



T: 0300-244-1224  
E: Sue.Kearns@gov.scot

Jo Baker  
SSE Generation Limited  
No. 1 Forbury Place  
43 Forbury Road  
Reading  
RG1 3JH

Your ref: 30CD/151/82088/01

27 April 2018

Dear Ms Baker

## **STRATHY SOUTH WIND POWERED ELECTRICITY GENERATING STATION SOUTH OF STRATHY, SUTHERLAND**

### **Application**

1. I refer to the application made by SSE Generation Limited, a company incorporated under the Companies Acts with company number 02310571 and having its registered office at No.1 Forbury Place, Reading RG1 3JH (“the Company”), dated 28 June 2007, for consent under section 36 of the Electricity Act 1989 (“the Electricity Act”) for construction and operation of Strathy South wind farm electricity generating station, situated approximately 15 kilometres (km) south of Strathy village, and 35 km south-west of the settlement of Thurso in Sutherland in the Highland Council area.

2. The application (as amended) is for construction and operation of a wind powered generating station with 39 wind turbines, with a hub height of 83m, tip height of up to 135m high, maximum rotor diameter of 104m and indicative generating capacity of approximately 133 megawatts (MW). **This letter contains the Scottish Ministers’ decision to grant consent for the development as more particularly described at Annex 1.**

### *Planning permission*

3. In terms of section 57(2) of the Town and Country Planning (Scotland) Act 1997 the Scottish Ministers may on granting consent under section 36 of the Electricity Act direct that planning permission is deemed to be granted in respect of that generating station and any ancillary developments. **This letter contains the Scottish Ministers’ direction that planning permission is deemed to be granted.**

## Consultation

4. In accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000 (“the 2000 Regulations”) the Company submitted on 28 June 2007 an Environmental Statement (ES) describing the development and giving an analysis of its environmental effects. The application proposed 77 turbines with a tip height of 110 metres and a generating capacity of up to 177 MW. In accordance with regulatory requirements, advertisement of the application and Environmental Statement was made in the local and national press and they were placed in the public domain, and the opportunity given for those wishing to make representations to do so. The 2000 Regulations have subsequently (with effect from 16<sup>th</sup> May 2017) been replaced by the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (“the 2017 Regulations”). The 2017 Regulations now apply to this application subject to certain modifications. These modifications, among other things, provide that where the 2017 Regulations refer to an “EIA report” this includes an “environmental statement” prepared under the 2000 Regulations.
5. In July 2013 the Company varied the application by deleting 30 wind turbines from the original scheme; increasing the height of the turbines to 135 metres; reducing the number of laydown areas and borrow pits; and re-positioning the remaining turbines to optimise their yield and reduce environmental impact.
6. In November 2014, the Company further varied the application by deleting another 8 wind turbines; reducing the land-take, length of on-site tracks, number of stream crossings and number of anemometer masts.
7. On each of these two occasions where the Company varied the application, advertisement was made in the local and national press and the relevant documents were placed in the public domain, and the opportunity given for those wishing to make representations to do so.
8. The proposed development before the Scottish ministers for consideration and to which this decision letter relates, comprises 39 wind turbines, with a hub height of 83m, tip height of up to 135m , and maximum rotor diameter of 104m, as more particularly described at Annex 1.

## Statutory Consultees

9. Under Schedule 8 of the Electricity Act, the relevant planning authority is required to be notified in respect of a section 36 consent application. Notifications were sent to the Highland Council as the planning authority, as well as to Scottish Natural Heritage (SNH) and the Scottish Environmental Protection Agency (SEPA).

### The Highland Council

10. Highland Council responded to the consultation on the application in 2008 indicating the relevant development plan policies against which the application needed to be considered and that it anticipated further information would be submitted by the Company to address a number of areas. The council’s Archaeology Service raised concerns that the application would adversely affect a number of known archaeological features and the setting of a Scheduled Ancient Monument, but indicated that suitable mitigation was possible. The service requested that a detailed assessment of the cumulative impacts of the development on the cultural heritage, giving particular attention to Ben Griam Beg hill fort. Highland Council added that its response was not final and it would not progress the

application further until the Company had completed additional surveys to address the objections raised by SNH.

11. Highland Council responded to the subsequent consultation on the modified 2013 scheme on 10 June 2014 and objected “on the basis of concerns highlighted by Scottish Natural Heritage, thereby the proposal was contrary to the Council’s Highland-wide Local Development Plan, Policies 57 (Natural, Built and Cultural Heritage) and 67 (Renewable Energy).”

12. The Company confirmed to the Energy Consents Unit of the Scottish Government that it wished Scottish Ministers to move to determine the application which would necessitate a public inquiry.

13. On 9 January 2015, Highland Council informed Scottish Ministers that it maintained its objection to the revised 39 turbine application and had no further comment.

## SNH

14. In response to the 2007 consultation, SNH objected to the application on the grounds that there was likely to be a probable adverse effect on the qualifying interests of the Caithness & Sutherland Peatlands Special Area of Conservation (SAC), and that insufficient information had been provided regarding the potential impacts of the development on the Caithness & Sutherland Peatlands Special Area of Protection (SPA). Additionally, they considered that there was insufficient information regarding potential impacts on qualifying habitats on the site. They further objected due to insufficient information on the potential impacts and likely significant effects on the qualifying interests of the Caithness and Sutherland Peatlands Ramsar site. It was also submitted by Scottish Natural Heritage that insufficient information was given on peat slide risk to determine the effects on Atlantic Salmon and freshwater pearl mussel.

15. Further information which was highlighted as being required by SNH included clarification of access tracks and turbine and track layout as these were not clear in the ES – an assessment of impacts of the ‘existing’ track was deemed to be required. Details of cabling methods and subsequent revised assessment of habitat loss, and further investigation of peat stability was considered to be required. SNH considered that there was insufficient information regarding deforestation and impact on habitats. SNH further required a desk study of existing records of qualifying species within the SPA and further detailed survey and assessment of supplied data relating to the qualifying bird species within the site.

16. It was further stated by Scottish Natural Heritage that mitigation conditions should be applied to protect wildcat, and that planning conditions were applied to protect access rights. Scottish Natural Heritage did not object on grounds of landscape and visual effects or on the grounds of cumulative effects of the development with other wind farms which were in existence, consented or at planning stage.

17. SNH responded to the 2013 consultation on the revised development on 20 November 2013. SNH stated that the proposal could raise natural heritage issues of national interest in relation to both the Caithness and Sutherland Peatlands SPA and SAC and maintained its objection to the proposal until further information obtained from the Company. It explained that its objection was based on potential impacts on red-throated diver and hen harrier, and lack of evidence to demonstrate that there would be no adverse effect on site integrity of the SPA for greenshank, black-throated diver, wood sandpiper and golden eagle. Another objection was raised on grounds that there was insufficient information to establish

that there would be no adverse impacts on the qualifying interests of the SAC, and that in this regard further information was necessary to (a) clarify siting of passing places on access tracks and (b) include an assessment of the SAC as an environmental receptor within the peat slide risk assessment. SNH also objected on grounds of potential impacts on habitats used by otter. Its response also carried a number of recommendations on working arrangements in relation to spoil heaps; cable laying; deer management; track widening and upgrades; protecting wildcat, pine marten and water vole. A further recommendation was made for removal of 4 turbines to mitigate landscape and visual impacts.

18. On 6 February 2014, SNH informed Ministers it withdrew its previous objections in respect of hen harrier, black-throated diver and wood sandpiper but was maintaining all other previous objections to the development, and still considered that there were insufficient vantage point surveys in respect of red-throated diver; that impacts to greenshank were not adequately quantified; and that impacts to golden eagle were not addressed by information submitted.

19. On 11 February 2014, SNH indicated it had established that the SAC was not at significant risk from the impacts of a peat slide resulting from the construction and operation of the proposed wind farm. SNH also indicated that it expected to consider further information from the Company regarding its objections in respect of red-throated diver, greenshank, and golden eagle.

20. On 21 March 2014, SNH informed Ministers that it had removed its objection in respect of otter but maintained its objections in relation to red-throated diver, greenshank and golden eagle as it considered there was still insufficient information to enable it to withdraw those objections.

21. On 30 April 2014, SNH informed Ministers that it remained of the view that the analysis of ornithological data supplied did not demonstrate beyond reasonable doubt that there would be no adverse effect on site integrity in relation to greenshank or red-throated diver, however it withdrew its objection in respect of golden eagle.

22. On 8 January 2015, SNH informed Ministers that the revised 39 turbine proposal was no longer considered likely to have a significant effect on the internationally important natural heritage interests of the SAC and that it withdrew its objection on that ground. SNH retained its objection in respect of the SPA on the basis that it considered adverse impacts on site integrity could occur through displacement of red-throated diver and that collision mortality for red-throated diver and greenshank could not be estimated reliably. SNH also informed Ministers of the withdrawal of its objection in respect of hen-harrier, black-throated diver, wood sandpiper, and golden eagle.

23. On 28 May 2015, SNH informed Ministers that in light of further information presented to the Reporter by the Company to the public local inquiry which revised the terms of the proposed Habitat Management Plan, that it objected to the proposal in respect of hen-harrier unless a condition was included to require “targeted sward management to reduce attractiveness of the area of the development site where turbines will be constructed for breeding hen harriers is included as an explicit aim of the Habitat Management Plan. This is to reduce collision risk to breeding hen harriers associated with the Caithness and Sutherland Peatlands SPA”.

24. In summary, SNH maintained its objection in relation to insufficient information regarding effect on the Caithness and Sutherland Peatlands SPA and Ramsar site due to impacts on red-throated diver and greenshank.

25. SNH's position is considered more fully in the Public Local Inquiry Report ("the Report") appended to this decision letter.

26. Ministers have also had regard to the publication by SNH in October 2016 of Commissioned Report No. 893 entitled "Greenshank Collision Mortality Estimated Based on Ecological and Behavioural Studies" by consultants MacArthur Green, an update to a previous version which was considered by the Inquiry Reporter ("the Reporter") during the Public Local Inquiry ("PLI"). Ministers note that SNH has advised that the published version has been edited to improve readability but contains no new scientific evidence, and that the conclusions considered by the Reporter remain unchanged.

27. Scottish Ministers have had regard to the advice from SNH and have imposed the following conditions attached to the deemed planning permission to address points raised by SNH and incorporate its advice prior to discharge of the conditions: (3) Decommissioning and Restoration Plan to ensure the decommissioning and removal of the Development in an appropriate and environmentally acceptable manner and the restoration and aftercare of the site, in the interests of safety, amenity and environmental protection; (8) Buildings and Other Facilities to ensure that all ancillary elements of the Development are acceptable in terms of visual, landscape and environmental impact considerations; (16) Main Access Route to ensure the required road related mitigation does not have a significantly adverse impact on the Caithness and Sutherland Peatlands SAC; (17) Micro-Siting to enable appropriate micro-siting within the site to enable the Developer to respond to site-specific ground conditions, while enabling the planning authority to retain effective control over any changes to layout that may have ramifications for the environment and/or landscape and visual impact; (18) Construction and Environment Management Document to ensure that all construction operations are carried out in a manner that minimises their impact on road safety, amenity and the environment, and that the mitigation measures contained in the Environmental Statement accompanying the application, or as otherwise agreed, are fully implemented; (19) Ecological Clerk of Works to protect the environment from the construction and operation of the Development and secure final detailed information on the delivery of all on-site mitigation projects; (20) Pre-Construction Species Survey and Protection Plan and Protected Bird Species, Vegetation and Tree Felling Monitoring, Surveys and Reporting to ensure that impacts on protected species, vegetation and of tree felling are identified, reported on and in the case of protected species mitigated appropriately; (22) Peat Stability Plan to minimise the risk of peat failure arising from the Development; (23) Habitat Management Plan in the interests of good land management, the protection of habitats and to minimise collision risk to bird species which are qualifying interests of the Caithness and Sutherland Peatlands Special Protection Area; (24) Deer Management Plan in the interests of good land management, and the management of deer and to avoid any increase in deer impacts on SAC habitats that might arise from displacement of deer from the wind farm site; and (25) Borrow Pit Working to ensure that a scheme is in place to control the use of borrow pits to minimise the level of visual intrusion and any adverse impacts as a result of the construction phase of the Development.

## SEPA

28. In response to the 2007 consultation, SEPA objected to the application as the layout as proposed was close to a number of watercourses and areas of deep peat. It was stated that there were inconsistencies within the Environmental Statement regarding layout and access tracks. Clarification was required on the location of the access track to the site and access routes between a number of turbines, as well as an 'existing' ATV track which was referred to in the Environmental Statement but which was not shown on any existing

Ordnance Survey maps. SEPA had concerns regarding a proposed new bypass road through a previously undeveloped area of peat and stated that further information was required regarding this bypass to demonstrate that the impact of this would not be significant.

29. SEPA further objected on the siting of certain turbines within areas of deep peat. Further assessment of peat slide risk was deemed to be required prior to determination in order to identify lower risk areas. An objection was raised in regard to the concrete batching plant as the developer had not specified the precise location of this in the Environmental Statement; likewise further information was required regarding the location and quantity of proposed water abstraction on the site.

30. SEPA advised that further information was required in regard to watercourse crossings and proximity to private water supplies. A further objection was raised due to a lack of information on waste minimisation and management.

31. On 19 September 2013, SEPA responded to the 2013 consultation on the revised application. SEPA indicated it would no longer object to the development subject to the imposition of conditions on any consent to ensure water crossing designs addressed flood risk; a Construction and Environmental Management Plan to control pollution of air, land and water; a scheme of buffer distances around the water environment; a micrositing allowance; and a restoration and aftercare plan to be submitted prior to the site being decommissioned. In its response, SEPA added that in terms of CAR authorisation, it would expect the proposal to fall into Category 1 - 'capable' of being authorised, although it added that it had not received any CAR applications from the Company.

32. On 11 February 2014, SEPA informed Ministers it had sufficient confidence in the carbon payback figure for it to be used by Ministers as a material consideration in decision making and that the proposal adhered to good practice.

33. On 13 February 2014, SEPA informed Ministers it was content with the draft Water Quality Monitoring Plan and requested that it be included as a requirement of the construction and environmental management plan (CEMP).

34. On 10 December 2014, SEPA informed Ministers that the 39 turbine revised proposal would have a reduced environmental impact and that its advice remained the same as previously set out in its response of 19 September 2013.

35. In summary, SEPA does not object subject to the imposition of the conditions it has outlined which would address the concerns it maintains in relation to flood risk, watercourse crossings, pollution prevention, protection of the water environment, avoidance of deep peat, site restoration and aftercare, peat management, waste management, and monitoring.

36. Scottish Ministers have had regard to the advice from SEPA and have imposed the following conditions attached to the deemed planning permission to address points raised by SEPA and incorporate its advice prior to discharge of the conditions: (3) Decommissioning and Restoration Plan to ensure the decommissioning and removal of the Development in an appropriate and environmentally acceptable manner and the restoration and aftercare of the site, in the interests of safety, amenity and environmental protection; (8) Buildings and Other Facilities to ensure that all ancillary elements of the Development are acceptable in terms of visual, landscape and environmental impact considerations; (17) Micro-Siting to enable appropriate micro-siting within the site to enable the Developer to respond to site-specific ground conditions, while enabling the planning authority to retain effective control over any

changes to layout that may have ramifications for the environment and/or landscape and visual impact; (18) Construction and Environment Management Document to ensure that all construction operations are carried out in a manner that minimises their impact on road safety, amenity and the environment, and that the mitigation measures contained in the Environmental Statement accompanying the application, or as otherwise agreed, are fully implemented; (19) Ecological Clerk of Works to protect the environment from the construction and operation of the Development and secure final detailed information on the delivery of all on-site mitigation projects; (22) Peat Stability Plan to minimise the risk of peat failure arising from the Development; (23) Habitat Management Plan in the interests of good land management, the protection of habitats and to minimise collision risk to bird species which are qualifying interests of the Caithness and Sutherland Peatlands Special Protection Area; (25) Borrow Pit Working to ensure that a scheme is in place to control the use of borrow pits to minimise the level of visual intrusion and any adverse impacts as a result of the construction phase of the Development.

## Non-Statutory Consultees

37. A number of other bodies were consulted on the application.

38. The Association of Salmon Fishery Boards (now Fisheries Management Scotland) did not object to the application but recorded concerns regarding obstruction to upstream and downstream migration during and after construction, disturbance of spawning bed during construction, increases in silt and sediment loads resulting from works, point source pollution incidents during construction, and drainage issues, and wished to be further consulted on these issues.

39. Scottish Ministers have had regard to the potential impacts on fisheries and have imposed conditions attached to the deemed planning permission including (17) Micro-Siting to enable appropriate micro-siting within the site enabling the Developer to respond to site-specific ground conditions, while enabling the planning authority to retain effective control over any changes to layout or construction activities in the vicinity of watercourses and groundwater dependent terrestrial ecosystems that may have ramifications for the environment; (18) Construction and Environmental Management Document to ensure that all construction operations are carried out in a manner that minimises their impact on amenity and the environment, and that the mitigation measures contained in the Environmental Statement accompanying the application, or as otherwise agreed, are fully implemented; and (19) Ecological Clerk of Works to protect the environment from the construction and operation of the Development and secure final detailed information on the delivery of all on-site mitigation projects.

40. Bettyhill, Strathnaver and Altnaharra Community Council informed Scottish Ministers on 2 June 2014 that it did not object to the revised application and withdrew the previous objection it had made to the proposal via Highland Council.

41. BT did not object to the application but wished to be further consulted on details of proposed tracks, extent of any 'Hot Zone' boundaries or overhead/underground HV routes which may affect their apparatus.

