in Sutherland. It lies south of the main north coast road, the A836, and forms part of the Skelpick Estate. The wind farm site extends to approximately 334 ha with the built development occupying around 5.87 ha. The landscape within which the site is located is characterised by the locally very well-defined north to south alignment of ridges, hills, lochans and water courses. Topographical elevations range within the site from c.80 m in the west to c.150 m Above Ordnance Datum (AOD) in the east and south-east. The site and surrounding land comprises open moorland used by local crofters for sheep grazing and peat cutting.

2.2 There are a cluster of closely situated small settlements in proximity to the site on the flatter pockets of land around the coastline including Clerkhill and Kirtomy c.2km to the north-west and Swordly c.3km to the north. Bettyhill, and Tongue, c.15km to the west, are the largest local centres, comprising small villages with limited services serving the dispersed rural community.

2.3 The site is not within any areas designated as important for natural heritage. There are however a number of designations within a 20km radius study area. There are listed below and notably includes the Caithness and Sutherland Peatlands Special Area of Conservation (SAC), and the Caithness and Sutherland Peatlands Ramsar Site (covers the same area as the SAC), which are adjacent to the east and south of the site:

<u>Special Areas of Conservation</u>

- Caithness and Sutherland Peatlands (adjacent)
- River Naver
- Invernaver
- River Borgie
- Strathy Point

<u>Ramsar Sites</u>

- Caithness and Sutherland Peatlands

<u>Special Protection Areas</u>

- North Sutherland Coastal Islands

- North Caithness Cliffs
- Caithness and Sutherland Peatlands

Sites of Special Scientific Interest

- Lochan Buidhe Mires
- Strathy Coast
- Invernaver
- Strathy Bogs
- West Strathnaver
- Armadale Gorge
- Skelpick Peatlands
- River Borgie
- West Halladale
- West Borgie
- Eilean nan Ron
- Syre Peatlands
- Forsinard Bogs
- Ben Griams
- Aird Torrisdale
- Lon a' Chuil
- Ben Loyal
- East Halladale
- Red Point Coast
- Ben Hutig
- A' Mhòine
- Druim na Coibe
- Bad na Gallaig

World Heritage Site - *candidate*

- Flow Country - adjacent to the site

2.4 Cultural heritage assets of national status also exist within a 20km radius study area. These include:

Scheduled Monuments

- Fiscary Cairns
- Inverner Cairns, cists, hut circles and field boundaries
- Lochan Druim an Duin Broch
- Dalmor homestead
- Cladh Rivigill, burial ground and possible chapel site
- Borgie Bridge, homestead 250m E of
- Achargary, chambered cairn and ring cairns
- Carnachy, hut circles, Strathnaver
- Cnoc Carncachadh Broch
- Dun Viden Broch
- Dun Chealamy Broch
- Farr Churchyard, cross slab
- Borve Castle

- Achcoillenaborgie, cairns 500m N of Lochan Duinte
- Skelpick, long cairn 350m NE of
- Skelpick Lodge, chambered cairn 400m ENE of
- Achcoillenaborgie, broch, Stratnaver
- Allt a'Chaisteil, broch E of Rhinovie, Strathnaver
- Armadale Burn, broch 1420m SE of Armadale House
- Baligill mill
- Baligill Burn, limekilns
- Allt Ceann na Coille, hut circles & field entrance cairns, Naver Forest
- Blar na Fola & Breac Dubh, hut circles, Naver Forest
- Red Priest's Stone and burial ground 500m NNE of
- Halladale Bridge, hut circles 670m NE of, on banks of Giligill Burn
- Dalvina Lodge, hut circles 320m SE and 450m SE of
- Dalvina Lodge, settlements 700m SSE of and 1050m S of
- Dalvina Lodge, hut circle and field system 1130m SSW of
- Dalvina Lodge, hut circle 1300m S of
- Cracknie, souterrain and settlement
- Skail homestead
- 'The Tulloch', fortified enclosure, 177m NE of Langdale
- Cladh Langdale burial ground and possible chapel site
- Inshlampie, broch 1175m NE of
- Rosal, hut circles and clearance cairns, Naver Forest, Strathnaver
- Caisteal Bharraich, Tower
- Lochan Hakel, cup & ring marked rock at S end of
- Dun Mhaigh, broch, Kinloch
- Grianan house, Lochan Hakel or Hacoin
- Kinloch Lodge, chambered cairn NNW of
- Ben Griam Beg, fort, Forsinard
- Leathad Carnaich, hut circles, clearance cairns, N of Dalhalvaig School
- Skail, chambered cairn 90m N of
- Inshlampie, broch 230m NE of
- Rosal, deserted township, Naver Forest, Strathnaver
- Meall a Choire Bhuidhe, hut circles, Naver Forest
- Millburn, Strath Halladale, barrows 340m NNE of
- The Borg, broch, Strath Halladale
- Stone rows, 665m S of road junction of A836 and minor road to Skerray
- Cross slab, Farr Gravehard
- Corn mill and lade, 50m ESE of Millbank, Talmine
- Four cairns, 570m WSW, 345m SW, 355m SW and 385m SSW of The Glen

<u>Inventoried Gardens & Designated Landscapes</u>

- Tongue House

<u>Listed Buildings (Category A)</u>

- Bighouse, Garden Pavilion and Walled Garden
- Tongue Parish Church (C of S), Burial Ground and Gatepiers
- Tongue House

2.5 Within the site boundary there are several undesignated cultural heritage assets. These comprise cairns, cairnfields, clearance cairns, hut circles, burnt mounds and two farmsteads. The applicant considers that the site is of archaeological potential and may contain undiscovered heritage assets.

2.6 There are a number of watercourses within and surrounding the site, including the Clachan Burn which flows from the south northward within the western extent of the site. The Clachan Burn discharges to the North Sea at Farr Bay. No waterbodies exist within the site.

2.7 There is also potential for Ground Water Dependent Terrestrial Ecosystems (GWDTEs) within the application site, which are protected under the Water Framework Directive. The National Vegetation Classification (NVC) survey which accompanies the application identifies that the majority of the site is blanket bog (M15a, M15d, SQM0a, M17a, M17b, M19a) and that potential GWDTEs are generally confined to areas where it is likely that water is coming from the ground in the form of a spring or flush (M6, M9, M10, M29, S10, and SQM9).

2.8 The bedrock geology underlying much of the site is classified as a metamorphosed sedimentary rock. Peat probing has been undertaken which identified over 80% of the locations surveyed encountered peat depths <1.0m in thickness. The probing also revealed that the average peat depths are approximately 0.53m at the turbine locations, 0.55m at the permanent crane hardstandings, 0.47m at the temporary crane hardstandings, 0.45m at the new sections of access track, 0.32m at the substation compound and 0.79m at the main construction compound (average peat depth of 0.5m). In localised areas where there are greater peat depths of over 1m, sections of access track measuring a total of 252m would be floated.

2.9 A variety of habitats are present across the application site. The EIAR reported the results of surveys for otter, water vole, pine marten, wildcat, badger, red deer, fox, field vole, reptiles and amphibians, invertebrates and fish. The surveys, both desk and on site, identified that the site has the potential habitat, both within the site and around it, to attract some of these species.

2.10 Surveys have been carried out that identify the site (including its immediate surrounds) is frequented by a varied range of birds, including the adjacent Caithness and Sutherland Peatlands SPA and Ramsar Site, which is designated as a breeding site for several bird species of high conservation importance.

2.11 The site area is characterised as Rocky Hills and Moorland in the Scottish Landscape Character Types Map produced by NatureScot. The site is not located within any international, national or regional landscape designations. The site lies in proximity (within 40km) to the following landscape designations:

<u>National Scenic Areas</u>

- Kyle of Tongue
- North-West Sutherland

<u>Special Landscape Areas</u>

- Oldshoremore, Cape Wrath and Durness

- The Flow Country and Berriedale Coast
- Ben Griam and Loch nan Clar
- Ben Klibreck and Loch Choire
- Eriboll East and Whitten Head
- Farr Bay, Strathy and Portskerra

2.12 The site is not located within, or adjacent to any Wild Land Areas (WLAs). The following WLAs are within 40km:

- WLA 38 Ben Hope - Ben Loyal
- WLA 37 Foinaven - Ben Hee
- WLA 40 Cape Wrath
- WLA 35 Ben Klibreck - Armine Forest
- WLA 36 Causeymire - Knockfin Flows
- WLA 39 East Halladale Flows

2.13 The key recreational interests in this area are mountaineering, walking and cycling. There are a number of tourist and cycle routes in the area, including the A836 which is both part of the North Coast 500 tourist route (NC500), and National Cycle Route (NCR1), as well as other low level walking routes and paths, some of which form part of the Core Path Network.

2.14 When assessing a wind farm proposal, consideration of similar developments in proximity of the proposal for cumulative effects is required. The list below sets out the projects in the wider area (40km) that are operational, approved or have been submitted but not yet determined.

Site Name	No. of Turbines	Tip Height (m)	Location and Distance from the Proposed Development
Operational Sites			
Bettyhill (Phase 1)	2	119	2 km
Strathy North	33	110	5 km
Baille	21	115	28 km
Forss I	2	76	29 km
Forss II	4	29	29 km
Hill of Lybster	1	99.5	29 km
Lybster Road	1	79	29 km
Creag Riabhach	21	125	35 km
Consented / Sites Under Construction			
Strathy South (Variation)	39	200	6 km

Strathy Wood	13	145	6.5 km
Limekiln (Variation)	19	149.9	22 km
Limekiln Extension	5	149.9	24.5 km
Dounreay Tri Offshore	2	201	24 km
Application / Appeal Sites			
Armadale	12	149.9	3.5 km
Melvich	12	149.9	12 km
Kirkton Energy Park	11	133	13 km
Forss III	1	100	29 km

2.15 Not included in the above list is Melvich Wind Energy Hub scheme (THC ref. 23/02320/S36) for 12 turbines of proposed 149.9m tip heights against which The Council has recently Raised an Objection to the Scottish Ministers.

3. PLANNING HISTORY

3.1	31 August 2011	07/00448/FULSU: Construction and operation of onshore wind development comprising 2 wind turbines (installed capacity 5MW), access track and infrastructure, switchgear control building, anemometer mast and temporary control compound	PERMISSION GRANTED
3.2	13 June 2011	11/00927/FUL: Widening of the paved bellmouth entrance to Bettyhill Windfarm. Relocation of switchyard from the approved position	PERMISSION GRANTED
3.3	06 February 2013	12/04648/FUL: Installation of 80m high anemometer mast with bird flight diverters	PERMISSION GRANTED
3.4	27 February 2013	13/00438/OHL: One span of 33,000 volt overhead line	PERMISSION GRANTED
3.5	27 February 2013	13/00442/SCRE: A 33kV overhead line at Bettyhill Wind Farm.	PERMISSION GRANTED
3.6	16 February 2016	15/04784/PAN: Extension to Bettyhill windfarm comprising 7 turbines with a height to tip of around 125m,height to hub of 100m, rotor diameter of around 100m, with access tracks, power cables, substation, wind monitoring mast, transformers, hardstanding,	CASE CLOSED

		borrow pit and temporary construction compound	
3.7	16 February 2016	15/04784/PAN: Extension to Bettyhill windfarm comprising 7 turbines with a height to tip of around 125m,height to hub of 100m, rotor diameter of around 100m, with access tracks, power cables, substation, wind monitoring mast, transformers, hardstanding, borrow pit and temporary construction compound	CASE CLOSED
3.8	15 April 2021	21/01120/SCOP: Bettyhill Wind Farm Extension - erection and operation of a wind farm for a period of 35 years, comprising 11 wind turbines with a maximum blade tip height of 149.9m, access track, borrow pits, sub-station, control building and ancillary infrastructure	SCOPING DECISION ISSUED
3.9	24 August 2021	21/02801/PAN: Bettyhill Wind Farm Extension - Erection and operation of a wind farm for a period of 35 years, comprising 11 wind turbines with a generating capacity of up to 50MW, access track, borrow pits, sub-station, control building and ancillary infrastructure.	CASE CLOSED

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour, Schedule 3 (Bad Neighbour) and EIA Development

Date Advertised: 03 February 2023 (EIAR) and 01 December 2023 (EIAR FEI) in the Edinburgh Gazette and in the Northern Times

Representation deadline: 31 December 2023

4.2 Timeous representations: 31 Representations, 3 objections and 28 support

4.3 Material considerations raised as objections are summarised as follows:

a) Contrary to Development Plan; and policies 28 and 67 of SPP
b) Adverse visual impact (individual impact and cumulative impact);
c) Application should not be considered in isolation without consideration for the required overhead line which is likely to have a detrimental impact on landscape and visual qualities
d) Adverse impact on tourism;
e) Adverse impact on ecology and ornithology;
f) Adverse transport impacts including on road safety and condition;
g) Adverse residential and community amenity impacts from noise;

h) Significant environmental damage will be caused by the construction required for the development and it is unclear when the wind farm will be a net contributor in reducing emissions.
i) Concerns were initially raised by the RSPB regarding the development's impacts on Golden Eagle associated with the Caithness and Sutherland Peatland SPA and wider countryside bird species as a result of peatland loss. (These were resolved and the RSPB's comments are considered in more detail in the Ornithology section of the report.)

Material considerations raised in support are summarised as follows:

a) The proposal is an extension to an existing wind farm;
b) The development will not have a significant adverse visual impact;
c) Traffic impacts will be limited during constriction;
d) The Proposal will help contribute towards achieving net zero;
e) Welcome peat restoration and tree planting proposals as mitigation.

4.4 Non-material considerations raised are summarised as follows:

a) No need for development given the electricity generated is exported.
b) High energy costs in sutherland and fuel poverty;
c) Sutherland already produces enough energy;
d) Opportunity for community ownership;
e) Proposed discounted local electricity;
f) Good community engagement by the developers.

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

5. CONSULTATIONS

5.1 **Bettyhill, Strathnaver and Altnaharra Community Council** supports the proposal for reasons of community benefits, shared ownership scheme, job creation, contribution to carbon and renewable energy targets. The community council considers the wind farm's siting to be appropriate.

5.2 **Kinlochbervie Community Council** supports the proposal for its contribution to carbon and renewable energy targets.

5.3 **Scourie Community Council** supports the proposal for its contribution to carbon and renewable energy targets, and the appropriateness of the development's siting.

5.4 **Melness, Tongue and Skerry Community Council** supports the proposal for reasons of community benefits, shared ownership scheme, job creation, and discounted electricity bills.

5.5 **Durness Community Council** supports the proposal for reasons of community benefits, shared ownership scheme, job creation, and discounted electricity bills.

5.6 **Access Officer** does not object subject to conditions to secure an Outdoor Access Plan to ensure that public access and is managed and maintained favourably throughout the buildout and operational phases of the development.

5.7 **Contaminated Land** does not object but advises that an area of the site was formerly used as a landfill and that there is risk of ground gas to impact Turbine 1, two borrow pits, and workers. The EIAR FEI has included maps that confirm the location of the landfill, a ground gas qualitative assessment, and a Conceptual Model that indicates the landfill will be on a different ground level from the proposed turbine, which is to be underlain by concrete. As such, the Contaminated Land Officer is satisfied that the gas risk to the turbine is likely to be negligible. The applicant has also established that the landfill is fenced and it is unlikely that waste will be present within the adjacent borrow pits. Nevertheless, a watching brief is proposed as a precautionary measure and as such, The Contaminated Land Officer is satisfied that contaminated land issues will be appropriately addressed and has requested that an informative is included with any permission.

5.8 **Ecology Officer** has withdrawn their objection following the submission of a World Heritage Impact Assessment in relation to the candidate Flow Country site showing no impacts on the site (subject to mitigation as per NatureScot's response), as well as the submission of a revied Habitat Management Plan that fulfils the habitat compensation and enhancement requirements of NPF4. The Ecology Officer has requested conditions to secure a Habitat Management Plan along with GIS Data of the plan area for the Council's files, a Construction Environment Management Plan, ecological pre-construction surveys, the involvement of an Environmental Clerk of Works throughout the construction and establishment of the habitat management plan phases, and the protection of nesting birds.

5.9 **Environmental Health** does not object subject to a conditions to secure a construction noise management plan, to restrict operational noise limits of the turbines as well as the substation and Battery Energy Storage System, and plant equipment.

5.10 **Flood Risk Management Team** has no specific objections or comments.

5.11 **Forestry Officer** has not specific objection as the development does not appear to impact on woodland or trees.

5.12 **Historic Environment Team (Archaeology)** does not object subject to a condition to secure a Programme of Archaeological Works supplemented with a Written Scheme of Investigation, which should cover all areas of development and not just those close to known upstanding remains. The Archaeologist's comments are considered in more detail in the body of the report.

5.13 **Landscape Officer** does not object and provides analysis of the proposal's landscape effects, which are given detailed consideration in the main report.

5.14 **Transport Planning** does not object to the application subject to conditions to secure a Construction Traffic Management Plan. Transport Planning are content that the information provided with the application sufficiently demonstrates an acceptable impact on the adopted public road network.

5.15 **Access Panel Sutherland** did not respond to the consultation request.

5.16 **Highlands and Islands Airports** does not object and advises that the proposal is outwith its safeguarding consultation zone.

5.17 **Historic Environment Scotland (HES)** does not object to the application. HES has considered the proposal's impacts on Fiscary, cairns & chambered cairn NE of (SM1790), and, Lochan Druim an Duin, broch 320m E of (SM1879) Scheduled Monuments, and while it does consider the impact on the setting of the latter to be adverse, it does not consider that the integrity of the monument's setting to be significantly impacted such to merit objection.

5.18 **Ministry of Defence (Defence Infrastructure Organisation)** does not object subject to conditions to secure a suitable scheme of aviation lighting, and, the submission of information in relation to turbine location and heights, along with notification of commencement of development and operation in the interests of aviation charting and aviation safety management.

5.19 **National Air Traffic Services Safeguarding (NATS)** does not object and advises the proposal does not conflict with its safeguarding criteria.

5.20 **NatureScot** does not object subject to conditions to secure mitigation in relation to Caithness & Sutherland Peatlands SAC and SPA (against which the Council must carry out an Appropriate Assessment), and therefore the population and distribution of birds associated with the candidate World Heritage Site as well as blanket bog habitat within this site. NatureScot is satisfied that the Habitat Management Plan fulfils the habitat compensation and enhancement requirements of NPF4 and its NatureScot's associated Guidance. In addition NatureScot is content that the development's landscape and visual impacts on the special qualities of the Kyle of Tongue National Scenic Area, Wild Land Areas, and the regional qualities of the North Coast's distinctive coast line are all within acceptable limits.

5.21 **Scottish Environment Protection Agency (SEPA)** has withdrawn its objection following the submission of a revised layout to show turbine infrastructure being sited out of deep peat, and of a revised Outline Habitat Management Plan to include all areas of 'top priority' for peatland restoration. SEPA requires conditions to be imposed to any permission in order to secure:

- a finalised Peat Management Plan;
- Habitat Management Plan;
- any watercourse crossings are installed as proposed;
- adherence to the Outline Construction Environmental Management Plan (Appendix 3.1);
- adherence to the mitigation outlined in the Schedule of Commitments (Table 16.1);
- borrow pit restoration at the end of the construction phase;
- a Finalised Decommissioning and Restoration Plan with proposals in line with SEPA Guidance on the life extension and decommissioning of onshore wind farms.

5.22 **Scottish Forestry** did not provide comments as the development will not impact on forestry.

5.23 **Scottish Water** does not object and advises that there are no Scottish Water drinking water catchments or water abstraction sources, which are designated as Drinking Water Protected Areas under the Water Framework Directive, in the development's area.

5.24 **Transport Scotland** does not object subject to conditions to secure information related Abnormal Indivisible Loads including any accommodation measures required such as the removal of street furniture, junction widening, traffic management, as well as to ensure that a review of any additional signage or temporary traffic control measures is undertaken by an approved Quality Assured Traffic Management Consultant.

6. DEVELOPMENT PLAN POLICY

6.1 The following documents comprise the adopted Development Plan are relevant to the assessment of the application.

National Planning Framework 4 (NPF4) (2023)

6.2 NPF4 comprises three parts:

- Part 1 – sets out an overarching spatial strategy for Scotland in the future and includes six spatial principles (just transition / conserving and recycling assets / local living / compact urban growth / rebalanced development / rural revitalisation. Part 1 sets out that there are eighteen national developments to support the spatial strategy and regional spatial priorities, which includes single large scale projects and networks of smaller proposals that are collectively nationally significant.
- 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. The annexes outline how the document should be used and set out how the Scottish Government will implement the strategies and policies contained in the document.

6.3 The NPF4 policies of most relevance to this proposal include:

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

33 – Minerals

Highland Wide Local Development Plan 2012

6.4 28 - Sustainable Design
29 - Design Quality and Place-making
30 - Physical Constraints
31 - Developer Contributions
53 - Minerals
55 - Peat and Soils
56 - Travel
57 - Natural, Built and Cultural Heritage
58 - Protected Species
59 - Other important Species
60 - Other Importance Habitats
61 - Landscape
62 - Geodiversity
63 - Water Environment
64 - Flood Risk
66 - Surface Water Drainage
67 - Renewable Energy Developments
68 - Community Renewable Energy Developments
69 - Electricity Transmission Infrastructure
72 - Pollution
73 - AIR Quality
74 - Green Networks
77 - Public Access
78 - Long Distance Routes

Caithness and Sutherland Local Development Plan (2018) (CaSPlan)

6.3 No policies or allocations relevant to the proposals are included. It does, however, confirm the boundaries of Special Landscape Areas within the plan's boundary.

Onshore Wind Energy Supplementary Guidance (OWESG) (2016)

6.4 The Onshore Wind Energy Supplementary Guidance (OWESG) provides additional guidance on the principles set out in HwLDP Policy 67 for renewable energy developments. The guidance sets out the Council's agreed position on onshore wind energy matters, and, although reflective of Scottish Planning Policy at the time of its adoption prior to the adoption of NPF4, the document remains an extant part of the Development Plan and is therefore a material consideration in the determination of onshore wind energy planning applications. Nevertheless, the Spatial Framework included in the document is no longer relevant to the assessment of applications as in effect, the policies of NPF4 (specifically Policy 11 - Energy) removes Group 2 Areas of significant protection from consideration by effectively making all land in Scotland either Group 1 Areas where wind farms will not be acceptable, or Group 3, Areas with potential for wind farm development.

6.5 The OWESG also contains the Loch Ness Landscape Sensitivity Study, the Black Isle, Surrounding Hills and Moray Firth Coast Sensitivity Study, and the Caithness Sensitivity Study. The site falls outwith the Caithness Sensitivity Study area and is within an area of Highland which is yet to be subject to a landscape sensitivity study.

Other Highland Council Supplementary Guidance

6.6 Developer Contributions (Mar 2018)
Flood Risk and Drainage Impact Assessment (Jan 2013)
Green Networks (Jan 2013)
Highland Historic Environment Strategy (Jan 2013)
Highland's Statutorily Protected Species (Mar 2013)
Highland Renewable Energy Strategy and Planning Guidelines (May 2006)
Physical Constraints (Mar 2013)
Roads and Transport Guidelines for New Developments (May 2013)
Special Landscape Area Citations (Jun 2011)
Sustainable Design Guide (Jan 2013)

Other Highland Council Guidance

6.7 The Flow Country Candidate World Heritage Site Planning Position Statement (Apr 2023)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Onshore Wind Energy Policy Statement (2022)
Onshore Wind Sector Deal for Scotland (2023)
Draft Energy Strategy and Just Transition Plan (2023)
Scottish Energy Strategy (2017)
2020 Routemap for Renewable Energy (2011)
Energy Efficient Scotland Route Map, Scottish Government (2018)
Siting and Designing Wind Farms in the Landscape, SNH (2017)
Assessing Impacts on Wild Land Areas, Technical Guidance, NatureScot (2020)
Wind Farm Developments on Peat Lands, Scottish Government (2011)
Historic Environment Policy for Scotland, HES (2019)
PAN 1/2011 - Planning and Noise (2011)
PAN 60 – Planning for Natural Heritage (2008)
Circular 1/2017: Environmental Impact Assessment Regulations (2017)

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) compliance with the development plan and other planning policy
b) energy and economic benefits

c) construction
d) roads, transport and access
e) water, flood risk, drainage and peat
f) natural heritage including ornithology
g) built and cultural heritage
h) design, landscape and visual impacts
i) noise and shadow flicker
j) aviation
k) other material considerations

Development Plan / Other Planning Policy

8.4 The Development Plan comprises National Planning Framework 4 (NPF4), the adopted Highland-wide Local Development Plan (HwLDP), the adopted Caithness and Sutherland Local Development Plan (CaSPlan), and all statutorily adopted supplementary guidance.

8.5 NPF4 forms part of the Development Plan and was adopted in February 2023. The Spatial Strategy sets out that we are facing unprecedented challenges and that we need to reduce greenhouse gas emissions and adapt to future impacts of climate change. It sets out that that Scotland's environment is a national asset which supports out economy, identity, health and wellbeing. It sets out that choices need to be made about how we can make sustainable use of our natural assets in a way which benefits communities. The spatial strategy reflects legislation in setting out that decisions require 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 needs to be provided and the assets that should be protected to ensure they continue to benefit future generations.

8.6 NPF4 Policies 1, 2, and 3 apply to all development proposals Scotland-wide, which means that significant weight must be given to the global climate and nature crises when considering all development proposals, as required by NPF4 Policy 1. Specific to this proposal, as well as the support in Policy 1 (significant weight will be given to the global climate and nature crisis when considering development), NPF4 Policy 11 supports all forms of proposals for renewable, low-carbon and zero emission technologies including wind farms. Critical to the consideration of this proposal is NPF4 Policy 11, part f) which establishes that although consents for development proposals may be time limited, areas identified for wind farms are however to be suitable for use in perpetuity.

8.7 The principal HwLDP policy on which the application needs to be determined is Policy 67 - Renewable Energy. HwLDP Policy 67 sets out that renewable energy development should be well related to the source of the primary renewable resource needed for operation, the contribution of the proposed development in meeting renewable energy targets and positive/negative effects on the local and national economy as well as all other relevant policies of the Development Plan and other relevant guidance.

8.8 The Onshore Wind Energy Policy Statement supersedes the previously adopted Onshore Wind Energy Policy Statement which was published in 2017. The

document sets out a clear ambition for onshore wind in Scotland and for the first time sets a national target for a minimum level of installed capacity for onshore wind energy, 20GW. This is set against a currently installed capacity of 9.4 GW (June 2023). Therefore, a further 10.6 GW of onshore wind requires to be installed to meet the target. It is however acknowledged that targets are not caps. In delivering such a target Scotland would play a significant role in meeting the requirement of 25-30 GW of installed capacity across the UK identified by the Climate Change Committee.

8.9 The extension of the wind farm will contribute towards meeting onshore renewable energy targets with NPF4 making it clear that wind farms are expected to be suitable for use in perpetuity. The principle of the development is in conformity with the Development Plan and other national guidance.

Highland-wide Local Development Plan

8.10 The principal policy for assessing Renewable Energy developments within the LDP is HwLDP Policy 67 (Renewable Energy). Policy 67 sets out that renewable energy development should be well related to the source of the primary renewable resource needed for its operation. Proposals are required to be judged according to their contribution in meeting renewable energy targets and positive/negative effects on the local and national economy as well as against all other relevant policies of the Development Plan and other relevant guidance. In that context, the policy states that the Council will support proposals where it is satisfied, they are located, sited, and designed such as they will not be significantly detrimental overall, either individually or cumulatively with other developments. Such an approach is consistent with the concept of Sustainable Design (Policy 28) and the concept of supporting the right development in the right place at the right time.

Area Local Development Plan

8.11 The Caithness and Sutherland Local Development Plan (CaSPlan) is the Area Local Development Plan covering the application site. Area LDPs, including the CaSPlan itself, do not contain any specific land allocations related to the proposed type of development. Paragraph 74 of the CaSPlan sets out that the Special Landscape Area boundaries have been revised for the CaSPlan area 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. As mentioned, NPF4 Policy 4 (as referred to in Policy 11), as well as HwLDP Policies 28, 57, 61, and 67 of the HwLDP seek to safeguard these regionally important landscapes. The impact of this development on landscape is primarily assessed in the Landscape and Visual Impacts section of this report, which includes a summary of expected impacts on both the Eriboll East and Whitten Head SLA and the Farr Bay, Strathy and Portskerra SLA.

Onshore Wind Energy Supplementary Guidance

8.12 The Council's Onshore Wind Energy Supplementary Guidance (OWESG) forms part of the Development Plan. It should be noted that the guidance does not provide additional tests to assess development proposals against over and above

Development Plan policy. Rather, the guidance compliments policy by ensuring a consistent and robust methodology is adopted in the assessment of all applicable applications, in particular (although not exclusively) for consideration of landscape and visual impacts. In that way, the guidance provides a clear indication of the approach the Council takes towards the assessment of proposals.

8.13 The Spatial Framework included in the OWESG is no longer relevant to the assessment of applications as in effect, the policies of NPF4 (specifically Policy 11, Energy) removes Group 2 Areas of significant protection from consideration by effectively making all land in Scotland either Group 1 Areas where wind farms will not be acceptable, or Group 3, Areas with potential for wind farm development as noted in paragraph 6.6.

8.14 The OWESG also provides strategic considerations that identify sensitivities and potential capacity for windfarm development called the Landscape Sensitivity Appraisals (LSA). The Black Isle, Surrounding Hills and Moray Firth Coast Sensitivity Study, along with the Caithness Sensitivity Study were published in 2017, and now form an integral part of the statutorily adopted OWESG. The site does not fall within any LSA. Nevertheless, the OWESG approach and methodology to the assessment of windfarm proposals is still applicable to the current application. Specifically, Paragraphs 4.16 and 4.17 of the OWESG, which describe the 10 key design criterion that set the 'thresholds' developments should seek to achieve in order to ensure the development is appropriately sited and designed. Although the criteria are designed to help determine whether a development complies with the applicable criteria of HwLDP Policy 67, they are also useful to inform compliance with NPF4 Policy 11 – Energy, Part e). The development's compliance or otherwise with the 10 criteria is discussed in the Design, Landscape and Visual Impact section of this report and described in detail in Appendix 3.

