

Agenda Item	6.2
Report No	PLN/012/25

HIGHLAND COUNCIL

Committee: North Planning Applications Committee
Date: 12 March 2025
Report Title: 24/04118/S42: Sallachy Wind Farm Limited
Land At Sallachy Estate, Lairg
Report By: Area Planning Manager - North

Purpose/Executive Summary

Description: Sallachy Wind Farm - Application under Section 42 for non-compliance with Conditions 15 (Construction Traffic Management Plan) and 25 (Removal of Redundant Turbines) and to amend wording of Conditions 1, 3(i) and 12 of planning permission 21/01615/FUL.

Ward: 01 – North, West and Central Sutherland

Development category: Electricity Generation 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 This application has been submitted under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended). This is an application to develop land without compliance with conditions previously attached to the Sallachy Wind Farm planning permission 21/01615/FUL granted on 5 May 2022. No physical changes to the development or amendments to the application site boundary are proposed. The applicant seeks to amend the wording of five planning conditions and requests a new condition relating to a 5 year timescale for implementing the scheme. The variations relate to conditions 1, 3(i), 12, 15, and 25 as summarised below. Appendix 1 of this report outlines the full changes to the proposed wording for these conditions.

1. **Condition 15 Construction Traffic Management Plan (CTMP):** The applicant requests that reference to the decommissioning phases is deleted from this condition. The applicant considers that condition 15 deals with the construction phase only and decommissioning is adequately covered by Condition 28. It also requests the removal of the specific reference to Invergordon as the port of entry, as there is a need for some flexibility as the access routes have not been finalised at this stage.
2. **Condition 25 Redundant Turbines:** Part (i) of this condition currently requires that if there is a continuous period of non-operation of turbines for six months, then this redundant part of the development is required to be removed within three months. The applicant considers that a longer non-operation period of 12 months and nine months for the removal of the redundant turbine is more appropriate and would be in line with other schemes, citing the Kirkan and Slickly wind farms consents.

In addition, condition 25, part (ii) states that if 50% or more of the turbines do not produce electricity for a continuous period of 12 months, then the Planning Authority may require the scheme to be decommissioned. The applicant citing the Reporters decision notice for Strathroy Wind Farm considered that this discretion was too vague and imprecise and failed to meet the tests set out in the planning conditions Circular 4/1998.

3. **Conditions 1 and 3(i):** Requires the incorrect cross reference to Condition 29 to be amended to Condition 28.
4. **Condition 12:** Requires minor typographical errors to be corrected, with the removal of references to 'deemed' and 'this consent' within the condition as this wording typically relates to an Electricity Act consent, rather than a Town and Country Planning Act planning permission.
5. **Time limit for the implementation of the planning permission:** The extant consent requires the permission to be implemented by 5 May 2025. The applicant is currently pursuing the discharge of planning conditions attached to the extant consent, however, it has requested that a new planning condition is added, which provides a 5 year implementation period from the date of this Section 42 decision if granted. The request is primarily due to timing of

infrastructure works for the grid connection having been extended by the grid provider, with an anticipated grid connection in July 2028 at the earliest.

1.2 Sallachy Wind Farm was granted consent in 2022 subject to 33 planning conditions. The consented development comprised:

- 9 wind turbines of 149.9m to blade tip (with a maximum generating capacity of 5.5MW, a hub height of 80m and a rotor diameter of up to 133m);
- Turbine foundations and crane hard standings;
- Access tracks (approximately 7km of new track and 8.9km of existing access track);
- 48 watercourse crossings;
- Underground cables;
- Substation compound;
- Borrow pit search area; and
- Temporary construction compound, storage facilities and welfare facilities.

No physical alterations to the approved scheme are proposed.

1.3 Pre-Application Consultation: No formal pre-application was undertaken between the applicants and the Planning Authority.

1.4 This application is supported by a Supporting Environmental Information Report (SEIR). This includes an updated summary of residual effects table (SEIR Appendix 3) and commentary for all the EIA chapters considered under the 2021 application. An updated Landscape and Visual Impact Assessment and updated ecological and ornithological surveys have been provided. An updated Planning Statement and Non-Technical Summary has also been included.

1.5 Variations: No variations have been made during this application.

2. SITE DESCRIPTION

2.1 The site is located approximately 18.3km north west of Lairg on the shores of Loch Shin and occupies an area of approximately 1,044 hectares and sits within Sallachy Estate. The site itself comprises largely open moorland which slopes down to the south shore of Loch Shin and is intersected by several minor watercourses draining down to the loch. The current land use for the site is mainly game stalking, and there is evidence across the site of the presence of deer.

2.2 Access to the site is from the A838, along an existing access track which runs along the north western boundary of the site. This is owned by Scottish and Southern Energy (SSE) and connects the A838 with the two hydropower stations which are located at the north end of Loch Shin and on River Cassley to the south-west of the site. There is infrastructure associated with the hydropower stations in the vicinity of the site, including a substation, an underground tunnel connecting the two, a ventilation shaft and a power line. There is a telecommunication mast located adjacent to the site, on the northern side of the existing access track. There are limited residential properties in the locality. The closest property is to the northeast of the site across Loch Shin, approximately 2.3 km to the nearest turbine. The closest settlement is Lairg, approximately 18.3 km to the south east.

- 2.3 The site is comprised mostly of undulating upland habitat, which is located above Loch Shin with several watercourses within the site draining to the loch. Several of the watercourses emerge in the upper slopes and cut into the hillside, flowing northeast into the loch. In the southern part of the study area, watercourses emerge on the southern slopes of the same hills, flowing south. Many of the watercourses are minor streams with narrow, shallow channels, draining the slope locally.

Environmental Designations and Habitats

- 2.4 The site does not form part of any statutory or non-statutory designated site for nature conservation. The following designations are within 10km of the site's boundary:

Statutory Designation	Distance to Site	Qualifying Interests
Special Areas of Conservation (SAC)		
Caithness and Sutherland Peatlands	adjacent southern boundary of site	Blanket bog, Depressions on peat substrate, Otter, acid, peat-stained lakes and ponds, wet heathland with cross-leaved heath, clear-water lakes or lochs with aquatic vegetation and poor to moderate nutrient levels, marsh saxifrage, very wet mires often identified by an unstable `quaking` surface
River Oykel	1.6km	Atlantic salmon, Freshwater pearl mussel
Inchnadamph	9.6km	Base-rich fens, Alpine and subalpine calcareous, Grasslands, Base-rich scree, Plants in crevices on base-rich rocks, Dry heaths, Limestone pavements, hard-water springs depositing lime, Mountain willow scrub
Special Protection Areas (SPA)		
Caithness and Sutherland Peatlands SPA and RAMSAR site	adjacent southern boundary of site	Breeding birds - Black-throated diver, Common scoter, Dunlin, Golden eagle, Golden plover, Greenshank, Hen harrier, Merlin, Red-throated diver, Short-eared owl, Wigeon, Wood sandpiper. Greylag Grouse, Blanket bog.

Site of Specific Scientific Interest (SSSI)		
Strath an Loin	adjacent southern boundary of site	Blanket bog
Strath Duchally	4km	Blanket bog, Breeding birds, Dunlin, Golden plover, Greenshank
Ben More Assynt	4.5km	Caledonia igneous caves, Eutrophic lochs, Oligotrophic rivers and streams, Upland assemblages
Grudie Peatlands	4.9km	Blanket bog, Breeding birds, Dunlin, Golden plover, Greenshank
Cnoc an Alaskie	7.3km	Blanket bog, Breeding bird assemblage Greenshank
Ben Klibreck	9.9km	Alpine heath, Blanket bog, Oligotrophic loch, Upland birch woodland

2.5 A large part of the study area was mapped as blanket bog/wet heath transitional habitat (28%). A variety of other habitats also present. These included wet dwarf shrub heath, wet modified bog, acid grassland, marshy grassland and dry dwarf shrub heath. However, within the development site the dominant habitats are blanket bog, blanket bog/wet heath transition, wet modified bog and wet dwarf shrub heath. Peat probing identified much of the site was covered with peat depths across the site, from nil to locally over 3m.

Landscape Designations, Wild Land and Landscape Character

2.6 The site itself is not covered by any statutory international, national, regional or local landscape-related designation, however there are several within the 40km study area.

- There are four NSAs within or partially within the study area: Assynt–Coigach NSA, Dornoch Firth NSA, Kyle of Tongue NSA, and North-West Sutherland NSA. The closest is the Assynt–Coigach NSA which lies 5.2km to the west of the nearest turbine.
- One Gardens and Designed Landscapes is within the study area, Leckmelm, which is over 38 km to the south west of the nearest turbine.
- There are five Special Landscape Areas (SLA) within, or partially within, the study area: Ben Giam and Loch nan Clar SLA; Ben Klibreck and Loch Choire SLA; Eriboll East and Whiten Head SLA; Fannichs, Beinn Dearg and Glen Calvie SLA; and Loch Fleet, Loch Brora and Glen Loth SLA. The closest SLA

is Ben Klibreck and Loch Choire SLA, which is 13.6 km to the north-east of the nearest turbine.

- The development lies just within the eastern edge of the south-eastern fork of the Reay– Cassley WLA (Area 34).

2.7 NatureScot’s Landscape Character Assessment (LCA) identifies the site within the Landscape Character Type (LCT) of Rounded Hills – Caithness and Sutherland (NatureScot LCT 135) and an assessment is included in the applicants SEIR. An assessment is also provided in respect of Rounded hills (LCT 135) - Loch Fiag unit, Rugged Mountain massif (LCT 139) - Ben More/ Ben Hee unit and the Sweeping moorland and flows (LCT 134) - Crask/Overscaig unit.

Cumulative Development

2.8 The applicant has not provided an up-to-date cumulative list. However, for completeness officers consider that Appendix 2 of this report provides the latest position in relation to operational / under construction, consented and in planning wind farm projects within 26km of the site. The following is a summary of the main changes since consent was granted in 2022.

Wind Farm Name	No. of turbines	Height to tip (m)	Distance to site (km)
In planning or at scoping at the time of the 2021 EIAR, but has since been approved			
Achany Ext. Wind Farm	18	149.9m	5.37km
Garvary Wind Farm	25	180m	14km
Strath Tirry Wind Farm	4	135m	15km
Meall Buidhe Wind Farm	8	149.5m	22km
Lairg 2 Wind Farm Resubmission	5	190-200m	23km
Submitted and approved since the 2021 EIAR			
Creag Riabhach Ext Wind Farm	3	149.9m	12.3km
Strath Oykel Wind Farm	11	200m	17km
Chleansaid Wind Farm	16	180m-200m	19.5km
Submitted and currently under consideration			
Shinness Wind Farm	16	200m	7.8km
Acheilidh Wind Farm	12	200-230m	26km

3. PLANNING HISTORY

3.1	30.06.2008	08/00131/FULSU Formation of access track (In Retrospect)	Refused Planning Permission
3.2	20.12.2013	13/04037/FUL Erection of 1 no. meteorological mast with a maximum height of up to 80 m for a temporary period of five years.	Planning Permission Granted
3.3	17.11.2015	11/04718/S36 Construct and operate a 22-turbine wind farm	Refused by Scottish Ministers
3.4	11.08.2020	20/02189/PAN Erection of a Wind Farm of up to 9 turbines with a blade tip height of up to 149.9m, access tracks, access to the public road network, electrical cabling, onsite substation, laydown areas, permanent anemometer mast and other associated infrastructure	Reported to Committee
3.6	05.05.2022	21/01615/FUL Sallachy Wind Farm - Erection and Operation of a Wind Farm for a period of 30 years, comprising of 9 Wind Turbines with a maximum blade tip height of 149.9m, access tracks, temporary borrow pits and construction compound, substation compound, and ancillary infrastructure.	Planning Permission Granted

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour, Schedule 3 and EIA Adverts

Date Advertised: 25.10.2024 and 01.11.2024

Representation deadline: 01.12.2024

Timeous representations: 0

Late representations: 0

Material considerations raised: None

5. CONSULTATIONS

5.1 **Lairg Community Council (Host):** No response received.