42. BT responded to the consultation on the revised application on 16 August 2013 to indicate it had no comment.

43. Caithness District Salmon Fisheries Board indicated that it had no comment on the application.

44. The Civil Aviation Authority (CAA) indicated that it did not wish to make any site specific observations on the application, but indicated that NATS and Ministry of Defence should be consulted. It observed that there may be a need to install aviation obstruction lighting, and that if any structures should exceed 300 feet in height these should be charted on aviation maps.
45. CAA responded on 11 September 2013 and did not object to the revised application. It recommended that if the revised application was consented, that details of locations, heights and lighting status of turbines and meteorological masts be submitted to the Defence Geographic Centre for inclusion on aviation charts.
46. Scottish Ministers have had regard to potential aviation impacts and imposed deemed planning condition (10) Aviation Lighting and Information to ensure that the erected turbines present no air safety risk and in a manner that is acceptable to local visual impact considerations.
47. The Crown Estate responded on 29 August 2013 to confirm that its interests were not affected by the revised application and it had no comment to make.
48. CSS Spectrum Management responded to the consultation on the application stating that it did not object.
49. The Defence Estates (Ministry of Defence) objected to the application, stating that the proposed turbines would be located within a low flying area and would unacceptably affect military activities; it then invited the developer to propose mitigation suggestions, and following discussions, withdrew its objection stating that it had no further concerns.
50. Defence Estates then responded to the consultation on the revised application on 2 September 2013 and objected on the grounds that four of the turbines would obstruct low flying operations in a training area. It also made a recommendation on the aviation safety lighting that would be required.
51. Scottish Ministers have had regard to potential aviation impacts and imposed deemed planning condition (10) Aviation Lighting and Information to ensure that the erected turbines present no air safety risk and in a manner that is acceptable to local visual impact considerations.
52. The Fisheries Research Services (FRS) (within what is now Marine Scotland Science) responded to the 2007 consultation on the application and indicated that an assessment should be done of the combined effects of the Strathy North wind farm with the proposed development in relation to fisheries interests. FRS stated that insufficient data had been collected in regard to fishery interests. FRS stated that one year's hydrochemical and electrofishing data should be established, that suitable control sites away from potential impacted areas should be identified, and that an action plan should be completed outlining what would be done in the event of a problem. FRS recommended that a monitoring programme should be implemented during the construction, operation and decommissioning phases of the development.
53. Marine Scotland Science (the Scottish Government's in-house advisers) considered the application revised in 2013 for 47 turbines and made recommendations in relation to electrofishing surveys; guidelines for removal of felled material from and adjacent to watercourses; guidelines for river crossings and migratory fish; selection of sites for the



hydrochemical baseline survey; and water quality monitoring plans. Marine Scotland Science advised that the Water Quality Monitoring Plan from the Company broadly addressed its concerns.

54. On 10 December 2014, commenting on the application for 39 turbines as revised by the Company in November 2014, Marine Scotland Science advised that it was content that impacts on fish populations had not altered as a result of the revision to the proposal and that its previous advice remained.

55. In summary, Marine Scotland Science maintained concern in relation to the need for monitoring, surveys and the need for an action plan outlining what would be done in the event of an incident impacting on fish.

56. Scottish Ministers have had regard to the potential impacts on fisheries and have imposed conditions attached to the deemed planning permission including (17) Micro-Siting to enable appropriate micro-siting within the site enabling the Developer to respond to site-specific ground conditions, while enabling the planning authority to retain effective control over any changes to layout or construction activities in the vicinity of watercourses and groundwater dependent terrestrial ecosystems that may have ramifications for the environment; (18) Construction and Environmental Management Document to ensure that all construction operations are carried out in a manner that minimises their impact on amenity and the environment, and that the mitigation measures contained in the Environmental Statement accompanying the application, or as otherwise agreed, are fully implemented; and (19) Ecological Clerk of Works to protect the environment from the construction and operation of the Development and secure final detailed information on the delivery of all on-site mitigation projects.

57. Forestry Commission Scotland (FCS) did not object to the proposal but stated that it remained concerned about deforestation on the scale proposed unless the public benefits and long term feasibility of bog restoration in conjunction with the wind farm had been endorsed by SNH. FCS highlighted the importance of considering the combined effect of deforestation and bog restoration on the carbon saving potential of the proposal. It also raised concern about the potential impact of the proposed felling on Water Framework Directive objectives.

58. In the view of FCS, more information was required regarding the scale or rate of woodland removal, replanting and the effects of forest removal on the water table. FCS recommended that an assessment was required of the impact of felling on the current landscape and on the woodland to remain and to be added. FCS recommended a Habitat and Woodland Management Plan.

59. FCS responded to the consultation on the revised application on 14 October 2013, indicating that it did not object. It indicated that its view in relation to deforestation and public benefits of bog restoration was now that the removal of woodland and the restoration of the site proposed by the revised application was seen as having wider environmental benefit, and that in its view compensatory planting was not required in light of this. FCS recommended a forest plan be prepared, to include harvesting plans and timber utilisation proposals and showing retained woodland and restocking options.

60. Ministers accept SEPA's advice summarised at paragraph 31 that under the Water Environment (Controlled Activities) (Scotland) Regulations 2005, a CAR license is capable of being authorised and Ministers consider these regulations would provide sufficient control of the felling in terms of the Water Framework Directive objectives highlighted by FCS.

61. Ministers note FCS's concerns relating to the carbon saving potential of the Development and have had regard to advice from SEPA and the findings of the Reporter in this respect. Their consideration of this matter is set out in more detail in the section of this letter headed "Renewable energy generation and associated policy benefits".
62. Scottish Ministers have had regard to the advice from FCS and have imposed the following planning conditions: (18) Construction and Environment Management Document to ensure that all construction operations are carried out in a manner that minimises their impact on road safety, amenity and the environment, and that the mitigation measures contained in the Environmental Statement accompanying the application, or as otherwise agreed, are fully implemented; (19) Ecological Clerk of Works to protect the environment from the construction and operation of the Development and secure final detailed information on the delivery of all on-site mitigation projects; and (20) Pre-Construction Species Survey and Protection Plan and Protected Bird Species, Vegetation and Tree Felling Monitoring, Surveys and Reporting to ensure that impacts on protected species, vegetation and of tree felling are identified, reported on and in the case of protected species mitigated appropriately.
63. Halcrow indicated in relation to the information submitted in 2007 that the peat stability report was of poor quality and therefore did not wish to carry out a full review – their concerns regarding the quality of the report were intimated to the developer.
64. Halcrow was subsequently acquired by CH2M Hill, which responded on 20 September 2013 indicating that the revised application did not provide a sufficiently robust assessment of the peat landslide risk. It made a number of recommendations on how this could be addressed by the Company and suggested a number of conditions that could be applied to any consent.
65. On 3 February 2014, CH2M Hill informed Scottish Ministers that it had carried out a site visit which it had used to validate the methods used to produce the peat landslide risk assessment on behalf of the Company and verify the reported site characteristics. It advised that it was now content that the assessment of the peat landslide risk in the revised application was sufficiently robust.
66. Scottish Ministers have had regard to the advice from Halcrow / CH2M Hill and have imposed deemed planning condition (22) Peat Stability Plan to minimise the risk of peat failure arising from the Development.
67. The Health and Safety Executive responded to the consultation on the application stating that it did not object.
68. Highlands and Islands Airports Limited (HIAL) did not object to the proposal but indicated that the CAA should be contacted for their views on the application. This was done.
69. HIAL responded on 19 August 2013 stating that it did not object to the revised application, subject to the requirements it stipulated for red obstacle lights fitted to the turbines being met. It also recommended that the development be notified to the CAA. This was done.
70. Scottish Ministers have had regard to potential aviation impacts and imposed deemed planning condition (10) Aviation Lighting and Information to ensure that the erected turbines

present no air safety risk and in a manner that is acceptable to local visual impact considerations.

71. Historic Scotland responded to the application stating that it did not object and was broadly content with the contents of the Environmental Statement; it agreed with the Company that the development would have a moderately significant impact on Ben Grianmhor, but did not consider the impact of the development on the monument to be so unacceptable as to warrant an objection.

72. Historic Scotland responded to the consultation on the revised application on 19 September 2013 and did not object.

73. On 8 December 2014 Historic Scotland informed Ministers that its position on the revised 39 turbine application remained the same.

74. The John Muir Trust responded on 7 October 2013 indicating that it did not intend to comment on the revised application. On 12 November 2014 it responded to the consultation on the revised 39 turbine proposal stating that the application should not be granted approval due to its cumulative, environmental and socio-economic impact which would outweigh any benefits.

75. Scottish Ministers have had regard to the response from the John Muir Trust and have imposed deemed planning condition (18) Construction and Environmental Management Document to ensure that all construction operations are carried out in a manner that minimises their impact on amenity and the environment, and that the mitigation measures contained in the Environmental Statement accompanying the application, or as otherwise agreed, are fully implemented.

76. The John Muir Trust's position is considered more fully in the PLI report appended to this decision letter.

77. The Joint Radio Company responded on 12 September 2012 indicating that it did not object to the application. It responded to the consultations on the revised application on 23 August 2013 and on the revised 39 turbine application on 18 November 2014, indicated in each response that its position remained unchanged.

78. Melvich Community Council responded on 4 October 2013, enclosing details of a door to door survey it had carried out in which 111 objections were recorded and 5 in support.

79. NATS did not object to the application and asked to be further consulted on any changes to the proposal.

80. NATS responded to the consultation on the revised application on 25 July 2013, and the consultation on the further revised 39 turbine proposal on 18 November 2014, each time stating that it did not object as it did not conflict with its safeguarding criteria.

81. The Northern District Salmon Fisheries Board (NDSFB) objected to the application, recommending that a full and independent baseline survey of the salmon and trout within the Strathly River system, along with a survey of the condition of the system itself, should be carried out. This would contribute to design and construction methodology, allow monitoring of construction to mitigate any effects on the fish and the system itself, and set the standard for the state that the system and the salmonid population should be left in after completion.

82. The NDSFB submitted a response to the consultation on the revised application on 27 October 2013, enclosing a report from consultants it had commissioned. The report made recommendations including that the CEMP address water abstraction for concrete batching to ensure no detriment to salmonids; that risks of nutrient leaching from decomposing wood waste on site be addressed; that adequate buffer distances between turbines and water bodies be maintained; that seasonal mitigation measures for salmonid embryos be adopted for high-risk construction activities; that consideration be given to an improved water quality monitoring regime with input from the NDSFB to target high-flow transients, stream habitat, fish and invertebrate data. The report also recommended that the NDSFB be consulted on the CEMP and have access to the Ecological Clerk of Works (ECoW).

83. Scottish Ministers have had regard to the potential impacts on fisheries and have imposed conditions attached to the deemed planning permission including (17) Micro-Siting to enable appropriate micro-siting within the site enabling the Developer to respond to site-specific ground conditions, while enabling the planning authority to retain effective control over any changes to layout or construction activities in the vicinity of watercourses and groundwater dependent terrestrial ecosystems that may have ramifications for the environment; (18) Construction and Environmental Management Document to ensure that all construction operations are carried out in a manner that minimises their impact on amenity and the environment, and that the mitigation measures contained in the Environmental Statement accompanying the application, or as otherwise agreed, are fully implemented; and (19) Ecological Clerk of Works to protect the environment from the construction and operation of the Development and secure final detailed information on the delivery of all on-site mitigation projects.

84. The Nuclear Safety Directorate did not respond to the consultation on the application.

85. OFCOM responded to the consultation on the application stating that it did not object.

86. RSPB Scotland responded to the 2007 consultation to object to the application on the grounds that the application, on its own and in combination with other proposals, is likely to adversely affect the integrity of the adjacent Special Protection Area (SPA) and Special Area of Conservation (SAC) and that the proposal is contrary to the Highland region Structure Plan, Policy N1 and the Highland Renewable Energy Strategy and Planning Guidelines. RSPB Scotland stated that it felt the potential impacts of the development had been understated in the Environmental Statement in regard to the SPA and the SAC.

87. It stated that further information was required regarding the potential impacts upon hen harrier, breeding golden eagle, red-throated and black-throated diver, and greenshank.

88. RSPB Scotland responded to the consultation on the revised application on 31 October 2013 and objected for the reasons it stated as follows: the development would be likely to adversely affect the integrity of the adjacent Caithness and Sutherland Peatlands Special Protection Area (SPA), Ramsar site and the underlying SSSIs; the development would be likely to result in unacceptable harm to a range of bird species, most notably greenshank, hen harrier and red-throated diver but also black-throated diver, golden eagle, golden plover, dunlin and wood sandpiper; the development would prevent the restoration or re-establishment of the conservation value of the site from its current damaged state, as required by regulations 3 and 3A of the Conservation (Natural Habitats & c.) Regulations 1994 (as amended) which implement the Habitats and Birds Directives in Scotland; the development would be inappropriate for a sensitive site in the very heart of the internationally acclaimed Flow Country, which is on the UK Tentative List for inscription as a World Heritage Site; the development would be likely to result in a permanent legacy of turbine bases, tracks

and damaged peatland hydrology following decommissioning, to the long-term detriment of the prospects of restoration or re-establishment of internationally important blanket bog habitats; and that the likely significant adverse environmental effects of the development would not be outweighed by the contribution it would make to renewable energy targets, for which alternative sites exist across Scotland.

89. On 9 January 2015, RSPB Scotland informed Ministers that it objected to the revised 39 turbine proposal for the following reasons: the proposed development would be likely to result in unacceptable harm to greenshank, hen harrier, red-throated diver, and wood sandpiper; adverse effects of the proposed development on the integrity of the adjacent Caithness and Sutherland Peatlands Special Protection Area (SPA), Ramsar site and the underlying SSSIs cannot be ruled out; the proposed development would result in a permanent legacy of turbine bases, roads, hard-standings and damaged peatland hydrology, even after decommissioning. This would permanently constrain not only peatland habitat restoration on the site itself, but also reestablishment of the conservation value of the site to its wider setting in the Caithness and Sutherland Peatlands Special Area of Conservation (SAC) and the SPA. This would be inconsistent with the over-arching objectives of the Habitats and Birds Directives, and could also undermine potential inscription of the Flow Country as a UNESCO World Heritage Site; the proposed development would be contrary to the development plan; and that the carbon payback period of the development is likely to have been significantly underestimated.

90. On 24 May 2016, RSPB Scotland provided details to Scottish Ministers of representations from its supporters who had expressed their wish to object to the proposed Strathy South wind farm, via online and postcard campaigns, on grounds that the proposal would set back years of habitats restoration in the Flow Country and threaten golden eagles, hen harriers, red- and black-throated divers, greenshanks, dunlins and golden plovers. Details of 653 objections by postcard, and 1425 online objections were forwarded by RSPB Scotland to Scottish Ministers.

91. RSPB Scotland's position is considered more fully in the PLI report appended to this decision letter.

92. Scottish Ministers have had regard to the views of RSPB Scotland and for the same reasons detailed above in addressing the advice from SNH have imposed the following conditions attached to the deemed planning permission to address points raised by RSPB Scotland and incorporate advice from SNH prior to discharge of the conditions: (3) Decommissioning and Restoration Plan; (8) Buildings and Other Facilities; (16) Main Access Route; (17) Micro-Siting; (18) Construction and Environment Management Document; (19) Ecological Clerk of Works; (20) Pre-Construction Species Survey and Protection Plan and Protected Bird Species, Vegetation and Tree Felling Monitoring, Surveys and Reporting; (22) Peat Stability Plan; (23) Habitat Management Plan; and (24) Deer Management Plan.

93. Ministers have had regard to the extension of The Flows Nature Reserve (managed by RSPB Scotland) to the southern and eastern wind farm site boundaries and its designation as Forsinard Flows National Nature Reserve, agreed by SNH effective from 30 September 2016. Scottish Ministers conclude that the mitigation measures secured by condition (including tree felling, habitat management and peatland restoration) are consistent with the objectives for the management of The Flows Nature Reserve and Forsinard Flows National Nature Reserve.

94. Scottish Water responded on 4 October 2013 and did not object to the revised proposal. It indicated it did not have any Drinking Water Protected Areas within the site boundary or vicinity of the development that could potentially be affected.
95. Scottish Water responded to the consultation on the revised 39 turbine application on 9 January 2015. It echoed its previous advice and advised the company to obtain up-to-date relevant asset plans for below-ground assets from its Asset Plan Provider. It also advised a list of precautions to be taken to protect drinking water and assets.
96. Scottish Ministers have had regard to the potential impacts on drinking water and Scottish Water assets noting that Scottish Water has indicated it has no Drinking Water Protected Assets in the vicinity of the proposed development, while SEPA recommended measures to protect the four private water supplies identified in the Environmental Statement.
97. Ministers have imposed conditions attached to the deemed planning permission to safeguard the water environment including (17) Micro-Siting to enable appropriate micro-siting within the site enabling the Developer to respond to site-specific ground conditions, while enabling the planning authority to retain effective control over any changes to layout or construction activities in the vicinity of watercourses and groundwater dependent terrestrial ecosystems that may have ramifications for the environment; and (18) Construction and Environmental Management Document to ensure that all construction operations are carried out in a manner that minimises their impact on amenity and the environment, and that the mitigation measures contained in the Environmental Statement accompanying the application, or as otherwise agreed, are fully implemented. Scottish Ministers have included a requirement for a Private Water Supply Protection Plan within the Construction and Environmental Management Document to provide details of specific mitigation measures including drawings or plans showing the location of the supply in relation to proposed infrastructure and what mitigation is proposed.
98. The Scottish Wildlife Trust responded on 25 October 2013 and advised Ministers to refuse consent as it considered there was insufficient evidence to carry out the Appropriate Assessment required for the Caithness and Sutherland Peatlands SPA, SAC, Ramsar site and associated SSSIs. The trust added that although there were some positive effects through removal of non-native conifer plantation, it did not believe that wind farm construction and peatland restoration were compatible on the same site. It added that it considered that greenhouse gas emissions from peat disturbance would undermine the Scottish Government's climate change obligations, and that it shared RSPB Scotland's concern that the development would result in unacceptable harm to bird species including greenshank, hen harrier, red throated diver, black throated diver, golden plover and dunlin.
99. On 8 January 2015, the Scottish Wildlife Trust responded to the consultation on the revised 39 turbine proposal and informed Ministers that it maintained its objection and added that it also objected on grounds of impacts on deep peat and inadequate peat restoration; and that it could not be stated beyond reasonable scientific doubt that there would be no adverse effect on the integrity of the SPA.
100. Scottish Ministers have had regard to the views of the Scottish Wildlife Trust and for the same reasons detailed above in addressing the advice from SNH have imposed the following conditions attached to the deemed planning permission to address points raised by the Scottish Wildlife Trust and incorporate advice from SNH prior to discharge of the conditions: (3) Decommissioning and Restoration Plan; (8) Buildings and Other Facilities; (16) Main Access Route; (17) Micro-Siting; (18) Construction and Environment Management

Document; (19) Ecological Clerk of Works; (20) Pre-Construction Species Survey and Protection Plan and Protected Bird Species, Vegetation and Tree Felling Monitoring, Surveys and Reporting; (22) Peat Stability Plan; (23) Habitat Management Plan; and (24) Deer Management Plan.