Onshore Wind Energy Policy Statement (2022), Draft Energy Strategy and Just Transition Plan (2023) and Onshore Wind Sector Deal for Scotland (2023)

8.15 The Onshore Wind Energy Policy Statement supersedes the previously adopted Onshore Wind Energy Policy Statement which was published in 2017. The document sets out a clear ambition for onshore wind in Scotland and for the first time sets a national target for a minimum level of installed capacity for onshore wind energy, being 20 GW. This is set against a currently installed capacity of 9.4 GW (June 2023). Therefore, a further 10.6 GW of onshore wind requires to be installed to meet the target. It is however acknowledged that targets are not caps. In delivering such a target Scotland would play a significant role in meeting the requirement of 25-30 GW of installed capacity across the UK identified by the Climate Change Committee.

8.16 Like the previous iteration of the Onshore Wind Energy Policy Statement, the document recognises that balance is required and that no one technology can allow Scotland to reach its net zero targets. The document is clear that in achieving a balance, environmental and socio-economic benefits to Scotland must be maximised. In taking this approach, this echoes Scotland's Third Land Use Strategy.

8.17 The document recognises that there may be a need to develop onshore wind energy development on peat. While peatland is present on the site, it is considered that appropriate mitigation has been applied by design and peat management plan can be secured by condition.

8.18 Additionally, the document acknowledges that in order for Scotland to achieve its climate targets and the ambition for the minimum installed capacity of 20 GW by 2030, the landscape will change. However, the OWEPS also sets out that the right development should happen in the right place. Echoing NPF4, the document sets out that significant landscape and visual impacts are to be expected and that where the impacts are localised and / or appropriate mitigation has been applied the effects will be considered acceptable.

8.19 The role of Landscape Sensitivity Appraisals in considering wind energy proposals is promoted through the document. This highlights the importance of applying those contained within the Council's OWESG when assessing applications.

8.20 Benefits to rural areas, such as provision of jobs and opportunities to restore and protect natural habitats, are also highlighted in the document. It considers some of the wider benefits and challenges faced by in delivery of ambition and vision for onshore wind energy in Scotland. These include shared ownership, community benefit, supply chain benefits, skills development and financial mechanisms for delivery. The proposed development does lead to such benefits being delivered, however, in relation to maximising socio-economic benefits, there is no current guidance on what that should look like and evidence of a significant shift of requirements is yet to emerge, which Members may expect to see, from what was likely to be offered pre-adoption of NPF4.

8.21 Finally, the document also highlights technical considerations, those relevant to this application have been considered and mitigation, where required has been secured by condition.

8.22 The Draft Energy Strategy and Just Transition Plan has been published for consultation. Ministers will likely give consideration to this document in their decision on the application, however, limited weight can be applied to the document given its draft status. Unsurprisingly, the material on onshore wind in the document reflects in large part that contained in NPF4 and the Onshore Wind Energy Policy Statement 2022. A fundamental part of the Strategy is expanding the energy generation sector. Overall, the draft Energy Strategy forms part of the new policy approach alongside the OWEPS and NPF4 and confirms the Scottish Government's policy objectives and related targets reaffirming the crucial role that onshore wind and enabling transmission infrastructure will play in response to the climate crisis which is at the heart of all these policies.

8.23 To deliver the ambition for onshore wind, the Onshore Wind Sector Deal for Scotland was introduced in September 2023. The document focuses on necessary high level actions by Government and the Sector to support onshore wind delivery. Jointly, Government and the Sector are committed to working together to ensure a balance is struck between onshore wind and the impacts on land use and the environment. The document looks to expediate decision making and consent

implementation to achieve 20 GW of installation by 2030, meaning we should be seeing faster decisions on applications that are already in the system, with more consents being build out. Again, the sector deal does not detail what the socio-economic commitments should be.

Energy and Socio-Economic Benefits

8.24 The Council continues to respond positively to the Government's renewable energy agenda. Installed onshore wind energy developments in Highland account for around 30% of the national installed onshore wind energy capacity, with a substantial number of onshore wind farm applications pending consideration at present. While The Highland Council has effectively met its own target, as previously set out in the Highland Renewable Energy Strategy, it remains the case that there are areas of Highland capable of absorbing renewable developments without significant widespread effects.

8.25 While The Highland Council has effectively met its own target, as previously set out in the Highland Renewable Energy Strategy, it is acknowledged that such targets are not a cap and may be exceeded. Equally, however, the Council recognises the balance that is called for in both national and local policy and it remains the case that there may be areas of Highland capable of absorbing renewable developments without significant effects.

8.26 Notwithstanding any impacts that this proposal may have upon the landscape resource, amenity and heritage of the area, the development could be seen to be compatible with Scottish Government policy and guidance and increase its overall contribution to the Government, UK and European energy targets, with the development anticipated to generate up to 48 MW of electricity (turbine model dependent). The applicant's EIAR projects that the development is anticipated to 'pay back' the carbon emissions associated with its construction, operation, and decommissioning within less than 1.6 years of operation. The scheme is expected to produce approximately 166,090 megawatt hours (MWh) of electricity annually, which equates to powering up to 44,314 average UK households, and is equivalent to displacing approximately 32,362 tonnes of CO2 emissions per year, or 1.13 million tonnes of CO2 emissions over the anticipated 35 year lifespan of the proposed development.

8.27 In terms of economic benefits, the proposed development anticipates a construction period of 12 months, grid connection, and 35 years of operation prior to several months of decommissioning. Such a project has potential to offer investment / opportunities to the local, Highland, and Scottish economies 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.

8.28 The applicant has set out the socio-economic information in Chapter 14 - Land Use, Socio-Economics and Recreation (Main Report Volume 2) of the EIAR through the AIR. The estimated capital expenditure is £66.5m based on 2019 costs with the largest spending proportion expected to be on turbine procurement, transport, and installation related contracts and plant (£45.7m). The applicant has used

Employment and Gross Value Added (GVA) multipliers, and, ratios of turnover per unit of GVA and GVW per employee, published by the Scottish and UK Governments to estimate the direct gross employment and GVA effects produced by the scheme during construction (Table 14-8: Estimates of gross development phase GVA and employment effects, Chapter 14 Main Report, Volume 2):

Spatial Area	GVA £million	Employment (person-years)
WSA (Local)	1.7	24
Scotland (total including WSA)	8.4	120
UK (total including Scotland)	17.3	245

8.29 The EIAR provides estimates of wider additional economic benefits as a result of the investment during the construction phase of development (Table 14-9: Estimates of net additional development phase effects, Chapter 14 Main Report, Volume 2):

Spatial Area	GVA £million	Employment (person-years)
WSA (Local)	1.6	24
Scotland (total including WSA)	10.2	145
UK (total including Scotland)	19.3	274

8.30 Given the temporary nature of construction phase job creation, the EIAR concludes the direct employment and economic benefits during the construction phase to be of a negligible (beneficial) and not significant at the regional Highland level. There are also likely to be some adverse impacts caused by construction traffic and disruption, which are most likely to be experienced within the service sector particularly during the construction phase when abnormal loads are being delivered to site. However, overall, economic benefits are expected to be beneficial although not significant at either local or national level, which is the EIAR's conclusion for both the construction and operational phases of the development.

8.31 In terms of tourism, the EIAR sets out an expectation that the development will benefit businesses associated with the tourism industry during the construction period due to expenditure on accommodation, food, drink, fuel, etc. that sustain the construction workforce. Specifically, contractors occupying accommodation during the 'low season' is cited as providing additional moneys to businesses that provide accommodation that can be invested into the business. The scheme itself is not anticipated to have any significant impact on the tourism

8.32 In relation to NPF4 Policy 11 Energy, part c) which requires proposals to maximise socio-economic benefit, in EIA terms, the overall effect on the Highland economy is reported to be Minor beneficial during construction, and thereafter the operational effect would be negligible (beneficial). The socio-economic benefits such as employment, associated business and supply chain opportunities associated with this proposal would be consistent with NPF4 Policy 11 part c) with this being reflective of recent appeal decisions where Reporters have clarified that there are considerable supply chain benefits associated with onshore wind farms.

8.33 The applicant has committed to offering £5,000 per installed MW per year, index-linked, community benefit to the local area. The EIAR advises that this would result in the potential community benefit associated with this 10 turbine scheme of up to £8.7 million over its 35 year operational life. The applicant has confirmed a commitment to offering up to 20% shared community ownership in the scheme, along with providing a £5,000 per annum (index linked) benefits package for nearby schools, a local energy discount scheme, and rental payments to the Bettyhill Common Grazings fund.

8.34 Prior to the publication of NPF4, Council policy and practice was for community benefit to be considered separately and outwith the planning application determination process. The effect of introducing NPF4 Policy 11 and, in particular paragraph c) relating to the need for energy development to maximise socio-economic benefits of which community benefit forms a part, means that this is now material to the determination of an application. Additionally, NPF4 Policy 25 provides support for development that is consistent with local economic priorities and where they contribute to local and/or regional community wealth building strategies. The Council is currently in the process of developing its priorities, along with partners, through the Highland Outcome Improvement Plan and the work on production of a community wealth building strategy that is under way. This work will set a strategic framework along with identifying many of the local priorities and projects to promote and encourage economic activity and retain wealth within the Highland area. The ongoing Local Place Plans initiative will likely identify other opportunities. While many opportunities are likely to be identified locally, there will be a need to consider the opportunities available from a strategic perspective to ensure that communities across all of Highland benefit. Community benefit will be expected to form part of that strategic consideration.

8.35 Although the Highland Council do not currently have a Community Wealth Building Strategy in place, 20% community ownership is being proposed, and therefore the proposal can be given any additional support under NPF4 Policy 25. The Council has commissioned a study on what maximising benefits from development might look like with the intention of providing further guidance. Whether what is on offer, while not without merit, can be said to be considered as maximising socio-economic benefit, particularly for the wider Highland area will need to be an area for further discussion with the applicant, and conditions could be imposed to secure the socio-economic benefits reported in the EIAR, as well as a scheme for community benefit.

Construction

8.36 As mentioned, it is anticipated that the construction period for the development would take approximately 12 months. Construction works are generally scheduled from Monday to Friday 07:00 to 19:00 and Saturday 07:00 to 13:00. No working activities should be planned on Sundays or Bank Holidays. General construction hours are not regulated by conditions. In the event of work being required out with these hours, the contractor will keep local residents informed. Any blasting on site should be restricted to take place between the hours of 10:00 to 16:00 on Monday to Friday inclusive and 10:00 to 12:00 on Saturdays with no blasting taking place on Sunday or National Public Holidays, unless otherwise approved in advance in writing by the Planning Authority, which should be secured by condition. Environmental Health is content with the predicted construction noise subject to noise limit conditions if this application is to be granted.

8.37 Developers must comply with reasonable operational practices with regard to construction noise so as not to cause nuisance. Section 60 of the Control of Pollution Act 1974 sets restrictions in terms of hours of operation, plant and equipment used and noise levels etc. and is enforceable via Environmental Health rather than the Planning Service.

8.38 The nature of the project anticipates the need for a Construction Environmental Management Document / Plan (CEMP), in association with the successful contractor engaged. The framework of a CEMP has been provided with the EIAR and this may be secured via condition and should include site-specific environmental management procedures which can be finalised and agreed through appropriate planning conditions. Such submissions are expected to be “plan based” highlighting the measures being deployed to safeguard specific local environmental resources and not simply re-state best practice manuals. Due to the scale of the development SEPA will control pollution prevention measures relating to surface water run-off via a Controlled Activities Regulations Construction Site Licence.

8.39 In addition to the requirement for submission and agreement on a CEMP, the Council will require the applicant to provide a financial bond regarding final site restoration (restoration bond) in the event of non-wind turbine operation and to provide a Construction Traffic Management Plan (CTMP) for the use of the local road network.

8.40 The applicant has anticipated a micro-siting allowance of 25m for wind turbines and all other infrastructure subject to restrictions. Micro-siting is acceptable, within reason, to address unforeseen onsite constraints and can be conditioned, with micro siting to avoiding any areas of deeper peat, higher elevations of ground, watercourse buffers, Ground Water Dependent Terrestrial Ecosystems and any encountered cultural heritage assets, as well as site specific restrictions including no micro-siting allowance for Turbine 4 and the access track between Turbines 3 and 4 closer to the Caithness and Sutherland Peatlands SAC, or any turbine closer to microwave links.

8.41 Should the development be granted consent, a Community Liaison Group (CLG) would be set up to ensure that the community council and other stakeholders are kept up to date and consulted before and during the construction period.

Roads, Transport and Access

8.42 The applicant has highlighted the expected impact of this development, particularly through the construction phase in Chapter 12, Access Traffic and Transport (Main Report Volume 2). The preferred Port of Entry (PoE) of turbine components is Scrabster Harbour, which will be transported to the site via the A9 and A836 from which the site is accessed. This route defines the Study Area for the Traffic Assessment whereby impacts on the A836 west of the site entrance and A897 (Helmsdale to Melvich) have been scoped out of the assessment as construction vehicles are not expected to use these sections of Council adopted roads.

8.43 The proposed development would lead to a temporary increase in traffic volumes on the road network during the construction phase. The applicant expects to source most aggregate materials from onsite borrow pits, which is generally the preferred method to reduce the number of HGV vehicle movements to and from the site. The main construction works expected to generate the most vehicle trips to the site will be undertaken during months 6 to 12, with the final five months of the construction programme accommodating the wind turbine deliveries and installation. The maximum predicted two-way HGV and AIL movements to and from the site are 21 in months 10, 11, and 12, with worst case scenario light-vehicle of 48 two-way movements per day, equating to a maximum total of 69 two-way movements in the worst months. The assessment assumes that 90% of light vehicles will travel along the A836 to the A9, with 5% heading west from the site along the A836 and 5% heading east before heading south onto the A897. Construction works would see an increase of 62 light vehicles and 33 HGV journeys on the A836 on the worst days, representing increases of 6% and 175% above baseline use. This represents a not significant increase in general traffic but significant increase in HGV traffic flows on the road network.

8.44 Owing to the anticipated increase in HGV traffic, it is anticipated that a contribution will be required from the developer to deliver upgrades to the road network commensurate with the impact of the development. The level of contribution would be identified and agreed with the applicant prior to commencement of development and a mechanism to secure the scheme of improvements can be secured by condition, with a Section 96 wear and tear agreement also being required.

8.45 Scrabster Harbour has successfully accommodated turbine deliveries in the past. Temporary mitigation to the load road network out of this area may be required due to the size of the components being transported. A detailed up-to-date structural assessment of bridges, culverts and any other affected structures along the route would be required, in consultation with the Council's Structures Section, along with an unladen AIL run. Following on, a programme of Road Mitigation Schedule of Works should be agreed and carried out by the developer in consultation with the roads authorities. Transport Planning has confirmed it is satisfied with the outline Construction Traffic Management Plan (CTMP) submitted as part of a Technical Memorandum during the course of the application process but advise that a final

CTMP should be agreed prior to commencement of construction work, which should be secured by condition.

8.46 Any conditions would be consistent with current 'best practice' and seek to secure:

- A risk assessment for transportation of abnormal loads during daylight hours and hours of darkness.
- Proposed traffic management and mitigation measures on the abnormal load access route. Measures such as temporary speed limits, suitable temporary signage, road markings and the use of speed activated signs should be considered.
- A contingency plan prepared by the abnormal load haulier. The plan should be adopted only after consultation and agreement with the Police and the respective roads authorities. It should include measures to deal with any haulage incidents that may result in public roads becoming temporarily closed or restricted.
- A detailed protocol for abnormal load movements, prepared in consultation and agreement with interested parties. The protocol should identify any requirement for convoy working and/or escorting of vehicles and include arrangements to provide advance notice of abnormal load movements in the local media. Temporary signage, in the form of demountable signs or similar approved, should be established, when required. All such movements on public maintained roads should take place outwith peak times on the network, including school travel times, and should avoid local community events.
- A procedure for the regular monitoring of road conditions and the implementation of any remedial works required during the construction period.
- All traffic management being undertaken by a quality assured contractor.
- Details of appropriate traffic management should be established and maintained at the site access for the duration of the construction period. Full details should be submitted for the prior approval of Highland Council and Transport Scotland as the relevant Roads Authorities.
- Measures to ensure that all affected public roads are kept free of mud and debris arising from the development

8.47 The site is to be accessed from an upgraded junction onto the A836 just west of Loch Salachaidh before connecting to upgraded and new tracks. The access junction would be installed to serve all construction traffic including turbine components and would therefore have to comply with the turbine manufacturer's requirements as well as THC's Roads and Transport Guidance. A condition can be included to secure final details of upgrading works at the junction and the public road including drainage measures, improved geometry and construction, measures to protect the public road, and the provision and maintenance of appropriate visibility splays.

8.48 Within the site, approximately 2km of existing access track would be used, 0.3km of which will require upgrading and widening works, in addition to 7km of new track to turbines, compounds, borrow pits, etc., with the revisions made in the EIA FEI removing 210m of access track at Turbine 5. The running width of the track would be 5m on straight sections although wider on bends, passing places (typically 25m x 6m), and at junctions. Sections of 'floating roads' would be required where tracks cross appreciable areas of deep peat. The track's layout is designed to take account

of the site's topography and other identified constraints in order to minimise environmental disturbance and the need for water crossings, of which five are proposed to be upgraded and a new one installed.

8.49 There will be a need to restrict public access to certain areas during construction works at key times, including the track upgrade works. The Council's Access Officer has advised that Core path SU04.04, Clachan Burn will be affected by this proposal but not significantly as the majority of the track from the A836 has previously been upgraded to accommodate delivery of wind farm components and associated plant. It is expected there will be some disruption to public access along the core path but it will be expected to remain open for public use during the construction phase. Where the track or a burn crossing is to be upgraded the public should be marshalled or diverted around the works site with the main track opening again as soon as practical. Such restrictions should be detailed in a Recreation Access Management Plan (RAMP) and approximate time scale set out. The new tracks south the Clachan Burn core path do not have to be included in the construction phase detail of the RAMP. The RAMP should be secured by condition.

Water, Flood Risk, and Drainage

8.50 A CEMP will be in place to ensure that potential sources of pollution on site can be effectively managed throughout construction and in turn during operation; albeit there will be fewer sources of pollution during the development's operational phase. An outline CEMP is included within the EIAR. The CEMP should be secured by planning condition to ensure the agreement of construction methodologies with statutory agencies following appointment of the windfarm balance of plant contractor and prior to the start of development or works.

8.51 The EIAR identifies that fluvial flood risks relate to floodplains, which are localised around the main watercourses within the site as well as many small surface water flood extents largely coinciding with mapped watercourse channels where flood extents are minor and localised and do not form large, linked areas or flow paths. The flood risk posed by fluvial and pluvial sources is not considered significant however floodwater conveyance will need to be considered during the design of watercourse crossings prior to construction and during operation of the proposed development. The Council's Flood Risk Management Team has no specific concerns regarding that constraint.

8.52 Notwithstanding, the development would entail works in connection with the water environment and as such a number of measures to mitigate localised flood risks as well as protect the water environment have been highlighted by the applicant in the outline CEMP, following pre-application consultation with SEPA. Mitigation measures include:

- the adoption of sustainable drainage principles to control the rate, volume, and quality of run off from the development, in particular in relation to maintaining flow paths to specific habitats sustained by rainfall and surface water runoff;
- 50m development free buffer zones to be maintained around all water bodies except for watercourse crossings;

- new and replacement watercourse crossings to be constructed of oversized bottomless arched culverts or traditional style bridges to accommodate 1:200 year flood event flows. The EIAR advises that 11 watercourse crossings have been identified;
- adoption of a wet weather protocol to detail the procedures to be adopted by all staff during periods of heavy rainfall; and,
- pollution prevention measures to mitigate against effects of potential chemical contamination, and sediment release.

8.53 No private water supplies have been identified which could be impacted by the development.

8.54 There is potential for Ground Water Dependent Terrestrial Ecosystems (GWDTEs) within the site boundary, which are protected under the Water Framework Directive. The National Vegetation Classification (NVC) survey which accompanies the application identifies that the majority of the site is blanket bog (M15a, M15d, SQM0a, M17a, M17b, M19a) and that potential GWDTEs are generally confined to areas where it is likely that water is coming from the ground in the form of a spring or flush (M6, M9, M10 and SQM9). SEPA has advised that it is content with the assessment of habitat groundwater dependence although it considers that habitats M9, M10, SQM9 and S10 are likely to be at least partially groundwater dependant. However, SEPA is content that use of existing tracks and construction proposals to maintain existing flow paths means that any impacts should be minimised and are acceptable.

8.55 SEPA is satisfied with the proposals in relation to the water environment included with the CEMP and Schedule of Mitigation and advise that works in or in the vicinity of inland surface waters and wetlands, as well management of surface water runoff (including access tracks) will require authorisation under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR).

Peat

8.56 NatureScot's Carbon and Peat 2016 Map indicates the presence of Class 1 Peatland over much of the site, which is Nationally important carbon-rich soils, deep peat and priority peatland habitat of high conservation value. The mapping indicates discrete areas of Class 2, also nationally important peatland habitat of high conservation and restoration peatland, and Class 5 peatland. The applicant has undertaken 1,800 peat depth probes showing that deeper peat is generally located in areas of flatter ground, in some locations greater than 3 metres in depth, with areas of peat of less than 0.5m depth generally located in areas with steeper gradients. Much of the peat within the site areas has been disturbed by artificial drainage and domestic peat cutting.

8.57 Following instruction from SEPA and input from NatureScot, the applicant has made the following siting and design changes to the scheme:

- crane and auxiliary hardstanding areas for turbine T5 have been repositioned to avoid areas of deeper peat;

- Access tracks have been realigned at turbine T4, T8 and T9 to avoid areas of deeper peat, whilst approximately 210m of proposed new access track at turbine T5 is no longer required;
- the permanent crane hardstanding footprint has been reduced at each turbine location from 1,960sqm in total for the Original Scheme to 1,380sqm in total, a reduction of approximately 30%;
- the temporary hardstanding footprint has been reduced at each turbine location from 1,960sqm in total for the Original Scheme to 510 sqm in total, a reduction of approximately 74%.

8.58 Resultantly, the volume of peat disturbed will be significantly reduced from approximately 56,000 m^3 to approximately 26,000 m^3, which is welcomed.

8.59 The submission includes a Peat Landslide Hazard and Risk Assessment that has helped to inform the design of the proposal. The applicant's risk assessment identifies that all turbines are sited in areas of negligible risk of peat instability and therefore not significant. Nevertheless, the applicant has committed to employing several mitigation measures including employing an experienced and qualified engineering geologist / geotechnical to supervise and advise the contractor on the setting out, micro-siting, and construction methods during construction works, which can be secured as part of the CEMP. SEPA has requested that a finalised Peat Management Plan is secured by condition prior to works commencing on site. The Peat Management Plan should specify how micrositing and other mitigation measures are deployed to minimise peat disturbance (taking account of other environmental sensitivities), including prioritising the use of pre-disturbed land for cable trenches.

8.60 The Outline Peat Management Plan has been updated through the EIA FEI and proposes to restore 141.4ha of peatland, which is approximately ten times the area of peatland that will be removed or disturbed by the development, while proposals for tree planting on or near blanket bog have been removed, which are welcomed.

Natural Heritage including Ornithology

8.61 The EIAR, as updated through the EIA FEI, has identified and assessed the development's likely impacts on designated sites, non-aviary interests, ornithology, protected species, and ecology. The development is not situated within any sites designated for ecological interests but is close to, and has potential connectivity with the Caithness and Sutherland SAC, protected for its upland habitats, marsh saxifrage and otter, and, Caithness and Sutherland SPA. In its initial response, NatureScot advised that the proposal is likely to have a significant impact on the Otter qualifying interest of the SAC due to known occasional use of the application site by this species, and, on the blanket bog, wet heath and acid peat-stained lakes and ponds qualifying interests of the SAC due to the (beneficial) peatland restoration works. Additionally, NatureScot also advises that the proposal will likely result in significant effects on the golden plover, greenshank, red-throated diver, golden eagle and merlin interests of the Caithness and Sutherland SPA due to the potential for collision risk and/or disturbance and displacement. 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

pursuant to the Conservation (Natural Habitats, and c.) Regulations 1994, which is included Appendix 4 of this report.

8.62 NatureScot has advised on the mitigation measures that will be required to be strictly implemented in order to protect the qualifying interests of both sites including pre-construction surveys for otter, details to be included in the finalised Habitat Management Plan and Deer Management Plan to protect restoring habitats, and a Bird Protection Plan for qualifying bird interests, which should be secured by condition. NatureScot has advised that provided these mitigation measures are in place (detailed in the Appropriate Assessment (Appendix 4)), the proposal will not undermine the conservation objectives of the SPA.

8.63 NatureScot has not commented on the proposal's impacts on wider countryside birds (those not connected to a protected area), however, RSPB has assessed the proposal's impacts on both SPA an wider countryside bird and welcomes the following measures to be secured through conditions:

- 1,000m disturbance distance from active Golden Eagle nest sites;
- post-construction flight activity surveys for Golden and White Tailed Eagle in combination with nest monitoring to be undertaken. The RSPB advises that collision monitoring should also be included; and,
- provision of Kestrel nest boxes.

The applicant has also committed to supporting the RSPB's Scoter Study.

8.64 Protected Species Surveys were carried out in relation to amphibians, common lizard, deer, European otter, pine marten, water vole, bats, and brown trout, European eel and populations of Atlantic salmon and lamprey, which found presence of amphibian, common lizard, otter (as above), pine marten (probable scat), water vole (burrows, runs and latrines, and trout, along with suitable habitat for European eel. Chapter 8, Ecology of the EIAR sets out further mitigation measures for the protection of those species.

8.65 In its response, NatureScot notes the relatively large water vole colonies at the site and advises that where avoidance of water vole habitat (including habitat corridors and access to high ground in flood-prone areas) cannot be achieved, mitigation measures are likely to be required and should be detailed within a Species Protection Plan (SPP). Further preconstruction Protected Species Surveys would be required, along with an Ecological Clerk of Works (ECoW), which should be secured by condition. Surveys for legally protected species should be carried out at an appropriate time of year for the species and as close to the commencement of construction as possible, but no greater than 8 months preceding commencement of construction. A watching brief should then be implemented by the ECoW during construction. The ECoW's remit would include the authority to stop works where impacts on Protected Species are identified, as well as to oversee that works are undertaken in accordance with the CEMP and Schedule of Commitments. In addition, a condition is suggested to secure a Water Quality and Fish Monitoring Plan to protect the ecology of watercourses. Given the above, the development is not expected to have a detrimental impact on ecology. The developer will be responsible for obtaining any Protected Species Licenses from NatureScot.

8.66 The Highland Council's ecologist has reviewed the revised Outline Habitat Management Plan in relation to proposals for Biodiversity Enhancement, as is required by NPF4 policy 3b. She welcomes the peatland restoration measures and plans to restore water vole habitat by controlling extensive bracken cover and considers the revised plan to comply with policy requirements and has withdrawn her objection. She welcomes the peatland restoration proposals within the proposed WHS and the water vole habitat enhancement by controlling an extensive area of bracken. The finalised Habitat Management Plan must detail these compensation and enhancement measures, which can be secured by condition. It is also noted here that the HMP area is within the same landownership as the application site and therefore a Section 75 agreement is not considered necessary.

8.67 In addition to the above, the proposal also lies adjacent to the Flow Country candidate World Heritage Site, which is being considered for being the most outstanding example of a blanket bog ecosystem globally. The Outstanding Universal Value (OUV) of the site encompasses a number of attributes including: the blanket bog habitats, ecosystem processes and the bird and plant assemblages it supports. Where a proposal affects one or more of these attributes, this could result in impacts on the site's OUV. A World Heritage Site Impact Assessment Gap Analysis has been provided as part of the EIA FEI, which considers the impact of the development on the WHS and no impacts have been identified. NatureScot has advised that the mitigation required in relation to Bird Protection Plans, along with the Habitat Management Plan to include a Method Statement and Deer Management Plan, will secure that the development will not impact on the candidate site's OUV.

8.68 The development will not impact on any woodland resource.

Built and Cultural Heritage

8.69 Chapter 8 of the EIAR has identified 24 prehistoric assets within, and adjacent to, the application site (the Inner Study Area) including a series of mounds thought to be clearance cairns, likely prehistoric clearance cairns, hut circles and burnt mounds. There are no Iron Age, early Medieval or Medieval assets within the site however there are four post-medieval assts including two farmsteads and a clearance village as well as 15 unknown assets within the site.

8.70 The Council's archaeologist advises that the proposed mitigation for non-designated assets includes evaluation, marking-out and watching briefs, which should cover all areas of ground-breaking and not just those areas that lie close to recorded sites due to the landscape hosting a high density of upstanding prehistoric (and later) remains. Evaluation would be required across the borrow pit search areas in the first instance. Additional marking-out of sites that lie within 30m of ground-breaking works should be undertaken to avoid accidental damage during construction. In addition, it is considered appropriate to recommend that palaeoenvironmental survey is carried out to complete the baseline recording of this area. The Council's archaeologist concludes that the mitigation will limit the direct impacts to historic environment assets to within acceptable limits.

8.71 HES has also considered the proposal's impacts on Fiscary, cairns and chambered cairn NE of (SM1790), and, Lochan Druim an Duin, broch 320m E of (SM1879) Scheduled Monuments, and while it does consider the impact on the setting of the latter to be adverse, it does not consider that the integrity of the monument's setting to be significantly impacted such to merit objection. Therefore no further mitigation is sought in relation to the scheme's impacts on these Scheduled Monuments.

Siting, Layout, and Design

8.72 Chapter 2 of the EIAR describes the scheme's evolution through several design and layout iterations including for 12 turbines at the pre-Scoping stage, through 11 turbines at the Scoping stage up to the current submission for 10 turbines with potential BESS following further environmental survey work and pre-application discussions with THC's Planning Officers. The stated reasons for the site's selection (Volume 2: EIA Main Report, Chapter 2, Section 2.3.1) include that the site benefits from good wind resource, there being no landscape and environmental designations within the application site as well as no aviation constraints, distance from residential properties, and its proximity to suitable transport and grid infrastructure.

8.73 The Chapter sets out that the design of the wind farm has followed a constraints based approach in order that mitigation on environmental effects is embedded within the design:

'The … layout of the proposed development has been determined by a combination of landscape and visual factors alongside, ecology, ornithology and peat constraints. The intention was for the layout to have a coherent response to the underlying terrain and to appear as a logical, well-designed layout in views from receptors in the surrounding settlements'.

