Patron Her Majesty The Queen

Fulfilling your passion for horses

Helene Mauchlen (Scotland)
Woodburn Farm
Crieff
Perthshire
PH7 3RG

Email Helene.Mauchlen@bhs.org.uk
Website www.bhsscotland.org.uk
Tel 024 76 840710
Mob REDACT

Energy Consents Unit
Scottish Government
5 Atlantic Quay 150
Broomielaw
Glasgow G2 8LU

By email to:
Econsents_admin@gov.scot
Lee.Crosbie@gov.scot

23 March 2021

Dear Sir/Madam

ELECTRICITY ACT 1989
THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36C APPLICATION FOR LIMEKILN WIND FARM SECTION 36C VARIATION

I refer to the above scoping opinion request for the proposed Limekiln Wind Farm, in the planning authority area of the Highland Council.

The British Horse Society (BHS) is always pleased to be consulted on transport, planning and development matters and where possible or necessary we are able to engage local riders to get a locally based response. Thank you very much for consulting with us, horses are important and good for people so their safety and capacity to access safe off road hacking is a key consideration in terms of their welfare and the wellbeing of their riders and those who look after them.

A project, like the one you are carrying out is an excellent opportunity to improve connections in a community and hopefully resolve any problems in terms of countryside access, transport and travel.

The BHS is here to help, so please do not consider this response the final word, we hope to work with you on an on-going basis to ensure horses and horse riders get as good a deal as they can out of any proposed improvements, so please do not hesitate to contact us in the future.

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The Importance of Off-Road Riding

Scotland's equestrian industry is important with the horse being a major rural economic driver, recent joint research between SRUC and BHS showed:

Current trends in the sector point to a continued increase in horse numbers and riding activity in all geographical areas of Scotland and across a wide cross section of society. The expenditure on direct upkeep averages £3,105 per horse per annum.

This report also showed:

A concern for all riders, including tourists, is diminishing access to safe off-road riding. Most riding accidents happen on minor roads in the countryside. With increasing numbers of horses and riders requiring access to the countryside, more formal access to off-road riding will be a priority in areas considered of higher risk.

The full report can be accessed at:
http://www.sruc.ac.uk/downloads/file/2391/2015_scoping_study_on_the_equine_industry_in_scotland

Scotland has a duty to get horse riders off busy roads; few riders access busy roads by choice (and the horse has as much right to be on the public highway as cars, bikes and pedestrians) - but they often have no choice as that is the only way they can access their safe off road hacking.

I can also refer you to:
http://www.rospa.com/road-safety/advice/horse-riders

Equestrian road users are vulnerable - that means they are more likely to be involved in a road accident and also more likely to suffer the worst consequences.

Horses and their riders (as well as carriage drivers) are vulnerable on the road network. A collision between a horse and a vehicle can have life threatening consequences for the horse, rider and those in a vehicle. There is evidence to suggest that the number of road traffic collisions involving horses is underreported in casualty data.

Horse riding is more prevalent (particularly on roads) in certain parts of the country. Rural areas have larger numbers of horse riders, who make a significant contribution to the rural economy. Yet according to Road Safety Scotland 70% of road accidents happen on country roads. (http://dontriskit.info/country-roads/view-the-campaign)

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The BHS expects developers to work with representatives of the local horse riding community to understand their road safety and countryside access concerns and facilitate engagement with other partners and consider whether any road safety interventions should be introduced, where there are significant numbers of horse riders and/or road traffic collisions involving horses.

Under the Land Reform (Scotland) Act 2003, horse-riders and carriage drivers enjoy a right of access to most land in Scotland, provided that they behave responsibly. Land managers in turn are obliged to respect equestrian access rights and take proper account of the right of responsible access in managing their land. The Scottish Outdoor Access Code gives guidance on how the requirements to behave responsibly can be met. Please refer to:
www.outdooraccess-scotland.com

This access legislation, which is over a decade old now gives horse riders the same rights of responsible access as walkers and cyclists. It is vital that any off road tracks or non-motorised user's tracks or paths are multi-use catering for all including horse riders and carriage drivers.

Active Travel and Suitable infrastructure
Whilst the active travel movement does not consider equestrian travel to be a form of active travel there are many people for whom riding is an attractive mode of travel whether that be for travel purposes or leisure purposes, and the delivery of Active Travel should not discourage this, just as it should not discourage the use of micro-scooters, roller blades, skateboards and other similar modes of travel. In urban areas, many riding horses are kept within the 10 mile journey distance and they must not be disadvantaged by new facilities that may be put in place for the cyclists. Level crossings which are currently used by equestrians should not be replaced by alternatives which would preclude the use by equestrians, for example, a footbridge. Similarly, other infrastructure like gates, bridges, cattle grids and slippery surfaces should all be installed with equestrians in mind. Access control must always be the least restrictive option.

The British Horse Society (BHS) represents the interests of the 3.4 million people in the UK who ride or who drive horse-drawn vehicles. With the membership of its Affiliated Riding Clubs and Bridleway Groups, the BHS is the largest and most influential equestrian charity in the UK. The BHS is committed to promoting the interests of all equestrians and the welfare of horses and ponies through education and training.

Please see attached an information sheet on equestrian access.

https://www.pathsforall.org.uk/resource/outdoor-access-design-guide

With over 70k equines in Scotland, equestrianism is worth £650 million to the Scottish economy annually with the Scottish Racing industry contributing £300 million and the rest of the industry generating £355 million according to recent research (Developing Benchmarks & Trends to

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Mob REDACT

Measure Equestrian Activity in Scotland - A report produced by the British Equestrian Trade Association August 2019 And Scottish Racing Annual Review and 2019 Outlook)

I trust that the above information is of assistance.

REDACTED

HELENE MAUCHLEN
SCOTTISH NATIONAL MANAGER
THE BRITISH HORSE SOCIETY

Highlands and Islands Airport - Consultation Response

Dalgleish K (Kieran)

From: Safeguarding <Safeguarding@hial.co.uk>
Sent: 24 March 2021 17:20
To: Crosbie L (Lee); Econsents Admin
Subject: Limekiln - RE: Subject : Request for Scoping Opinion Limekiln Wind Farm Section 36C Variation Application

Follow Up Flag: Follow up
Flag Status: Flagged

Your Ref: ECU00003235
HIAL Ref: 2021/0049/WIC

Dear Sir/Madam,

PROPOSAL: REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36C APPLICATION FOR LIMEKILN WIND FARM SECTION 36C VARIATION
LOCATION: 1.5km South of Reay, Caithness

With reference to the above proposed development, it is confirmed that our calculations show that, at the given position and height, this development would not impact the safeguarding criteria for Wick Airport.

Therefore, Highlands and Islands Airports Limited would have no objections to the proposal.

Regards,

Safeguarding Team
Highlands and Islands Airports Limited
Head Office, Inverness Airport, Inverness IV2 7JB
✉ safeguarding@hial.co.uk 🌐 www.hial.co.uk

BT - Consultation Response

From:	lisa.4.smith@bt.com on behalf of radionetworkprotection@bt.com
To:	Econsents Admin
Cc:	radionetworkprotection@bt.com
Subject:	Limekiln Wind Farm Section 36C Variation Application REPLY BY 12/4/21 WID11474
Date:	26 March 2021 13:41:50
Attachments:	image001.png

OUR REF: WID11474

Dear Sir/Madam

Thank you for your email dated 18/03/2021.

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 proposal for 21 Turbine Locations listed on the attached scoping report should not cause interference to BT's current and presently planned radio network.

Regards
Lisa Smith
Engineering Services Radio Planning

NATS Safeguarding - Consultation Response

Dalgleish K (Kieran)

From: NATS Safeguarding <NATSSafeguarding@nats.co.uk>
Sent: 31 March 2021 08:55
To: Crosbie L (Lee)
Subject: RE: Subject : Request for Scoping Opinion Limekiln Wind Farm Section 36C Variation Application [SG16358]

Follow Up Flag: Follow up
Flag Status: Flagged

Our Ref: SG16358

Dear Sir/Madam

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. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

Yours faithfully

NATS Safeguarding

E: natssafeguarding@nats.co.uk

4000 Parkway, Whiteley,
Fareham, Hants PO15 7FL
www.nats.co.uk

Fisheries Management Scotland (FMS) - Consultation Response

Dalgleish K (Kieran)

From: Brian Davidson <brian@fms.scot>
Sent: 31 March 2021 10:15
To: Crosbie L (Lee)
Cc: admin@fcrt.org; Meghan Blackwood (Caithness DSFB)
Subject: RE: Subject : Request for Scoping Opinion Limekiln Wind Farm Section 36C Variation Application

Dear Lee,

Thank you for your correspondence concerning the proposed Limekiln wind farm, near Reay.

Fisheries Management Scotland (FMS) represents the network of 41 Scottish District Salmon Fishery Boards (DSFBs) including the River Tweed Commission (RTC), who have a statutory responsibility to protect and improve salmon and sea trout fisheries and the 26 fishery trusts who provide a research, educational and monitoring role for all freshwater fish.

FMS act as a convenient central point for Scottish Government and developers to seek views on local developments. However, as we do not have the appropriate local knowledge, or the technical expertise to respond to specific projects, we are only able to provide a general response with regard to the potential risk of such developments to fish, their habitats and any dependent fisheries. Accordingly, our remit is confined mainly to alerting the relevant local DSFB/Trust to any proposal.

The proposed development falls within the catchment relating to the Caithness DSFB and Flow Country Rivers Trust. It is important that the proposals are conducted in full consultation with both organisations (see link to FMS member DSFBs and Trusts below). We have also copied this response to Meghan Blackwood at the DSFB and Eleanor Constable at the Trust.

Due to the potential for such developments to impact on migratory fish species and the fisheries they support, FMS have developed, in conjunction with Marine Scotland Science, advice for DSFBs and Trusts in dealing with planning applications. We would strongly recommend that these guidelines are fully considered throughout the planning, construction and monitoring phases of the proposed development.

- LINK TO ADVICE ON TERRESTRIAL WINDFARMS
- LINK TO DSFB CONTACT DETAILS
- LINK TO FISHERY TRUST CONTACT DETAILS

regards,

Brian

Brian Davidson | Dir Communications & Administration
Fisheries Management Scotland
11 Rutland Square, Edinburgh, EH1 2AS
Tel: 0131 221 6567 | REDACTED
www.fms.scot

Development Management and Strategic Road Safety
Roads Directorate

Buchanan House, 58 Port Dundas Road, Glasgow G4 0HF
Direct Line: REDACTED , Fax: 0141 272 7350
gerard.mcphillips@transport.gov.scot

TRANSPORT SCOTLAND
CÒMHDHAIL ALBA

Lee Crosbie
Energy Consents Unit
The Scottish Government
5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU

Econsents_Admin@gov.scot

Your ref:
ECU00003235

Our ref:
GB01T19K05

Date:
31/03/2021

Dear Sirs,

ELECTRICITY ACT 1989

THE ELECTRICITY (APPLICATIONS FOR CONSENT) REGULATIONS 2017

REQUEST FOR SCOPING OPINION FOR PROPOSED LIMEKILN WIND FARM SECTION 36C VARIATION

With reference to your recent correspondence on the above development, we acknowledge receipt of the Scoping Report (SR) prepared by Infinergy in support of the above development.

This information has been passed to SYSTRA Limited for review in their capacity as Term Consultants to Transport Scotland – Roads Directorate. Based on the review undertaken, we would provide the following comments.

Proposed Development

We understand that Limekiln Wind Farm, located approximately 2km south of Reay in Caithness and comprising 21 turbines with a maximum tip height of 139m, was granted S36 consent in June 2019. Transport Scotland was consulted on the Environmental Statement which supported the Section 36 application, and concluded in our letter dated 30th October 2017 that there would be no significant environmental impacts on the trunk road network resulting from the traffic associated with construction of the wind farm. We did, however, request that two Conditions relating to the delivery of the turbine components be imposed on any consent granted.