101. Scotways responded on 30 September 2013 and objected to the revised application due to the anticipated closure of a Scottish Hill Track route (also used as the main access to the bothy maintained by the Mountain Bothies Association at Lochstrathy) during construction. It responded to the consultation on the revised 39 turbine proposal on 6 January 2015 and indicated that its position remained unchanged.

102. Scottish Ministers have had regard to the response from Scotways and have imposed conditions attached to the deemed planning permission (14) Access Management Plan in order to safeguard public access during the construction, operation and restoration phases of the Development and (18) Construction and Environmental Management Document to ensure that all construction operations are carried out in a manner that minimises their impact on amenity and the environment, and that the mitigation measures contained in the Environmental Statement accompanying the application, or as otherwise agreed, are fully implemented.

103. Strathy / Armadale Community Council responded on 2 June 2014 indicating that it was in support of the revised application and that economic and employment benefits from the proposal had already been manifested in the community.

104. On 7 January 2015, the community council responded to the consultation on the revised 39 turbine proposal stating that that the environmental benefits (such as through peatland restoration) would outweigh any impacts, and that it continued to support the proposal for the reasons it had previously given.

105. Consultants JMP responded to the consultation on the revised application on behalf of Transport Scotland (TS), indicating that TS maintained its view that there would be no significant traffic or environmental impacts associated with additional traffic on the trunk road network and also confirmed that it did not require any further information in this regard.

## **Representations from other organisations and members of the public**

106. A total of 272 letters or emails making representations to the Scottish Government on the wind farm application have been received since 2007, of which 245 were objections and 27 were in support. The key reasons for objection raised by the majority were impacts on wildlife, habitats, and designated sites however a minority of objectors raised other concerns including visual impact; tourism impact; cumulative effect with other wind farms in the area; loss of amenity at the location; harm to the local economy; misalignment with local planning policy/strategy; peat destruction; negative impact on future peatland restoration potential, infrastructure impacts; forestry impacts; water pollution; that wind energy was intermittent or inefficient in comparison with other forms of energy; transport / traffic impacts; noise / vibration; that Scotland had already met renewables targets; that property would be devalued; impacts on archaeological or heritage sites; detrimental effect on the potential for the Flow Country to achieve World Heritage Site status; health and safety risks; that there had been inadequate public consultation; telecommunications impacts; strobe effect & shadow flicker; the need for a Public Local Inquiry, and aviation and radar impacts.

107. RSPB Scotland forwarded to Scottish Ministers the details of 653 postcard and 1425 online objections it had received from individuals, raising concerns about the ornithological and peatland impact of the development.

108. Individuals also wrote in favour of the revised application because of job creation, support for local businesses, financial aid, peatland restoration and limited visual intrusion.

109. Dr Paul Monaghan MP (member for Caithness, Sutherland and Easter Ross) wrote to the Minister on 13 February 2017 in support of the development stating that Strathy was a fragile community facing economic decline and that the development would provide employment, community benefit and confidence to families seeking inward investment, with minimal environmental impact.

110. Scottish Ministers received a letter from Professor Hans Joosten of the International Mire Conservation Group (IMCG) dated 1 March 2016, which post-dated the Public Local Inquiry. The IMCG concluded that the location of the Development within the heart of the Flow Country would significantly alter the visual character of very extensive and uninterrupted views of the peat-dominated landscape. The letter also referred to the consideration of the Flow Country for UNESCO World Heritage status and urged Ministers to refuse the application.

## **Public Local Inquiry (PLI)**

111. As the Highland Council objected to the scheme, Scottish Ministers caused a public inquiry to be held in accordance with paragraph 2(2) of Schedule 8 to the Electricity Act. The application (as amended) was passed to the Directorate of Planning and Environmental Appeals (DPEA) on 3 September 2014.

112. On 27 October 2014, following referral of the application to the DPEA, the Company decided to further modify the application from 47 to 39 turbines. As a consequence, the Defence Estates (MoD) withdrew an outstanding objection. However, SNH, the Highland Council and others maintained objections to the proposed development.

113. The hearings and inquiry sessions were held on 23-24 April 2015 and 9-13 June 2015. Closing submissions were exchanged in writing, with the final closing submission (on behalf of the Company) being lodged on 19 October 2015. The Reporter, J Alasdair Edwards, also made site visits to the application site and the surrounding area.

114. A copy of the Reporter's report to Scottish Ministers is provided at **Annex 3**. The principal issues addressed in the report are summarised below. Ministers accept the conclusions and reasoning of the Reporter, save for proposed amendments to conditions as discussed in more detail below.

## **The Scottish Ministers' Considerations**

### **Environmental Matters**

115. The Scottish Ministers are satisfied that an environmental impact assessment has been carried out. Environmental information including the Environmental Statement (as amended) has been produced and the applicable procedures regarding publicity and consultation laid down in regulations have been followed. The environmental impacts of the



proposed development have been assessed and the Scottish Ministers have taken the environmental information into account when reaching their decision.

116. The Scottish Ministers are satisfied that the Company, when formulating its proposal to construct the generating station, had regard to the desirability of preserving natural beauty, of conserving flora, fauna, and geological and physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic, or archaeological interest.

117. The Scottish Ministers have had regard to the desirability of the matters mentioned in the previous paragraph and the extent to which the Company has done what it reasonably could to mitigate the effects of the development on those features, and are satisfied that the Company has done what it reasonably could with regard to mitigation.

118. The Scottish Ministers have considered fully and carefully the Application, Environmental Statement (as amended), the PLI report, all relevant responses from consultees and third party representations received. Ministers have also taken account of the extension of the Flows National Nature Reserve to the southern and eastern wind farm site boundaries, agreed by SNH effective from 30 September 2016, and the adoption by Highland Council of its Onshore Wind Energy Supplementary Guidance in November 2016. The Minister for Business, Innovation and Energy, accompanied by Scottish Government officials, visited viewpoints described in the report entitled 'Strathy South Wind Farm Further Information Report (T39 Layout)' published by Environ dated 12 November 2014 looking towards the site of the proposed Strathy South wind farm from the A836 near Borgie (viewpoint 3), from Strathy (viewpoint 4) and from the East of Melvich (viewpoint 13) on 26 February 2018.

## Main determinative issues

119. The Scottish Ministers, having taken account of all relevant information, consider that the main determining issues are:

- the extent to which the development accords with and is supported by Scottish Government policy and the terms of the development plan<sup>1</sup>;
- the significant effects of the development on the environment, more particularly described in the Report at the reference provided in footnotes below, which are, in summary:
  - (a) the impact on the Caithness and Sutherland Peatlands SAC and the Caithness and Sutherland Peatlands SPA and Ramsar Site<sup>2</sup>;
  - (b) ornithological impacts<sup>3</sup>;
  - (c) the landscape and visual impact of the development<sup>4</sup>;
  - (d) impacts on wild land<sup>5</sup>;
  - (e) impacts on ecology<sup>6</sup>;
  - (f) impacts on peat<sup>7</sup>, and;
  - (g) benefits of removal of forestry in the long term<sup>8</sup>;

<sup>1</sup> Addressed by the Reporter in Chapter 2 of the Report

<sup>2</sup> Addressed by the Reporter in Chapters 5, 6 and 7 of the Report

<sup>3</sup> Addressed by the Reporter in Chapter 5 of the Report

<sup>4</sup> Addressed by the Reporter in Chapter 3 of the Report

<sup>5</sup> Addressed by the Reporter in Chapter 4 of the Report

<sup>6</sup> Addressed by the Reporter in Chapter 6 of the Report

<sup>7</sup> Addressed by the Reporter in Chapter 7 of the Report

- the estimated contribution made by the development to reducing CO<sub>2</sub> emissions<sup>9</sup>, and;
- the renewable energy benefits of the development<sup>10</sup>.

## Scottish Government Policy Context

120. The National Planning Framework 3 (NPF3) sets out the Scottish Government's commitment to establishing Scotland as a leading location for the development of renewable energy technology. NPF3 describes how, in our more remote areas, this will bring new employment, reverse population decline and stimulate demand for development and service. NPF3 considers that onshore wind will continue to make a significant contribution to diversification of energy supplies, in the right places, with a desire to not see wind farm development in our National Parks and National Scenic Areas. Ministers agree with the Reporter's conclusions that the development would support the vision and aims of National Planning Policy Framework 3 to make Scotland 'a low carbon place' by capitalising on the wind resource and encouraging community ownership.

121. The Scottish Planning Policy 2014 (SPP) introduces a presumption in favour of development that contributes to sustainable development. Paragraph 28 of SPP sets out that the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost. The Reporter explains in paragraph 12.11 of his report that his reasoning follows the guiding principles set out in paragraph 29 of SPP.

122. Paragraph 29 of SPP sets out that policies and decisions should be guided by certain principles, including: giving due weight to net economic benefit; supporting delivery of infrastructure, including energy, and; protecting natural heritage, including landscape and the wider environment. SPP also states that the planning system should support the development of a diverse range of electricity generation from renewable energy technologies – including the expansion of renewable energy generation capacity.

123. The Reporter has identified some negative impacts as a result of the proposed development throughout his findings (particularly related to landscape and visual impact, chapter 3 of the report) and in his view, these are limited in scope and taking a balanced view are acceptable overall. He concludes that the proposal would make a contribution to sustainable development.

124. Paragraph 169 of SPP states that proposals for energy infrastructure developments should always take account of spatial frameworks for wind farms and heat maps where these are relevant. The SPP states that further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation. Ministers have given consideration to the impacts of the development on deep peat and carbon rich soils but agree with the Reporter that, on balance, the benefits of forestry removal and peatland restoration which the Development will deliver overcome these impacts.

---

<sup>8</sup> Addressed by the Reporter in Chapters 3, 5, 6, 7 and 8 of the Report

<sup>9</sup> Addressed by the Reporter in Chapter 8 of the Report

<sup>10</sup> Addressed by the Reporter in Chapter 2 of the Report

125. The Reporter highlights key policy principles set out in paragraph 194 of SPP to maintain distinctive landscape character; conserve and protect sites and species; promote the protection of the water environment; seek to protect soils; and seek benefits for biodiversity wherever possible.

126. It is further noted that in remote rural areas, where new development can often help to sustain fragile communities, plans and decision-making should generally:

- encourage sustainable development that will provide employment;
- include provision for development which supports sustainable economic growth in a range of locations, taking account of environmental protection policies and addressing issues of location, access, siting, design and environmental impact.

127. Ministers have considered the fact that there would be impacts from the development on sensitive and remote areas, as detailed in the Report. The location of the turbines has been considered carefully and the landscape and visual impacts have been limited where possible, through the design iteration process, in particular through the revisions to site layout. Ministers agree with the Reporter that: the localised landscape impact of the proposed development would not overly diminish or harm the landscape characteristics of the sweeping moorland or lone mountains landscape character areas (or appreciation of these); the development is not sited within any wild land area or National Scenic Area (NSA); and, the proposed turbines would only be visible for a limited extent within the Assynt-Coigach NSA, the North-West Sutherland NSA and summits within the Kyle of Tongue NSA. Ministers adopt the Reporter's reasoned conclusion that the proposed development would do little to distract from the scenic qualities, appearance and character of the Kyle of Tongue, Assynt-Coigach, and North-West Sutherland NSAs and therefore, the impact on NSAs would be acceptable.

128. Ministers agree with the Reporter that the Development would make a significant contribution towards meeting greenhouse gas emission and renewable electricity targets, as well as the diversification of energy supplies.

129. Ministers agree with the Reporter's conclusions that the Development would provide a significant economic investment in the local area, Highland and Scotland. It would support local contractors; provide job opportunities; and support local services, facilities and accommodation providers. In doing so, there would be opportunities to aid in population retention.

130. In considering all of the aspects together, Ministers agree with the Reporter that overall the Development is supported by the SPP.

### *Compatibility with Local Development Plan and Supplementary Guidance*

131. The Highland Council maintained its objection to the proposed application after modification to 39 wind turbines. It considers the application to be contrary to policies 57 and 67 of the Highland-wide Local Development Plan 2012.

132. The Reporter found (in paragraph 12.12 of his Report) that: the proposal would support the Highland population with limited environmental impacts weighed against social and economic gains; tree felling would be acceptable in this instance as an alien feature in the landscape (and following the advice of the Forestry Commission to not re-stock commercial forestry in proximity to designated sites); the disturbance of peat and measures to protect, re-introduce, move, store, maintain, and restore it have been adequately

addressed; the impact on peat resources would be acceptable and beneficial as restoration proceeds; there would be no adverse impact on protected species; local landscape characteristics, special landscape areas and national scenic areas would be respected; no uncontrolled pollution would arise as a consequence of the development; there would be no flood risk; and, public access would be maintained.

133. The Reporter found that the proposal would comply with Highland-wide local development plan policies 28 (Sustainable Development), 29 (Design Quality and Place Making), 51 (Trees and Development), 52 (Principle of Development in Woodland), 55 (Peat and Soils), 58 (Protected Species), 59 (Other Important Species), 60 (Other Important Habitats and Article 10 Features), 61 (Landscape), 64 (Flood Risk), 72 (Pollution), 77 (Public Access) and 78 (Long Distance Routes).

134. The Reporter went on to conclude the Development would have no unacceptable impact on features of local/regional importance and no significant adverse impacts on features of national importance. Likely significant effects were noted by the Reporter in relation to the Caithness and Sutherland Peatlands SPA, however he found the proposed development would not have an adverse effect on the integrity of the SPA. Similarly the Reporter predicted no likely significant effects in relation to the Caithness and Sutherland Peatlands SAC. The Reporter concluded that the proposed development complies with policy 57 (Natural, Built and Cultural Heritage).

135. Policy 67 (Renewable Energy Developments) closely follows paragraph 169 of SPP in relation to a list of considerations that are required for renewable energy developments to be considered satisfactory. Following the conclusion in relation to SPP, the Reporter found that the proposal would be compliant with the provisions of policy 67.

136. The Reporter noted that the proposal would allow the Melness and Tongue Community Development Trust to gain ownership of part of the development. Policy 68 allows consideration of community ownership where a community would be significantly impacted by a proposal. In this case, no community would be significantly impacted by the proposed development. Policy 68 (Community Renewable Energy Developments) is therefore not directly applicable.

137. The Reporter found that the proposal would be consistent with the council's supplementary planning guidance presented in the following publications:

- Highland Renewable Energy Statement and Planning Guidance (2006).
- Interim Supplementary Guidance – Onshore Wind Energy (2012).
- Highland Statutorily Protected Species Supplementary Guidance (2013).
- Draft Onshore Wind Energy Supplementary Guidance (2015).

138. Ministers agree with the Reporter on each of these points in the foregoing paragraphs 132 – 137 of this letter regarding compatibility with the Local Development Plan and supplementary guidance but do not agree with the Reporter's finding that the community ownership offered is a material consideration – reference should be made to the section of this letter headed "Economic impact and Renewable Energy Benefits (including Tourism)" for further details.

139. Ministers have also considered Highland Council's adopted Onshore Wind Energy Supplementary Guidance (November 2016) ("the adopted guidance") where it differs from the Draft Onshore Wind Energy Supplementary Guidance (2015) ("the draft guidance") considered by the Reporter. Ministers do not consider that the change from the draft

guidance to the adopted guidance creates any new provisions, whose substance has not already been addressed by the Reporter, with which the Development would not be consistent.

140. Ministers conclude that on balance, the proposed development complies with the development plan when read as a whole.

### *Possible Effects on European and International Protected Sites and Ornithological Impacts*

141. During the inquiry ornithological and ecological impacts of the proposal, including in relation to the Ramsar site, SPA and SAC, were examined thoroughly by the Reporter and presented in the Report.

### *Conservation of Habitats and Species Regulations*

142. The Conservation of Habitats and Species Regulations 2017 (“the Habitats Regulations”) require Scottish Ministers to consider whether the proposed development would be likely to have a significant effect on a European site or European offshore marine site (either alone or in combination with other plans or projects), as defined in the Habitats Regulations, and if the development is directly connected with or necessary to the management of the site.

### **Caithness and Sutherland Peatlands Special Area of Conservation (“the SAC”)**

143. In 2007, SNH took the view that the development proposed in the Environmental Statement entitled ‘Strathy South Wind Farm Environmental Statement’ volumes 1 to 4 dated June 2007 was likely to have a significant effect on the qualifying interests of the SAC. SNH’s view was that as such, Scottish Ministers, as the competent authority, were required to undertake an appropriate assessment of the impacts on the SAC.