8.74 For example, the receiving landscape within which the site is located is characterised by very well-defined north to south alignment of ridges, hills, lochans and water courses. A stated design objective is that the proposal should respect this geological alignment and the proposal has therefore been designed as a parallel linear array to align with this landscape. In addition, the EIAR sets out that the size and scale of the overall development has also been carefully considered to ensure it is appropriate for its location by fitting in to the receiving landscape without overwhelming it. The applicant has also sought to maintain favourable buffer distances from sensitive environmental and people receptors, re-use existing infrastructure including tracks and the construction compound of the existing windfarm to minimise use of undisturbed ground, while also seeking to minimise the need for cut and fill tracks.

8.75 It is also important that siting, layout, and design principles consider the cumulative effects arising from a proposal's relationships with other wind energy developments in its wider context, taking into account the baseline and, potential, future baseline conditions.

8.76 In this instance, the proposal site subsumes the existing two turbines at Bettyhill with their maximum tip and hub heights being 119m and 79m respectively, with rotor diameters of 82m. Further afield at 5 km distant the 33 turbine Strathy North

scheme is also operational. This development has tip and hub heights at 110m and 70m respectively and rotor diameters of 82m, while two other Strathy schemes, namely the 39 turbine Strathy South and 13 turbine Strathy Wood Wind Farms, at 6 km and 6.5 km distant respectively, are also approved and form part of the baseline condition of the site's wider context. The approved turbine and hub heights for Strathy South Wind Farm are 200m and 119m, for Strathy Wood 180m and 111.5m. Other proposals are currently at scoping, application, or appeal stage of the planning process and their potential to impact the future baseline has been acknowledged within the EIAR including Armadale Wind Farm 3.5km distant with proposed tip heights of 149.9m, Kirkton Energy Park 13km distant with proposed tip heights of 133m, Drum Hollistan 2 Wind Farm 18km distant with proposed tip heights of 124.5m. Missing from the assessment is the Melvich Wind Energy Hub scheme (23/02320/S36) for 12 turbines with 149.9m tip heights, 11.6km distant, against which the Council has recently Raised an Objection to the Scottish Ministers. Some 22km away, the 24 turbines 149.9m to tip turbines of the varied Limekiln and its extension schemes are commencing development, while the single 100m turbine of Forss III is to be determined by the February North Planning Applications Committee.

8.77 Given the ever increasing presence of turbines in the landscape, factors such as the degree to which nearby developments follow similar 'development patterns' in terms of siting, layout, and design; similarities and differences between receiving landscapes and Landscape Character Types; the degree to which the size and scale differences between the schemes and individual components, especially turbines, are experienced by receptors and what effects these have on the enjoyment of the view qualities, amongst others, are key in the assessment of cumulative landscape and visual effects. Additionally, relative tip and hub heights, turbine proportions including rotor diameters, and direction of rotor spin, can determine the degree to which schemes sit harmoniously or discordantly together in the landscape.

8.78 Of particular importance is consideration of how developments relate to each other in design and relationship to their surroundings; their frequency when moving through the landscape; and their visual separation to allow experience of the character of the landscape in between. Care and attention are therefore required regarding design, siting and location to avoid detrimental impacts. Indeed, NatureScot's Siting and Designing Wind Farms in the Landscape Guidance notes that it can be particularly challenging to accommodate multiple wind farms in an area, and so advances windfarm design objectives of limiting visual confusion and reinforcing the appropriateness of each development for its location.

8.79 As with all wind farm development, there remains potential for significant residual landscape and visual effects that require further consideration even though mitigation is embedded in to the design. Any assessment must pay particular attention to the specific Landscape Character Area (LCA) of the receiving landscape, any landscape designations in the wider area, susceptible receptors, and public views. The implications of the revised development on the perceptual experience of the landscape and the visual experience of the receptor are considered in the respective Landscape Impact and Visual Impact sections below. These assessments set out that the applicant has generally responded positively

to the constraints of the site and its wider context through careful consideration of the scheme's siting, layout, and design, and that the site is considered suitable for the development of the wind farm as proposed in landscape and visual terms.

Landscape and Visual Impact Assessment Methodology

8.80 The applicant has presented a number of submissions to illustrate the landscape and visual impact of the development both singularly and cumulatively with existing and consented windfarm developments. The EIAR includes a description of the design process, along with assessments against several Landscape Character Types (LCT), s National Scenic Area (NSA), Special Landscape Areas (SLA), and Wild Land Areas. A total of 21 viewpoints across a study area of 40km have also been assessed, however all viewpoints are within 30km of the development. These viewpoints are representative of a range of receptors including communities, recreational users of the outdoors, and road users. The expected bare earth visibility of the development can be appreciated from the ZTV to Blade Tip / Hub height with Viewpoint locations, landscape designations, and sensitive receptors in the EIA FEI (Appendix 3a, Figures 7.2.1 – 7.2.10 for singular effects / Figures 7.5.1 – 7.5.6 for cumulative effects). The information submitted is considered sufficient to allow the Planning Authority to come to a reasoned conclusion on the likely landscape and visual effects of the development.

8.81 The methodology for the LVIA generally follows that set out in Guidelines for Landscape and Visual Impact Assessment Third Edition (GLVIA3). As set out in para 3.32 of GLVIA 3 the "LVIA should always clearly distinguish between what are considered to be significant and non-significant effects." The applicant judges Significant Effects following the combination of judgements based on the Sensitivity of the Receptor, as defined by the receptor's susceptibility (the degree to which a landscape element can be restored, replaced, or substituted) against the importance (value) of the view / landscape, against the Magnitude of Change. Judgement of Magnitude of Change is based on an assessment of the size or scale of the change, the geographical extent of the area influenced by the change, and its duration and reversibility. It will be observed that the applicant has refrained from using intermediate categories to describe the Magnitude of Change such as 'Substantial / Moderate' and 'Moderate / Slight' for example. However this assessment has judged the Magnitude of Change at some viewpoints to be more appropriately described by intermediate categories.

8.82 Table 4 of Technical Appendix 7.1 (Volume 4): Significance of Effects on Landscape and Visual Receptors, sets out the matrix the applicant has used in the judgement of Significance of Effects whereby impacts of Major and Major / Moderate correspond to Significant Effects, and Moderate, Moderate / Minor, Minor / None, and None correspond to Not Significant Effects. In combination impacts of the proposal are considered as 'additional' and 'combined (total)' cumulative effects where additional effects assesses the changes to the cumulative picture caused by the development, and, combined (total) effects are those cumulative effects that result from a set of developments taken together.

8.83 The LVIA chapter (Chapter 7) of the EIAR methodically sets out the Applicant's assessment of the development's landscape and visual impacts and effects, including assessments of relevant Landscape Character Types (LCT) as mapped

and described by NatureScot. The applicant has assessed landscape effects on the hosting LCT136 - Rocky Hills and Moorland, LCT 134 - Sweeping Moorland and Flows, LCT 135 - Rounded Hills – Caithness and Sutherland, LCT 138 - Lone Mountains, LCT 140 - Sandy Beaches and Dunes, LCT 141 - High Cliffs and Sheltered Bays, LCT 142 – Strath, LCT 144 - Coastal Crofts and Small Farms.

8.84 The EIAR has provided an assessment of the applicant's view on the Significance of visual effects for each of the viewpoints (Tables 7-32 to 7-52 of Chapter 7, Main Report (Volume 2), viewpoint analyses, Table 7-53: Summary of Effects on Viewpoints), which makes the applicant's logic easy to follow. A summary of the applicant's assessment and officer appraisal of this assessment, which highlights the differences and any concerns with regard to visual impact, can be found in Appendix 2.

8.85 It is noted here that the applicant has included proposals at application and appeal stage in their assessment of the combined (total) (hereafter called 'total') cumulative visual effects that are subject to separate applications that are yet to be determined. Consequently it is not appropriate for this assessment to make a judgement on these developments in the processing of this application. As such the judgement offered in this assessment on total effects is limited to the resultant cumulative effects of the proposal in relation to operational and approved wind farms, which in reality, equates to Bettyhill Wind Farm Phase 1 (BWFP1), and the Strathy Cluster; Strathy North, Strathy Wood, and Strathy South and the Limekiln schemes where relevant. In that way the conclusion on the Level of additional and total Cumulative Effects tend towards the same outcome for most VPs, which also explains many of the differences in judgement between the two assessments.

8.86 In addition to the above, the applicant has included assessments of the effects of the development on the special qualities of the Kyle of Tongue National Scenic Area (NSA), and the special qualities of both the Eriboll East and Whiten Head, and, the Farr Bay, Strathy and Portskerra Special Landscape Areas (SLA), as well as the wild land qualities of Wild Land Areas (WLA) WLA 38: Ben Hope and Ben Loyal; and WLA 39: East Halladale Flows. The assessment WLA assessments are noted and appreciated with particular regard as to how they have informed the design of the proposal. However, given the policy status of WLAs in NPF4 relative to energy developments, this report does not include a review of this aspect of the assessment.

8.87 A key part of the of the Council's assessment of landscape and visual effects is a consideration of the proposal against the Criterion set out in Section 4 of the Onshore Wind Energy Supplementary Guidance (OWESG), with the assessment against the criterion and view as to whether the threshold set out in the guidance is met or not, contained in Appendix 3 to this report. Furthermore, landscape and visual impacts of the proposed development may be reversible as the scheme would be capable of being decommissioned as stated within the EIA FEI. However, as set out in Policy 11 (f) of NPF4, windfarm sites should be suitable in perpetuity, and it is therefore considered reasonable to assess the duration of all landscape and visual effects as non-reversible in that context.

Landscape Impacts

8.88 There are several aspects to consider in determining whether this development represents an acceptable degree of impact on landscape character, including:

- impacts on the Landscape Character Type (LCT) as a unit (Landscape Character Area (LCA)), as a whole, and on neighbouring LCTs;
- impacts on the local landscape composition closer to the development; and,
- direct and indirect impacts on landscape designations.

8.89 The proposal's specific effects on landscape character will result from the imposition of 10 x 149.9m to tip large-scale moving man-made features inserted into the landscape, with the turbines and, to a lesser degree, the associated tracks and other infrastructure, contrasting with the existing colour and texture of the hosting rocky hills and moorland and its interaction with the colour and texture of the wider landscapes that the development is experienced within. The development's lower lying infrastructure components will have greater influence where they are more visible; i.e., mostly from within the hosting shallow gorge and its sides. While being a locally dominant presence, the size and scale of the proposal will decrease relative to the landscape as one moves away from it and crosses different landscape features, and therefore its influence on landscape character will decrease relative to distance and intervening landscape. In this instance, the proposal sits within a shallow gorge that extends north-south and therefore its influence on landscape character will be strongest over a wider geographic extent along the north-south axis comparative to the east-west axis. Where the development is highly screened or not visible, it will have negligible to zero influence on landscape receptors.

8.90 The development site sits within a lowland Landscape Character Area (LCA) of Rocky Hills and Moorland (LCT136), which is generally characterised by rough landcover of scattered rocks, boulders and rocky outcrops. This particular LCA has a rough complex landform of very well-defined rocky knolls, dips, lochans, and narrow craggy gorges structured in north-south alignment. The LCT more generally tends to induce a strong sense of remoteness due to lack of road access and contemporary settlements within it. The applicant's assessment assigns a Medium / High Value as a landscape by virtue of its part inclusion within the Kyle of Tongue NSA (not section containing the application site) tempered by the presence of turbines within the LCA including those of BWFP1 and a section of the Strathy North scheme. The applicant concludes the LCA has a Medium Susceptibility to Change by virtue of being a contained landscape with medium scale landform features and few scale indicators in comparison with the more open coastal views. Taken together, the conclusion is that the LCA has a Medium / High Sensitivity to wind farm development.

8.91 The assessment judges that the development will have the greatest, Substantial, Magnitude of Change on the LCA receptor at the application site and within 5km, decreasing to Moderate between 5km - 10km from the site and Slight from 10km and beyond. As such, the conclusion is that the Level of Effect is Major / Moderate and Significant within 5km, Moderate and Not Significant between 5km - 10km, and Moderate / Minor from 10km and beyond.

8.92 The LCA is bounded by LCT 134 - Sweeping Moorland and Flows, which is the closest LCA to the turbines, as well as, in clockwise direction, LCT134 - Sweeping Moorland and Flows LCT142 – Strath, 144, Coastal Crofts and Small Farms, and LCT 141 - High Cliffs and Sheltered Bays. The assessment has concluded that there will be a locally Significant impact on the adjoining Sweeping Moorland and Flows LCA within 5km of the development reducing to Not Significant beyond this distance and that there will be no Significant landscape effects on any of the other LCAs. These conclusions for the host and adjacent LCAs are not disputed.

8.93 Similarly, the proposal is not considered to have a significantly detrimental impact on the local landscape composition closer to and surrounding the development. The success in achieving this threshold is in part due to the applicant's design response to the underlying topography, which creates a design appropriate to the specific Rocky Hills and Moorland LCA. In that way the development appears logical and proportionate to the landscape in a manner that does not significantly detract from local landscape amenity and is distinct from the pattern of wind energy development in the adjacent Sweeping Moorland and Flows.

Designated Landscapes

8.94 The applicant has assessed the proposal on the Special Landscape Qualities SLQs of the NSA including 'An ever-present backdrop of Mountains', 'The Kyle – a link from an inhabited coast to a wild, moorland', 'Scale, from domestic to Monumental', 'The constantly changing character of the Kyle', 'Rich variety of coastal scenery', and 'Distinct pattern of settlement' and is represented by VPs 4 (Above Loch Craigie), 6 (Talmine), 16 (Ben Loyal,), and 21 (Ben Hope). The Summary of Effects and Risks (Table 6: Assessment of Effects on the Kyle of Tongue National Scenic Area - Step 4: Summary [TA 7.5 (Volume 4)], sets out the applicant's conclusions as to the effects on the NSA as follows:

> 'The proposed development is located beyond 3.1 km to the north east of the NSA, and beyond c.11 km from the core of designated landscapes around the Kyle of Tongue. Therefore, there will not be any direct effects upon the designated landscape however, there is the potential for some limited indirect effects on some of the Special Landscape Qualities.'
>
> 'The proposed development is set back from the coastal edge is contained within the Rocky Moorland Hills landscape character type, with direct visibility reduced by successive intervening ridges of rocky moorland. There will be limited indirect effects on the experience of the landscape of the NSA on the approaches to the NSA, in particular as it is experienced from the A836 [NC500] tourist route.'
>
> 'Whilst the proposed development may appear as a noticeable element in some coastal views on the approach to the NSA, it will be seen partially, typically over long separation distances, within a narrow field of view and will be set back from foreground coastal features. Many of the SLQs relate to the physical attributes of the NSA and the experience of these from within the NSA and that the proposed development will only affect the wider setting of the NSA. As such the Special Landscape Qualities of the Kyle of Tongue NSA will not be at risk or

compromised by the proposed development and the overall integrity and objectives of the NSA will be maintained.'

8.95 NatureScot, in its assessment has also reached the conclusion that the development will not significantly impact any SLQs, and have therefore not objected to the proposal on the grounds of detrimental impact on the NSA. These findings are not disputed in this assessment as it is considered that the siting of the proposal and its scale have been carefully considered so as not to significantly detract from an appreciation of the hills of the NSA when looking across the application site towards the Kyle of Tongue NSA, or an appreciation and perception of the SLQs or indeed general landscape characteristics of its wider setting in outward views from the NSA.

8.96 It follows from the above assessment that the proposal's impacts on the 'Striking Geological and Landscape Contrasts', 'Striking Views', and 'Sparse Settlement and Naturalness' SLQs of the Eriboll East and Whiten Head SLA are well within acceptable limits given that the SLA is located west of the Kyle of Tongue NSA. Moreover, the proposal is not considered to impinge on the SLA's Sensitivities to Change as these refer to development within or close to its boundary (see VPs 5 (, A'Mhòine) and 6 (Talmine)).

8.97 Similarly, the proposal is well over 3km from the coast at its nearest point with the turbines proposed to be installed further inland than the two operational turbines of BWFP1. This setback ensures that the development will not impinge on the 'Dramatically Intricate Coastline and Forceful Sea', 'Moorland and Crofting Mosaic', 'Big Skies and Extensive Views', and 'Historical Dimension' SLQs of the Farr Bay, Strathy and Portskerra SLA (see VPs 10 (Strathy Point) and 12 (Portskerra)). This assessment is supported by NatureScot's comments:

'In addition, following our undertaking of further work to understand the overall significance of effect on the distinct character of Scotland's North Coast at the regional scale, we conclude that the proposed development would not significantly affect the distinctive coastline of the North Coast. This would be due to the siting of the proposal further back from the coast within the Rocky Hills and Moorland Landscape Character Type (LCT)'.

8.98 Following review of the proposal and the LVIA supporting material, The Council's Landscape Officer has accepted the applicant's assessment as an appropriate representation of the effects of the development. They have no specific concerns regarding the applicant's identified Significant landscape effects arising from the proposed wind farm either on specific LCAs, or on local landscape composition closer to the development.

Visual Impacts

8.99 Chapter 7 of Volume 2 of the EIAR includes a visual impact assessment from each of the 21 viewpoints, including an assessment of what the applicant considers the significance of the visual effect would be for receptors at each viewpoint. Unsurprisingly, there is some difference between the applicant's assessment and the appraisal undertaken by Council Officers, which is to be expected when such

assessments are dependent on the application of professional judgement. Differences in judgement are set out in Appendix 2 and in the main text below.

8.100 Each viewpoint is considered by the applicant to be used by receptors of High Sensitivity to wind energy development; i.e., residents, cyclists, and walkers, with the exception of viewpoint VP9 (Minor Road to Farr) which is on a minor road to Farr where the development is only visible for a short section and would generally be experienced in motion. It should also be noted that not all receptors experiencing the development from all of the viewpoints would have a high sensitivity to the development.

8.101 The applicant's assessment of the significance of the visual impact of the proposal as a standalone development concludes that the proposed development would result in significant visual impacts as a singular development at Viewpoints 8 (East of Loch Leacach A836), 15 (Formal Viewpoint A836), and 16 (An Caisteal summit of Ben Loyal). At VP8, towers are visible on facing slopes, at VP15 the receptor experiences turbine hubs and blades from a formal viewpoint at 2.15km distant, while at VP16, the complete array, including towers, is experienced from a valued mountain top view. At each of these viewpoints, the array's full horizontal extent is apparent.

8.102 The applicant's reported range of significant visual effects are accepted by Council Officers, with the exception of one additional significant visual effect being identified for receptors at VP9 (Minor road to Farr). As set out in Appendix 2, the applicant's conclusion of no significant effect is based on all turbines being visible to varying degrees at relatively close range (2.55km). From this location, the assessing officer finds that the composition of the array somewhat breaks down from this location as turbines begin to stack and merge into less coherent groupings, with the magnitude of change being considered to tend toward substantial / moderate, with a significant level of effect, which would be expected of a development of 10no. almost 150m tall moving objects less than 3km away. Even so, owing to the value of the view and the short duration of visibility, the effect is not considered unacceptable.

8.103 At other comparatively close up views within 4km, VP2 (Bettyhill Store) distance - 3.5 km, VP3 (A836 Achnabourin (south-west of Bettyhill) distance 2.7 km, and VP14 (A836, west of Druimbasbie) distance - 3.64 km, the proposal is largely screened by landform such that only blade sections or tips are visible, as is the case in VPs 2 and 3, or, as is in VP14, only the top tower section is visible for only two turbines while the other six visible turbines are screened to blades and tips.

8.104 The assessing officer has judged the magnitude of change at VP14 (A836, west of Druimbasbie), as well as for VPs 10 (Druim Allt a' Mhuilinn, Trig Point, Strathy Point) and 21 (Summit of Ben Hope), to be of a higher intermediate category than the applicant's moderate / slight category. At VP15 (Formal Viewpoint A836), Council Officers have similarly judged the magnitude of change to be substantial / moderate, higher than the applicant's moderate judgement. Conversely for VP20 (Summit of Beinn Ratha, 242 m, south of Reay) Council Officers have considered the magnitude of change to be lower, at an intermediate category of slight / negligible. Whilst there remains differences in professional judgement for the

aforementioned viewpoint, this remains relatively minor, and has not resulted in disagreement as to the significance of the level of effect.

8.105 The screening afforded by landform is well illustrated at VPs 1 (A836, Fleuchary/Lednagullin Junction, 4 (A836 above Loch Craggie), 6 (Talmine), 7 (A836 West of Borgie), 10 (Druim Allt a' Mhuilinn, Trig Point, Strathy Point), 11 (A836, east of Dounreay), 12 (A836, west of Portskerra), 13 (Summit of Sletill Hill), 18 (Carnachy Bridge, B871, Strath Naver), 19 (Rhifail Bridge, B871, Strath Naver), 20 (Beinn Ratha, south of Reay), including when the proposal would be experienced from summits (VPs 13 and 20). At VP10 for example, such screening reduces the degree to which the development would otherwise diminish some of the sense of scale and distance in the landscape, particularly where the sea cliffs are visible in the frame. The screening also reduces the degree to which the turbines impinge on the intrinsic scenic qualities of the view such as it is not considered to result in a significantly adverse visual effect despite being in a location of high SLA sensitivity.

8.106 Overall, the strength of the scheme's design principles is apparent in the majority of viewpoints with the composition showing a relatively even spread and rhythm across the array from many locations with hub and tip heights experienced as being generally level. These compositional positives coupled with the general restraint shown in limiting the overall scale and scope of the scheme to ten turbines of 149.9m have produced a proposal that responds to its context by appearing nestled within its hosting landscape, rather than being imposed onto it. The result is a proposal that does not give rise to significant visual effects in the majority of views, and an acceptable scheme, even for receptors at those select viewpoint where the level of visual effect is judged to be significant.

8.107 With regard the potential for cumulative effects, the applicant has made a judgement of the total cumulative effect of all turbine developments including as yet undetermined proposals that would be experienced in views. Given that it is not considered appropriate for this assessment to make such a judgement while those schemes are subject to live applications, the assessing officer has disagreed with the applicant's judgement of significant cumulative visual effects at several viewpoints, namely VPs 1 (A836, Fleuchary/Lednagullin Junction), 10 (Druim Allt a' Mhuilinn, Trig Point, Strathy Point), 12 (A836, west of Portskerra), 13 (Summit of Sletill Hill), 17 (Summit of Ben Griam Beg), and 20 (Beinn Ratha, south of Reay). The cumulative effect bought about by this development at this point in time would not be significant.

8.108 That said, it is clear that the proposal has been designed to read legibly with, and not dominate the turbines or setting of, BWFP1. This design strength is well illustrated from viewpoints; VPs 3 (A836 Achnabourin (south-west of Bettyhill)), 14 (A836, west of Druimbasbie), and 15 (Formal Viewpoint A836), which is achieved by matching tip heights and perceptually mirroring separation distances.

8.109 However, at VPs 14 (A836, west of Druimbasbie) and 15 (Formal Viewpoint A836), the assessing officer considers the level of cumulative visual effect to be significant contrary to the applicant's judgement of not significant. The difference is due to the proposal extending the horizontal spread of turbines relative to BWFP1 when

experienced at close range views however as explained in the previous paragraph, this is not an unacceptable effect.

8.110 The proposal will also reduce or fill the gap between BWFP1 and the Strathy cluster of wind farms, and therefore visual respite between turbine developments, when experienced at several viewpoints, for example VPs 4 (A836 above Loch Craggie), 7 (A836 West of Borgie), and 15 (Formal Viewpoint A836). Again, this effect is not considered to be to such a degree that it would be significantly detrimental largely due to the Bettyhill schemes being read as being in their own distinctive landscape settings.

8.111 In terms of effects on routes and sequential cumulative effects, the Council's Landscape Officer has considered the proposal against Criteria 2, 4, and 5 and concludes that each of the thresholds are met. Firstly, the threshold is met of wind turbines or other infrastructure not overwhelming or otherwise detracting from key gateway locations and therefore landscape characteristics that contribute to the distinctive transitional experience found at these locations and routes is achieved largely through its separation distances from any such locations. Secondly, the threshold is met of turbines or other infrastructure not overwhelming or otherwise significantly detracting from the visual appeal of key routes and ways / transport routes. This is because the key route in the area, for both recreation and transport, is the A836, with the B871 also providing important local and tourism access. While there are stretches of the A836 where the turbines are visible and at times prominent, however the affected stretches are sufficiently limited such that the turbines are not prominent from the route as a whole within the study area. The B871 has little visibility and in such views as there are, the development appears logical and proportionate to the landscape and does not significantly detracts from the visual or landscape amenity.

8.112 The EIAR has assessed the development's likely impact on the Residential Visual Amenity of nearby property clusters within a study area of 3km; namely, 123/Four Winds, Newlands West Branch Road, Newlands, 2.81km southeast of Turbine 11, and, 118/Rock View Cottage, Newland East Road, Newlands, 2.87km southeast of Turbine 11. For property cluster 1, the applicant has judged turbines will be partially visible new element beyond the foreground rising rugged moorland hilly terrain and that visibility will be most influential on residents approaching the properties from Bettyhill. the properties and the principally occupied rooms are orientated away from the proposed development. The effects on the properties are considered to be Not Significant and the experience of the turbines would not be overwhelming such that the properties would become unattractive places in which to live.

8.113 For property cluster 2 the assessment notes that two of the proposed turbine blades will be visible in views looking south-east from this location, seen as a partially visible new element beyond the foreground rising rugged moorland hilly terrain. The turbine blades will be seen in the context of direct views to the hub and blades of the existing Bettyhill Phase I turbines. Visibility will be most influential on the residents approaching the properties from Bettyhill. The assessment concludes that Not Significant and the experience of the turbines would not be overwhelming such that the properties would become unattractive places in which to live.

8.114 For both clusters, the applicant considers that the relationship between residential properties in proximity to the proposed development is appropriate and will not give rise to adverse effects of Residential Visual Amenity, and that the RVAA threshold is not breached. Following review of the supporting information, the conclusion is agreed.

8.115 Finally, the turbines are below the threshold height of 150m of requiring visible aviation lighting and therefore an assessment of the development's effects in the hours of darkness is not required.

Noise and Shadow Flicker

8.116 The applicant has submitted a Noise Impact Assessment in accordance with the relevant guidance that demonstrates that noise from the development will meet the simplified ETSU limit of 35dB LA90. The applicant's cumulative assessment has taken into account noise from neighbouring windfarms; Bettyhill, Strathy North, Strathy Wood, Strathy South and Armadale. Section 13.94 of the EIAR confirms that the assessment has used predicted levels plus a 2dB margin which is recognised good practice. The Council's Environmental Health Officer advises that noise levels from the development should be limited to 2dB above predicted levels.

8.117 The development also includes a new sub-station and battery storage system. These would be sited some distance from the nearest noise sensitive receptors however, as a precaution a specific noise condition is recommended.

8.118 There are no properties within the 11 rotor diameters distance from the turbines that would be impacted by shadow flicker.

Aviation

8.119 There are no unresolved objections with regard to aviation interests, with no outstanding concerns being raised by the Civil Aviation Authority, Highlands and Islands Airports Limited, Ministry of Defence or National Air Traffic Services. Should the proposal be granted permission, a condition can be applied to secure suitable mitigation in terms of aviation safety lighting and notification to the appropriate bodies of the final turbine positions.

Other Material considerations

8.120 The battery energy storage system would be approved in principle only and a condition is suggested to secure details of the final siting and design of the facility along with relevant supporting information.

8.121 The applicant has sought permission to operate the windfarm for 35 years. At the end of its operational life, usual decommissioning and restoration requirements should therefore be secured. If the decision is made to decommission the wind farm, all components, track access and associated infrastructure requires to be removed from the site. The Planning Authority also requires that any foundations remaining on site; the exposed concrete plinths would also be removed to a depth of 1 m below the surface, graded with soil and replanted. Cables also require to be cut away below ground level and sealed. It would be expected that any new tracks

or areas used for constructing the wind farm would be reinstated to the approximate pre-development condition, unless otherwise agreed with the Planning Authority.

8.122 The requirements to decommission at its end of life is relatively standard and straight forward, with any request for re-powering to be considered with the submission of a relevant future application. It is important to ensure that any approval of this project secures by condition a requirement to deliver a draft DRP for approval prior to the commencement of any development and ensure an appropriate financial bond is put in place to secure these works.

8.123 A finalised Decommissioning and Restoration Plan (DRP) for the site reflecting best practice measures at its time of preparation, would also be required. The finalised DRP would be expected to be submitted to and approved in writing by the Planning Authority in consultation with SEPA no later than 12 months prior to the final decommissioning of the site. The detailed DRP would then be implemented within 18 months of the final decommissioning of the development unless otherwise agreed in writing with the Planning Authority.

8.124 Given the complexity of major developments, and to assist in discharge of conditions, the Planning Authority usually seeks that the developer employs a Planning Monitoring Officer (PMO). The role of the PMO, amongst other things, will include the monitoring of, and enforcement of compliance with, all conditions, agreements and obligations related to this permission (or any superseding or related permissions) and shall include the provision of a bi-monthly compliance report to the Planning Authority.

8.125 There are no other material considerations.

Non-material considerations

8.126 The Planning Authority may only deal with matters that are relevant to the application that is under consideration as is presented and address matters within the control of the planning system. The matters raised below are not relevant to the consideration of this application and are outwith the control of the planning system**.**

Non-material considerations raised are summarised as follows:

- No need for development given the electricity generated is exported.
- High energy costs in sutherland and fuel poverty;
- Sutherland already produces enough energy;
- Opportunity for community ownership;
- Proposed discounted local electricity;
- Good community engagement by the developers.

Matters to be secured by Legal Agreement

8.127 An assessment of the condition of the roads, pre and post construction will be required. This will inform the production of a roads wear and tear agreement under Section 96 of the Roads (Scotland) Act. This type of agreement can be secured by condition. A decommissioning and restoration financial guarantee and a scheme

for community benefit can also be secured by condition. Therefore, no further legal agreements are required should consent be granted.

9. CONCLUSION

9.1 The Scottish Government gives considerable commitment to renewable energy and encourages planning authorities to support the development of wind farms where they can be situated in appropriate locations to operate successfully. The project has the potential to contribute up to 48MW of renewable energy capacity towards Scottish Government targets and play a role in the route to a net zero Scotland. In addition, the development has potential to bring economic benefits to the area and to create jobs.

9.2 However, as with all applications, the benefits of the proposal must be weighed against potential drawbacks and then considered in the round, taking account of the relevant policies of the Development Plan. As noted in this report, the design is considered to have been successful in bringing general collective landscape effects on the local landscape composition, as received in locations in and around Bettyhill and the North Coast, to within acceptable limits. Similarly, visual impacts are considered to be well within acceptable limits including when experienced in combination and sequentially with other wind energy development in the wider landscape.