The SR indicates that the applicant has decided to submit an application to vary the consent to allow an alternative route for access tracks and to review the wider range of renewable technologies since the S36 application was submitted, in particular the availability of larger, more efficient turbines. The revised development comprises up to 21 wind turbines with an increased blade tip height of 149.9m.

Assessment of Environmental Impacts

Chapter 12 of the SR presents the proposed methodology for the assessment of Traffic and Transport effects. This states that the Traffic and Transport Chapter of the forthcoming EIAR will be based upon Transport Assessment Guidance (Transport Scotland, 2012) and the Guidelines for the Environmental Assessment of Road Traffic (Institute of Environmental Assessment (IEMA), 1993).

It also states that the following rules taken from the above guidance would be used as a screening process to define the scale and extent of the assessment:

- Rule 1: Include highway links where traffic flows are predicted to increase by more than 30% (or where the number of HGVs is predicted to increase by more than 30%); and
- Rule 2: Include any other specifically sensitive areas where traffic flows are predicted to increase by 10% or more.

We note that the Traffic and Transport Chapter will summarise the transport matters associated with the revised application resulting from changes to the number of vehicles arriving at site as a result of the changes in materials required to construct the wind farm.

The SR states that it is proposed to use publicly available traffic flow sources for the A9(T) and A835 baseline traffic flows, including Traffic Scotland's National Traffic Data System as a source of traffic data. Low National Road Traffic Forecasts (NRTF) will be used to obtain construction year base traffic flows. Transport Scotland considers this appropriate.

A review between the changes in traffic flow between the Consented Development and the Revised Development will be undertaken to illustrate the change in impact between the two applications. Potentially significant environmental effects will be assessed where the IMEA thresholds as defined above are exceeded. Suitable mitigation measures will be proposed, where appropriate. Transport Scotland is satisfied with this approach.

Abnormal Loads Assessment

The SR identifies that each turbine is likely to require between 11 and 13 abnormal loads to deliver the components to site. We note that detailed swept path analysis will be undertaken for the main constraint points on the route from Scrabster Harbour through to the site access junction to demonstrate that the turbine components can be delivered to site and to identify any temporary road works which may be necessary.

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 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.

We trust that the above is satisfactory and should you wish to discuss any issues raised in greater detail, please do not hesitate to contact myself at the number above or Alan DeVenny at SYSTRA's Glasgow Office on REDACTED .

Yours faithfully

REDACTED

Gerard McPhillips

Transport Scotland
Roads Directorate

cc Alan DeVenny – SYSTRA Ltd.

Zalushki
Reay
Caithness
KW14 7RE

8th April 2021

Highland Council e Planning
Sent by email: epc@highland.gov.uk

Energy Consents Unit
Sent by e mail: Econsents_admin@gov.scot

Dear Sirs,

Scoping Opinion for Limekiln Windfarm 36C Variation – 21/01373/SCOP

Thank you for the opportunity to provide input to the above. Caithness West Community Council wishes to make the following points;

1. We are very disappointed to see the proposals for such a significant change to the consented scheme. We are not familiar with the detailed planning legislation that would allow this to be considered as a variation. The addition of 5 new turbines (Limekiln extension), an increase of height to 150m and an extension from 25 to 40 operational years, would seem to be such a fundamental change, that we struggle to understand why it does not have to be considered in its entirety as a new scheme.

2. The scoping report refers to the increased turbine height as "relatively modest". We would disagree that an increase of heights of 10m and 20m could be described as modest. The average height of a house in the UK is 10m – adding two house heights to the consented 129m turbines could never reasonably be considered modest.

3. The scoping report fails to specify exactly which model of turbine the developers propose to use. Both Nordex N133 and Vestas V117 are mentioned but the actual power output is not specified, so turbines could be up to 4.8MW with rotor diameter up to 136m, compared to 82m approved. The swept area of each turbine – what catches the eye - could be 275% of what has been consented. The variation proposed is not simply an increase in turbine height, but is an attempt to change the windfarm well beyond anything already consented. This is completely unacceptable.

4. The EIS for the consented scheme acknowledged the significant detrimental impacts to residential amenity in Reay and allegedly mitigated this by siting the higher (139m) turbines furthest south. Throughout the two public enquiries much was made of the "sensitive siting" of turbines in relation to their height and land topography. We therefore cannot understand why it would now be proposed as acceptable to increase the height of all turbines to 150m.

5. The consented scheme also acknowledged the impacts of the development on Wild Land Area 39. Again, we cannot accept that such a significant increase in height would not have further detrimental impacts to WLA 39.

6. The developer's recent newsletter to Reay residents cited the impact on tariffs to developments furthest away from electricity demand as being one of the key reasons for the increase in turbine height. We would strongly contest that the economics of a development is not a material planning consideration. If the consented scheme is no longer economically viable, then the development is in the wrong place. Residents in Reay and other far north communities should not have to suffer ever increasing turbine heights in order to make developments viable.

7. If such a dramatic variation to the scheme is deemed acceptable, it sends a clear signal that the planning process can be easily manipulated through incremental scope changes. It is analogous to applying for permission to build a bungalow, knowing full well a block of flats is what's intended.

We would therefore trust that the planning authorities provide a very clear and robust rebuttal of the proposals in the scoping report.

Yours faithfully,

Jillian Bundy,

Chair

NatureScot
Scotland's Nature Agency
Buidheann Nàdair na h-Alba

Lee Crosbie
Energy Consents Unit
By email only to: Econsents_Admin@gov.scot

Your ref: ECU00003235
Our ref: CEA162465
Date: 8 April 2021

Dear Mr Crosbie,

ELECTRICITY ACT 1989
THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017
REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36C VARIATION FOR LIMEKILN WIND FARM.

Thank you for consulting us on the scoping report for the Section 36C variation to the consented Limekiln Wind Farm.

Background

We objected to the Section 36 application for the consented proposal in our response to you dated 31st August 2016 as we considered the proposal would have significant adverse impacts on the East Halladale Flows Wild Land Area (WLA) 39. Following this, we were then consulted on Supplementary Information detailing a revised layout, with the removal of turbines T19, T20, T21. In our response to you dated, 6 November 2017, we considered that the reduction in turbine numbers would not alter our previous advice with respect to WLA 39 and we maintained our objection.

We understand that the proposed variation is for the following amendments:

- Increase the height of all turbines to149.9m;
- Reroute certain access tracks;
- Removal of one borrow pit;
- Increase the operational period from 25 years to 40 years; and
- Relocate the construction compound and increase its size from (100m x 100m) to (150 x 100m).

On 10th March 2021 we attended the Highland Council (THC) major pre-application meeting for the proposed variation where we provided some initial advice, following which we have submitted formal comments to THC on 23rd March.

Summary

This proposal has the potential to adversely affect the East Halladale WLA 39, a nationally important natural heritage interest. We consider it is unlikely that these adverse impacts can readily be mitigated. **We are therefore likely to object to any forthcoming application for this proposal.** Our detailed advice on wild land and other natural heritage issues is provided in the annex of this letter.

Further to this, we refer the applicant to our guidance on Section 36C variations which is available on our website[1].

Concluding Remarks

Please note that while we are supportive of the principle of renewable energy, this advice is given without prejudice to a full and detailed consideration of the impacts of the proposal if submitted for formal consultation as part of the EIA or planning process.

The advice in this letter is provided by Scottish Natural Heritage, acting under its operating name NatureScot.

I hope you find these comments helpful. Should you wish to discuss this response then please don't hesitate to contact me.

Yours sincerely,

Debbie Skinner
Renewable Energy Casework Adviser
Debbie.Skinner@naturescot.gov

[1] **https://www.nature.scot/guidance-dealing-proposals-variation-section-36-wind-farm-consents**

Annex – Limekiln Wind Farm S36C Scoping Application

Appraisal

Wild Land Area 39 – East Halladale Flows

We welcome the proposed review of the wild land assessment for WLA 39 in line with our guidance, 'Assessing Impacts on Wild Land technical guidance' (2020)[2]. We note from the comparative ZTV that the proposed variation to increase the turbine height to 149.9m will likely result in limited additional visibility over and above the consented Limekiln Wind Farm proposal.

We advise that the proposed variation would therefore have similar significant adverse effects on a nationally important area of wild land, WLA 39, as the consented proposal.

In our view these effects cannot be readily mitigated. Our advice previously given in relation to the S36 application for the consented proposal therefore remains unchanged. **We would therefore object to any forthcoming application for the proposed variation.**

Our advice below is given in relation to the questions raised within the scoping report:

- We agree that the Kyle of Tongue NSA can be scoped out.
- We agree for the other Wild Land Areas to be scoped out.
- We agree it would be acceptable to remove the Broubster Wind Farm from the cumulative assessment given the inactivity of this application. The status of Broubster should however be checked with THC.
- With regards to the assessment for WLA 39, we agree that it will be acceptable to use old photography unless there has been any changes in which case the photography should be updated.

Peatland

We welcome the proposals to update the Phase 1 Habitat survey and NVC survey for those new areas where infrastructure is now proposed to be located.

We further welcome the proposals to undertake peat depth surveys for the new infrastructure locations. The survey should conform to Peatland Survey 2017 guidance[3]

The peat depths should be clearly mapped and areas of deep peat should be clearly identified. Infrastructure should be located to avoid areas of deep peat. The EIAR should fully explore opportunities to reduce any impacts on deep peat.

A Peat Slide Risk Assessment should also be undertaken following the latest 2017 guidance on peat slide risk assessments[4].

[2] https://www.nature.scot/assessing-impacts-wild-land-areas-technical-guidance
[3] http://www.gov.scot/Resource/0051/00517174.pdf.
[4] http://www.gov.scot/Publications/2017/04/8868.

Ornithology

We are satisfied that updated ornithology surveys will not be required to assess the impacts of the proposed variation on ornithological interests.

We understand that updated collision risk modelling and cumulative impact assessment will be undertaken for greylag geese, a qualifying feature of the Caithness Lochs Special Protection Area which is welcomed.

We further welcome the proposal to reassess the potential impacts on ornithological interests in relation to construction and operational disturbance.

Protected Areas

Caithness and Sutherland Peatlands Special Area of Conservation

The application site border the Caithness and Sutherland Peatlands Special Area of Conservation (SAC). In our response to the S36 application for the consented proposal, dated 31 August 2016, we were satisfied that there would be no adverse effects on the integrity of the SAC providing the following condition was adhered to:

"The mitigation described in paragraph 11.10.12 of the environmental statement, a twice-yearly inspection of the deer-proof fence and immediate repairs made where damage is evident, is implemented to ensure the fence remains deer-proof. The first inspection and any necessary repairs should be made in the 3 months prior to the commencement of any construction activities, including any forestry preparation or investigation works.
This will prevent an influx of deer onto the SAC due to disturbance and changes of land use on the development site. This is required to avoid damage to blanket bog through increased trampling and grazing."

Providing the above mitigation is imbedded in any consent issued for the proposed variation then we are satisfied that there will be no adverse impacts on the integrity of the SAC.

Protected Species

We welcome the proposed updated surveys for otter, pine marten and water vole. We are content that no further surveys for bats, red squirrel or badger will be required to inform the Environmental Impact Assessment (EIA) for the revised proposal.

We anticipate the impacts of the proposed variation on protected species will remain largely as identified for the original proposal. We therefore advise that, should consent be granted for any forthcoming application then all mitigation measures detailed in the 2016 EIAR for the consented scheme are implemented.

Decommissioning and Redevelopment

We expect that there will be some amendments required to the Decommissioning and Restoration Plan (DRP) and advise that these should be considered within the EIAR. Guidance on decommissioning can be found on our website[5].

