

# STRATHY SOUTH WIND FARM **SECTION 36C**

EIAR Volume 4:  
Technical Appendices



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**TECHNICAL APPENDIX 1 - INTRODUCTION**

- TA1.1:** Consultation Register
- TA1.2:** Technical Team
- TA1.3:** Energy and Planning Policy Framework

**TA 1.1: Consultation Register**

Technical Appendix 1.1: Consultee Response Register

Consultee Organisation	Date of Response	Topic	Summary of Consultee Response	Action required to address comments raised
Competent Authority				
ECU	18/07/2019	<b>Section 36 / Section 36C</b>	While it is for the applicant to assess what consents and permissions they require in respect of any developments they propose, based on the variations to the consented development which are proposed within the scoping report submitted, Scottish Ministers are of the view that it would be feasible for the Company to apply for these variations under section 36C of the Act.	Noted. The Applicant confirms that they propose to apply for a Section 36c variation to the existing 2018 consent as set out in Chapter 1 (EIAR Volume 2).
		<b>Scope of Assessment</b>	Scottish Ministers expect the EIA report which will accompany the application for the proposed development to consider any advice given and comply with all particular information requirements set out within the consultation responses attached in Annex A. In addition to the consultation responses, Ministers wish to provide comments with regards to the scope of the EIA report, which supersede any comments by consultees around the ‘scoping out’ of certain parts of the proposed development from EIA. The Company should note and address each matter.	The Applicant has undertaken further consultation with ECU and with statutory consultees regarding the scope of the assessment to ensure that the EIAR is proportionate.
			Ministers note the Company’s suggestion that the following effects be scoped out for the reason that the effects or receptors were considered under the environmental impact assessment conducted for the 2007 Application and that the effects are not expected to differ significantly:	Following receipt of the Scoping Opinion, a meeting was arranged with the ECU to gain an understanding of the proposal to scope in topics that were proposed to be scoped out. The ECU advised that <i>“To be sure that all the information that is required to be submitted in respect of the variation proposal is up-to-date, current Guidance, Policies, Methodology etc will have to be established and compared to that used for the consented scheme. Whether there have been any environmental, ecological, ornithological etc changes since consent was granted to the consented scheme will also have to be fully explored. All changes established will be incorporated into the EIA processing of the variation proposal and presented appropriately in the EIA report. Any topic/issue which will be relying on information presented for the consented scheme should state that in the EIA report. However, as well as providing full reasons for that being the case, the information relied on from the consented scheme should also be presented in the EIA report.”</i>
			Landscape and Visual Assessment: impacts arising from the process of decommissioning;	The decommissioning effects would be similar to those arising from the construction phase. The detailed scope of the LVIA assessment has been discussed and agreed with SNH and THC (discussed further below).
			Effects to protected terrestrial and aquatic species: bats, otters, water voles, pine martens, wildcats and badgers; Atlantic salmon, brown trout, eels and freshwater pearl mussels;	Following the submission of the Scoping Report there was further consultation with SNH regarding the scope of the ecology assessment, discussed below.
			Effects to the qualifying interests of the Caithness and Sutherland Peatlands SAC;	Effects to the SAC are considered in Chapter 9: Ecology (non-avian) (EIAR Volume 2).
			Construction and decommissioning noise, vibration, low frequency noise and amplitude modulation;	The Applicant’s noise consultants consulted with THC regarding the scope of the noise assessment (see below). ECU was subsequently in contact (17/12/19) to confirm that if THC is happy to scope out construction noise then it does not need to be completed as part of the EIAR.
			Direct impacts to cultural heritage assets;	The locations of the turbines for the Consented Scheme remain unchanged. However, there are some proposed revisions to the track layout which has sought to reduce track length and avoid areas of deep peat, as far as possible. The layout of the Proposed Varied Development has taken into consideration the known heritage assets on-site. Refer to EIAR Chapter 7: Cultural Heritage regarding potential direct impacts on cultural heritage assets.
			Private Water Supplies;	Chapter 10: Soils and Water (EIAR Volume 2) has been prepared the following technical appendices are presented in the EIAR: <ul style="list-style-type: none"><li>• Peat Landslide &amp; Hazard Risk Assessment: EIAR Volume 4: Technical Appendix 10.1</li><li>• Peat Management Plan: EIAR Volume 4: Technical Appendix 10.2</li><li>• Borrow Pit Assessment: EIAR Volume 4: Technical Appendix 2.2</li><li>• Carbon Calculator: EIAR Volume 4: Technical Appendix 12.1</li><li>• Watercourse Crossing Assessment: EIAR Volume 4: Technical Appendix 10.6</li><li>• Flood Risk Assessment &amp; Drainage Impact Assessment: EIAR Volume 4: Technical Appendix 10.4</li><li>• Private Water Supply Assessment: EIAR Volume 4: Technical Appendix 10.5</li></ul>
			Watercourse Crossing Assessment;	
			Borrow Pit Assessment;	
			Peat Depth;	
			Peat Slide Risk Assessment;	
			All soil and water elements covered by the 2018 Consent;	
			Assessment of construction and operational traffic;	
			All Air and Climate elements: including impacts on air quality and the vulnerability of the proposed development to climate change;	
			All telecommunications elements;	Consultation has been undertaken with telecommunication providers in the area and no issues have been raised. The results of the consultation responses are included in this table.
			Recreation and Tourism: temporary closure of Hill Track 334; views from attractions, viewpoints or tourist routes; elements covered by the 2018 Consent conditions;	EIAR Chapter 11: Socio-economics, Recreation and Tourism Assessment chapter has been prepared (EIAR Volume 2). The temporary Hill Track closure on-site would be covered in an Outdoor Access Management Plan to be agreed pre-construction. An LVIA from key viewpoints (agreed with THC and SNH) has been prepared for the Proposed Varied Development and presented in Chapter 4: LVIA (EIAR Volume 2).
			Socio-economics;	
			Major accidents and disasters;	As noted above, a Peat Landslide & Hazard Risk Assessment has been completed as Technical Appendix 10.1 (EIAR Volume 4).
			Human Health: noise and vibration; roads and traffic; ice throw; and, shadow flicker.	As noted in the Scoping Report the potential effects from noise, roads and traffic are presented in the Chapters 6 and 7 of the EIAR (EIAR Volume 2). Chapter 2: Description of Development and Chapter 12: Other Issues cover ice throw and shadow flicker, as required. Vibration is discussed in Technical Appendix 6.1 (EIAR Volume 4).
		<b>Approach to the Assessment</b>	Ministers require assessment of the environmental impact of the development against the current baseline using up-to-date information and methods.	The 2019 baseline has been used for the assessment of the Proposed Varied Development. The EIAR also presents a comparative assessment of the Consented Scheme and the Proposed Varied Development. Refer to EIAR Volume 2: Chapter 3: Comparative Assessment.
			Ministers recognise that much information on the environmental baseline and the environmental effects of the development authorised by the 2018 Consent is already held by the Company and was assessed under the consideration of the 2007 Application. It is a matter for the Company to determine whether any such information is sufficiently up to date and suitable for inclusion in a new application, and whether updates or new analysis are appropriate. Should there be any topics on which the Company proposes to resubmit data or analysis produced prior to the 2018 Consent, the Company must (a) bear in mind the need to satisfy Ministers that the information remains up to date and appropriate for the current environmental baseline, and (b) provide an updated analysis or justification why this is not thought necessary.	The application is made in accordance with the relevant provisions under The Electricity Generating Stations (Applications for Variation of Consent) (Scotland) Regulations 2013 (as amended). The EIAR has been prepared in line with the requirements of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017.
			In determining an application, Ministers will require to reach a reasoned conclusion on the significant effects of the development (or varied development) on the environment, taking into account the results of their examination of the information presented in the EIA report and any other environmental information submitted with the application or subsequently. Ministers will also require to be satisfied that the reasoned conclusion is still up to date.	
			For applications under section 36C of the Act, regulation 28(2)(c) of the EIA Regulations requires the inclusion in an EIA report of: (i) the main respects in which the developer considers that the likely significant effects on the environment of the proposed varied development would differ from those described in any EIA report or environmental statement that was prepared in connection with the relevant section 36 consent; and (ii) a non-technical summary of those differences.	
			Where a proposed development or variation is EIA development, the Environmental Impact Assessment should identify, describe and assess the direct and indirect significant effects of the whole project. Scottish Ministers are required to reach an assessment of the effects of the proposed development as varied through undertaking analysis and by examining the substance of the information provided by the Company and received through consultations.	



			The EIA Report therefore should address the likely significant effects on the environment of the proposed development (or proposed varied development – i.e. the whole of the development which would be authorised if varied as requested) against the baseline of the current state of the environment, and in doing so ensure that the main respects in which the likely significant effects of the proposed development as varied can be drawn out from those identified in assessing the consented development.	
			Scottish Ministers would expect that identification of the significant effects on the environment of the proposed development (or proposed varied development) would be carried out taking into account current knowledge and methods of assessment. This is the standard referred to in various places in the EIA Regulations (see regulations 5(3), 19(2) and 21(4)).	
		Scottish Water Assets	Scottish Water provided information on whether there are any drinking water protected areas or Scottish Water assets on which the development could have any significant effect. Scottish Ministers request that the company contacts Scottish Water (via EIA@scottishwater.co.uk) and makes further enquiries to confirm whether there are any Scottish Water assets which may be affected by the development, and includes details in the EIA report of any relevant mitigation measures to be provided.	Scottish Ministers requested that the Applicant contacted Scottish Water about Scottish Water Assets, however Scottish Water did not raise any objections in their scoping response. Therefore, no further action is required.
		Private Water Supplies	Scottish Ministers request that the Company provides details of an investigation of the presence of any private water supplies which may be impacted by the development. The EIA report should include details of any supplies identified by this investigation, and if any supplies are identified, the Company should provide an assessment of the potential impacts, risks, and any mitigation which would be provided.	As noted above, an updated Private Water Supply Assessment has been prepared and is included as a EIAR Volume 4: Technical Appendix: 10.5.
		Peat Landslide and Risk Assessment	Scottish Ministers consider that there is a demonstrable requirement for peat landslide hazard and risk assessment. An assessment should be undertaken as part of the EIA process to provide Ministers with a clear understanding of whether the risks are acceptable and capable of being controlled by mitigation measures. The Peat Landslide Hazard and Risk Assessments: Best Practice Guide for Proposed Electricity Generation Developments (Second Edition), published at <a href="http://www.gov.scot/Publications/2017/04/8868">http://www.gov.scot/Publications/2017/04/8868</a> , should be followed in the preparation of the EIA report, which should include peat landslide hazard risk assessment and details of mitigation measures.	As noted above, an updated Peat Landslide Hazard Risk Assessment has been prepared and is included as a EIAR Volume 4: Technical Appendix: 10.1.
		LVA VPs	The scoping report identified viewpoints at Table 5.1 to be assessed within the landscape and visual impact assessment. These viewpoints are agreed. The Company should present the assessment and findings in accordance with the wishes of the Highland Council as stated in their response to the consultation.	Consultation has been undertaken with SNH and THC by the Applicant's LVIA team and the viewpoints have been agreed.
		Noise Assessment	The noise assessment should be carried out in line with relevant legislation and standards as detailed in section 5.4 of the scoping report. The noise assessment report should be formatted as per Table 6.1 of the IOA “A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise.”. Ministers understand that construction and decommissioning noise is not expected to increase for the proposed development but do not agree that it may be scoped out. Ministers will require the EIA report to contain information on the relevant likely significant effects and mitigation.	The Applicant's noise consultants consulted with THC's Environmental Health Officer regarding the scope of the noise assessment.
		Night Time Assessment / Aviation Lighting Assessment	As the maximum blade tip height of turbines exceeds 150 m the landscape and visual impact assessment must include a robust Night Time Assessment with agreed viewpoints to consider the effects of aviation lighting and how the chosen lighting mitigates the effects.	Following scoping, SNH was consulted regarding the scope of the turbine lighting assessment. The assessment is included in the Technical Appendix 4.10 (EIAR Volume 4).
		Design Finalisation	Ministers are aware that further engagement is required between parties regarding the refinement of the design of the proposed development and request that they are kept informed of relevant discussions.	Noted. ECU has been kept informed of post-scoping consultation.
		Mitigation Measures	In determining a future application, Scottish Ministers would be required to make a reasoned conclusion on the significant effects of the proposed development on the environment as identified in the environmental impact assessment. The mitigation measures suggested for any significant environmental impacts identified should be presented as a conclusion to each chapter. Applicants are also asked to provide a consolidated schedule of all mitigation measures proposed in the environmental assessment, provided in tabular form, where that mitigation is relied upon in relation to reported conclusions of likelihood or significance of impacts.	Each technical chapter includes a mitigation table for significant effects, plus EIAR Volume 2: Chapter 13: Schedule of Mitigation chapter is presented in the EIAR.
	Addressing information in Scoping Opinion in the EIA	When finalising the EIA report, applicants are asked to provide a summary in tabular form of where within the EIA report each of the specific matters raised in this scoping opinion has been addressed.	This Consultation Register shows how scoping queries have been addressed.	
	24/09/19 & 07/10/19		Following scoping, a meeting was held with the ECU, the Applicant and the Applicant's EIA advisors (Ramboll). The key points raised are summarised below:	
		Project Amendments	Following submission of the Scoping Report, the Applicant considered further minor amendments to the Consented Scheme and these were discussed with the ECU. These included for example, the use of Yellow Bog road for HGVs and abnormal loads, moving the concrete batching plant and amendments to the underground cable connection.  The ECU advised that <i>“any changes to how work will be carried out (e.g. the cabling to connect to the Strathly North substation) must be full detailed in the EIA Report along with reasons why they are necessary. Appropriate assessments must be carried out, the details of which along with the findings and conclusions reached, should also be provided in the EIA Report. Any consent subsequently granted will have appropriately worded conditions attached which will make reference to the ‘EIA Report of 2019’ (or whatever year it is completed) For example – in the CEMP condition (condition 13) applicable to the consented scheme part (d)v. specific reference is made to “Strathly South Wind Farm Environmental Statement volumes 1 to 4 dated June 2007”. If whatever is conditioned in this instance is changed in anyway based on what is stated in the EIA Report 2019 then it would be EIA Report of 2019 which would be specifically referenced.”</i>	The general construction principles are presented in the EIAR (Chapter 2: Description of Development). The technical authors have assessed the potential effects of the Proposed Varied Development, the results of which are presented in the relevant technical chapters of the EIAR.
	EIA Scoping Opinion and EIAR format	A discussion was held with the ECU regarding the EIA Scoping Opinion, specifically in relation to matters that had been ‘scoped out’ in the EIA Scoping Report prepared by Ramboll and subsequently scoped back in within the Scoping Opinion. Ramboll described the available information for each of these topics and explained how the Applicant proposed to deal with these topics in the EIA Report. Ramboll enquired as to whether any more background was available to understand why the topics had been ‘scoped in’. The ECU response is provided below:  <i>“With regards to the ‘scoping out issue’, topics cannot be scoped out just because they have been dealt with previously for the consented scheme. As you will be aware, Regulation 5 and Schedule 4 of the Electricity Works (Environmental Impact Assessment)(Scotland) Regulations 2017 detail what should be covered by an EIA report. To be sure that all the information that is required to be submitted in respect of the variation proposal is up-to-date, current Guidance, Policies, Methodology etc will have to be established and compared to that used for the consented scheme. Whether there have been any environmental, ecological, ornithological etc changes since consent was granted to the consented scheme will also have to be fully explored. All changes established will be incorporated into the EIA processing of the variation proposal and presented appropriately in the EIA report. Any topic/issue which will be relying on information presented for the consented scheme should state that in the EIA report. However, as well as providing full reasons for that being the case, the information relied on from the consented scheme should also be presented in the EIA report.”</i>	A table at the front end of each technical chapter of the EIAR is provided to detail all supporting technical appendices and figures for that technical chapter. The table also presents the reasons for the reuse of previous information, as well as including copies of any information being relied upon with the assessment as a technical appendix to the EIAR.	