9.3 Due consideration has been given to the policies set out in the Development Plan, principally NPF4 Policy 11 and Highland-wide Local Development Plan Policy 67 with its eleven tests, which are expanded upon with the Onshore Wind Energy Supplementary Guidance as well as other policies in the plan related natural, built, and cultural heritage and biodiversity. Given the above analysis, the application is considered to accord with these policies and therefore with the Development Plan.

9.4 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 environmental commitments within the conditions of this permission. Monitoring of operational compliance has also been secured through condition.

9.5 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: If permitted the development would produce renewable energy.

10.5 Risk: Not applicable

10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued	**Y** **Finalise wording of recommended conditions**

Subject to the above, it is recommended to **GRANT** the application subject:

A. Members grant delegated authority to the Area Planning Manager – North to agree the finished condition wording, with any substantive amendments to be subject to prior consultation with the Chair of the North Planning Applications Committee; and

B. The following conditions and reasons:

Conditions and Reasons

1. Commencement of Development

The development to which this planning permission relates must commence within FIVE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. Duration of Development

This planning permission shall expire and cease to have effect after a period of 37 years from the date when electricity is first exported from the approved wind turbine to the electricity grid network (the "First Export Date"). Upon the expiration of a period of 35 years from the First Export Date, the wind turbines shall be decommissioned and removed from the site, with decommissioning and restoration works undertaken in accordance with the terms of Condition 28 of this permission. Written confirmation of the First Export Date shall be submitted in writing to the Planning Authority within one month of the First Export Date.

Reason: The proposed wind turbines have a projected lifespan of 35 years, after which its condition is likely to be such that it requires to be replaced. This limited consent period also enables a review and, if required, reassessment to be made of the environmental impacts of the development and the success, or otherwise, of noise impact, species protection, habitat management and mitigation measures. The 37 year cessation date allows for a 2 year period to complete decommissioning and site restoration work.

3. Implementation in Accordance with Approved Plans

(1) Except as otherwise required by the terms of this planning permission, the development shall be undertaken in accordance with the application:

(a) including the approved drawings listed within the Environmental Impact Assessment Report (EIAR), Volume 3a – Figures, dated December 2022;

(b) the EIAR, dated December 2022; and as amended by the

(c) the EIAR Further Environmental Information, dated November 2023.

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

4. Site Enabling Works

The Site Enabling Works shall not commence until a detailed scheme of all Site Enabling Works (including off-site and on-site works) has been submitted to and approved in writing by the Planning Authority. This shall include a timetable for all enabling works and shall be submitted a minimum of 1 month in advance of the proposed date of commencement of any Site Enabling Works.

Reason: To ensure the final details of the Site Enabling Works have regard for the rural setting of the Development Site and the potential impact of such works on the infrastructure of the area.

5. Design and Operation of Wind Turbines

No development, with the exception of the Site Enabling Works, shall commence until full details of the proposed wind turbines hereby permitted, have been submitted to and approved in writing by the Planning Authority. These details shall include:

(a) the make, model, design, direction of rotation (all wind turbine blades shall rotate in the same direction of Bettyhill Wind Farm Phase 1), power rating, sound power level and dimensions of the turbines to be installed;

(b) the external colour and/or finish of the wind turbines to be used (including towers, nacelles and blades) which shall be non-reflective, pale grey semi-matte;

(c) no text, sign or logo shall be displayed on any external surface of the wind turbines, save those required for operational Health and Safety reasons or by law under other legislation;

(d) the application of a turbine blade pitch control system which pitching the blades out of the wind (“feathering”) to reduce rotation speeds below 2rpm while idling to reduce bat collision risk; and

(e) thereafter, the wind turbines shall be installed and operated in accordance with these approved details and, with reference to part (b) above, the wind turbines shall be maintained in the approved colour and monitored to ensure no significant rust, staining or dis-colouration occurs until such time as the wind farm is decommissioned.

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

6. Signage

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

7. Design of Substation, Ancillary Buildings and other Ancillary Development

(1) No development, with the exception of the Site Enabling Works, shall commence, unless and until final details of the external appearance, dimensions, and surface materials of the substation building, associated compounds, construction compound boundary fencing, external lighting and parking areas have been submitted to, and approved in writing by, the Planning Authority.

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

Reason: To safeguard the visual amenity of the area.

8. Battery Energy Storage System

(1) No development shall commence on the energy storage facility unless and until details of the type of energy storage technology to be implemented, including an associated fire risk management plan, have been submitted to and approved in writing by the Planning Authority.

(2) Thereafter, the approved details shall be implemented unless otherwise agreed in writing by the Planning Authority.

(3) Written confirmation of when the energy storage facility is installed and commissioned shall be provided to the Planning Authority no later than one month after those dates.

Reason: To allow the Planning Authority to consider all elements of the development in order to ensure they are acceptable in terms of visual, landscape, noise, and environmental impact considerations.

9. Design of energy storage facility

(1) No development shall commence on the energy storage facility unless and until details of the location, layout, external finishes and appearance, dimensions and surface materials of the energy storage facility have been submitted to, and approved in writing by the Planning Authority.

(2) The energy storage facility shall be constructed in accordance with the approved details.

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

10. Micro-siting

(1) All wind turbines, buildings, masts, areas of hardstanding and tracks shall be constructed in the location shown on Environmental Impact Assessment Report Further Environmental Information (EIAR FEI) Figure PA2 – Site Layout (Revised Scheme); wind turbines, buildings, masts, areas of hardstanding and tracks may be adjusted by micro-siting within the site.

However, unless otherwise approved in advance in writing by the Planning Authority in consultation with SEPA and the EnvCoW, micrositing is subject to the following restrictions:

(a) the wind turbines and other infrastructure hereby permitted may be micro-sited within 25 metres save that no wind turbine or other infrastructure may be microsited to:

(i) less than 50 metres from any watercourse feature;

(ii) a position any closer to microwave links identified in EIAR Volume 2 Chapter 15 Other Issues;

(iii) 110 metres and 92 metres from Caithness and Sutherland SAC for Turbine T4 and the track access between turbines T3 and T4 respectively;

(iv) areas hosting ground water dependent terrestrial ecosystems, with demonstration that direct and indirect impacts of the groundwater dependent M6, M9, M10, S10, and SQM9 habitats shown on Volume 3 of EIAR Technical Appendix Figure 8.2.2.1 to 8.2.2.9 and SEPA's response dated 02 March 2023 have been minimised; and,

(v) areas of peat deeper than currently shown for the relevant infrastructure on FEIR Figures FEI 6.1 -T1 to FEI 6.1 T10, Hardstanding Comparison (Revised Scheme Vs June 2023 Scheme);

(b) No wind turbine foundation shall be positioned higher, when measured in metres Above Ordinance Datum (AOD), than 3m above the position shown on FEI Figure PA2 – Site Layout (Revised Scheme);

(c) All micro-siting permissible under this condition must be approved in advance in writing by the Environmental Clerk of Works (EnvCoW) (see Condition 13).

(2) A plan showing the final position of all wind turbines buildings, masts, areas of hardstanding, tracks and associated infrastructure forming part of the development shall be submitted to the Planning Authority within one month of the completion of the development works. The plan shall also specify areas where micrositing has taken place and, for each instance, be accompanied by copies of the EnvCoW or Planning Authority's approval, as applicable.

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

11. Borrow Pit Scheme of Works and Blasting

(1) No development or Site Enabling Works shall commence unless and until a scheme for the working and restoration of each borrow pit relative to each phase of works has been prepared and submitted in advance of each phase to, and approved in writing by, the Planning Authority (in consultation with SEPA). The scheme shall include:

(a) a detailed working method statement based on site survey information and ground investigations;

(b) details of the handling of any overburden (including peat, soil and rock); drainage measures, including measures to prevent surrounding areas of peatland, water dependent sensitive habitats and Ground Water Dependent Terrestrial Ecosystems (GWDTE) from drying out;

(c) a programme of implementation of the works described in the scheme; and

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

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

(3) Blasting shall only take place on the site between the hours of 10.00 to 16.00 on Monday to Friday inclusive and 10.00 to 12.00 on Saturdays, with no blasting taking place on a Sunday or on a Public Holiday, unless otherwise approved in advance in writing by the Planning Authority.

Reason: To ensure that excavation of materials from the borrow pit(s) is carried out in a manner that minimises the impact on road safety, amenity and the environment, and to secure the restoration of borrow pit(s) at the end

of the construction period. To ensure that blasting activity is carried out within defined timescales to control impact on amenity.

12. Watercourse Design

All new watercourse crossings shall be designed following the recommendations in the Watercourse Crossing Schedule (Environmental Impact Assessment Report (EIAR) Volume 4 – Technical Appendix 10.4) and the new watercourse crossing WX05 shall be a bottomless crossing designed to accommodate the 1 in 200 year flood event plus an allowance for climate change and freeboard. All upgraded and other new watercourse crossings shall be oversized bottomless arched culverts.

Reason: In the interests of protecting the water environment.

13. Environmental Clerk of Works

(1) No development or Site Enabling Works shall commence unless and until the terms of appointment of an independent Environmental Clerk of Works (EnvCoW) by the Company have been submitted to, and approved in writing by, the Planning Authority. The terms of appointment shall:

(a) Impose a duty to monitor compliance with the environmental commitments provided in the EIA Report as well as the following (the EnvCoW works):

(i) any micrositing under Condition 10;

(ii) the Pre-Construction Ecological Survey under Condition 14;

(iii) the Bird Protection Plan under Condition 15;

(iv) the Construction Environmental Management Plan under Condition 16;

(v) the Peat Management Plan under Condition 17;

(vi) the Habitat Management Plan approved under Condition 18;

(vii) the Deer Management Plan under Condition 19; and,

(viii) the Water Quality and Fish Monitoring Plan under Condition 20;

(b) Require the EnvCoW to report to the nominated construction project manager, developer and Planning Authority any incidences of non-compliance with the EnvCoW works at the earliest practical opportunity;

(c) Require the EnvCoW to submit a monthly report to the construction project manager, developer and Planning Authority summarising works undertaken on site; and

(d) Require a statement that the EnvCoW shall be engaged by the Planning Authority but funded by the developer. The EnvCoW shall be appointed on the approved terms throughout the period from

Commencement of Development to completion of construction works and post-construction site reinstatement works.

(2) No later than 18 months prior to the Date of Final Generation or the expiry of this consent (whichever is the earlier), details of the terms of appointment of an EnvCoW by the Company throughout the decommissioning, restoration and aftercare phases of the Development shall be submitted to the Planning Authority for written approval. The EnvCoW shall be appointed on the approved terms throughout the decommissioning, restoration and aftercare phases of the Development.

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

14. Pre-Construction Ecological Survey

(1) No development or Site Enabling Works shall commence until a pre-construction ecological survey undertaken no more than 3 months prior to works commencing and a report of the survey has been submitted to, and approved in writing by, the Planning Authority. The survey shall cover both the application site and an appropriate buffer from the boundary of application site with the report including mitigation measures where any impact, or potential impact, on protected species or their habitat has been identified.

(2) Development and work shall progress in accordance with any mitigation measures contained within the approved report of survey and the timescales contain therein.

Reason: In the interest of protecting ecology, protected species and habitats.

15. Bird Protection Plan

No development or Site Enabling Works shall commence until:

(a) a bird protection plan has been submitted and approved in writing by the Planning Authority in consultation with NatureScot. This shall include details of: proposed pre-construction survey work, records of breeding or foraging birds within disturbance distance of the site, and appropriate mitigation to avoid the risk of disturbance and / or displacement occurring which shall include:

(i) a 500 metre disturbance distance for golden plover; and.

(ii) a 1000 metre disturbance distance for golden eagle.

(b) a nesting bird survey has been undertaken no more than 24 hours prior to the commencement of development if this coincides within the main

bird breeding season (March- August inclusive) and throughout the breeding bird season if new areas are being developed or there has been a break in construction.

(c) post-construction flight activity surveys for Golden and White Tailed Eagle, divers, and waders shall be undertaken in combination with collision and nest monitoring. All findings shall thereafter be shared with NatureScot and the RSPB;

(d) the applicant shall provide kestrel nest boxes, a black throated diver nesting raft, and ten recorders for acoustic monitoring research of common scoter to the satisfaction of the RSPB.

(e) Unless and until otherwise agreed in advance in writing with the Planning Authority, the approved Bird Protection Plan (as amended from time to time) shall be implemented in full through the construction, operation and decommissioning of the Development.

Reason: Construction works have the potential to disturb nesting birds or damage their nest sites, with all wild bird nests are protected from damage, destruction, interference and obstruction under the Wildlife and Countryside Act 1981 (as amended).

16. Construction Environmental Management Plan

(1) No development or Site Enabling Works shall commence until a works specific Construction Environmental Management Plan (CEMP) related to the phase or phases of works or development to be undertaken has been submitted to and approved in writing by the Planning Authority. The CEMP shall outline site specific details of all on-site construction works, post- construction reinstatement, drainage and mitigation, together with details of their timetabling.

(2) The CEMP for each phase of works or development shall include (but is not limited to):

(a) an updated Schedule of Environmental Commitments highlighting amendments made to the existing Schedule of Environmental Commitments set out at Environmental Impact Assessment (EIA) Report (December 2022) as amended by the EIA Further Environmental Information (November 2023), and the conditions of this consent;

(b) details and timetable for phasing of construction works;

(c) Risk assessment of potentially damaging construction-type activities on the environment;

(d) a Finalised Peat Landslide Hazard Risk Assessment, incorporating the recommendations set out within Technical Appendix 10.1, dated December 2022.

(e) a Site Waste Management Plan (dealing with all aspects of waste produced during the construction period other than peat), including details of contingency planning in the event of accidental release of materials which could cause harm to the environment;

(f) a Pollution Prevention Plan, including a surface water and groundwater management and treatment plan with mitigation measures demonstrating how all surface water run-off and waste water arising during and after development is to be managed and prevented from polluting any watercourses or sources;

(g) site specific details for management and operation of any concrete batching plant, including disposal of pH rich waste water and substances;

(h) a water crossing method statement which will include details of the design of all water crossing structures;

(i) a water quality and fish monitoring, including, but not limited to, any affected private water supplies, Atlantic salmon, brown trout, European eel, lamprey;

(j) details of all pollution prevention and mitigation measures to protect habitats and ecological resources on site, which shall include measures to maintain hydrological connectivity of Groundwater Dependent Terrestrial Ecosystems;

(k) Species and Habitat Protection Plans, (including but not limited to otter, pine marten, water vole, amphibians, reptiles and breeding bird);

(l) details of proposed temporary site compound, storage of materials, including fuel and other chemicals, machinery, and designated car parking;

(m) details of on-site storage and off-site disposal of all imported or excavated material, including maximum stockpile heights and locations;

(n) details of all internal access tracks, turning areas, including accesses from the public road and hardstanding areas;

(o) details of the construction of the access into the site and the creation and maintenance of associated visibility splays;

(p) cleaning of site entrance, site tracks and the adjacent public road and the sheeting of all HGVs taking spoil or construction materials to/from the site to prevent spillage or deposit of any materials on the public road;

(q) details of archaeological supervision to oversee the protection/fencing off of all known heritage assets, including all areas to be used by construction vehicles;

(r) details of the management of noise and vibration during construction;

(s) a dust management plan;

(t) details of temporary site illumination;

(u) the method of construction of the crane pads, wind turbine foundations, working cable trenches, and the method of construction and erection of the wind turbines and any meteorological masts;

(v) details for the provision of the submission of a quarterly report summarising work under taken at the site and compliance with the conditions imposed during the period of construction and post construction reinstatement; and

(w) details of post-construction restoration/reinstatement of the working areas not required during the operation of the development, including construction access tracks, borrow pits, construction compound, storage areas, laydown areas, access tracks, passing places and other construction areas, all of which are to be provided no later than 6 months prior to the date of first commissioning, unless otherwise agreed in writing by the Planning Authority. Wherever possible, reinstatement is to be achieved by the careful use of turfs removed prior to construction works. Details should include all seed mixes to be used for the reinstatement of vegetation.

Reason: To ensure that all construction operations are carried out in a manner that minimises their impact on road safety, amenity and the environment, and that the mitigation measures contained in the Environmental Impact Assessment (EIA) Report, dated December 2022 and as amended by the EIA Further Environmental Information, dated November 2023 which accompanied the application, or as otherwise agreed, are fully implemented.

17. Peat Management Plan

(1) No development or Site Enabling Works shall commence until a works specific finalised Peat Management Plan (PMP), related to the phase or phases of works or development to be undertaken, has been submitted to and approved in writing by the Planning Authority in consultation SEPA. The PMP shall:

(a) take account of site and ground investigations as illustrated on FEIR Figures FEI 6.1 -T1 to FEI 6.1 T10, Hardstanding Comparison

(Revised Scheme Vs June 2023 Scheme) to minimise the loss of peatlands and reduce carbon loss;

(b) include details of vegetated turf stripping and storage;

(c) include actions (including micrositing) to minimise excavated peat volumes and reuse peat in an appropriate manner, with the inclusion of a specific section outlining measures such as micrositing, limiting the footprint, and use of floating track to reduce disturbance; and,

(d) follow SEPA's good practice for handling, storing and reinstating peat materials.

(2) The PMP shall thereafter be implemented as approved.

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

18. Habitat Management Plan

(1) No development, with the exception of the Site Enabling Works, shall commence unless and until a finalised Habitat Management Plan (HMP) has been submitted to, and approved in writing by the Planning Authority, SEPA, and NatureScot. The finalised HMP shall provide measurable benefits for biodiversity and shall contain enhanced peatland restoration building upon the outline HMP contained within the Environmental Impact Assessment Report, EIAR FEI – Technical Appendix, delivering restoration works to, as a minimum, the areas shown on Figure 8.5.2.1-3 Proposed Habitat Restoration Areas (Revised Scheme). The information shall include:

(a) the proposed habitat management of the site during the period of construction, operation, decommissioning, restoration and aftercare, and shall provide for the maintenance monitoring and reporting of habitat on site; this shall include:

(i) 141.4 ha of bog / peatland restoration;

(ii) bracken control / heathland restoration; and

(iii) enhancement measures for water vole, otter, kestrel nest box and black throated diver nesting raft provision, provision of 10 recorders for acoustic monitoring of common scoter, and monitoring of birds at risk of collision mortality, habitat loss, and displacement;

(b) a scheme of works for peatland restoration works to deliver peatlands commensurate with the quality of the habitat that will be lost directly and indirectly and take advantage of the opportunity for peatland restoration across the site; this scheme shall:

(i) ensure that the excavated peat is fit for the purpose it is being used for; and,

(ii) include the provision of GIS Shapefiles for the compensation and enhancement areas;

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

(d) a scheme for the delivery of biodiversity enhancement, on site/within the wider estate and/or via contributing towards a strategic Highland-wide scheme.

(2) Unless and until otherwise agreed in advance in writing with the Planning Authority, the approved HMP (as amended from time to time) shall be implemented in full through the construction, operation and decommissioning of the Development.

Reason: In the interests of protecting ecological features and to ensure that the development secures positive effects for biodiversity, and in the interest of ornithology.

19. Deer Management Plan

No development, with the exception the Site Enabling Works, shall commence until a Deer Management Plan (DMP) has been submitted to and approved in writing by the Planning Authority in consultation with NatureScot. The DMP will set out proposed long term management of deer using the development site and shall provide for the monitoring of deer numbers on site from the period from commencement of development until the date on which site infrastructure has been removed and final site restoration completed. The approved DMP shall thereafter be implemented in full.

Reason: To protect ecological interests and in the intertest of habitat enhancement.

20. Water Quality and Fish Monitoring Plan

(1) There shall be no Commencement of development and Site Enabling Works until an integrated Water Quality and Fish Monitoring Plan (WQFMP) has been submitted to and approved in writing by the Planning Authority in consultation with local District Fishery Board.

(2) The WQFMP must take account of Marine Scotland Science's guidance and shall include:

(a) provision that water quality sampling should be carried out for 12 months (or as agreed with the Planning Authority) prior to commencement of development, during construction and for 12 months after construction is complete;

(b) key hydrochemical parameters (including turbidity and flow data), the identification of sampling locations (including control sites), frequency of sampling, sampling methodology, data analysis and reporting;

(c) fully quantitative electrofishing surveys at sites potentially impacted and at control sites for 12 months (or as agreed with the Planning Authority) prior to the commencement of development, during construction and for 12 months after construction is completed to detect any changes in fish populations; and

(d) appropriate site specific mitigation measures.

(3) Thereafter, the WQFMP shall be implemented in full within the timescales set out in the WQFMP.

Reason: To ensure no deterioration of water quality and to protect fish populations within and downstream of the development area.

21. Outdoor Access Plan

(1) No development or Site Enabling Works shall commence until a finalised and detailed Outdoor Access Plan has been submitted to and approved in writing by the Planning Authority. The purpose of the plan shall be to maintain public access routes to site tracks and paths during construction, and to maintain outdoor access in the long-term. The Outdoor Access Plan shall include details showing:

(a) all existing access points, paths, core paths, tracks, rights of way and other routes whether on land or inland water), and any areas currently outwith or excluded from statutory access rights under Part One of the Land Reform (Scotland) Act 2003, within and adjacent to the application site;

(b) any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or effect on curtilage related to buildings or structures;

(c) all proposed paths tracks and other alternative routes for use by walkers, riders, cyclists, canoeists, all-abilities users, etc. and any other relevant outdoor access enhancement (including construction specifications, signage, information leaflets, proposals for on-going maintenance etc;

(d) any diversion of paths, tracks or other routes (whether on land or inland water), temporary or permanent, proposed as part of the

Development (including details of mitigation measures, diversion works, duration and signage);

(2) The approved Outdoor Access Plan, and any associated works, shall be implemented in full prior to the Commencement of development or as otherwise may be agreed within the approved plan.

Reason: In the interests of securing public access rights.

22. Archaeology

No works in connection with the development hereby approved shall commence unless an archaeological Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the planning authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be brought into use unless and until a Post-Excavation Research Design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. Thereafter, the PERD shall be carried out in complete accordance with the approved details.

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

23. Construction Traffic Management Plan (CTMP)

No development or Site Enabling Works shall commence until a works specific CTMP related to the phase or phases of works or development to be undertaken has been submitted to and approved in writing by the Planning Authority in consultation with the Trunk and Local Roads Authorities, the Police and affected Community Councils. The final CTMP shall be submitted no later than two months prior to commencement of the relevant phase. The approved CTMP shall be carried out as approved in accordance with the timetable specified within the approved CTMP. The CTMP shall include (but not be limited to) the provision of:

(a) an Abnormal Loads Assessment;

(b) A risk assessment for transportation during daylight and hours of darkness;

(c) Proposed traffic management and a scheme of mitigation to include mitigation measures along the access routes, as required. Measures such as temporary speed limits, suitable temporary signage, road markings and the use of speed activated signs should be considered;

(d) The routeing of all traffic associated with the development. The proposed route for any abnormal loads on the trunk road network must be approved by Transport Scotland and The Council as Roads Authorities, prior to the movement of any abnormal load. Any accommodation measures required, including the removal of street furniture, junction widening, traffic management, must similarly be approved. Full details of proposed works should be developed in consultation with the trunk road Operating Company and Transport Scotland Area Manager at the earliest opportunity through a Minute of Agreement (https://www.transport.gov.scot/our-approach/industry-guidance/work-on-the-scottish-trunkroad-network) and issued for their approval prior to the commencement of construction operations.

(e) Measures to ensure that the specified routes as detailed in the CTMP are adhered to, including monitoring procedures;

(f) A contingency plan prepared by the abnormal load haulier. The plan shall be adopted only after consultation and agreement with the Police, Transport Scotland and THC Roads Authority. It shall include measures to deal with any haulage incidents that may result in public roads becoming temporarily closed or restricted;

(g) A procedure for the regular monitoring of road conditions and the implementation of any remedial works required as may be reasonably attributable to the project's construction plant and vehicle movements during the construction period, including the provision of a wear and tear agreement for the local road network under Section 96 of the Roads (Scotland) Act 1984 (As Amended);

(h) A detailed protocol for the delivery of abnormal loads/vehicles, prepared in consultation with the Planning Authority, Transport Scotland and the affected community councils. The protocol shall identify any requirement for convoy working and/or escorting of vehicles and include arrangements to provide advance notice of abnormal load movements in the local media. Temporary signage, in the form of demountable signs or similar approved, shall be established, when required, to alert road users and local residents of expected abnormal load movements. Any accommodation measures required including the removal of street furniture, junction widening, traffic management must similarly be approved by Transport Scotland and the THC Roads Authority. All such movements on roads shall take place out with peak times on the network, including school travel times and shall avoid local community events.

(i) The developer shall submit proposals for an abnormal loads delivery trial-run to be undertaken with the involvement of Police Scotland and prior to the commencement of abnormal loads deliveries. Trial-run proposals shall be submitted to and approved in writing by The Highland Council in consultation with Transport Scotland.

(j) During the delivery period of the wind turbine construction materials any additional signing or temporary traffic control measures deemed necessary due to the size or length of any loads being delivered or removed must be undertaken by a recognised QA traffic management consultant, to be approved by Transport Scotland and THC Roads Authority, before delivery commences;

(k) Wheel washing facilities shall be provided at an appropriate point within the site adjacent to the site access so as to prevent vehicles depositing debris on the road;

(l) During the operational stage of the Development, advance written notification and approval of the Planning Authority in consultation with Transport Scotland, THC Roads Authority and affected community councils is required for Abnormal Load movement required during this period; and

(m) Identification of a nominated person to whom any road safety issues can be referred.

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

24. Aviation Charting and Safety Management

At least one calendar month prior to the commencement of the erection of the turbines the Company shall provide the Planning Authority, Ministry of Defence, Defence Geographic Centre and National Air Traffic Services (NATS) with the following information and shall provide evidence to the Planning Authority of having done so.

(a) the date of the commencement of the erection of wind turbine generators;

(b) the maximum height of any construction equipment to be used in the erection of the wind turbines;

(c) the date any wind turbine generators are brought into use; and

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

Reason: In the interests of aviation safety.

25. Aviation Lighting

Prior to the installation of any wind turbine generators, or deploying any construction equipment or temporal structures of 50 metres or more in height above ground level, the developer shall submit an aviation lighting scheme for the approval in writing of The Council in consultation with the Ministry of Defence. The scheme shall set out how the development will be lit throughout its life to maintain civil and military aviation safety requirements

as determined necessary for aviation safety by the Ministry of Defence, and include:

a) details of any construction equipment and temporal structures with a total height of 50 metres or greater (above ground level) that will be deployed during the construction of wind turbine generators and details of any aviation warning lighting that they will be fitted with;

b) the locations and heights of all wind turbine generators and any anemometry mast featured in the development identifying those that will be fitted with aviation warning lighting identifying the position of the lights on the wind turbine generators;

(c) the type(s) of lights that will be fitted and the performance specification(s) of the lighting type(s) to be used.

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

Reason: to maintain aviation safety

26. Telecommunication

Within 12 months of the first export date, any claim by any individual person regarding television or telecommunications interference at their house, business premises or other building, shall be investigated by a qualified engineer appointed by the developer and the results shall be submitted to the Planning Authority. Should any impairment of services be attributable to the development, the developer shall remedy such impairment within 3 months.

Reason: To mitigate the potential effect of telecommunications interference on the development.

27. Noise

The rating level of noise emissions from the combined effects of the wind turbines hereby permitted (including the application of any tonal penalty), when determined in accordance with the attached Guidance Notes, shall not exceed more than 2dB above the maximum predicted levels within Environmental Impact Assessment (EIA) Report, dated December 2022 Chapter 13, Table 13.14 at any windspeed up to and including 12 m/s at a standardised height of 10m. The noise limits are presented in the table below:

Receptor	**Noise Limit (dB LA90)**
NAME (XXXXX, XXXXXX)	XX.X

In addition:

(A) Prior to the First Commissioning Date, the Company shall submit to the Planning Authority for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the Planning Authority.

(B) Within 21 days from receipt of a written request of the Planning Authority, following a complaint to it alleging noise disturbance at a dwelling, the Company shall, at its expense, employ an independent consultant approved by the Planning Authority to assess the level of noise emissions from the Development at the complainant's property (or a suitable alternative location agreed in writing with the Planning Authority) in accordance with the procedures described in the attached Guidance Notes.

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

(C) Prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with these conditions, the Company shall submit to the Planning Authority for written approval the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken.

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

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

(D) Prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with these conditions, the Company shall submit to the Planning Authority for written approval a proposed assessment protocol setting out the following:

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

ii. a reasoned assessment as to whether the noise giving rise to the complaint contains or is likely to contain a tonal component.

The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the information provided in the written request of the Planning Authority under paragraph (B), and such others as the independent consultant considers necessary to fully assess the noise at the complainant's property. The assessment of the rating level of noise immissions shall be undertaken in accordance with the assessment protocol approved in writing by the Planning Authority and the attached Guidance Notes.

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

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

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

(H) In the event that the rating level, after adjustment for background noise contribution and any tonal penalty, is found to exceed the conditioned limits, the Company shall submit to the Planning Authority for written approval, a scheme of mitigation to be implemented within fourteen days of submission of the report identifying the exceedance (as required under paragraph (F) above). The scheme shall define any reduced noise running modes to be used in the mitigation together with sound power levels in these modes and the manner in which the running modes will be defined in the SCADA data.

(I) The scheme referred to in paragraph H above should include a framework of immediate and long-term mitigation measures. The immediate mitigation measures must ensure the rating level will comply with the conditioned limits and must be implemented within 14 days of the submission of the report identifying the exceedance. These measures must remain in place, except during field trials to optimise mitigation, until a long-term mitigation strategy is ready to be implemented.

(J) Cumulative noise arising from the sub-station and battery storage system 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.

(K) The Rating Level of noise arising from the use of plant, machinery or equipment installed or operated within the operational land of the sub-station, 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.

Guidance Notes for Noise Condition

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

Note 1

a) Values of the LA90,10-minute noise statistic should be measured at the complainant's property (or an approved alternative representative location as detailed in Note 1(b)), using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated before and after each set of measurements, using a calibrator meeting BS EN 60945:2003 "Electroacoustics - sound calibrators" Class 1 with PTB Type Approval (or the equivalent UK adopted standard in force at the time of the measurements) and the results shall be recorded. Measurements shall be undertaken in such a manner to enable a tonal penalty to be calculated and applied in accordance with Guidance Note 3.

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

c) The LA90,10-minute measurements should be synchronised with measurements of the 10-minute arithmetic mean wind speed and wind direction data and with operational data logged in accordance with Guidance Note 1(d) and rain data logged in accordance with Note 1(f).