[5] https://www.nature.scot/guidance-decommissioning-and-restoration-plans-wind-farms-february-2016

Scottish Forestry
Coilltearachd na h-Alba

Highland and Islands Conservancy
"Woodlands", Fodderty Way
Dingwall, Ross-shire, IV15 9XB

Glèidhteachas na Gàidhealtachd's nan Eilean
"Fearann – coilleach'
Rathad Fodderty
Inbhir Pheodhearan
Sgire Rois, IV15 9XB

Tel/Fòn 0300 067 6950
Highland.cons@forestry.gov.scot

Conservator/Neach Dion Arainneachd
John Risby

12th of April 2021

Mr Lee Crosby
Energy Consent Unit
Scottish Government
via email

Dear Mr Crosby

ELECTRICITY ACT 1989
THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017

SCOPING OPINION REQUEST FOR PROPOSED SECTION 36C APPLICATION FOR LIMEKILN WIND FARM SECTION 36C VARIATION

Thank you for consulting Scottish Forestry on the proposed Section 36C variation to consented Limekiln Wind Farm (proposed development).

Scottish Forestry (SF) is the Scottish Government agency responsible for policy, support and regulation of forestry sector in Scotland. As such SF comments on possible impact of development proposals on forests and woodlands.

Proposed development's site is located within commercial conifer plantation covered by Limekiln Long Term Forest Plan (LTFP), ref: 16FGS09175, approved by Forestry Commission Scotland (until the 1st of April 2019 predecessor of Scottish Forestry) on the 28th of August 2017. A felling and restocking amendment to the above LTFP, submitted to allow the changes necessary to accommodate the Limekiln Wind Farm development, was approved by SF on the 27th of March 2020.

SF welcomes Applicant's commitment to prepare a Forestry Chapter within Environmental Impact Assessment Report (EIA Report) for the proposed development. SF agrees, in principle, with the proposed scope of the assessment, as per section 8.15 of the Limekiln Wind Farm S36C Variation Scoping Report (Scoping Report), but requests that following information is provided:

- clear distinction of felling required to accommodate proposed development's infrastructure (ha)- permanent woodland loss; and felling required to allow for

construction and operating of the proposed development (ha) - temporary woodland loss;

- clear indication of any changes in area of permanent woodland loss (ha) associated with proposed development's infrastructure (as compared with consented Limekiln Wind Farm proposal), for which compensatory planting will be required, as per Scottish Government's Policy on Control of Woodland Removal (CoWRP), and a clear commitment on timing of producing compensatory planting plan for area corresponding with area of permanent woodland loss;
- information on area and timing of felling required for the construction and operating (e.g. required for wind energy resource) of the proposed development (temporary woodland loss) – the applicant needs to be aware that the felling proposal must meet the minimum requirements for sustainable forest management, as set out in the UK Forestry Standard (UKFS) (2017). That information should be provided in a form of revised felling proposal for areas covered by LTFP, and will require separate approval from SF under the Forestry and Land Management (Scotland) Act 2018 (the Act);
- information on area and timing of restocking (replanting of areas cleared to allow for construction and operating of the proposed development), with a clear commitment that the restocking is to be carried out before the proposed development is commissioned – again, the restocking proposals need to meet the UKFS requirements and be approved separately by SF under the Forestry and Land Management (Scotland) Act 2018.

Please don't hesitate to contact me if you wish to discuss Scottish Forestry's response.

Kind regards
REDACTED

Agata Baranska
Regulations & Development Manager
agata.baranska@forestry.gov.scot

HISTORIC ENVIRONMENT SCOTLAND | ÀRAINNEACHD EACHDRAIDHEIL ALBA

By email to: econsents_admin@gov.scot

Lee Crosbie
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Our case ID: 300021820
Your ref: ECU00003235

12 April 2021

Dear Lee Crosbie

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017
Limekiln Wind Farm - Section 36c Variation
Scoping Report

Thank you for your consultation which we received on 18 March 2021 about the above scoping report. We have reviewed the details in terms of our historic environment interests. This covers world heritage sites, scheduled monuments and their settings, category A-listed buildings and their settings, inventory gardens and designed landscapes, inventory battlefields and historic marine protected areas (HMPAs).

The Highland Council's archaeological and cultural heritage advisors will also be able to offer advice on the scope of the cultural heritage assessment. This may include heritage assets not covered by our interests, such as unscheduled archaeology, and category B- and C-listed buildings.

Proposed Development
I understand that the proposed development seeks to vary the existing consent for Limekiln Wind Farm to:

- Increase the height of the consented wind turbines from 139m (15 turbines) and 126m (6 turbines) to 149.9m.
- Reroute certain access tracks;
- Remove one borrow pit;
- Increase the operational period from 25 years to 40 years;
- Relocate the construction compound and increase its size from (100m x 100m) to (150 x 100m).

The Revised development site is located 1.5 km to the south of the village of Reay and 3 km south/south west of the Dounreay Nuclear Power Station, in Caithness.

Scope of assessment
We note that the Revised Development comprises 21 wind turbines, each 149.9 m in height to blade tip. We understand that the Consented Development has the same location and layout of turbines as the Revised Development. The main material variation is the 10.5 m or 24.3 m increase in blade tip height between the wind turbines of the Consented Development and the wind turbines of the Revised Development.

The proposed variation presents a relatively modest increase to the blade tip height. However, we note that one scheduled monument: **Clach Clais an Tuire, standing stone 1000m SE of Loanscorribest (SM 441)** lies on the edge of the development boundary. We would therefore recommend that a visualisation showing the difference in visibility between the consented Limekiln turbines and the proposed higher turbines is prepared. This would confirm whether the proposal alters the level of impact on this monument.

Overall, we are content with the outline scope of the cultural heritage assessment presented in the submitted Scoping Report. However, we cannot offer any specific comments on the actual assessment methodology as it was not provided at this stage.

Further information
Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes. Technical advice is available on our Technical Conservation website at http://conservation.historic-scotland.gov.uk/.

We hope this is helpful. Please contact us if you have any questions about this response. The officer managing this case is Urszula Szupszynska and they can be contacted by phone on REDACTED or by email on Urszula.Szupszynska@hes.scot.

Yours sincerely

Historic Environment Scotland

The Office for Nuclear Regulation - Consultation Response

Dalgleish K (Kieran)

From: Vicki Enston <Vicki.Enston@onr.gov.uk>
Sent: 13 April 2021 09:59
To: Crosbie L (Lee)
Subject: RE: Subject : Request for Scoping Opinion Limekiln Wind Farm Section 36C Variation Application

Good morning

Apologies for the delay in responding.

ONR have no comment to make in relation to the request for Scoping Opinion Limekiln Wind Farm Section 36C Variation Application .

You can find information concerning our Land Use Planning consultation process here: (http://www.onr.org.uk/land-use-planning.htm).

Kind regards

Vicki

Vicki Enston
Regulatory Officer
Land Use Planning
Emergency Preparedness & Response
Office for Nuclear Regulation

E: ONR-Land.use-planning@onr.gov.uk

Office for Nuclear Regulation

The Office for Nuclear Regulation's mission is to provide efficient and effective regulation of the nuclear industry, holding it to account on behalf of the public.

Website: www.onr.org.uk **Twitter:** @ONRpressoffice

The Highland Council
Comhairle na Gàidhealtachd

Josh McCormack
Senior Case Officer
Energy Consents Unit

By email only to:

econsents_Admin@gov.scot
k.clouston@infinergy.co.uk

Please ask for: Simon Hindson
Direct Dial: REDACTED
E-mail: simon.hindson@highland.gov.uk
Our Ref: 21/01373/SCOP
Your Ref:
Date: 23 April 2021

Dear Josh,

LIMEKILN WIND FARM - AMENDMENTS TO SECTION 36C APPLICATION: INCREASE TO THE BLADE TIP HEIGHT TO MAKE ALL TURBINES A MAXIMUM BLADE TIP HEIGHT OF 149.9M; RELOCATING INTERNAL TRACKS AND THE CONSTRUCTION COMPOUND; REMOVAL OF ONE BORROW PIT AT LAND 2870M SOUTH EAST OF BORLUM HOUSE, REAY

Thank you for consulting The Highland Council (THC) for a Scoping Opinion for the above project and for the extension of time until 23 April 2021 for submitting our response.

Our view on the scope of the assessment may be subject to change on a number of topics within the EIAR if the scale of development, in terms of the number and height of turbines, changes.

In the event that, the application changes in scale to a level which would be considered as an application under the Town and Country Planning (Scotland) Act 1997 (As Amended), we would require a revised scoping response under the relevant regulations.

This letter constitutes THC's response to the consultation. We trust that this helps inform the scope of the Environmental Impact Assessment Report and is helpful to the applicant when formalising any forthcoming application.

SCOPING CONSULTATION RESPONSE

Applicant:	**Infinergy Limited**
Project:	**Limekiln Wind Farm - Amendments to Section 36C application: increase to the blade tip height to make all turbines a maximum blade tip height of 149.9m; relocating internal tracks and the construction compound; removal of one borrow pit**
Project Address:	**Land 2870M South East of Borlum House, Reay**
Our Reference	**21/01373/SCOP**

This response is given without prejudice to the Planning Authority's right to request additional information in connection with any statement, whether Environmental Impact Assessment Report (EIAR) or not, submitted in support of any future application. These views are also given without prejudice to the future consideration of and decision on any consultation on an application received by The Highland Council (THC).

THC request that any EIAR submitted in support of an application for the above development take the comments highlighted below into account; many of which are already acknowledged within the Scoping Report. In particular, the elements of this report as highlighted in parts 3, 4 and 5 should be presented as three distinct elements.

Responses to the internal consultation undertaken are attached. Should any further responses be received from internal consultees, these will be forwarded on in due course.

1.0 Description of the Development

1.1 The description of development for an EIAR is often much more than would be set out in any planning application. An EIAR must include:

- a description of the physical characteristics of the whole development and the full land-use requirements during the operational, construction and decommissioning phases. These might include requirements for borrow pits, local road improvements, infrastructural connections (i.e. connections to the grid), off site conservation measures, etc. A plan with eight figure OS Grid co-ordinates for all main elements of the proposal should be supplied;
- a description of the main characteristics of the production processes, for instance, nature and quantity of the materials used;
- the risk of accidents, having regard in particular to substances or technologies used;
- an estimate, by type and quantity, of expected residues and emissions (water, air and soil pollution, noise, vibration, light / flicker, heat, radiation, etc.) resulting from the operation of the development; and
- the estimated cumulative impact of the project with other consented or operation development.

2.0 Alternatives

2.1 A statement is required which outlines the main development alternatives studied by the applicant and an indication of the main reasons for the final project choice. This is expected to highlight the following:

- the range of technologies that may have been considered;
- locational criteria and economic parameters used in the initial site selection;
- options for access;
- design and locational options for all elements of the proposed development (including grid connection); and
- the environmental effects of the different options examined.

Such assessment should also highlight sustainable development attributes including for example assessment of carbon emissions / carbon savings.

Caithness West Community Council have highlighted that there is a significant change in rotor diameter for the now proposed turbines. It is considered that alternatives in terms of scale and design should be fully assessed through the Environmental Impact Assessment Report. This should consider the range of development scales considered and the EIAR should assess the worst case scenario not just in terms of turbine height but also in terms of turbine proportions.

3.0 Environmental Elements Affected

3.1 The EIAR must provide a description of the aspects of the environment likely to be significantly affected by the development. The following paragraphs highlight some principal considerations. There are a number of wind energy developments in the area and you are encouraged to use your understanding of these from the earlier application on the site in assessing your development and the potential for cumulative effects to arise. The EIAR should fully utilise this understanding to ensure that information provided is relevant and robustly grounded.