5.2 **Assynt Community Council:** No response received.

- 5.3 **Bettyhill, Strathnavar and Altnaharra Community Council:** No response received.
- 5.4 **Creich Community Council:** No response received.
- 5.5 **Durness Community Council:** No response received.
- 5.6 **Scourie Community Council:** No response received.
- 5.7 **Access Officer:** Does not object to the application and has no further comment.
- 5.8 **Contaminated Land:** Does not object to the application and confirmed there are no known potentially contaminative former uses or activities within the site boundary.
- 5.9 **Ecology Team:** Does not object to the application and has no further comment on the non-compliance or the rewording of the conditions.
- 5.10 **Environmental Health:** Does not object to the application and has no further comment.
- 5.11 **Flood Team:** Does not object to the application and has no further comment.
- 5.12 **Historic Environment Team (Archaeology):** Does not object to the application and has no further comment.
- 5.13 **Highland and Islands Airport Authority:** Does not object to the application and has no further comment.
- 5.14 **Historic Environment Scotland:** Does not object to the application and has no further comment.
- 5.15 **National Air Traffic Services:** Does not object to the application and has no further comment.
- 5.16 **NatureScot:** Does not object to the application and has no further comment.
- 5.17 **Ministry Of Defence:** Does not object to the application, subject to the extant conditional requirements being secured through the new consent; this relates to Condition 26 (aviation charting) and Condition 27 (lighting).
- 5.18 **Scottish and Southern Energy Network (SSEN):** Does not object to the application, subject to the retention of SSEN being included as a consultee for Condition 15. This is to ensure construction traffic, and any road modifications associated within the wind farm's construction over the proposed 18 month construction period does not detrimentally hinder the ability of SSEN Transmission staff to access Cassley substation and associated 132kV overhead line spanning from it, both of which are critical national infrastructure requiring 24/7 access by SSEN Transmission.
- 5.19 **Scottish Environmental Protection Agency:** Does not object to the application and has no further comment.

- 5.20 **Scottish Water:** Does not object to the application. Confirmed 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 within the site boundary.
- 5.21 **Transport Planning:** Does not object to the application. The removal of specified port of Invergordon is acceptable, however, request that if the requirement for a Traffic Management Plan (TMP) for the decommissioning phase is removed from Condition 15, a new condition be introduced which requires a TMP for decommissioning be agreed prior to commencement of that phase.
- 5.22 **Transport Scotland:** Does not object to the application and has no further comment.

6. DEVELOPMENT PLAN POLICY AND OTHER MATERIAL POLICY CONSIDERATIONS

6.1 Since the development was consented in 2022, the National Planning Framework 4 (NPF4) has been adopted (February 2023). The policies within it form part of the Development Plan and are material to the consideration of this application, alongside the Highland-wide Local Development Plan and Caithness and Sutherland Local Development Plan (2018) (CaSPlan). Where there is conflict between policies, greater weight in decision making is to be given to the most recent statement of planning policy.

6.2 The following policies are relevant to the assessment of the application.

National Planning Framework 4 (2023) (NPF4)

- 6.3 Policy 1 – Tackling the climate and nature crisis
Policy 2 – Climate mitigation and adaptation
Policy 3 – Biodiversity
Policy 4 – Natural places
Policy 5 – Soils
Policy 6 – Forestry, woodland and trees
Policy 7 – Historic assets and places
Policy 11 – Energy
Policy 13 – Sustainable transport
Policy 22 – Flood risk and water management
Policy 23 – Health and safety
Policy 25 – Community wealth benefits
Policy 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
- 36 – Wider Countryside
- 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)

- 6.5 No specific policies apply however, that the CaSPlan does identify Special Landscape Areas (SLA) within the plan.

Onshore Wind Energy Supplementary Guidance (OWESG) (2016)

- 6.6 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. The site does not fall within an area covered by a Landscape Sensitivity Study at this time.

Other Highland Council Supplementary Guidance

- 6.7
- Biodiversity Enhancement Planning Guidance (May 2024)
 - 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 MATERIAL POLICY CONSIDERATIONS

Emerging Highland Council Development Plan Documents and Planning Guidance

- 6.8
- The Highland-wide Local Development Plan is currently under review and is at Main Issues Report Stage. It is anticipated the Proposed Plan will be published following publication of secondary legislation post NPF4. In addition, the Council has further advice on delivery of major developments in several documents. This includes Construction Environmental Management Process for Large Scale Projects (Aug 2010) and The Highland Council Visualisation Standards for Wind Energy Developments (Jul 2016).

Other National Legislation, Policy and Guidance

- 6.9
- Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 – interim and annual targets replaced by Climate Change (Emissions Reduction Targets) (Scotland) Bill in November 2024
 - Climate Change Committee Report to UK Parliament (July 2024)
 - UK Government Clean Power Action Plan (Dec 2024)
 - Draft Energy Strategy and Just Transition Plan (2023)
 - Onshore Wind Energy Policy Statement (2022)
 - Draft Scottish Biodiversity strategy to 2045: tackling the nature emergency (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 4/1998 – The use of Conditions in Planning Permissions – this states that planning conditions should only be imposed when they meet all of the following six tests: 1) Necessary, 2) Relevant to planning, 3) Relevant to the development to be permitted, 4) Enforceable, 5) Precise; and Reasonable in all other respects.
- Circular 1/2017 - Environmental Impact Assessment Regulations (2017)
- Circular 3/2022 – Development Management Procedures

7. PLANNING APPRAISAL

- 7.1 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. 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

- 7.2 Section 42(2) of the 1997 Planning Act states that when dealing with this type of application, the planning authority should consider only the question of the conditions subject to which planning permission should be granted, and that the planning authority may decide that planning permission should be granted subject to conditions differing from that subject to which the previous permission was granted. However, Circular 3/2022: development management procedures, Annex H(5) goes on to state: “In determining a Section 42 application, authorities may consider only the issue of the conditions to be attached to any resulting permission. However, in some cases this does not preclude the consideration of the overall effect of granting a new planning permission, primarily where the previous permission has since lapsed or is incapable of being implemented”.
- 7.3 The extant consent 21/01615/FUL is due to lapse in May 2025. The applicant is however currently in the process of discharging pre-commencement planning conditions. As such the applicant contends that the current permission is still extant and is capable of being implemented, so there is no requirement to re-evaluate the

principle of the development in this case. To determining the application consideration must therefore be given to the extent to which the proposal continues to comply with development plan policy with all other material considerations being taken into account.

Development Plan / Other Planning Policy

- 7.4 A section 42 consent constitutes a fresh planning permission. As such, it is necessary to assess this in the light of the current policy framework. The application is supported by an updated Planning Statement and highlights that a significant change since the wind farm's previous approval is the adoption of NPF4. The most relevant to this proposal are policies 1 Tackling the Climate and Nature Crises, 3 Biodiversity and 11 Energy.
- 7.5 NPF4 Policies 1, 2, and 3 now apply to all development proposals Scotland-wide. This means that significant weight must be given to the global climate and nature crises when considering all applications, as required by NPF4 Policy 1. Significant weight should therefore be attributed to a development which provides renewable electricity to the grid and is consistent with the intent of Policy 1 by making a positive contribution to net zero. Tackling the nature crisis is the focus of policy 3. This requires developments to wherever feasible, provide nature-based solutions that have been integrated and made best use of and for significant biodiversity enhancements to be provided. This aspect is assessed in the 'Natural Heritage (including ornithology and biodiversity enhancement)' section below.
- 7.6 In relation to Policy 11, the intent of this policy is to encourage, promote and facilitate all forms of renewable energy development onshore and offshore. It specifies that the principle of all forms of renewable, low-carbon, and zero emission technologies is supported, including reference in part (i) "wind farms including repowering, extending, expanding and extending the life of existing wind farms" (with the exception of wind farm proposals located in National Parks or National Scenic Areas). In addition, policy 11 (g) of NPF4 states: "Grid capacity should not constrain renewable energy development." The request to extend the implementation period is due to delays within the grid infrastructure until at least 2028.
- 7.7 No changes to the physical parameters of the approved development are proposed and it is considered the NPF4 provides substantial support for the development. However, one area of notable change is that NPF4 Part (c) now places a greater emphasis on community socio-economic benefits. This is considered further in the 'Socio-economics' section below.

Supporting Environmental Information Report (SEIR)

- 7.8 To support this section 42 application, a SEIR has been submitted. This provides an update to and/or commentary on the environmental chapters outlined in the 2021 EIA Report. The applicant has provided an updated Landscape and Visual chapter to allow an appraisal of the development's compliance with relevant NPF4 policies. In addition, due to the time since the baseline surveys were completed for the 2021 assessments, updated ecological site walkover and ornithology surveys have been undertaken.

7.9 The SEIR indicates that no changes to the assessed environmental impacts outlined in the 2021 EIA Report are predicted in relation to:

- **Cultural Heritage:** There are no new designated heritage assets beyond those identified in Chapter 10 of the 2021 EIAR. The main change are the potential cumulative effects from the wind farm schemes granted consent since the original application. However, any subsequent schemes post 2022 will have taken Sallachy Wind Farm into account when assessing the cumulative context. Historic Environment Scotland and the Council's Historic Environment Team have raised no objection.
- **Hydrology, Hydrogeology, Geology and Soils:** No statutory consultees have raised any objections to the current application in relation to hydrology, hydrogeology, geology or peat. Conditions 9 (micro-siting), 10 (Borrow Pit Search Area – Scheme of Works), 13 (Ecological Clerk of Works), 14 (Construction Environmental Management Document), 18 (Habitat Management Plan), 21 (Peat Landslide Management), 24 (Private Water Supplies), 30 (Water Quality and Fish Population Monitoring) and 31 (Sustainable Drainage Systems) of the extant permission are unaffected by this variation application and can be attached to a subsequent consent.
- **Noise:** The SEIR contends that there is no proposed change to the Development layout, design or candidate turbine model, there is no change to the assessment of noise effects. Environmental Health have no objection and conditions 14 (Construction Environmental Management Document) and 31 which controls noise from the development are unaffected by this variation application and can be attached to a subsequent consent.
- **Aviation:** No objection has been received from NATS, HIAL and MOD subject to the extant conditional requirements regarding being secured through the new consent, this relates to condition 26 (aviation charting) and condition 27 (lighting).

Landscape and Visual Impact

7.10 As detailed above, the applicant has provided an updated Landscape and Visual assessment (SEIR Appendix 1). No changes are proposed to the physical parameters of the development, but there have been some changes to relevant guidance regarding Wild Land Areas and planning policy with the adoption of NPF4 and the LVIA has been updated to reflect these. The SEIR does acknowledge that there are likely to have been some changes to the cumulative scenario since Sallachy Wind Farm was first consented. However, the applicant has not provided an update to the cumulative assessment, contending that the LVIAs for wind farms that have been submitted as applications subsequent to the approval of Sallachy will incorporate Sallachy into their cumulative assessment, and thus the implication of more up to date cumulative scenarios will be considered under those applications. Whilst this is considered acceptable in this situation, for completeness Officers have outlined the main changes to the cumulative context in section 2.8 and Appendix 2.

- 7.11 The findings of the SEIR remain the same as those outlined in the 2021 EIAR, with significant visual effects generally contained within approximately 12.2 km of development, although they may, in unusual circumstances, arise beyond this. Significant effects on landscape character are largely contained within approximately 8.2 km of the site. An updated Residential Visual Amenity Assessment (RVAA) (SEIR Appendix 3) has also been submitted to take account of planning permission 24/00195/FUL having been granted for a nearby house since the original consent. As detailed in the RVAA the approved house is located between two other properties assessed under the 2021 RVAA. The effects are predicted to be similar to these two other properties, with a high magnitude of change and a significant effect. However, again the Residential Visual Amenity threshold is not expected to be reached.
- 7.12 Officers are content with this assessment and consider that the scheme conforms with NPF4 in relation to landscape and visual impacts. No statutory consultees have raised any objections or concerns in relation to landscape or visual effects as a result of this application. Planning conditions 6, 7, 8 and 9 of the extant permission relating to design of the scheme also remain unaffected.