THC	07/06/2019	General	The Council recognises the need for to support the growth in the renewables sector and is supportive in principle of renewable energy proposals which are assessed as not having an unacceptable significant impact on the environment, including natural, built and cultural heritage features. Any mitigation that may be required should be considered as part of the preparation of proposals.	Each technical chapter includes a mitigation table for significant effects, plus a summary is included in EIAR Volume 2: Chapter 13: Schedule of Mitigation.
		Planning Policy	The Council will assess the application within the framework of its Development Plan policies. For the avoidance of doubt, in this instance the Development Plan comprises the Highland-wide Local Development Plan and the Caithness and Sutherland Local Development Plan (not the West Highlands and Islands Local Development Plan as stated in Section 3.3 of the Scoping Report). This proposal will be assessed primarily in terms of the Highland-wide Local Development Plan (HwLDP) as adopted by the Council on 5 April 2012.	Noted. A Planning Statement has been prepared and submitted with the application.
		Transport		
		Transport Assessment	Highland Council interests will relate largely to the impact of development traffic on the Council maintained road network and its users during the construction phase of the project. A Transport Assessment (TA), or section on traffic and transportation, within the Environmental Impact Assessment Report (EIAR) for the project will be required. The TA should identify all Council maintained roads likely to be affected by the various stages of the development and consider in detail the impact of development traffic, including abnormal load movements, on these roads. The attached, Renewable Pre-app. Guidance, document provides guidance on the matters to be addressed by the TA.  Note: Due to the fragile nature of the A897 public road the use of this route by construction traffic should be avoided.	THC has been consulted and a scope has been agreed that an assessment of the potential traffic and transport effects associated with the construction of the Proposed Varied Development will be undertaken and included in the EIAR. Cumulative effects associated with ‘committed’ developments which are likely to generate traffic that will utilise local public roads within the study area at the same time as traffic generated by the Proposed Varied Development have also been assessed.  THC also agreed that a Transport Assessment (TA) will not be undertaken as a TA is not generally considered to be required for temporary construction works and the traffic movements associated with the operational phase of the Proposed Varied Development are not high enough to warrant a formal

		Transport Scoping	Prior to preparation of the TA the developer should first carry out a detailed scoping exercise in consultation with the Council, as local roads authority, and Transport Scotland, as trunk roads authority. In considering the transport impacts of the development, in addition to the requirements of the Institute of Environmental Assessment (IEA) guidelines, account must also be taken of the guidance contained in the Transport Scotland document, Transport Assessment Guidance, and the Council's own document, Guidance on the Preparation of Transport Assessments. Details of any other committed developments to be considered in the TA should be obtained from the planning service. Any timber extraction required in connection with the development proposals should also be considered in the TA. Early contact should be made with the Council's Structures Section regarding any affected Council maintained structures: Contact: Norman Smart, Principal Engineer (norman.smart@highland.gov.uk)	TA.
		Traffic Data	Available traffic data for Council maintained roads can be obtained from Transport Planning. Contact: Greg Otreba, Community Services (Grzegorz.Otreba@highland.gov.uk)	
		Operational Traffic	It is agreed that the impact of operational traffic associated with the development should be minimal and can therefore be scoped out of the assessment.	Both THC and TS confirmed that they have no issue with the operational and decommissioning traffic impacts being scoped out of the EIAR.
		Site Access	Any subsequent application should also be supported by full details of the proposed site access at its junction with the public road.	Site access arrangements are presented in the EIAR Volume 2: Chapter 2: Description of Development.
		Grid Connection Works	Should related grid connection and/or substation works be likely to impact on any of the local roads forming the access routes to the site, it would be desirable to consider the impact of these works and the mitigation required in conjunction with the proposed wind farm.	The grid connection proposals are summarised in EIAR Volume 2: Chapter 2: Description of Development. It should be noted that the assessment of the grid connection would be the subject of a separate S37 application.
		TMP	The TA should include a framework TMP aimed at minimising the impact of the construction traffic. It shall include measures to ensure development traffic adheres to the approved routes and establish protocols for the movement of HGV's on minor public roads. Consultation with the local community and the local Area Roads Office will be required regarding the detailed content and implementation of the CTMP.	A Framework CTMP is presented in EIAR Volume 4: Technical Appendix 8.1.
		Section 96	Notwithstanding the above requirements, there will remain a risk of damage to Council maintained roads from construction related traffic. In order to protect the interests of the Council, as roads authority, a suitable agreement relating to Section 96 of the Roads (Scotland) Act and appropriate planning legislation may be necessary. An appropriate Road Bond or similar security may also be required.	Section 96 agreements are outwith the scope of the EIA.
		Noise	The scoping report has correctly identified the need for an updated noise assessment to be submitted. The assessment will need to demonstrate compliance with the existing conditions for the previously consented development. It should also clarify the status of the noise sensitive receptors identified in the previous application and confirm there are no new receptors or developments which might give rise to cumulative noise. The Council is satisfied that construction noise can be scoped out of the assessment. However, for the avoidance of doubt it is expected that the developer/contractor will implement the best practicable measures to reduce the impact of noise.	A noise assessment is included in EIAR Volume 2: Chapter 6: Noise and provides information on the noise sensitive receptors. The scope of the noise assessment has been agreed with Robin Fraser of THC (11/12/19) (see summary of response below).
		PWS	It is unlikely that there will have been any changes in terms of private water supplies in the area however, any application should at least confirm that this aspect has been considered and confirmed.	As noted above, an updated Private Water Supply Assessment has been prepared and is included as a EIAR Volume 4: Technical Appendix: 10.5.
		LVIA		
		Visual material	THC expects the EIAR to consider the landscape and visual impact of the development. THC makes a distinction between the two. While not mutually exclusive, these elements require separate assessment and therefore presentation of visual material in different ways. It is the Council's position that it is not possible to use panoramic images for the purposes of visual impact assessment. The Council, while not precluding the use of panoramic images, require single frame images with different focal lengths taken with a 35 mm format full frame sensor camera – not an 'equivalent.' The preferred focal lengths are 50 mm and 75 mm. The former gives an indication of field of view and the latter best represents the scale and distance in the landscape i.e. a more realistic impression of what we see from the viewpoint. These images should form part of the EIAR and not be separate from it.	Visualisations of the Proposed Varied Development have been prepared to THC Visualisation Guidance in addition to SNH Guidance and presented in the EIAR (EIAR Volume 3b: Visualisations).
		LVIA VPs	It is noted in the Scoping Report that the LVIA would use the same viewpoints as the previously submitted; this approach is agreed. The purpose of the selected and agreed viewpoints shall be clearly identified and stated in the supporting information. For example, it should be clear that the VP has been chosen for landscape assessment, or visual impact assessment, or cumulative assessment, or sequential assessment, or to show a representative view or for assessment of impact on designated sites, communities or individual properties.	Following submission of the Scoping Report, consultation has been undertaken with SNH and THC to agree the LVIA viewpoints (see below).
		SG Criteria	The LVIA should make specific reference to, and assess the proposal against the criteria detailed in the adopted Highland Council Onshore Wind Energy Guidance and Addendum (December 2017)).	Noted. This this is addressed in the LVIA - refer to EIAR Volume 2: Chapter 4: Landscape and Visual Amenity .
		Night-time Visual Assessment	As there is a requirement for turbines over 150m to utilise aviation lighting, we would request that the LVIA also assesses night-time impact and includes some visualisations to demonstrate visual impact during hours of darkness.	Following scoping, SNH and THC was consulted regarding the scope of the turbine lighting assessment. The assessment is included in the EIAR as Technical Appendix 4.10 (EIAR Volume 4).
		Guidance & Policies	Development Plan policies are also supported by Supplementary Guidance which will be important to take account of within any assessment on development impact on the environment and other interests.	Relevant policies and guidance will be taken into consideration.
THC	21/01/2020		Meeting held with Simon Hindson of THC and the applicant to provide project update and finalise any outstanding requirements of the EIA.	
		Cumulative Assessment	THC highlighted a number of schemes which are in scoping, or soon to be in scoping in the vicinity of the Proposed Varied Development. THC would sooner see these developments included in the cumulative assessment for Strathly South Wind Farm	Whilst it is standard practise to only include those developments that are in the planning system as part of the cumulative assessment, it was agreed that the LVIA will consider both Armadale Wind Farm and Ackron Wind Farm (which are both at scoping) as part of their cumulative assessment at the request of THC. No further additions to the cumulative assessment will be considered from 13/02/20 when the final list was agreed with ECU.
		Enabling Works	The need for increased enabling works along the access route from Strathly North Wind Farm to the Proposed Varied Development to avoid impacts on the adjacent SAC were discussed. It is anticipated that track construction and upgrades will be required alongside laying of HV cable ahead of the main construction period commencing to allow for the works to take place within the consented corridor. The need to condition this appropriately was highlighted.	The nature of the enabling works are explained within EIAR Volume 2: Chapter 2 Description of Development.
		Increased micrositing allowance	Discussions with Susan Haslam at SEPA regarding peat have highlighted that there would be a benefit to having an increased micrositing allowance applied to the Proposed Varied Development to allow for turbines of key concern to be moved into areas of shallower peat. This was discussed as the meeting on the 21/01/20. THC has confirmed that it is open to the idea, but the preference would be to see this applied to specific turbines and not across the scheme as a whole.	EIAR Volume 2: Chapter 2: Description of Development details which turbines the 100 m micrositing allowance would be most beneficial to.
THC - Landscape	18/09/2019		Meeting held with THC landscape officer, Applicant and the Applicant's landscape advisors (ASH) to agree THC's requirements for the LVIA. Notes of meeting below:	The results of the VP and Cumulative assessments are presented in EIAR Volume 2: Chapter 4: Landscape and Visual Amenity .
		Viewpoints	Following discussion with THC, a list of 14 viewpoints it was agreed which included 2 new viewpoints would be added: one at Dunnet Head and one to the west of Thurso along the A836.	
		Cumulative Assessment	Agreed to use the THC database to identify cumulative wind farm sites within 60 km of the site with the assessment focusing on six key cumulative sites within approximately 6 km of the site: Strathly North, Strathly Wood, Bettyhill Wind Farm, Ackron Farm, Limekiln Wind Farm, Baillie Wind Farm (outwith 20 km).	
		Lighting	Following our meeting, we have reviewed a range of recent Section 36 and Section 36C EIARs to identify examples of how turbine lighting assessments have been integrated with the LVIA on other projects, both in The Highland Council and in other local authority areas. Based on this review we propose that the potential significant effects of turbine lighting on both landscape and visual receptors would be assessed and the results of this assessment would be included throughout the LVIA Chapter as appropriate to ensure that the potential effects were captured in the main report, with the turbine lighting assessment included in a Technical Appendix to the LVIA Chapter. As the SNH guidance on lighting assessment is emerging, we will seek approval from SNH regarding the methodology for the lighting assessment and confirm this with THC.  During ASH's discussions with SNH it will confirm the two viewpoints to be used for night-time visualisations. However, it was assumed that these are likely to be VP 7 (View from A836 West of B871 near Borgie) and VP4 (View from East of Melvich)	The assessment is included in the EIAR as Technical Appendix 4.10 (EIAR Volume 4). Consultation with SNH regarding night-time VPs is presented below.

THC - Transport Planning	30/07/2019	<b>Construction Traffic</b>	THC identified 11 structures on the proposed route of which 6 six will need to be assessed for the proposed movements.	Further consultation with THC would be required post-planning consent once a transporter has been appointed and detailed transport configurations are identified to agree scope of the structure assessments.
	12/11/19 & 27/11/2019		Meeting held with THC transport planning officer, Applicant's engineer and Applicant's transport specialists. A summary of the key points discussed and agreed at the meeting are presented below.	
		<b>Effects to be assessed</b>	The following categories of potential effects will be considered for the route sections within the Study Area during the construction phase in isolation and also cumulatively with committed schemes which are likely to utilise local roads at the same time as traffic generated by the Proposed Varied Development: <ul style="list-style-type: none"> <li>driver delay;</li> <li>road safety;</li> <li>community effects (severance, pedestrian amenity / fear and intimidation, and pedestrian delay); and</li> <li>the physical effects (wear and tear) of HGV (including abnormal load) traffic on the public road infrastructure.</li> </ul>	THC has been consulted and a scope has been agreed. It has been confirmed with THC that operational and decommissioning traffic impacts can be scoped out of the EIAR and that a Formal Transport Assessment would not be undertaken as a TA to the EIAR. A follow up letter was sent to THC Planning (17/12/19) to request confirmation of the cumulative schemes to be considered in the transport assessment and a response has not been received. In the absence of a response, the transport assessment has been completed based on the list of cumulative developments agreed with the ECU.
		<b>Effects to be scoped out</b>	Based on professional judgement and experience in the assessment of traffic and transport effects associated with wind farm developments, it is proposed to scope out the following effects of the assessment: <ul style="list-style-type: none"> <li>Operational and maintenance phase traffic generation effects – Once operational, wind farms typically generate very low levels of traffic, as such traffic generated during the operational phase is not expected to produce any significant effects.</li> <li>Decommissioning phase traffic generation effects – Wind farm decommissioning typically takes place after approximately 25 years of operation, generating traffic at a level less than or similar to the construction phase. Given the long duration between the present day and decommissioning it is difficult to determine an accurate baseline for this assessment. For the purposes of a meaningful assessment, it is therefore proposed that the study of decommissioning phase effects is undertaken closer to the time of decommissioning.</li> </ul>	
		<b>Study Area</b>	The proposed study area for traffic and transport has been defined as the public road network in the vicinity of the proposed development site which will be most commonly used for access by traffic generated by the Proposed Varied Development. It is anticipated that construction traffic bound for the site, will access from the east via the A9 and then via the A836. Abnormal loads are estimated to originate from Scrabster and a such the A9 (north of the A836) has been included within the proposed Study Area. The proposed Study Area has therefore been defined as: <ul style="list-style-type: none"> <li>Route Section (RS) 1 – A9(T) between the A99(T) and the A836.</li> <li>RS2 – A9(T) between the A836 (east) and the A836 (west).</li> <li>RS3 – A9(T) between Scrabster and the A836.</li> <li>RS4 – A836 between the A9(T) and the A897.</li> <li>RS5 – A836 between the A897 and the site access.</li> </ul>	
		<b>Assessment Methodology A897</b>	Discussions were held with Transport Planning to agree the assessment methodology, including the guidance, prediction and evaluation of effects and the data sources to be used. The Applicant agreed that no construction traffic would use the A897.	
	04/12/2019	<b>Construction Traffic</b>	Follow up call between Mott MacDonald and THC: Mott MacDonald confirmed it will undertake an assessment of the potential traffic and transport effects associated with the construction of the Strathly South WF; full consideration will be given to the impact of construction traffic and we will consider relevant part of the THC Transport Assessment Guidelines. However, we will not undertake a formal Transport Assessment (TA) as a TA is not generally considered to be required for temporary construction works and the traffic movements associated with the operational phase of the Strathly South WF are not high enough to warrant a formal TA. THC responded to confirm this approach was acceptable.	An assessment of the potential traffic and transport effects associated with the construction of the Proposed Varied Development has been undertaken; full consideration will be given to the impact of construction traffic and we will consider relevant part of the THC Transport Assessment Guidelines. Refer to EIAR Volume 2: Chapter 8: Roads and Traffic.
THC - EHO	11/12/2019		In response to the Applicant's Noise Consultant's proposed scope to the noise assessment THC provide the response below:	
		<b>General Scope</b>	THC has confirmed that they are content with the proposed approach to the noise assessment.	
		<b>Noise Receptors</b>	I note that the properties at Dallangwell and Braerathy have been scoped out on the understanding they will not be occupied for the lifetime of the wind farm. I have no problems with that approach but that would be one for Planning to confirm.	Noted. A consultation letter was sent to Simon Hindson (THC) from SSE (07/01/20) regarding Dallangwell and Braerathy proposing that they can be scoped out as they are both financially involved with the Proposed Varied Development and will be vacant throughout the lifetime of the wind farm. Therefore, they have not been considered a noise sensitive receptors. The status of Dallangwell and Braerathy and their financial involvement in the Proposed Varied Development was confirmed at a meeting with Simon Hindson and Laurie Winter on 21/01/20.
		<b>Noise Limits</b>	My understanding is that noise levels from Strathly South would be negligible at Bowside particularly given the closer proximity of other wind farm developments. However, as you are aware we have ongoing issues with noise limits being set too high above predicted levels so I welcome any approach at applying a reasonable limit specific to Strathly South. Generally, I look to apply a 2dB margin over and above predicted levels. In this case, I understand that would still likely result in a very low level at Bowside so I'm happy to agree on a closer measurement location that can be used in the event that compliance monitoring is required.	Noted. The results of the noise assessment are presented in EIAR Volume 2: Chapter 6: Noise together with appropriate noise limits.
SEPA	16/05/2019	<b>Site Design</b>	SEPA welcomes proposals to reduce the overall length of track as this should reduce impacts on the environment and encourages consideration of are any other improvements to the overall design which could be delivered as part of the application.	Following scoping, further design review has taken place and been discussed with SEPA. The design changes since scoping are presented in EIAR Volume 2: Chapter 1: Introduction.
		<b>Habitats</b>	SEPA welcomes proposals to scope in the effects of additional land take on the habitats present on the site. SEPA is content with the approach of “ground-truthing” the existing NVC results and producing an updated assessment of the potential effects on GWDTE. The developer is reminded to ensure that the assessment considered both moderately and highly groundwater dependant habitats.	NVC ground truthing was completed and confirmed that there was no change to the results presented in the 2013 ES Addendum. Following scoping, a draft GWDTE report was prepared and submitted to SEPA for review and comment. The final report is presented in the EIAR Volume 4: Technical Appendix 10.3 and concludes that the areas of potential GWDTE on-site are not sustained by groundwater.
		<b>Peat Management</b>	SEPA welcomes proposals to produce an updated Peat Management Plan. Only if enough baseline peat probing has been collected to meet the requirements of current best practice guidance and the extended excavations do not impact on deep peat should peat depth be scoped out of the assessment. We are happy to provide advice on a draft of this work.	Post-scoping consultation was undertaken with SEPA based on the Gatecheck Layout and it was agreed that no further peat probing was required (SEPA response dated 19/03/20). The Peat Management Plan for the Proposed Varied Development is provided in Technical Appendix 10.2 (EIAR Volume 4).
		<b>Borrow Pits</b>	SEPA is content with the proposal for borrow pits to be scoped out of the assessment on the understanding that the increase in turbine footprint does not result in the need for greater volumes of aggregate to be extracted.	Following submission of the Scoping Report, a Borrow Pit Assessment has been completed and included in EIAR Volume 4: Technical Appendix 2.2.
		<b>Transport</b>	SEPA note's the comments on the Roads and Traffic section on swept path analysis for public roads and suggests that the developer also ensures that the wind farm itself is designed in such a way as to facilitate delivery and any amendments required are included in the application. For example it is noted that the current design includes many “T” junctions and we query whether the scale of track-footprint will need to increase in these areas.	These comments are noted and a review of the site layout has been undertaken and the latest layout is presented in the Gatecheck Report and has also been presented to SEPA.
		<b>Controlled Activities Regulations (CAR)</b>	A CAR construction site licence will now be required for this development.	Noted. The appropriate licences will be applied for following consent of the Proposed Varied Development.
		<b>Further Advice</b>	Appendix 1 presents further advice in relating to engineering in the water environment; disturbance and reuse of peat; disruption to GWDTE; existing groundwater abstractions; forest removal and waste; borrow pits; pollution prevention and environmental management; and life extension, repowering and decommissioning.	Noted. To be considered in the relevant sections of the EIAR, as required.
	30/05/2019	<b>Battery Storage</b>	We welcome the proposal for including battery storage. The facility should be located in an area away from watercourses and avoiding deep peat and GWDTE. Information should be provided on the risk to the environment from the facility and how these will be addressed, for example via bunding, interceptors and SUDS treatment.	Battery storage is not being considered further for the Proposed Varied Development and does not form part of the Section 36C Application. Should battery storage be considered on the site in the future, appropriate consultation will take place prior to any applications.
		<b>HMP</b>	SEPA is supportive of the proposed Habitat Management Plan. Any revision should ensure that current best practice guidance is followed in relation to removing timber and brash from the site, harvesting techniques and use of any mulch in restoration proposals.	Technical Appendix 9.5 presents the outline HMP (EIAR Volume 4). Technical Appendix 9.6 (EIAR Volume 4) provides a revised Strathly South Forest Management Plan and details the forest felling methods to be employed to ensure the greatest potential for peat restoration.