Land Use and Policy

3.2 The EIAR should recognise the existing land uses affected by the development having particular regard for THC's Development Plan inclusive of all statutorily adopted Supplementary Guidance (SG). Particular attention should be paid to the provisions of the Onshore Wind Energy SG (OWESG) inclusive of any Landscape Sensitivity Appraisal. This is not instead of but in addition to the expectation of receiving a Planning Statement in support of the application itself which, in addition to exploring compliance with the Development Plan, should look at Scottish Planning Policy and Planning Advice Notes which identify the issues that should be taken into account when considering significant development. Scottish Government policy and guidance on renewable energy and wind energy should be considered in this section. The purpose of this chapter is to highlight relevant policies not to assess the compatibility of the proposal with policy.

3.3 The EIA / application Planning Statement should recognise the Spatial Framework component of the related Onshore Wind Energy Supplementary Guidance. Similarly, it should note progress with **National Planning Framework 4 (NPF4)** and the Council's response to it. As part of early engagement for the preparation of NPF4, the Scottish Government undertook a Call for Ideas and the Highland Council made submissions to this. Subsequently the Economy and Infrastructure Committee was asked on 1 July 2020 to homologate those responses and Committee agreed to do so. The Scottish Government published an NPF4 Position Statement in November 2020. The applicant should respond to this through the Planning Statement or respond to any updated NPF4 position as it relates to the application depending on the timescale for submission of the application. Similarly, the **Caithness and Sutherland Local Development Plan** forms part of the approved development plan. This sets confirms the boundaries of the Special Landscape Areas and identifies settlements in the area. Other statutorily adopted

supplementary guidance, as set out on the Council website, will also require to be considered.

3.4 It should be noted that the reference to the Onshore Wind Energy Supplementary Guidance should be revisited to include the Landscape Sensitivity Appraisal which was adopted as an appendix to the Supplementary Guidance in 2017.

Sustainability

3.5 The Council's Sustainable Design Guide SG provides advice and guidance on a range of sustainability topics, including design, building materials and minimising environmental impacts of development. A Sustainable Design Statement is required. Wind farms produce a sustainable form of energy, however, the Council will need to be satisfied in reaching a conclusion on any consultation or application that the development in its entirety is in fact sustainable development. In order for us to do so we recommend that matters related to the three pillars of sustainable development are fully assessed in the information which supports the application. The wind farm needs to be considering the provision of energy systems within the holistic demand cycle of the network. The developer needs to consider the impact of the installation and the prospective long-term use of the energy to accommodate the requirements of a decarbonised energy provision for Scotland and the Highlands. The application should include a statement on how the development is likely to contribute to the Scottish Government Energy Efficient Scotland roadmap and provide the Highlands with secure and clean electricity supplies.

3.6 Energy storage technology is of interest to the Council as an emerging new aspect of renewable energy developments with considerable potential benefits for energy generation, efficiency and supply. In broad principle the inclusion of infrastructure for energy storage in renewable energy proposals can be supported, given the benefits. Any associated buildings with the wind farm scheme must be designed in a way which is sympathetic to the local area and existing pattern of development. However, in considering the detail the Council would need to understand the type and nature of storage facility proposed, such as scale and appearance, and it would be beneficial to have information to explain the specific electricity network benefits and capacity proposed. In addition the possibility of other energy generating uses on the site should be explored.

3.7 The developer should also consider the potential for generation of alternative fuels as part of the development. Consideration to be given to an element of local use of the energy and particular use of Hydrogen generation if there is an opportunity in the development for redundancy supply profiles. The Council also encourage the inclusion of electric car charging facilities within all new developments. A strategy for the provision of charging points within the development should be submitted with the application.

Landscape and Visual

3.8 The Council expects the EIAR to consider the landscape and visual impact of the development. The Council 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 35mm format full frame sensor camera – not an 'equivalent.' The focal lengths required are 50mm and 75mm. 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. Photomontages should follow the Council's Visualisation Standards:

https://www.highland.gov.uk/downloads/file/12880/visualisation_standards_for_wind_energy_developments

3.9 Separate volumes of visualisations should be prepared to both Highland Council Standards and NatureScot guidance. These should be provided in hard copy. It would be beneficial for THC's volume to be provided in a **A3 ring bound folder** for ease of use. The use of monochrome for specific viewpoints is useful where there are a number of different wind farms in the view. Further we recommend that the applicant seeks to agree locations from which the Council's Panoramic Viewer could usefully be utilised to illustract cumulative effects. We are happy to provide advice on this matter going forward. All existing turbines should be re-rendered even if they appear to be facing the viewer in the photograph to ensure consistency. We have recently had dialogue with the applicant on the re-use of photography and we have agreed that new photography should be prepared for all viewpoints within 10km of the site and also VP17. We have advised that, without prejudice to our views on the significance or otherwise of effect, we would be content with the existing photography being used for VP7 (Strathy Point), VP11 (Georgemas Junction) and VP 12 (Spittal), and VP13 (Dunnet Head).

3.10 This assessment should include the expected impact of on-site borrow pits and access roads, despite the fact that the principal structures will be a primary concern. All elements of a development are important to consider within any EIAR.

3.11 We agree that the study area for solus effects should be 40km from the outer most turbines and consider that the assessment of landscape and visual impact should be completed in full across the entire study area. THC do not consider it to be acceptable to screen out viewpoints for a full assessment based upon distance. The cumulative study area should extend beyond this to 60km.

3.12 There are a number of similar applications in this area which are yet to be determined / concluded in the vicinity of this application, the status of these will require to be updated beyond figure 7.2, for example Drum Hollistan Wind Farm resubmission is not included and the status of a number of the other wind farms has changed. This is considered an oversight which must be corrected for the submission of the application, we are happy to advise on the cumulative baseline in due course. Our interactive Wind Turbine map is up to date as of 15 January 2021 and can be accessed on the link below:

http://highland.gov.uk/windmap

The Energy Consents Unit may also be able to provide details of any other known nearby proposal which are currently at Scoping Stage as these may have advanced at the same pace as your proposal.

3.13 The finalised list if Viewpoints (VP) and wireframes for the assessment of effects of a proposed development must be agreed in advance of preparation of any visuals with THC.

3.14 We acknowledge that there will be some micrositing of the viewpoints to avoid intervening screening of vegetation boundary treatments etc. We would recommend that the photographer has in their mind whether the VP is representative or specific and also who the receptors are when they are taking the photos it would be helpful. We have also found that if the photographer has a 3D model on a laptop when they go out on site it helps the orientation of the photography.

3.15 As far as possible, the viewpoints should correspond with the viewpoints used for existing

wind energy schemes within the area. The detailed location of viewpoints will be informed by site survey, mapping and predicted ZTVs. It would be useful to include a comparative ZTV between the consented scheme and the proposed scheme. Failure to do this may result in abortive work, requests for additional visual material and delays in processing applications/consultation responses. Community Council's may request additional viewpoints and it would be recommended that any pre-application discussions with the local community, and associated reporting on consultation undertaken, take this into account.

3.16 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.

3.17 Further the LVIA Chapter of the EIAR should clearly set out the methodology including:

- Definitions of each point on the scale of magnitude of change which is used by the applicant in reaching a conclusion on the magnitude of change;
- Definitions of each point on the scale of sensitivity of receptor which is used by the applicant in reaching a conclusion on the sensitivity of receptor;
- The threshold to which the applicant considers a significant effect is reached;
- A clear matrix approach supported by descriptive text setting out how the applicant reaches their conclusion of effect on landscape character, designated landscapes, visual receptors and residential amenity.

3.18 When assessing the impact on recreational routes please ensure that all core paths, the national cycle network, long distance trails are assessed. It should be noted that these routes are used by a range of receptors.

3.19 The development will further extend the number of proposals of this type in the surrounding area, necessitating appropriate cumulative impact. It is considered that cumulative impact will be a significant material consideration in the final determination of any future application. The Study Area for a cumulative LVIA (CLVIA) should extend to a minimum of 60km.

3.20 Given the cumulative impact of renewable energy in this area it is expected that the applicant should present images for presentation within the Panoramic Digital Viewer deployed by the Council – see visualisation standards document. To view current or determined schemes in the Council's Panoramic Viewer please see the link below: http://www.highland.gov.uk/panoramicviewer

3.21 We expect an assessment of the proposal against the criterion set out in the Council's OWESG to be included within the LVIA chapter of the EIAR.

3.22 As the turbine heights are less than 150m to blade tip, aviation lighting is not required by default but may be required by consultees with an aviation interest. If consultees require this then an assessment of the impact of turbine lighting in hours of darkness will be required. The methodology for this assessment requires to be agreed by NatureScot and through further consultation with THC when agreeing the finalised viewpoints. However, it should be noted that it is the preference of the Council that minimal lighting is used and wherever possible infra red lighting is deployed to avoid the effects of development extending into hours of darkness.

3.23 In relation to Landscape, there are a number of matters which require to be updated within the scoping report. This includes terminology related to Wild Land Areas and the Landscape Character Assessment should be the 2019 NatureScot assessment. Further

in relation to impacts on areas of Wild Land (as identified by NatureScot in 2014), an assessment on the impacts of the qualities of Wild Land requires to be undertaken. The methodology and scope for this assessment should be agreed with THC and NatureScot. Further an assessment of the proposals impact on the special qualities of the Special Landscape Areas in vicinity of the site must be undertaken. Given the scale of the proposals there may now be visibility of the scheme within National Scenic Areas and the Cairngorms National Park. Assessments of the proposal against impacts on these designations must be undertaken.

3.24 It is considered that Residential Visual Amenity should not be scoped out of the EIAR.

Geology, Hydrology and Hydrogeology

3.25 The EIAR should include a full assessment on the impact of the development on peat. The assessment of the impact on peat must include peat probing for all areas where development is proposed. The Council are of the view this should include probing not just at the point of infrastructure as proposed by the scheme but also covering the areas of ground which would be subject to micrositing limits.

3.26 SEPA can provide detailed advice on methodology for peat probing and the peat assessment.

3.27 Carbon balance calculations should be undertaken and included within the EIAR with a summary of the results provided focussing on the carbon payback period for the wind farm.

3.28 The EIAR should fully describe the likely significant effects of the development on the local geology including aspects such as borrow pits, earthworks, site restoration and the soil generally including direct effects and any indirect. Proposals should demonstrate construction practices that help to minimise the use of raw materials and maximise the use of secondary aggregates and recycled or renewable materials. Where borrow pits are proposed the EIAR should include information regarding the location, size and nature of these borrow pits including information on the depth of the borrow pit floor and the borrow pit final reinstated profile. This can avoid the need for further applications.

3.29 The EIAR needs to address the nature of the hydrology and hydrogeology of the site, and of the potential impacts on water courses, water supplies including private supplies, water quality, water quantity and on aquatic flora and fauna. Impacts on watercourses, lochs, groundwater, other water features and sensitive receptors, such as water supplies, need to be assessed. Measures to prevent erosion, sedimentation or discolouration will be required, along with monitoring proposals and contingency plans. Assessment will need to recognise periods of high rainfall which will impact on any calculations of run-off, high flow in watercourses and hydrogeological matters. You are strongly advised at an early stage to consult SEPA as the regulatory body responsible for the implementation of the Controlled Activities (Scotland) Regulations 2005 (CAR), to identify if a CAR license is necessary and the extent of the information required by SEPA to assess any license application.

3.30 If culverting should be proposed, either in relation to new or upgraded tracks, then it should be noted that SEPA has a general presumption against modification, diversion or culverting of watercourses. Schemes should be designed to avoid crossing watercourses, and to bridge watercourses where this cannot be avoided. The EIAR will be expected to identify all water crossings and include a systematic table of watercourse crossings or channelising, with detailed justification for any such elements and design to minimise impact. The table should be accompanied by photography of each watercourse affected and include dimensions of the watercourse. It may be useful for the applicant to demonstrate choice of watercourse crossing by means of a decision tree, taking into

account factors including catchment size (resultant flows), natural habitat and environmental concerns. Further guidance on the design and implementation of crossings can be found on SEPA's Construction of River Crossings Good Practice Guide.