Natural Heritage (including ornithology and biodiversity enhancement)

- 7.13 As detailed above, updated ecological and ornithological surveys were carried out in 2024 and are linked to the pre-construction survey work required in relation to condition 14 of the extant consent. The SEIR summaries that the mammal, bird and habitat surveys identified no material change to the baseline as presented in the 2021 EIA Report. Therefore, no changes to the assessed significance of effects for either ecological or ornithological receptors are anticipated. Conditions 13 Ecological Clerk of Works, 14 Construction Environmental Management Document, 18 Habitat Management Plan and 32 Ornithological Monitoring will be unaffected.
- 7.14 As detailed above, tackling the nature crisis is a central theme of NPF4 with policy 3, requiring proposals to provide significant biodiversity enhancements. The extant consent was supported by an Outline Habitat Management Plan (OHMP) (Appendix 7.6 of the 2021 EIAR). This outlined proposals for a reduction in grazing pressures, extensive peatland restoration and the creation of low-density native woodland. The peatland restoration aimed to restore and enhance degraded blanket bog across an area of approximately 200ha with a further area of up to 270ha of peatland restoration within the Grudie Peatlands. These restoration areas are more than '10 times' the predicted bog habitat loss of 20.36ha as outlined in the 2021 EIA Report. A finalised version the OHMP is secured through condition 18 of the extant consent and a scheme for the delivery of biodiversity net gain under condition 33. The variations to the conditions proposed under this current application will not have a bearing upon the delivery of these enhancement proposals. NatureScot, SEPA and the Councils Ecology Team has raised no objection to this application. Subject to these previous conditions being attached to this S42 application, then the significant enhancements proposed by this scheme will accord with NPF4 policy 3.

Traffic and Transport (including variation to Condition 15)

- 7.15 Chapter 11 of the 2021 EIA Report identified minor, non-significant effects along the A838 and A836 between the site access junction and Ardgay during construction,

this related to the increase in HGV traffic. No cumulative effects were anticipated. No significant traffic effects were predicted during the operational phase of the development. With the implementation of appropriate mitigation, including a Construction Traffic Management Plan (CTMP), no significant residual effects were anticipated in respect of traffic and transport issues. The SEIR contends that as there is no proposed change to the development layout or design, there will be no change to the traffic and transport effects outlined in the 2021 EIAR. No amendments are proposed to Conditions 2 Financial Security- roads network, 4 Road Mitigation and 5 Access Junction Works. However, this current application does seek to amend the wording of Condition 15 which relates to the Traffic Management Plan.

- 7.16 As identified on the decision notice the reason for Condition 15 is “To maintain safety for road traffic and ensure the structural integrity of the structures on the road is adequate to serve this development and to address the cumulative change in character of the existing road network as a result of this development and in the interests of road safety”. The applicant requests two modifications to the wording for this condition:
1. The removal of the requirement for this condition to cover the decommissioning stage.
 2. The deletion of the specific reference to Invergordon as the port of entry.
- 7.17 Regarding modification 1) the applicant contends that Condition 15 deals with the construction phase only and decommissioning is comprehensively covered in Condition 28 instead. Requiring decommissioning details to be approved prior to commencement of development is unnecessary and unreasonable given the anticipated life span of the development. As noted in NatureScot Guidance – Decommissioning and Restoration Plans for Wind Farms 2016, it is more appropriate to address decommissioning at a later stage in the development programme, particularly where there must be ongoing compliance with Environmental Impact Assessment requirements.
- 7.18 Regarding modification 2) the applicant considers that this is unnecessarily restrictive in circumstances where access routes remain to be finalised, and they seek some flexibility. It is noted that the final CTMP including the finalised port of entry will still need to be approved by the Roads Authority and Transport Scotland before development can commence
- 7.19 Transport Scotland have no objection to the proposed variation. The Council’s Transport Planning Team also have no objection to the removal of specified port of Invergordon, however, request that if reference to the decommissioning phase is removed from Condition 15, then a new planning condition should be attached to any consent which requires a Traffic Management Plan for decommissioning be agreed prior to commencement of that phase. That said, the current wording for part (ii) e) of Condition 28 Site Decommissioning, Restoration and Aftercare already specifically requires the submission of “a traffic management plan to address any traffic impact issues during the decommissioning period”. Subject to Condition 28 being attached to the decision notice, then the proposed variations to Condition 15 will not undermine the reason for the condition, nor raise any conformity issues with the current Development Plan requirements.

7.20 Although Scottish and Southern Electricity Networks (SSEN) have no objection to the application it has noted that the road serving its Cassley substation is a single traffic road and is an identified main route for construction traffic for Sallachy Wind Farm. SSEN require 24/7 access to the substation and associated overhead line and have requested that that it is included as a named consultee when discharging Condition 15. This is to ensure that the construction traffic associated with Sallachy Wind Farm does not hinder the ability of SSEN Transmission staff to access its Cassley substation and associated 132kV overhead line spanning from it, both of which are critical national infrastructure. As such, SSEN Transmission are proposed be added as a consultee to comment on the provisions of the TMP.

Variation to Condition 25 – Redundant Turbines

7.21 As identified on the decision notice the reason for Condition 25 is “To ensure that any redundant wind turbine is removed from site, in the interests of safety, amenity and environmental protection”. The applicant requests two modifications to the wording for this condition:

1. Time period for the failure to provide electricity and the timescale for the removal of a redundant turbine.
2. The Councils discretion as to whether the wind farm shall be decommissioned if 50% or more of the turbines fail to operate for a continuous period of 12 months.

7.22 Regarding modification 1) Part (i) of Condition 25 currently requires that if there is a continuous period of non-operation of turbines for six months, then this redundant part of the development is required to be removed within three months. The applicant considers that 12 months for the non-operation period and nine months for the removal of the redundant turbine is more reasonable and in line with other schemes within the Councils area, citing Bunloinn, Strathroy, Kirkan and Slickly wind farms consents.

7.23 Regarding modification 2) Part (ii) of condition 25 currently states “that if the wind farm fails to supply electricity from “50% or more of the wind turbines installed” for a continuous period of 12 months, then the Planning Authority may direct that the wind farm should be decommissioned, and the site reinstated. The applicant citing the Reporters decision notice for Strathroy Wind Farm considered that this discretion was too vague and imprecise and failed to meet the tests set out in planning conditions Circular 4/1998. The applicant considers that a more reasonable approach is to delete the direction that “that the Planning Authority may direct” and replace it with “the Planning Authority will direct”.

7.24 The proposed variations to condition 25 are considered acceptable as they will bring the wording in line with other consents. Furthermore, it does not undermine the reason for the condition, nor does it raise any conformity issues with the current Development Plan requirements.

Socio-economics

7.25 Chapter 13 of the 2021 EIAR considered the socio-economic benefits from the development. The SEIR states that given there is no proposed change to the

development's layout or design, no change to the socio-economic effects is anticipated. As detailed above one area of notable change is that NPF4 policy 11 Part (c) now places a greater emphasis on community socio-economic benefits. In support of this the applicant in its revised Planning Statement contends that it has maximised the net economic impact and has a commitment to maximise local employment, associated business and supply chain opportunities.

- 7.26 The 2021 EIAR states that this will include a Highland Supply Chain Initiative, with estimates detailing the generation of £6.5 million Gross Value Added (GVA) and supporting 89 job years in the Highlands and £18.3 million GVA and 267 job years in Scotland. The operational phase could support each year £0.4 million GVA and five jobs in Highland and £0.7 million GVA and 13 jobs in Scotland. In line with NPF4 Policy 11 part c, it is considered appropriate to add a planning condition which secures a Local Employment Scheme for the construction period of the development.
- 7.27 Since the original consent, the Council has published the Social Value Charter for Renewables Investment in June 2024. The applicant has submitted a supporting statement responding directly to the Charter and will need to liaise directly with the Council's Community Support and Engagement Officer and the Council's Economy and Regeneration Team. Within this the applicant reports revised figures with an expectation of £9.8 million directly into the Highland economy, also creating the equivalent of 67 full-time job years during this period. It also provides a revised operational GVA of £0.5 million for the Highlands. As the remainder of this document relates to community benefit, which is voluntary in nature, it is not documented within this Report on Handing as community benefit is not a material planning consideration.

Modification to the Timescale Direction

- 7.28 The extant consent is the subject of a time direction, which requires the development to commence within three years of the date of the permission, this expires on 5 May 2025. As detailed above the applicant has requested a further 5 year implementation period from the date of any forthcoming S42 consent. This is primarily due to the timing of the infrastructure works for the grid connection having been extended by the grid provider. There is now an anticipated grid connection date of July 2028, at the earliest.
- 7.29 Annex A of Circular 4/1998 states that the renewal of permissions before expiry of time-limits (at para 52) should "As a general rule.....[only] be refused only where:
- a) there has been some material change in planning circumstances since the original permission was granted (eg a change in some relevant planning policy for the area, or in relevant road considerations or the issue by the Government of a new planning policy which is material to the renewal application);
 - b) there is likely to be continued failure to begin the development and this will contribute unacceptably to uncertainty about the future pattern of development in the area; or
 - c) the application is premature because the permission still has a reasonable time to run."

- 7.30 In relation to part a) the change to planning policy with the introduction of NPF4 has been addressed in this report and subject to the recommended conditions the proposal is considered to comply with the policies. In relation to part b) the applicant is currently in the process of discharging conditions in relation to the existing consent and the delay appears to be the result of a delay with the associated grid infrastructure. In relation to part c) this is not considered to be a premature application as the extant consent will expire in May 2025.

Other Material Considerations

- 7.31 The applicant seeks to make minor variations to Conditions 1 (Duration of Consent), and 3(i) (Site Restoration Bond) to amend the incorrect in text cross references to condition 29, instead these should read as condition 28. In relation to condition 12 (Planning Monitoring Officer), the applicant seeks to correct minor typographical errors. These requested amendments do not change the nature or reason for the conditions and are simply administrative changes, as such it does not raise any concerns.
- 7.32 An application submitted under S42 of the Planning Act provides the Planning Authority with an opportunity, as part of the process in considering the proposed variation, to amend any, or each of the original conditions previously applied which it considers necessary to regulate the development proposed. This can ensure the wording is in line with current good practice and that the conditions are suitable to regulate the proposed development. Following consideration of the other conditions attached to the extant planning permission, it is considered that the existing conditions remain in line with current good practice and suitably regulate the proposed development.
- 7.33 The reason for the application is accepted and it is not considered that the proposed extension to the implementation period will have any environmental impacts beyond that considered under the consented scheme. The original application was made the subject of 33 planning conditions. However, it is recommended that the decision notice for the S42 application includes three additional conditions:
- Condition 34 relates to socio-economic requirements outlined under NPF4 policy 11c;
 - Condition 35 provides as per the applicants request a 5 year implementation period; and
 - Condition 36 which ensures that the development is carried out in accordance with the terms of the permission and the 2021 EIAR and 2024 SEIR.

Subject to the recommended conditions in section 11, the proposal is considered to comply with the current policy framework with the adoption of NPF4.

Non-Material Considerations

- 7.34 None raised.

8. Matters to be secured by Legal Agreement / Upfront Payment

- 8.1 As per the extant planning consent 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.

- 8.2 As per the extant planning consent decommissioning and restoration financial guarantee can be secured by condition. No legal agreement is required should consent be granted.