	03/12/2019	<b>GWDTE</b>	We are in agreement that the main construction area has been subject to habitat changes caused by forestry, tracks and other activities therefore any GWDTEs within this area are unlikely to be of specific value or groundwater dependent. There are some GWDTEs outside the forested areas but we are content that they are unlikely to be in hydraulic connection and/or are downslope to the proposed infrastructure. We therefore do not consider that GWDTE are a specific constraint to layout at this site but would nonetheless expect to see the standard mitigation measures put in place to ensure that existing groundwater flow paths are maintained.	A GWDTE Assessment has been included as EIAR Volume 4: Technical Appendix 10.3 and includes standard mitigation measures.
		<b>Peat</b>	SEPA provided the following comments on the Gatecheck Layout: Welcome the removal of track between T13-T19 and T24-T26 – this avoids areas of deep peat; Content with the newer locations of the construction compound, batching plant and substation. Consideration should be given at this stage whether it might be possible to float some of these areas rather than cutting;  Would be good to see the shape of the borrow pit near T8 amended to avoid the deep peat; Our preference would be that all the turbines that are on deep peat are repositioned to avoid deep peat. In the absence of this then (1) we would welcome the proposal for a microsites allowance of 100 m for all those turbines currently located on deep peat. We are especially interested in T9, T18, T19, T33, T42, T29, T52, T57 and T72 which seem to be on especially deep peat. We would then ask that microsites be used to demonstrate how the finalised location of the turbine reduced the impact on peat disturbance further; (2) it needs to be shown that the supporting hardstanding areas have been positioned on the shallowest peat around the turbines and (3) consideration should be given to using alternative construction techniques such as (but not limited to) piling turbine bases and piling or floating crane hardstandings.  I think there was a commitment to float all tracks that are on >0.5 m peat – it would be good if the layout plan showed this (and if there are any significant slopes where this is not possible then this be taken into consideration now).  Remember to include a drawing showing the location of the temporary peat storage areas. Generally speaking these should be located close to where the peat has been generated, away from watercourses and not on deep peat. Encourage you to provide all the peat information as a draft Peat Management Plan	Noted.  The Applicant engineering team is investigating the possibility of floating; however, concerns have been raised that due to these being larger areas than tracks (which can be floated), this proposal would prove to be challenging due to topography and would likely require a large volume of material to produce a flat platform, which could in turn be more disruptive to peat. Investigations will be ongoing and detailed site investigation following consent will feed into these.  Information on borrow pits is presented in the borrow pit appraisal in EIAR Volume 4: Technical Appendix 2.2.  It is proposed that a 100 m microsites allowance will be requested as a condition of consent and Simon Hindson of THC has been contacted regarding this specific request (07/01/20). This is discussed in Chapter 2: Description of Development (EIAR Volume 2).  This commitment forms part of the Proposed Varied Development and the plan was sent to Susan Haslam on 07/02/20 and will form part of the EIA submission. There is a requirement to cut tracks adjacent to hardstands for the crane operations to be carried out safely, and this is presented on Figure 2.1 (EIAR Volume 3a).  This is included in the draft Peat Management Plan in EIAR Volume 4: Technical Appendix 10.2.
		<b>Peat Probing</b>	A plan was sent to Susan Haslam on 07/02/20 which showed the locations of the Phase 2 peat probing which had been carried out in 2019 in support of the Section 36C variation. In an email on 21/02/20 following a telephone discussion with the applicant and SLR, Susan provided the following comments: <i>None of the amended areas have currently been probed following best practice so looking to each amendment in turn:</i> • <i>Substation and temporary laydown – line of probes through area indicates shallow peat. All surrounding probes are also shallow. No obvious change in slope. We are content that enough information has been collected here to suggest that the site is not on deep peat.</i> • <i>Amended laydown area west of T15 – probes suggest shallow or 1-1.5 m of peat. We are content that enough information has been collected here to suggest that the site is not on deep peat.</i> • <i>New borrow pit west of T61 - line of probes through area indicates shallow peat. All surrounding probes are also shallow. No obvious change in slope. We are content that enough information has been collected here to suggest that the site is not on deep peat.</i> • <i>New borrow pit north of T61 – line of probes suggests peat is roughly 1-2 m deep, getting deeper/more mixed as you move north. No close-by probes to the north or west. This area would benefit from more peat probing. However looking at the underlying topography then it looks like the line of probes has been taken at the bottom of the slope and the borrow pit will be worked into the slope, where it does seem likely peat depth is shallower. As a result we would be happy to consider other information (other peat probing not shown on the plan we have, photographs of the area, lidar etc) to demonstrate that peat is unlikely to be deep in this area, instead of going out specifically to probe this area.</i>	In order to address the concerns raised around the borrow pit north of T61, the Applicant has commissioned RPS to go on site on 05/03/20 to take photographs of the area and endeavour to take peat probes of the borrow pit location. This information was sent to Susan Haslam on 19/03/2020 for further comment and a response was received (see below).
		<b>Peat Probing</b>	An updated plan was sent to Susan Haslam on 19/03/20 which showed additional peat probing information in relation to the borrow pit. In an email on 20/03/20, Susan provided the following comments: • <i>[The peat probing information shows]...as we expected and the areas to the west are shallower peat, so I am content with that and don't need to see the photos. Nice to have the issue closed off.</i>	Issue closed off, no further action required.
		<b>Gatecheck Response</b>	The Gatecheck Report was submitted to ECU in March 2020. The response from SEPA is summarised below: We can confirm that in relation to our interests the contents of the Gatecheck Report accurately reflects SEPA position and, taking into consideration that this is a Section 36C application, we are content with the approach taken by the developer and welcome the level of engagement we have had with them up to this stage. The comment in Appendix 2 relating to the provision of additional information on borrow pit north of T61 are noted and we welcome the proposed approach of sending it to us in advance of formal submission of the application.	No further action required.
		<b>Generic wind farm advice</b>	Referred to SNH's general pre-application/scoping advice to developers of onshore wind farms (February 2018) - <a href="https://www.nature.scot/sites/default/files/2018-02/SNH%20General%20pre-application%20and%20scoping%20advice%20to%20to%20developers%20of%20onshore%20wind%20farms.pdf">https://www.nature.scot/sites/default/files/2018-02/SNH%20General%20pre-application%20and%20scoping%20advice%20to%20to%20developers%20of%20onshore%20wind%20farms.pdf</a>	Noted.
		<b>Ornithology (Collision Risk)</b>	SNH has previously advised that the proposal is likely to have a significant effect on red-throated diver and greenshank interests of the Caithness and Sutherland SPA. The ER should therefore fully address any changes in the collision risk to these two species. The survey work undertaken for the original ES and the 2013 amended design included VP survey work covering a variety of height bands. The most recent VP work undertaken in 2012 and the summer of 2014 used 5 bands: 0 – 20m, 20m – 40m, 40m – 100m, 100m – 150m, and 150m+. Given the proposed increase in tip height we consider these height bands are sufficient for a recalculated collision risk but we would expect the Applicant to include all flights recorded in the 150m+ band in any revised collision risk model.	Revised height bands have been used for the data collected through 2018 and 2019 for the revised development. These include a 150 - 200m and a 200+ band. This allowed robust analysis of the data for CRM ensuring SNH's requirements are met. The results of the CRM are discussed in Chapter 5: Ornithology (EIAR Volume 2) and presented in Technical Appendix 5.1 (EIAR Volume 5).
		<b>Wild Land</b>	To date we have advised that the Strathly South wind farm would be unlikely to significantly adversely affect the qualities of the East Halladale Flows Wild Land Area (WLA). The variation to raise the turbine heights to 200m, and the subsequent introduction of turbine lighting, has however raised new effects which have not previously been considered. Although we recognise that the extent of the intervisibility of the WLA with the proposed turbines would be generally limited to areas already affected by the consented T39 Layout, the effects as a result of the introduction of lighting would extend adverse effects beyond the hours of daylight. The 'Assessing the Impacts on Wild Land Interim Guidance Note (SNH, 2007)' has now been superseded by the 2017 draft.	Subsequent consultation has been undertaken with SNH regarding Wild Land and lighting. This is discussed below.
		<b>Baseline Assessment</b>	SNH consulted on draft guidance on how to assess repowering applications last year. The Repowering consultation responses and a summary of the consultation responses are now available. Following the consultation, and taking account of the responses received, SNH now recommends that the baseline for assessment should be the 'current state of the environment' as set out in the EIA regulations. SNH is currently working through the implications of this for the rest of the guidance and hope to share a revised version soon.	Noted. ECU confirmed via email (20/06/19) - " <i>our internal view is that the EIA baseline for Strathly South would be the physical condition today, i.e. undeveloped. That a section 36 consent exists would not alter this. This matches SNH's advice and also how previous variation applications have had to address the EIA.</i> "
		<b>Aviation Lighting</b>	Aviation lighting on wind turbines is a relatively new issue in Scotland's landscapes and as a consequence the effects are less well known due to a general lack of evidence base. We advise that the following information should be included within the ER to aid consultees and decision makers on this evolving issue: - a narrative about the existing lighting within the landscape to understand the baseline; - a narrative describing the effects of any lighting proposed; - a consideration of available mitigation; - a small number of visualisations demonstrating the effects of the lighting proposed; - all wireframes should show the locations of the proposed lights; and - a ZTV showing the extent of visibility of the lighting. It should be noted that effects of turbine lighting in this location has the potential to result in significant adverse effects on the experience of wildness and ultimately the qualities of WLAs.	Subsequent consultation has been undertaken with SNH regarding Wild Land and lighting. This is discussed below.
SNH	31/05/2019			