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

e) Data provided to the Planning Authority shall be provided in comma separated values in electronic format with the exception of data collected to asses tonal noise (if required) which shall be provided in a format to be agreed in writing with the Planning Authority.

f) A data logging rain gauge shall be installed in the course of the independent consultant undertaking an assessment of the level of noise immissions. The gauge shall record over successive 10 minute periods synchronised with the periods of data recorded in accordance with Note 1(d). The Company shall submit details of the proposed location of the data logging rain gauge to the Planning Authority prior to the commencement of measurements.

Note 2

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

b) Valid data points are those measured during the conditions set out in the assessment protocol approved by the Planning Authority but excluding any periods of rainfall measured in accordance with Note 1(f).

c) Values of the LA90,10-minute noise measurements and corresponding values of the 10-minute standardised ten meter height wind speed for those data points considered valid in accordance with Note 2(b) shall be plotted on an XY chart with noise level on the Y-axis and wind speed on the X-axis. A least squares, "best fit" curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) shall be fitted to the data points to define the wind farm noise level at each integer speed.

Note 3

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

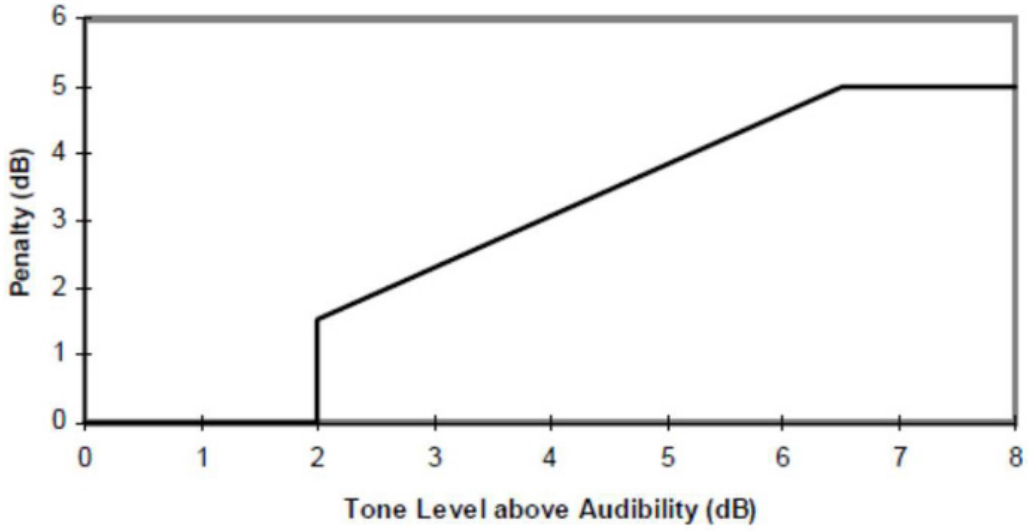
b) For each 10-minute interval for which LA90,10-minute data have been determined as valid in accordance with Note 2, a tonal assessment shall be performed on noise immissions during 2 minutes of each 10-minute period. The 2-minute periods should be spaced at 10-minute intervals provided that uninterrupted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

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

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

e) A least squares "best fit" linear regression shall then be performed to establish the average tone level above audibility for each integer wind speed derived from the value of the "best fit" line fitted to values within ± 0.5m/s of each integer wind speed. If there is no apparent trend with wind speed then a simple arithmetic mean shall be used. This process shall be repeated for each integer wind speed for which there is an assessment of overall levels in Note 2.

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



Note 4

a) If a tonal penalty is to be applied in accordance with Note 3 the rating level of the turbine noise at each wind speed is the arithmetic sum of the measured noise level as determined from the best fit curve described in Note 2 and the penalty for tonal noise as derived in accordance with Note 3 at each integer wind speed within the range set out in the approved assessment protocol. If no tonal penalty is to be applied then the rating level of the turbine noise at each wind speed is equal to the measured noise level as determined from the best fit curve described in Note 2.

b) If the rating level lies at or below the noise limits approved by the Planning Authority then no further action is necessary. In the event that the rating level is above the noise limits, the independent consultant shall undertake a further assessment of the rating level to correct for background noise so that the rating level relates to wind turbine noise immission only.

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

   i) Repeating the steps in Note 2, with the turbines switched off, and determining the background noise (L3) at each integer wind speed within the range set out in the approved noise assessment protocol.

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

$$L_1 = 10\log\left[10^{L_2/10} - 10^{L_3/10}\right]$$
1

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

iv) If the rating level after adjustment for background noise contribution and adjustment for tonal penalty lies at or below the noise limits approved by the Planning Authority, then no further action is necessary. If the rating level at any integer wind speed exceeds the noise limits approved by the Planning Authority, then the Development fails to comply with the conditions.

28. Site Decommissioning, Restoration and Aftercare

(1) The development will be decommissioned and will cease to generate electricity by no later than the date thirty five years from the date of Final Commissioning. The total period for restoration of the Site in accordance with this condition shall not exceed two years from the date of Final Generation without prior written approval of the Planning Authority.

(2) No development or Site Enabling Works shall commence unless and until a decommissioning, restoration and aftercare strategy has been submitted to, and approved in writing by, the Planning Authority (in consultation with NatureScot, and SEPA. The strategy shall outline measures for the decommissioning of the Development and restoration and aftercare of the site and shall include proposals for the removal of the Development, the treatment of ground surfaces, the management and timing of the works and environmental management provisions.

(3) Not later than 3 years before decommissioning of the Development or the expiration of this consent (whichever is the earlier), a detailed decommissioning, restoration and aftercare plan, based upon the principles of the approved decommissioning, restoration and aftercare strategy, shall be submitted for the written approval of the Planning Authority in consultation with NatureScot and SEPA.

(4) The detailed decommissioning, restoration and aftercare plan shall provide updated and detailed proposals, in accordance with relevant guidance at that time, for the removal of the Development, the treatment of ground surfaces, the management and timing of the works and environment management provisions which shall include (but is not limited to):

(a) site waste management plan (dealing with all aspects of waste produced during the decommissioning, restoration and aftercare phases);

(b) details of the formation of the construction compound, welfare facilities, any areas of hardstanding, turning areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns, and any construction compound boundary fencing;

(c) a dust management plan;

(d) details of measures to be taken to prevent loose or deleterious material being deposited on the local road network, including wheel cleaning and lorry sheeting facilities, and measures to clean the site entrances and the adjacent road network;

(e) details of anticipated impacts on the road networks and vehicle types and movements;

(f) a pollution prevention and control method statement, including arrangements for the storage and management of oil and fuel on the site;

(g) details of measures for soil storage and management;

(h) a surface water and groundwater management and treatment plan, including details of the separation of clean and dirty water drains, and location of settlement lagoons for silt laden water;

(i) details of measures for sewage disposal and treatment;

(j) temporary site illumination;

(k) the construction of any temporary access into the site and the creation and maintenance of associated visibility splays;

(l) details of watercourse crossings;

(m) details of archaeological supervision to oversee the protection / fencing off of all known heritage assets within 50m of the proposed working areas, including all areas to be used by construction vehicles; and

(n) a species protection plan based on surveys for protected species (including birds) carried out no longer than eighteen months prior to submission of the plan.

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

Reason: To ensure the decommissioning and removal of the Development in an appropriate and environmentally acceptable manner and the

restoration and aftercare of the site, in the interests of safety, amenity and environmental protection.

29. Financial Guarantee

(1) No development or Site Enabling Works shall commence unless and until a bond or other form of financial guarantee in terms reasonably acceptable to the Planning Authority which secures the cost of performance of all decommissioning, restoration and aftercare obligations referred to in Condition 28 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 28.

(3) The financial guarantee shall be maintained in favour of the Planning Authority until the date of completion of all decommissioning, restoration and aftercare obligations referred to in Condition 28.

(4) The value of the financial guarantee shall be reviewed by agreement between the Company and the Planning Authority or, failing agreement, determined (on application by either party) by a suitably qualified independent professional no less than every five years and increased or decreased to take account of any variation in costs of compliance with decommissioning, restoration and aftercare obligations and best practice prevailing at the time of each review.

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

30. Redundant Turbines

In the event that any wind turbine installed and commissioned fails to produce electricity on a commercial basis to the public network for a continuous period of 12 months, then unless otherwise agreed in writing with the Planning Authority, such wind turbine will be deemed to have ceased to be required. If deemed to have ceased to be required, the wind turbine and its ancillary equipment will be dismantled and removed from the site within the following 12 month period, and the ground reinstated to the specification and satisfaction of the Planning Authority.

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

31. Site Inspection Strategy

(1) Prior to the Date of Final Commissioning, the Company shall submit an outline Site Inspection Strategy (“Outline SIS)” for the written approval of

the Planning Authority. The Outline SIS shall set out a strategy for the provision of site inspections and accompanying Site Inspection Reports ("SIRs") to be carried out at 25 years of operation from the Date of Final Commissioning and every five years thereafter.

(2) No later than 24 years after the Date of Final Commissioning, the Company shall submit a final detailed Site Inspection Strategy ("Final SIS"), based on the principles of the approved Outline SIS for the written approval of the Planning Authority. The Final SIS shall set out updated details for the provision of site inspections and accompanying SIRs, in accordance with relevant guidance at that time, to be carried out at 25 years of operation from the Date of Final Commissioning and every five years thereafter.

(3) At least one month in advance of submitting each Site Inspection Report to the Planning Authority, the scope of the Site Inspection Report shall be agreed with the Planning Authority.

(4) The SIRs shall include, but not be limited to:

(a) Details to demonstrate that the infrastructure components of the Development are still operating in accordance with Condition 5 and Condition 8; and,

(b) An engineering report which details the condition of tracks, turbine foundations and the wind turbines and sets out the requirements and the programme for the implementation for any remedial measures which may be required.

(5) The SIS and each Site Inspection Report shall be implemented in full unless otherwise agreed in advance in writing by the Planning Authority.

Reason: To ensure the Development is being monitored at regular intervals throughout after the first 25 years of operation.

32. Socio-Economic Benefit

(1) No later than 15 months after the Date of Final Commissioning of the development, a report demonstrating the project has met the minimum socio-economic benefit assumptions provided within the Environmental Impact Assessment Report (EIAR) dated December 2022, for both the development's construction period and initial 12 month operational period, for both Highland and Scotland, shall be submitted for the written approval of the Planning Authority.

(2) Where the report shows that projected socio-economic benefit has not achieved the assumptions in the EIAR, it shall include proposed measures to address, and compensate for any shortfall, to ensure that the economic assumptions for the development have been met. In the absence of any alternative actions, the Scheme for Community Benefit,

as required by Condition 33, shall be enhanced accordingly to offset any detriment of economic impact.

Reason: In order to ensure compliance with NPF4 Policy 11c) and to maximise the local socio-economic benefits of the development to the wider local community**.**

33. Scheme for Community Benefit

Anytime between 3 months to 6 months prior to the Date of Final Commissioning of the development, details of a Scheme for Community Benefit shall be submitted for the prior written approval of the Planning Authority. This scheme, comprising a developer financial contribution, or alternative means of provision, shall be to the prevailing value required for onshore wind energy development in Highland, at the time of the developer applying to satisfy this condition. The scheme shall be used for projects across Highland directly related to infrastructure, supply chain development, support for business, including tourism and regeneration projects, skills and barriers to employment in Highland. The scheme shall be implemented as approved, and administered by The Highland Council, unless otherwise agreed in writing by the Planning Authority.

Reason: In order to ensure compliance with NPF4 Policy 11c) and to maximise the local socio-economic benefits of the development to the wider local community.

34. Community Liaison Group

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

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

35. Planning Monitoring Officer

(1) There shall be no Commencement of Development unless and until the terms of appointment by the Company of a suitably qualified environmental consultant as Planning Monitoring Officer (PMO) have

been submitted to, and approved in writing by, the Planning Authority. The terms of appointment shall:

(a) impose a duty to monitor compliance with the terms of the deemed planning permission and the conditions attached to it;

(b) require the PMO to submit a report to the Planning Authority every 2 months summarising works undertaken on site; and

(c) require the PMO to report to the Planning Authority any incidences of non-compliance with the terms of the deemed planning permission and conditions attached to it at the earliest practical opportunity.

(2) The PMO shall be appointed on the approved terms throughout the period from Commencement of Development to completion of construction works and post-construction site reinstatement works.

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

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 Highland Council is in agreement with the findings of the Environmental Impact Assessment Report and Supplementary Environmental Information that: Bettyhill Wind Farm Phase 2 - comprising up to 10 wind turbines with a maximum blade tip height of 149.9m, substation compound including control building and battery energy storage system, access tracks, temporary borrow pits and construction compound, and ancillary infrastructure is unlikely to give rise to any new or other significant adverse impact on the environment. The exceptions being, the potential to give rise to significant adverse landscape and visual impacts in the immediate vicinity for some landscape receptors within 5km of the proposal, and users of the minor road to Farr and receptors at East of Loch Leacach A836 (cumulative), the Formal Viewpoint on the A836, and on the An Caisteal summit of Ben Loyal, as well as potential significant adverse impacts for Otter, and on the blanket bog, wet heath and acid peat-stained lakes and ponds, along with golden plover, dunlin, red-throated diver, golden eagle and merlin due to a combination of factors including habitat loss ./ disturbance and collision risk. These effects would however by sufficiently localised and would be mitigated to an acceptable degree. The Council has incorporated the requirement for a schedule of environmental commitments within the conditions of this permission. Monitoring of construction and operational compliance has been secured through Conditions 35 of this permission.

FOOTNOTE TO APPLICANT

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 and 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).

Contaminated Land

There is the potential for contamination at this site due to its former use as a land fill. As the proposed development would not appear to materially change the risk of potential contamination at the site, an investigation is not required at this stage. However, all works in the vicinity of the disused landfill site, in particular in relation to Turbines 1 and borrow pits, should be done under the provisions of a Contaminated Land Watching Brief to ensure contractors and staff are aware of potential health and safety issues for site workers. Please be advised that all sites with a former industrial/commercial use have been prioritised by the Highland Council under duties conferred by Part IIA of the Environmental Protection Act 1990 and may require investigation in the future. In addition, land contamination issues may affect property value. Should you wish to discuss potential contamination issues or commission your own investigation, please contact Community Services, Contaminated Land for advice.

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 and Debris on Road

Please note that it 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

Protected Species - Ground Nesting Birds

Construction/demolition works have the potential to disturb nesting birds or damage their nest sites, and as such, checks for ground nesting birds should be made prior to the commencement of development if this coincides with the main bird breeding season (April - July inclusive). All wild bird nests are protected from damage, destruction, interference and obstruction under the Wildlife and Countryside Act 1981 (as amended). Some birds (listed on schedule 1 of the Wildlife and Countryside Act) have heightened protection where it is also an offence to disturb these birds while they are in or around the nest.

Signature:	Dafydd Jones
Designation:	Area Planning Manager - North
Author:	Mark Fitzpatrick
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 - PA1 Location Plan
	Plan 2 - Figure FEI 2.1 Site Layout Plan (Revised Scheme)
	Plan 3 - Figure PA3 Typical Turbine Elevation

Appendix 2 – Viewpoint Assessment Appraisal – Visual Impact

			Proposed Development			**Combined Development**		
Viewpoint	App / THC	Sensitivity of the Receptor (Susceptibility of receptor to change / value of the view)	Magnitude of change (Scale of change / geographic extent / duration and reversibility of effect)	Level of Effect (Magnitude of change / sensitivity of receptor)	**Significance** (Major & Major / Moderate are Significant. Moderate effects are not Significant)	Magnitude of Change (Scale of Change / Geographic Extent / Duration) **Not provided**	Level of Effect (Magnitude of change / sensitivity of receptor)	**Significance**
VP1 A836, Fleuchary/ Lednagullin Junction Distance 7.8 km Looking WSW	App	High (cyclists)	Slight	Moderate	**Not Significant**		Additional: Moderate / Minor Combined (total): Substantial	Additional: **Not Significant** Combined (total): **Significant**
	THC	High	Slight	Moderate	**Not Significant**	Slight	Additional: Moderate Combined (total): Moderate	Additional: **Not Significant** Combined (total): **Not Significant**
	The view is as described in Table 7-32: Operational Effects on Viewpoint 1, A836, Fleuchary/Lednagullin Junction (Volume 2: EIA Main Report, Chapter 7). Development is viewed behind the ridge (of Crasbackie Hill / Beinn Chuldail) with mostly blade sections and tips rising above the ridge, with Ts 1, 9, and 10 in the line of sight of Ben Loyal. Moving turbine components will be discernible behind the ridge appearing in the mid distance, and would be of a notably larger scale when experienced in combination with BWFP1 due to difference in rotation speed, and in combination with other scale indicators in the view such as small OHL and telecommunication poles. The turbines are visible against two summits and two dips along the mid distant ridge and so the spread will not appear excessive. Overall it is considered that the applicant has reasonably assessed the magnitude of change and level of effect as a singular development – Slight and Moderate respectively and not significant. There is a cumulative visual effect in combination with BWFP1 as the proposal will be visible in combination with the two existing turbines and will notably increase the influence of turbines in forward views by extending the horizontal spread of turbines southwards at this stretch of the road. However, given that it is only blade sections and tips that would be experienced from this view, the Magnitude of additional Change would be Slight, leading to a Moderate and Not Significant Level of Effect in combination with BWFP1.							

			Proposed Development			Combined Development		
Viewpoint	App / THC	Sensitivity of the Receptor (Susceptibility of receptor to change / value of the view)	Magnitude of change (Scale of change / geographic extent / duration and reversibility of effect)	Level of Effect (Magnitude of change / sensitivity of receptor)	**Significance** (Major & Major / Moderate are Significant. Moderate effects are not Significant)	Magnitude of Change (Scale of Change / Geographic Extent / Duration) **Not provided**	Level of Effect (Magnitude of change / sensitivity of receptor)	**Significance**
	This above conclusion holds for the total combined Level of Effect in combination with BWFP1. However, the applicant's conclusion that the total combined cumulative Level of Effect would be Significant is based on the build out of the as yet undetermined Armadale WF, which is not disputed, however BWFP2 would not be the cause of the larger Level of cumulative Effect.							
VP2 Bettyhill Store Distance 3.5 km Looking SE	App	High (residents and visitors)	Negligible	Moderate / minor	**Not Significant**		<u>Additional:</u> Minor <u>Combined (total):</u> Moderate / Minor	<u>Additional:</u> **Not Significant** <u>Combined (total):</u> **Not Significant**
	THC	High	Negligible	Moderate / minor	**Not Significant**	Negligible	<u>Additional:</u> Minor <u>Combined (total):</u> Moderate / Minor	<u>Additional:</u> **Not Significant** <u>Combined (total):</u> **Not Significant**
	The view is as described in Table 7-33: Operational Effects on Viewpoint 2, Bettyhill Store (Volume 2: EIA Main Report, Chapter 7). The tips of Ts 1 and 10 will be theoretically visible from this view point associated with a single low rounded summit in the near distance. The tips will barely be discernible and therefore the Negligible Magnitude of Change and Moderate / Minor and Not Significant is agreed. The above results in a Negligible Magnitude of cumulative Change with BWFP1. As above, the applicant has assessed the total combined effect in relation to Armadale WF, which would, in the applicant's opinion result in a larger (than Minor) Moderate / Minor Level of Effect, however BWFP2 would not cause that to be the case. It is noted that following the applicant's methodology for Magnitude of Change, there is no possibility of a Minor Level of Effect.							
VP3 A836 Achnabourin	App	High (cyclists)	Slight	Moderate	**Not Significant**		<u>Additional:</u> Moderate <u>Combined (total):</u>	<u>Additional:</u> **Not Significant** <u>Combined (total):</u> **Not Significant**

			Proposed Development			Combined Development		
Viewpoint	App / THC	Sensitivity of the Receptor (Susceptibility of receptor to change / value of the view)	Magnitude of change (Scale of change / geographic extent / duration and reversibility of effect)	Level of Effect (Magnitude of change / sensitivity of receptor)	**Significance** (Major & Major / Moderate are Significant. Moderate effects are not Significant)	Magnitude of Change (Scale of Change / Geographic Extent / Duration) **Not provided**	Level of Effect (Magnitude of change / sensitivity of receptor)	**Significance**
(south-west of Bettyhill) Distance 2.7 km Looking East							Moderate	
	THC	High	Slight	Moderate	**Not Significant**	Slight	Additional: Moderate Combined (total): Moderate	Additional: **Not Significant** Combined (total): **Not Significant**
	The view is as described in Table 7-34: Operational Effects on Viewpoint 3, A836 Achnabourin (south-west of Bettyhill) (Volume 2: EIA Main Report, Chapter 7). Two blade sections and six blade tips theoretically visible above the ridge of Creag Achinlochy so there is a discernible change to the baseline view largely by virtue of the two blade sections while turbine tips are associated with three undulations along the sky line formed of rounded summit so the visible development overall doesn't appear excessively wide. Applicant's assessment of Slight Magnitude of Change is fair, leading to Moderate Not Significant Level of Effect, which is agreed. The cumulative effect is an in combination effect with BWFP1 only whereby the proposal's blade sections will be discernibly larger in scale than the BWFP1 turbines, but all will be visually contained within the dipping same landform. The increased horizontal spread of turbines southwards will only be just discernible. Again, the applicant's assessment is fair.							
VP4 A836 above Loch Craggie Distance 14.05 km Looking Northeast	App	High (cyclists)	Slight	Moderate	**Not Significant**		Additional: Moderate / Minor Combined (total): Moderate	Additional: **Not Significant** Combined (total): **Not Significant**
	THC	High	Slight	Moderate	**Not Significant**	Slight	Additional: Moderate	Additional: **Not Significant** Combined (total):

			Proposed Development			Combined Development		
Viewpoint	App / THC	Sensitivity of the Receptor (Susceptibility of receptor to change / value of the view)	Magnitude of change (Scale of change / geographic extent / duration and reversibility of effect)	Level of Effect (Magnitude of change / sensitivity of receptor)	**Significance** (Major & Major / Moderate are Significant. Moderate effects are not Significant)	Magnitude of Change (Scale of Change / Geographic Extent / Duration) **Not provided**	Level of Effect (Magnitude of change / sensitivity of receptor)	**Significance**
							Combined (total): Moderate	**Not Significant**
	The view is as described in Table 7-35: Operational Effects on Viewpoint 4, A836 above Loch Craggie (Volume 2: EIA Main Report, Chapter 7). Turbines appear to sit behind the same ridgeline with the exception of T2, although its relationship to the landform is still legible by virtue of an opening in the landform. Turbines are of a relatively consistent height and even spread across the array, which strengthens the composition. Although a perceptibly wide array, the spread is not excessive with the development siting quite comfortably within its receiving landscape. BWFP2 largely follows the pattern of development established by BWF1 in that turbines are backdropped by distant rolling hills and sky (breaking the skyline). BWFP2 turbines will be noticeably larger in scale than BWFP1 however appear closer to the viewer, which reduces the jarring nature of the effect. BWFP2 markedly extends the spread of turbine development south relative to BWFP1 and reduces the gap between turbine BWFP1 and the operational Strathy North however the distance, however the distances to turbines, including BWFP2, reduces the influence of turbines experienced by receptors. It is appropriate to assess the total combined cumulative effect with the two approved Strathy Wood and Strathy South schemes, both of which will extend the influence of turbines in the view further south still. In this instance, the gap between the Strathy cluster and Bettyhill cluster would be retained, which is important to ensure that clusters maintain their own setting so there isn't an effective single linear array with excessive spread. Overall, it is considered that the addition of BWF2 into the view here equates to a Slight additional Magnitude of Change, Moderate and Not Significant Level of Effect. The combined Level of Effect of all the operational and thus far approved schemes would also be Moderate Not Significant, by virtue of distances to turbines and intervening screening topography, using the applicant's methodology. The applicant's assessment also includes Armadale WF, which, based on the applicant's materials, would appear to increase the density of turbines visible in the Bettyhill cluster (Kirkton would have very little influence in the view. While the assessment of effects is noted, it is not appropriate for the Planning Authority to assess the effects of that development as part of a separate planning application.							
VP5 A838, A'Mhòine	App	High (cyclists)	Slight	Moderate	**Not Significant**		Additional: Moderate / Minor	Additional: **Not Significant** Combined (total):

			Proposed Development			Combined Development		
Viewpoint	App / THC	Sensitivity of the Receptor (Susceptibility of receptor to change / value of the view)	Magnitude of change (Scale of change / geographic extent / duration and reversibility of effect)	Level of Effect (Magnitude of change / sensitivity of receptor)	**Significance** (Major & Major / Moderate are Significant. Moderate effects are not Significant)	Magnitude of Change (Scale of Change / Geographic Extent / Duration) **Not provided**	Level of Effect (Magnitude of change / sensitivity of receptor)	**Significance**
Distance 19.9 km Looking East							Combined (total): Moderate	**Not Significant**
	THC	High	Slight	Moderate	**Not Significant**	Negligible	Additional: Moderate / Minor Combined (total): Moderate / Minor	Additional: **Not Significant** Combined (total): **Not Significant**
	The view is as described in Table 7-36: Operational Effects on Viewpoint 5, A838, A'Mhòine (Volume 2: EIA Main Report, Chapter 7). From this VP, the development appears behind the foot of Ben Tongue within a dip between landforms and backdropped by a distant rounded hill, which brings the pattern of wind energy development further inland and up to the edge of the rocky hills and moorland as experienced from this view. Turbines will be back lit in the morning and lit side/front lit in the afternoons and evenings increasing their visibility. Blade sections of T1 and tips of T10 will be visible above the rounded hill to the north of Ben Tongue, which will diminish some of the sense of scale and distance in the landscape for the receptor. However, the distance from the VP to the turbines reduces this effect on the receptor. It is also considered that, as experienced from this VP, the scale of the turbines (149.9m to tip) helps to ensure that the Level of visual Effects occasioned by the development would not be significantly detrimental to the receptor's enjoyment of the overall scenic qualities of the wider view. Turbines 1 and 10 link the more visible turbines of BWFP2 within the notch with those of BWFP1 to the north such that they will be experienced as a distant linear development, which reduces the more jarring visual effects brought about by the larger turbines of BWFP2. In this instance, the applicant's assessment that the additional Level of cumulative visual Effect is reasonable when the distance and smaller scale of the BWFP1 turbines is taken into account. In other words, it is reasonable to conclude that the greater of the visual effect is brought about by BWFP2 as a standalone development rather than in combination with BWFP1. This conclusion stands for the combined total visual effect as it is not appropriate for this assessment to conclude on the cumulative impact of another live application (Armadale WF).							
VP6 Talmine	App	High (residents and visitors)	Negligible	Moderate / Minor	**Not Significant**		Additional: Minor	Additional: **Not Significant** Combined (total):

			Proposed Development			Combined Development		
Viewpoint	App / THC	Sensitivity of the Receptor (Susceptibility of receptor to change / value of the view)	Magnitude of change (Scale of change / geographic extent / duration and reversibility of effect)	Level of Effect (Magnitude of change / sensitivity of receptor)	**Significance** (Major & Major / Moderate are Significant. Moderate effects are not Significant)	Magnitude of Change (Scale of Change / Geographic Extent / Duration) **Not provided**	Level of Effect (Magnitude of change / sensitivity of receptor)	**Significance**
Distance 15.25 km Looking ESE							Combined (total): Moderate / Minor	**Not Significant**
	THC	High	Negligible	Moderate / Minor	**Not Significant**	Negligible	Additional: Moderate / Minor Combined (total): Moderate / Minor	Additional: **Not Significant** Combined (total): **Not Significant**
	The view is as described in Table 7-37: Operational Effects on Viewpoint 6, Talmine (Volume 2: EIA Main Report, Chapter 7). The top sections of T1's blades will be visible over the skyline at a distance and an appropriate set back from the coastal edge of the headlands, which provide the majority of the scenic qualities of the view. It is reasonable to conclude that the visual Magnitude of Change of the proposal as a singular development experienced from this VP is Negligible, and therefore the Level of Effect is Moderate / Minor and Not Significant. The proposal's contribution to cumulative visual effects in combination with the highly screened BWFP1 is also therefore Negligible, and it is clear from the applicant's materials that the greater influence of wind energy experienced from the VP would be occasioned by Armadale WF, which is not assessed as part of this application.							
VP7 A836 West of Borgie Distance 8.1 km Looking East	App	High (cyclists)	Slight	Moderate	**Not Significant**		Additional: Moderate / Minor Combined (total): Moderate	Additional: **Not Significant** Combined (total): **Not Significant**
	THC	High	Slight	Moderate	**Not Significant**	Slight	Additional: Moderate Combined (total):	Additional: **Not Significant** Combined (total):

			Proposed Development			Combined Development		
Viewpoint	App / THC	Sensitivity of the Receptor (Susceptibility of receptor to change / value of the view)	Magnitude of change (Scale of change / geographic extent / duration and reversibility of effect)	Level of Effect (Magnitude of change / sensitivity of receptor)	**Significance** (Major & Major / Moderate are Significant. Moderate effects are not Significant)	Magnitude of Change (Scale of Change / Geographic Extent / Duration) **Not provided**	Level of Effect (Magnitude of change / sensitivity of receptor)	**Significance**
							Moderate	**Not Significant**
	The view is as described in Table 7-38: Operational Effects on Viewpoint 7, A836 West of Borgie Glen (Volume 2: EIA Main Report, Chapter 7). One hub and nine blades visible over the skyline associated with three low rounded summits so not an excessive perceptual spread. Scale of turbines will likely be discernible given moving components behind the horizon and in relation to scale indicators in foreground including small wooden OHL poles and fencing, while T4 will be a visual indicator as to the scale of the array's blades to the receptor given that the hub is visible from this view. Compositionally the turbines appear in pairs although there is relatively even spacing between each pair. Turbines will be both front and back lit at different times of the day, which means that the visibility and therefore visual impact will vary throughout the day (in clear conditions). However, the relative distance and screening by landform means that while the turbines are noticeable, they are not prominent so even though this assessment hasn't agreed with the applicant's assessment of the 'discernability' of the scale of the turbine's, it does agree with assessment of Magnitude of Change and Level of Effect. It is appropriate to consider the Additional and Combined (total) cumulative visual effects in relation to the operational BWFP1 and Strathy North WF as well as the approved Strathy Wood and Strathy South WFs. The appearance of BWGP2 turbines in pairs means that it is legible as a separate development relative to the two smaller turbines of BWFP1. However, BWFP2 fills the gap between BWFP1 and Strathy North, which will increase the horizontal spread of turbines in the view, albeit largely turbine blade sections and tips. Additionally, the larger scale of BWFP2 and relative position brings the influence of wind energy development that little bit closer to the receptor from this location. The Magnitude of Change is Slight and the Level of Effect is Moderate rather than Moderate / Minor but the Not Significant Level of Effect is agreed.							
VP8 East of Loch Leacach A836 Distance 4.65 km	App	High (cyclists)	Moderate	Major / Moderate	**Significant**		<u>Additional:</u> Major / Moderate <u>Combined (total):</u> Major / Moderate	<u>Additional:</u> **Significant** <u>Combined (total):</u> **Significant**
	THC	High (cyclists)	Moderate	Major / Moderate	**Significant**	Moderate	<u>Additional:</u> Major / Moderate	<u>Additional:</u> **Significant**