144. SNH advised in a letter dated 8 January 2015 that it had come to the view that it is unlikely that the Development would have a significant effect on any qualifying interests of the SAC either directly or indirectly and that the SAC did not require any appropriate assessment.

145. Having considered the arguments presented by all parties and the reasoning of the Reporter, Ministers agree with the Reporter’s reasoning and findings in relation to the SAC and accept his conclusion that no likely significant effects in relation to the Caithness and Sutherland Peatlands SAC are predicted. Ministers conclude the Development is not likely to have a significant effect on the SAC (either alone or in combination with other plans or projects) and is not directly connected with or necessary to the management of the SAC.

146. Ministers conclude that the Habitats Regulations do not require an appropriate assessment to be carried out of the implications of the Development for the SAC in view of the conservation objectives of the SAC.

### **Caithness and Sutherland Peatlands Special Protection Area (“the SPA”)**

147. In 2007, SNH took the view that the development proposed in the Environmental Statement entitled ‘Strathy South Wind Farm Environmental Statement’ volumes 1 to 4 dated June 2007 was likely to have a significant effect on the qualifying interests of the SPA. SNH’s

view was that as such, Scottish Ministers, as the competent authority, were required to undertake an appropriate assessment of the impacts on the SPA.

148. Having considered the arguments presented by all parties and the reasoning of the Reporter, Ministers agree with the Reporter's reasoning and findings in relation to the SPA, and consider the Development would be likely to have a significant effect on the SPA (either alone or in combination with other plans or projects). Ministers consider the Development is not directly connected with or necessary to the management of the SPA. Ministers adopt the Reporter's conclusion that an assessment (now under Regulation 63 of the Conservation of Habitats and Species Regulations 2017) requires to be made of the implications of the Development for the SPA in view of the conservation objectives of the SPA.

149. SNH's position regarding impacts on the SPA is as outlined by the Reporter in paragraphs 5.353 to 5.600 of the Report. SNH objects due to harmful impacts on the Caithness and Sutherland Peatlands Special Protection Area, particularly to red-throated diver (through displacement and assumed loss of up to two breeding sites; it also considers collision risk may be significant) and greenshank (potential loss of 10 to 12 breeding pairs). It concludes there will be an acceptable impact on hen harrier and wood sandpiper.

150. RSPB Scotland's position regarding impacts on the SPA is as outlined by the Reporter in paragraphs 5.601 to 5.705 of the Report. It objects due to unacceptable harm to greenshank, hen harrier, red-throated diver, and wood sandpiper; and adverse effects on the integrity of the Caithness and Sutherland Peatlands Special Protection Area.

151. While criticisms were made of the ornithology survey methods and data, the Report goes into considerable detailed examination of the data collection methods, the criticisms of these (from SNH and RSPB Scotland), and the merits of these criticisms alongside the explanations provided by the Company.

152. The principal argument from SNH for the dismissal of the Company's greenshank collision risk model, and SNH's subsequent reliance upon the collision risk modelling that SNH commissioned (SNH O-44, Trinder & Furness 2015), was SNH's view as to weaknesses in the Company's survey methodologies and resultant data. In addition methodological issues were highlighted as the key reason for SNH maintaining their objection to the wind farm due to potential red-throated diver displacement effects.

153. Ministers consider that the Report has been written in a methodical, thorough and objective manner. They agree with the findings of the Report that there is no valid reason to suggest that the data collected by the Company should not be used in the assessments for greenshank and for red-throated diver. Ministers agree with the Reporter that the reasons given by SNH for not accepting the Company's greenshank and red-throated diver data are not supported by the information presented, and that the data can be relied upon to inform the assessment.

#### Collision Risk Modelling (greenshank)

154. The position of RSPB Scotland and SNH was that due to issues with the Company's survey methodologies and therefore data, the outputs from the Company's collision risk model could not be relied upon. As discussed above, RSPB Scotland and SNH's position in relation to the survey methods and resultant data is not supported by the information presented, and Ministers cannot identify any reason why the Company's collision estimates should not be relied upon.

155. The collision estimates from the SNH commissioned collision risk modelling (SNH O-44, Trinder & Furness 2015) are different to those produced by the Company. However, while both the approach taken by the Company and the SNH use the same collision risk model, they incorporate very different information on bird behaviour and are therefore estimating the number of collisions associated with very different situations.

156. The Company's modelling estimates the number of collisions using bird data that the Company gathered from the Strathy South site. The SNH commissioned modelling estimates the number of collisions based on hypothetical assumptions about the number of birds present, flight activity/behaviour, etc. that are not based on data (or qualitative information) from the site in question. Instead, the SNH approach uses information gathered from, or informed by, other sources including some published in 1951 as a natural history text.

157. Ministers have had regard to SNH's position in relation to the applicant's flight data; that the area of viewsheds visible at relevant heights from the vantage points used in the collision risk calculations is incorrect; and that visibility is more limited; that the timing of survey work was unsatisfactory as too little survey work had been carried out in the early part of the day, and the early part of the season; and that there were problems with the distance correction in the collision risk calculation.

158. Ministers consider that the relevance or applicability of the greenshank flight activity/behaviour information incorporated into the SNH approach to the Strathy South site (or indeed any real location) has not been demonstrated by SNH. No cogent argument has been provided by SNH to suggest that it should be used in preference to the site specific data gathered by the Company, or that it provides a realistic estimate of likely collisions at the site.

159. The SNH approach assumes that the currently forested areas within the wind farm site not occupied by greenshank will be rapidly colonised by breeding greenshank on construction of the wind farm. As discussed in the Report, this assumption is not supported by findings from similarly cleared forestry in the area. The assumption of colonisation substantially inflates the number of collisions estimated for the wind farm. It also appears strange to include collisions of birds nesting outwith the SPA boundary in an assessment for a population that is taken to be the number of pairs breeding within the SPA boundary. The approach taken by SNH inflates the effects relative to the SPA population.

160. It is acknowledged in the Furness and Trinder report that the use of an avoidance rate of 98% is overly precautionary and should be 99%. This increase in avoidance rate would result in a halving of the estimated number of collisions.

161. It is also considered that other assumptions made in SNH's theoretical approach are likely to further inflate the estimated number of collisions. There is no reasonable argument put forward to support the view that the Furness and Trinder collision model provides a realistic estimation of collisions at the proposed development.

### Greenshank

162. The position of SNH in relation to greenshank is summarised by the Reporter at paragraph 5.555 of the Report. He explains the key reasons SNH believes an appropriate assessment of the SPA must reach a negative conclusion are (a) unreliability of flight activity data and its assessment; (b) lack of reliable collision risk estimates, given changes that would occur in habitat as woodland is removed and blanket bog is restored; and (c) new SNH modelling in a report commissioned from MacArthur Green.

163. Ministers agree with the reasoning and findings of the Reporter in chapter 5 of the Report in relation to greenshank. Ministers consider that it is appropriate for the greenshank data collected by the Company to be used in reaching conclusions on potential impacts on the SPA, and that substantially more weight should be given to the collision estimates provided by the Company. Ministers adopt the conclusions of the Reporter that there would be no deterioration of the greenshank habitat within the SPA; that the predicted mortality as a result of collisions with turbines is very small and not of a magnitude that could have an adverse effect on the population of greenshank as a viable component of the SPA; and that there would not be any significant disturbance or displacement of greenshank.

164. Ministers conclude, as the Reporter finds at paragraph 5.792 of the Report, that in relation to the greenshank qualifying species, the grant of consent with conditions would not adversely affect the conservation objectives for the SPA. Ministers are satisfied this conclusion is beyond reasonable scientific doubt.

### Red-throated Diver

165. The concerns of SNH regarding this species are summarised at paragraph 5.591 of the Report. The Reporter provides clear reasoning at paragraphs 5.732 – 5.736 in respect of the concern from SNH about losing a breeding pair from lochan 44. In paragraphs 5.737 – 5.742, the Reporter explains why he is not persuaded that lochan 64 is a regularly used breeding site and outlines mitigation measures. In paragraphs 5.743 – 5.744, the Reporter considered the disturbance predicted by SNH from construction, operation and decommissioning at possible breeding sites at lochans 54, 111 and 119 and found it highly or very unlikely that there would be disturbance to red-throated diver at these lochans.

166. The Reporter considered the potential barrier effects identified by SNH on breeding pairs at lochan 151 and also, on the basis of a study from Smøla, lochans 45, 76, 86, 111 and 119. In paragraphs 5.745 – 5.752 of the Report, the Reporter considered evidence of flight lines and commuting patterns and found no reasonable scientific evidence that the proposed wind farm would act as a barrier to flight activity.

167. In relation to red-throated diver, Ministers consider that the reasons given by the Reporter for disagreeing with the RSPB Scotland and SNH advice are well justified and robust. Ministers agree with the Reporter and conclude that the loss of habitat within the Caithness and Sutherland Peatlands SPA would not be significant; that the predicted mortality as a result of collisions with turbines would be very small and would not be of a magnitude that could have an adverse effect on the population of red-throated diver within the SPA; and that there would be no significant disturbance or displacement of red-throated diver, subject to the mitigation measures proposed in the breeding season which are made subject to a condition attached to the deemed planning permission.

168. Ministers conclude, as the Reporter finds at paragraph 5.757 of the Report, that in relation to the red-throated diver qualifying species, the grant of consent with conditions would not adversely affect the conservation objectives for the SPA. Ministers are satisfied this conclusion is beyond reasonable scientific doubt.

### Hen harrier

169. In agreement with the Reporter, Ministers' conclusions on hen harrier are that, apart from some access tracks, there would be no direct loss of habitat within the SPA; that, subject to the mitigation measures for sward height management which the Reporter



recommended should be subject of a condition attached to the planning permission, the predicted mortality as a result of collisions with turbines is very small and not of a magnitude that could have an adverse effect on the population of hen harrier as a viable component of the SPA; and that there would be no significant disturbance or displacement of hen harrier. Condition 23 is imposed which provides the mitigation measures recommended by the Reporter.

#### Wood sandpiper

170. On wood sandpiper Ministers agree with the Reporter and conclude that there would be no likely significant effect on this qualifying species as a result of the proposed development.

#### Non-qualifying species, black-throated diver, common scoter, dunlin, golden eagle, golden plover, merlin, short-eared owl, and wigeon

171. In agreement with the findings of the Reporter, Ministers conclude that there would be no significant impact from the Development on non-qualifying species of the SPA. Ministers accept that SNH and RSPB Scotland do not dispute that there would be no significant impact on the qualifying species of black-throated diver, common scoter, dunlin, golden eagle, golden plover, merlin, short-eared owl, and wigeon. Ministers conclude there would be no significant impact on these species.

#### Consideration of the Conservation Objectives of the SPA

172. Ministers have had regard to the first conservation objective of the SPA and agree with the Reporter that the Development, whether on its own or in combination with other consented or proposed wind farms, would not result in the deterioration of habitats of the qualifying species nor any significant disturbance of the qualifying species.

173. Ministers have had regard to the second conservation objective of the SPA. Ministers agree with the conclusions drawn by the Reporter and are satisfied that the Development, whether on its own or in combination with other consented or proposed wind farms, would have no adverse effect on the objective to ensure for the qualifying species that the following are maintained in the long term: population of the species as a viable component of the site; distribution of the species within site; distribution and extent of habitats supporting the species; structure, function and supporting processes of habitats supporting the species; and, no significant disturbance of the species.

#### Summary of Conclusions by Ministers on Potential Impacts on the Integrity of the SPA

174. In summary, the Scottish Ministers, having considered the arguments presented by all parties, agree with the reasoning and findings of the Reporter in chapter 5 of the Report, and adopt for the purpose of their appropriate assessment in terms of the Conservation of Habitats and Species Regulations 2017 his conclusions in chapter 12 that the grant of consent with conditions would not, having regard to the conservation objectives for the SPA, adversely affect the integrity of the SPA. That conclusion reflects the Reporter's assessment of the evidence presented to the inquiry from which he explains he is satisfied that no reasonable scientific doubt remains as to the absence of such effects. Ministers agree that it can be concluded beyond reasonable scientific doubt that the Development will not result in an adverse impact on the integrity of the SPA.

## *United Nations Convention on Wetlands of International Importance especially as Waterfowl Habitat (“the Ramsar Convention”)*

175. Ministers have had regard to the responsibilities to promote the conservation and wise use of wetlands under Article 3 of the Ramsar Convention. All sites in Scotland included in the List of Wetlands of International Importance maintained by the bureau established under Article 8 of the Ramsar Convention (“Ramsar Sites”) are also either Special Protection Areas or Special Areas of Conservation, designated under directive 2009/147/EC of the European Parliament and of the Council on the conservation of wild birds (commonly known as the Birds Directive), or Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (commonly known as the Habitats Directive).

### **Caithness and Sutherland Peatlands Ramsar Site (“the Ramsar Site”)**

176. The Development has been assessed by SNH as having the potential to affect the Ramsar site. In its consultation responses dated 25 September 2007 and 2 October 2007 SNH informed Ministers that it objects to the Development on the grounds of insufficient information regarding potential impacts on the Ramsar site. Ministers have also considered RSPB Scotland’s position of objection in relation to the Ramsar site on the grounds the Development would cause unacceptable harm to greenshank, hen harrier, red-throated diver, and wood sandpiper; adverse effects on the integrity of the SPA, Ramsar site, and underlying SSSIs; permanent legacy of turbine bases, roads, hard-standings; and, damaged peatland hydrology even after decommissioning.

177. Paragraph 211 of SPP states that all Ramsar sites are also Natura 2000 sites and/or Sites of Special Scientific Interest and are protected under the relevant statutory regimes. The foregoing paragraphs 142 – 174 of this letter refer to the assessments by the Scottish Ministers for the SAC and the SPA, which include the species and habitats the Ramsar site has in common with the SAC and SPA. Following the conclusions of these assessments, Ministers, having had regard to the common spatial “footprint” of the SAC, SPA and Ramsar sites, have considered whether there would be any likely significant effects on the qualifying interest features of the Ramsar site which have not been addressed in their assessment of the Natura 2000 sites and ought to be considered further.

178. Ministers have had regard to SNH’s advice that the Development would have a significant effect on the breeding greylag goose population qualifying feature of the Ramsar site and further consideration is required, and that in all other respects its position on the ornithological interests of the Ramsar site mirrors that of the SPA for dunlin and greenshank, as it mirrors that of the SAC for blanket bog.

179. Ministers have considered the appraisal by SNH contained in its letter dated 2 October 2007 in which it is advised, on page 6, that the Development will not adversely affect the integrity of the Ramsar site. The appraisal by SNH considered the following factors:

- a) Greylag geese were observed flying over the proposed wind farm area resulting in some collision risk.
- b) No flights over the core risk area were at collision height.
- c) Greylag geese are large birds that are highly visible to observers when flying at collision risk height.
- d) SNH accept the use of a 99% avoidance factor in collision calculations for most geese species.
- e) Birds observed in Autumn are likely to be Icelandic birds on passage and therefore not qualifiers.

180. In relation to the appraisal by SNH referred to in the foregoing paragraph, Ministers agree with the reasoning and conclude that in relation to greylag goose, the Development will not adversely affect the integrity of the Ramsar Site.

181. Further details of the consideration given to impacts on ecology, peat and forestry which supports the conclusions in this section headed “Possible Effects on European and International Protected Sites and Ornithological impacts” are provided in subsequent sections of this decision letter. Reference should be made to the sections of this letter headed “Impacts on Peat and Forestry” and “Impacts on Ecology”. It should also be noted that conditions attached to the deemed planning permission include restrictions on micro-siting which take into account the potential impacts on the Ramsar site, SPA and SAC.

### *United Nations Educational, Scientific and Cultural Organisation (UNESCO) Convention Concerning The Protection Of The World Cultural And Natural Heritage*

182. Scottish Ministers received a letter from RSPB Scotland dated 24 February 2016. The letter post-dated the close of the inquiry and is not reflected in the PLI report. It encloses a letter from the UK National Commission for UNESCO addressed to the UK Minister for Sport, Tourism and Heritage dated 23 December 2015, which concluded that the aspiration for nomination of the Flow Country in January 2019 as World Heritage site is realistic.

183. Matters raised by RSPB Scotland (including the evidence from their witness Professor Joosten at the PLI) which held that the Development would undermine the potential inscription of the Flow Country as a UNESCO World Heritage Site were addressed by the Reporter. The terms of this correspondence post-dating the PLI from RSPB Scotland and related correspondence from Professor Joosten representing the IMCG (summarised at paragraph 110 of this letter) in relation to World Heritage Site nomination are noted, along with the Reporter’s conclusion that any impact on the future nomination and designation process for the Flow Country World Heritage Site nomination would likely be neutral.

### *Landscape and Visual Impacts*

184. Having considered the arguments presented by all parties and the reasoning of the Reporter, Ministers agree with the Reporter’s reasoning and findings in chapter 3 of the Report and adopt his conclusions in relation to landscape and visual impact in chapter 12 of the Report, that the application site is positioned well in relation to the surrounding topography: a u-shaped extended valley in which the proposed turbines would be relatively screened from much of the surrounding area. The application site is not located in an area subject to any landscape designation. There would be little impact on national scenic areas. Significant localised landscape impacts would occur, as would other significant landscape impacts from a limited number of locations, including within one special landscape area. There would be no significant landscape or visual impact from the identified northern estates. There would be very limited impact on residences. Again, the significant visual impacts identified would be limited to a few locations. The combination of the proposed development with the constructed Strathy North and proposed Strathy Wood wind farms would further emphasise existing significant landscape and visual impacts from various locations.