	11/09/2019		Meeting held with SNH and the Applicant	
		<b>Bats</b>	It was confirmed to SNH that bat surveys were being undertaken over a split season. The Applicant confirmed that bat surveys were ongoing with 20 anabat swifts deployed across the site until the first week of October 2019, providing information on bat activity during the time of potential peak numbers on site. It was confirmed to SNH that a bat roost potential assessment had been completed at the bothy and bat habitat suitability surveys were also being completed. SNH confirmed it would be happy with the proposed updated bat surveys so long as the Applicant followed the current guidance or provided justification as to why guidance was not being followed. SNH confirmed that the current approach of doing a split season seemed sensible, and the Applicant highlighted that despite what the surveys showed, as it would be removing the forestry to accommodate the Strathy South Wind Farm, bats would not be attracted into the area.	Full details of all bat surveys and analysis has been included in EIAR Volume 4: Technical Appendix 9.2.
		<b>Terrestrial Ecology</b>	For all the terrestrial animals included within the list to be scoped out SNH confirmed that the Applicant's approach to rely upon the existing data set and to include as pre-construction surveys was sensible. It was concluded that there was a vast amount of knowledge on the site and additional surveys were unlikely to enhance this greatly. As such for all further species in this list it can be assumed, they have been scoped out in agreement with SNH (i.e. scope out otters, water voles, pine martens, wildcats and badgers).	No further action required.
		<b>Aquatic Ecology</b>	SNH confirmed that it would be likely in agreement that there is little need to re do survey work on aquatic species as it is unlikely to present information that we don't already have i.e. covering Atlantic salmon, brown trout, eels and freshwater pearl mussels.	No further action required.
		<b>Caithness SAC</b>	The Applicant confirmed that potential impacts on the SAC would be revisited as part of the updated impact assessment, SNH were in agreement with this.	Effects to the SAC have been considered between the effects of the consented development and the proposed varied development and are discussed in Chapter 9: Ecology (non-avian) (EIAR Volume 2).
		<b>Yellow Bog Road</b>	The Applicant advised SNH that the Proposed Varied Development would include the use of Yellow Bog Road.	An assessment of Yellow Bog Road has been covered in the relevant sections of the EIAR (refer to EIAR Volume 4: Technical Appendix 9.4).
		<b>Ornithology Data</b>	The Applicant queried whether SNH would like to see the historic data incorporated along with the 2018 and 2019 ornithology surveys, or if the Applicant should just use the two years. SNH confirmed 2 years sufficient but that the Applicant would be welcome to include additional if it was felt helpful.	Noted.
		<b>Landscape</b>	A brief discussion was held covering landscape and the approach to the wildland and aviation lighting assessment. It was agreed that a meeting with SNH landscape officer would be arranged to discuss further.	A meeting with the landscape officer was arranged, as discussed below.
	19/03/2020	<b>Gatecheck Response</b>	The Gatecheck Report was submitted to ECU in March 2020. The response from SNH is summarised below: The Consultation Register in Appendix 2 of the Gatecheck Report reflects the discussions we have had with the applicant at several meetings regarding natural heritage issues. We consider the Developer has engaged appropriately and look forward to being consulted on the Section 36C application in May 2020.	No further action required.
	28/10/2019		Meeting held with SNH's Landscape Advisor, the Applicant and the Applicant's landscape advisors (ASH). A summary of the deliverables discussed at the meeting is presented below:	The LVIA together with the wild land assessment and lighting assessment are presented in EIAR Volume 2: Main Report Chapter 4 and its supporting appendices (EIAR Volume 4: Technical Appendix 4.9 and Technical Appendix 4.10 respectively).
		<b>EIA - LVIA</b>	An LVIA chapter will be prepared along with associated figures. A cumulative LVIA will also be prepared (focused on sites within approximately 20km most likely to result in potential significant cumulative effects)	
		<b>Wild Land</b>	A wild land assessment of East Halladale Flows Wild Land Area will be prepared in line with SNH's Assessing Impacts on Wild Land Areas: Technical Guidance – Consultation Draft (2017). This will be included as technical appendix to the LVIA Chapter. An assessment to specifically address potential effects of any proposed turbine lighting on the special qualities of the East Halladale Flows Wild Land Area will be presented.	
		<b>Lighting Assessment</b>	A turbine lighting assessment will be prepared and included as a technical appendix to the EIAR. The assessment will present a hub height ZTV, night-time visualisations from two VPs (VP4 – Melvich, VP5 – Strathy and VP7 – A836 west of B871) and an illustration of potential visibility from within the East Halladale Flows Wild Land Area.	
	03/06/2020	<b>Habitat Loss Calculation Methodology</b>	Call held between SSE Consents Manager and SNH's Operations Officer to discuss the approach to be used for the habitat loss calculation methodology to e used in the EIAR. It was agreed on the call that methodology used to assess the Consented Scheme was exceptionally cautious and therefore it was agreed to revert to a more standardised approach for habitat loss calculations.	The approach to the habitat loss assessment for the Consented Scheme and the Proposed Varied Development is presented in Technical Appendix 9.7 (EIAR Volume 4).
Historic Environment Scotland	20/05/2019	<b>Heritage Assets</b>	HES welcomes the intention, stated in the scoping report, to re-assess setting effects on heritage assets. Given the increased scale of the development, some assets may be affected which were previously not. Consideration should be given not just to assets that have direct visibility of the proposed turbines, but also those were views of the assets might be affected.	Following the scoping response, further consultation was undertaken with HES (22/07/19) to agree the scope of the cultural heritage assessment and the visualisations to be presented. It was proposed to cover those heritage assets that were previously assessed in the 2013 ES Addendum, plus the addition of the following due to the increase in tip height: Halladale Bridge (SM3304) c.13.65km north east; Rosdale, deserted township (SM2510), c.11.06km south west; and Armadale Burn, broch (SM13678), c.8.35km north of the site. A copy of the HES consultation letter was also sent to THC's cultural heritage officer for comment (22/07/19).
		<b>Visualisations</b>	Where significant effects are expected, it would be helpful if conclusions were supported by visualisations or wireframes, where appropriate. HES would be happy to agree a list of requirements and comment on draft wirelines.	
		<b>Guidance Documents</b>	Referred the applicant to the HES' EIA Handbook (2018) and HES' Managing Change Guidance Note on Setting (2016).	
		<b>Viewpoints</b>	We note that the scheduled monument at Ben Griam (SM 1836) is included as a viewpoint. It is likely that the visualisation from this location will be helpful in supporting the conclusions of the cultural heritage assessment. It will be important, however, to be clear that the LVIA assessment is a separate discipline and the level of impact may be different in the two assessments.	
	29/07/2019	<b>CH Viewpoints</b>	HES reviewed the information in reference to its interests in the planning system. This covers World Heritage Sites, scheduled monuments and their setting, category A listed buildings and their settings, Inventory gardens and designed landscapes, and Inventory battlefields. The Highland Council's archaeology and conservation services may also have advice to give on these details – and this may extend beyond our interests. We therefore recommend that you agree the list of proposed visualisations with them, separately from us.  HES confirmed it was content with the Applicant's proposed list as it is show in the document (sent 22/07/19) – we welcome the inclusion of a photomontage from Ben Griam Beg, fort. We note that the other proposed visualisations will be wireframes. Based on currently available information, this appears proportionate, and at this stage we have not identified any further heritage assets for which we would require a photomontage. It is possible that we will need further information if the wireframes show a significant impact, and for that reason it would be helpful to see draft wireframes before a full application is submitted, in order for us to rule this out. At this stage such a requirement does not appear likely.	List of 14 VPs agreed with HES and THC as well as the type of visualisation required, i.e. photomontage or wireline. These are presented in EIAR Volume 3b: Visualisations.
	18/03/2020	<b>Gatecheck Response</b>	The Gatecheck Report was submitted to ECU in March 2020. The response from HES is summarised below: We would be happy to comment on the wireline visualisations for our interests before the supporting information is finalised. If we do not have this opportunity before the application is submitted, there is the possibility that we will seek further visualisations after we have been formally consulted on the EIA Report.	List of 14 VPs agreed with HES and THC as well as the type of visualisation required, i.e. photomontage or wireline. These are presented in EIAR Volume 3b: Visualisations.
Internal Scottish Government Advisors				
Transport Scotland	15/05/2019	<b>Planning Conditions</b>	Transport Scotland's most recent letter was dated 2nd September 2015. In this, we concluded that the development, as it stood, would not give rise to any significant environmental impacts associated with increased traffic on the trunk road network. We did, however, request that two conditions relating to the delivery of abnormal loads and traffic control measures be attached to any consent that may be issued.	Noted. The previous conditions have been considered.
		<b>Operational &amp; Decommissioning Traffic</b>	We can confirm that we have no issue with the operational and decommissioning traffic impacts being scoped out of the assessment.	Noted. No further action required.
		<b>Construction Traffic</b>	With regard to the construction volumes, we would have expected that the construction material volumes would have increased as normally the concrete quantities increase to provide an increased foundation size for the bigger turbines. We would ask that the applicant reviews this matter and, if the material volumes do increase, then the previous percentage impacts should be reassessed to see if there is a requirement to undertake a detailed assessment of the potential environmental impacts associated with increased traffic. The requirement for detailed assessment should be considered against the thresholds in the IEMA Guidelines for the Environmental Assessment of Road Traffic (1993).	It is anticipated that on-site borrow pits will be able to provide stone for the construction of access tracks and areas of hardstanding. It is anticipated that aggregate for concrete for the turbine foundations will be sourced off-site. An assessment of construction traffic in line with these expectations has been completed and included in Chapter 8: Roads and Traffic (EIAR Volume 2).

		<b>Abnormal Loads</b>	A full Abnormal Loads Assessment report should be provided with the EIAR that identifies key pinch points on the trunk road network and details provided with regard to any required changes to street furniture or structures along the route.	An abnormal loads assessment has been prepared and included in EIAR Volume 4: Technical Appendix 8.2.
	06/12/2019		In response to an email from Mott McDonald setting out the proposed scope of the assessment of transport, Transport Scotland responded as follows:	
		<b>Abnormal Loads</b>	We have reviewed your proposed scope of assessment, study area and assessment methodology and can confirm that Transport Scotland is in agreement with the approach you identify. We would however, state that Transport Scotland will require to be satisfied that the increased size of turbines proposed can negotiate the selected route and that their transportation will not have any detrimental effect on structures within the trunk road route path. A full Abnormal Loads Assessment report should, therefore, be provided with the EIAR which identifies key pinch points on the trunk road network. Swept path analysis should be undertaken and details provided with regard to any required changes to street furniture or structures along the route.	An abnormal loads assessment has been prepared and included in EIAR Volume 4: Technical Appendix 8.2.
Marine Scotland	15/05/2019	<b>Water Quality &amp; Fish</b>	There are no proposed changes to the number and location of turbines compared to the consented layout and MSS considers that it is unlikely that there will be any alterations to the previously predicted impacts on water quality and fish populations for the consented Strathly South wind farm. The advice which MSS provided in relation to the consented Strathly South wind farm and outlined in the decision letter and attached conditions should address our concerns relating to the potential impacts on freshwater and diadromous fish populations associated with this scheme.	Noted. The Consent and conditions relating to fish and water quality have been considered in the design and in EIAR Volume 2: Main Report Chapter 9: Ecology.
Scottish Forestry	21/05/2019	<b>Forestry Impact</b>	The scoping report provided to support Applicant's proposal to increase, as compared with T39 Layout of Strathly South Wind Farm, consented on 27th of April 2018, the tip height of the turbines from up to 135 m to 200 m, with no changes to number and location of turbines. As such, the proposed development will have the same impact on forestry as the Strathly South Wind Farm consented in 2018.	Noted.
		<b>Woodland Plan</b>	The big scale removal of non-native conifer planation from the proposed development area will have significant effect on forestry operations and forestry sector, and will require a woodland plan, as per requirement of 2018 Consent. As the proposed development site is surrounded by Caithness and Sutherland SAC & SPA, the removal of conifer plantation and subsequent proposed peatland restoration will bring environmental benefit in terms of peatland habitats and landscape. As such, the woodland removal proposal is in line with Scottish Government's Policy on Control of Woodland Removal and does not require compensatory planting.	EIAR Volume 4: Technical Appendix 9.6 details the Phased Felling Plan for the Proposed Varied Development taking into account all relevant legislation and guidance.
		<b>S36c</b>	In summary, in SF's opinion, the increase in tip height of the turbines, with no change to their number and location, as described in the Scoping Report for Strathly South Wind Farm 2019, are of nature and scale that a S36C could be considered as a feasible application route.	Noted.
		<b>Forestry Chapter</b>	Given the scale of woodland removal associated with proposed development, the EIAR accompanying the application should contain chapter dedicated to forestry (woodland plan), describing the harvesting and timber recovery proposals - as requested by Forestry Commission Scotland, predecessor of Scottish Forestry, during the consultation process for the Strathly South Wind Farm proposal consented in 2018.	The outline HMP and the forestry felling volumes and felling plans are presented in the in EIAR Volume 4: Technical Appendix 9.5 and EIAR Volume 4: Technical Appendix 9.6 respectively.
<b>Non Statutory Consultees</b>				
Fisheries Management Scotland			No response received.	N/A
Northern District Salmon Fishery Board	10/05/2019	<b>Fisheries &amp; Recreation</b>	The Northern District Salmon Fishery Board has a statutory duty to protect and enhance salmon and sea-trout stocks in its rivers. The development lies within the Strathly River catchment and the river itself contains both salmon and trout. The Strathly River falls within the Board's area. Therefore, the Board would wish to see consideration given to the potential impact of development on trout and salmon when the EIA is prepared.	Pollution control, peat management and water quality management will be considered in the Construction Environmental Management Plan (CEMP) which is included in EIAR Volume 4: Technical Appendix 2.1.
Caithness DSFB			No response	N/A
BT	03/05/2019	<b>EMI</b>	We have studied this Windfarm proposal with respect to EMC and related problems to BT point-to-point microwave radio links. The conclusion is that, the Project indicated should not cause interference to BT's current and presently planned radio network.	Noted. No further action required.
Civil Aviation Authority - Airspace			No response	The Applicant will engage with CAA regarding the lighting strategy for the Proposed Varied Development. Refer to Chapter 2: Description of Development (EIAR Volume 2) for a description of lighting proposals.
Crown Estate Scotland			No response received	N/A
Defence Infrastructure Organisation (DIO)	20/05/2019	<b>Aviation</b>	DIO wrote to confirm that the MOD has no concerns with the proposal. DIO's assessment has been carried out on the basis that there will be 39 turbines at 200.00 metres to blade tip and located at the grid references provided, which are the in the same locations of the consented development. If the application is altered in any way, we must be consulted again as even the slightest change could unacceptably affect us.	Noted. No further action required.
		<b>Aviation Lighting</b>	In the interests of air safety, the MOD will request that the development should be fitted with MOD accredited aviation safety lighting in accordance with the Civil Aviation Authority, Air Navigation Order 2016.	The Applicant will engage with CAA regarding the lighting strategy for the Proposed Varied Development. Refer to Chapter 2: Description of Development (EIAR Volume 2) for a description of lighting proposals.
		<b>Cumulative</b>	It should be noted that this response is based on current levels of wind farm development in the area and on current technical and operational parameters. If additional wind farms are consented or built, or if our assessment parameters alter prior to this development being submitted for planning consent, our position may change.	Noted.
		<b>Met Office Radar</b>	The Met Office is now a statutory consultee for planning relating to their technical infrastructure, therefore the MoD has not informed the Met Office of this pre-application. If your development falls within any of the Met Office safeguarded zones you will need to contact the Met Office directly. More information is available on the Met Office website at <a href="http://www.metoffice.gov.uk/learning/library/publications/safeguarding">http://www.metoffice.gov.uk/learning/library/publications/safeguarding</a>	Checked against this different link because the original link provided by the DIO did not work - <a href="https://www.metoffice.gov.uk/services/business-industry/energy/safeguarding">https://www.metoffice.gov.uk/services/business-industry/energy/safeguarding</a> The site is not located within any of the Met Office's safeguarded zones (checked 04/06/19).
Joint Radio Company	29/05/2019	<b>EMI</b>	This proposal is cleared with respect to radio link infrastructure operated by: The Local Electricity Utility and Scotia Gas Networks (Ramboll provided the turbine coordinates to Keith Brogden at JRC via email on 28/05/2019)	Noted. No further action required.
NATS Safeguarding	08/05/2019	<b>Aviation</b>	The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal. However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application.	No further action required as the location and height of turbines has not been amended following scoping.
RSPB Scotland	29/05/2019	<b>Overview</b>	RSPB noted that it objected to the original Strathly South Wind Farm for a number of reasons including: unacceptable harm to greenshank, hen harrier, red-throated diver, and wood sandpiper; adverse effects on the integrity of the adjacent Caithness and Sutherland SPA and underlying SSSIs; leave a permanent legacy of wind farm infrastructure which could constrain peatland and habitat restoration and would be inconsistent with the objectives of the SPA and could undermine the potential inscription of the Flow Country as a UNESCO site; contrary to the Development Plan; carbon payback period is underestimated. RPSB remains opposed to the wind farm.	Noted.
		<b>Scoping Report</b>	Largely agree with the content in the Scoping Report and support the requirement for a pre-construction species survey and protection plan and Construction Environmental Management Plans) CEMPs for peat management, wetland ecosystem mitigation etc. Areas where additional scope is requested are summarised below:	
		<b>Peat Assessment</b>	Most of the 39 turbines are to be situated on deep peat. This is still a key concern for RSPB Scotland particularly as the Scoping Report indicates that the amount of peat excavations is likely to increase. It is unclear whether the assessment of the impact on peat will be focusing on the new project, or the difference between the previous version of the project and the new project. We would like to see both these assessments presented clearly within the Environmental Impact Assessment Report (EIAR).	The approach to the assessments has been discussed and agreed with the ECU. Peat is assessed in EIAR Volume 2: Main Report Chapter 10; EIAR Volume 4: Technical Appendix 10.1; and EIAR Volume 4: Technical Appendix 10.2.