			Proposed Development			Combined Development		
Viewpoint	App / THC	Sensitivity of the Receptor (Susceptibility of receptor to change / value of the view)	Magnitude of change (Scale of change / geographic extent / duration and reversibility of effect)	Level of Effect (Magnitude of change / sensitivity of receptor)	**Significance** (Major & Major / Moderate are Significant. Moderate effects are not Significant)	Magnitude of Change (Scale of Change / Geographic Extent / Duration) **Not provided**	Level of Effect (Magnitude of change / sensitivity of receptor)	**Significance**
							Combined (total): Major / Moderate	Combined (total): **Significant**
	The view is as described in Table 7-39: Operational Effects on Viewpoint 8, East of Loch Leacach A836 (Volume 2: EIA Main Report, Chapter 7). No issues with the composition of the array as a singular development as turbines group into legible pairs with relative even separation between, such that there is a coherent 'rhythm' as well as hub and tip heights across the spread. All turbines appear associated with the same undulating lower moorland landform east of Strath Naver in the mid distance, and backdropped by the Creag Meadie – Ben Meadie ridge, all of which offer relative visual containment of the scheme. Turbines result in a Highly noticeable change to the baseline view but aren't considered to dominate the receiving landscape despite their prominence. As such, the Moderate Magnitude of Change is justified, leading to a Major / Moderate and Significant Level of Effect, which is agreed. A blade section / tip of one BWFP1 turbine and tower and hub of another is visible in the left of the view. Blades and tips of Strathy North turbines are visible in the right of the view, as they will be of Strathy Wood and South schemes. The scale difference between the two Bettyhill phases is highly noticeable and will produce adverse visual dissonance effect when experienced from this VP, which along with the effect of linking BWFP1 with the turbines of Strathy North, thus increasing the influence of wind energy development to the view to a high degree, are the main additional cumulative impacts resulting from the development. The applicant's assessment appears reasonable in this context, as these impacts are unavoidable in forward views. Although significantly adverse, the residual visual effects as experienced by receptors from this VP are not considered unacceptable.							
VP9 Minor road to Farr Distance 2.55 km Looking SE	App	Medium (road users)	Moderate	Moderate	**Not Significant**		Additional: Moderate Combined (total): Moderate	Additional: **Not Significant** Combined (total): **Not Significant**
	THC	Medium (road users)	Substantial / Moderate	Major / Major Moderate	**Significant**	Slight	Additional: Moderate	Additional: **Not Significant** Combined (total):

			Proposed Development			Combined Development		
Viewpoint	App / THC	Sensitivity of the Receptor (Susceptibility of receptor to change / value of the view)	Magnitude of change (Scale of change / geographic extent / duration and reversibility of effect)	Level of Effect (Magnitude of change / sensitivity of receptor)	**Significance** (Major & Major / Moderate are Significant. Moderate effects are not Significant)	Magnitude of Change (Scale of Change / Geographic Extent / Duration) **Not provided**	Level of Effect (Magnitude of change / sensitivity of receptor)	**Significance**
							Combined (total): Moderate	**Not Significant**
	The view is as described in Table 7-40: Operational Effects on Viewpoint 9, Minor road to Farr (Volume 2: EIA Main Report, Chapter 7). Turbines appear on elevated ground above the A836 behind plantation forestry and in front of ahead of the distinctive summit of the lone mountain Ben Griam Beg. All turbines are visible to varying degrees with the towers and hubs of Turbines 1-5 showing above the forestry and the hubs of turbines 6-10. The composition of the scheme breaks down somewhat form this viewpoint as turbines begin to stack an coalesce into less coherent groupings however this effect is to be expected from some VPs. Additionally, the differences in hub and tip heights is quite noticeable from this location. Some visualisations show planting on the rocky knoll the edges the southern A836 carriageways, which doesn't appear to offer much in the way of screening at least from this location. Taking the relative proximity of the VP to the turbines, the scale of turbines and the scheme itself in to account, the applicant's assessment of the Magnitude of Change as Moderate appears a little downplayed and it is reasonable to judge the Magnitude of change in the view as tending toward Substantial / Moderate. The applicant has assessed receptor sensitivity as Medium for road users, although there is an argument that vehicle passengers would be of a higher sensitivity as they more opportunity to experience the view, it's not considered reasonable to dispute the assessment as it isn't borne out by representations. As such the Level of Effect would tend to Major / Moderate from Moderate, which is a Significant impact, which would be expected of a development of 10no almost 150m tall objects less than 3km away. Even so, the effect is not an unacceptable one. It is appropriate to consider the Additional and Combined (total) cumulative visual effects in relation to BWFP1 and the approved Strathy South WF. The proposal will not introduce a new type of industrial development into the view. BWFP1is sited in the foreground and left of the proposal and on higher ground as experienced from this VP, and the latter visible directly behind BWFP2 at a distance. Towers and hubs of both schemes are visible although BWFP2 obscures the latter scheme (which is also currently obscured by the plantation). Based on the visual materials submitted, the difference in scale between the two Bettyhill phases is not as apparent or dissonant from this VP as would otherwise be expected, from here the application scheme expands the pattern of turbine development eastward in the foreground such that the different schemes relate to each other in a logical manner. The applicant's assessment that there would be a Moderate Magnitude of cumulative Change is not disputed.							

			Proposed Development			Combined Development		
Viewpoint	App / THC	Sensitivity of the Receptor (Susceptibility of receptor to change / value of the view)	Magnitude of change (Scale of change / geographic extent / duration and reversibility of effect)	Level of Effect (Magnitude of change / sensitivity of receptor)	**Significance** (Major & Major / Moderate are Significant. Moderate effects are not Significant)	Magnitude of Change (Scale of Change / Geographic Extent / Duration) **Not provided**	Level of Effect (Magnitude of change / sensitivity of receptor)	**Significance**
VP10 Druim Allt a' Mhuilinn, Trig Point, Strathy Point Distance 11.75 km Looking Southwest	App	High (walkers)	Slight	Moderate	**Not Significant**		Additional: Moderate Combined (total): Major / Moderate	Additional: **Not Significant** Combined (total): **Significant**
	THC	High	Moderate / Slight	Major / Moderate	**Not Significant**		Additional: Moderate Combined (total): Moderate	Additional: **Not Significant** Combined (total): **Not Significant**
	The view is as described in Table 7-41: Operational Effects on Viewpoint 10, Druim Allt a' Mhuilinn, Trig Point, Strathy Point (Volume 2: EIA Main Report, Chapter 7). From within the SLA. Turbines sit behind a ridge in the rocky hills and moorland above the inlet of Armadale Bay and the crofting settlement of Armadale. The hub of T3 will be visible along with blade sections of the remainder 9 turbines. Moving turbines with be a noticeable addition of industrial features into the otherwise traditional view (although a single tip of BWFP1 is visible) where the bay draws the eye. Do not agree with the applicant's assessment that the scale of the turbines will be difficult to discern as T3 will be a visual comparator for the other turbines and there are many scale indicators in the landscape in particular the houses of Armadale below. There will be some diminishment of the sense of scale and distance in the landscape for receptors from this location, for example the blades will be within the same view of the coastal cliffs of Armadale Bay, which will look diminished in comparison. The MoC is diluted by the fact that the turbines are backgrounded by landform, are reasonably screened, and, although viewed over water, are somewhat set back from the more spectacular coastal cliffs to the right of the view. As a standalone development the Magnitude of Change tends towards Moderate /Slight rather than the applicant's							

			Proposed Development			Combined Development		
Viewpoint	App / THC	Sensitivity of the Receptor (Susceptibility of receptor to change / value of the view)	Magnitude of change (Scale of change / geographic extent / duration and reversibility of effect)	Level of Effect (Magnitude of change / sensitivity of receptor)	**Significance** (Major & Major / Moderate are Significant. Moderate effects are not Significant)	Magnitude of Change (Scale of Change / Geographic Extent / Duration) **Not provided**	Level of Effect (Magnitude of change / sensitivity of receptor)	**Significance**
	judgement of Slight as the moving and vertical industrial components contrast the otherwise horizontally structured view and creep in to the main coastal focus of the view. Turbine development is experienced in the wider inland focussed view to the south west and so BWFP2 will not be a wholly new feature in the view. The Significance of the cumulative impact is that the proposal will make wind energy development more prominent in coastal views, and likely make the Strathy cluster more prominent to the viewer in land too. This assessment judges the additional Level of cumulative visual Effect to be Major Moderate and Significant, without taking the impact of Armadale Wind Farm in to account however as it is not appropriate to assess this development as part of this application process.							
VP11 A836, east of Dounreay Distance 28.63 km Looking Southwest	App	High (cyclists)	Negligible	Moderate / Minor	**Not Significant**		<u>Additional:</u> Minor <u>Combined (total):</u> Moderate / Minor	<u>Additional:</u> **Not Significant** <u>Combined (total):</u> **Not Significant**
	THC	High	Negligible				<u>Additional:</u> Moderate / Minor <u>Combined (total):</u> Moderate / Minor	<u>Additional:</u> **Not Significant** <u>Combined (total):</u> **Not Significant**
	The view is as described in Table 7-42: Operational Effects on Viewpoint 11, A836, east of Dounreay (Volume 2: EIA Main Report, Chapter 7). Only tips visible at a distance, will be difficult to discern from this location, development has a negligible contribution to the cumulative effect of nearer wind energy developments.							
VP12 A836, west of Portskerra	App	High (cyclists)	Slight	Moderate	**Not Significant**		<u>Additional:</u> Negligible <u>Combined (total):</u>	<u>Additional:</u> **Not Significant** <u>Combined (total):</u> **Significant**

			Proposed Development			Combined Development		
Viewpoint	App / THC	Sensitivity of the Receptor (Susceptibility of receptor to change / value of the view)	Magnitude of change (Scale of change / geographic extent / duration and reversibility of effect)	Level of Effect (Magnitude of change / sensitivity of receptor)	**Significance** (Major & Major / Moderate are Significant. Moderate effects are not Significant)	Magnitude of Change (Scale of Change / Geographic Extent / Duration) **Not provided**	Level of Effect (Magnitude of change / sensitivity of receptor)	**Significance**
Distance 13.2 km							Major / Moderate	
	THC	High	Slight	Moderate	**Not Significant**	Slight	Additional: Moderate Combined (total): Moderate	Additional: **Not Significant** Combined (total): **Not Significant**
	The view is as described in Table 7-43: Operational Effects on Viewpoint 12, A836, west of Portskerra (Volume 2: EIA Main Report, Chapter 7). Tips seen at a distance above ridges, however will be discernible / noticeable as they appear in front of both Ben Hope and Ben Loyal, which are major focal points of the view however do not compete for prominence or detract from the sense of scale and distance in the view. Applicant's assessment of Magnitude of Change is reasonable. (cloud cover obscuring Ben Loyal. Cumulatively there will be more turbines in the forward view towards Bens Hope and Loyal in combination with BWFP1 at this section of road however as above they do not compete with the lone mountains for prominence, while the effect is adverse, it is not Significant. There is sufficient distance between the Bettyhill cluster and Strathy Cluster that the settings of both are maintained however the Strathy Cluster exerts negligible influence in the . The applicant's assessment of the cumulative effect in combination with Armadale is noted but considered in this assessment.							
VP13 Summit of Sletill Hill Distance 21.75 km Looking Northwest	App	High (walkers)	Slight	Moderate	**Not Significant**		Additional: Minor Combined (total): Major / Moderate	Additional: **Not Significant** Combined (total): **Significant**
	THC	High	Slight	Moderate	**Not Significant**	Slight	Additional: Moderate Combined (total):	Additional: **Not Significant** Combined (total): **Not Significant**

			Proposed Development			Combined Development		
Viewpoint	App / THC	Sensitivity of the Receptor (Susceptibility of receptor to change / value of the view)	Magnitude of change (Scale of change / geographic extent / duration and reversibility of effect)	Level of Effect (Magnitude of change / sensitivity of receptor)	**Significance** (Major & Major / Moderate are Significant. Moderate effects are not Significant)	Magnitude of Change (Scale of Change / Geographic Extent / Duration) **Not provided**	Level of Effect (Magnitude of change / sensitivity of receptor)	**Significance**
							Moderate	
	The view is as described in Table 7-44: Operational Effects on Viewpoint 13, Summit of Sletill Hill (Volume 2: EIA Main Report, Chapter 7). Turbines sit behind a distant ridge that forms the horizon in this section of the view. Turbines are discernible, there are three hubs visible and seven blades, while hub and tip heights appear slightly uneven across the spread although the effect is reduced by distance. The Bettyhill cluster appears as a single distant array, BWFP2 follows the pattern of development established by BWFP1. In combination with Strathy North, the BWFP2 turbines are staggered and behind a separate landscape feature which helps to legibly read the schemes as being within their own distinctive landscape settings even if the horizontal spread of turbines is extended in the view. Based on the applicant's visual materials, Armadale WF would interact with Strathy North and Strathy Wood WFs, while Kirkton Energy Park would be at the of the view however it is not within the scope of this assessment to judge those wind farms against this development.							
VP14 A836, west of Druimbasbie Distance 3.64 km Looking Southwest	App	High (cyclists)	Slight	Moderate	**Not Significant**		<u>Additional:</u> Moderate <u>Combined (total):</u> Moderate	<u>Additional:</u> **Not Significant** <u>Combined (total):</u> **Not Significant**
	THC	High	Moderate / Slight	**<** Major / Moderate	**Not Significant**	Moderate	<u>Additional:</u> Major / Moderate <u>Combined (total):</u> Major / Moderate	<u>Additional:</u> **Significant** <u>Combined (total):</u> **Significant**
	The view is as described in Table 7-45: Operational Effects on Viewpoint 14, A836, west of Druimbasbie (Volume 2: EIA Main Report, Chapter 7). Eight visible turbines including two tower sections and hubs, one hub (just) and five blade sections and tips as reasonably screened by the ridgeline of Creag Meadie with which the scheme is legibly read as being associated with. Compositionally there is a relatively even spread across the array while hub and tip heights are generally level. These are positive attributes of the scheme as taken together, the result is a relatively compact array that appears to sit well within its hosting landscape rather than being imposed on it. The turbines will							

			Proposed Development			Combined Development		
Viewpoint	App / THC	Sensitivity of the Receptor (Susceptibility of receptor to change / value of the view)	Magnitude of change (Scale of change / geographic extent / duration and reversibility of effect)	Level of Effect (Magnitude of change / sensitivity of receptor)	**Significance** (Major & Major / Moderate are Significant. Moderate effects are not Significant)	Magnitude of Change (Scale of Change / Geographic Extent / Duration) **Not provided**	Level of Effect (Magnitude of change / sensitivity of receptor)	**Significance**
	be noticeable on this section of the road in forward views, the Magnitude of Change tends towards Moderate given the relative proximity, although an intermediary Magnitude of Change Moderate / Slight would describe the impact better, which based on the applicant's matrix would result in a **<** Major / Moderate and Not Significant Level of Effect. There is a cumulative impact with BWFP1 and it is clear from the visualisations that the application proposal is of a larger scale than its counterpart however the turbines of BWFP2 appear on lower ground so that the tips generally match the tip heights of Phase 1 and therefore it doesn't dominate the older schemes turbines or their setting. As such, BWFP2 looks like a well-designed addition to BWFP1 rather than them being a single scheme. Given the resultant wider spread of the cluster, the Magnitude of Change tends towards Moderate with a Major / Moderate and Significant Level of visual Effect, but very much an acceptable one when experienced from this VP.						
VP15 Formal Viewpoint A836 Distance 2.15 km Looking SSW	App	High (cyclists)	Moderate	Major / Moderate	**Significant**		<u>Additional:</u> Major / Moderate <u>Combined (total):</u> Major / Moderate	<u>Additional:</u> **Significant** <u>Combined (total):</u> **Significant**
	THC	High (formal viewpoint and Sustrans promoted cycle route)	Substantial / Moderate	Major – Major / Moderate	**Significant**	Moderate	<u>Additional:</u> Major / Moderate <u>Combined (total):</u> Major / Moderate	<u>Additional:</u> **Significant** <u>Combined (total):</u> **Significant**
	The view is as described in Table 7-46: Operational Effects on Viewpoint 15, Formal Viewpoint A836 (Volume 2: EIA Main Report, Chapter 7). The visualisation represents receptors appreciating the qualities of the view and are therefore the receptor is of a high sensitivity. The stone landmark pointer directs views westward however the views are 360°. Turbines sit behind a low rocky ridge, four hubs and six blade sections visible at relatively close range. Highly noticeable change to the baseline view despite towers being largely screened. The ridge appears as a unified landscape feature, which limits the perceptual spread of the turbines. Magnitude of Change would tend towards Substantial but an intermediary Substantial / Moderate would be more appropriate due to screening. There are no major jarring compositional effects from this location; siting and design principles are reasonably legible –						

			Proposed Development			Combined Development		
Viewpoint	App / THC	Sensitivity of the Receptor (Susceptibility of receptor to change / value of the view)	Magnitude of change (Scale of change / geographic extent / duration and reversibility of effect)	Level of Effect (Magnitude of change / sensitivity of receptor)	**Significance** (Major & Major / Moderate are Significant. Moderate effects are not Significant)	Magnitude of Change (Scale of Change / Geographic Extent / Duration) **Not provided**	Level of Effect (Magnitude of change / sensitivity of receptor)	**Significance**
	i.e., it's evident that the turbines are arranged in two rows of pairs although the paring of Ts 5 & 4 appear out of rhythm it's not a significantly detrimental effect. The turbines of BWFP1 are prominent, sitting behind the ridge ahead of BWFP2 with towers visible. Consequently the difference of scale will be highly noticeable and there will be a jarring visual dissonance effect. The impact of this is somewhat lessened by matching tip heights, which reduces the degree to which the application proposal would otherwise dominate the older scheme's turbines and setting. The proposal also reduces the gap between BWFP1 and Strathy South, thus making the latter scheme more prominent to receptors. In this section of the view this would tend towards a more Substantial Magnitude of Change however given that views are directed westward to an area currently free of wind energy influence, and that views are 360°, the applicant's conclusion is accepted.							
VP16 An Caisteal summit of Ben Loyal Distance 19 km Looking Northeast	App	High (walkers)	Moderate	Major / Moderate	**Significant**		Additional: Moderate Combined (total): Moderate	Additional: **Not Significant** Combined (total): **Not Significant**
	THC	High	Moderate	Major / Moderate	**Significant**	Moderate	Additional: Major / Moderate Combined (total): Major / Moderate	Additional: **Significant** Combined (total): **Significant**
	The view is as described in Table 7-47: Operational Effects on Viewpoint 16, An Caisteal summit of Ben Loyal (Volume 2: EIA Main Report, Chapter 7). VP is within the Kyle of Tonge NSA however views are looking out. Towers of all turbines are visible. From this VP the true scale of the turbines is appreciated as they appear relatively prominent despite this distance and perceptibly wide as it is viewed at the arrays widest extent. Turbines are backdropped by land which helps to visually contain them and means the expansive coast line of Farr Bay, Strathy and Portskerra SLA can be appreciated. The rendering potentially oversimplifies the landform, it would be expected that in certain light conditions the complex mosaic of landform and landcover would be noticeable, which the turbines would be appear at odds with being large vertical moving objects in contrast to the structured ridges and							

			Proposed Development			Combined Development		
Viewpoint	App / THC	Sensitivity of the Receptor (Susceptibility of receptor to change / value of the view)	Magnitude of change (Scale of change / geographic extent / duration and reversibility of effect)	Level of Effect (Magnitude of change / sensitivity of receptor)	**Significance** (Major & Major / Moderate are Significant. Moderate effects are not Significant)	Magnitude of Change (Scale of Change / Geographic Extent / Duration) **Not provided**	Level of Effect (Magnitude of change / sensitivity of receptor)	**Significance**
	troughs of the rocky hills and moorlands. Turbines occupy a relatively small but important portion of the view. As a singular development the Magnitude of Change assessment of Moderate seems reasonable given the scope of views experienced by receptors at this location, the Level of Effect is Significant. The proposal would not introduce a new type of industrial development into this portion of the view although it does bring the influence of wind energy closer to the receptor, which in turn makes the presence of industrial features starker in the view. In the wider view however, Strathy South and the whole Strathy cluster will have a bigger presence although these are further removed from coastal views but given the presence of intervening forestry and the of Tongue and other visible crofting settlements along the north coast, the effect couldn't be said to reduce the sense of wilderness or isolation. The scale difference between the turbines of the two Bettyhill phases is discernible but not significant however the application proposal does significantly widen the overall array when experienced from here. The additional Magnitude of Change to the cumulative picture is Moderate and the Level of Effect is Significant however the proposal can be accommodated within this view.						
VP17 Summit of Ben Griam Beg Distance 19.15 km Looking NNW	App	High (walkers)	Slight	Moderate	**Not Significant**		<u>Additional:</u> Moderate <u>Combined (total):</u> Major / Moderate	<u>Additional:</u> **Not Significant** <u>Combined (total):</u> **Significant**
	THC	High	Slight	Moderate	**Not Significant**		<u>Additional:</u> Moderate <u>Combined (total):</u> Moderate	<u>Additional:</u> **Not Significant** <u>Combined (total):</u> **Not Significant**
	The view is as described in Table 7-47: Operational Effects on Viewpoint 16, An Caisteal summit of Ben Loyal (Volume 2: EIA Main Report, Chapter 7). View is from the north area of the Bens Griam and Loch nan Clar SLA looking out towards the Kyle of Tongue NSA, which is left of the turbines in the view, and the Farr Bay, Strathy and Portskerra SLA seascape, which the turbines appear ahead of being backdropped by both land and sea.							

			Proposed Development			Combined Development		
Viewpoint	App / THC	Sensitivity of the Receptor (Susceptibility of receptor to change / value of the view)	Magnitude of change (Scale of change / geographic extent / duration and reversibility of effect)	Level of Effect (Magnitude of change / sensitivity of receptor)	**Significance** (Major & Major / Moderate are Significant. Moderate effects are not Significant)	Magnitude of Change (Scale of Change / Geographic Extent / Duration) **Not provided**	Level of Effect (Magnitude of change / sensitivity of receptor)	**Significance**
	BWFP1 and Strathy North in the wider picture, already interfere with views over the Farr Bay, Strathy and Portskerra SLA seascape by being backdropped by both land and see and thus breaking the coastline, and so the effect is not new from this location, although BWFP2 does reduce the length of unbroken coastline views but not by a significant amount. The approved Strathy Wood and Strathy South will have the larger detrimental effect on views over north coastline from this location and in the applicant's assessment that means that the total combined effect is Major / Moderate and Significant, more likely a Major and Significant Level of Effect, however it is clear that BWFP2 is not the cause of this overall effect.							
VP18 Carnachy Bridge, B871, Strath Naver Distance 7.35 km Looking North	App	High (residents, walkers, & cyclists)	Slight	Moderate	**Not Significant**		<u>Additional:</u> Moderate <u>Combined (total):</u> Moderate	<u>Additional:</u> **Not Significant** <u>Combined (total):</u> **Not Significant**
	THC	High	Moderate /Slight	Moderate / Minor - Minor	**Not Significant**	<u>Additional:</u> Slight <u>Combined (total):</u> Negligible	<u>Additional:</u> Moderate <u>Combined (total):</u> Moderate / Minor	<u>Additional:</u> **Not Significant** <u>Combined (total):</u> **Not Significant**
	The view is as described in able 7-49: Operational Effects on Viewpoint 18, B871, Strath Naver (Volume 2: EIA Main Report, Chapter 7). Turbines behind the ridge that forms a relatively simple horizon, although there is a perceptual horizontal spread as the turbines are viewed against several minor summits and dips along the horizon. No major compositional concerns. Taken together the singular Magnitude of Change tends towards Moderate / Slight, slightly larger MoC than the applicant's assessment but a Not Significant Level of Effect. The turbines do increase the influence of wind energy development in the view relative to BWFP1, which currently has a negligible influence, but not relative to the Strathy cluster, which is the current baseline view and therefore the MoAC is Slight but the development makes a negligible contribution to the es the total combined cumulative effect is Not Significant as BWFP1 will not exert its influence in the view.							

			Proposed Development			Combined Development		
Viewpoint	App / THC	Sensitivity of the Receptor (Susceptibility of receptor to change / value of the view)	Magnitude of change (Scale of change / geographic extent / duration and reversibility of effect)	Level of Effect (Magnitude of change / sensitivity of receptor)	**Significance** (Major & Major / Moderate are Significant. Moderate effects are not Significant)	Magnitude of Change (Scale of Change / Geographic Extent / Duration) **Not provided**	Level of Effect (Magnitude of change / sensitivity of receptor)	**Significance**
VP19 Rhifail Bridge, B871, Strath Naver Distance 9.15 km	App	High (residents & & walkers)	Slight	Moderate	**Not Significant**		Additional: Moderate / Minor Combined (total): Moderate / Minor	Additional: **Not Significant** Combined (total): **Not Significant**
	THC	High	Slight	Moderate	**Not Significant**		Additional: Moderate Combined (total): Moderate / Minor	Additional: **Not Significant** Combined (total): **Not Significant**
	The view is as described in Table 7-50: Operational Effects on Viewpoint 19, Rhifail Bridge, B871, Strath Naver (Volume 2: EIA Main Report, Chapter 7). Four hubs and six blade / blade sections are visible behind the horizon at an oblique angle when crossing the bridge. Turbine tip heights follow the sweep of the horizon's contours, no major compositional concerns. Horizon provides relative containment and turbines do not appear out of scale with the landscape from this distance and do not significantly disrupt the scenic qualities of the view. Agree with applicant's assessment. BWFP1 exerts slightly more influence from this viewpoint, the addition of BWFP2 will increase the influence of wind energy development but not to a significant degree, although the LoE is more Moderate than as the Moderate / Minor as the applicant has assessed. Agree with applicant's assessment of combined LoE.							

			Proposed Development			Combined Development		
Viewpoint	App / THC	Sensitivity of the Receptor (Susceptibility of receptor to change / value of the view)	Magnitude of change (Scale of change / geographic extent / duration and reversibility of effect)	Level of Effect (Magnitude of change / sensitivity of receptor)	**Significance** (Major & Major / Moderate are Significant. Moderate effects are not Significant)	Magnitude of Change (Scale of Change / Geographic Extent / Duration) **Not provided**	Level of Effect (Magnitude of change / sensitivity of receptor)	**Significance**
VP20 Beinn Ratha, south of Reay Distance 20.9 km Looking West	App	High (walkers)	Slight	Moderate	**Not Significant**		Additional: Moderate / Minor Combined (total): Major / Moderate	Additional: **Not Significant** Combined (total): **Significant**
	THC	High	Slight / Negligible	Moderate – Moderate / Minor	**Not Significant**		Additional: Moderate / Minor Combined (total): Moderate / Minor	Additional: **Not Significant** Combined (total): **Not Significant**
	The view is as described in Table 7 Table 7-51: Operational Effects on Viewpoint 20, Summit of Beinn Ratha, 242 m, south of Reay (Volume 2: EIA Main Report, Chapter 7). Eight blade sections peer between distant ridge lines. The development, while discernible, will exert very little influence in the view and the MoC is considered to be between Slight and Negligible with a Not Significant LoE. Kirkton EP and Armadale WF are yet to be determined and while acknowledging their potential presence in the view, it is not appropriate to assess the cumulative effect of those developments in the current assessment. As such the proposal is considered to have a Negligible MocC relative to BWFP1 and the Strathy cluster and while there is a bigger cumulative effect overall, the contribution to that from BWFP2 is again Not Significant.							

			Proposed Development			Combined Development		
Viewpoint	App / THC	Sensitivity of the Receptor (Susceptibility of receptor to change / value of the view)	Magnitude of change (Scale of change / geographic extent / duration and reversibility of effect)	Level of Effect (Magnitude of change / sensitivity of receptor)	**Significance** (Major & Major / Moderate are Significant. Moderate effects are not Significant)	Magnitude of Change (Scale of Change / Geographic Extent / Duration) **Not provided**	Level of Effect (Magnitude of change / sensitivity of receptor)	**Significance**
VP21 Ben Hope, 927m, munro summit Distance 27.45 km Looking ENE	App	High (walkers)	Slight	Moderate	**Not Significant**		Additional: Moderate Combined (total): Moderate	Additional: **Not Significant** Combined (total): **Not Significant**
	THC	High	Moderate / Slight	Major / Moderate – Moderate	**Not Significant**	Slight	Additional: Moderate Combined (total): Moderate	Additional: **Not Significant** Combined (total): **Not Significant**
	The view is as described in Table 7-52: Operational Effects on Viewpoint 21, Summit of Ben Hope (Volume 2: EIA Main Report, Chapter 7). Looking across the Kyle of Tonge NSA looking out towards the Farr Bay, Strathy and Portskerra SLA. Despite the visualisation's rendering, it is reasonable to expect turbines to be quite prominent in certain light conditions, and the scheme is perceptibly wide as it is viewed at the array's widest extent while towers are visible, increasing the sense of their scale even though the development would occupy only a small portion of the view. As such, the proposal is a noticeable change to the baseline view and MoC is considered Moderate / Slight, while the LoE is Major / Moderate – Moderate, Not Significant (just). There is a substantial presence of operational and approved turbine developments in the wider view, albeit at a distance. From this location, BWFP2 will partially fill a gap between BWFP1 and the Strathy cluster, however there remains respite from WF development. The applicant's cumulative impact conclusions are not disputed.							