3.31 The need for, and information on, abstractions of water supplies for concrete works or other operations should also be identified. The EIAR should identify whether a public or private source is to be utilised. If a private source is to be utilised, full details on the source and details of abstraction need to be provided.

3.32 The applicant will be required to carry out an investigation to identify any private water supplies, including pipework, which may be adversely affected by the development and to submit details of the measures proposed to prevent contamination or physical disruption. Highland Council has some information on known supplies but it is not definitive. An on-site survey will be required.

3.33 It is anticipated that detailed comments will be provided on impacts on the water environment, in particular on buffers to water courses, by SEPA.

3.34 The Council's Flood Risk Management Team have no comment on the scope of the proposed assessment in relation to flood risk and drainage as outlined in the Scoping Report.

3.35 Where there is a demonstrable requirement for peat landslide hazard and risk assessment (PLHRA), the assessment should be undertaken as part of the EIA process to provide the determining authority 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

http://www.gov.scot/Publications/2017/04/8868, should be followed in the preparation of the EIA report, which should contain such an assessment and details of mitigation measures.

Ecology and Ornithology

3.36 The EIAR should provide a baseline survey of the bird and animals (mammals, reptiles, amphibians, etc) interest on site. It needs to be categorically established which species are present on the site, and where, before a future application is submitted. Further the EIAR should provide an account of the habitats present on the proposed development site. It should identify rare and threatened habitats, and those protected by European or UK legislation, or identified in national or local Biodiversity Action Plans. Habitat enhancement and mitigation measures should be detailed, particularly in respect to blanket bog, in the contexts of both biodiversity conservation. Details of any habitat enhancement programme (such as native- tree planting, stock exclusion, etc) for the proposed site should be provided. It is expected that the EIAR will address whether or not the development could assist or impede delivery of elements of relevant Biodiversity Action Plans.

3.37 The presence of protected species such as Schedule 1 Birds or European Protected Species must be included and considered as part of the planning application process, not as an issue which can be considered at a later stage. Any consent given without due consideration to these species may breach European Directives with the possibility of consequential delays or the project being halted by the EC. Please refer to the comments of NatureScot and RSPB in this respect.

3.38 The EIAR should address the likely impacts on the nature conservation interests of all the designated sites in the vicinity of the proposed development. It should provide proposals for any mitigation that is required to avoid these impacts or to reduce them to a level

where they are not significant. NatureScot can also provide specific advice in respect of the designated site boundaries for SACs and SPAs and on protected species and habitats within those sites. The potential impact of the development proposals on other designated areas such as SSSI's should be carefully and thoroughly considered and, where possible, appropriate mitigation measures outlined in the EIAR. NatureScot provide advice on the impact on designated sites.

3.39 If wild deer are present or will use the site an assessment of the potential impact on deer will be required. This should address deer welfare, habitats and other interests.

3.40 The EIAR needs to address the aquatic interests within local watercourses, including down stream interests that may be affected by the development, for example increases in silt and sediment loads resulting from construction works; pollution risk / incidents during construction; obstruction to upstream and downstream migration both during and after construction; disturbance of spawning beds / timing of works; and other drainage issues. The EIAR should evidence consultation input from the local fishery board(s) where relevant.

3.41 Further advice has been provided by NatureScot on ecology and ornithology in relation to the surveys required and the adequacy of the work already undertaken. RSPB have also provided a response highlighting matters related to ornithology.

3.42 The EIAR should include an assessment of the effects on Ground Water Dependent Terrestrial Ecosystems (GWDTE). Please contact SEPA for detailed advice.

3.43 We recommend that you consider the impact your proposal on the proposed Flow Country World Heritage site through the EIA process.

Cultural Heritage

3.44 The EIAR needs to identify all designated sites which may be affected by the development either directly or indirectly. This will require you to identify:

- the architectural heritage (Conservation Areas, Listed Buildings);
- the archaeological heritage (Scheduled Monuments);
- the landscape (including designations such as National Parks, National Scenic Areas, Areas of Great Landscape Value, Gardens and Designed Landscapes and general setting of the development; and
- the inter-relationship between the above factors.

3.45 We would expect any assessment to contain a full appreciation of the setting of these historic environment assets and the likely impact on their settings. It would be helpful if, where the assessment finds that significant impacts are likely, appropriate visualisations such as photomontage and wireframe views of the development in relation to the sites and their settings could be provided. Visualisations illustrating views both from the asset towards the proposed development and views towards the asset with the development in the background would be helpful.

3.46 Historic Environment Scotland (HES) will set out the potential impacts on the setting of assets require consideration.

3.47 The Council's Historic Environment Team are generally satisfied with the information presented in the scoping request will adequately address an impact assessment, updated from 2016 for this proposal. It welcomes that paleoenvironmental impacts will be considered and is content with the methodology proposed.

3.48 There are a large number of heritage assets in the vicinity of the development, these need to be assessed. HES and HET may provided detailed advice on potential setting

impacts.

Noise

Operational Noise

3.49 The applicant will be required to submit a noise assessment with regard to the operational phase of the development. The assessment should be carried out in accordance with ETSU-R-97 “The Assessment and Rating of Noise from Wind Farms” and the associated Good Practice Guide published by the Institute of Acoustics.

3.50 The Council’s Enviormental Health Officer sets out that the noise assessment for the Limekiln Wind Farm Extension proposal considered cumulative noise effects and set out that the simplified ETSU standard of 35 dB LA90 at any noise sensitivie property could be met. He identifies that a simplified cumulative noise condition across any future modified Limekiln Wind Farm and the proposed extension would be preferred. The nosie assessment should accompany a noise assessment demonstrating compliance with a such a condition.

Cumulative Noise

3.51 The noise assessment must take into account the potential cumulative effect from any other existing or consented or, in some cases, proposed wind turbine developments. Where applications run concurrently, developers and consultants are advised to consider adopting a joint approach with regard to noise assessments. The noise assessment must take into account predicted and consented levels from such developments. The good practice guide offers guidance on how to deal with cumulative issues. Where existing development has consented limits higher than suggested above, the applicant should agree appropriate limits with the Council’s Environmental Health Officer.

3.52 The assessment should include a map showing all wind farm developments which may have a cumulative impact and all noise sensitive properties including any for which a financial involvement relaxation is being claimed. The assessment should include a table of figures which includes the following:

- The predicted levels from this development based at each noise sensitive location (NSL) at wind speeds up to 12m/s.
- The maximum levels based on consented limits from each existing or consented wind farm development at each NSL. If any reduction is made for controlling property or another reason, this should be made clear.
- The predicted levels from each existing or consented wind farm development at each NSL.
- The cumulative levels based on consented and predicted levels at each NSL.

The assessment should also include a mitigation scheme to be implemented should noise levels from the development be subsequently found to exceed consented levels.

Noise Exposure

3.53 When assessing the cumulative impact from more than one wind farm, consideration must be given to any increase in exposure time. Regardless of whether cumulative levels can meet relevant criteria, if a noise sensitive property subsequently becomes affected by wind turbine noise from more than one direction this could result in a significant loss of respite.

Background Noise Measurements

3.54 If background noise surveys are required, these should be undertaken in accordance with ETSU-R-97 and the Good Practice Guide. It is recommended that monitoring locations be agreed with the Council's Environmental Health Officer. Where a monitoring locations is to be used as a proxy location for another property, particular care must be taken to ensure it is not affected by other noise sources such as boiler flues, wind chimes, etc. which are not present at that other property.

3.55 Difficulties can arise where a location is already subject to noise from an existing wind turbine development. ETSU states that background noise must not include noise from an existing wind farm. The GPG offers advice on how to approach this problem and in some cases, it may be possible to utilise the results from historical background surveys.

3.56 It is recommended that the developer's noise consultant liaises with Environmental Health at an early stage to discuss any issues regarding the proposed methodology.

Amplitude Modulation

3.57 Research has been carried out in recent years on the phenomenon of amplitude modulation arising from some wind turbine developments. However at this time, the Good Practice guide does not provide definitive Planning guidance on this subject. That being the case, any complaints linked to amplitude modulation would be investigated in terms of the Statutory Nuisance provisions of the Environmental Protection Act 1990.

Construction Noise

3.58 Given the location, construction noise at the turbines sites is unlikely to be an issues at any noise sensitive properties, however, consideration will need to be given to construction traffic.

3.59 Planning conditions are not used to control the impact of construction noise as similar powers are available to the Local Authority under Section 60 of the Control of Pollution Act 1974. However, where there is potential for disturbance from construction noise the application will need to include a noise assessment. A construction noise assessment will be required in the following circumstances:

- Where it is proposed to undertake work which is audible at the curtilage of any noise sensitive receptor, out with the hours Mon-Fri 8am to 7pm; Sat 8am to 1pm; or
- Where noise levels during the above periods are likely to exceed 75dB(A) for short term works or 55dB(A) for long term works. Both measurements to be taken as a 1hr LAeq at the curtilage of any noise sensitive receptor. (Generally, long term work is taken to be more than 6 months).

3.60 If an assessment is submitted it should be carried out in accordance with BS 5228-1:2009 "Code of practice for noise and vibration control on construction and open sites – Part 1: Noise". Details of any mitigation measures should be provided including proposed hours of operation.

3.61 Regardless of whether a construction noise assessment is required, it is expected that the developer/contractor will employ the best practicable means to reduce the impact of noise from construction activities. Attention should be given to construction traffic and the use of tonal reversing alarms.

Traffic and Transport

3.62 THC's Transport Planning Team have reviewed the content of Scoping Report for their

response (attached for information) the response below relates to impacts on the local public road network in Highland. Transport Planning advise that feedback should also be obtained from Transport Scotland on their requirements for the public road they manage.

Construction Traffic Management Plan

3.63 THC Transport Planning will require any application for planning permission associated with this proposal to submit a Construction Traffic Management Plan (CTMP) for the approval of the Planning Authority. A CTMP will normally detail the following issues, however this is not an exhaustive list and the CTMP should be tailored to reflect the issues pertinent to this development:

- Identification of all Council maintained roads likely to be affected by the various stages of the development,
- Predicted volume, type and duration of construction traffic.
- Location of site compound, staff parking and visitor parking.
- Proposed measures to mitigate the impact of general construction traffic and abnormal loads on the local road network following detailed assessment of relevant roads.
- Details of any traffic management signage required for the duration of the construction period.
- Measures to ensure that all affected public roads are kept free of mud and debris arising from the development.
- The developer may also be requested to enter into a Section 96 agreement with the Highland Council to cover any abnormal wear and tear to the Council roads. This will include a requirement for pre and post construction surveys to be undertaken and agreed with the Council and for the provision of a suitable bond.
- If the development involves any abnormal loads a detailed protocol, route and delivery programme will be required and agreed with any interested parties such as Highland Council, the Police, Transport Scotland and community representatives. The protocol shall identify any requirement for convoy working and/or escorting of vehicles and include arrangements to provide advance notice of abnormal load movements in the local media.