		<b>Peat Excavation Volumes &amp; Management</b>	The number of cubic metres of peat to be extracted should be updated within the new EIAR and what the end use will be e.g. for track reinstatement or ditch blocking as part of bog restoration. Clear plans should be demonstrated as to how any extracted, stored peat will be managed.	
		<b>Peatland Restoration Plan &amp; Mitigation Measures</b>	Want to see detailed plans for significant bog and peatland restoration within the site boundary once trees have been felled; and details of how the impacts of the permanent infrastructure and drainage will be mitigated.	The restoration proposals are presented in the outline HMP in EIAR Volume 4: Technical Appendix 9.5 and discussed in EIAR Volume 2: Chapter 9: Ecology (non-avian).
		<b>Collision Risk</b>	Due to the plans to increase turbine height there will be changes to the rotor swept area therefore the collision risk will need to be re-calculated. This should be undertaken following the standard SNH methodology and incorporating the new data collected in 2018 and 2019.	The CRM was completed on 2018 and 2019 data meeting requirements of current guidance. The results are presented in EIAR Volume 5: Technical Appendix 5.1.
			It is unclear whether the assessment of collision risk impact will be focusing on the new project, or the difference between the previous version of the project and the new project. We recommend that both these assessments presented in isolation and in combination with operational and planned windfarms in the vicinity (20km radius).	CRM compares the Proposed Varied Scheme with the Consented Scheme. The list of cumulative schemes was been submitted and agreed with the ECU. The results are presented in EIAR Volume 5: Technical Appendix 5.1.
			An updated collision risk model for black and red-throated diver and an assessment of the effects on their nesting sites within 2km is required, particularly for red-throated divers who commute to the sea to forage daily during the breeding season.	The CRM was completed for all species. The Applicant's ornithologists have a good understanding of commuting routes, including as result of Strathly North Post Construction Monitoring. The results are presented in EIAR Volume 5: Technical Appendix 5.1.
			Please note that even with proposed habitat management to deter species from using the area, we envisage that collision risk to some species will be high, especially once the existing plantation forest has been felled and open habitats created. We are particularly concerned that the calculated collision risk for certain species such as hen harrier and greenshank will be underestimated due to higher flight altitudes when displaying, unless the new surveys have been targeted to capture these behaviours.	Surveys follow standard guidance as required by SNH.
		<b>Bird Surveys</b>	Recommend survey visits early in the breeding season to ensure accurate recording of breeding birds, particularly hen harrier. Importantly we wish to see specific wood sandpiper breeding surveys as data has been lacking in the previous project applications.	Surveys for breeding season commenced at the start of April. Winter survey VPs covered March and showed due to the cold weather little activity of species which would have warranted early season effort. Waders surveys, including for wood sandpiper and greenshank have been completed within the site.
		<b>Hen Harrier</b>	The assessment should consider the attractiveness of the clear-felled area for hen harrier. This is because of potential changes in behaviour post tree felling associated with birds wanting to establish territories in newly created habitat. Local examples of hen harriers accessing newly-felled areas should be given sufficient consideration in the Applicant's assessment.	Considered in EIAR Volume 2: Main Report Chapter 5
		<b>Cumulative</b>	All the above assessments should consider the development in isolation and in combination with operational and planned windfarms in the vicinity (20km radius) using the updated data collected.	Considered in EIAR Volume 2: Main Report Chapter 5
			RSPB welcomes the proposal for assessing cumulative impact of this wind farm in the Scoping Report. It would like to see this assessment particularly focus on the SPA; and also take into account forestry proposals as well as other operational and proposed wind farms due to the fact that inappropriate forestry also removes suitable breeding habitat for the species for which the SPA is designated.	Considered in EIAR Volume 2: Main Report Chapter 5
		<b>Habitat Management</b>	We understand that habitat management to deter hen harrier from nesting in the vicinity is likely to be proposed. RSPB Scotland believe that the necessity of this work further indicates that this site is an inappropriate location for a wind farm. Furthermore, we question the effectiveness of such management because risky behaviour associated with breeding sites, such as display flights, food passes and soaring vigilance, can occur at least 2km from the actual nesting site. Whilst we welcome tree removal to restore high-priority blanket bog habitat, the requirement to manage the site in such a way as to be unattractive to birds represents a missed opportunity to provide significant biodiversity benefit. We also have concerns that the proposed habitat management will be less effective than envisaged.	The HMP and land management firmly focused on blanket bog restoration, which is not an optimal habitat for harriers. The outline HMP can be found in EIAR Volume 4: Technical Appendix 9.5.
		<b>Post-construction Monitoring</b>	There is no mention in the scoping report of plans for post-construction monitoring at the site. We would like the EIAR to present details for post-construction monitoring, including collision mortality.	Post-construction monitoring requirements are set out in EIAR Volume 2: Main Report Chapter 5.
Scottish Water	07/05/2019	<b>Infrastructure</b>	There are no public or foul water assets owned by Scottish Water in the vicinity of the site.	Noted. No further action required.
		<b>Water Quality</b>	There are no Scottish Water drinking water catchments or water abstraction sources, which are designated as Drinking Water Protected Areas under the Water Framework Directive, in the area that may be affected by the proposed activity.	Noted. No further action required.
		<b>Surface Water Management</b>	For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.	No connections are proposed. No further action required.
John Muir Trust			No response	N/A
Highlands and Islands Airport	04/06/2019	<b>Aviation</b>	The development lies approximately 55km West of Wick John O'Groats Airport and would fall outside the safeguarded areas surrounding the airport. However, the increase in height from 135m to 150m would result in the development becoming a more dominant feature in the landscape.	A clarification email was sent to HIAL by Ramboll (13/06/19) to clarify that the Applicant was seeking to increase the tip height to 200 m and not 150 m as mentioned in the HIAL response. Response received from HIAL (17/07/19) confirming that the original response received on 04/06/19 remains unchanged and is applicable for an increase in tip height from 135 m to 200 m.
			It is possible that the development may have potential impact on local aviation activity. The Civil Aviation Authority (CAA) and/or the National Air Traffic Services En-Route (NERL) are best placed to answer this.	CAA and NATS consulted as part of scoping.
			The CAA will provide advice and recommendations regarding Aviation Warning lighting requirements. Please note that Infra-red lights are specifications for military aircraft only, and cannot be seen or detected by civil aircraft, hence the specification would be for visible lighting. As a minimum the CAA recommend that all proposed developments over 90m in height should be notified. Provided that these conditions are met Highlands and Islands Airports Limited would not object to this proposal.	The Applicant will engage with CAA regarding the lighting strategy for the Proposed Varied Development. Refer to Chapter 2: Description of Development (EIAR Volume 2) for a description of lighting proposals.
			No response	Noted.
Health and Safety Executive			No response	N/A
Nuclear Safety Directorate			No response	N/A
British Horse Society	09/05/2019	<b>Recreation</b>	BHS reviewed the Scoping Report. Knowing that there are BHS members and other horse riders in this area, BHS requests the developer to consider the document "Equestrian Access Through Wind Farms in Scotland" during their project.	Noted.
Scottish Rights of Way and Access Society (ScotWays)	05/06/2019	<b>ROW</b>	The National Catalogue of Rights of Way does not show any rights of way affected by the area outlined in red on Figure 1: Site Location. As there is no definitive record of rights of way in Scotland, there may be other routes that meet the criteria to be rights of way but have not been recorded as they have not yet come to our notice.	Noted. THC records of core paths will be reviewed and consideration will be given to the presence of Scottish Hill Track. The EIAR will includes a chapter on Socio-economics, Recreation and Tourism in EIAR Volume 2: Main Report Chapter 11.
		<b>Scottish Hill Track</b>	Our popular publication Scottish Hill Tracks describes a route which passes through the site and, in parts, is used by the access route. For information a map is enclosed with this route highlighted in pink.	
		<b>Core Paths</b>	You will no doubt be aware that there may now be general access rights over any area of land under the terms of the Land Reform (Scotland) Act 2003. It is also worth bearing in mind Core Paths Plans, prepared by local authorities as part of their duties under this Act. We strongly recommend that the applicant consult with the access team at Highland Council with regard to any proposals for closure/diversions of recreational routes across the site.	
		<b>Separation Distance</b>	Although we understand that there is very little guidance regarding the siting of turbines in relation to established paths and rights of way, we would like to draw your attention to the following: Extract from the Welsh Assembly Government's Technical Advice Note on Renewable Energy (TAN 8) Proximity to Highways and Railways: para 2.25: <i>It is advisable to set back all wind turbines a minimum distance, equivalent to the height of the blade tip, from the edge of any public highway (road or other public right of way) or railway line.</i> In light of the above advice note, and the fact that the applicant is applying to increase the turbine height with no change in turbine layout, we would seek confirmation of the minimum separation distance of the turbines from the Scottish Hill Track route.	
		<b>Previous advice</b>	We would also draw attention to our previous correspondence highlighting concerns regarding the proposed wind farm.	
Scottish Wild Land Group (SWLG)			No response	N/A

Scottish Wildlife Trust			No response	N/A
BEAR Scotland	14/08/2019	<b>Abnormal Loads</b>	The following trunk road structures are located on the proposed route: A9 1960 W97 Scrabster Harbour RB – masonry gravity wall buried in rock armour. Located on south side of road immediately exiting the harbour. A9 1960 W80 Scrabster Oil Depot RB – RC cantilever wall. Located on east side of road behind oil dept at bottom hill. A9 1960 W 62 Scrabster Appr'ch RB – RC wall with post tensioned anchors. Located on east side of road on hill out of Scrabster harbour. A9 1960 Burnside Burn – 3.3 m span RC portal. Located 260 m before junction with A836 None of the structures would require to be assessed for the proposed movement.	No further action required.
Relevant Community Councils, Village Councils, Village Groups				
Strathy & Armadale Community Council			No response	N/A
Melvich Community Council			No response	N/A
Bettyhill, Strathnaver & Altnaharra Community Council			No response	N/A



**TA1.2: Technical Team**

# Technical Appendix 1.2: Technical Team

## Introduction

In accordance with Regulation 5(5) of the 2017 EIA Regulations, the EIAR has been prepared by 'competent experts'. Table 1.2.1 below presents the competent experts that have prepared the EIAR and their relevant qualifications and experience.

Table 1.2.1: Lead Technical Team Member				
Company Name	Roles & Responsibility	Team Lead	Qualifications & Professional Memberships	Experience
Ramboll UK Ltd	EIA Project Director	Nathan Swankie	<ul style="list-style-type: none"> <li>MSc Environmental Pollution Control Management</li> <li>BSc (Hons) Zoology</li> <li>Chartered Environmentalist</li> <li>Member of Institute of Environmental Management and Assessment</li> <li>Member of Society for the Environment</li> </ul>	Nathan is a Chartered Environmentalist with over 22 years' experience in environmental and renewable energy consultancy, specialising in EIA, environmental management and planning. He has acted as EIA Project Director for more 200 EIA commissions and has a specialist focus on onshore wind, including acting as EIA Project Director for the Section 36C Application for Viking Wind Farm.
	Other Issues Chapter (Air, Climate, Human Health, Major Accidents and/or Disasters, Telecommunications, Shadow Flicker)			
Jones Lang LaSalle	Planning	Steven Black	<ul style="list-style-type: none"> <li>MSc Urban &amp; Regional Planning</li> <li>Member of the Royal Town Planning Institute</li> </ul>	<p>Steven leads JLL's Planning and Development Team in Scotland and has over 25 years' experience in planning consultancy. This experience has involved the preparation of detailed analysis on a range of proposals, from initial site feasibility through to advising on strategic issues for planning applications, to tactical rebuttal and preparation of evidence for appeals and Inquiries.</p> <p>Steven has significant experience in advising on wind farm developments under the Electricity and Planning Acts including Costa Head and Hesta Head (Orkney Islands); Viking Wind Farm (Shetland Islands); and Creag Riabhach, Stronelaire, Glenmorie, Strathy South, and Druim Ba (Highland).</p>
ASH design + assessment Ltd	Landscape and Visual	Jennifer Skrynka	<ul style="list-style-type: none"> <li>BA Landscape Architecture</li> <li>Post Graduate Diploma Landscape Architecture</li> <li>Chartered Member of the Landscape Institute (CMLI)</li> </ul>	<p>Jennifer is Managing Director of ASH design+assessment Ltd (ASH) and a Chartered Landscape Architect with over 35 years of professional experience.</p> <p>Jennifer has specialised in renewable energy consultancy for over twenty years and has supervised the landscape and visual impact assessments (LVIA) and cumulative assessments (CLVIA), for a variety of EIA development proposals, ranging from wind turbine developments,</p>

<b>Table 1.2.1: Lead Technical Team Member</b>				
<b>Company Name</b>	<b>Roles &amp; Responsibility</b>	<b>Team Lead</b>	<b>Qualifications &amp; Professional Memberships</b>	<b>Experience</b>
				<p>pumped storage schemes, transmission lines, hydro schemes, roads, trams, and electricity sub-stations.</p> <p>Jennifer has prepared and presented LVIA evidence as an Expert Witness at Public Inquiry, she has also provided expert advice and support at Judicial Review and Appeal.</p> <p>Jennifer has a particularly detailed knowledge of the Proposed Varied Development context, having been project Director for both the 2013 Strathy South Wind Farm Addendum LVIA, and LVIA inputs into the 2014 FIR.</p>
RPS	Ornithology	Simon Zisman	<ul style="list-style-type: none"> <li>PhD in Natural Resource Management</li> <li>MSc Rural Resources and Environmental Policy</li> <li>BSc (Hons) Geography</li> </ul>	<p>Simon is a professional ornithologist with over 20 years' experience in conservation, working in the private, public and NGO sectors. He has extensive experience in the assessment and mitigation of bird effects from renewable energy developments, through all stages of project development, from site sensitivity assessment, planning, construction to post-construction monitoring. He has worked extensively in north Scotland, including wind farms in Caithness and Sutherland.</p>
	Ecology (non-avian)	Stephen Lockwood	<ul style="list-style-type: none"> <li>MSc Biodiversity and Conservation</li> <li>BSc (Hons) Zoology</li> <li>Chartered Ecologist</li> <li>Full Member of the Chartered Institute of Ecology and Environmental Management</li> </ul>	<p>Stephen is a Chartered Ecologist and Full Member of the Chartered Institute of Ecology and Environmental Management. Stephen has extensive experience of wind farm development within Scotland, particularly within afforested and peatland habitats, and has supported numerous large-scale wind farm developments through the consenting process over the past ten years.</p>
TNEI	Noise and Vibration	Jim Singleton	<ul style="list-style-type: none"> <li>Member of institute of Acoustics (IOA)</li> <li>IOA PG Dip Acoustics and Noise Control</li> <li>BSc (Hons) Music Technology</li> </ul>	<p>Jim is a Principal Technical Consultant whose experience within acoustics consultancy covers a range of sectors including environmental noise, occupational noise and architectural acoustics but with particular expertise in the energy and industrial sectors.</p> <p>Jim is the Team Manager of the TNEI Site Services Team, with a specific focus on Quality Assurance. He leads projects for IPPC permitting, planning applications, conditions discharge, EIA, and noise control and management. Jim has worked on a range of wind farm</p>

Table 1.2.1: Lead Technical Team Member				
Company Name	Roles & Responsibility	Team Lead	Qualifications & Professional Memberships	Experience
				<p>projects from single turbine applications through to large scale Section 36 developments.</p> <p>He has 13 years' experience working on noise projects across the UK and abroad and previously lectured in acoustics for 6 years.</p>
AOC Archaeology	Cultural Heritage	Lynne Roy	<ul style="list-style-type: none"> <li>BA (Hons) Archaeology and Prehistory</li> <li>MSc Geoarchaeology</li> <li>Member of the Chartered Institute for Archaeologists (MCIfA)</li> <li>Fellow of the Society of Antiquaries Scotland</li> </ul>	<p>Lynne is a Consultancy Project Manager with over 15 years' experience in undertaking and managing Archaeology and Cultural Heritage Impact Assessments, Desk Based Assessments and heritage audits. Lynne has contributed to the cultural heritage chapters for over 30 wind farm applications.</p> <p>Lynne has experience at Public Inquiry and is experienced in writing appeal statements and associated rebuttals.</p>
Mott MacDonald	Roads and Traffic	Fabien Jahnke	<ul style="list-style-type: none"> <li>BSc (Hons) Environmental Civil Engineering</li> <li>HND Civil Engineering</li> <li>Member of the Chartered Institution of Highways &amp; Transportation</li> </ul>	<p>Fabien is a Principal Transportation Engineer with more than 20 years' experience covering aspects of civil engineering and transport planning.</p> <p>Fabien has been involved in the Transport &amp; Infrastructure assessments for numerous onshore windfarms and assessment reports for Environmental Statements and EIARs. Experience also include the production of transport access studies, traffic management plans, engineering feasibility studies and developing highway design schemes.</p>
SLR	Soil and Water	Gordon Robb (Hydrology & Hydrogeology)	<ul style="list-style-type: none"> <li>BSc (Hons) Geography</li> <li>MSc (Engineering Hydrology)</li> <li>MBA</li> <li>Chartered Water and Environmental Manager (C.WEM)</li> <li>Fellow of the Chartered Institution of Water and Environmental Management (FCWIEM)</li> </ul>	<p>Gordon has more than 25 years' experience practising as a consultant hydrologist. He specialises in undertaking and managing water and soil assessments in support of onshore wind and electrical transmission projects. He is worked throughout Scotland.</p> <p>He was a contributing author to the Development on Peatlands Guidance published jointly by Scottish Renewables and the Scottish Environment Protection Agency, and Scottish Natural Heritages wind farm decommissioning guidance.</p> <p>Gordon has prepared and provided expert witness testimony in support of planning hearings and Public Inquiries.</p>
		David Nisbett (Peat & Carbon Calculator)	<ul style="list-style-type: none"> <li>BSC (Hons) Earth Science</li> <li>Fellow of the Geological Society</li> </ul>	<p>David is a geologist with 10 years' experience, working within engineering geology in the renewables sector for the last 7 years.</p>

<b>Table 1.2.1: Lead Technical Team Member</b>				
<b>Company Name</b>	<b>Roles &amp; Responsibility</b>	<b>Team Lead</b>	<b>Qualifications &amp; Professional Memberships</b>	<b>Experience</b>
				David specialises in undertaking geological services in support of onshore wind and electrical transmission projects, working on projects throughout Scotland.
BIGGAR Economics	Socioeconomics, Recreation and Tourism	Graeme Blackett	<ul style="list-style-type: none"> <li>BA Hons Economics, University of Strathclyde</li> <li>Member Institute for Economic Development</li> <li>Member Economic Development Association Scotland</li> </ul>	Graeme is an economist with 25 years of experience in assessing the economic, tourism and recreation impacts of renewable energy developments across the UK. Graeme has been involved in assessing the economic and tourism impacts of more than 60 renewable energy proposals, and has also given expert witness evidence on economic and tourism impacts at public inquiries and hearings.
Aviatica	Aviation	Malcom Spaven	<ul style="list-style-type: none"> <li>MSc Rural and Regional Resources Planning</li> </ul>	Malcom is an aviation consultant who has specialised in the assessment and management of defence-environmental problems for over 20 years. Malcolm has been assessing potential aviation and telecommunication impacts of planning developments since 1996. His professional experience includes serving as a specialist advisor on defence-environmental matters to the House of Commons Defences Committee. He is also a qualified commercial pilot and flying instructor.