Appendix 3 – Assessment Against 10 OWESG LVIA Criteria

1	Relationship between Settlements/Key locations and wider landscape respected.	The threshold of turbines not being visually prominent in the majority of views within or from settlements/Key Locations or from the majority of its access routes, is achieved with the key local settlement of Bettyhill itself experiencing little visibility and views to the development being intermittent on approach roads, the settlement's relationship to the wider landscape is not substantively altered.
2	Key Gateway locations and routes are respected	The threshold of wind turbines or other infrastructure not overwhelming or otherwise detracting from landscape characteristics which contribute the distinctive transitional experience found at key gateway locations and routes is achieved, largely through distance from any such locations.
3	Valued natural and cultural landmarks are respected	The threshold of development not, by its presence, diminishing the prominence of the landmark or disrupt its relationship to its setting is achieved. The most significant landmarks the development would be seen with are the hills of the Kyle of Tongue National Scenic Area, but visualisations confirm that the development would form a minor part of any views towards these wills and have no significant effect on their perception by receptors.
4 and 5	The amenity of key recreational routes and ways is respected. The amenity of transport routes is respected	The threshold of Wind Turbines or other infrastructure not overwhelming or otherwise significantly detracting from the visual appeal of key routes and ways/transport routes. The key route in the area, for both recreation and transport, is the A836, with the B871 also providing important local access and tourism access. While there are stretches of the A836 where the turbines are visible and at times prominent, the affected stretches are sufficiently limited that the turbines are not prominent from the route as a whole within the study area. The B871 has little visibility and in such views as there are the development appears logical and proportionate to the landscape and does not significantly detracts from the visual or landscape amenity.
6	The existing pattern of Wind Energy Development is respected.	The threshold of the proposal fitting with the existing pattern of nearby wind energy development is largely met. Existing consented and constructed developments which lie closest to the development, with the exception of the original Bettyhill turbines, form less structured groups than the more linear form of Bettyhill, but the layout of each is appropriate to its setting and the local topography, such that the more organic layouts of the Strathy group of wind farms is appropriate to their location on the Sweeping Moorland and Flows, while the more structured layout of Bettyhill is appropriate to the more defined ridges of the Rocky Hills and Moorland.
7	The need for separation between developments and/or clusters is respected	The proposal achieves the threshold of maintaining appropriate and effective separation between developments and/ or clusters.

8	The perception of landscape scale and distance is respected	The proposal achieved the threshold where perception of landscape scale and distance is respected.
9	Landscape setting of nearby wind energy developments is respected	The development largely achieves the threshold of relating well to the existing landscape setting and not increasing the perceived visual prominence of surrounding wind turbines. There may be some degree of the described effect at the Bettyhill Layby at VP15, but given the extent of visibility of turbines to the south the additional effect is limited.
10	Distinctiveness of Landscape character is respected	The threshold of maintaining the integrity and variety of Landscape Character is achieved, in part by the design response of the development to the underlying topography which creates a design appropriate to the Rocky Hills and Moorland and distinct from the pattern of development in the adjacent Sweeping Moorland and Flows.

Appendix 4 – Appropriate Assessment

Special Areas of Conservation (SAC)

Caithness and Sutherland Peatlands

Special Protection Areas (SPA)

Caithness and Sutherland Peatlands

Bettyhill Wind Farm Phase 2 - Erection and operation of a wind farm comprising up to 10 wind turbines with a maximum blade tip height of 149.9m, substation compound including control building and battery energy storage system, access tracks, temporary borrow pits and construction compound, and ancillary infrastructure

CONSIDERATION OF PROPOSALS AFFECTING EUROPEAN SITES

The status of Caithness and Sutherland Peatlands Special Area of Conservation, and, Caithness and Sutherland Peatlands Special Protection Area 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.

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.

The Council therefore, 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 in 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.

Caithness and Sutherland Peatlands Special Area of Conservation (SAC)

The proposal lies adjacent to the SAC protected for its upland habitats, marsh saxifrage and otter and is considered likely to have a significant impact on the Otter, and on the blanket bog, wet heath and acid peat-stained lakes and ponds qualifying interests of the SAC. The SAC is therefore screened in to the Appropriate

Caithness and Sutherland Peatlands Special Protection Area (SPA)

The proposed windfarm site lies adjacent to the SPA, which is protected for its upland breeding birds. The proposal is considered to have a likely significant effect on the qualifying interests of the SPA by virtue of the site lying outside the core foraging range of associated species, with the exception of red-, and, black-throated divers, which were not recorded during survey work for the proposal. The SAC is therefore screened in to the Appropriate Assessment.

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 NatureScot and the applicant.

Appraisal Summary

In its initial response to the Council, NatureScot advised that the proposal is likely to have a significant effect on the qualifying interests of the Caithness and Sutherland Peatlands Special Area of Conservation (SAC), and, the qualifying interests of the Caithness and Sutherland Peatlands Special Protection Area (SPA)

Based on the information submitted by the agent and in consultation with NatureScot, it is concluded that the proposal will not adversely affect the integrity of the Special Area of Conservation or the Special Protection Area.

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.

Caithness and Sutherland Peatlands Special Area of Conservation

The impacts on the Caithness and Sutherland Peatlands Special Area of Conservation (SAC) are considered in terms of the different components of the development that may impact on the otter and the blanket bog, wet heath and acid peat-stained lakes and ponds, which are the qualifying interests of the SAC as a result of turbine and associated infrastructure locations and the location and nature of proposed peatland restoration works.

Otter

No otter resting places (couches or holts) were found during survey work undertaken for this proposal. Older spraints were identified along the Clachan Burn, which confirmed otters are present on site at least occasionally. The EIAR states that mitigation measures will be in place during construction works including covering excavations greater than 1 metre in depth or providing a ramp as means of escape when not used and that pre-construction surveys will be carried out to inform further mitigation measures to protect otter, if required, in a manner consistent with NatureScot's standing advice for otter. These mitigation measures must be applied to all associated works for the proposal, including peatland restoration works on the SAC. With this mitigation in place, the proposal is unlikely to undermine the conservation objectives for SAC otter.

Blanket bog, wet heath and acid peat-stained lakes and ponds

Likely significant effect is concluded for blanket bog, wet heath and dubh lochan habitats due to the location and nature of the proposed peatland restoration works however it is acknowledged that restoration works within the SAC will likely have a beneficial impact on the habitats present. The principle of restoration within the SAC is therefore acceptable. NatureScot has advised that the development requires Production and implementation of a specific method statement for peatland restoration works, as part of the final Habitat Management Plan (HMP); and, Production of a deer management plan, which should be included and/or linked to the HMP.

The finalised HMP should take the following into account:

- plans for ditch and drain blocking should align with Peatland Action guidance, i.e. Peatland Action Technical Compendium, to inform where and when these techniques would be appropriate;
- a the HMP should contain a Method Statement for all restoration works that follows Peatland Action guidance;
- restoration works should restore whole hydrological units;
- deer population densities should be managed at current low levels; and,

- the Method Statement should include details of follow up work required to ensure success of peatland restoration in this area of the SAC.

The final HMP and Deer Management Plan should be agreed with NatureScot (and other consultees where appropriate), prior to works commencing. The agreed methods should be fully implemented for the duration of the works.

Caithness and Sutherland Peatlands Special Protection Area

The impacts on the Caithness and Sutherland Peatlands Special Protection Area of Conservation (SAC) are considered in terms of the different components of the development that may impact on the golden plover, dunlin, red-throated diver, golden eagle and merlin, which are the qualifying interests of the SAC, due to the potential for collision risk and/or disturbance and displacement. Golden plover, red-throated diver and merlin were recorded flying over the proposal site. However, given the very low level of flight activity, the collision risk to these SPA species appears negligible.

All species were recorded breeding within the wider study area. Of these, only 1 golden plover territory was within disturbance distance of the wind farm site and considered to be functionally linked to the SPA. In relation to the wind farm's operation, the proposal has the potential to result in the displacement of this territory. However, considering this in context of the large SPA population and cumulatively with other wind farm developments nearby, this will not result in adverse effects on the SPA population. Therefore, NatureScot has advised that:

- Minimum disturbance distances of 500m should be implemented during construction works for any golden plover nests found during pre-construction survey in order to avoid significant disturbance to this species consistent with best practice outlined in Goodship and Furness 2022.

The Bird Protection Plan (BPP) should cover all works associated with the proposal including peatland restoration works to ensure birds breeding on the SPA will be safeguarded from significant disturbance. This should also include an appropriate disturbance distance buffer for golden eagle, given the location of the identified territory on the SPA.

To summarise, NatureScot has advised that the following mitigation must be in place to ensure that the proposal will not undermine the conservation objectives for the SPA:

- Production and implementation of the Bird Protection Plan (BPP) as proposed in the EIAR Chapter 9: Ornithology, Section 9.86. The BPP should include measures to safeguard breeding birds during all works proposed, including peatland restoration works on the SPA. It should also be amended to state that a 500m disturbance distance for golden plover and a 1000m distance for golden eagle will be implemented, as set out in Goodship and Furness 2022.

1. Commencement of Development

The development to which this planning permission relates must commence within FIVE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. Duration of Development

This planning permission shall expire and cease to have effect after a period of 37 years from the date when electricity is first exported from the approved wind turbine to the electricity grid network (the "First Export Date"). Upon the expiration of a period of 35 years from the First Export Date, the wind turbines shall be decommissioned and removed from the site, with decommissioning and restoration works undertaken in accordance with the terms of Condition 28 of this permission. Written confirmation of the First Export Date shall be submitted in writing to the Planning Authority within one month of the First Export Date.

Reason: The proposed wind turbines have a projected lifespan of 35 years, after which its condition is likely to be such that it requires to be replaced. This limited consent period also enables a review and, if required, reassessment to be made of the environmental impacts of the development and the success, or otherwise, of noise impact, species protection, habitat management and mitigation measures. The 37 year cessation date allows for a 2 year period to complete decommissioning and site restoration work.

3. Implementation in Accordance with Approved Plans

(1) Except as otherwise required by the terms of this planning permission, the development shall be undertaken in accordance with the application:

(a) including the approved drawings listed within the Environmental Impact Assessment Report (EIAR), Volume 3a – Figures, dated December 2022;

(b) the EIAR, dated December 2022; and as amended by the

(c) the EIAR Further Environmental Information, dated November 2023.

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

4. Site Enabling Works

The Site Enabling Works shall not commence until a detailed scheme of all Site Enabling Works (including off-site and on-site works) has been submitted to and approved in writing by the Planning Authority. This shall include a timetable for all enabling works and shall be submitted a minimum

of 1 month in advance of the proposed date of commencement of any Site Enabling Works.

Reason: To ensure the final details of the Site Enabling Works have regard for the rural setting of the Development Site and the potential impact of such works on the infrastructure of the area.

5. Design and Operation of Wind Turbines

No development, with the exception of the Site Enabling Works, shall commence until full details of the proposed wind turbines hereby permitted, have been submitted to and approved in writing by the Planning Authority. These details shall include:

(a) the make, model, design, direction of rotation (all wind turbine blades shall rotate in the same direction of Bettyhill Wind Farm Phase 1), power rating, sound power level and dimensions of the turbines to be installed;

(b) the external colour and/or finish of the wind turbines to be used (including towers, nacelles and blades) which shall be non-reflective, pale grey semi-matte;

(c) no text, sign or logo shall be displayed on any external surface of the wind turbines, save those required for operational Health and Safety reasons or by law under other legislation;

(d) the application of a turbine blade pitch control system which pitching the blades out of the wind ("feathering") to reduce rotation speeds below 2rpm while idling to reduce bat collision risk; and

(e) thereafter, the wind turbines shall be installed and operated in accordance with these approved details and, with reference to part (b) above, the wind turbines shall be maintained in the approved colour and monitored to ensure no significant rust, staining or dis-colouration occurs until such time as the wind farm is decommissioned.

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

6. Signage

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

7. Design of Substation, Ancillary Buildings and other Ancillary Development

(1) No development, with the exception of the Site Enabling Works, shall commence, unless and until final details of the external appearance,

dimensions, and surface materials of the substation building, associated compounds, construction compound boundary fencing, external lighting and parking areas have been submitted to, and approved in writing by, the Planning Authority.

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

Reason: To safeguard the visual amenity of the area.

8. Battery Energy Storage System

(1) No development shall commence on the energy storage facility unless and until details of the type of energy storage technology to be implemented, including an associated fire risk management plan, have been submitted to and approved in writing by the Planning Authority.

(2) Thereafter, the approved details shall be implemented unless otherwise agreed in writing by the Planning Authority.

(3) Written confirmation of when the energy storage facility is installed and commissioned shall be provided to the Planning Authority no later than one month after those dates.

Reason: To allow the Planning Authority to consider all elements of the development in order to ensure they are acceptable in terms of visual, landscape, noise, and environmental impact considerations.

9. Design of energy storage facility

(1) No development shall commence on the energy storage facility unless and until details of the location, layout, external finishes and appearance, dimensions and surface materials of the energy storage facility have been submitted to, and approved in writing by the Planning Authority.

(2) The energy storage facility shall be constructed in accordance with the approved details.

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

10. Micro-siting

(1) All wind turbines, buildings, masts, areas of hardstanding and tracks shall be constructed in the location shown on Environmental Impact Assessment Report Further Environmental Information (EIAR FEI) Figure PA2 – Site Layout (Revised Scheme); wind turbines, buildings, masts, areas of hardstanding and tracks may be adjusted by micro-siting within the site.

However, unless otherwise approved in advance in writing by the Planning Authority in consultation with SEPA and the EnvCoW, micrositing is subject to the following restrictions:

(a) the wind turbines and other infrastructure hereby permitted may be micro-sited within 25 metres save that no wind turbine or other infrastructure may be microsited to:

(i) less than 50 metres from any watercourse feature;

(ii) a position any closer to microwave links identified in EIAR Volume 2 Chapter 15 Other Issues;

(iii) 110 metres and 92 metres from Caithness and Sutherland SAC for Turbine T4 and the track access between turbines T3 and T4 respectively;

(iv) areas hosting ground water dependent terrestrial ecosystems, with demonstration that direct and indirect impacts of the groundwater dependent M6, M9, M10, S10, and SQM9 habitats shown on Volume 3 of EIAR Technical Appendix Figure 8.2.2.1 to 8.2.2.9 and SEPA's response dated 02 March 2023 have been minimised; and,

(v) areas of peat deeper than currently shown for the relevant infrastructure on FEIR Figures FEI 6.1 -T1 to FEI 6.1 T10, Hardstanding Comparison (Revised Scheme Vs June 2023 Scheme);

(b) No wind turbine foundation shall be positioned higher, when measured in metres Above Ordinance Datum (AOD), than 3m above the position shown on FEI Figure PA2 – Site Layout (Revised Scheme);

(c) All micro-siting permissible under this condition must be approved in advance in writing by the Environmental Clerk of Works (EnvCoW) (see Condition 13).

(2) A plan showing the final position of all wind turbines buildings, masts, areas of hardstanding, tracks and associated infrastructure forming part of the development shall be submitted to the Planning Authority within one month of the completion of the development works. The plan shall also specify areas where micrositing has taken place and, for each instance, be accompanied by copies of the EnvCoW or Planning Authority's approval, as applicable.

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

11. Borrow Pit Scheme of Works and Blasting

(1) No development or Site Enabling Works shall commence unless and until a scheme for the working and restoration of each borrow pit relative to

each phase of works has been prepared and submitted in advance of each phase to, and approved in writing by, the Planning Authority (in consultation with SEPA). The scheme shall include:

(a) a detailed working method statement based on site survey information and ground investigations;

(b) details of the handling of any overburden (including peat, soil and rock); drainage measures, including measures to prevent surrounding areas of peatland, water dependent sensitive habitats and Ground Water Dependent Terrestrial Ecosystems (GWDTE) from drying out;

(c) a programme of implementation of the works described in the scheme; and

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

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

(3) Blasting shall only take place on the site between the hours of 10.00 to 16.00 on Monday to Friday inclusive and 10.00 to 12.00 on Saturdays, with no blasting taking place on a Sunday or on a Public Holiday, unless otherwise approved in advance in writing by the Planning Authority.

Reason: To ensure that excavation of materials from the borrow pit(s) is carried out in a manner that minimises the impact on road safety, amenity and the environment, and to secure the restoration of borrow pit(s) at the end of the construction period. To ensure that blasting activity is carried out within defined timescales to control impact on amenity.

12. Watercourse Design

All new watercourse crossings shall be designed following the recommendations in the Watercourse Crossing Schedule (Environmental Impact Assessment Report (EIAR) Volume 4 – Technical Appendix 10.4) and the new watercourse crossing WX05 shall be a bottomless crossing designed to accommodate the 1 in 200 year flood event plus an allowance for climate change and freeboard. All upgraded and other new watercourse crossings shall be oversized bottomless arched culverts.

Reason: In the interests of protecting the water environment.

13. Environmental Clerk of Works

(1) No development or Site Enabling Works shall commence unless and until the terms of appointment of an independent Environmental Clerk of Works (EnvCoW) by the Company have been submitted to, and approved in writing by, the Planning Authority. The terms of appointment shall:

(a) Impose a duty to monitor compliance with the environmental commitments provided in the EIA Report as well as the following (the EnvCoW works):

(i) any micrositing under Condition 10;

(ii) the Pre-Construction Ecological Survey under Condition 14;

(iii) the Bird Protection Plan under Condition 15;

(iv) the Construction Environmental Management Plan under Condition 16;

(v) the Peat Management Plan under Condition 17;

(vi) the Habitat Management Plan approved under Condition 18;

(vii) the Deer Management Plan under Condition 19; and,

(viii) the Water Quality and Fish Monitoring Plan under Condition 20;

(b) Require the EnvCoW to report to the nominated construction project manager, developer and Planning Authority any incidences of non-compliance with the EnvCoW works at the earliest practical opportunity;

(c) Require the EnvCoW to submit a monthly report to the construction project manager, developer and Planning Authority summarising works undertaken on site; and

(d) Require a statement that the EnvCoW shall be engaged by the Planning Authority but funded by the developer. The EnvCoW shall be appointed on the approved terms throughout the period from Commencement of Development to completion of construction works and post-construction site reinstatement works.

(2) No later than 18 months prior to the Date of Final Generation or the expiry of this consent (whichever is the earlier), details of the terms of appointment of an EnvCoW by the Company throughout the decommissioning, restoration and aftercare phases of the Development shall be submitted to the Planning Authority for written approval. The EnvCoW shall be appointed on the approved terms throughout the decommissioning, restoration and aftercare phases of the Development.

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

14. Pre-Construction Ecological Survey

(1) No development or Site Enabling Works shall commence until a pre-construction ecological survey undertaken no more than 3 months prior to works commencing and a report of the survey has been submitted to,

and approved in writing by, the Planning Authority. The survey shall cover both the application site and an appropriate buffer from the boundary of application site with the report including mitigation measures where any impact, or potential impact, on protected species or their habitat has been identified.

(2) Development and work shall progress in accordance with any mitigation measures contained within the approved report of survey and the timescales contain therein.

Reason: In the interest of protecting ecology, protected species and habitats.

15. Bird Protection Plan

No development or Site Enabling Works shall commence until:

(a) a bird protection plan has been submitted and approved in writing by the Planning Authority in consultation with NatureScot. This shall include details of: proposed pre-construction survey work, records of breeding or foraging birds within disturbance distance of the site, and appropriate mitigation to avoid the risk of disturbance and / or displacement occurring which shall include:

(i) a 500 metre disturbance distance for golden plover; and.

(ii) a 1000 metre disturbance distance for golden eagle.

(b) a nesting bird survey has been undertaken no more than 24 hours prior to the commencement of development if this coincides within the main bird breeding season (March- August inclusive) and throughout the breeding bird season if new areas are being developed or there has been a break in construction.

(c) post-construction flight activity surveys for Golden and White Tailed Eagle, divers, and waders shall be undertaken in combination with collision and nest monitoring. All findings shall thereafter be shared with NatureScot and the RSPB;

(d) the applicant shall provide kestrel nest boxes, a black throated diver nesting raft, and ten recorders for acoustic monitoring research of common scoter to the satisfaction of the RSPB.

(e) Unless and until otherwise agreed in advance in writing with the Planning Authority, the approved Bird Protection Plan (as amended from time to time) shall be implemented in full through the construction, operation and decommissioning of the Development.

Reason: Construction works have the potential to disturb nesting birds or damage their nest sites, with all wild bird nests are protected from damage,

destruction, interference and obstruction under the Wildlife and Countryside Act 1981 (as amended).

16. Construction Environmental Management Plan

(1) No development or Site Enabling Works shall commence until a works specific Construction Environmental Management Plan (CEMP) related to the phase or phases of works or development to be undertaken has been submitted to and approved in writing by the Planning Authority. The CEMP shall outline site specific details of all on-site construction works, post- construction reinstatement, drainage and mitigation, together with details of their timetabling.

(2) The CEMP for each phase of works or development shall include (but is not limited to):

(a) an updated Schedule of Environmental Commitments highlighting amendments made to the existing Schedule of Environmental Commitments set out at Environmental Impact Assessment (EIA) Report (December 2022) as amended by the EIA Further Environmental Information (November 2023), and the conditions of this consent;

(b) details and timetable for phasing of construction works;

(c) Risk assessment of potentially damaging construction-type activities on the environment;

(d) a Finalised Peat Landslide Hazard Risk Assessment, incorporating the recommendations set out within Technical Appendix 10.1, dated December 2022.

(e) a Site Waste Management Plan (dealing with all aspects of waste produced during the construction period other than peat), including details of contingency planning in the event of accidental release of materials which could cause harm to the environment;

(f) a Pollution Prevention Plan, including a surface water and groundwater management and treatment plan with mitigation measures demonstrating how all surface water run-off and waste water arising during and after development is to be managed and prevented from polluting any watercourses or sources;

(g) site specific details for management and operation of any concrete batching plant, including disposal of pH rich waste water and substances;

(h) a water crossing method statement which will include details of the design of all water crossing structures;

(i) a water quality and fish monitoring, including, but not limited to, any affected private water supplies, Atlantic salmon, brown trout, European eel, lamprey;

(j) details of all pollution prevention and mitigation measures to protect habitats and ecological resources on site, which shall include measures to maintain hydrological connectivity of Groundwater Dependent Terrestrial Ecosystems;

(k) Species and Habitat Protection Plans, (including but not limited to otter, pine marten, water vole, amphibians, reptiles and breeding bird);

(l) details of proposed temporary site compound, storage of materials, including fuel and other chemicals, machinery, and designated car parking;

(m) details of on-site storage and off-site disposal of all imported or excavated material, including maximum stockpile heights and locations;

(n) details of all internal access tracks, turning areas, including accesses from the public road and hardstanding areas;

(o) details of the construction of the access into the site and the creation and maintenance of associated visibility splays;

(p) cleaning of site entrance, site tracks and the adjacent public road and the sheeting of all HGVs taking spoil or construction materials to/from the site to prevent spillage or deposit of any materials on the public road;

(q) details of archaeological supervision to oversee the protection/fencing off of all known heritage assets, including all areas to be used by construction vehicles;

(r) details of the management of noise and vibration during construction;

(s) a dust management plan;

(t) details of temporary site illumination;

(u) the method of construction of the crane pads, wind turbine foundations, working cable trenches, and the method of construction and erection of the wind turbines and any meteorological masts;

(v) details for the provision of the submission of a quarterly report summarising work under taken at the site and compliance with the

conditions imposed during the period of construction and post construction reinstatement; and

(w) details of post-construction restoration/reinstatement of the working areas not required during the operation of the development, including construction access tracks, borrow pits, construction compound, storage areas, laydown areas, access tracks, passing places and other construction areas, all of which are to be provided no later than 6 months prior to the date of first commissioning, unless otherwise agreed in writing by the Planning Authority. Wherever possible, reinstatement is to be achieved by the careful use of turfs removed prior to construction works. Details should include all seed mixes to be used for the reinstatement of vegetation.

Reason: To ensure that all construction operations are carried out in a manner that minimises their impact on road safety, amenity and the environment, and that the mitigation measures contained in the Environmental Impact Assessment (EIA) Report, dated December 2022 and as amended by the EIA Further Environmental Information, dated November 2023 which accompanied the application, or as otherwise agreed, are fully implemented.

17. Peat Management Plan

(1) No development or Site Enabling Works shall commence until a works specific finalised Peat Management Plan (PMP), related to the phase or phases of works or development to be undertaken, has been submitted to and approved in writing by the Planning Authority in consultation SEPA. The PMP shall:

(a) take account of site and ground investigations as illustrated on FEIR Figures FEI 6.1 -T1 to FEI 6.1 T10, Hardstanding Comparison (Revised Scheme Vs June 2023 Scheme) to minimise the loss of peatlands and reduce carbon loss;

(b) include details of vegetated turf stripping and storage;

(c) include actions (including micrositing) to minimise excavated peat volumes and reuse peat in an appropriate manner, with the inclusion of a specific section outlining measures such as micrositing, limiting the footprint, and use of floating track to reduce disturbance; and,

(d) follow SEPA's good practice for handling, storing and reinstating peat materials.

(2) The PMP shall thereafter be implemented as approved.

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

18. Habitat Management Plan

(1) No development, with the exception of the Site Enabling Works, shall commence unless and until a finalised Habitat Management Plan (HMP) has been submitted to, and approved in writing by the Planning Authority, SEPA, and NatureScot. The finalised HMP shall provide measurable benefits for biodiversity and shall contain enhanced peatland restoration building upon the outline HMP contained within the Environmental Impact Assessment Report, EIAR FEI – Technical Appendix, delivering restoration works to, as a minimum, the areas shown on Figure 8.5.2.1-3 Proposed Habitat Restoration Areas (Revised Scheme). The information shall include:

(a) the proposed habitat management of the site during the period of construction, operation, decommissioning, restoration and aftercare, and shall provide for the maintenance monitoring and reporting of habitat on site; this shall include:

(i) 141.4 ha of bog / peatland restoration;

(ii) bracken control / heathland restoration; and

(iii) enhancement measures for water vole, otter, kestrel nest box and black throated diver nesting raft provision, provision of 10 recorders for acoustic monitoring of common scoter, and monitoring of birds at risk of collision mortality, habitat loss, and displacement;

(b) a scheme of works for peatland restoration works to deliver peatlands commensurate with the quality of the habitat that will be lost directly and indirectly and take advantage of the opportunity for peatland restoration across the site; this scheme shall:

(i) ensure that the excavated peat is fit for the purpose it is being used for; and,

(ii) include the provision of GIS Shapefiles for the compensation and enhancement areas;

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

(d) a scheme for the delivery of biodiversity enhancement, on site/within the wider estate and/or via contributing towards a strategic Highland-wide scheme.

(2) Unless and until otherwise agreed in advance in writing with the Planning Authority, the approved HMP (as amended from time to time) shall be implemented in full through the construction, operation and decommissioning of the Development.

Reason: In the interests of protecting ecological features and to ensure that the development secures positive effects for biodiversity, and in the interest of ornithology.

19. Deer Management Plan

No development, with the exception the Site Enabling Works, shall commence until a Deer Management Plan (DMP) has been submitted to and approved in writing by the Planning Authority in consultation with NatureScot. The DMP will set out proposed long term management of deer using the development site and shall provide for the monitoring of deer numbers on site from the period from commencement of development until the date on which site infrastructure has been removed and final site restoration completed. The approved DMP shall thereafter be implemented in full.

Reason: To protect ecological interests and in the intertest of habitat enhancement.

20. Water Quality and Fish Monitoring Plan

(1) There shall be no Commencement of development and Site Enabling Works until an integrated Water Quality and Fish Monitoring Plan (WQFMP) has been submitted to and approved in writing by the Planning Authority in consultation with local District Fishery Board.

(2) The WQFMP must take account of Marine Scotland Science's guidance and shall include:

(a) provision that water quality sampling should be carried out for 12 months (or as agreed with the Planning Authority) prior to commencement of development, during construction and for 12 months after construction is complete;

(b) key hydrochemical parameters (including turbidity and flow data), the identification of sampling locations (including control sites), frequency of sampling, sampling methodology, data analysis and reporting;

(c) fully quantitative electrofishing surveys at sites potentially impacted and at control sites for 12 months (or as agreed with the Planning Authority) prior to the commencement of development, during construction and for 12 months after construction is completed to detect any changes in fish populations; and

(d) appropriate site specific mitigation measures.

(3) Thereafter, the WQFMP shall be implemented in full within the timescales set out in the WQFMP.

Reason: To ensure no deterioration of water quality and to protect fish populations within and downstream of the development area.

21. Outdoor Access Plan

(1) No development or Site Enabling Works shall commence until a finalised and detailed Outdoor Access Plan has been submitted to and approved in writing by the Planning Authority. The purpose of the plan shall be to maintain public access routes to site tracks and paths during construction, and to maintain outdoor access in the long-term. The Outdoor Access Plan shall include details showing:

(a) all existing access points, paths, core paths, tracks, rights of way and other routes whether on land or inland water), and any areas currently outwith or excluded from statutory access rights under Part One of the Land Reform (Scotland) Act 2003, within and adjacent to the application site;

(b) any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or effect on curtilage related to buildings or structures;

(c) all proposed paths tracks and other alternative routes for use by walkers, riders, cyclists, canoeists, all-abilities users, etc. and any other relevant outdoor access enhancement (including construction specifications, signage, information leaflets, proposals for on-going maintenance etc;

(d) any diversion of paths, tracks or other routes (whether on land or inland water), temporary or permanent, proposed as part of the Development (including details of mitigation measures, diversion works, duration and signage);

(2) The approved Outdoor Access Plan, and any associated works, shall be implemented in full prior to the Commencement of development or as otherwise may be agreed within the approved plan.

Reason: In the interests of securing public access rights.

22. Archaeology

No works in connection with the development hereby approved shall commence unless an archaeological Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the planning authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the

programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be brought into use unless and until a Post-Excavation Research Design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. Thereafter, the PERD shall be carried out in complete accordance with the approved details.

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

23. Construction Traffic Management Plan (CTMP)

No development or Site Enabling Works shall commence until a works specific CTMP related to the phase or phases of works or development to be undertaken has been submitted to and approved in writing by the Planning Authority in consultation with the Trunk and Local Roads Authorities, the Police and affected Community Councils. The final CTMP shall be submitted no later than two months prior to commencement of the relevant phase. The approved CTMP shall be carried out as approved in accordance with the timetable specified within the approved CTMP. The CTMP shall include (but not be limited to) the provision of:

(a) an Abnormal Loads Assessment;

(b) A risk assessment for transportation during daylight and hours of darkness;

(c) Proposed traffic management and a scheme of mitigation to include mitigation measures along the access routes, as required. Measures such as temporary speed limits, suitable temporary signage, road markings and the use of speed activated signs should be considered;

(d) The routeing of all traffic associated with the development. The proposed route for any abnormal loads on the trunk road network must be approved by Transport Scotland and The Council as Roads Authorities, prior to the movement of any abnormal load. Any accommodation measures required, including the removal of street furniture, junction widening, traffic management, must similarly be approved. Full details of proposed works should be developed in consultation with the trunk road Operating Company and Transport Scotland Area Manager at the earliest opportunity through a Minute of Agreement (https://www.transport.gov.scot/our-approach/industry-guidance/work-on-the-scottish-trunkroad-network) and issued for their approval prior to the commencement of construction operations.