9. CONCLUSION

- 9.1 The Scottish Government gives considerable commitment to renewable energy and encourages planning authorities to support wind farms where it can be demonstrated that they are on suitable sites and environmental and other impacts can be appropriately mitigated. The impact of the wind farm has already been deemed to be acceptable in this location. This application seeks to amend the wording of five conditions on the Sallachy Wind Farm planning permission and a new condition which extends the time limit for implementation to 5 years.
- 9.2 Since the original consent NPF4 has been adopted. NPF4 Policy 1 demands decision makers to place significant weight to be given to the global climate and nature crisis. This is further supported by NPF4 policy 11, the intent of which is to encourage, promote and facilitate all forms of renewable energy development onshore and offshore. However, one area of notable change is that NPF4 Policy 11 Part (c) now places a greater emphasis on community socio-economic benefits. This thrust is further reflected by the Council publishing the Social Value Charter for Renewables Investment in June 2024. The applicant identifies several socio-economic benefits and subject to a new planning condition addressing this, the proposal complies with this aspect of NPF4.
- 9.3 Tackling the nature crisis is also a focus for NPF4, with policy 3, requiring developments to provide significant biodiversity enhancement. The provisions set out in the previous permission would achieve this and continue to meet current guidance. These commitments can again be secured through conditions.
- 9.4 No changes to any assessed environmental impacts are predicted in relation to the amendments sought in this Section 42 application. The Council is satisfied that environmental effects of this development can again be addressed and mitigated by way of the amended conditions. The Council has incorporated the requirement for a schedule of mitigation within the conditions of this permission. Monitoring of operational compliance has also been secured through condition. No objections been raised from any consultees or third parties.
- 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: The proposal has the ability to make a meaningful contribution toward the production of renewable energy.
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

11. **RECOMMENDATION**

Action required before decision issued: None

It is recommended to **GRANT** the application subject to the following conditions and reasons.

1. **Duration of Consent**

The Planning Permission is granted for a period of 33 years from the date of Final Commissioning, comprising an operational period of up to 30 years from the date of Final Commissioning and a period of up to 3 years for decommissioning and site restoration to be completed in accordance with a scheme to be approved under Condition 28 of this permission. Written confirmation of the Date of Final Commissioning must be provided to the planning authority no later than one calendar month after the event.

Reason: To clarify the terms of the permission as the permission sought is temporary and to define the duration of the consent.

2. **Financial Security- roads network**

There shall be no Commencement of Development until a concluded agreement in accordance with Section 96 of the Roads (Scotland) Act 1984 under which the developer is responsible for the repair of any damage to the local road network that can reasonably be attributed to construction related traffic. As part of this agreement, pre-start and post-construction road condition surveys must be carried out by the Company, to the satisfaction of the Roads Authority(s). It will also require the submission of an appropriate financial guarantee, bond or alternative form of security acceptable to the planning authority in respect of the risk of any road reconstruction works.

Reason: To ensure financial security for the protection of the road network, and for the cost incurred to repair any damage to the road network.

3. **Site Restoration Financial Guarantee**

There shall be no Commencement of Development until:

- i. Full details of a guarantee, bond or other financial provision to be put in place to cover all of the decommissioning and Site restoration measures outlined in the Decommissioning and Restoration Plan approved under Condition 28 of this permission have been submitted to, and approved in writing by, the planning authority. For the avoidance of doubt the bond must be able to be

called upon by The Highland Council and be enforceable against the operator and landowner and/ or leaseholder; and

- ii. Confirmation in writing by a suitably qualified independent professional that the amount of financial provision proposed under part (i) above is sufficient to meet the full estimated costs of all decommissioning, dismantling, removal, disposal, Site restoration, remediation and incidental work, as well as associated professional costs, has been submitted to, and approved in writing by, the planning authority; and
- iii. Documentary evidence that the guarantee, bond or other financial provision approved under parts (i) and (ii) above is in place has been submitted to, and confirmation in writing that the financial provision is satisfactory has been issued by, the planning authority.

Thereafter, the Operator, and Leaseholder and/or Landowner, shall:

- i. Ensure that the guarantee, bond or other financial provision is maintained throughout the duration of this permission; and
- ii. Pay for the guarantee, bond or other financial provision to be subject to a review five years after the commencement of development and every five years thereafter until such time as the wind farm is decommissioned and the Site restored.

Each review shall be:

- a) conducted by a suitably qualified independent professional; and
- b) published within three months of each five-year period ending, with a copy submitted upon its publication to both the landowner(s) and the Planning Authority; and
- c) approved in writing by the planning authority without amendment or, as the case may be, approved in writing by the Planning Authority following amendment to their reasonable satisfaction.

Where a review approved under part (c) above recommends that the amount of the guarantee, bond or other financial provision should be altered (be that an increase or decrease) or the framework governing the bond or other financial provision requires to be amended, the Operator, and Leaseholder and/or Landowner shall do so within one month of receiving that written approval, or another timescale as may be agreed in writing by the planning authority, and in accordance with the recommendations contained therein.

Reason: To ensure financial security for the cost of the restoration of the site to the satisfaction of the Planning Authority.

4. Road Mitigation

No development shall commence on site until a detailed scheme for the following mitigation (including scale plans as necessary), inclusive of timescales for delivery has been submitted to, and approved in writing by, the Planning Authority:

- i. Widening of the A838 to a minimum width of 3.5m, a full width surface course overlay (with regulating to achieve appropriate camber and crossfall) to enhance structural integrity and provision. The scheme for widening shall be based on current topographical surveys and shall include any necessary road drainage to allow the safe transport of the wind farm components. For the avoidance of doubt unless a greater width is required and agreed such as at passing places, junctions or for curve widening the width of permanent surfacing provided for the single track carriageway sections of the local road network shall be 3.5m. For two lane sections the width shall be a minimum of 6m. Any additional running width for the abnormal load movements shall be provided by strengthening of the verges and provision of a temporary running course. Within three months of completion of the abnormal load movements for the development the verges shall be reinstated;
- ii. Widening works at junctions on the abnormal load route to remove horizontal and vertical constraints on the network for the delivery of turbine components and abnormal loads. The widening works at junctions shall be based on current topographical surveys and shall include any necessary road drainage to allow the safe transport of the wind farm components. Provision of an engineering assessment of the carriageway strength of the proposed HGV construction traffic routes and their suitability to support the significant increase in loading for all the proposed HGV construction traffic routes where the increase in HGV usage above existing HGV flows is greater than 10%. A scheme to provide suitable full width strengthening and any necessary reshaping of the carriageway based on any shortfall identified in the agreed assessment;
- iii. Details for the provision of a minimum of least 27 improved passing places on the A838 in a form which is suitably sized for heavy goods vehicles in line with the specifications set out in the Roads and Transportation Guidelines for New Developments;
- iv. Details of Provision of road markings and signage to accompany the proposed works;

Thereafter the upgrades and other work approved under parts i-iv above shall be completed to the satisfaction of the Planning Authority before commencement of construction, or as otherwise agreed in writing with the Planning Authority.

Reason: To increase the structural integrity of the road to ensure that it is adequate to serve this development and to address the cumulative change in character of the existing road network as a result of this development and in the interests of road safety.

5. Access Junction

No development or works shall commence until the detailed design of the access junction, visibility splays, road markings and its associated infrastructure and signage has been submitted to and approved in writing by the Planning Authority.

Reason: In the interests of safe access and egress from the site.

6. Design and operation of turbines

No turbines shall be erected until details of the proposed wind turbines have been submitted to, and approved in writing by, the planning authority. These details shall include:

- i. The make, model, design, power rating and sound power levels of the turbines to be used;
- ii. The external colour and/or finish of the turbines to be used (including towers, nacelles and blades) which should be non-reflective pale grey semi-matt; and
- iii. The turbines must have internal transformers.

Thereafter, development shall progress in accordance with these approved details and, with reference to part ii above, the turbines shall be maintained in the approved colour, free from external rust, staining or discolouration, until such time as the wind farm is decommissioned.

Reason: To ensure that only the turbines as approved are used in the development and are acceptable in terms of visual, landscape, noise and environmental impact considerations.

7. Advertisement on Infrastructure

None of the wind turbines, anemometers, power performance masts, switching stations or transformer buildings / enclosures, ancillary buildings or above ground fixed plant shall display any name, logo, sign or other advertisement (other than health and safety signage) unless otherwise approved in advance in writing by the Planning Authority.

Reason: To in the interests of the visual amenity of the area and compliance with Town and Country Planning (control of advertisements) (Scotland) regulations 1984.

8. Design of ancillary development

No development shall commence on the control building, substation and or ancillary infrastructure until final details of the location, layout, external appearance, dimensions and surface materials of all buildings, compounds, parking areas, battery storage, as well as any external lighting, fencing, walls, paths and any other ancillary elements of the development, have been submitted to, and approved in writing by, the planning authority. Thereafter, development shall progress in accordance with these approved details.

Reason: To ensure that all ancillary elements of the development are acceptable in terms of visual, landscape, noise and environmental impact considerations.

9. Micro-siting

All wind turbines, buildings, masts, areas of hardstanding and tracks shall be constructed in the location shown on Environmental Impact Assessment Figure 1.2, received 1 April 2021. Wind turbines, buildings, masts, areas of hardstanding and tracks may be adjusted by micro-siting within the site. However, unless otherwise approved in advance in writing by the Planning Authority (in consultation with SEPA and NatureScot, micro-siting is subject to the following restrictions:

- a. No wind turbine foundation shall be positioned higher, when measured in metres Above Ordinance Datum (AOD), than the position shown on Figure 1.2 (EIAR);
- b. No wind turbine, building, mast or hardstanding shall be moved more than 50m from the position shown on the original approved plans;
- c. No access track shall be moved more than 50m from the position shown on the original approved plans or be located within areas of peat of greater depth than the original location;
- d. Micro-siting shall take place to avoid sensitive peatland habitat;
- e. No micro-siting shall take place within areas hosting Ground Water Dependent Terrestrial Ecosystems;
- f. No wind turbine or associated infrastructure will be located in peat depths greater than 1m;
- g. No element of the proposed development should be located closer than 50m to the top of the bank of any watercourse; and
- h. All micro-siting permissible under this condition must be approved in advance in writing by the Environmental Clerk of Works (ECoW).

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

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

10. Borrow Pit Search Area – Scheme of Works

No development shall commence until a site specific scheme for the working and restoration of any borrow pit forming part of the Development has been submitted to and approved in writing by the Planning Authority in consultation with SEPA. The scheme shall include;

- a. A detailed prioritisation plan for any borrow pit on site;
- b. A detailed working method statement based on site survey information and ground investigations;
- c. Details of the handling of any overburden (including peat, soil and rock);
- d. Drainage, including measures to prevent surrounding areas of peatland, water dependant sensitive habitats and Ground Water Dependant Terrestrial Ecosystems (GWDTE) from drying out;

- e. A programme of implementation of the works described in the scheme; and
- f. Full details of the reinstatement, restoration and aftercare of the borrow pit(s) at the end of the construction period, to include topographic surveys of preconstruction profiles, and details of topographical surveys to be undertaken of the restored borrow pit profiles.

The approved scheme shall thereafter be implemented in full.

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 that the mitigation measures contained in the Environmental Statement accompanying the application, or as otherwise agreed, are fully implemented. To secure the restoration of borrow pit(s) at the end of the construction period.

11. Borrow Pit – Blasting

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 national public holidays, unless otherwise approved in advance in writing by the planning authority.

Ground vibration from blasting shall not exceed a peak particle velocity of 6mm/second at agreed blasting monitoring locations. The measurement shall be the maximum of three mutually perpendicular directions taken at the ground surface.

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

12. Planning Monitoring Officer (PMO)

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

- a. Impose a duty to monitor compliance with the terms of the planning permission and conditions attached to it;
- b. Require the PMO to submit a monthly report to the Planning Authority summarising works undertaken on site; and
- c. Require the PMO to report to the Planning Authority any incidences of noncompliance with the terms of the terms of the planning permission and conditions attached to this consent at the earliest practical opportunity.