185. Ministers agree with the Reporter that the character, appearance and scenic qualities of national scenic areas would be maintained. There would be a limited number of significant landscape and visual impacts, including cumulative impacts, but these would be from

relatively remote locations. The vast majority of views from residences, routes, trails and summits assessed would have no significant landscape or visual impacts, including cumulatively and sequentially. In reaching their conclusions on landscape and visual impacts, Ministers have also taken into account points raised by Professor Joosten representing the IMCG, summarised at paragraph 110 of this letter. Ministers agree with the Reporter that the landscape and visual impact would be acceptable.

### Wild Land

186. Wild land areas are recognised within SPP as areas of significant protection within the wind farm development spatial framework. In the current proposal, no development is proposed within an area of wild land. However, where a proposed wind farm is situated outwith a wild land area, the effects on wild land may be a relevant consideration.

187. In the course of the inquiry process, the Company provided a detailed wild land review. Comments were invited from all inquiry parties. SNH did not object on the basis of impacts on wild land. The John Muir Trust argued that the combination of the consented Strathy North and proposed Strathy South wind farms would give rise to significant adverse landscape and visual effects and significant adverse effects on wild land.

188. The proposed turbines, together with those proposed at Strathy Wood and those under construction at Strathy North, would be visible from the summits and slopes of Ben Hope, Ben Loyal, Ben Klibreck and Foinaven. These locations are within the Foinaven – Ben Hee (area 37); Ben Hope – Ben Loyal (area 38); and Ben Klibreck-Armie Forest (area 35) wild land areas. There would also be discrete locations within the wild land areas at Causeymire-Knockflin Flows (area 36) and East Halladale Flows (area 39) where the turbines would be visible.

189. Having considered the arguments presented by all parties and the reasoning of the Reporter, Ministers agree with the reasoning and findings of the Reporter in chapter 4 of the Report and adopt his conclusions on wild land in chapter 12 of the Report. The application site is some considerable distance from any wild land areas, with intervening landscape features, meaning that in the limited instances where turbines would be visible they would appear distant and as a small component of the overall landscape. The proposed development would not have any significant adverse impact on these wild land areas.

190. Scottish Ministers received emails from John Muir Trust dated 9 March 2018, 12 March 2018 and a letter dated 3 April 2018. The correspondence post-dated the close of the inquiry for Strathy South and is not reflected in the PLI report. The Trust enclosed reports and visualisations submitted to the conjoined public local inquiry on the proposed Limekiln and Drum Hollistan wind farms.

191. Matters raised by the John Muir Trust regarding wild land and landscape and visual impact including cumulative impact were addressed by the Reporter at the Strathy South PLI. The terms of this correspondence post-dating the Strathy South PLI from John Muir Trust are noted, along with the Reporter's conclusion that the character and qualities of wild land areas would not be adversely affected by the proposed development.

192. Ministers agree with and adopt the Reporter's conclusion that the character and qualities of wild land areas would not be adversely affected by the proposed development.

### Impacts on Ecology

193. Objectors expressed concern that the proposed development would pose a significant threat to otter, pine martin, water vole, and wildcat; and that run-off, chemicals and sedimentation would harm salmon, brown trout and eel. However, those in support suggested that any environmental or ecological impact would be minimal.

194. The Reporter concluded the proposed development would likely be beneficial to areas of important plant life following restoration, and that the implementation of mitigation measures and continued monitoring and management of the site and surroundings would ensure no harm to protected species on land or in the River Strathy catchment.

195. Taking account of the environmental statement, addendum and further information report findings, and following the advice of SNH, SEPA and MSS, the Reporter found that there would be no significant impact to protected species. The Company has carried out a significant level of investigation to determine the presence, or otherwise, of species on and around the application site. Ministers agree with the Reporter that the level of pre-construction, construction and post-construction monitoring, and the implementation of mitigation measures, would be satisfactory to safeguard any harm to otter, water vole, pine martin, wild cat, badger, Atlantic salmon, freshwater pearl mussels, and brown trout. Ministers also agree with the Reporter's finding that the monitoring and mitigation measures would ensure no harm to eel if found present in the River Strathy catchment.

196. In summary, having considered the arguments presented by all parties and the reasoning of the Reporter, Ministers agree with the reasoning and findings of the Reporter in chapters 6 and 7 of the Report and conclude the Development would likely be beneficial to areas of important plant life following restoration, and that careful management of the tree felling, construction, post-construction and restoration stages through the implementation of mitigation measures and continued monitoring and management of the site and surroundings would minimise the impact on important plant life and ensure no harm to protected species on land or in the River Strathy catchment.

### Impacts on Peat and Forestry

197. The application site, within what is now a U-shaped commercial forestry plantation block surrounded by peatland, has undergone a dramatic transition over the last 30 or so years. The ploughing of peatland and the creation of commercial coniferous forestry has created a very large extent of damaged peatland and modified the site landscape from sweeping moorland to non-native dense woodland and access tracks.

198. Ministers agree with the Reporter that the long-term plans of the Company for forestry removal, peatland restoration and management to restore the area occupied by non-native, commercial forestry presents an opportunity to create a significant net environmental benefit in terms of peatland habitats and landscape. It would bring continuity to the sweeping moorland landscape character area (rather than the distinct contrast and visual interruption given by the existing forestry).

199. Ministers have had regard to the extension of The Flows Nature Reserve (managed by RSPB Scotland) to the southern and eastern wind farm site boundaries and its designation as Forsinard Flows National Nature Reserve, agreed by SNH effective from 30 September 2016.

200. The majority of the peat resource on the application site itself has been highly modified by the processes required to plant and manage evergreen commercial forestry, and Ministers conclude the proposal to progressively restore the application site to active

peatland would be of benefit to the site, the surrounding peatland and the landscape providing a considerable and significant area of restored peatland habitat over a progressive period (0-25 years). Ministers conclude that such peatland and habitat restoration as proposed by the Company would be complementary to the objectives for the management of the adjoining Forsinard Flows National Nature Reserve, and have included a condition which provides the forestry removal and peatland restoration mitigation measures recommended by the Reporter.

201. Having considered the arguments presented by all parties and the reasoning of the Reporter, Ministers agree with the reasoning and findings of the Reporter and adopt his conclusions in relation to peat and forestry, including that:

- The estimated levels of peat extraction would not equate to a significant volume when considered in the context of the site or the wider SAC designation. Extracted peat could be successfully re-instated, moved, stored, maintained and used in restoration. Peat extraction would provide a useful field of research for the Environmental Research Institute in Thurso which could inform practice.
- The use of floating roads would help to minimise peatland impacts and allow areas of peat to “communicate” with hydro-connectivity retained.
- The proposal to restore the application site to active blanket bog is ambitious but achievable (as proven by other projects such as at Forsinard Flows).
- The removal of commercial forestry and restoration of moorland (primarily to blanket bog) would support peatland revival and areas of important plant life and would provide a positive landscape enhancement.

202. Ministers agree with the Reporter’s finding in paragraph 7.150 of the Report and conclude that the peatland restoration which would be brought about by the Development would have a greater benefit than restoration in the absence of the Development, as the Development would proceed without the requirement to pursue government grants or funding streams directed at peatland restoration, leaving the limited amounts of such directed funding available for other projects.

### *Renewable energy generation and associated policy benefits*

203. According to the Scottish Government Renewable Electricity Output Calculator published at <http://www.gov.scot/Topics/Statistics/Browse/Business/Energy/onlinetools/ElecCalc>, a 132.6 MW onshore wind farm (such as the Development) has an estimated annual generation of 295,679 MWh, enough to power the equivalent of 66,222 households in Scotland for a year.

204. Ministers accept SEPA’s advice that the Company has provided satisfactory justification of the assumptions and input data behind its carbon calculation. The estimated payback time ranges from -0.6 to 9.7 years, with the upper maximum reflecting a precautionary approach regarding maximum drainage distance and turbine foundation dimensions. Ministers note SEPA has confirmed that there is sufficient confidence in the expected carbon payback figure of 1.1 years submitted as part of the Further Information Report in November 2014 for it to be used by Scottish Ministers as a material consideration.

205. Having considered the arguments presented by all parties and the reasoning of the Reporter, Ministers agree with the Reporter's reasoning and findings in chapter 8 of the Report and adopt his conclusions in relation to carbon payback and carbon emissions reduction in chapter 12 of the Report. An estimated carbon payback period of 1.1 years would give effect to the carbon saving potential of the development relatively quickly, but even if the most precautionary approach to calculating payback time is employed, a payback time of up to 9.7 years would still allow it to help realise the Scottish Government's ambition to largely decarbonise Scotland's generation mix by 2030.

### *Economic impact and Renewable Energy Benefits (including Tourism)*

206. The Reporter considered the concerns of parties opposed to the development, that:

- Only short-term contracts would arise from the development with little long-term employment for locals.
- There would be a loss of income from climbers, walkers, anglers, hunters, and tourists as a consequence of people being put-off by the development.

207. He also considered the arguments advanced by those in favour, that:

- The proposal would provide secure employment to local people.
- Support would be given to local shops and services from those employed in construction and maintenance of the wind farm.
- The proposed community package would provide social and economic benefits.
- The existing commercial forestry is a private enterprise which has no community benefit.
- The proposal would help to retain people, especially the younger generation, due to employment and support for local shops and facilities.
- The local supply chain would be supported through employment and contracts.

208. Ministers have considered the economic and socio-economic impacts detailed by the Reporter at Chapter 9 of the Report, and note the Company proposes community benefit of £5000 per annum per megawatt of installed capacity and has signed a memorandum of understanding with Melness and Tongue Community Development Trust agreeing to offer up to 10% of the development for community investment and subsequent share in revenue for the lifetime of the project. The Reporter took into account the experiences from the development of the Strathy North Wind Farm, which is comparable in terms of scale, location and developer. His findings were that the proposed development would provide a significant economic investment in the local area, Highland and Scotland. It would support local contractors; provide job opportunities; and support local services, facilities and accommodation providers. In doing so, there would be opportunities to aid in population retention.

209. Having considered the arguments presented by all parties and the reasoning of the Reporter, Ministers agree with the Reporter's reasoning and findings that the proposal is likely to have no significant detrimental impact when viewed from attractions, viewpoints or tourist routes; and that the siting of the wind turbines would have little impact on the attractiveness and attributes of the area. However, while Ministers accept the Reporter's analysis of the opportunities for socio-economic benefits detailed above, Ministers have not attached weight to this when reaching their decision as the community benefit of £5000 per annum is not a material consideration, and the net economic benefit associated with shared ownership the Development might bring to the economic position of the area is insufficiently

certain to attach weight to it. Furthermore, the experience from the development of Strathy North Wind Farm, while a helpful indicator, is not a guarantee that the same local benefits would flow from the development of Strathy South.

## **The Scottish Ministers' Determination**

210. The Scottish Ministers are satisfied that an environmental impact assessment has been carried out, and that the applicable procedures regarding publicity and consultation in respect of the application have been followed.

211. When formulating proposals for the construction of the proposed generating station the Company must comply with paragraph 3 of Schedule 9 to the Electricity Act 1989. Paragraph 3(1)(a) of Schedule 9 requires the Company in formulating such proposals to have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest. Paragraph 3(1)(b) requires the Company to do what it reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects. Under paragraph 3(3) of that Schedule the Company must also avoid, so far as possible, causing injury to fisheries or to the stock of fish in any waters.

212. Under paragraph 3(2) of that Schedule the Scottish Ministers must have regard to the desirability of the matters mentioned in paragraph 3(1)(a) of that Schedule and the extent to which the Company has complied with its duty under paragraph 3(1)(b). Under paragraph 3(3) the Scottish Ministers must avoid, so far as possible, causing injury to fisheries or to the stock of fish in any waters.

213. In considering the application, the Scottish Ministers have had regard to the desirability of the matters mentioned in paragraph 3(1)(a) of Schedule 9 and the extent to which the Company has complied with its duty under paragraph 3(1)(b). Ministers consider that the Company has done what it reasonably can to mitigate the effect of the proposed development on the matters mentioned in paragraph 3(1)(a). Ministers are satisfied that the requirements of paragraph 3 of Schedule 9 are satisfied.

214. Ministers have had regard to the advice of SEPA as required by section 36(5A) of the Electricity Act 1989 and the purposes of Part 1 of the Water Environment and Water Services (Scotland) Act 2003. SEPA has indicated that based on the information available, the Development accords with Water Framework Directive objectives and a CAR licence is capable of being authorised.

215. Ministers have weighed the impacts of the proposed development, and the degree to which these can be mitigated, against the economic and renewable energy benefits which would be realised. Ministers have undertaken this exercise in the context of national and local policies.

216. Ministers have considered the extent to which the development accords with and is supported by Scottish Government policy and the terms of the development plan, and the environmental impacts of the development, in particular: the impact on the Caithness and Sutherland Peatlands SAC, SPA and Ramsar Site; ornithological impacts; the landscape and visual impact of the development; impacts on wild land; impacts on ecology; and; impacts on peat. Ministers have also considered the benefits of removal of forestry in the long term which the development would provide; the estimated contribution made by the development to reducing CO<sub>2</sub> emissions, and; the renewable energy benefits of the development.



217. Ministers are satisfied that many of the environmental issues have been appropriately addressed by way of the design of the proposal and mitigation, and that the issues which remain are, on balance, outweighed by the benefits of the proposal. In particular Ministers are satisfied that the proposal will not adversely affect the integrity of the Caithness and Sutherland Peatlands SPA or the Ramsar site.

218. Ministers have had regard to the requirements of Directive 2009/147/EC of the European Parliament and of the Council on the conservation of wild birds, and Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora.

219. In their consideration of the environmental impacts of the Development, Ministers have identified conditions to be attached to the consent to avoid pollution or deterioration of habitats of wild birds in Scotland and secure the preservation, maintenance and re-establishment of a sufficient diversity and area of habitat for wild birds in Scotland. These include requirements for a Pre-Construction Species Survey and Protection Plan and Protected Bird Species, Vegetation and Tree Felling Monitoring, Surveys and Reporting; a Habitat Management Plan; a Deer Management Plan to provide long term management of deer using the wind farm site to safeguard adjacent areas of the SAC; a Construction and Environmental Management Document (CEMD) comprised of Construction and Environmental Management Plans (CEMPs) including a Wetland Ecosystems Survey and Mitigation Plan, a Pollution Prevention Plan, and post-construction restoration and reinstatement of the working areas not required during the operation of the Development.

220. A condition has also been identified containing requirements for the appointment of an Ecological Clerk of Works (ECoW) to monitor compliance with all environmental and nature conservation mitigation works and working practices approved by deemed planning permission, the CEMD, all CEMPs, the Pre-Construction Species Survey and Protection Plan and the Habitat Management Plan. The ECoW appointed will have powers to order a stop to any activity on site which in his or her reasonable opinion could lead to an incidence of non-compliance with the environmental and ecological conditions or a breach of environmental law.

221. Ministers are satisfied that with the adoption of conditions to mitigate the impacts of the Development including those indicated in paragraphs 219 and 220 above and described more fully in Annex 2, the grant of consent would be consistent with their duties under regulations 3 and 3A of the Conservation (Natural Habitats & c.) Regulations 1994 (as amended).

222. Other than the extent referred to in paragraph 209 regarding the economic benefits of shared ownership, and their decision referred to in paragraph 97 that a Private Water Supply Protection Plan should be required to safeguard private water supplies, Ministers agree with the Report and adopt its reasoning, findings, and conclusions for the purposes of their decision.

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

224. There is the potential for significant adverse effects on ecology and on the Caithness and Sutherland Peatlands SPA and Ramsar site, unless the mitigation measures proposed in the Strathy South Wind Farm Environmental Statement volumes 1 to 4 dated June 2007 published by Scottish and Southern Energy plc at 4.9.2, 4.9.3, 10.6.1.(b), 10.7, Appendix 4.1; in the Strathy South Wind Farm Further Information Report (T39 Layout) dated 12 November

2014 published by Environ at Appendix TA04.01 are undertaken; and unless the Micro-Siting controlled by condition 17, the Construction and Environmental Management Document required by condition 18, the Ecological Clerk of Works required by condition 19, the Pre-Construction Species Survey and Protection Plan and Protected Bird Species, Vegetation and Tree Felling Monitoring, Surveys and Reporting required by condition 20, the Peat Stability Plan required by condition 22, the Habitat Management Plan required by condition 23, and the Deer Management Plan required by condition 24 are implemented.

225. Subject to the conditions set out in **Part 1 of Annex 2**, Scottish Ministers **grant consent** under section 36 of the Electricity Act 1989 for the construction and operation of the Strathy South wind-powered electricity generating station (as described in Annex 1).

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

227. The Scottish Ministers direct that section 58(1) of the Town and Country Planning (Scotland) Act 1997 is not to apply and that planning permission is to lapse on the expiry of a period of 5 years from the date of this letter unless the development is begun before the expiry of that period.

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

229. Copies of this letter have been sent to the public bodies consulted on the application including the planning authority, SNH, SEPA and Historic Environment Scotland. This letter has also been published on the Scottish Government Energy Consents website at <http://www.energyconsents.scot>.

230. The Scottish Ministers' decision is final, subject to the right of any aggrieved person to apply to the Court of Session for judicial review. Judicial review is the mechanism by which the Court of Session supervises the exercise of administrative functions, including how the Scottish Ministers exercise their statutory function to determine applications for consent. The rules relating to the judicial review process can be found on the website of the Scottish Courts – <http://www.scotcourts.gov.uk/rules-and-practice/rules-of-court/court-of-session-rules>. Your local Citizens' Advice Bureau or your solicitor will be able to advise you about the applicable procedures.