**TA1.3: Energy and Planning Policy Framework**

# Technical Appendix 1.3

## Legislative and Policy Framework

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# 1 Introduction

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This Technical Appendix describes the legislative and policy background with regards to the Proposed Varied Development. It sets out the legislative basis for a decision by Scottish Ministers to grant development consent for the Proposed Varied Development and refers to national energy policy and planning policy at a national and local level that would be relevant to that decision. It also identifies other matters that would be material to the decision by Scottish Ministers. This Technical Appendix (TA) does not assess the accordance of the Proposed Varied Development against national renewable energy and planning policy: a separate Planning Statement has been prepared to support the application and should be referred to for a detailed renewable energy and planning policy appraisal.

# 2 Legislation

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## 2.1 The Electricity Act 1989 (as amended)

Section 36 of the Electricity Act 1989 (as amended) (“the 1989 Act”) applies to proposals for the construction, extension or operation of an onshore electricity generating station where the capacity exceeds 50 megawatts (MW).

Section 20 of the Growth and Infrastructure Act 2013 inserted a new section 36C into the 1989 Act to provide for the making of variations to section 36 consents.

The Electricity Generating Stations (Applications for Variation of Consent) (Scotland) Regulations 2013 (as amended) (“the 2013 Regulations”) apply to applications made under the terms of section 36C of the 1989 Act.

Regulation 3 states that “(1) a variation application must –

(a) be made in writing;

(b) describe the proposed development and identify the location of the proposed development by reference to a map;

(c) explain why it is proposed that the relevant section 36 consent should be varied; and

(d) include—

(i) a draft of the variations which it is proposed should be made to the relevant section 36 consent;

(ii) copies of any maps or plans not referred to in the relevant section 36 consent which it is proposed should be referred to in the relevant section 36 consent as so varied; and

(iii) particulars of—

(aa) the relevant section 36 consent, and, if that consent was not granted to the applicant, how the applicant has the benefit of that consent; and

(bb) any section 57 direction given on granting the relevant section 36 consent.

(2) If it is proposed that the Scottish Ministers should on varying the relevant section 36 consent make a section 57 direction, the application must—

(a) explain why it is proposed that the section 57 direction should be made; and

(b) include—

(i) a draft of the proposed section 57 direction; and

(ii) copies of any maps or plans not—

(aa) referred to in the relevant section 36 consent or any section 57 direction given on granting the relevant section 36 consent; or

(bb) included in the application in accordance with paragraph (1)(d)(ii), to which it is proposed should be referred to in the section 57 direction”.

2.2 The Town and Country Planning (Scotland) Act 1997

The principal planning statute in Scotland is the Town and Country Planning Act (Scotland) 1997 (as amended) (“the 1997 Act”). Section 57 of the 1997 Act addresses development with Government authorisation. Section 57(2) states that:

“On granting or varying a consent under section 36 or 37 of the Electricity Act 1989, the Scottish Ministers may give a direction for planning permission to be deemed to be granted, subject to such conditions (if any) as may be specified in the direction, for –

(a) so much of the operation or change of use to which the consent relates as constitutes development;

(b) any development ancillary to the operational change of use to which the consent relates”.

It is this provision that is of relevance to the application for section 36C consent for the Proposed Varied Development.

An application under section 36 or section 36C of the 1989 Act, does not engage the duty under Section 25 of the 1997 Act, to determine the application in accordance with the provisions of the development plan unless material considerations indicate otherwise. The degree of compliance with development plan policy is however a relevant and material consideration in the decision-making process under section 36C of the 1989 Act.

3 Renewable Energy Policy Framework

In recent years, European, United Kingdom (UK) and Scottish Government policies have focussed increasingly on concerns about climate change. As set out below, there are a number of international agreements and national policy and strategy documents that contain policies, actions and targets which are relevant to the consideration of the Proposed Varied Development. The accompanying Planning Statement examines these documents in detail in the context of assessing the extent of accordance with these policies and strategies. In this Technical Appendix more detailed reference is made to those policy documents of direct relevance to the Needs Case that is summarised Section 1.5 of Chapter 1:Introduction of the Main Report (EIAR Vol.2)

International / European

3.1 International Agreements and Obligations – The COP21 UN Paris Agreement

The Paris Agreement (12 December 2015) sets out (page 2) that it “emphasises with serious concern” the need to hold the increase in global average temperature to “well below 2oC” above pre-industrial levels and to pursue “efforts to limit the temperature increase to 1.5C”. In order to achieve this long term temperature target, the text states “parties aim to reach global peaking of greenhouse gas emissions as soon as possible”. The document also includes a ratcheting mechanism on climate action, with countries having to communicate nationally determined contributions to reducing global emissions. The first global “stocktake” is to take place in 2023 and will follow every five years thereafter.

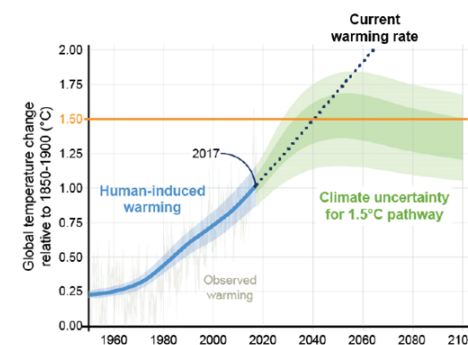
It is clear that moving to a low carbon economy is now a globally shared goal and will require absolute emission reduction targets. For the first time, some 195 countries, including the world’s largest emitters have now committed to act together to address climate change and to be held equally accountable. Countries will also be legally obliged to make new post-2030 commitments to reduce emissions every five years.

3.2 The IPPC SR1.5 Report

The Intergovernmental Panel on Climate Change (IPPC) published a ‘Special Report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways’ in response to an invitation contained in the Decision of the Conference of Parties of the United Nations Framework Convention on Climate Change to adopt the Paris Agreement. The IPCC accepted the invitation in April 2016 and the Special Report known as ‘SR1.5’ was published in October 2018.

The report concludes that human-induced warming reached approximately 1°C above pre-industrial levels in 2017 and at the present rate, global temperatures would reach 1.5°C around 2040. This is illustrated in the graph below.

**FAQ1.2:How close are we to 1.5°C?**  
Human-induced warming reached approximately 1°C above pre-industrial levels in 2017



The report makes it clear that “*delayed action, limited international cooperation, and weak or fragmented policies that lead to stagnating or increasing greenhouse gas emissions would put the possibility of limiting global temperature rise to 1.5°C above pre-industrial levels out of reach*” and that “*warming will not be limited to 1.5°C or 2°C unless transformations in a number of areas achieve the required greenhouse gas emissions reductions. Emissions would need to decline rapidly across all of society’s main sectors, including buildings, industry, transport, energy, and agriculture, forestry and other land use.*”<sup>1</sup>

Actions that can reduce emissions are referenced and these include, for example, phasing out coal in the energy sector, increasing the amount of energy produced from renewable sources and electrifying transport.

The report finds that limiting global warming to 1.5°C would require “*rapid and far-reaching*” transitions in land, energy, industry, buildings, transport, and cities<sup>2</sup> and will require “*unprecedented changes*”.

### 3.3 EU Policy Targets

In January 2008 the European Commission (EC) published a ‘20-20-20’ targets package. This included proposals for:

- A reduction in the EU’s greenhouse gas emissions of at least 20% below 1990 levels;
- Increasing the proportion of final EU energy consumption from renewable sources to 20%; and
- A 20% reduction in primary energy use compared with projected levels, to be achieved by improving energy efficiency.

These targets are to be achieved by 2020, as set out in the EU Renewable Energy Directive (March 2009<sup>3</sup>). The 20% is split between Member States. For the UK, the EC’s obligations include 16% reduction in UK greenhouse gas emissions by 2020 and for 15% of all energy consumed in the UK to come from renewable sources by 2020.

<sup>1</sup> IPPC, FAQ 2.1.

<sup>2</sup> IPPC Press Release, 8 October 2018 (*ibid*).

<sup>3</sup> Following Brexit, the UK would be released from its renewable energy targets under the EU Renewable Energy Directive. The availability of funding from EU institutions may impact the deployment of capital intensive projects such as offshore wind. However, given that the UK would still be bound by national and international de-carbonisation obligations (see above), it is anticipated that renewable and low carbon energy development would continue to form part of UK Government climate

The position as of the end of 2019 was that renewable energy only accounted for approximately 12.3% of total energy consumption in the UK, well short of the 15% target<sup>4</sup>.

### United Kingdom

Energy policy is a matter reserved to the Westminster Parliament. The UK Government therefore retains control of the overall direction of energy policy including the attainment of UK national targets on renewable energy generation.

Although the overarching position in the UK is that energy policy is not a devolved matter, major policy documents such as the UK Renewable Energy Roadmap have embraced actions across the UK as a whole. Such documents have also made clear that the Devolved Administrations play an important role in the attainment of overall UK and European targets for renewable electricity. While some of the devolved administrations do not have the core competencies over energy policy, it has not prevented them issuing a range of policy statements and ‘Routemaps’ for renewable energy and the low carbon agenda for their own territory. The Scottish Government has been engaged in policy making over successive Governments on the topic of renewable energy.

In the Corlic Hill Wind Farm Appeal decision<sup>5</sup> (17 May 2016) the Reporter examined the position of the UK with regard to European renewable energy targets in some detail. In summary, the Reporter stated that it was necessary to take into account UK Government energy policy in his planning determination. In terms of whether or not the UK was likely to miss its binding European renewable energy and greenhouse gas emission targets for 2020 the Reporter stated at paragraph 24:-

*“however, as the Planning Authority accepts, these targets are not caps. There would clearly be public benefit in avoiding the potentially very significant fines that could be levied against the UK in the event that binding targets were not met. However, of much greater public benefit, in my view, is the proposal’s potential contribution to the ultimate goal of the targets which is to achieve significant reductions in greenhouse gas emissions and the development of an extensive and effective renewable energy infrastructure. The proposal would contribute to such benefits regardless of whether it is required in order to achieve the UK 2020 targets”.*

### 3.4 The UK Renewable Energy Strategy (2009)

The UK Renewable Energy Strategy (“UKRES”) sets out the means by which the UK can meet the legally binding target of 15% of energy consumption from renewable sources by 2020<sup>6</sup>. It presents a ‘lead scenario’ that more than 30% of electricity should be generated from renewables by 2020<sup>7</sup>.

The Strategy was published by the UK Government: however, the policies to meet the 2020 targets will be taken forward in England, Scotland and Wales, Great Britain or on a UK- wide basis as appropriate and in accordance

change policy. However, for present purposes the UK remains part of the EU and the above legal obligations related to the 2020 and related targets remain fully in place.

<sup>4</sup> Department for Business, Energy & Industrial Strategy, DUKES 2020, Chapter 6: Renewable sources of energy

<sup>5</sup> Corlic Hill Wind Farm Appeal Decision – An 8-turbine scheme by Greenock, Inverclyde. Decision dated 17 May 2016. DPEA ref: PPA-280-2022. The paragraphs of relevance in this Decision Letter are 20 through to 25.

<sup>6</sup> Renewable energy accounted for 11% of UK energy consumption in 2018 (Source: DECC, Digest of UK Energy Statistics (DUKES) July 2019).

<sup>7</sup> The contribution of all renewables to UK electricity generation was 33% in 2018, (*ibid*). In 2000 renewable generation was 2.6%.



with each devolution arrangement. The document makes it clear that each of the Devolved Administrations is setting out its own plan to increase renewable energy use and that *“the UK Government and the Devolved Administrations are working together to ensure that our plans are aligned”*.

### 3.5 The UK Renewable Energy Roadmap: Updates (2012 & 2013)

The UK Renewable Energy Roadmap Update of 2012 emphasised that there was an urgent need for new large-scale renewable energy projects to ensure the 2020 targets were met, as well as wider decarbonisation and ambitions (para 2.5). It also made it clear that the central ranges of renewable deployment as set out in the Roadmap of 2011 *“did not represent technology specific targets or the level of our ambition”*. Specifically (para 2.10) it made clear that the reference in the Roadmap 2011 of potentially having in place 13 Giga Watts (“GW”) of onshore wind capacity by 2020 did not represent a technology specific target.

On 6 November 2013 the former Coalition Government published an update to the UK Renewable Energy Roadmap following publication of the original document in 2011. Onshore wind is referred to on page 44. Paragraph 114 states that *“onshore wind, as one of the most cost effective and proven renewable energy technologies, has an important part to play in a responsible and balanced UK energy policy”*.

### 3.6 The UK Clean Growth Strategy (2017)

The UK Government published the Clean Growth Strategy ‘Leading the Way to a Low Carbon Future’ in October 2017. The Clean Growth Strategy (CGS) defines ‘clean growth’ as *“growing our national income while cutting greenhouse gas emissions. Achieving clean growth, while ensuring an affordable energy supply for businesses and consumers, is at the heart of the UK’s Industrial Strategy”*.

The introduction refers to the 2015 Paris Agreement and states that the actions and investments that will be needed to meet the Paris commitments will ensure the shift to clean growth will be at the forefront of policy decisions made by Government in coming decades.

Background reference is made to the 2008 Climate Change Act which committed the UK to reducing greenhouse gas emissions by at least 80% by 2050 when compared to 1990 levels and the associated carbon budgets. The Government states that in order to meet the 4th and 5th carbon budgets (covering the periods 2023 – 2027 and 2028-2032) *“we will need to drive a significant acceleration in the pace of decarbonisation and in this strategy we have set out stretching domestic policies that keep us on track to meet our carbon budgets”*.

The CGS sets out a comprehensive set of policies and proposals that aim to accelerate the pace of clean growth i.e. to deliver increased economic growth and decreased emissions. It adds *“in order to meet these objectives the UK will need to nurture low carbon technologies, processes and systems that are as cheap as possible”*.

### 3.7 Committee on Climate Change – Report of May 2019

The Committee on Climate Change (CCC) published its landmark report entitled ‘Net Zero – UK’s Contribution to Stopping Global Warming’ in May 2019. The report responds to requests from the Governments of the UK, Wales and Scotland, asking the CCC to reassess the UK’s long-term carbon emissions targets.

### 3.8 CCC – Reducing UK emissions: 2020 Progress Report to Parliament

CCC’s 2020 Report to Parliament assesses progress in reducing UK emissions over the past year. The Report states that *“progress remains significantly off track in adaptation to build climate resilience”* and *“overall the Government has only fully achieved two milestones out of 31 set out in 2019 Progress Report”*. The Report also refers to new challenges set by COVID-19 and states *“our recovery from it will reshape how we tackle the climate crisis. Choices in the coming months must steer a recovery that drives vital new economic activity, accelerates our transition to Net Zero and strengthens our resilience to the impacts of climate change”*.

### 3.9 Conclusions on UK Energy Policy

UK energy policy, as summarised above is a reserved matter and remains the responsibility of the UK Government. At a UK level there are clear renewable energy, electricity and carbon emission saving targets for 2020, but also stretching in the long term to 2050 and beyond.

It is relevant to take UK energy policy into account and as the Reporter in the Corlic Hill Wind Farm Appeal decision set out, wind farm proposals will contribute to the wider public benefit in terms of renewable energy and electricity generation regardless of whether or not they are required in order to achieve UK targets by 2020. The Reporter in the Corlic Hill decision also made clear at paragraph 25 of the decision letter for that scheme that:

*“it is clear that the UK Government is less willing to provide financial support to onshore wind energy than before. However, that shift in policy does not amount to an instruction that such proposals should no longer be permitted. In any event, although energy policy is a reserved matter, climate change and planning policy are not. My role in this proposal is to determine whether planning permission should be granted. Therefore while I have had regard to UK energy policy and to the evidence of performance against binding European targets, I have also had regard to Scottish climate change and planning policy and to Scottish targets...”*

#### Scottish Government

In recent years there has been a large number of Scottish Government policy documents (as well as statute) on the topic of climate change and renewable energy. In this section the following documents are referred to, with key policy objectives and targets highlighted:

- The Climate Change (Scotland) Act 2009;
- The 2020 Routemap for Renewable Energy in Scotland (2011)
- The Electricity Generation Policy Statement (2013)
- The 2020 Routemap for Renewable Energy in Scotland – Update (2013 & 2015)
- The Scottish Energy Strategy: The Future of Energy in Scotland (2017)
- Onshore Wind Policy Statement (2017)
- Climate Change Plan, The Third Report on Proposals and Policies 2018-2032 (2018)
- Climate Change (Emissions Reduction Targets) (Scotland) Act (2019).