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

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

13. Ecological Clerk of Works

There shall be no Commencement of Development unless the Planning Authority has approved in writing the terms of appointment by the Company of an independent Ecological Clerk of Works (ECoW) in consultation with NatureScot and SEPA. The terms of appointment shall;

- a. Impose a duty to monitor compliance with the ecological and hydrological commitments provided in the environmental statement and other information lodged in support of the application, the Construction and Environmental Management Plan, the Habitat Management Plan approved in accordance with condition 18, [any species or habitat management plans identified in the Environmental Statement] and other plans approved (“the ECoW works”);
- b. Require the EcoW to report to the Company’s nominated construction project manager any incidences of non-compliance with the ECoW works at the earliest practical opportunity;
- c. Require the ECoW to submit a monthly report to the Planning Authority summarising works undertaken on site;
- d. Have power to stop to the job / activities being undertaken within the development site when ecological interests dictate and/or when a breach or potential breach of environmental legislation occurs to allow for a briefing of the concern to the Company’s nominated construction project manager; and
- e. Require the ECoW to report to the Planning Authority any incidences of noncompliance with the ECoW Works at the earliest practical opportunity.

The EcoW shall be appointed on the approved terms throughout the period from Commencement of Development, throughout any period of construction activity and during any period of post construction restoration works approved.

No later than 18 months prior to decommissioning of the Development or the expiration of this consent (whichever is the earlier), the Company shall submit details of the terms of appointment by the Company of an independent ECoW throughout the decommissioning, restoration and aftercare phases of the Development to the Planning Authority for approval in consultation with NatureScot and SEPA. The ECoW shall be appointed on the approved terms throughout the decommissioning, restoration and aftercare phases of the Development.

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

14. Construction Environmental Management Document

No development shall commence until a finalised Construction Environmental Management Document is submitted to and agreed in writing by the Planning Authority in consultation with SEPA and other appropriate consultees as appropriate. The document shall include provision for:

- a. An updated Schedule of Mitigation (SM);
- b. Processes to control / action changes from the agreed Schedule of Mitigation; and
- c. The following specific Construction and Environmental Management Plans (CEMPs):

- I. Details of the construction works, construction methods and surface treatment for all hard surfaces and tracks;
- II. Method of construction of the crane pads;
- III. Method of construction of the turbine foundations;
- IV. Method of working cable trenches;
- V. Method of construction and erection of the wind turbines;
- VI. Details of watercourse crossings designed to 1 in 200 year flood risk event plus 20% for climate change;
- VII. Details of the temporary site compounds, for the storage of materials and machinery, including the areas designated for offices, welfare facilities; fuel storage and car parking;
- VIII. Peat Management Plan – to include details of all peat stripping, excavation, storage and reuse of material in accordance with best practice advice published by SEPA and NatureScot. This should also highlight how sensitive peat areas are to be marked out on-site to prevent any vehicle causing inadvertent damage;
- IX. Water Quality Management Plan - highlighting drainage provisions including monitoring / maintenance regimes, water crossings, surface water drainage management (SUDs) and development and storage of material buffers (50m minimum) from water features, unless otherwise agreed in writing by SEPA and The Highland Council's Flood Risk Management Team;
- X. Public and Private Water Supply Protection Measures Plan;
- XI. Pollution Prevention Plan;
- XII. Site Waste Management Plan;
- XIII. Construction Noise Mitigation Plan; and
- XIV. Species Protection Plan(s): - including badger, bat, otter, water vole and reptile.

The pre construction survey for legally protected species is carried out at an appropriate time of year for the species, at a maximum of 12 months preceding commencement of construction, and that a watching brief is then implemented by the Ecological Clerk of Works (ECOW) during construction. The species that should be surveyed for include, but are not limited to, breeding birds, bat, badger, electrofishing surveys, otter, reptiles and water vole for example.

Provision of a communication plan to ensure all contractors are aware of the possible presence of protected species frequenting the site and the laws relating to their protection;

The notification and a stop the job commitment requirements set out below:

Should an otter holt be found during construction, all works within 250m of the holt shall stop immediately and the NatureScot Golspie office be notified and asked for advice.

Should any water vole activity be found during construction, all works within 10m of the nearest burrow shall stop. Work may progress if it is

in excess of 10m of the nearest burrow, otherwise work shall stop immediately and the NatureScot Golspie office be notified and asked for advice.

- XV. Site Construction Decommissioning Method Statement highlighting 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. 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;
- XVI. Construction Method Statement for the approval of the Planning Authority in consultation with NatureScot and SEPA incorporating the mitigation measures set out in the Peat Landslide Hazard and Risk Assessment; and
- XVII. A Construction Environment Management Plan incorporating appropriate mitigation for the Ground Water Dependent Terrestrial Ecosystems as outlined in the EIAR Chapter 7 and Chapter 15.

Unless otherwise agreed in writing by the Planning Authority the development shall then proceed in accordance with the approved CEMD.

Reason: To secure the final detailed information on the delivery of all on-site mitigation projects and to protect the environment from the construction and operation of the development.

15. Traffic Management Plan

No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to, and approved by, the Planning Authority in consultation with the relevant Roads Authority(s), Transport Scotland and Scottish and Southern Electricity Networks Transmission. The CTMP, which shall be implemented as approved during all period of construction, must include:

- i. A schedule of structures on the local road network which form part of the HGV construction traffic routes and the abnormal load traffic routes which require structural assessment to be carried out;
- ii. A load assessment of the A838 structures, which shall include an assessment of any and all loads which will be transported (inclusive of construction vehicles, plant and machinery) which may be used in the construction of the development;
- iii. A description of all measures to be implemented by the developer in order to manage traffic during the construction phase (incl. routing strategies), with any additional or temporary signage and traffic control undertaken by a recognised suitably qualified traffic management consultant;
- iv. A scheme of mitigation to safeguard the safety and the condition of the structures during the period of construction traffic has been submitted to and agreed in writing by the Planning Authority. The scheme of mitigation shall be informed by the load assessment and it shall include a pre-start inspection; arrangements for undertaking

regular inspection of the structures; arrangements for reporting any deterioration and for carrying out maintenance due to the extraordinary level of traffic; consideration of Traffic Management measures for Heavy Goods Vehicles during construction of the development; and details of any necessary works to the bridge and the road over the bridge and the immediate approach to the bridge in order to facilitate the safe passage of the proposed construction traffic.

v. The identification and delivery of all upgrades to the public road network, including but not limited to upgrades to the local and trunk road network to make it suitable for construction traffic, to ensure that it is to a standard capable of accommodating construction related traffic (including the formation or improvement of any junctions leading from the site to the public road) to the satisfaction of the Roads Authorities, including;

- i. A detailed review of the routes to site for general construction traffic;
- ii. No access for construction traffic shall be taken along the public road at Duchally;
- iii. A high-level review of the access route from the proposed Port of Entry;
- iv. An initial route assessment report for abnormal loads and construction traffic, including swept path analysis and details of the movement of any street furniture, any traffic management measures and any upgrades and mitigations measures as necessary;
- v. An assessment of the capacity of existing bridges and other structures along the construction access routes to cater for all construction traffic, with upgrades and mitigation measures proposed and implemented as necessary;
- vi. A videoed trial run to confirm the ability of the local road network to cater for turbine delivery. Three weeks notice of this trial run must be made to the local Roads Authority who must be in attendance;
- vii. No deliveries by abnormal indivisible loads shall take place until a final assessment of the capacity of existing bridges and structures along the abnormal indivisible load delivery route is carried out and submitted to and approved by the Planning Authority and full engineering details and drawings of any works required to such structures to accommodate the passage of abnormal indivisible loads have been submitted to and approved by the planning authority, thereafter the approved works shall be completed prior to the abnormal indivisible load deliveries to the site.

vi. A risk assessment for the transportation of abnormal loads to site during daylight hours and hours of darkness;

vii. A contingency plan prepared by the abnormal load haulier. The plan shall be adopted only after consultation and agreement with the Police and the respective roads authorities. It shall include measures to deal with any haulage incidents that may result in public roads becoming temporarily closed or restricted;

viii. A procedure for the regular monitoring of road conditions and the implementation of any remedial works required during the construction period;

ix. A detailed protocol for the delivery of abnormal loads/vehicles, prepared in consultation and agreement with interested parties. 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. All such movements on Council maintained roads shall take place outwith peak times on the network, including school travel times, and shall avoid local community events;

x. A detailed delivery programme for abnormal load movements, which shall be made available to Highland Council and community representatives;

xi. Details of any upgrading works required at the junction of the site access and the public road. Such works may include suitable drainage measures, improved geometry and construction, measures to protect the public road and the provision and maintenance of appropriate visibility splays;

xii. Details of appropriate traffic management which shall be established and maintained at the site access for the duration of the construction period. Full details shall be submitted for the prior approval of Highland Council, as roads authority;

xiii. Wheel washing measures to ensure water and debris are prevented from discharging from the site onto the public road;

xiv. Appropriate reinstatement works shall be carried out, as required by Highland Council, at the end of the turbine delivery and erection period;

xv. Measures to ensure that construction traffic adheres to agreed routes;

xvi. A concluded agreement in accordance with Section 96 of the Roads (Scotland) Act 1984 under which the developer is responsible for the repair of any damage to the local road network that can reasonably be attributed to construction related traffic. As part of this agreement, pre-start and postconstruction road condition surveys must be carried out by the developer, to the satisfaction of the Roads Authority(s). It will also require the submission of an appropriate financial bond acceptable to the Council in respect of the risk of any road reconstruction works.

Thereafter the approved scheme of mitigation shall be implemented to the satisfaction of the Planning Authority.

Reason: To maintain safety for road traffic and ensure the structural integrity of the structures on the road is adequate to serve this development and to address the cumulative change in character of the existing road network as a result of this development and in the interests of road safety.

16. Community Liaison Group

No development shall commence until a community liaison group is established by the developer, in collaboration with The Highland Council and affected local Community Councils. The group shall act as a vehicle for the community to be kept informed of project progress and, in particular, should allow advanced dialogue on the provision of all transport-related mitigation measures and to keep under review the timing of the delivery of turbine components. This should also ensure that local events and tourist seasons are considered and appropriate measures to co-ordinate

deliveries and work with these and any other major projects in the area to ensure no conflict between construction traffic and the increased traffic generated by such events / seasons / developments. The liaison group, or element of any combined liaison group relating to this development, shall be maintained until the wind farm construction has been completed and is fully operational.

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

17. Outdoor Access Management Plan

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

Reason: In the interests of securing and enhancing public access rights.

18. Habitat Management Plan

There shall be no Commencement of Development unless a habitat management plan has been submitted to and approved in writing by the Planning Authority in consultation with NatureScot and SEPA. The habitat management plan be based on the principles of the outlined Habitat Management Plan (Appendix 7.6 February 2021) shall set out proposed habitat management of the wind farm site during the period of construction, operation, decommissioning, restoration and aftercare of the site, and shall provide for the maintenance, monitoring and reporting of sward height across any permanent, long term, open areas that are within 500m of wind turbines.

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

Unless otherwise agreed in advance in writing with the Planning Authority, the approved habitat management plan shall be implemented in full.

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

19. Deer Management Statement

No development shall commence until a deer management statement has been submitted to and approved in writing by the Planning Authority in consultation with NatureScot. The deer management statement shall set out proposed long term management of deer using the wind farm site and shall provide for the monitoring of deer numbers on site from the period from Commencement of Development until the date of completion of restoration.

The approved deer management statement shall thereafter be implemented in full.

Reason: In the interests of good land management and the management of deer.

20. Trees

No trees within the application site, shall be cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way, without the prior written permission of the Planning Authority.

Reason: In order to ensure the protection of retained trees, which are important amenity assets, during construction.

21. Peat Landslide Management

No development shall commence until a detailed peat landslide risk assessment, addressing construction phase of the development and post-construction monitoring, has been approved in writing by the Planning Authority.