Yours sincerely

**REDACTED**

**Sue Kearns**

Deputy Director Consumers and Low Carbon  
*A member of the staff of the Scottish Ministers*

## ANNEX 1 – DESCRIPTION OF THE DEVELOPMENT

A wind powered electricity generating station with generating capacity in excess of 50 megawatts, situated on the site with Central Grid Reference 280600, 953000, being approximately 15 kilometres south of Strathy village and 35 kilometres south-west of the settlement of Thurso, as indicated on Figure A4.1 of the addendum to the Environmental Statement entitled “Strathy South Wind Farm Environmental Statement Addendum – July 2013” dated July 2013 published by SSE Renewables Developments (UK) Ltd; **excluding turbines 51, 55, 62, 63, 68, 73, 74, 76; excluding the anemometry mast to the north west of the site**; with turbine layout as detailed in Figure 1.2 of the further information report entitled ‘Strathy South Wind Farm Further Information Report (T39 Layout)’ dated 12 November 2014 published by Environ, and including;

- 39 wind turbines, with a hub height of 83 metres, maximum tip height of 135 metres, and maximum rotor diameter of 104 metres
- use of 3.4 megawatt turbines
- reinforced concrete foundations for each turbine, of maximum 20 metres diameter and maximum 3 metres depth (5.734 to 4.758 hectares of permanent land take)
- access from the A836 public road via the access to the Strathy North Wind Farm
- 32 kilometres of access tracks
- 15 stream crossings
- a single switching station
- 3 anemometry masts not exceeding 90 metres in height
- cabling trenches extending to 42 kilometres in length
- 4 borrow pits
- 1 site compound; 1 lay down area; 1 crane pad for each turbine
- a 100 metre by 100 metre concrete batching plant;

All as more particularly shown on plans reference Figure A4.1 and Figure 1.2 (“the approved plans”) appended to this decision letter and all as specified in the Application submitted by SSE GENERATION LIMITED, incorporated under the Companies Acts (Registered Number 02310571) and having its registered office at 55 Vastern Road, Reading, Berkshire, RG1 8BU (“the Developer”) and supporting environmental information, which comprises the Environmental Statement entitled ‘Strathy South Wind Farm Environmental Statement’ volumes 1 to 4 dated June 2007 published by Scottish and Southern Energy plc; as amended by the addendum entitled ‘Strathy South Wind Farm Environmental Statement Addendum – July 2013’ volumes A1 to A4 dated July 2013 published by SSE Renewables Developments (UK) Ltd, and the further information report entitled ‘Strathy South Wind Farm Further Information Report (T39 Layout)’ dated 12 November 2014 published by Environ including Appendices TA01.01, TA04.01 and TA05.01 as revised on 28 November 2014 and annotated as ‘Issue 2’.

## ANNEX 2

### Interpretation of Annex 2

<i>Commencement of the Development</i>	<i>Means the initiation of the Development (or part thereof) by the carrying out of a material operation within the meaning of section 27(4) of the Town and Country Planning (Scotland) Act 1997.</i>
<i>The Company</i>	<i>Means SSE Generation Limited, a company incorporated under the Companies Acts (Company Number 02310571) and having its registered office at 55 Vastern Road, Reading RG1 8BU</i>
<i>Date of Final Commissioning</i>	<i>Means the date on which electricity is exported to the grid on a commercial basis from the last of the wind turbines forming part of the Development erected in accordance with this consent and deemed planning permission</i>
<i>Date of First Commissioning</i>	<i>Means the date when electricity is first exported from any of the approved wind turbines to the electricity grid network, excluding any generation exported for testing purposes</i>
<i>The Developer</i>	<i>Means the Company and in substitution therefor any other party who at the time has the benefit of this section 36 consent</i>
<i>Development</i>	<i>Means the development to which this consent and deemed planning permission relates, all as more particularly described at Annex 1</i>
<i>Environmental Statement and Supporting Environmental Information</i>	<i>Means the Environmental Statement entitled ‘Strathy South Wind Farm Environmental Statement’ volumes 1 to 4 dated June 2007 published by Scottish and Southern Energy plc; as amended by the addendum entitled ‘Strathy South Wind Farm Environmental Statement Addendum – July 2013’ volumes A1 to A4 dated July 2013 published by SSE Renewables Developments (UK) Ltd, and the further information report entitled ‘Strathy South Wind Farm Further Information Report (T39 Layout)’ dated 12 November 2014 published by Environ including Appendices TA01.01, TA04.01 and TA05.01 as revised on 28 November 2014</i>

PART 1

The consent granted in accordance with Section 36 of the Electricity Act 1989 and direction that planning permission be deemed to be granted under section 57 of the Town and Country Planning (Scotland) Act 1997 are subject to the following conditions:

Conditions Attached to Section 36 Consent	
1.	<p><b>Duration of the Consent</b></p> <p>The consent is for a period from the date of this consent decision letter until the date occurring 25 years after the date of First Commissioning.</p> <p>Written confirmation of the Date of First Commissioning shall be provided to the planning authority and Scottish Ministers no later than one calendar month after that date.</p> <p><i>Reason: To define the duration of the consent.</i></p>
2.	<p><b>Commencement of Development</b></p> <p>The Commencement of the Development shall be no later than five years from the date of this consent, or in substitution such other period as the Scottish Ministers may hereafter direct in writing. Written confirmation of the intended date of Commencement of Development shall be provided to the planning authority and Scottish Ministers no later than one calendar month before that date.</p> <p><i>Reason: To ensure that the consent is implemented within a reasonable period.</i></p>
3.	<p><b>Non-assignment</b></p> <p>The Developer shall not be permitted to assign this consent without the prior written authorisation of the Scottish Ministers. The Scottish Ministers may authorise the assignment of the consent or refuse consent to assignment as they may, in their own discretion, see fit. The consent shall not be capable of being assigned, alienated or transferred otherwise than in accordance with the foregoing procedure. The Developer shall notify the planning authority in writing of the name of the assignee, principal named contact and contact details within 14 days of written confirmation from the Scottish Ministers of an assignment having been granted.</p> <p><i>Reason: To safeguard the obligations of the consent if transferred to another company.</i></p>
4.	<p><b>Serious Incident Reporting</b></p> <p>In the event of any breach of health and safety or environmental obligations relating to the Development during the period of this consent, the Developer will provide written notification of the nature and timing of the incident to the Scottish Ministers, including confirmation of remedial measures taken and/ or to be taken to rectify the breach, within 24 hours of the Developer becoming aware of the incident.</p> <p><i>Reason: To keep the Scottish Ministers informed of any such incidents which may be in the public interest.</i></p>

PART 2

Conditions Attached to Deemed Planning Permission	
1.	<p><b>Duration of the Consent</b></p> <p>Upon the expiration of a period of 25 years from the Date of First Commissioning, the wind turbines shall be decommissioned and removed from the site, with decommissioning and restoration works undertaken in accordance with the terms of condition 3 of this permission. Written confirmation of the Date of First Commissioning shall be submitted in writing to the planning authority no later than one calendar month after the Date of First Commissioning.</p> <p><i>Reason: To define the duration of the consent. The 30 year cessation date allows for a 5 year period to complete decommissioning and site restoration work.</i></p>
2.	<p><b>Planning Authority Consultant</b></p> <p>No development shall commence until the planning authority has approved in writing the terms of appointment of an independent and suitably qualified consultant to assist in the monitoring of compliance with conditions attached to this deemed planning permission during the period from Commencement of Development to the Date of Final Commissioning.</p> <p><i>Reason: to enable the Development to be suitably monitored during the construction phase to ensure compliance with the permission issued.</i></p>
3.	<p><b>Decommissioning and Restoration Plan</b></p> <p>No development (excluding keyhole felling and 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 SNH and SEPA.</p> <p>Thereafter:</p> <ul style="list-style-type: none"> <li>i. Not later than 3 years prior to the decommissioning of the Development or the expiration of the section 36 consent (whichever is the earlier), 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 their written approval, in consultation with SNH and SEPA.</li> <li>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 IDRP, shall be submitted to and approved in writing by the planning authority in consultation with SNH and SEPA.</li> </ul> <p>Unless otherwise agreed in advance in writing with the planning authority, the IDRP and subsequent DRP shall outline measures for the decommissioning of the Development, restoration and aftercare of the site in accordance with commitments contained in the information lodged in support of the application for this consent and deemed planning permission, prevailing legislative requirements and published best practice prevailing at the time. The IDRP and DRP shall include 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. Where infrastructure is removed, provision shall be made for drainage reinstatement to achieve</p>

	<p>in perpetuity natural drainage patterns consistent with the delivery of the Habitat Management Plan.</p> <p>The DRP shall be implemented as approved, unless otherwise agreed in writing with the planning authority in consultation with SNH and SEPA. In the event that the DRP is not approved by the planning authority in advance of the decommissioning of the Development, then unless otherwise agreed in writing by the planning authority, the Interim IDRP shall be implemented in full.</p> <p><i>Reason: To ensure the decommissioning and removal of the Development in an appropriate and environmentally acceptable manner and the restoration and aftercare of the site, in the interests of safety, amenity and environmental protection.</i></p>
4.	<p><b>Financial Guarantee</b></p> <p>No development shall commence until a legal agreement is in place securing delivery by the Developer of a financial guarantee in favour of the planning authority to secure the proper decommissioning of the wind farm and site reinstatement as set out within the approved Interim Decommissioning and Restoration Plan (IDRP) required under Condition 3 above.</p> <p>The agreement shall include:</p> <ol style="list-style-type: none"> <li>i. The maximum sum determined by a suitably qualified independent professional as being required to decommission the Development in line with the IDRP. The value of the financial guarantee shall be reviewed by a suitably qualified independent professional at intervals of not less than five years. The financial guarantee shall be increased or decreased to take account of any variation in costs of compliance with restoration and aftercare obligations and best practice prevailing at the time of each review.</li> <li>ii. Details of the financial guarantee in terms acceptable to the planning authority, which can either be by way of a (i) restoration bond; (ii) letter of credit (or such other suitable financial instrument with a reputable financial institution); (iii) restoration fund, or (iv) any combination of (i) (ii) and (iii) reflecting the maximum sum required to decommission the site in line with the IDRP.</li> <li>iii. Details of provisions related to continuing liability on assignment of the section 36 consent to another person in accordance with condition 3 attached to the section 36 consent.</li> <li>iv. Details of procedure in relation to resolution of disputes.</li> </ol> <p>The financial guarantee shall thereafter be maintained in favour of the planning authority until the date of completion of all restoration and aftercare obligations.</p> <p><i>Reason: to ensure the necessary finances are secured to guarantee site restoration.</i></p>
5.	<p><b>Electricity Supply</b></p> <p>5.1 The Developer shall, at all times after the Date of First Commissioning, record information regarding the monthly supply of electricity to the national grid from each turbine within the Development and retain the information for a period of at least 24 months. The information shall be made available to the planning authority within one month of any request by them. In the event that:</p> <ol style="list-style-type: none"> <li>i. Any wind turbine installed and commissioned fails to supply electricity on a commercial basis to the grid for a continuous period of 6 months, the wind turbine in question shall be deemed to have ceased to be required. Thereafter, if the planning authority so direct in writing 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.</li> </ol>

	<p>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 from the date on which it stopped supplying energy, then the Developer must notify the planning authority in writing immediately. Thereafter, if the planning authority so direct in writing the wind farm shall be decommissioned and the application site reinstated in accordance with this condition.</p> <p>5.2 Paragraph 5.1(i) and 5.1(ii) shall not apply if such outages are out with the Developer'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 shut downs, reasons for the turbine shut downs and timescales for the outages within 5 working days of the turbines being switched off.</p> <p>5.3 All decommissioning and reinstatement work required by this condition shall be carried out in accordance with the approved Decommissioning and Restoration Plan (DRP) or, should the DRP not have been approved at that stage, other decommissioning and reinstatement measures, based upon the principles of the Interim Decommissioning and Restoration Plan (IDRP), as may be approved in writing by the planning authority.</p> <p><i>Reason: to ensure that any redundant or non-functional wind turbines removed from site, in the interests of safety, amenity and environmental protection.</i></p>
6.	<p><b>Wind Turbine Details</b></p> <p>6.1 No development shall commence until full details of the proposed wind turbines have been submitted to and approved in writing by the planning authority. These details shall include:</p> <ul style="list-style-type: none"> <li>i. The make, model, design, size, power rating and sound power levels of the turbines to be used. The turbines shall be consistent with the candidate turbine or range assessed in the environmental statement.</li> <li>ii. The external colour and finish of the turbines to be used (including towers, nacelles and blades) which should be non-reflective pale grey semi-matt.</li> </ul> <p>6.2 Thereafter, development shall progress in accordance with these approved details and, with reference to paragraph ii of condition 6.1 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. All wind turbine blades shall rotate in the same direction.</p> <p><i>Reason: to ensure that the turbines chosen are suitable in terms of visual, landscape, noise and environmental impact considerations.</i></p>
7.	<p><b>Wind Turbine Transformers</b></p> <p>All of the wind turbine transformers shall be located within the tower of the wind turbine to which they relate.</p> <p><i>Reason: to ensure ancillary elements of the Development are only permissible if, following additional design and LVIA work, they are demonstrated to be acceptable in terms of visual, landscape and other environmental impact considerations.</i></p>
8.	<p><b>Buildings and Other Facilities</b></p> <p>No development shall commence until full details of the location, layout, external appearance, dimensions and surface materials of all control, sub-station and other buildings, welfare facilities, compounds and parking areas, as well as any fencing, walls, paths and any other ancillary elements of the Development, including any proposed screening, have been submitted to and approved in writing by the planning authority, in consultation with SEPA and SNH. Thereafter, development shall progress</p>



	<p>in accordance with the approved details.</p> <p><i>Reason: to ensure that all ancillary elements of the Development are acceptable in terms of visual, landscape and environmental impact considerations.</i></p>
9.	<p><b>No Advertisements</b></p> <p>Unless there is a demonstrable regulatory, statutory, health and safety or operational reason, 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 without express consent having been granted by the planning authority.</p> <p><i>Reason: to ensure that the turbines are not used for advertising, in the interests of visual amenity.</i></p>
10.	<p><b>Aviation Lighting and Information</b></p> <p>10.1 No development shall commence until a scheme of aviation lighting is submitted to, and approved in writing by the planning authority after consultation with the Ministry of Defence. Thereafter the approved scheme of aviation lighting shall be fully implemented on site, unless otherwise approved in writing by the planning authority in consultation with the Ministry of Defence.</p> <p>10.2 The Developer shall provide both the Ministry of Defence and the Defence Geographic Centre (AIS Information Centre) with a statement, copied to the planning authority and Highland and Islands Airports Limited, containing the following information:</p> <ul style="list-style-type: none"> <li>i. The date of commencement of the Development.</li> <li>ii. The exact position of the wind turbine towers in latitude and longitude.</li> <li>iii. A description of all structures over 300 feet high.</li> <li>iv. The maximum extension height of all construction equipment.</li> <li>v. The height above ground level of the tallest structure.</li> <li>vi. Detail of an infra-red aviation lighting scheme as agreed with aviation interests and the planning authority to include: <ul style="list-style-type: none"> <li>(a) turbines at the cardinal points should be fitted with 25 candela omni-directional red lighting and infra-red lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point; and</li> <li>(b) remaining perimeter turbines should be fitted with infra-red lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point.</li> </ul> </li> </ul> <p><i>Reason: to ensure that the erected turbines present no air safety risk and in a manner that is acceptable to local visual impact considerations.</i></p>
11.	<p><b>Community Liaison Group</b></p> <p>No development shall commence until a community liaison group is established by the Developer, in collaboration with the planning authority and local Community Councils to 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 the Development, shall be maintained until the wind farm has been completed and is fully operational.</p>

	<i>Reason: to assist with the provision of mitigation measures to minimise the potential hazard to road users, including pedestrians travelling on the road networks.</i>
12.	<p><b>Abnormal Loads</b></p> <p>Prior to commencement of deliveries to site, the proposed route for any abnormal loads on the trunk road / local network must be approved by the relevant roads authority. Any accommodation measures required including the removal of street furniture, junction widening, traffic management must similarly be approved. Abnormal load movements shall thereafter be undertaken in accordance with the approved details.</p> <p><i>Reason: to minimise interference and maintain the safety and free flow of traffic on the trunk / local road network as a result of the traffic moving to and from the Development.</i></p>
13.	<p><b>Turbine Delivery</b></p> <p>During the delivery period of the wind turbine construction materials any additional signing or temporary traffic control measures deemed necessary due to the size or length of any loads being delivered or removed must be undertaken by a recognised traffic management consultant, to be approved by Transport Scotland / the planning authority before delivery commences.</p> <p><i>Reason: to ensure that the transportation will not have any detrimental effect on the road and structures along the route.</i></p>
14.	<p><b>Traffic Impact Plan</b></p> <p>No development shall commence until a traffic management plan has been submitted to and approved in writing by the planning authority. The traffic management plan shall include:</p> <ol style="list-style-type: none"> <li>a. The routing of all traffic associated with the Development on the local road network;</li> <li>b. Measures to ensure that the specified routes are adhered to, including monitoring procedures;</li> <li>c. Details of all signage and lining arrangements to be put in place;</li> <li>d. Provisions for emergency vehicle access;</li> <li>e. Identification of a nominated person to whom any road safety issues can be referred; and</li> <li>f. A plan for access by vehicles carrying abnormal loads, including the number and timing of deliveries, the length, width and axle configuration of all extraordinary traffic accessing the site.</li> </ol> <p>Where departures are proposed from the approved traffic impact assessment, these must be supported with an agreed pre-construction survey assessment and appropriate mitigation to safeguard the integrity of the local road network including if necessary an agreement under Section 96 of the Roads (Scotland) Act 1984.</p> <p>The approved traffic management plan shall thereafter be implemented in full, unless otherwise agreed in advance in writing with the planning authority.</p> <p><i>Reason: to ensure that all construction traffic will have no detrimental effect on the road and structures to be used within the construction of the Development.</i></p>
15.	<p><b>Access Management Plan</b></p> <p>15.1 No development shall commence until a detailed Outdoor Access Plan of public access across the site (as existing, during construction and following completion) has been submitted to, and approved in writing by, the planning authority.</p> <p>15.2 The Outdoor Access Plan shall include details showing:</p> <ol style="list-style-type: none"> <li>i. All existing access points, paths, core paths, tracks, rights of way and other</li> </ol>