(e) Measures to ensure that the specified routes as detailed in the CTMP are adhered to, including monitoring procedures;

(f) A contingency plan prepared by the abnormal load haulier. The plan shall be adopted only after consultation and agreement with the Police,

Transport Scotland and THC Roads Authority. It shall include measures to deal with any haulage incidents that may result in public roads becoming temporarily closed or restricted;

(g) A procedure for the regular monitoring of road conditions and the implementation of any remedial works required as may be reasonably attributable to the project's construction plant and vehicle movements during the construction period, including the provision of a wear and tear agreement for the local road network under Section 96 of the Roads (Scotland) Act 1984 (As Amended);

(h) A detailed protocol for the delivery of abnormal loads/vehicles, prepared in consultation with the Planning Authority, Transport Scotland and the affected community councils. The protocol shall identify any requirement for convoy working and/or escorting of vehicles and include arrangements to provide advance notice of abnormal load movements in the local media. Temporary signage, in the form of demountable signs or similar approved, shall be established, when required, to alert road users and local residents of expected abnormal load movements. Any accommodation measures required including the removal of street furniture, junction widening, traffic management must similarly be approved by Transport Scotland and the THC Roads Authority. All such movements on roads shall take place out with peak times on the network, including school travel times and shall avoid local community events.

(i) The developer shall submit proposals for an abnormal loads delivery trial-run to be undertaken with the involvement of Police Scotland and prior to the commencement of abnormal loads deliveries. Trial-run proposals shall be submitted to and approved in writing by The Highland Council in consultation with Transport Scotland.

(j) During the delivery period of the wind turbine construction materials any additional signing or temporary traffic control measures deemed necessary due to the size or length of any loads being delivered or removed must be undertaken by a recognised QA traffic management consultant, to be approved by Transport Scotland and THC Roads Authority, before delivery commences;

(k) Wheel washing facilities shall be provided at an appropriate point within the site adjacent to the site access so as to prevent vehicles depositing debris on the road;

(l) During the operational stage of the Development, advance written notification and approval of the Planning Authority in consultation with Transport Scotland, THC Roads Authority and affected community councils is required for Abnormal Load movement required during this period; and

(m) Identification of a nominated person to whom any road safety issues can be referred.

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

24. Aviation Charting and Safety Management

At least one calendar month prior to the commencement of the erection of the turbines the Company shall provide the Planning Authority, Ministry of Defence, Defence Geographic Centre and National Air Traffic Services (NATS) with the following information and shall provide evidence to the Planning Authority of having done so.

(a) the date of the commencement of the erection of wind turbine generators;

(b) the maximum height of any construction equipment to be used in the erection of the wind turbines;

(c) the date any wind turbine generators are brought into use; and

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

Reason: In the interests of aviation safety.

25. Aviation Lighting

Prior to the installation of any wind turbine generators, or deploying any construction equipment or temporal structures of 50 metres or more in height above ground level, the developer shall submit an aviation lighting scheme for the approval in writing of The Council in consultation with the Ministry of Defence. The scheme shall set out how the development will be lit throughout its life to maintain civil and military aviation safety requirements as determined necessary for aviation safety by the Ministry of Defence, and include:

a) details of any construction equipment and temporal structures with a total height of 50 metres or greater (above ground level) that will be deployed during the construction of wind turbine generators and details of any aviation warning lighting that they will be fitted with;

b) the locations and heights of all wind turbine generators and any anemometry mast featured in the development identifying those that will be fitted with aviation warning lighting identifying the position of the lights on the wind turbine generators;

(c) the type(s) of lights that will be fitted and the performance specification(s) of the lighting type(s) to be used.

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

Reason: to maintain aviation safety

26. Telecommunication

Within 12 months of the first export date, any claim by any individual person regarding television or telecommunications interference at their house, business premises or other building, shall be investigated by a qualified engineer appointed by the developer and the results shall be submitted to the Planning Authority. Should any impairment of services be attributable to the development, the developer shall remedy such impairment within 3 months.

Reason: To mitigate the potential effect of telecommunications interference on the development.

27. Noise

The rating level of noise emissions from the combined effects of the wind turbines hereby permitted (including the application of any tonal penalty), when determined in accordance with the attached Guidance Notes, shall not exceed more than 2dB above the maximum predicted levels within Environmental Impact Assessment (EIA) Report, dated December 2022 Chapter 13, Table 13.14 at any windspeed up to and including 12 m/s at a standardised height of 10m. The noise limits are presented in the table below:

Receptor	Noise Limit (dB LA90)
NAME (XXXXX, XXXXXX)	XX.X

In addition:

(A) Prior to the First Commissioning Date, the Company shall submit to the Planning Authority for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the Planning Authority.

(B) Within 21 days from receipt of a written request of the Planning Authority, following a complaint to it alleging noise disturbance at a dwelling, the Company shall, at its expense, employ an independent consultant approved by the Planning Authority to assess the level of noise emissions from the Development at the complainant's property (or a suitable alternative location agreed in writing with the Planning Authority) in accordance with the procedures described in the attached Guidance Notes.

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

(C) Prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with these conditions, the Company shall submit to the Planning Authority for written approval the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken.

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

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

(D) Prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with these conditions, the Company shall submit to the Planning Authority for written approval a proposed assessment protocol setting out the following:

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

ii. a reasoned assessment as to whether the noise giving rise to the complaint contains or is likely to contain a tonal component.

The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the information provided in the written request of the Planning Authority under paragraph (B), and such others as the independent consultant considers necessary to fully assess the noise at the complainant's property. The assessment of the rating level of noise immissions shall be undertaken in accordance with the assessment protocol approved in writing by the Planning Authority and the attached Guidance Notes.

(E) The Company shall provide to the Planning Authority the independent consultant's assessment of the rating level of noise immissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Planning Authority made under paragraph (B) of this condition unless the time limit is extended in writing

by the Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Planning Authority with the independent consultant's assessment of the rating level of noise immissions.

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

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

(H) In the event that the rating level, after adjustment for background noise contribution and any tonal penalty, is found to exceed the conditioned limits, the Company shall submit to the Planning Authority for written approval, a scheme of mitigation to be implemented within fourteen days of submission of the report identifying the exceedance (as required under paragraph (F) above). The scheme shall define any reduced noise running modes to be used in the mitigation together with sound power levels in these modes and the manner in which the running modes will be defined in the SCADA data.

(I) The scheme referred to in paragraph H above should include a framework of immediate and long-term mitigation measures. The immediate mitigation measures must ensure the rating level will comply with the conditioned limits and must be implemented within 14 days of the submission of the report identifying the exceedance. These measures must remain in place, except during field trials to optimise mitigation, until a long-term mitigation strategy is ready to be implemented.

(J) Cumulative noise arising from the sub-station and battery storage system 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.

(K) The Rating Level of noise arising from the use of plant, machinery or equipment installed or operated within the operational land of the sub-station, 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.

Guidance Notes for Noise Condition

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

Note 1

a) Values of the LA90,10-minute noise statistic should be measured at the complainant's property (or an approved alternative representative location as detailed in Note 1(b)), using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated before and after each set of measurements, using a calibrator meeting BS EN 60945:2003 "Electroacoustics - sound calibrators" Class 1 with PTB Type Approval (or the equivalent UK adopted standard in force at the time of the measurements) and the results shall be recorded. Measurements shall be undertaken in such a manner to enable a tonal penalty to be calculated and applied in accordance with Guidance Note 3.

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

c) The LA90,10-minute measurements should be synchronised with measurements of the 10-minute arithmetic mean wind speed and wind

direction data and with operational data logged in accordance with Guidance Note 1(d) and rain data logged in accordance with Note 1(f).

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

e) Data provided to the Planning Authority shall be provided in comma separated values in electronic format with the exception of data collected to asses tonal noise (if required) which shall be provided in a format to be agreed in writing with the Planning Authority.

f) A data logging rain gauge shall be installed in the course of the independent consultant undertaking an assessment of the level of noise immissions. The gauge shall record over successive 10 minute periods synchronised with the periods of data recorded in accordance with Note 1(d). The Company shall submit details of the proposed location of the data logging rain gauge to the Planning Authority prior to the commencement of measurements.

Note 2

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

b) Valid data points are those measured during the conditions set out in the assessment protocol approved by the Planning Authority but excluding any periods of rainfall measured in accordance with Note 1(f).

c) Values of the LA90,10-minute noise measurements and corresponding values of the 10-minute standardised ten meter height wind speed for those data points considered valid in accordance with Note 2(b) shall be plotted on an XY chart with noise level on the Y-axis and wind speed on the X-axis. A least squares, "best fit" curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) shall be fitted to the data points to define the wind farm noise level at each integer speed.

Note 3

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

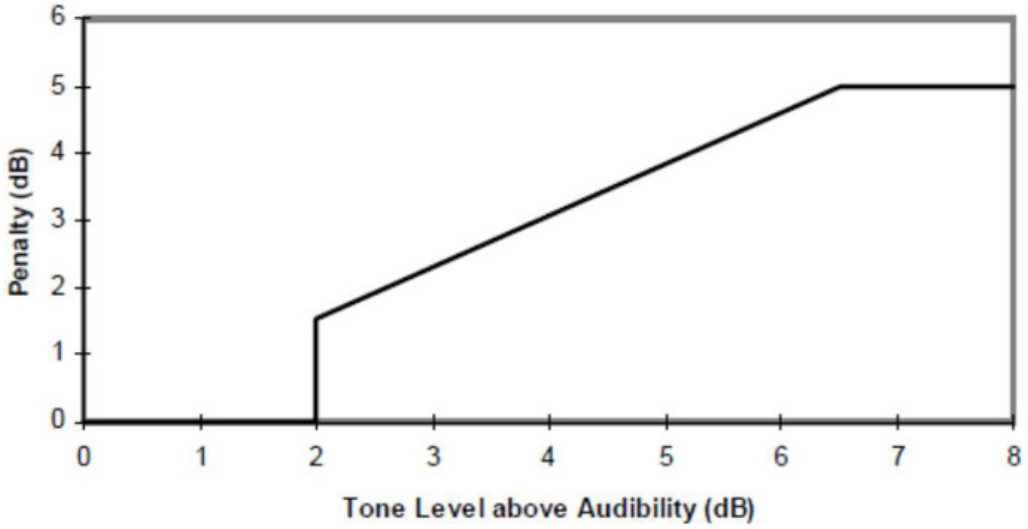
b) For each 10-minute interval for which LA90,10-minute data have been determined as valid in accordance with Note 2, a tonal assessment shall be performed on noise immissions during 2 minutes of each 10-minute period. The 2-minute periods should be spaced at 10-minute intervals provided that uninterrupted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

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

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

e) A least squares "best fit" linear regression shall then be performed to establish the average tone level above audibility for each integer wind speed derived from the value of the "best fit" line fitted to values within ± 0.5m/s of each integer wind speed. If there is no apparent trend with wind speed then a simple arithmetic mean shall be used. This process shall be repeated for each integer wind speed for which there is an assessment of overall levels in Note 2.

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



Note 4

a) If a tonal penalty is to be applied in accordance with Note 3 the rating level of the turbine noise at each wind speed is the arithmetic sum of the measured noise level as determined from the best fit curve described in Note 2 and the penalty for tonal noise as derived in accordance with Note 3 at each integer wind speed within the range set out in the approved assessment protocol. If no tonal penalty is to be applied then the rating level of the turbine noise at each wind speed is equal to the measured noise level as determined from the best fit curve described in Note 2.

b) If the rating level lies at or below the noise limits approved by the Planning Authority then no further action is necessary. In the event that the rating level is above the noise limits, the independent consultant shall undertake a further assessment of the rating level to correct for background noise so that the rating level relates to wind turbine noise immission only.

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

   i) Repeating the steps in Note 2, with the turbines switched off, and determining the background noise (L3) at each integer wind speed within the range set out in the approved noise assessment protocol.

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

$$L_1 = 10\log\left[10^{L_2/10} - 10^{L_3/10}{}_1\right]$$

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

iv) If the rating level after adjustment for background noise contribution and adjustment for tonal penalty lies at or below the noise limits approved by the Planning Authority, then no further action is necessary. If the rating level at any integer wind speed exceeds the noise limits approved by the Planning Authority, then the Development fails to comply with the conditions.

28. Site Decommissioning, Restoration and Aftercare

(1) The development will be decommissioned and will cease to generate electricity by no later than the date thirty five years from the date of Final Commissioning. The total period for restoration of the Site in accordance with this condition shall not exceed two years from the date of Final Generation without prior written approval of the Planning Authority.

(2) No development or Site Enabling Works shall commence unless and until a decommissioning, restoration and aftercare strategy has been submitted to, and approved in writing by, the Planning Authority (in consultation with NatureScot, and SEPA. The strategy shall outline measures for the decommissioning of the Development and restoration and aftercare of the site and shall include proposals for the removal of the Development, the treatment of ground surfaces, the management and timing of the works and environmental management provisions.

(3) Not later than 3 years before decommissioning of the Development or the expiration of this consent (whichever is the earlier), a detailed decommissioning, restoration and aftercare plan, based upon the principles of the approved decommissioning, restoration and aftercare strategy, shall be submitted for the written approval of the Planning Authority in consultation with NatureScot and SEPA.

(4) The detailed decommissioning, restoration and aftercare plan shall provide updated and detailed proposals, in accordance with relevant guidance at that time, for the removal of the Development, the treatment of ground surfaces, the management and timing of the works and environment management provisions which shall include (but is not limited to):

(a) site waste management plan (dealing with all aspects of waste produced during the decommissioning, restoration and aftercare phases);

(b) details of the formation of the construction compound, welfare facilities, any areas of hardstanding, turning areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns, and any construction compound boundary fencing;

(c) a dust management plan;

(d) details of measures to be taken to prevent loose or deleterious material being deposited on the local road network, including wheel cleaning and lorry sheeting facilities, and measures to clean the site entrances and the adjacent road network;

(e) details of anticipated impacts on the road networks and vehicle types and movements;

(f) a pollution prevention and control method statement, including arrangements for the storage and management of oil and fuel on the site;

(g) details of measures for soil storage and management;

(h) a surface water and groundwater management and treatment plan, including details of the separation of clean and dirty water drains, and location of settlement lagoons for silt laden water;

(i) details of measures for sewage disposal and treatment;

(j) temporary site illumination;

(k) the construction of any temporary access into the site and the creation and maintenance of associated visibility splays;

(l) details of watercourse crossings;

(m) details of archaeological supervision to oversee the protection / fencing off of all known heritage assets within 50m of the proposed working areas, including all areas to be used by construction vehicles; and

(n) a species protection plan based on surveys for protected species (including birds) carried out no longer than eighteen months prior to submission of the plan.

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

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

29. Financial Guarantee

(1) No development or Site Enabling Works shall commence unless and until a bond or other form of financial guarantee in terms reasonably

acceptable to the Planning Authority which secures the cost of performance of all decommissioning, restoration and aftercare obligations referred to in Condition 28 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 28.

(3) The financial guarantee shall be maintained in favour of the Planning Authority until the date of completion of all decommissioning, restoration and aftercare obligations referred to in Condition 28.

(4) The value of the financial guarantee shall be reviewed by agreement between the Company and the Planning Authority or, failing agreement, determined (on application by either party) by a suitably qualified independent professional no less than every five years and increased or decreased to take account of any variation in costs of compliance with decommissioning, restoration and aftercare obligations and best practice prevailing at the time of each review.

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

30. Redundant Turbines

In the event that any wind turbine installed and commissioned fails to produce electricity on a commercial basis to the public network for a continuous period of 12 months, then unless otherwise agreed in writing with the Planning Authority, such wind turbine will be deemed to have ceased to be required. If deemed to have ceased to be required, the wind turbine and its ancillary equipment will be dismantled and removed from the site within the following 12 month period, and the ground reinstated to the specification and satisfaction of the Planning Authority.

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

31. Site Inspection Strategy

(1) Prior to the Date of Final Commissioning, the Company shall submit an outline Site Inspection Strategy (“Outline SIS)” for the written approval of the Planning Authority. The Outline SIS shall set out a strategy for the provision of site inspections and accompanying Site Inspection Reports (“SIRs”) to be carried out at 25 years of operation from the Date of Final Commissioning and every five years thereafter.

(2) No later than 24 years after the Date of Final Commissioning, the Company shall submit a final detailed Site Inspection Strategy ("Final SIS"), based on the principles of the approved Outline SIS for the written approval of the Planning Authority. The Final SIS shall set out updated details for the provision of site inspections and accompanying SIRs, in accordance with relevant guidance at that time, to be carried out at 25 years of operation from the Date of Final Commissioning and every five years thereafter.

(3) At least one month in advance of submitting each Site Inspection Report to the Planning Authority, the scope of the Site Inspection Report shall be agreed with the Planning Authority.

(4) The SIRs shall include, but not be limited to:

(a) Details to demonstrate that the infrastructure components of the Development are still operating in accordance with Condition 5 and Condition 8; and,

(b) An engineering report which details the condition of tracks, turbine foundations and the wind turbines and sets out the requirements and the programme for the implementation for any remedial measures which may be required.

(5) The SIS and each Site Inspection Report shall be implemented in full unless otherwise agreed in advance in writing by the Planning Authority.

Reason: To ensure the Development is being monitored at regular intervals throughout after the first 25 years of operation.

32. Socio-Economic Benefit

(1) No later than 15 months after the Date of Final Commissioning of the development, a report demonstrating the project has met the minimum socio-economic benefit assumptions provided within the Environmental Impact Assessment Report (EIAR) dated December 2022, for both the development's construction period and initial 12 month operational period, for both Highland and Scotland, shall be submitted for the written approval of the Planning Authority.

(2) Where the report shows that projected socio-economic benefit has not achieved the assumptions in the EIAR, it shall include proposed measures to address, and compensate for any shortfall, to ensure that the economic assumptions for the development have been met. In the absence of any alternative actions, the Scheme for Community Benefit, as required by Condition 33, shall be enhanced accordingly to offset any detriment of economic impact.

Reason: In order to ensure compliance with NPF4 Policy 11c) and to maximise the local socio-economic benefits of the development to the wider local community**.**

33. Scheme for Community Benefit

Anytime between 3 months to 6 months prior to the Date of Final Commissioning of the development, details of a Scheme for Community Benefit shall be submitted for the prior written approval of the Planning Authority. This scheme, comprising a developer financial contribution, or alternative means of provision, shall be to the prevailing value required for onshore wind energy development in Highland, at the time of the developer applying to satisfy this condition. The scheme shall be used for projects across Highland directly related to infrastructure, supply chain development, support for business, including tourism and regeneration projects, skills and barriers to employment in Highland. The scheme shall be implemented as approved, and administered by The Highland Council, unless otherwise agreed in writing by the Planning Authority.

Reason: In order to ensure compliance with NPF4 Policy 11c) and to maximise the local socio-economic benefits of the development to the wider local community.

34. Community Liaison Group

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

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

35. Planning Monitoring Officer

(1) There shall be no Commencement of Development unless and until the terms of appointment by the Company of a suitably qualified environmental consultant as Planning Monitoring Officer (PMO) have been submitted to, and approved in writing by, the Planning Authority. The terms of appointment shall:

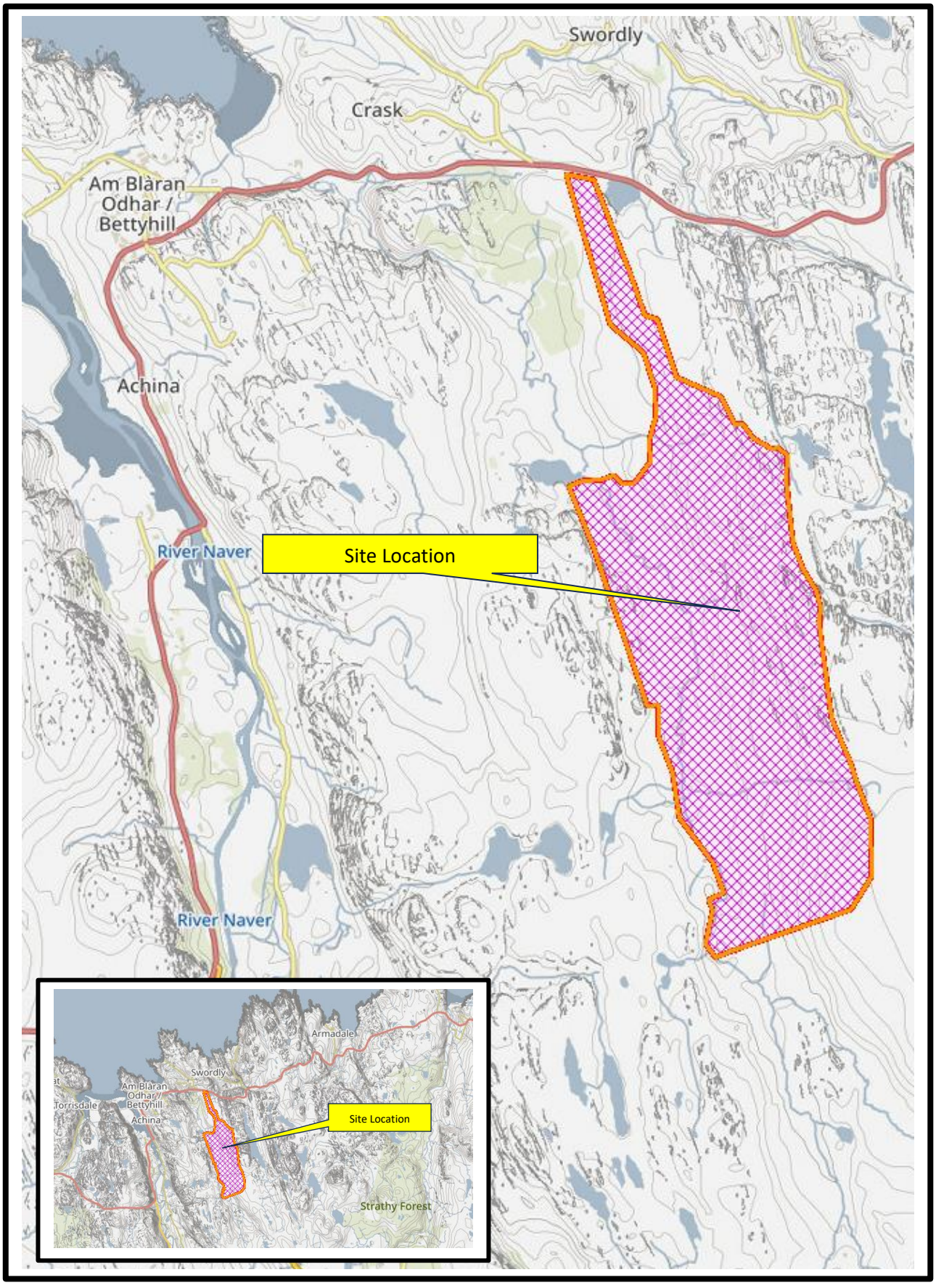
(a) impose a duty to monitor compliance with the terms of the deemed planning permission and the conditions attached to it;

(b) require the PMO to submit a report to the Planning Authority every 2 months summarising works undertaken on site; and

(c) require the PMO to report to the Planning Authority any incidences of non-compliance with the terms of the deemed planning permission and conditions attached to it at the earliest practical opportunity.

(2) The PMO shall be appointed on the approved terms throughout the period from Commencement of Development to completion of construction works and post-construction site reinstatement works.

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



The Highland Council
Comhairle na Gàidhealtachd

Infrastructure and Environment Service

23/00142/FUL

Bettyhill Wind Farm Phase 2 - Erection and operation of a wind farm comprising up to 10 wind turbines with a maximum blade tip height of 149.9m, substation compound including control building and battery energy storage system, access tracks, temporary borrow pits, construction compound and ancillary infrastructure at Land 2375m SE of Cairnview, Bettyhill.

N

270000 272500 275000 277500

962500 960000 957500

LEGEND

Application Site

Land Owned by Applicant

Strathy Point Melvich Bettyhill Tongue Kyle of Tongue Loch Loyal R Naver A838 A836 A897

BETTYHILL 2 WIND LTD

SLR

4/5 LOCHSIDE VIEW
EDINBURGH PARK
EDINBURGH
EH12 9DH

T: +44 (0)131 335 6830
www.slrconsulting.com

BETTYHILL WIND FARM PHASE 2

PLANNING APPLICATION

LOCATION PLAN

FIGURE PA1

Scale 1:30,000 @ A3

Date JANUARY 2023

0 1 2 Kilometres

12059.00001.0220.0 Location Plan

271000 272000 273000 274000 275000 276000 277000

962000 961000 960000 959000

LEGEND

- Application Site
- Proposed Turbine Location
- Existing Turbine Location
- Proposed Access Track
- Upgraded Access Track
- Existing Access Track
- Proposed Temporary Construction Compound
- Proposed Substation incl. Battery Energy Storage System (BESS) Compound
- Existing Substation Compound
- Permanent Hardstanding
- Temporary Hardstanding
- Borrow Pit Search Area

N

Strathy Point Melvich Bettyhill Tongue Kyle of Tongue Loch Loyal A836 A838 A897

0 1 2 Kilometres

BETTYHILL 2 WIND LTD

SLR
4/5 LOCHSIDE VIEW
EDINBURGH PARK
EDINBURGH
EH12 9DH
T: +44 (0)131 335 6830
www.slrconsulting.com

BETTYHILL WIND FARM PHASE 2

FEI REPORT

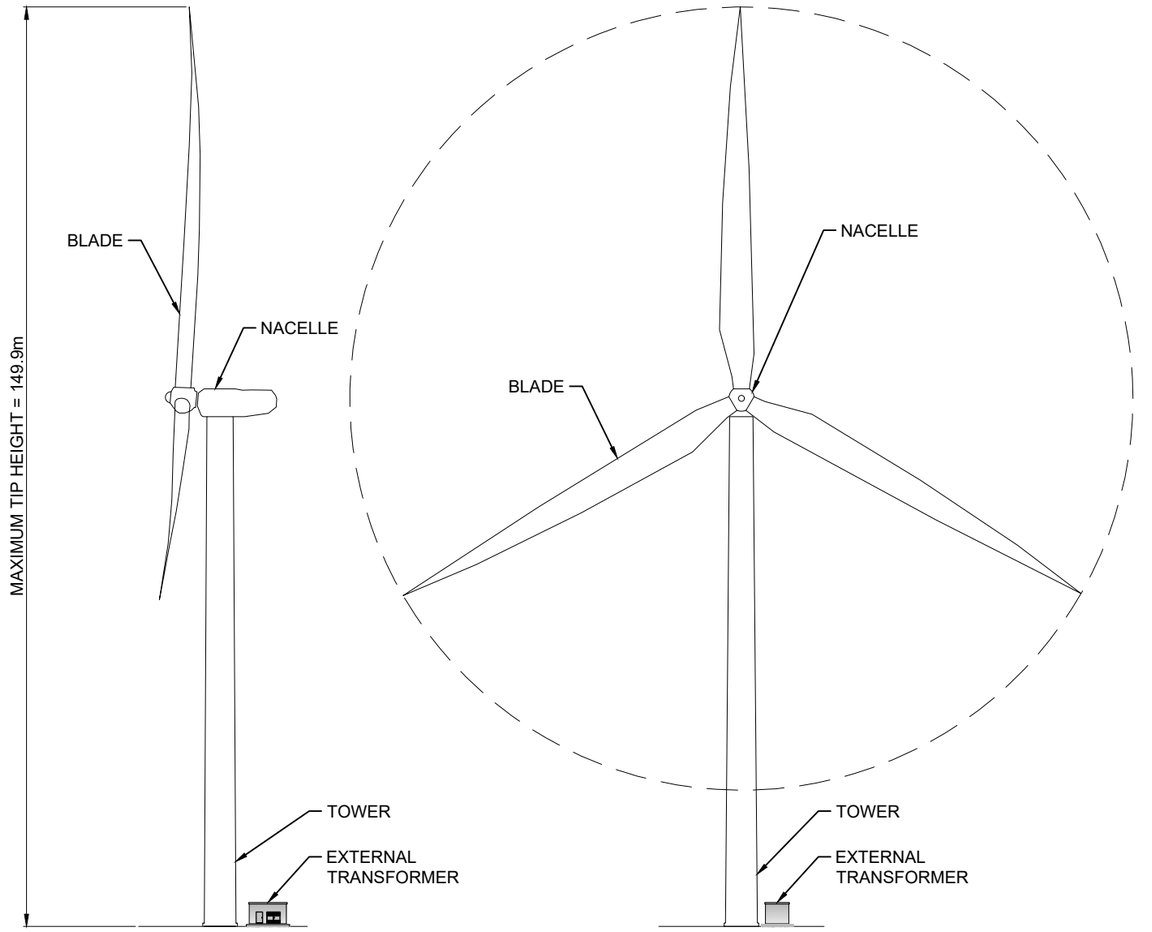
SITE LAYOUT (REVISED SCHEME)

Figure FEI 2.1

Scale 1:20,000 @ A3

Date NOVEMBER 2023

12059.00001.0235.0 Figure FEI 2.1 Site Layout (Revised Scheme)



SIDE ELEVATION
SCALE 1:1000

FRONT ELEVATION
SCALE 1:1000

0 10 20 30 40m 60 80 100
Metres 1:1000

NOTES

1. ACTUAL WIND TURBINE DIMENSIONS WILL DEPEND ON THE FINAL TURBINE MODEL SELECTED BUT WILL NOT EXCEED STATED MAXIMUM BLADE TIP HEIGHT.
2. TRANSFORMERS MAY HAVE EXTERNAL HOUSING OR BE HOUSED INSIDE THE WIND TURBINE TOWERS DEPENDING ON FINAL TURBINE MODEL SELECTED.

BETTYHILL 2 WIND LTD

SLR
4/5 LOCHSIDE VIEW
EDINBURGH PARK
EDINBURGH
EH12 9DH
T: +44 (0)131 335 6830
www.slrconsulting.com

BETTYHILL WIND FARM PHASE 2

PLANNING APPLICATION

TYPICAL WIND TURBINE ELEVATION

FIGURE PA3

Scale: 1:1000 @ A3

Date: DECEMBER 2022