The peat landslide risk assessment shall comply with best practice contained in "Peat Landslide Hazard and Risk Assessments: Best Practice Guide for Proposed Electricity Generation Developments" published by the Scottish Government in January 2007, or such replacement standard as may be in place at the time of submission of the peat landslide risk assessment for approval. The peat landslide risk assessment shall include a scaled plan and details of any mitigation measures to be put in place.

The approved peat landslide risk assessment shall thereafter be undertaken in full prior to Commencement of Development.

Prior to Commencement of Development, the Company shall appoint and pay for an independent and suitably qualified geotechnical engineer acceptable to the Planning Authority, the terms of whose appointment (including specification of duties and duration of appointment) shall be approved by the Planning Authority.

The Company shall undertake continuous monitoring of ground conditions during the construction and deforestation phases of the Development. Continuous analysis and call out services shall be provided by the geotechnical engineer throughout the construction phase of the Development. If a risk of peat failure is identified, the Company shall install such geotechnical instrumentation to monitor ground conditions as is recommended by the geotechnical engineer and shall monitor ground conditions. Any remediation work considered necessary by the geotechnical engineer shall be implemented by the Company to the satisfaction of the geotechnical engineer. Monitoring results shall be fed into risk analysis reports to be submitted to the planning authority on a quarterly basis during the construction and deforestation phases of the Development.

Reason: To minimise the risk of peat failure arising from the Development.

22. Shadow Flicker

No development shall commence until a scheme for the avoidance or mitigation of any shadow flicker experienced by residential and commercial properties situated

within 11 rotor diameters of any turbine forming part of the Development and which lawfully exist or for which planning permission has been granted at the date of this consent has been submitted to and approved in writing by the Planning Authority. The approved mitigation scheme shall thereafter be implemented in full.

Reason: To offset impacts of shadow flicker on residential and commercial property amenity.

23. Television Reception

There shall be no Commencement of Development unless a Television Reception Mitigation Plan has been submitted to, and approved in writing by, the Planning Authority. The Television Reception Mitigation Plan shall provide for a baseline television reception survey to be carried out prior to the installation of any turbine forming part of the Development, the results of which shall be submitted to the Planning Authority.

For the avoidance of doubt the scheme shall include, but not be limited to:

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

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

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

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

24. Private Water Supplies

No development shall commence until a method statement has been submitted to and approved in writing by the Planning Authority, detailing all mitigation measures to be delivered to secure the quality, quantity and continuity of water supplies to properties which are served by private water supplies at the date of this consent and which may be affected by the Development. The method statement shall include detailed water quality sampling methods and shall specify abstraction points. The approved method statement shall thereafter be implemented in full.

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

25. Redundant turbines

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

- i. any wind turbine installed and commissioned fails to supply electricity on a commercial basis to the grid for a continuous period of 12 months, then unless otherwise agreed, the wind turbine, along with any ancillary equipment, fixtures and fittings not required in connection with retained turbines, shall, within 9 months of the end of the said continuous 12 month period, be dismantled and removed from the site and the surrounding land fully reinstated in accordance with this condition; or
- ii. the wind farm fails to supply electricity on a commercial basis to the grid from 50% or more of the wind turbines installed and commissioned and for a continuous period of 12 months, then the Wind Farm Operator must notify the Planning Authority in writing immediately. Thereafter, the Planning Authority will direct in writing that the wind farm shall be decommissioned and the application site reinstated in accordance with this condition. For the avoidance of doubt, in making a direction under this condition, the Planning Authority shall have due regard to the circumstances surrounding the failure to generate and shall only do so following discussion with the Wind Farm Operator and such other parties as they consider appropriate.

Paragraph (i) and (ii) shall not apply if such outages are out with the operator's control or as a consequence of any emergency or requirement of National Grid. In these instances the planning authority shall be informed of the turbine shutdowns, reasons for the turbine shut downs and timescales for the outages within 5 working days of the turbines being switched off.

All decommissioning and reinstatement work required by this condition shall be carried out in accordance with the approved detailed Decommissioning and Reinstatement Plan (DRP), or, should the detailed DRP not have been approved at that stage, other decommissioning and reinstatement measures, based upon the principles of the approved draft DRP, as may be specified in writing by the Planning Authority.

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

26. Aviation Safety

No development shall commence until the Company has provided the Planning Authority, Ministry of Defence, Defence Geographic Centre and NATS with the

following information, and has provided evidence to the Planning Authority of having done so:

- the date of the expected commencement of each stage of construction;
- the height above ground level of the tallest structure forming part of the Development;
- the maximum extension height of any construction equipment; and

the position of the turbines and masts in latitude and longitude.

Reason: In the interests of aviation safety.

27. Aviation Lighting

No development shall commence until the Company has submitted a scheme for aviation lighting for the wind farm to the Planning Authority for written approval. The scheme shall include details of infra-red aviation lighting to be applied. No lighting other than that described in the scheme may be applied at the site, other than as required for health and safety, unless otherwise agreed in advance and in writing by the Planning Authority.

No turbines shall be erected on site until the scheme has been approved in writing. The Development shall thereafter be operated fully in accordance with the approved scheme.

Reason: In the interests of aviation safety.

28. Site Decommissioning, Restoration and Aftercare

No development or works (excluding preliminary ground investigation which shall be permitted) shall commence until an Interim Decommissioning and Restoration Plan (IDRP) for the site has been submitted to, and approved in writing by, the Planning Authority in consultation with SEPA. Thereafter:

- i. not later than 3 years prior to the decommissioning of the Development, the IDRP shall be reviewed by the Developer, to ensure that the IDRP reflects best practice in decommissioning prevailing at the time and ensures that site specific conditions, identified during construction of the site, and subsequent operation and monitoring of the Development are given due consideration. A copy shall be submitted to the Planning Authority for its written approval, in consultation with NatureScot and SEPA; and
- ii. not later than 12 months prior to the decommissioning of the Development, a detailed Decommissioning and Restoration Plan (DRP), based upon the principles of the approved interim plan, shall be submitted to, and approved in writing by, the Planning Authority, in consultation with NatureScot and SEPA.

The IDRP and subsequent DRP shall include, unless otherwise agreed in writing with the Planning Authority and in accordance with legislative requirements and published best practice at time of decommissioning details about the removal of all elements of the Development, relevant access tracks and all cabling, including where necessary details of (a) justification for

retention of any relevant elements of the Development, b) the treatment of disturbed ground surfaces, c) management and timing of the works, d) environmental management provisions and e) a traffic management plan to address any traffic impact issues during the decommissioning period. The DRP shall be implemented as approved. In the event that the Final DPR is not approved by The Highland Council in advance of the decommissioning, unless otherwise agreed by the Planning Authority the Interim IDRPs shall be implemented.

Reason: To ensure that all wind turbines and associated Development are removed from site should the wind farm become largely redundant; in the interests of safety, amenity and environmental protection.

29. Water Quality and Fish Population Monitoring

No Development shall commence until an integrated hydrochemical and macroinvertebrate scheme for water quality monitoring and monitoring fish populations has been submitted to and approved in writing by the planning authority.

This shall include, but not necessarily be limited to:

- i. Frequency of monitoring, not less than once a month;
- ii. Reporting mechanism to the Planning Authority, Marine Scotland and SEPA being not less than quarterly;
- iii. Proposed method for agreeing mitigation required.

Thereafter, any mitigation identified shall be implemented.

Reason: In the interests of water quality management and protection and enhancement of the water environment.

30. Sustainable Drainage Systems

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

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

31. Noise

The rating level of noise immissions 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 35dB LA90 at any noise sensitive location existing at the time of consent and:

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

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

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

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

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

- D. Prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with these conditions, the wind farm operator shall submit to the Local Authority for written approval a proposed assessment protocol setting out the following:
 - i) the range of meteorological and operational conditions (the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise 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 Local Authority under paragraph (B), and such others as the independent consultant considers necessary to fully assess the noise at the complainant's property. The assessment of the rating level of noise immissions shall be undertaken in accordance with the assessment protocol approved in writing by the Local Authority and the attached Guidance Notes.

- E. The wind farm operator shall provide to the Local Authority the independent consultant's assessment of the rating level of noise immissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Local Authority made under paragraph (B) of this condition unless the time limit is extended in writing by the Local Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Local Authority with the independent consultant's assessment of the rating level of noise immissions.
- F. Where a further assessment of the rating level of noise immissions from the wind farm is required pursuant to Guidance Note 4(c) of the attached Guidance Notes, the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph (E) above unless the time limit for the submission of the further assessment has been extended in writing by the Local Authority.
- G. The wind farm operator shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1(d) of the attached Guidance Notes. The data from each wind turbine shall be retained for a period of not less than 24 months. The wind farm operator shall provide this information in the format set out in Guidance Note 1(e) of the attached Guidance Notes to the Local Authority on its request within 14 days of receipt in writing of such a request.
- H. Where it is proposed to operate any turbine in a reduced running mode in order to meet the limits, no turbine shall be erected until a curtailment plan for the turbines has been submitted and approved in writing by the local planning authority. The curtailment plan shall demonstrate how the limits will be complied with and shall include the following:
 - i. Definition of each noise reduced running mode including sound power data;
 - ii. The wind conditions (speed & direction) at which any noise reduced running mode will be implemented;

- iii. Details of the manner in which the running modes will be defined in the SCADA data or how the implementation of the curtailment plan can be otherwise monitored and evidenced.

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

- I. Prior to the First Export Date, the wind farm operator shall submit to the Local Authority for written approval, a scheme of mitigation to be implemented in the event that the rating level, after adjustment for background noise contribution and any tonal penalty, is found to exceed the conditioned limits. The scheme shall define any reduced noise running modes to be used in the mitigation together with sound power levels in these modes and the manner in which the running modes will be defined in the SCADA data.
- J. The scheme referred to in paragraph I above should include a framework of immediate and long term mitigation measures. The immediate mitigation measures must ensure the rating level will comply with the conditioned limits and must be implemented within seven days of the further assessment described in paragraph F being received by the Local Authority. These measures must remain in place, except during field trials to optimise mitigation, until a long term mitigation strategy is ready to be implemented.

Guidance Notes for Noise Condition

These notes are to be read with and form part of the noise condition. They further explain the condition and specify the methods to be employed in the assessment of complaints about noise 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 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated before and after each set of measurements, using a calibrator meeting BS EN 60945:2003 "Electroacoustics – sound calibrators" Class 1 with PTB Type Approval (or the equivalent UK adopted standard in force at the time of the measurements) and the results shall be recorded. Measurements shall be undertaken in such

a manner to enable a tonal penalty to be calculated and applied in accordance with Guidance Note 3.

- b) The microphone shall be mounted at 1.2 - 1.5 metres above ground level, fitted with a two-layer windshield or suitable equivalent approved in writing by the Local Authority, and placed outside the complainant's dwelling. Measurements should be made in "free field" conditions. To achieve this, the microphone shall be placed at least 3.5 metres away from the building facade or any reflecting surface except the ground at the approved measurement location. In the event that the consent of the complainant for access to his or her property to undertake compliance measurements is withheld, the wind farm operator shall submit for the written approval of the Local Authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements shall be undertaken at the approved alternative representative measurement location.
- c) The LA90,10-minute measurements should be synchronised with measurements of the 10-minute arithmetic mean wind speed and wind direction data and with operational data logged in accordance with Guidance Note 1(d) and rain data logged in accordance with Note 1(f).
- d) To enable compliance with the conditions to be evaluated, the wind farm operator shall continuously log arithmetic mean wind speed in metres per second and wind direction in degrees from north at hub height for each turbine, arithmetic mean power generated by each turbine and any data necessary to define the running mode as set out in the Curtailment Plan, all in successive 10-minute periods. Unless an alternative procedure is previously agreed in writing with the Planning Authority, this hub height wind speed, averaged across all operating wind turbines, shall be used as the basis for the analysis. Each 10 minute arithmetic average mean wind speed data as measured at turbine hub height shall be 'standardised' to a reference height of 10 metres as described in ETSU-R-97 at page 120 using a reference roughness length of 0.05 metres. It is this standardised 10 metre height wind speed data which is correlated with the noise measurements determined as valid in accordance with Note 2(b), such correlation to be undertaken in the manner described in Note 2(c). All 10-minute periods shall commence on the hour and in 10-minute increments thereafter synchronised with Greenwich Mean Time and adjusted to British Summer Time where necessary.
- e) Data provided to the Local Authority shall be provided in comma separated values in electronic format with the exception of data collected to assess tonal noise (if required) which shall be provided in a format to be agreed in writing with the Local Authority.
- f) A data logging rain gauge shall be installed in the course of the independent consultant undertaking an assessment of the level of noise immissions. The gauge shall record over successive 10-minute periods synchronised with the periods of data recorded in accordance with Note 1(d). The wind farm operator shall submit details of the proposed location of the data logging rain gauge to the Local Authority prior to the commencement of measurements.