	<p>routes (whether on land or inland water), and any areas currently outwith or excluded from statutory access rights under Part One of the Land Reform (Scotland) Act 2003, within and adjacent to the application site.</p> <ul style="list-style-type: none"> <li>ii. Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or effect on curtilage related to buildings or structures.</li> <li>iii. All proposed paths, tracks and other alternative routes for use by walkers, riders, cyclists, canoeists, all-abilities users, etc. and any other relevant outdoor access enhancement (including construction specifications, signage, information leaflets, proposals for on-going maintenance etc.).</li> <li>iv. Any diversion of paths, tracks or other routes (whether on land or inland water), temporary or permanent, proposed as part of the Development (including details of mitigation measures, diversion works, duration and signage).</li> </ul> <p>15.3 The approved Outdoor Access Plan, and any associated works, shall be implemented in full prior to the commencement of development or as otherwise may be agreed within the approved plan.</p> <p><i>Reason: In order to safeguard public access during the construction, operation and restoration phases of the Development.</i></p>
16.	<p><b>Main Access Route</b></p> <p>No development shall commence unless information on the location, design and construction methodology of passing places on the section of the main access route which is located within the boundary of the Caithness and Sutherland Peatlands Special Area of Conservation has been submitted to and approved in writing by the planning authority in consultation with SNH. The approved details shall thereafter be implemented in full.</p> <p><i>Reason: to ensure the required road related mitigation does not have a significantly adverse impact on the Caithness and Sutherland Peatlands SAC.</i></p>
17.	<p><b>Micro-siting</b></p> <p>17.1 Where ground conditions require it, wind turbines, masts, trenches, areas of hard standing and tracks (“Site Infrastructure”) within the application site boundary of the Development may, subject to the following restrictions, be ‘micro-sited’ by the Developer within the application site boundary of the Development to locations other than the precise locations shown on Figure 1.2 of the approved plans.</p> <p>17.2 Subject to condition 17.4 any proposed micro-siting of Site Infrastructure is subject to the following restrictions:</p> <ul style="list-style-type: none"> <li>i. No wind turbine foundation shall be positioned higher, when measured in metres Above Ordinance Datum (Newlyn), than the height shown on the approved plans.</li> <li>ii. No Site Infrastructure may be relocated: <ul style="list-style-type: none"> <li>(a) More than 50 metres from the position of each relevant item of Site Infrastructure delineated on the approved plans.</li> <li>(b) So as to be located within 250 metres (for turbine/mast foundations) or 150 metres (for hardstanding, tracks or trenches) of ground water dependent terrestrial ecosystems.</li> <li>(c) To a position within 50 metres of any watercourse or, where it outlines a lesser distance, to a position within a watercourse buffer zone identified within the Environmental Statement and/or the approved plans.</li> <li>(d) To a position within an area identified within the Environmental Statement and/or the approved plans as having greater adverse effect in relation to the following: gradient constraint; deep peat (that is peat with a depth of 0.5 metres or greater); peat landslide hazard risk or the qualifying features of the Caithness and Sutherland Peatlands SPA/SAC.</li> </ul> </li> <li>iii. No boundaries of roads, access paths and tracks within the boundary of the</li> </ul>

	<p>Caithness and Sutherland Peatlands Special Area of Conservation, may be moved from positions shown on the approved plans.</p> <p>17.3 All micro-siting permissible under this condition without requiring the approval of the planning authority must be approved in writing and in advance by the Environmental Clerk of Works (“ECoW”). A written record must be kept by the Developer of any such ECoW approval and shall be maintained for a period extending to no less than four years following the Date of First Commissioning.</p> <p>17.4 Any relocation of Site Infrastructure beyond 50 metres of the position shown on the approved plans shall be submitted to and approved in writing by the planning authority in consultation with SNH and SEPA. In making such a request for relocation beyond the 50 metres of the position shown on the approved plans under this condition, the Developer must submit the following supporting information:</p> <ul style="list-style-type: none"> <li>i. A plan showing the proposed location of the micro-sited item/installation(s) relative to the original location(s) in the approved plans.</li> <li>ii. Detailed reasoning for the proposed micro-siting of the proposed micro-sited item/installation(s).</li> <li>iii. An assessment of the landscape and visual impact and any adverse impact on any Wild Land Area of the proposed micro-sited item/installation(s).</li> <li>iv. Such other information as may be required by the planning authority.</li> </ul> <p>17.5 Prior to the Date of First Commissioning, the Developer must submit updated site plans to the planning authority showing the final position of all Site Infrastructure, buildings, transmission lines, anemometer masts and other constructed items within the application site boundary. These updated plans must identify all instances where micro-siting has taken place from the positions identified in the approved plans and, for each such instance, be accompanied by copies of the written ECoW or planning authority's approval to such micro-siting, as applicable.</p> <p><i>Reason: to enable appropriate micro-siting within the site to enable the Developer to respond to site-specific ground conditions, while enabling the planning authority to retain effective control over any changes to layout that may have ramifications for the environment and/or landscape and visual impact.</i></p>
18.	<p><b>Construction and Environmental Management Document</b></p> <p>18.1 No development shall commence until a Construction and Environmental Management Document (CEMD) is submitted to and agreed in writing by the planning authority in consultation with SNH and SEPA. The CEMD shall include but not be limited to:</p> <ul style="list-style-type: none"> <li>(a) An updated Schedule of Mitigation (SM) including mitigation proposed in support of the application and supported by statutory agencies and other agreed mitigation as set out within conditions. These may include matters which extend well beyond the construction phase of the project and the application site.</li> <li>(b) Processes to control/action changes from the SM.</li> <li>(c) Full details of the approved location, layout, dimensions, surface materials, type and construction methodologies of all internal access tracks within the application site boundary.</li> <li>(d) The following specific Construction and Environmental Management Plans (CEMPs): <ul style="list-style-type: none"> <li>i. Peat Management Plan – to include details of all proposed peat stripping, excavation, storage, reinstatement or restoration of material in accordance with best practice advice published by SEPA and SNH. This should for example highlight how sensitive peat areas are to be marked out on-site to prevent any vehicle or work practices causing inadvertent damage and should detail measures to minimise peat wastage and maximise peat restoration on site to preserve, maintain and re-establish peatland habitat.</li> <li>ii. Wetland Ecosystems Survey and Mitigation Plan.</li> <li>iii. Water Management Plan – highlighting proposed drainage provisions</li> </ul> </li> </ul>

including monitoring/ maintenance regimes, deployment of water-crossings using bottomless culverts, surface water drainage management (SUDs), sizing of watercourse crossings not to result in increased flood risk to people or property and development buffers from watercourses (50 metres), water features (20 metres) and identified groundwater dependent terrestrial ecosystems.

- iv. Pollution Prevention Plan.
- v. Private Water Supply Protection Plan – including, but not limited to, details of mitigation measures to protect the private water supplies identified in the Environmental Statement entitled ‘Strathy South Wind Farm Environmental Statement’ volumes 1 to 4 dated June 2007 published by Scottish and Southern Energy plc; drawings or plans showing the location of the private water supplies in relation to the Development and what mitigation is proposed.
- vi. Site Waste Management Plan – including, but not limited to, quantification, nature, proposed uses, location of proposed uses and management of all material extracted from forest or other tracks or other infrastructure to be restored during or following the construction phase.
- vii. Soil Storage and Management and Spoil Heap Plan – to include plans for the removal, storage, re use and removal of soil and spoil prior to, during and on conclusion of construction.
- viii. Working methods for cable laying.
- ix. Construction Noise Mitigation Plan.
- x. Restored Ground Preservation Plan - to include measures to minimise damage by grazing animals, including deer, to restored and reinstated ground.
- xi. Woodland Plan highlighting the extent and type of felling works to be undertaken. This plan should seek to maximise extraction of timber. Management shall be in accordance with best practice as set out in "Management of Forestry Waste" (SEPA Guidance WST-G-027) and joint-agency "Use of trees to facilitate development on afforested land" (SEPA Guidance LUPS-GU27)".
- xii. Details of any other methods of monitoring, auditing, reporting and communication of environmental management on site and with the Developer, planning authority and other relevant parties.
- xiii. Statement of any additional persons responsible for ‘stopping the job /activity’ if in actual or potential breach of a mitigation or legislation occurs.
- xiv. Details of proposed post-construction restoration/reinstatement of the working areas not required during the operation of the Development, including, construction access tracks, borrow pits, construction compound and other temporary construction areas and, where infrastructure is removed, provision for drainage reinstatement to achieve in perpetuity natural drainage patterns consistent with the delivery of the Habitat Management Plan. 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.

18.2 In implementing the Peat Management Plan the Developer shall comply in full with "Developments on Peatland: Guidance on the assessment of peat volumes, reuse of excavated peat and the minimisation of waste" published by SEPA and Scottish Renewables (version 1, January 2012) or any amending, substitute or replacement guidance.

18.3 All elements of the CEMD shall be devised and drawn up to co-ordinate and be consistent with the approved Habitat Management Plan.

18.4 Unless otherwise agreed in writing in advance by the planning authority, following consultation with SNH and SEPA, the Development shall proceed in accordance with the CEMD, CEMPs and SM.

*Reason: to ensure that all construction operations are carried out in a manner that minimises their impact on road safety, amenity and the environment; to ensure that all extracted peat is extracted, stored, reinstated or restored in a manner which minimises waste and maximises peat restoration on site and that the mitigation measures*

	<p><i>contained in the Environmental Statement accompanying the application, or as otherwise agreed, are fully implemented.</i></p>
<p>19.</p>	<p><b>Ecological Clerk of Works</b></p> <p>19.1 No development shall commence until the planning authority has approved the terms of appointment and the identity of the proposed appointee by and at the cost of the Developer of an independent and suitably qualified ECoW with roles and responsibilities which shall include but not necessarily be limited to:</p> <ul style="list-style-type: none"> <li>• Providing training to the Developer and contractors on their responsibilities to ensure that work is carried out in strict accordance with environmental protection requirements required by this deemed consent and by law.</li> <li>• Monitoring compliance with all environmental and nature conservation mitigation works and working practices approved under this deemed planning permission, the CEMD, all CEMPs, the Pre-Construction Species Survey and Protection Plan and Habitat Management Plan.</li> <li>• Advising the Developer on adequate protection for environmental and nature conservation interests within, and adjacent to, the application site.</li> <li>• Liaising with and providing information to the Habitat Management Plan Steering Group (established in accordance with condition 23).</li> <li>• Consideration of proposals made by the Developer for review of the Habitat Management Plan and reporting to the planning authority and SNH on such proposals.</li> <li>• Consideration of all reporting by the Developer required in terms of this deemed consent during construction, including ornithological and vegetation reporting and tree felling and reporting to the planning authority and SNH on such reporting.</li> <li>• Directing the placement of Site Infrastructure (including written approval of any micro-siting, as permitted by the terms of this deemed consent) and the avoidance of sensitive features.</li> <li>• Regularly reporting to the planning authority, SNH and SEPA on all of the matters falling within his or her roles and responsibilities and making urgent reports to the planning authority, SNH and SEPA as may from time to time be appropriate.</li> </ul> <p>19.2 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.</p> <p>19.3 In the event that for whatever reason a replacement ECoW shall require to be appointed the Developer shall immediately advise the planning authority in writing that such is the case and shall as soon as reasonably practicable advise the planning authority in writing of the identity of the proposed replacement appointee by and at the cost of the Developer of an independent and suitably qualified ECoW and the terms of his or her proposed appointment for the approval of the planning authority.</p> <p>19.4 Under the terms of his or her appointment, the ECoW shall be given powers to order a stop to any activity on site which in his or her reasonable opinion could lead to an incidence of non-compliance with the environmental and ecological conditions in this deemed planning permission or a breach of environmental law and such activity shall forthwith stop.</p> <p>19.5 Under the terms of his or her appointment the ECoW is to report all such stoppages to the Developer's nominated construction project manager and the planning authority without delay and the activity shall not re-commence unless and until the ECoW has confirmed in writing that he or she is satisfied that such measures as are required have been taken to ensure that the relevant incidence of non-compliance with the environmental and ecological conditions in this deemed planning permission or a breach of environmental law shall not re-occur. Any such stoppages which result in a cessation of any construction activity in excess of five working days shall be reported, with full particulars of the works and reasons for stoppage, in writing to the planning authority, SNH and SEPA within ten working days of the cessation of the relevant</p>

	<p>works.</p> <p><i>Reason: to protect the environment from the construction and operation of the Development and secure final detailed information on the delivery of all on-site mitigation projects.</i></p>
20.	<p><b>Pre-Construction Species Survey and Protection Plan and Protected Bird Species, Vegetation and Tree Felling Monitoring, Surveys and Reporting</b></p> <p>20.1 No development shall commence until a Pre-Construction Species Survey and Protection Plan (PCP) is submitted to and approved in writing by the planning authority (in consultation with SNH) outlining details of pre-construction surveys for legally protected species to be carried out at an appropriate time of year for the species, in the 8 months preceding commencement of construction, and a watching brief to be implemented by the ECoW during construction. The species that should be surveyed for include, but are not limited to, otter, water vole, pine marten and breeding birds. The area that is surveyed should include all areas directly affected by construction plus an appropriate buffer to identify any species within disturbance distance of construction activity and to allow for any micro-siting needs.</p> <p>20.2 The ECoW should be involved in drafting and should approve any species protection plans that are required, using the information from the Environmental Statement and Supporting Environmental Information and such pre-construction surveys.</p> <p>20.3 The Developer shall ensure that the ECoW shall oversee implementation by the Developer of the species protection plans and any licensing requirements.</p> <p>20.4 Ornithological monitoring and surveys of all protected bird species identified in the Environmental Statement and Supporting Environmental Information as being present on and around the application site shall be carried out and reported by the Developer to the ECoW and planning authority by the end of each calendar year during the construction phase of the Development.</p> <p>20.5 During the operational phase of the Development, bird surveys of all protected bird species identified in the Environmental Statement and Supporting Environmental Information as being present on and around the application site or found subsequently shall be carried out by the Developer in accordance with the SNH post construction ornithological monitoring guidance (SNH, 2009, or any amending, supplementary and/or successor guidance) and will be carried out in Development operational years 1, 3, 5, 10, 15 and 25. The results of all such ornithological monitoring and surveys such shall be reported as soon as practicable in writing by the Developer to the ECoW and the planning authority.</p> <p>20.6 All mortalities of all protected bird species known or suspected as having been occasioned by collision with any part of the Development infrastructure which are identified by the Developer shall be reported as soon as practicable in writing by the Developer to SNH and the planning authority.</p> <p>20.7 Monitoring of sward height shall be carried out by the Developer in the months of July, August or September in operational years 1-5 (inclusive), 7, 10, 15 and 25 and shall be reported by the Developer to the planning authority and the HMP Steering Group.</p> <p>20.8 A report detailing the results of the year's sward height monitoring and any recommendations for the sward management of areas of cleared forestry shall be produced by the Developer at the end of each monitoring year, and shall be reported in writing by the Developer to the planning authority and the HMP Steering Group by the 31st December of Development construction years 1 and 2 and operational years 1, 2, 3, 4, 5, 7, 10, 15 and 25.</p> <p>20.9 All monitoring, surveying and reporting required by this deemed planning permission condition 20 shall be implemented in full by the Developer.</p> <p><i>Reason: to ensure that impacts on protected species, vegetation and of tree felling are</i></p>

	<i>identified, reported on and in the case of protected species mitigated appropriately.</i>
21.	<p><b>Archaeology</b></p> <p>21.1 No development shall commence until an Archaeological Programme of Work (APoW) for the evaluation, preservation and recording of any archaeological and historic features affected by the Development, including a timetable for investigation, has been submitted to and agreed in writing by the planning authority.</p> <p>21.2 The APoW shall provide details of the archaeological evaluation to determine the archaeological baseline of the application site to be undertaken in advance of development; measures to be taken if significant deposits are encountered; and, shall include:</p> <ul style="list-style-type: none"> <li>(a) A scheme of investigation containing details of areas where there is potential for archaeological remains, features or deposits to be present; and, methodologies for archaeological monitoring during all site groundworks and site clearance work, including construction of access roads and service arrangements, and in those areas identified where there is potential for archaeological remains, features or deposits to be present. The methodology shall specify how and where topsoil stripping (using a smooth-bladed bucket) shall be monitored and guided by an archaeologist so that any buried archaeological features can be identified, recorded and/or appropriate mitigation put in place to ensure their preservation.</li> <li>(b) Specification of a programme of post-excavation analysis for all recovered artefacts and ecofacts detailing how the results will be incorporated into a final report to be published.</li> <li>(c) A project design with details of how the Company will adhere to the minimum standards set out in the Highland Council Standards for Archaeological Work published at <a href="http://www.highland.gov.uk/downloads/file/1022/standards_for_archaeological_wok">http://www.highland.gov.uk/downloads/file/1022/standards_for_archaeological_wok</a>.</li> <li>(d) Arrangements for providing advance notice of archaeological fieldwork to the planning authority, along with contact names, telephone numbers and arrangements for access.</li> <li>(e) Arrangements for communications including a schedule for reports to the planning authority by telephone in every week where archaeological fieldwork is undertaken, and details of how the Company will advise the planning authority immediately after any unexpectedly significant or complex discoveries, or other unexpected occurrences which might significantly affect the archaeological work, with details of how such finds or features will be left in situ until arrangements have been agreed for safeguarding or recording them.</li> <li>(f) Specification of an archive and report including arrangements for dissemination and publication, all according to the standards set out in the Highland Council Standards for Archaeological Work.</li> <li>(g) Details of how all work will be undertaken according to the Code of Conduct, Standards and Guidance of the Chartered Institute for Archaeologists.</li> </ul> <p>21.3 The approved APoW required by this deemed planning permission condition 21 shall be implemented in full.</p> <p><i>Reason: in order to ensure the protection or recording of archaeological features on the site.</i></p>
22.	<p><b>Peat Stability Plan</b></p> <p>22.1 No development shall commence until a Peat Stability Management Plan, developed in consultation with SEPA and SNH, has been submitted to and approved in writing by the planning authority. The Peat Stability Management Plan shall draw upon the findings of the Environmental Statement, peat landslide risk assessment, and the findings of any additional ground investigations carried out prior to development commencing.</p>