Transport Assessment

3.64 THC Transport Planning would generally expect a Transport Assessment to be submitted with any future planning application and a **High National Traffic Forecast** be applied. The information below is not exhaustive and should be used as a guide to submitting all relevant information in relation to roads, traffic and transportation matters arsing from the development proposals, which should be in the form of a Transport Assessment forming part of the EIAR:

1. Identify all public roads affected by the development. In addition to transportation of all abnormal loads & vehicles (delivery of components) this should also include routes to be used by local suppliers and staff. It is expected that the developer submits a preferred access route for the development. All other access route options should be provided, having been investigated in order to establish their feasibility. This should clearly identify the pros and cons of all the route options and therefore provide a logical selection process to arrive at a preferred route.
2. Establish current condition of the roads. This work which should be undertaken by a consulting engineer acceptable to the Council and will involve an

engineering appraisal of the routes including the following:

- Assessment of structural strength of carriageway including construction depths and road formation where this is likely to be significant in respect of proposed impacts, including non-destructive testing and sampling as ,required.
- Road surface condition and profile.
- Assessment of structures and any weight restrictions
- Road widths, vertical and horizontal alignment and provision of passing places
- Details of adjacent communities

3. Determine the traffic generation and distribution of the proposals throughout the construction and operation periods to provide accurate data resulting from the proposed development including
    - Nos. of light and heavy vehicles including staff travel
    - Abnormal loads
    - Duration of works
4. Current traffic flows including use by public transport services, school buses, refuse vehicles, commercial users, pedestrians, cyclists and equestrians.
5. Impacts of proposed traffic including:
    - Impacts on carriageway, structures, verges etc.
    - Impacts on other road users
    - Impacts on adjacent communities
    - Swept path and gradient analysis where it is envisaged that transportation of traffic could be problematic
    - Provision of Trial Runs to be carried out in order to prove the route is achievable and/or to establish the extent of works required to facilitate transportation.
6. Cumulative impacts with other developments in progress and committed developments including other Renewable Energy projects.
7. Proposed mitigation measures to address impacts identified in 5 above, including:
    - Carriageway strengthening
    - Strengthening of bridges and culverts
    - Carriageway widening and/or edge strengthening
    - Provision of passing places
    - Road safety measures
    - Traffic management including measures to be taken to ensure that development traffic does not use routes other than the approved routes.
8. Details of residual effects.

The scope of effects on the Trunk Road Network should be considered following

consultation with Transport Scotland.

Socio-Economic, Tourism and Recreation

3.65 The EIAR should estimate who may be affected by the development, in all or in part, which may required individual households to be identified, local communities or a wider socio economic groupings such as tourists and tourist related businesses, recreational groups, economically active, etc. The application should include relevant economic information connected with the project, including the potential number of jobs, and economic activity associated with the procurement, construction, operation and decommissioning of the development.

3.66 Estimations of who may be affected by the development, in all or in part, which may required individual households to be identified, local communities or a wider socio economic groupings such as tourists and tourist related businesses, recreational groups, economically active, etc should be included. The application should include relevant economic information connected with the project, including the potential number of jobs, and economic activity associated with the procurement, construction, operation and decommissioning of the development. In this regard wind farm development experience in this location should be used to help set the basis of likely impact. This should set out the impact on the regional and local economy, not just the national economy. Any mitigation proposed should also address impacts on the regional and local economy.

3.67 The site is on land with access rights provided by the Land Reform Scotland Act. The potential impact on and mitigation for public access should be assessed incorporating core paths, public rights of way, long distance routes, other paths and wider access rights across the site. There are core paths and public rights of way in this area which are likely to be affected during construction and operational phases.

3.68 An Access Management Plan is required to be submitted with the application. A developments impact on public access is habitually included in this section. Guidance on assessing that impact as part of an EIA in Appendix 6 of this document:

https://www.nature.scot/sites/default/files/2018-05/Publication%202018%20-%20Environmental%20Impact%20Assessment%20Handbook%20V5.pdf

This must consider the construction and operational impacts of the proposed development and how these will be managed.

3.69 While the Scoping Report and an eventual EIA may include impacts on elements of outdoor access assessed under other headings it is considered that all the impacts on outdoor access should all be brought together here in a comprehensive assessment of the proposals visual and physical impacts on outdoor access during the preparatory, construction, operational and post-operational phases. Those impacts, along with the mitigation measures, will inform an Outdoor or Access Management Plan which should be submitted with an application as per the requirements of HwLDP Policy 77 Outdoor Access. If not, it the Council will ask for a suspensive condition requiring that one be submitted to and approved in writing by the Planning Authority prior to any work starting on site.

3.70 Considering the potential for this proposal to have significant negative visual and physical impacts on many forms of outdoor access across all phases of the development it is recommend a similarly significant range of mitigation measures.

3.71 Other forms of mitigation will include the accommodation and management of public access across the site in order to minimise any potential negative impacts and maximise benefits to outdoor access. For example all existing paths like core paths, public rights of way Long Distance Routes and trails like the North Coast 500 and National Cycle Network should be accommodated before, during and after construction and any damage

done to their surfaces be protected and/or repaired at regular intervals throughout an extended construction period and reinstated on or by completion of the project to the satisfaction of those managing those routes.

Aviation, Radar and Telecoms

3.72 The EIAR needs to recognise community assets that are currently in operation for example TV, radio, tele-communication links, aviation interests including radar, MOD safeguards, etc. In this regard the applicant, when submitting a future application, will need to demonstrate what interests they have identified and the outcomes of any consultations with relevant authorities such as Ofcom, NATS, BAA, CAA, MOD, Highlands and Islands Airports Ltd, etc. through the provision of written evidence of concluded discussions / agreed outcomes. We consider the results of these surveys should be contained within the EIAR to determine whether any suspensive conditions are required in relation to such issues.

3.73 There should be continued dialogue with HIAL over the impact on the radar at airports in the area and the information gathered through the original application and the approach to satisfaction of conditions should be utilised here.

3.74 If there are no predicted effects on communication links as a result of the development, the EIAR should still address this matter by explaining how this conclusion was reached.

Miscellaneous: Health and Safety, Shadow Flicker and Forestry

3.75 The EIAR needs to address all relevant climatic factors which can greatly influence the impact range of many of the preceding factors on account of seasonal changes affecting, rainfall, sunlight, prevailing wind direction etc. From this base data information on the expected impacts of any development can then be founded recognising likely impacts for each phases of development including construction, operation and decommissioning. Issues such as dust, air borne pollution and / or vapours, noise, light, shadow-flicker can then be highlighted. Consideration must also be given to the potential health and safety risks associated with lightning strikes and ice throw given the proximity of recreational routes through the site.

3.76 Depending on the proximity of the working area to any houses etc. the applicant may require to submit a scheme for the suppression of dust during construction. Particular attention should be paid to construction traffic movements and routing.

3.77 A number of the aforementioned matters could be addressed by a CEMD for the proposal. While acceptable in principle we would request that an Outline CEMD is included with the application.

<u>Forestry</u>

3.78 The proposed turbine site itself will effect tree cover and woodland management. It is considered there may be alterations required from the approved forst management plan and compensatory planting scheme for the approved scheme as a result of the modifications to the scheme. *Any felling required will be taken into account in calculating the carbon balance of the Proposed Development, and consideration will be given to any required replanting under the Scottish Government's Policy on Control of Woodland Removal.'*

3.79 It is advised that a specific chapter on forestry is included in the EIAR where there is likely to be an adverse impact on woodland. The EIAR should provide a baseline survey of the plants (including fungi, lichens and bryophytes) and trees present on the site to determine the presence of any rare or threatened species. The EIAR should indicate areas of

woodland / forestry plantation which may by felled to accommodate new development (including the access), including any off site works / mitigation. Compensatory woodland is a clear expectation of any proposals for felling, and thereby such mitigation needs to be considered within any assessment.

3.80 If trees are to be removed, compliance with the Scottish Government's Control of Woodland Removal Policy must be demonstrated. Areas of retained forestry or tree groups should be clearly indicated and methods for their protection during construction clearly described. Consideration must be given to the full area required for the construction access road through trees / woodlands and the impacts on these identified. Any areas of woodland listed in the Ancient Woodland Inventory should be safeguarded from adverse impacts. Further as part of habitat management proposals and to offset the carbon of the construction process, it is considered that areas of woodland should be planted.

4.0 Significant Effects on the Environment

4.1 Leading from the assessment of the environmental elements the EIAR needs to describe the likely significant effects of the development on the environment, which should cover the direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects of the development, resulting from:

- the existence of the development;
- the use of natural resources; and
- the emission of pollutants, the creation of nuisances and the elimination of waste.

4.2 The potential significant effects of development must have regard to:

- the extent of the impact (geographical area and size of the affected population);
- the trans-frontier nature of the impact;
- the magnitude and complexity of the impact;
- the probability of the impact; and
- the duration, frequency and reversibility of the impact.

4.3 The effects of development upon baseline data should be provided in clear summary points.

4.4 The Council requests that when measuring the positive and negative effects of the development a four point scale is used advising any effect to be either strong positive, positive, negative or strong negative.

4.5 The applicant should provide a description of the forecasting methods used to assess the effects on the environment.

5.0 Mitigation

5.1 Consideration of the significance of any adverse impacts of a development will of course be balanced against the projected benefits of the proposal. Valid concerns can be overcome or minimised by mitigation by design, approach or the offer of additional features, both on and off site. A description of the measures envisaged to prevent, reducing and where possible offset any significant adverse effects on the environment must be set out within the EIAR statement and be followed through within the application for development.

5.2 The mitigation being tabled in respect of a single development proposal can be manifold. Consequently the EIAR should present a clear summary table of all mitigation measures associated with the development proposal. This table should be entitled draft Schedule of

Mitigation. As the development progresses to procurement and then implementation this carries forward to a requirement for a Construction Environmental Management Document (CEMD) and then Plan (CEMP) which in turn will set the framework for individual Construction Method Statements (CMS). Further guidance can be obtained at:

http://www.highland.gov.uk/NR/rdonlyres/485C70FB-98A7-4F77-8D6B-ED5ACC7409C0/0/construction_environmental_management_22122010.pdf

This is currently under review by a working party led by SEPA working through Heads of Planning Scotland but for the time being remains relevant.

5.3 The implementation of mitigation can often involve a number of parties other than the developer. In particular local liaison groups involving the local community are often deployed to assist with phasing of construction works – abnormal load deliveries, construction works to the road network, borrow pit blasting. It should be made clear within the EIAR or supporting information accompanying a planning application exactly which groups are being involved in such liaison, the remit of the group and the management and resourcing of the required effort.

If you would like to discuss this scoping consultation response please contact me using the details at the top of this letter.

Yours sincerely,

Simon Hindson

Team Leader - Strategic Projects Team

Consultee Comments for Planning Application 21/01373/SCOP

Application Summary

Application Number: 21/01373/SCOP

Address: Land 2870M SE Of Borlum House Reay

Proposal: Limekiln Wind Farm - Amendments to Section 36C application: increase to the blade tip height to make all turbines a maximum blade tip height of 149.9m; relocating internal tracks and the construction compound; removal of one borrow pit

Case Officer: Simon Hindson

Consultee Details

Name: . FLOOD RISK MANAGEMENT TEAM

Address: The Highland Council Headquarters, Glenurquhart Road, Inverness IV3 5NX

Email: Richard.Bryan@highland.gov.uk

On Behalf Of: D & I Flood Team

Comments

The Flood Team does not wish to comment

The Highland Council
Comhairle na Gàidhealtachd

Consultation Response for

Historic Environment Team (Archaeology)

Application Name	Limekiln Wind Farm, Amendments to S36 application
Planning Reference	21/01373/SCOP
Planning Case Officer	Simon Hindson
Date of Response	13/04/2021

I am generally satisfied that the information presented in the scoping request will adequately address an impact assessment, updated from 2016, for this proposal. I am pleased to see that paleoenvironmental impacts will be considered. The methodology as set out in Section 9 of the Scoping Report is acceptable. Where impacts are unavoidable, HET expect proposed methods to mitigate this impact to be discussed in detail.

Please let me know if you need anything further at this stage.

Name	Kirsty Cameron, Archaeologist		
Email	kirsty.cameron@highland.gov.uk	Phone	REDACTED

MEMORANDUM

To:	Area Planning Manager, North FAO: Simon Hindson
From:	Transport Planning
Subject:	Extension to Limekilns Wind Farm, Reay, Thurso
Date:	06.04.21
Our ref:	
Your ref:	20/01373/SCOP
Please ask for:	FM

We refer to the drawings and documentation submitted in respect of the above scoping request.