### 3.10 The Climate Change (Scotland) Act 2009

The Climate Change (Scotland) Act 2009 (“the 2009 Act”) is the key legislation in Scotland dealing with climate change and carbon targets.

On 23 May 2018 the Climate Change (Emissions Reduction Targets) (Scotland) Bill was introduced to Parliament and received Royal Assent on 31 October 2019 (“2019 Act”). The 2019 Act amends the 2009 Act and sets targets for the reduction of greenhouse gas emissions.

The Policy Memorandum for the Bill set out at paragraph 4, that the 2009 Act established Scotland as a world leader in tackling climate change and in response to the United Nations Framework Convention and Climate Change Paris Agreement, the Bill (and thereby 2019 Act) re-affirms the Scottish Government’s commitment to remain “*at the forefront of global ambition*”.

The 2019 Act sets targets to reduce Scotland’s emissions of all greenhouse gases to net-zero by 2045 at the latest, with interim targets for reductions of at least 56% by 2020, 75% by 2030, 90% by 2040. To help ensure delivery of the long-term targets, the 2019 Act also includes annual targets for every year to net-zero.

The Memorandum sets out that “*these target levels are arguably the most ambitious legislative targets in the world...*”.

Paragraph 45 of the Memorandum adds that the 90% target is both ambitious and credible and achieving the annual targets that lead to it “*will require challenging actions across all sectors of the Scottish Economy to reduce emissions...*”.

On 16 June 2020, the Scottish Government published ‘Scottish Greenhouse Gas Emissions 2018’ which updated statistics on greenhouse gas emissions in Scotland for the years 1990 to 2018. The statistics show that the actual emissions or removals in Scotland reduced by 50% between the baseline period and 2018. The 2019 Act specifies a 54% reduction over the same period therefore the target for 2018 was not met. The latest statistics also show that between 2017 and 2018, there was an increase of 1.5% in energy supply emissions driven almost entirely by increased emissions from power stations.

### 3.11 The 2020 Routemap for Renewable Energy in Scotland (2011)

The Scottish Government published the 2020 Routemap in July 2011. The Executive Summary states that the Government is aiming to make Scotland “*the renewables powerhouse of Europe*”.

Chapter 1 states that the renewables target of 100% equates to the equivalent of c.16 GW of installed capacity and to meet the target will “*demand a significant and sustained improvement over the deployment levels seen historically*” (page 26).

The Routemap also provided an increase in the Scottish Government’s overall renewable energy target to 30% by 2020.

Chapter 3 of the Routemap provides a specific routemap for ‘Onshore Wind’ and is entitled ‘Sectoral Routemaps’. The introduction notes that:

“*The Government is committed to the continued expansion of portfolio of onshore wind farms to help meet renewables targets ... Onshore wind turbines can make a very large contribution to the progress to Scotland’s renewable electricity target, and help establish Scotland’s reputation as rapidly becoming the green powerhouse of Europe thanks to its underlying political commitment to make it happen*” (page 66).

### 3.12 The Electricity Generation Policy Statement (2013)

The Scottish Government published the Electricity Generation Policy Statement (“EGPS”) on 28 June 2013. The EGPS examines the way Scotland generates electricity and considers the changes necessary to meet the various targets in the sector set by Government. Paragraph 2 states that the report is built upon a sustainable, low carbon vision of Scotland’s energy future and it states “*the need for a rapid expansion of renewable electricity across Scotland...*”.

Paragraph 8 states that the report will assist the Scottish Government to comply with further statutory requirements under the Climate Change Scotland Act 2009. It also reiterates in paragraph 9 that the Government is committed to securing the transition to a low carbon economy, which is one of the six ‘strategic priorities’ laid out in the Government’s Economic Strategy.

Page 11 of the report explains that the UK target is to produce 15% of all energy from renewable sources and an estimated 30% of electricity from renewable sources by 2020 and that this:

“*will require connection to Scotland’s vast energy resource and we will continue to work to connect Scotland to an ever more integrated UK and EU market*”.

The report cross refers to the 2020 Routemap for renewable energy in Scotland. Paragraph 32 reiterates the EU context and states that Scotland has the potential to make a “*major contribution to the EU’s overall renewables target*”.

### 3.13 The 2020 Routemap for Renewable Energy in Scotland – Updates (2013 & 2015)

The Routemap Update was published in December 2013. The Ministerial Forward states that “*Renewable energy is a central element of a strategy for a successful Scotland. Scotland’s vast renewable energy resources create major job and investment opportunities and – as part of wider common balanced energy mix – will deliver secure, low carbon and cost effective energy supplies*” (page 3)

A further Routemap Update was published on 17 September 2015. The report provides statistics on deployment of renewables and provides sectoral updates. Page 13 states that “*onshore wind has a pivotal role in delivering our 2020 renewables targets...*”.

### 3.14 The Chief Planner Letter to All Heads of Planning (November 2015)

A letter from the Scottish Government Planning and Architecture Division to all Heads of Planning entitled ‘Energy Targets and Scottish Planning Policy’ was published on 11 November 2015.

It sets out that despite some changes to UK policy, the Scottish Government’s policy remains unchanged and that it “*supports new onshore renewable energy developments, including onshore wind farms and particularly community owned and shared ownership schemes*”. Importantly, it adds that “*this policy support continues in the situation where renewable energy targets have been reached*”.

In the letter, the Chief Planner re-emphasises that the Scottish Government’s SPP (2014) and Electricity Generation Policy Statement (2013) set out the Scottish Government’s current position on onshore wind farms. The letter adds that there is no cap on the support for renewable energy development, including onshore wind once the target has been reached.

### 3.15 The Scottish Energy Strategy (2017)

The SES sets a 2050 vision for energy in Scotland as “a flourishing, competitive local and national energy sector, delivering secure, affordable, clean energy for Scotland’s households, communities and businesses”. The vision is guided by three core principles namely:

- A whole system view;
- An inclusive energy transition; and
- A smarter local energy model.

The 2050 vision is expressed around six priorities including:

*“Renewable and low carbon solutions – we will continue to champion and explore the potential of Scotland’s huge renewable energy resource, and its ability to meet our local and national heat, transport and electricity needs – helping to achieve our ambitious emissions reduction targets.”*

The strategy also contains new whole system targets for 2030 as follows:-

- The equivalent of 50% of the energy for Scotland’s heat, transport and electricity consumption to be supplied from renewable sources;
- An increase by 30% in the productivity of energy use across the Scottish economy.

The longer-term target is further articulated on page 34 where it is stated: “Scotland’s long term climate change targets will require the near complete decarbonisation of our energy system by 2050, with renewable energy meeting a significant share of our needs”.

#### Scottish Energy Strategy – Onshore Wind

The SES refers to “Renewable and Low Carbon Solutions” as a strategic priority (page 41) and states “we will continue to champion and explore the potential of Scotland’s huge renewable energy resource, its ability to meet our local and national heat, transport and electricity needs – helping to achieve our ambitious emissions reduction targets”.

Onshore wind is identified as a key technology and the SES states “we will push for UK wide policy support for onshore wind, and take action of our own to prioritise and deliver a route to market – combined with a land use planning approach which continues to support development while protecting our landscapes”.

The Government has highlighted the importance of the need for onshore wind to have a route to market and the importance of this consideration is clearly emphasised in the final SES.

The SES goes on to set out what is termed the “Opportunity” for onshore wind and there is explicit recognition that onshore wind is amongst the lowest cost forms of power generation of any kind which will allow it to contribute to one of six priorities, which is “to protect consumers from excessive or avoidable costs” (Page 8). It is also recognised as “a vital component of the huge industrial opportunity that renewables creates for Scotland”. Reference is made to the employment levels and economic activity derived from onshore wind and the SES sets out that the Government is “determined to build on these strengths”.

The SES sets out the Government’s clear position on onshore wind namely:

*“our energy and climate change goals mean that onshore wind must continue to play a vital role in Scotland’s future – helping to decarbonise our electricity, heat and transport systems, boosting our economy, and meeting local and national demand.”*

*“That means continuing to support development in the right places, and – increasing the extension and replacement of existing sites with new and larger turbines, all based on an appropriate, case by case assessment of their effects and impacts and it means developers and communities working together and continuing to strike the right balance between environmental impacts, local support, benefits, and – where possible economic benefits driving from community ownership” (underlining added).*

The SES adds:

*“this can be done in a way which is compatible with Scotland’s magnificent landscapes, including our areas of wild land. This means that the relevant planning and consenting processes will remain vitally important. A major review of the Scottish planning system is well underway, and will continue as now to fully reflect the important role of renewable energy and energy infrastructure, in the right places”.*

The SES goes on to cross refer to further detail in relation to onshore wind as contained within the Onshore Wind Policy Statement (OWPS) which has been published alongside the SES. The SES therefore, in addition to setting new stretching renewable energy and electricity targets, gives unequivocal strong policy support for the further development of onshore wind.

### 3.16 The Onshore Wind Policy Statement (2017)

The OWPS sets out the up to date national policy position in relation to onshore wind. The Ministerial Foreword sets out that “there is no question that onshore wind is a vital component of the huge industrial opportunity that renewables more generally create for Scotland”.

It adds “our energy and climate change goals mean that onshore wind will continue to play a vital role in Scotland’s future – helping to substantively decarbonise our electricity supplies, heat and transport systems, thereby boosting our economy.”

Key relevant provisions of the statement are set out below.

Chapter 1 is entitled ‘Route to Market’ and it sets out (paragraph 2) that onshore wind, as a mature and established technology, is now amongst the lowest cost forms of generating electricity, renewable or otherwise. It adds “we expect onshore wind to remain at the heart of a clean, reliable and low carbon energy future in Scotland”.

Establishing a route to market is essential to enable wider deployment and an increased contribution from onshore wind. In a subsidy free context, it will be the larger scale developments that can capture a good wind resource and which have cost effective grid connection arrangements which will make a valuable early contribution to targets.

Paragraph 3 continues:

*“In order for onshore wind to play its vital role in meeting Scotland’s energy needs, and a material role in growing our economy, its contribution must continue to grow. Onshore wind generation will remain crucial in terms of our goals for a decarbonised energy system, helping to meet the greater demand from our heat and transport sectors, as well as making further progress towards the ambitious renewable targets which the Scottish Government has set”.*



Paragraph 4 of Chapter 1 states that given the recognised contribution that onshore is expected to make to Scotland’s future energy and renewable targets “*this means that Scotland will continue to need more onshore wind development and capacity, in locations across our landscapes where it can be accommodated*”.

Paragraph 8 of Chapter 1 emphasises the industrial opportunity presented by a growing onshore wind sector and it states that “*the extent to which we can continue to capture these benefits, remains a top priority for Scottish Ministers*”.

The document makes a number of references to the industrial operations (tower manufacture) of CS Wind in Campbeltown which it states “*serves as a reminder of Scotland’s ability to serve these markets – we are determined to build upon that, and to continue to attract investment in jobs to Scotland*”. The role of onshore wind in sustaining and further growing the supply chain for the sector is therefore a very important consideration and this is recognised in SPP at paragraph 169.

Importantly, and given the recognition that onshore wind is amongst the lowest cost forms of generating electricity, paragraph 13 makes it clear that the Government’s position is that they wish to “*ensure that consumers are able to benefit from the low cost contribution onshore wind can make to a decarbonised energy future – but at no additional cost to their energy bills*”.

One of the key questions posed in the draft OWPS was whether the matter of efficiency should be a material consideration in the section 36 application process. The Government decided not to pursue this matter but at paragraph 32 sets out “*they continue to invite applications to explain clearly how environmental impacts have been balanced against energy yield during design iteration, and reported as part of the information provided in support of applications*”.

Paragraph 23 states that the Scottish Ministers “*acknowledge that onshore wind technology and equipment manufacturers in the market are moving towards larger and more powerful (i.e. higher capacity) turbines and that these by necessity – will mean taller towers and blade tip heights*” (underlining added).

Chapter 3 of the OWPS addresses ‘a strategic approach to development’ and states that whilst this was a key matter posed in the draft OWPS in terms of whether a new strategic approach to wind farm site development should be taken in Scotland, Scottish Ministers have taken the view that the current system described in the consultation as “*business as usual*” continues to represent an effective and efficient process for considering applications for developments in excess of 50MW.

### 3.17 Conclusion

This Chapter has detailed a number of international, UK and Scottish Government documents which clearly highlight a need for the Proposed Varied Development in terms of meeting renewable energy targets, ensuring wind farms are located in the right locations having taken into account environmental impacts and, importantly, allowing the development of larger and more powerful turbines in line with evolving onshore wind technology.

## 4 National Planning Policy

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### 4.1 The National Planning Framework<sup>8</sup> (NPF3)

NPF3 is a long-term strategy for Scotland. It is the spatial expression of the Scottish Government’s Economic Strategy, and of plans for development and investment in infrastructure.

Part of the vision is of Scotland as a low carbon place, where the opportunities arising from the ambition to be a world leader in low carbon energy generation have been seized. NPF3 is informed by, and aims to help achieve, the Scottish Government’s climate change and renewable energy targets.

NPF3 acknowledges the energy sector accounts for a significant share of the country’s greenhouse gas emissions, and addressing this requires capitalising on Scotland’s outstanding natural advantages, including its significant wind resource. NPF3 makes it clear that onshore wind will continue to play a significant role in de-carbonising the energy sector and diversifying energy supply.

### 4.2 Scottish Planning Policy<sup>9</sup> (SPP)

SPP is Scottish Government policy on how nationally important land use planning matters should be addressed.

It introduces a presumption in favour of development which contributes to sustainable development. Decisions are to be guided by a number of listed principles. These include making efficient use of existing infrastructure, supporting the delivery of new energy infrastructure, supporting climate change mitigation and protecting natural heritage, landscape and the wider environment.

As set out in para. 154 of SPP, the planning system should:

- support the change to a low carbon economy, including deriving the equivalent of 100% of electricity demand from renewable sources by 2020
- support the development of electricity generation from a diverse range of renewable sources
- guide development to appropriate locations and advise on the issues that would be taken into account when specific proposals are being assessed.

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<sup>8</sup> Scottish Government, National Planning Framework 3, Published: 23 Jun 2014

<sup>9</sup> Scottish Government, Scottish Planning Policy, Published: 23 Jun 2014

Para. 161 et seq of SPP addresses onshore wind and requires Planning Authorities to set out in their development plan a Spatial Framework identifying those areas that are likely to be the most appropriate for wind farms. Table 1 of SPP shows the approach to be followed:

Table 1: Spatial Frameworks

<b>Group 1: Areas where wind farms will not be acceptable:</b> National Parks and National Scenic Areas.		
<b>Group 2: Areas of significant protection:</b>  Recognising the need for significant protection, in these areas wind farms may be appropriate in some circumstances. 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.		
<b>National and international designations:</b> <ul style="list-style-type: none"><li>World Heritage Sites;</li><li>Natura 2000 and Ramsar sites;</li><li>Sites of Special Scientific Interest;</li><li>National Nature Reserves;</li><li>Sites identified in the Inventory of Gardens and Designed Landscapes;</li><li>Sites identified in the Inventory of Historic Battlefields.</li></ul>	<b>Other nationally important mapped environmental interests:</b> <ul style="list-style-type: none"><li>areas of wild land as shown on the 2014 SNH map of wild land areas;</li><li>carbon rich soils, deep peat and priority peatland habitat.</li></ul>	<b>Community separation for consideration of visual impact:</b> <ul style="list-style-type: none"><li>an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge. The extent of the area will be determined by the planning authority based on landform and other features which restrict views out from the settlement.</li></ul>
<b>Group 3: Areas with potential for wind farm development:</b>  Beyond groups 1 and 2, wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria.		

More generally, the siting and design of development should take account of local landscape character. Decisions should take account of potential effects on landscapes and the natural and water environment, including cumulative effects. Applicants should seek to minimise adverse impacts through careful planning and design.

4.3 Planning (Scotland) Act 2019

On 25<sup>th</sup> July 2019, the Planning (Scotland) Bill received Royal Assent and became an Act. The Act has brought about changes to the status of NPF and SPP. In summary, NPF4 will incorporate SPP and take on an enhanced status as part of the statutory development plan.