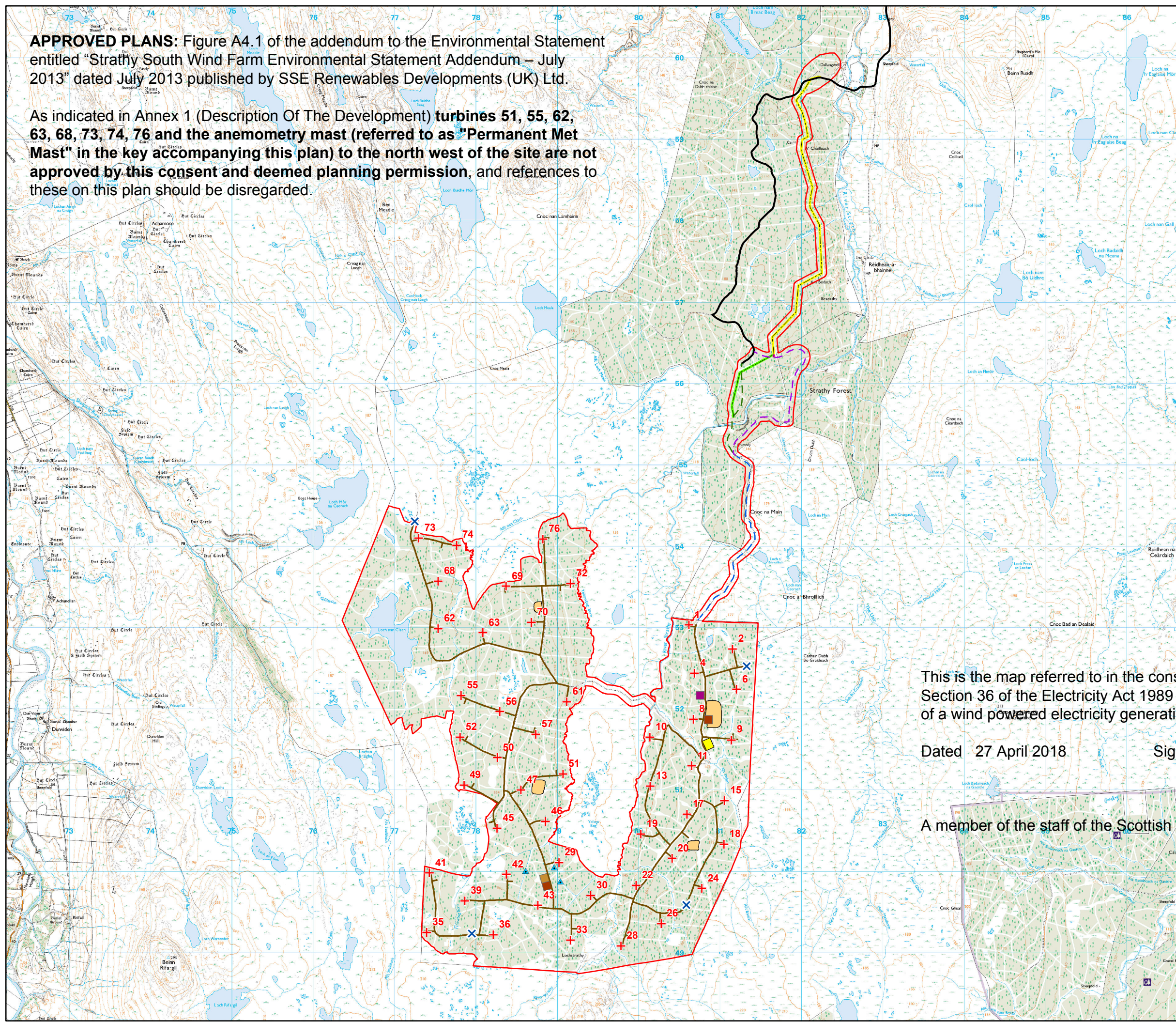
	<p>22.2 The Peat Stability Management Plan shall take due consideration of the mineral and slope stability of the site identified in the peat landslide risk assessment and shall have regard to the drainage implications of soil movement and storage. The Peat Stability Management Plan shall be implemented as approved.</p> <p><i>Reason: to minimise the risk of peat failure arising from the Development.</i></p>
23.	<p><b>Habitat Management Plan</b></p> <p>23.1 No development shall commence until a Habitat Management Plan has been submitted to and approved in writing by the planning authority in consultation with SNH and SEPA. The Habitat Management Plan shall set out proposed long term management for the wind farm site and shall provide for the management, monitoring and reporting of terrestrial habitats on site. The Habitat Management Plan shall include as an aim targeted sward management to reduce attractiveness of the wind farm site for breeding hen harriers.</p> <p>23.2 The approved Habitat Management Plan will be reviewed and updated by the Developer to reflect ground condition surveys undertaken during construction and prior to the Date of First Commissioning and shall be submitted to and approved in writing by the planning authority in consultation with SNH and SEPA prior to the Date of First Commissioning.</p> <p>23.3 In furtherance of the aim and for the better implementation and review of the Habitat Management Plan a Steering Group (HMP SG) shall be formed prior to the commencement of development. The membership of this HMP SG will include representatives of the Developer, the planning authority and SNH.</p> <p>23.4 The Habitat Management Plan shall be further reviewed by the Developer at a frequency of no longer than the 5 year anniversary of the Date of First Commissioning, and no longer than every 6 years thereafter until the Development is no longer in operation and the Decommissioning and Restoration Plan has been implemented in full. The Developer shall submit a stage reviewed Habitat Management Plan following each such Habitat Management Plan monitoring year as provided for in the Habitat Management Plan for approval in writing by the planning authority in consultation with SNH and SEPA. Mitigation identified through the reviewed Habitat Management Plan shall be implemented in full by the Developer, unless otherwise agreed in writing by the planning authority in consultation with SNH and SEPA.</p> <p>23.5 HMP monitoring (excluding sward height monitoring) shall be carried out by the Developer in operational years 1, 5, 10, 15 and 25 and shall be reported to the planning authority and the HMP Steering Group in writing by the Developer.</p> <p>23.6 The Developer shall submit a monitoring report to the planning authority, SNH and SEPA on the ongoing implementation of the Habitat Management Plan which will be provided no later than 6 months after the end of each HMP monitoring year. The monitoring report shall present an assessment of the implementation of the Habitat Management Plan, including:</p> <ul style="list-style-type: none"> <li>• An assessment of the implementation of the Habitat Management Plan, and any reviewed such plan, in relation to the aims and objectives of the plan.</li> <li>• The levels, if any, of habitat restoration delivered on site.</li> <li>• The results of any monitoring and surveys required in compliance with the conditions of this deemed planning permission.</li> </ul> <p>23.7 If a monitoring report, identifies that the implementation of the Habitat Management Plan is not meeting the aims and objectives of the Habitat Management Plan then this shall be reported by the Developer to the HMP SG along with details of the proposed mitigation and any other works considered to be required to ensure the aims and objectives of the approved Habitat Management Plan will be met within 6 months of the relevant monitoring report being so submitted. The HMP SG will review such proposals and make recommendations thereon. The Developer shall then finalise</p>

	<p>proposed mitigation and other works, incorporate changes into an updated Habitat Management Plan which shall be submitted to the planning authority within 12 months of the relevant monitoring report for written approval in consultation with SNH and SEPA.</p> <p>23.8 The approved Habitat Management Plan, each approved reviewed Habitat Management Plan and updated mitigation and works to achieve same shall be implemented in full by the Developer.</p> <p>23.9 In implementing the Habitat Management Plan the Developer shall comply in full with the joint agency guidance "Use of Trees Cleared to Facilitate Development on Afforested Land - Joint Guidance from SEPA, SNH and Forestry Commission Scotland" LUPS-GU27 version 1 (April 2014) and SEPA waste management regulatory guidance "Management of forestry waste" WST-G-027 version 2 (July 2013) and in both cases any amending, substitute or replacement guidance.</p> <p><i>Reason: in the interests of good land management, the protection of habitats and to minimise collision risk to bird species which are qualifying interests of the Caithness and Sutherland Peatlands Special Protection Area.</i></p>
24.	<p><b>Deer Management Plan</b></p> <p>24.1 No development shall commence until a Deer Management Plan has been submitted to and approved in writing by the planning authority in consultation with SNH. The deer management plan shall set out proposed long term management of deer using the wind farm site to safeguard adjacent areas of the Caithness and Sutherland Peatlands Special Area of Conservation (SAC) and shall provide for the monitoring of deer numbers on the wind farm site and of impacts from deer grazing and trampling on SAC habitat within and adjacent to the wind farm site from the period from commencement of development until the date of completion of restoration.</p> <p>24.2 The approved deer management plan shall thereafter be implemented in full.</p> <p><i>Reason: in the interests of good land management, and the management of deer and to avoid any increase in deer impacts on SAC habitats that might arise from displacement of deer from the wind farm site.</i></p>
25.	<p><b>Borrow Pit Working</b></p> <p>25. No development shall commence until a proposed scheme for the working of each borrow pit within the site has been submitted to, and approved in writing by, the planning authority, in consultation with SEPA and SNH. Thereafter, the scheme shall be implemented as approved. The scheme shall make provision for:</p> <ul style="list-style-type: none"> <li>i. Methods of working (including the timing of works and the use of explosives and/or rock-breaking equipment).</li> <li>ii. A description of the volume and type of minerals, aggregates and/or fines to be extracted from each borrow pit, including harness and potential for pollution.</li> <li>iii. A site plan and section drawings showing the location and extent of each proposed extraction area.</li> <li>iv. Overburden (peat, soil and rock) handling and management.</li> <li>v. Drainage infrastructure, including measures to prevent the drying out of surrounding peatland.</li> <li>vi. A programme for the re-instatement, restoration and aftercare of each borrow pit once working has ceased.</li> </ul> <p>The approved scheme shall thereafter be implemented in full.</p> <p><i>Reason: to ensure that a scheme is in place to control the use of borrow pits to minimise the level of visual intrusion and any adverse impacts as a result of the construction phase of the Development.</i></p>



**APPROVED PLANS:** Figure A4.1 of the addendum to the Environmental Statement entitled "Strathy South Wind Farm Environmental Statement Addendum – July 2013" dated July 2013 published by SSE Renewables Developments (UK) Ltd.

As indicated in Annex 1 (Description Of The Development) turbines 51, 55, 62, 63, 68, 73, 74, 76 and the anemometry mast (referred to as "Permanent Met Mast" in the key accompanying this plan) to the north west of the site are not approved by this consent and deemed planning permission, and references to these on this plan should be disregarded.



- Key**
- + Turbine
  - × Permanent Met Mast
  - ▲ Water Abstraction Location
  - Tracks
  - Strathy North Access Route
  - - - Preferred Access Route
  - · - · - Alternative Access Route
  - · - · - Common Access Route
  - Preferred Indicative Cable Route through Strathy North
  - Alternative Indicative Cable Route through Strathy North
  - Common Indicative Cable Route through Strathy North
  - Concrete Batching Plant
  - Construction Compound
  - Laydown Area
  - Switching Station
  - Borrow Pit
  - Site Boundary

This is the map referred to in the consent by the Scottish Ministers in terms of Section 36 of the Electricity Act 1989 for the construction and operation of a wind powered electricity generating station South of Strathy, Sutherland

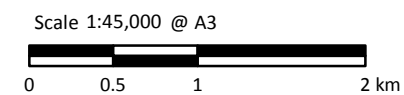
Dated 27 April 2018

Signed

**REDACTED**

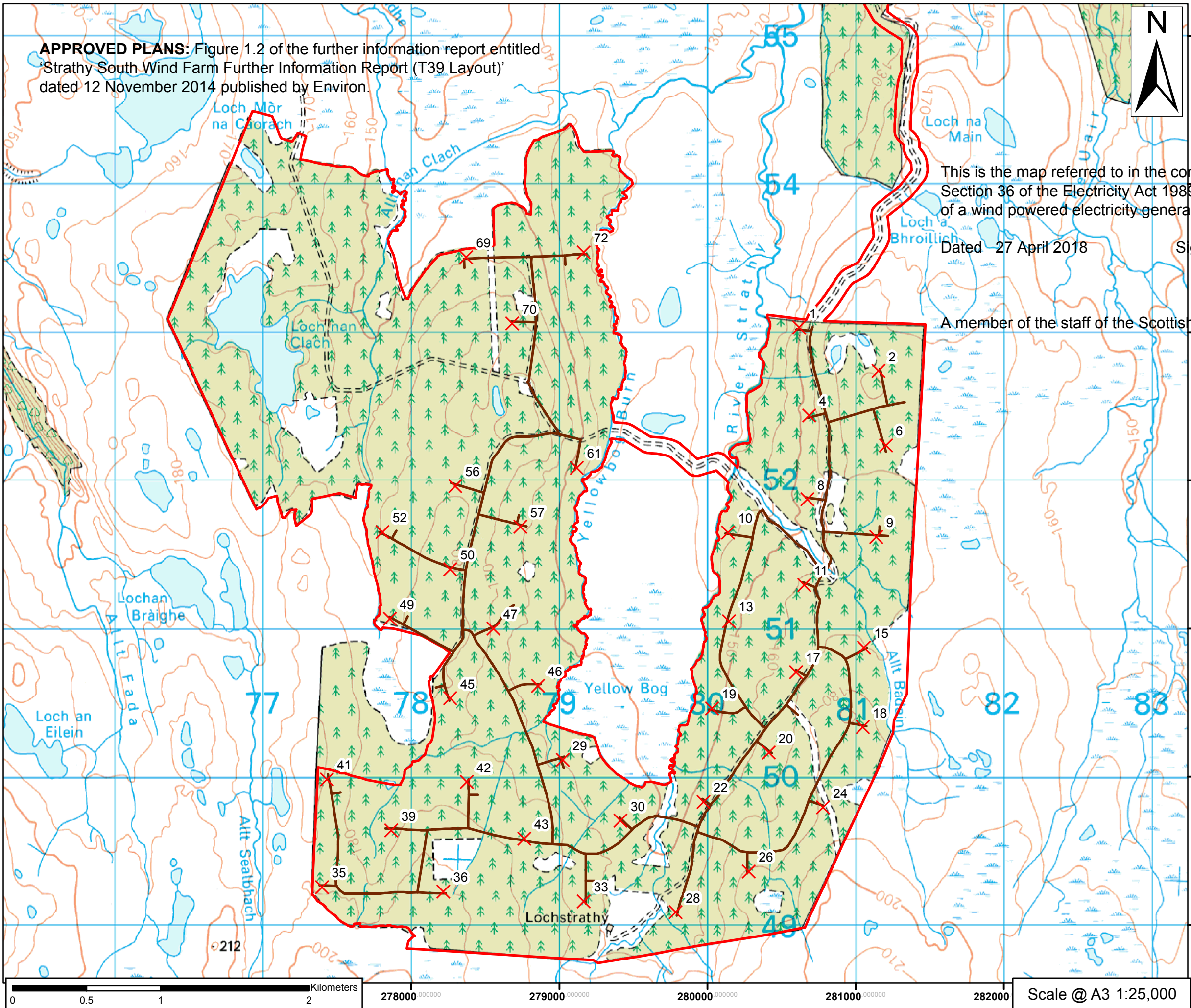
SUE KEARNS

A member of the staff of the Scottish Ministers.



**Figure A4.1**  
**MODIFIED 2013 SCHEME**  
**Strathy South Wind Farm**  
**Environmental Statement Addendum**





**APPROVED PLANS:** Figure 1.2 of the further information report entitled 'Strathy South Wind Farm Further Information Report (T39 Layout)' dated 12 November 2014 published by Environ.

This is the map referred to in the consent by the Scottish Ministers in terms of Section 36 of the Electricity Act 1989 for the construction and operation of a wind powered electricity generating station South of Strathy, Sutherland

Dated 27 April 2018

Signed

**REDACTED**

SUE KEARNS

A member of the staff of the Scottish Ministers.

Ordnance Survey © Crown copyright. All rights reserved. Licence number ES100012174

**Key**  
 Site Boundary

Figure 1.2: T39 Layout

Strathy South Wind Farm Further Information Report: T39 Layout

Client: SSE Renewables

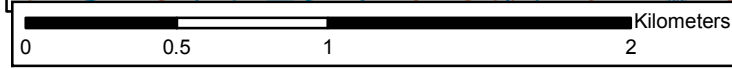
Date August 2014	Drawn by LS
Project No. UK12-17181	Issue 1



7 Walker Street, Edinburgh EH3 7JY

Tel: +44 (0)131 225 9899  
 Fax: +44 (0)131 220 3411

[www.environcorp.com](http://www.environcorp.com)



278000 279000 280000 281000 282000

Scale @ A3 1:25,000