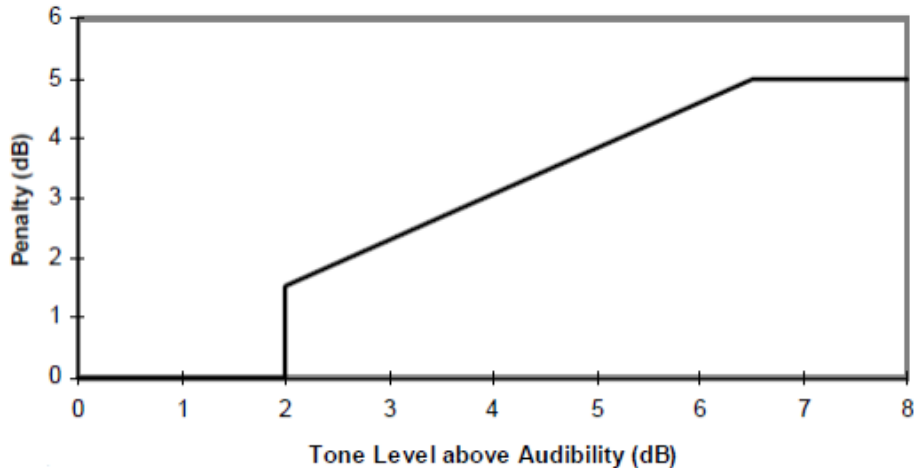
Note 2

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

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

Note 3

- a) Where, in accordance with the approved assessment protocol noise 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 $\pm 0.5\text{m/s}$ of each integer wind speed. If there is no apparent trend with wind speed then a simple arithmetic mean shall be used. This process shall be repeated for each integer wind speed for which there is an assessment of overall levels in Note 2.
- f) The tonal penalty is derived from the margin above audibility of the tone according to the figure below derived from the average tone level above audibility for each integer wind speed.



Note 4

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

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

- iii. The rating level shall be re-calculated by adding the tonal penalty (if any is applied in accordance with Note 3) to the derived wind farm noise L_1 at that integer wind speed.

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

Reason: In the interest of amenity.

32. Ornithological Monitoring

No development shall commence until the Planning Authority has approved in writing a scheme for the ongoing monitoring of Ornithology, including flight paths within and adjacent to the wind farm site. This shall include regular reporting to NatureScot and RSPB of the findings of the monitoring.

Reason: To enable the flight patterns of birds to be suitably monitored.

33. Biodiversity

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

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

34. Socio-Economic Benefit

Prior to the Commencement of Development, a Local Employment Scheme for the construction of the development shall be submitted to and agreed in writing by the Planning Authority. The submitted Scheme shall make reference to the Environmental Impact Assessment Report (EIAR) undertaken for this development, received April 2021 and the Supporting Environmental Information Report (SEIR), received September 2024. The Scheme shall include the following:

a) details of how the initial staff/employment opportunities at the development will be advertised and how liaison with the Council and other local bodies will take place in relation to maximising the access of the local workforce to information about employment opportunities;

b) details of how sustainable training opportunities will be provided for those recruited to fulfil staff/employment requirements including the provision of apprenticeships or an agreed alternative;

c) a procedure setting out criteria for employment, and for matching of candidates to the vacancies;

d) measures to be taken to offer and provide college and/or work placement opportunities at the development to students within the locality;

e) details of the promotion of the Local Employment Scheme and liaison with contractors engaged in the construction of the development to ensure that they also apply the Local Employment Scheme so far as practicable having due regard to the

need and availability for specialist skills and trades and the programme for constructing the development;

f) a procedure for monitoring the Local Employment Scheme and reporting the results of such monitoring to the Council; and

g) a timetable for the implementation of the Local Employment Scheme.

Thereafter, the development shall be implemented in accordance with the approved scheme.

Reason: In order to ensure compliance with NPF4 Policy 11c) and to maximise the local socio-economic benefits of the development to the wider community. To make provision for publicity and details relating to any local employment opportunities.

35. Implementation Timescale

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(1)(b) of the Town and Country Planning (Scotland) Act 1997 (as amended).

36. Implementation in Accordance with the Approved Plans

For the avoidance of doubt and unless otherwise amended by the terms of this permission, the development shall be undertaken in accordance with the application including:

- a) the Environmental Impact Assessment (EIA) undertaken for this development (Sallachy Wind Farm), including the Schedule of Mitigation, received April 2021;
- b) the approved drawings listed within the EIAR, received April 2021;
- c) the Supporting Environmental Information Report (SEIR) undertaken for this development (Sallachy Wind Farm), received September 2024; and
- d) the approved drawings listed within the SEIR, received September 2024.

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

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.

Signature: Dafydd Jones
Designation: Area Planning Manager North
Author: Peter Wheelan
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - Figure 1 Site Location Version 1.0 received 27.09.2024
Plan 2 - Figure 1.2 Site Layout Version 1.0 received 01.04.2021

Appendix 1 – Existing wording of condition on 21/01615/FUL and the applicants wording proposed by this Section 42 planning application.

	Existing 21/01615/FUL wording for condition 1 (Duration of Consent)
A.1.1	The Planning Permission is granted for a period of 33 years from the date of Final Commissioning, comprising an operational period of up to 30 years from the date of Final Commissioning and a period of up to 3 years for decommissioning and site restoration to be completed in accordance with a scheme to be approved under Condition 29 of this permission. Written confirmation of the Date of Final Commissioning must be provided to the planning authority no later than one calendar month after the event.
	Applicants proposed wording for condition 1 (deletion of cross reference to condition 29 and insertion of condition 28)
A.1.2	The Planning Permission is granted for a period of 33 years from the date of Final Commissioning, comprising an operational period of up to 30 years from the date of Final Commissioning and a period of up to 3 years for decommissioning and site restoration to be completed in accordance with a scheme to be approved under Condition 28 of this permission. Written confirmation of the Date of Final Commissioning must be provided to the planning authority no later than one calendar month after the event.
	Existing 21/01615/FUL wording for condition 3 (Financial Guarantee) (only part i, is affected by this s42 application)
A.1.3	There shall be no Commencement of Development until: i. Full details of a guarantee, bond or other financial provision to be put in place to cover all of the decommissioning and Site restoration measures outlined in the Decommissioning and Restoration Plan approved under Condition 29 of this permission have been submitted to, and approved in writing by, the planning authority. For the avoidance of doubt the bond must be able to be called upon by The Highland Council and be enforceable against the operator and landowner and/or leaseholder; and
	Applicants proposed wording for condition 3 (deletion of cross reference to condition 29 and insertion of condition 28)
A.1.4	There shall be no Commencement of Development until: i. Full details of a guarantee, bond or other financial provision to be put in place to cover all of the decommissioning and Site restoration measures outlined in the Decommissioning and Restoration Plan approved under Condition 28 of this permission have been submitted to, and approved in writing by, the planning authority. For the avoidance of doubt the bond must be able to be called upon by The Highland Council and be enforceable against the operator and landowner and/or leaseholder; and
	Existing 21/01615/FUL wording for condition 12 (Planning Monitoring Officer)

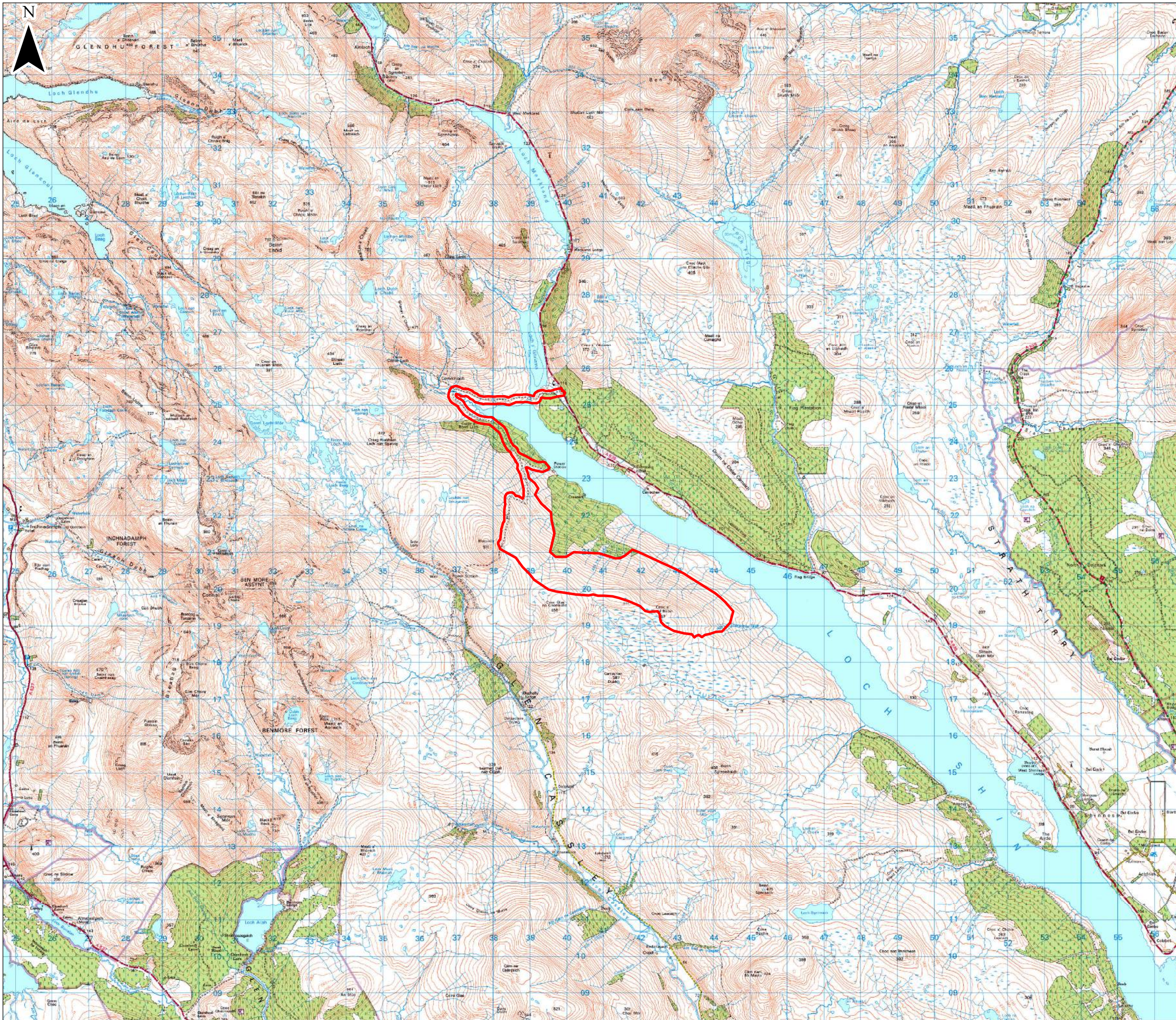
A.1.5	<p>12. No development shall commence until the Planning Authority has approved in writing the terms of appointment by the Company of an independent and suitably qualified environmental consultant to assist the Planning Authority in monitoring compliance with the terms of the deemed planning permission and conditions attached to this consent ("PMO"). The terms of appointment shall;</p> <ul style="list-style-type: none"> a. Impose a duty to monitor compliance with the terms of the deemed planning permission and conditions attached to this consent; b. Require the PMO to submit a monthly report to the Planning Authority summarising works undertaken on site; and c. Require the PMO to report to the Planning Authority any incidences of non-compliance with the terms of the terms of the deemed planning permission and conditions attached to this consent at the earliest practical opportunity. <p>The PMO shall be appointed on the approved terms throughout the period from Commencement of Development to completion of post construction restoration works.</p>
	<p>Applicants proposed wording for Condition 12 (removal of references to deemed and this consent).</p>
A.1.6	<p>12. No development shall commence until the Planning Authority has approved in writing the terms of appointment by the Company of an independent and suitably qualified environmental consultant to assist the Planning Authority in monitoring compliance with the terms of the planning permission and conditions attached to this consent ("PMO"). The terms of appointment shall;</p> <ul style="list-style-type: none"> a. Impose a duty to monitor compliance with the terms of the planning permission and conditions attached to it; b. Require the PMO to submit a monthly report to the Planning Authority summarising works undertaken on site; and c. Require the PMO to report to the Planning Authority any incidences of non-compliance with the terms of the terms of the planning permission and conditions attached to this consent at the earliest practical opportunity. <p>The PMO shall be appointed on the approved terms throughout the period from Commencement of Development to completion of post construction restoration works.</p>
	<p>Existing 21/01615/FUL wording for the relevant parts of condition 15 (Construction Traffic Management Plan (CTMP)).</p>
A.1.7	<p>No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to, and approved by, the Planning Authority in consultation with the relevant Roads Authority(s) and Transport Scotland. The CTMP, which shall be implemented as approved during all period of construction and decommissioning, must include:</p> <p>V. The identification and delivery of all upgrades to the public road network, including but not limited to upgrades to the local and trunk road network to make it</p>