We note the content of the submitted Scoping Report; however, the attached pre-application consultation response, 21/00791/PREMAJ, essentially sets out our requirements for any subsequent planning application.

We would, therefore, refer the applicant to this pre-application advice.

Planning Ref:	21/00791/PREMAJ
Proposal Name	Limekiln Wind Farm, Reay
Your Organisation	Highland Council, Transport Planning
Your Name	Fred McIntosh
Your Position	Development Support Officer
Email	fred.mcintosh@highland.gov.uk

Response
Topic Transport - Impacts on Local Road Network

Development Proposed
To amend the internal layout of the consented development in association with the use of larger turbines. Turbines of 149.9m tip height are proposed compared to the lesser tip heights detailed in the original consent, ref. 16/02752/S36.

Traffic and Transport
Regarding the interests of the Council, as local roads authority, there are no objections in principle to the changes proposed, provided further assessment of transport impacts is carried out and appropriate mitigation provided.
The impact of the amended scheme during the construction phase should be carefully considered, taking account of the larger turbines proposed, traffic generated, and base conditions on the routes to the site. Measures to mitigate the impact of construction traffic shall be proposed in consultation and agreement with the Council, as local roads authority.
A revised Transport Assessment (TA) will be necessary and the Transport Management Plan (TMP) required by the original consent shall be updated accordingly.
Within the TA further assessment of the route to site for abnormal loads will be required.
Early consultation with the Council's Structures Section is recommended with regard to affected Council maintained structures on the routes to the site; and with the local Roads Operations Manager regarding appropriate mitigation measures on those routes.
Cumulative impact with any other developments in progress or committed, including other renewable energy projects, shall be considered in the TA.
The updated TMP shall relate to all construction traffic and be prepared by the applicant in consultation and agreement with the Police, Transport Scotland and Highland Council.

Section 96 Agreement
There will remain a risk of damage to Council maintained roads from development related traffic. 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, therefore, be required. The agreement, if required, shall include an appropriate financial security.

Useful contacts:

Structures - Simon Farrow, Principal Engineer
Simon.farrow@highland.gov.uk Tel. REDACTED

Traffic Data - Greg Otreba, Senior Technician
grzegorz.Otreba@highland.gov.uk Tel. REDACTED

Roads Operations Manager - Joanne Sutherland
joanne.sutherland@highland.gov.uk Tel. REDACTED

Assessments to be carried out and/or submitted with application			
Abnormal Load Assessment	X	Open Space Strategy	
Access Management Plan		Operational Noise Assessment	
Arboricultural Impact Assessment		Peat Management Plan	
Archaeological Site Investigations		Planning Statement	
Assessment of Impact on Historic Environment		Pre-Application Consultation Report	
Aviation Impact Assessment		Private Water Supplies	
Borrowpit Management Plan		Protected Habitat Survey	
Carbon Balance Assessment		Protected Species Survey	
Compensatory Planting Plan		Restoration / Decommissioning Plan	
Construction Noise Assessment		Retail Impact Assessment	
Construction Traffic Management Plan	X	Schedule of Mitigation	X
Contaminated Land Report		Shadow Flicker Assessment	
Design and Access Statement		Street Elevations	
Development Brief		Structural Survey	
Drainage Impact Assessment		Sustainable Design Statement	
Dust Survey		Swept Path Analysis	X
Electric Car Charging Strategy		Transport Assessment	X
Flood Risk Assessment		Transport Statement	
Forest Residual Waste Strategy		Tree Constraints Plan	
GWDTE Assessment		Tree Protection Plan	
Habitat Management Plan		TV / Radio Impact Assessment	
Landscape and Visual Impact		Vibration Assessment	
Landscape Maintenance/Management Plan		Visualisations	
Landscape Plan		Waste Strategy	
Masterplan		Other (Please Specify):	

Please attach any additional information as a separate file and upload via Consultee Access

Scoping Application
Environmental Health Response

Planning Ref:	21/01373/SCOP |
Proposal Name	Limekiln Wind Farm - Amendments to Section 36C application: increase to the blade tip height to make all turbines a maximum blade tip height of 149.9m; relocating internal tracks and the construction compound; removal of one borrow pit | Land 2870M SE Of Borlum House Reay
Your Organisation	Highland Council
Your Name	Robin Fraser
Your Position	Environmental Health Officer
Email	Robin.fraser@highland.gov.uk
Date	6 April 2021

Response
Topic Amenity - Noise - Operational
Operational Noise The proposed development is an amendment to a consented wind farm 16/02752/S36. The main change from an EH point of view is the proposal to use larger turbines. The existing consent has a noise condition attached and I understand that the proposed changes would not affect that. I understand that a separate application for an extension (20/01905/S36) is also currently in the planning system. The noise assessment for that application concluded that cumulative noise from both developments would meet the simplified ETSU standard of 35dB LA90 at any noise sensitive property. My understanding is that the proposal for both developments, should consent be obtained, is to have the same cumulative noise condition attached which would significantly simplify things. Any application should be accompanied by a noise assessment demonstrating compliance with such a condition.
Construction Noise A construction noise assessment was submitted for the previous application and I do not anticipate there will be any significant changes to the assessment as a result of the proposed alterations. Given the separation distance it is unlikely that construction noise at the turbine sites will result in significant noise issues and that aspect can be scoped out. However, the intended access route runs in close proximity to a noise sensitive property at Milton and I understand that works to upgrade the road will also be required at this point. Planning conditions are not normally used to control construction noise as this Service has similar powers under the Control of Pollution Act 1974 (COPA). It is expected that the best practicable measures to reduce the impact of noise will be implemented at all times and I note the applicant has identified proposed mitigation measures in the previous EIA.

To clarify, should complaints arise, this Service would be required to undertake an investigation under COPA therefore, it is recommended that the developer liaises with residents at an early stage in order to agree on working practices to reduce the likelihood of complaints.

For the avoidance of doubt, this Service would expect that construction activities, for which noise is audible at the curtilage of any noise sensitive property shall be restricted to between 7am – 7pm Monday to Friday and 7am to 1pm Saturdays. However, should complaints arise about noise arising from HGV traffic or from the proposed works to the access road, it may be necessary to further restrict the permitted hours of construction or HGV movements.

Private Water Supplies

The previous EIA identified a low potential risk to the PWS serving Loanscorribest in the event of an unplanned pollution incident. The EIA referred to a proposed monitoring plan and a Pollution Incident Response Plan which would detail the measures that would be undertaken to ensure that an alternative wholesome supply of water could be provided for Loanscorribest in the event that the PWS becomes polluted as a result of the proposed activities.

I understand condition 33 of the previous consent required the submission of a method statement and monitoring plan prior to commencement of development. I'm not sure if that was ever submitted but for the avoidance of doubt it is expected that this would accompany any future application.

Dust

Condition 18 of the previous consent required a construction method statement to be submitted which included a dust management plan. I don't know if this was ever submitted but for the avoidance of doubt it is expected that any application would be accompanied by a scheme for the suppression of dust.

Assessments to be carried out and/or submitted with application	
Operational noise assessment	Update
Detailed construction noise assessment	No
Construction noise – scheme of best practicable means	Yes
Dust suppression scheme	Yes
Private water supply survey/mitigation scheme	Yes
Odour impact assessment	No
Other	No

Please attach any additional information as a separate file and upload via Consultee Access

Zalushki
Reay
Caithness
KW14 7RE

8th April 2021

Highland Council e Planning
Sent by email: epc@highland.gov.uk

Energy Consents Unit
Sent by e mail: Econsents_admin@gov.scot

Dear Sirs,

Scoping Opinion for Limekiln Windfarm 36C Variation – 21/01373/SCOP

Thank you for the opportunity to provide input to the above. Caithness West Community Council wishes to make the following points;

1. We are very disappointed to see the proposals for such a significant change to the consented scheme. We are not familiar with the detailed planning legislation that would allow this to be considered as a variation. The addition of 5 new turbines (Limekiln extension), an increase of height to 150m and an extension from 25 to 40 operational years, would seem to be such a fundamental change, that we struggle to understand why it does not have to be considered in its entirety as a new scheme.

2. The scoping report refers to the increased turbine height as "relatively modest". We would disagree that an increase of heights of 10m and 20m could be described as modest. The average height of a house in the UK is 10m – adding two house heights to the consented 129m turbines could never reasonably be considered modest.

3. The scoping report fails to specify exactly which model of turbine the developers propose to use. Both Nordex N133 and Vestas V117 are mentioned but the actual power output is not specified, so turbines could be up to 4.8MW with rotor diameter up to 136m, compared to 82m approved. The swept area of each turbine – what catches the eye - could be 275% of what has been consented. The variation proposed is not simply an increase in turbine height, but is an attempt to change the windfarm well beyond anything already consented. This is completely unacceptable.

4. The EIS for the consented scheme acknowledged the significant detrimental impacts to residential amenity in Reay and allegedly mitigated this by siting the higher (139m) turbines furthest south. Throughout the two public enquiries much was made of the "sensitive siting" of turbines in relation to their height and land topography. We therefore cannot understand why it would now be proposed as acceptable to increase the height of all turbines to 150m.

5. The consented scheme also acknowledged the impacts of the development on Wild Land Area 39. Again, we cannot accept that such a significant increase in height would not have further detrimental impacts to WLA 39.

6. The developer's recent newsletter to Reay residents cited the impact on tariffs to developments furthest away from electricity demand as being one of the key reasons for the increase in turbine height. We would strongly contest that the economics of a development is not a material planning consideration. If the consented scheme is no longer economically viable, then the development is in the wrong place. Residents in Reay and other far north communities should not have to suffer ever increasing turbine heights in order to make developments viable.

7. If such a dramatic variation to the scheme is deemed acceptable, it sends a clear signal that the planning process can be easily manipulated through incremental scope changes. It is analogous to applying for permission to build a bungalow, knowing full well a block of flats is what's intended.

We would therefore trust that the planning authorities provide a very clear and robust rebuttal of the proposals in the scoping report.

Yours faithfully,

Jillian Bundy,

Chair

Defence Infrastructure Organisation

Jill Roberts
Assistant Safeguarding Manager
Ministry of Defence
Safeguarding – Wind Energy
Kingston Road
Sutton Coldfield
West Midlands B75 7RL
United Kingdom

MOD Telephone: REDACTED
E-mail: Jillian.roberts156@mod.gov.uk

Your Reference: ECU00003235

Our Reference: DIO14564

Lee Crosbie
Scottish Government
Energy Consents Unit
4th Floor
5 Atlantic Quay
150 Broomielaw
G2 8LU

21 April 2021

Dear Lee

Site Name: Limekiln Wind Farm

Proposal: REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36C APPLICATION FOR LIMEKILN WIND FARM SECTION 36C VARIATION

- **Increase the height of all turbines from 139 metres to 149.9 metres;**
- **Reroute certain access tracks;**
- **Removal of one borrow pit**
- **Increase the operational period from 25 years to 40 years;**
- **Relocate the construction compound and increase its size from (100m x 100m) to (150 x 100m).**

Site Address: Near Reay in Caithness

Thank you for consulting the Ministry of Defence (MOD) relating to the above S36 scoping opinion variation received by this office on 25 March 2021. The proposed development seeks to vary the existing consent for Limekiln Wind Farm.

I am writing to inform you that subject to the provision of appropriate lighting, the MOD has no concerns in relation to the proposal.

The consultation relates to a consented scheme for 21 turbines to be increased from 139.00 metres to 149.900 metres to blade tip above ground level (AGL) The scheme has been assessed using the grid references below as submitted in the consultation.