NPF4 will set out a long-term plan for Scotland and detail where development and infrastructure is needed to support sustainable and inclusive growth. NPF4 will also provide a spatial planning response to the Global climate emergency.

The Scottish Government commenced early engagement to seek views on the scope and content of NPF4 in January to April 2020. Due to delays caused by the COVID-19 emergency, the intention is to lay the draft NPF4 in the Scottish Parliament in September 2021. Subject to Parliamentary timetabling, it is anticipated that the NPF4 will be adopted by Scottish Ministers in spring/summer 2022.

5 Development Plan and Relevant Policies

5.1 Statutory Development Plan

The statutory development plan comprises the following documents:

- The Highland Wide Local Development Plan (HwLDP) (adopted 5 April 2012);
- The Caithness and Sutherland Local Development Plan (CaSPlan) (adopted 31 August 2018); and
- Relevant supplementary guidance, particularly the Onshore Wind Energy Supplementary Guidance (2016).

The Highland Council (THC) started to review the HwLDP with a Main Issues Report consultation in 2016, however, this review was not progressed on the basis that the Scottish Government published the Planning Bill. THC’s website states that “in light of these changes we think that the review of the HwLDP should be postponed until the implications of the Planning Bill are more clearly understood”<sup>10</sup>. This position has not been updated.

5.2 Highland wide Local Development Plan Policies of Relevance

The policies of most relevance in the HwLDP are as follows (in order of significance) and set out in full below:

- Policy 67 – Renewable Energy Developments;
- Policy 57 – Natural, Built, and Cultural Heritage;
- Policy 61 – Landscape; and,
- Policy 55 – Peat and Soils.

Other relevant HwLDP policies which need to be taken into consideration include the following:

- Policy 28 – Sustainable Design;
- Policy 30 – Physical Constraints;
- Policy 31 – Developer Contributions;
- Policy 56 – Travel;
- Policy 58 – Protected Species;
- Policy 59 – Other Important Species;
- Policy 60 – Other Important Habitats;
- Policy 63 – Water Environment;
- Policy 66 – Surface Water Drainage;
- Policy 69 – Electricity Transmission Infrastructure; and
- Policy 70 – Public Access.

<sup>10</sup>[https://www.highland.gov.uk/info/178/local\\_and\\_statutory\\_development\\_plans/199/highland-wide\\_local\\_development\\_plan](https://www.highland.gov.uk/info/178/local_and_statutory_development_plans/199/highland-wide_local_development_plan)



**Policy 67 – ‘Renewable Energy Developments’** states:

*“Renewable energy development proposals should be well related to the source of the primary renewable resources that are needed for their operation. The Council will also consider:*

- the contribution of the proposed development towards meeting renewable energy generation targets; and*
- any positive or negative effects it is likely to have on the local and national economy;*
- and will assess proposals against other policies of the development plan, the Highland Renewable Energy Strategy and Planning Guidelines and have regard to any other material considerations, including proposals able to demonstrate significant benefits including by making effective use of existing and proposed infrastructure or facilities.*

*Subject to balancing with these considerations and taking into account any mitigation measures to be included, the Council will support proposals where it is satisfied that they are located, sited and designed such that they will not be significantly detrimental overall, either individually or cumulatively with other developments (see Glossary), having regard in particular to any significant effects on the following:*

- natural, built and cultural heritage features;*
- species and habitats;*
- visual impact and impact on the landscape character of the surrounding area (the design and location of the proposal should reflect the scale and character of the landscape and seek to minimise landscape and visual impact, subject to any other considerations);*
- amenity at sensitive locations, including residential properties, work places and recognised visitor sites (in or out with a settlement boundary);*
- the safety and amenity of any regularly occupied buildings and the grounds that they occupy- having regard to visual intrusion or the likely effect of noise generation and, in the case of wind energy proposals, ice throw in winter conditions, shadow flicker or shadow throw;*
- ground water, surface water (including water supply), aquatic ecosystems and fisheries;*
- the safe use of airport, defence or emergency service operations, including flight activity, navigation and surveillance systems and associated infrastructure, or on aircraft flight paths or MoD low-flying areas;*
- other communications installations or the quality of radio or TV reception;*
- the amenity of users of any Core Path or other established public access for walking, cycling or horse riding;*
- tourism and recreation interests; and*
- land and water based traffic and transport interests.*

*Proposals for the extension of existing renewable energy facilities will be assessed against the same criteria and material considerations as apply to proposals for new facilities.*

*In all cases, if consent is granted, the Council will approve appropriate conditions (along with a legal agreement/obligation under section 75 of the Town and Country Planning (Scotland) Act 1997, as amended, where necessary), relating to the removal of the development and associated equipment and to the restoration of the site, whenever the consent expires, other than in circumstances where fresh consent has been secured to extend the life of the project, or the project ceases to operate for a specific period.*

*The Onshore Wind Energy Supplementary Guidance will replace parts of the Highland Renewable Energy Strategy. It will identify: areas to be afforded protection from wind farms; other areas with constraints; and broad areas of search for wind farms. It will set out criteria for the consideration of proposals. It will ensure that developers are aware of the key constraints to such development and encourage them to take those constraints into account at the outset of the preparation of proposals. It will seek to steer proposals, especially those for larger wind farms, away from the most constrained areas and ideally towards the least constrained areas and areas of particular opportunity. It will also set out criteria which will apply to the consideration of proposals irrespective of size and where they are located, enabling proposals to be considered on their merits. It will seek submission as part of the planning application of key information required for the assessment of proposals and provide certainty for all concerned about how applications will be considered by the Council”.*

**Policy 57 – ‘Natural, Built and Cultural Heritage’** states:

*“All development proposals will be assessed taking into account the level of importance and type of heritage features, the form and scale of the development, and any impact on the feature and its setting, in the context of the policy framework detailed in Appendix 2. The following criteria will also apply:*

- 1. For features of local/regional importance we will allow developments if it can be satisfactorily demonstrated that they will not have an unacceptable impact on the natural environment, amenity and heritage resource.*
- 2. For features of national importance we will allow developments that can be shown not to compromise the natural environment, amenity and heritage resource. Where there may be any significant adverse effects, these must be clearly outweighed by social or economic benefits of national importance. It must also be shown that the development will support communities in fragile areas who are having difficulties in keeping their population and services.*
- 3. For features of international importance developments likely to have a significant effect on a site, either alone or in combination with other plans or projects, and which are not directly connected with or necessary to the management of the site for nature conservation will be subject to an appropriate assessment. Where we are unable to ascertain that a proposal will not adversely affect the integrity of a site, we will only allow development if there is no alternative solution and there are imperative reasons of overriding public interest, including those of a social or economic nature. Where a priority habitat or species (as defined in Annex 1 of the Habitats Directive) would be affected, development in such circumstances will only be allowed if the reasons for overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment, or other reasons subject to the opinion of the European Commission (via Scottish Ministers). Where we are unable to ascertain that a proposal will not adversely affect the integrity of a site, the proposal will not be in accordance with the development plan within the meaning of Section 25(1) of the Town and Country Planning (Scotland) Act 1997.*

*Note: Whilst Appendix 2 groups features under the headings international, national and local/regional importance, this does not suggest that the relevant policy framework will be any less rigorously applied. This policy should also be read in conjunction with the Proposal map.*

*The Council intends to adopt the Supplementary Guidance on Wild Areas in due course. The main principles of this guidance will be:*

- to provide mapping of wild areas;*
- to give advice on how best to accommodate change within wild areas whilst safeguarding their qualities;*
- to give advice on what an unacceptable impact is; and*

- to give guidance on how wild areas could be adversely affected by development close to but not within the wild area itself.

In due course the Council also intends to adopt the Supplementary Guidance on the Highland Historic Environment Strategy. The main principles of this guidance will ensure that:

- Future developments take account of the historic environment and that they are of a design and quality to enhance the historic environment bringing both economic and social benefits.
- It sets a proactive, consistent approach to the protection of the historic environment”.

**Policy 61 – ‘Landscape’** states:

“New developments should be designed to reflect the landscape characteristics and special qualities identified in the Landscape Character Assessment of the area in which they are proposed. This will include consideration of the appropriate scale, form, pattern and construction materials, as well as the potential cumulative effect of developments where this may be an issue. The Council would wish to encourage those undertaking development to include measures to enhance the landscape characteristics of the area. This will apply particularly where the condition of the landscape characteristics has deteriorated to such an extent that there has been a loss of landscape quality or distinctive sense of place. In the assessment of new developments, the Council will take account of Landscape Character Assessments, Landscape Capacity Studies and its supplementary guidance on Siting and Design and Sustainable Design, together with any other relevant design guidance”.

**Policy 55 – ‘Peat and Soils’** states:

“Development proposals should demonstrate how they have avoided unnecessary disturbance, degradation or erosion of peat and soils.

Unacceptable disturbance of peat will not be permitted unless it is shown that the adverse effects of such disturbance are clearly outweighed by social, environmental or economic benefits arising from the development proposal.

Where development on peat is clearly demonstrated to be unavoidable then The Council may ask for a peatland management plan to be submitted which clearly demonstrates how impacts have been minimised and mitigated.

New areas of commercial peat extraction will not be supported unless it can be shown that it is an area of degraded peatland which is clearly demonstrated to have been significantly damaged by human activity and has low conservation value and as a result restoration is not possible.

Proposals must also demonstrate to the Council’s satisfaction that extraction would not adversely affect the integrity of nearby Natura sites containing areas of peatland”.

### 5.3 Caithness and Sutherland Local Development Plan Policies of Relevance (CaSPlan)

CaSPlan sits alongside the HwLDP and provides a vision and spatial strategy for the Caithness and Sutherland area. CaSPlan includes some policies, however, they focus on development within settlements and are therefore not relevant to the Proposed Varied Development.

CaSPlan contains a Strategy Map (Figure 1.3.1) which shows the site is located to the south of an Area for Energy Business Expansion, the National Cycle Network, Green Network Connections, North Coast 500, and the Digital Fibre Network.

Paragraphs 80 – 83 deal with ‘Climate Change’ and state:

“80. The Council is committed to working with communities, businesses and partners to mitigate our impact on climate change by reducing greenhouse gas emissions, maximising renewable energy contributions [and] taking steps to adapt to the unavoidable impacts of a changing climate.

“81. The area has a vital contribution to make towards achieving the Council's ambitious aim of a low carbon Highlands by 2025 and is already playing a significant part in this.

“82. The area also has a substantial renewable energy resource, with onshore wind and hydro energy sectors well established and offshore and marine energy developments currently emerging”.

Through the preparation of CaSPlan, THC consulted on the revision of Special Landscape Area (SLAs) boundaries to better reflect the landform, avoid severing landscape features, and ensure any extensions reflected similar special landscape characteristics. Page 26 of the CaSPlan contains a map showing the revised SLA boundaries.

### 5.4 Onshore Wind Supplementary Guidance

The Council adopted its Supplementary Guidance (SG) on wind energy in November 2016 and this now forms part of the statutory Development Plan. The Addendum Supplementary Guidance Part 2B (December 2017) provides Landscape Sensitivity Appraisals for the Black Isle, surrounding hills and Moray Firth coast and Caithness. It should be noted however, the Caithness study boundary does not include the site of the Proposed Varied Development.

Section 1 ‘Introduction’ states: “The advice that follows provides a fuller interpretation of HwLDP policies as they relate to onshore wind energy development. The Council will balance these considerations with wider strategic and environmental and economic objectives including sustainable economic growth in the Highlands, and our contribution to renewable energy targets and tackling climate change...”.

Section 2 ‘Highland Spatial Framework’ includes a Spatial Framework which follows the approach of Table 1 in SPP.

Section 4 ‘Key Development Plan Considerations’ sets out how important features and assets identified in HwLDP are expected to be safeguarded in relation to onshore wind energy development. The features/assets listed broadly follow those set out within Policy 67 of the HwLDP.

Landscape and visual effects are addressed in paras. 4.10-4.17. Para. 4.17 includes criteria which THC will use as a framework and focus for assessing proposals in terms of landscape and visual aspects. Para. 4.16 states that “the criteria do not set absolute requirements but seek to ensure that developers are aware of key constraints to development”.

# 6 Conclusions

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This Technical Appendix sets out the legislative background, identifies the national energy policy framework, and the national and local planning policies and guidance relevant to the consideration of the section 36C application. It provides an objective summary of the energy and planning policy considerations that have been taken into account in the preparation of the EIAR to ensure it provides appropriate information for the consideration of the section 36C application.

As previously noted, the policy appraisal for the Proposed Varied Development is contained in a separate Planning Statement submitted with the application for consent.



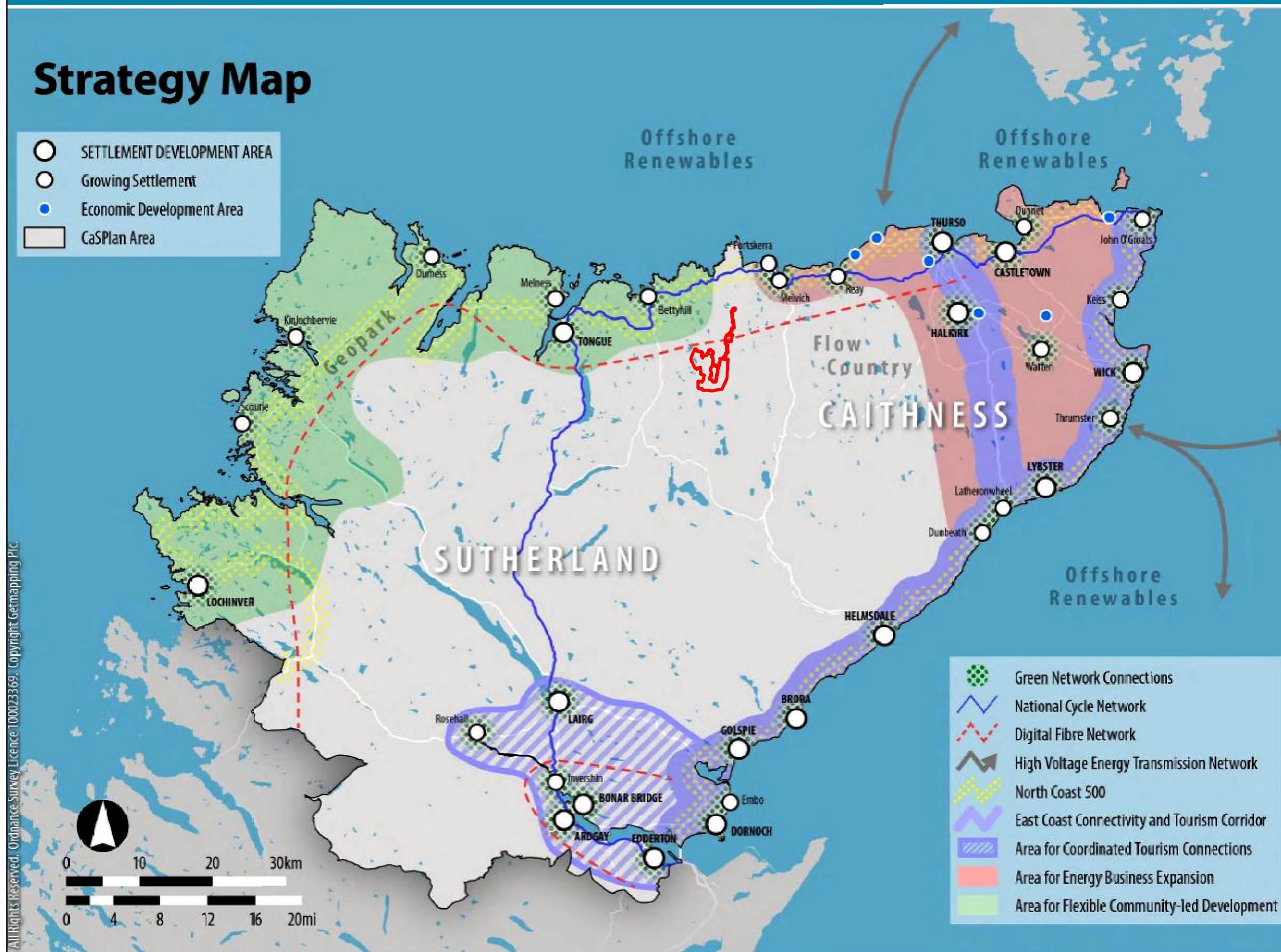
# Strategy Map

- SETTLEMENT DEVELOPMENT AREA
- Growing Settlement
- Economic Development Area
- CaSPlan Area

## Key

- Site Boundary

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Scale 1:550,000@ A3

**Figure 1.3.1**  
Caithness and Sutherland Local Development  
Plan – Strategy Map

Strathy South Wind Farm  
EIAR 2020