	<p>suitable for construction traffic, to ensure that it is to a standard capable of accommodating construction related traffic (including the formation or improvement of any junctions leading from the site to the public road) to the satisfaction of the Roads Authorities, including;</p> <p>c. A high-level review of the access route from Port of Entry at Invergordon;</p> <p>viii. A procedure for the regular monitoring of road conditions and the implementation of any remedial works required during construction / decommissioning periods;</p>
	<p>Applicants proposed wording for Condition 15 (removal of reference to decommissioning and Invergordon).</p>
A.1.8	<p>No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to, and approved by, the Planning Authority in consultation with the relevant Roads Authority(s) and Transport Scotland. The CTMP, which shall be implemented as approved during all period of construction, must include:</p> <p>V. The identification and delivery of all upgrades to the public road network, including but not limited to upgrades to the local and trunk road network to make it suitable for construction traffic, to ensure that it is to a standard capable of accommodating construction related traffic (including the formation or improvement of any junctions leading from the site to the public road) to the satisfaction of the Roads Authorities, including;</p> <p>c. A high-level review of the access route from the proposed Port of Entry;</p> <p>viii. A procedure for the regular monitoring of road conditions and the implementation of any remedial works required during the construction period;</p>
	<p>Existing 21/01615/FUL wording for the relevant parts of condition 25 – Redundant Turbines</p>
A.1.9	<p>The Wind Farm Operator shall, at all times after the First Export Date, record information regarding the monthly supply of electricity to the national grid from the site as a whole and electricity generated by each individual turbine within the development and retain the information for a period of at least 12 months. The information shall be made available to the Planning Authority within one month of any request by them. In the event that:</p> <p>iii. any wind turbine installed and commissioned fails to supply electricity on a commercial basis to the grid for a continuous period of 6 months, then unless otherwise agreed, the wind turbine, along with any ancillary equipment, fixtures and fittings not required in connection with retained turbines, shall, within 3 months of the end of the said continuous 6 month period, be dismantled and removed from the site and the surrounding land fully reinstated in accordance with this condition; or</p>

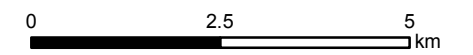
	<p>iv. the wind farm fails to supply electricity on a commercial basis to the grid from 50% or more of the wind turbines installed and commissioned and for a continuous period of 12 months, then the Wind Farm Operator must notify the Planning Authority in writing immediately. Thereafter, the Planning Authority may direct in writing that the wind farm shall be decommissioned and the application site reinstated in accordance with this condition. For the avoidance of doubt, in making a direction under this condition, the Planning Authority shall have due regard to the circumstances surrounding the failure to generate and shall only do so following discussion with the Wind Farm Operator and such other parties as they consider appropriate.</p>
	<p>Applicants proposed wording for Condition 25 (variation to the failure to supply period, the redundant turbine removal period and discretion to decommission).</p>
<p>A.1.10</p>	<p>The Wind Farm Operator shall, at all times after the First Export Date, record information regarding the monthly supply of electricity to the national grid from the site as a whole and electricity generated by each individual turbine within the development and retain the information for a period of at least 12 months. The information shall be made available to the Planning Authority within one month of any request by them. In the event that:</p> <ul style="list-style-type: none"> i. any wind turbine installed and commissioned fails to supply electricity on a commercial basis to the grid for a continuous period of 12 months, then unless otherwise agreed, the wind turbine, along with any ancillary equipment, fixtures and fittings not required in connection with retained turbines, shall, within 9 months of the end of the said continuous 12 month period, be dismantled and removed from the site and the surrounding land fully reinstated in accordance with this condition; or ii. the wind farm fails to supply electricity on a commercial basis to the grid from 50% or more of the wind turbines installed and commissioned and for a continuous period of 12 months, then the Wind Farm Operator must notify the Planning Authority in writing immediately. Thereafter, the Planning Authority will direct in writing that the wind farm shall be decommissioned and the application site reinstated in accordance with this condition. For the avoidance of doubt, in making a direction under this condition, the Planning Authority shall have due regard to the circumstances surrounding the failure to generate and shall only do so following discussion with the Wind Farm Operator and such other parties as they consider appropriate.

Appendix 2: Cumulative Schemes (within 26km)

Wind Farm Name	No. of turbines	Height to tip (m)	Distance to site (km)
Operational /Under Construction			
Achany Wind Farm	19	100m	14.5km
Creag Riabhach Wind Farm	22	125m	11.5km
Rosehall Wind Farm	19	90m	15km
Lairg Wind Farm	3	100m	23km
Consented			
Achany Ext. Wind Farm	18	149.9m	5.37km
Creag Riabhach Ext Wind Farm	3	149.9m	12.3km
Garvary Wind Farm	25	180m	14km
Strath Tirry Wind Farm	4	135m	15km
Strath Oykel Wind Farm	11	200m	17km
Chleansaid Wind Farm	16	180m-200m	19.5km
Meall Buidhe Wind Farm	8	149.5m	22km
Lairg 2 Wind Farm	10	150-180m	23km
Lairg 2 Wind Farm Resubmission	5	190-200m	23km
Under consideration			
Shinness Wind Farm	16	200m	7.8km
Acheilidh Wind Farm	12	200-230m	26km



KEY
 Site Boundary



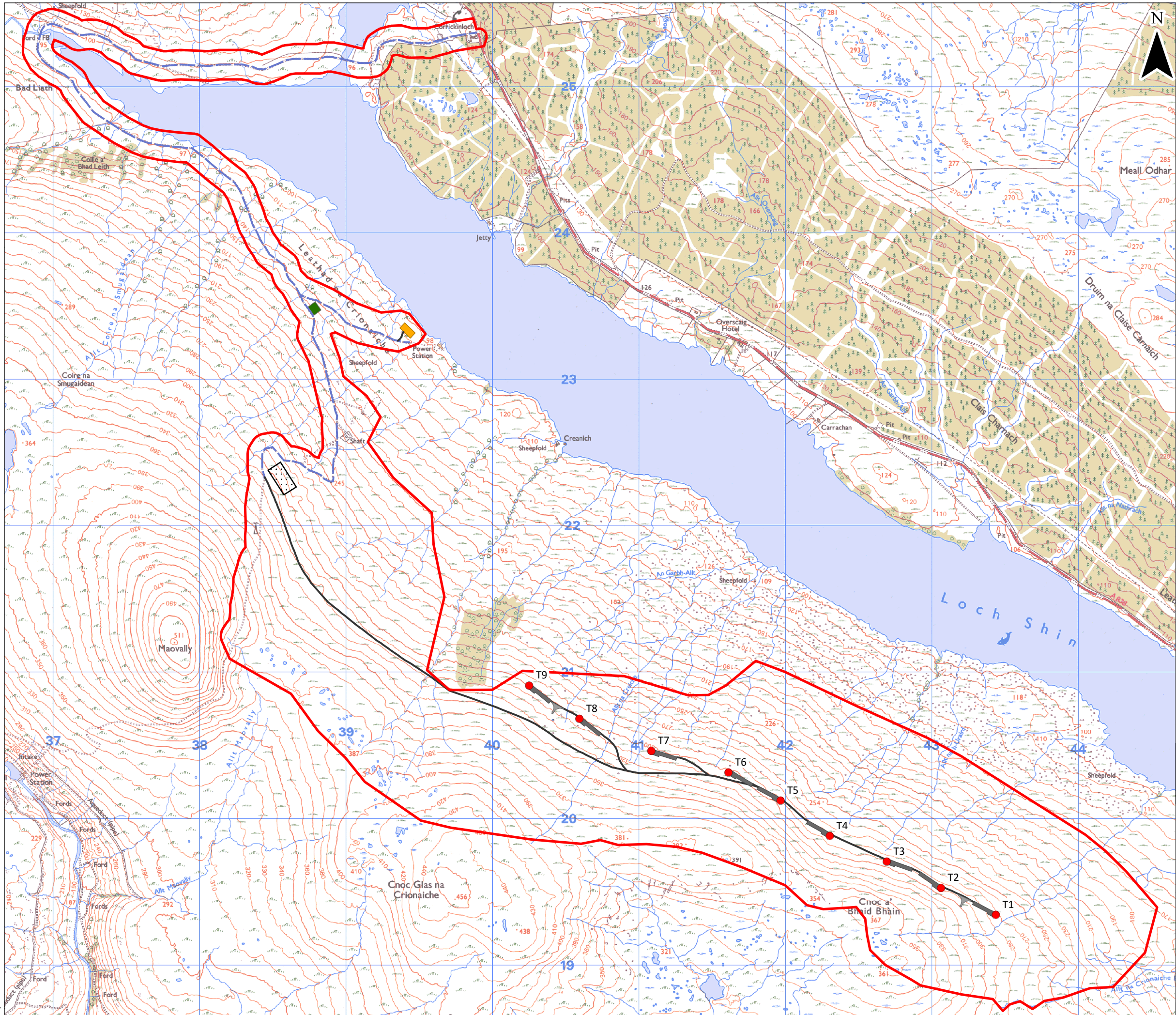
Scale 1:100,000@ A3



Sallachy Wind Farm
 EIA Report
 Figure 1.1

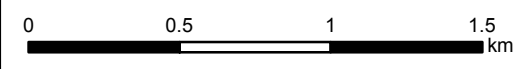
Site Location Plan

Date: 16/03/2021 Drawn by: ST Checked by: GS Version: v1



KEY

- Site Boundary
- Turbine
- Hardstanding
- Turning Head
- New Access Track
- Existing Access Track
- Indicative Substation Compound
- Temporary Construction Compound
- Borrow Pit Search Area



Scale 1:25,000 @ A3



Sallachy Wind Farm
EIA Report
Figure 1.2
Site Layout Plan

Date: 16/03/2021 Drawn by: ST Checked by: GS Version: v1

Project Number: 2864