Turbine	Easting	Northing
22	298,458	961,951
23	298,785	961,581
25	296,988	961,338
26	297,552	961,453
27	298,118	961,260
30	299,161	961,256
31	297,093	960,848
32	297,731	960,965
33	298,265	960,800
35	298,659	961,115
36	299,273	960,386
42	297,270	960,386
43	297,751	960,475
44	298,367	960,322
51	298,779	960,595
54	297,607	960,006
55	298,078	959,956
56	298,809	960,117
57	299,328	960,196
60	298,510	959,713
61	299,015	959,669
27	298,118	961,260
30	299,161	961,256

Military Low Flying

In the interests of air safety, the MOD will request that the development should be fitted with MOD accredited aviation safety lighting. The perimeter turbines should be fitted with 25 candela omni-directional red lighting or infrared lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point, and cardinal turbines be fitted with 25 candela omni-directional red lighting or infrared Combi lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point.

The principal safeguarding concerns of the MOD with respect to this development of wind turbines relates to their potential to create a physical obstruction to air traffic movements.

Defence Infrastructure Organisation Safeguarding wishes to be consulted and notified of the progression of planning applications and submissions relating to this proposal to verify that it will not adversely affect defence interests.

If planning permission is granted, we would like to be advised of the following prior to commencement of construction;

- the date construction starts and ends;
- the maximum height of construction equipment;
- the latitude and longitude of every turbine.

This information is vital as it will be plotted on flying charts to make sure that military aircraft avoid this area.

If the application is altered in any way we must be consulted again as even the slightest change could unacceptably affect us.

I trust this adequately explains our position on the matter. Further information about the effects of wind turbines on MOD interests can be obtained from the following website:

Further information about the effects of wind turbines on MOD interests can be obtained from the following websites:

MOD: https://www.gov.uk/government/publications/wind-farms-ministry-of-defence-safeguarding

Yours sincerely

REDACTED

Jill Roberts
Assistant Safeguarding Manager
Defence Infrastructure Organisation

Lee Crosbie
Energy Consents Unit
Email: Econsents_Admin@gov.scot

Date: 23rd April 2021

Dear Mr Crosbie,

Limekiln Wind Farm Section 36C Variation Application – Request for Scoping Opinion, Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017).
ECU ref: ECU00003235

Thank you for consulting RSPB Scotland on the scoping request in relation to the section 36c variation proposal for Limekiln wind farm.

RSPB Scotland is supportive of the use of renewable energy, but wind farms must be carefully designed to avoid negative impacts on sites and species of highest conservation concern. We are facing climate and ecological emergency and RSPB Scotland believes that development should leave nature in a better state than before it took place.

RSPB Scotland did not object to the original Limekiln application in 2013, nor the re-submitted application in 2016, though concern was expressed over potential impacts on golden eagle. However, RSPB Scotland has an outstanding objection to the S36 application for Limekiln Extension windfarm (currently being examined by the DPEA, reference WIN -270-13). This objection relates to common scoter, which is discussed below.

It is noted that that the variation sought would:

- Increase the height of all turbines to 149.9m (from 126m and 139m)
- Re-route certain access tracks;
- Remove one borrow pit;
- Increase the operational period from 25 years to 40 years;
- Relocate the construction compound and increase its size from (100m x 100m) to (150 x 100m).

We largely agree with the content in the Scoping Report but have a number of comments, outlined below.

New bird surveys

The Scoping Report states in section 6.1 that "A significant amount of bird data has been collected for the Revised Consented Development site and surrounding area since 2010." NatureScot guidance[1] states that survey data from previous EIAs can be used providing that "the data are reliable and not too dated (collected within the last 5 years or within 3 years if the populations of key species are known to be changing rapidly)." However, the report does not specify what surveys for what species have been undertaken and when, and therefore it is not clear whether the data meets these criteria.

Any data collected prior to 2016 should now be considered expired but could be used for contextual purposes. If there is not two full years of data available to inform a new impact assessment on birds from

[1] NatureScot 2017: https://www.nature.scot/recommended-bird-survey-methods-inform-impact-assessment-onshore-windfarms

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2016 or after, new bird surveys should be commissioned in order to inform an updated assessment, and should include Vantage Points and Breeding Bird Surveys, as well as specific monitoring of divers, raptors and eagles, as per NatureScot guidance[1].

Assessment of impacts

It is appreciated that the proposal is to vary an existing consent and it is noted that the EIA report is required to include the main respects in which the likely significant effects of the proposed varied development would differ from those described in the environmental statement prepared in connection with the Section 36 consent for Limekiln. However, Scottish Government Guidance[2] also makes it clear that in determining whether there would be significant adverse effects, consideration needs to be given both to the effects of the change itself, and to the overall or cumulative impact of the proposed variation. It is also noted that Scottish Ministers expect that identification of the significant effects on the environment of the proposed varied development would be carried out taking into account current knowledge and methods of assessment.

Therefore, the assessment of impacts should include the effects of the proposed varied development and the difference in impact between the consented scheme and the proposed varied development.

For example, in relation to ornithological impacts, due to the proposed increase in 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 NatureScot methodology and incorporating any new data that the Applicant will have collected by that time. Significant effects on disturbance, displacement, loss of suitable habitat (breeding, wintering and foraging), and barrier effects should also be assessed for all relevant species, both during construction and operation. This should not only include impacts from the wind turbines but also new tracks and infrastructure as well as any existing road widening or upgrades.

Golden eagle

As stated in RSPB Scotland's previous letters in relation to Limekiln wind farm, we raised concerns that predicted impacts on golden eagles were underestimated. Impacts on the SPA population should be quantified in order to fully appraise the scheme in combination with other developments. Particularly, the EIAR should examine the impacts from risk of disturbance and displacement from the eastern part of the eagles' territory and the reduction of regular foraging areas, as well as the risk of increased collisions due to tree felling temporarily providing open areas for foraging.

We recommend undertaking a "no forestry" Predicting Aquila Territory (PAT) model in order to assist with the assessment of the effect of likely changes in forestry cover and habitat on golden eagle behaviour, and the implications in relation to the impacts of the proposed wind farm.

Common scoter

Since the original scheme was consented, we have increasingly become concerned regarding the potential impacts on common scoter, particularly the potential of collision with turbines during the hours of darkness when scoter migrate to breeding lochs on the SPA south of the site boundary. This was our remaining objection point for the Limekiln extension wind farm.

Wildfowl often migrate at night and therefore the Vantage Point surveys undertaken to date are unlikely to have recorded them, which could result in an unreliable collision risk assessment. There is very little understanding about movements of, and routes used by, the Flows scoter population. Scoter have been known to feed at sea during the breeding season and it is possible that birds breeding in the Caithness and Sutherland Peatlands SPA could commute through the proposal site, increasing the likelihood of collision risk. Therefore, we advise that scoter records from across the Flow Country are requested from RSPB Scotland to help assess this risk. The species should also be included in the surveys of lochs within 2km.

[2] Scottish Government (2019) Guidance Note: Applications for variation of section 36 consents

We would strongly recommend undertaking nocturnal surveys where possible, using vertical radar coupled with acoustic recorders, remote camera and surveyor observations during the breeding and migration seasons to make a more accurate assessment of the risk that birds breeding in the Caithness and Sutherland Peatlands SPA could commute/migrate through or around the proposal site, increasing the likelihood of collision risk and barrier effects. We understand the cost implications of this and believe that a strategic approach is needed. Potentially, developers of wind farms across the Flow Country could collaborate as this issue has also been raised a number of times in RSPB Scotland responses.

General comments

We recommend that information is provided within the EIA report to demonstrate that the survey data are adequate, robust and accurate including:

- Full information on the VP work undertaken, including dates, times and weather conditions
- Maps showing VP locations that also denote viewsheds (we note Figure 9 of the scoping report does not include these).
- Maps showing raptor foraging areas
- Worked example(s) of collision risk calculations
- Provision of raw data in order independent verification of collision risk calculations

Cumulative Impacts

We are increasingly concerned about the cumulative effects on birds as a result of the high number of operational, consented and planned wind farm developments across the Flow Country. A robust cumulative assessment of collision risk, disturbance, displacement and barrier effects should take account of all operational, consented and proposed wind energy schemes that could impact on bird populations of the relevant NHZ (The Peatlands of Caithness and Sutherland), the adjacent Caithness and Sutherland Peatlands SPA and nearby Caithness Lochs SPA.

The in-combination effect of other relevant plans or projects, such as the Sutherland spaceport and overhead line grid connections at Limekiln, Strathy Wood and Creag Riabhach, should also be considered.

Peatland

We note that peat depths on site range from 0.1m to 4.2m with the majority of the Development Site underlain by peat depths <1.0m.The larger foundations and hardstandings (supporting the larger turbines) would likely result in more peat extraction than the Consented Scheme.

As noted above, the EIAR should include the main respects in which the likely significant effects on the environment of the proposed varied development are considered to differ from those described in the environmental statement for Limekilns section 36 consent; but consideration also needs to be given to the effects of the change itself, and to the overall or cumulative impact of the proposed variation.

The number of cubic metres of peat to be extracted should be updated within the new EIAR. The proposed end use of any extracted peat should be clearly set out e.g. for track reinstatement or ditch blocking as part of bog restoration. Clear plans should demonstrate how any extracted and stored peat would be managed.

Detailed plans for bog and peatland restoration to offset any losses should be provided in addition to details of how the impacts of the permanent infrastructure and drainage will be mitigated.

Lastly, an updated carbon assessment and carbon payback calculation should be carried out.

Post-construction monitoring and Habitat Management Plan

We are pleased that the Habitat Management Plan (HMP) and Species Protection Plan (SPP) are to be revised as part of the EIA. However, we are concerned that outline proposals for peatland restoration are to be developed after construction and felling activities are completed. All outline plans should be submitted with the application, including any proposals for mitigation/enhancement in relation to important habitats

and species, including an indication of size of areas to be restored. We would recommend actions such as maximising the removal of forestry on deep peat and maximising bog restoration to increase biodiversity and climate benefits.

We understand that arrangements are in place for required compensatory planting due to the permanent woodland loss associated with the Consented Development. We have been in touch with the developer regarding this new planting scheme. If any further compensatory planting is required to for the Proposed Varied Development, early consultation should be sought as further surveys and assessment may be required depending on the locations selected.

Lastly, the HMP should also include proposals for post-construction monitoring for collision mortality and breeding birds.

We hope you find these comments helpful. Should you wish to discuss of any of the above please do not hesitate to contact me.

Yours sincerely,

REDACTED

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The Scottish Government
Energy Consents Unit

Scoping Opinion On Behalf Of Scottish Ministers Under The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017

Limekiln Wind Farm Variation

Limekiln Wind Limited
11/05/2021

CONTENTS

1. Introduction

1.1 This scoping opinion is issued by the Scottish Government Energy Consents Unit on behalf of the Scottish Ministers to Limekiln Wind Limited, a company incorporated under the Companies Acts with company number 08074755 ("the Company"), in response to a request dated 05 March 2021 for a scoping opinion under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 in relation to the proposed Limekiln Wind Farm Variation ("the proposed development"). The request was accompanied by a scoping report.

1.2 The proposed development would be located 1.5 km to the south of the Village of Reay and 3 km south/south west of the Dounreay Nuclear Power Station, in Caithness within the Planning Authority area of the Highland Council.

1.3 The proposed Development is a variation to the existing consent granted to Limekiln Wind Farm ("the Consented Development") in 2019. The proposed Development would comprise the construction and operation of up to 21 wind turbines in the same locations as those of the Consented Development, with an increased height resulting in all turbines having a ground to blade tip heights of up to 149.9 metres. Further changes to the Consented Development primarily involve the omission of the western borrow pit, rerouting the access tracks away from the existing Core Path and moving the construction compound to the south as shown on Figure 1.1 of the Scoping Report. . In addition to wind turbines there will be ancillary infrastructure including:

- Access tracks connecting infrastructure elements;
- A vehicular access point from the public highway;
- Hard standing areas e.g. crane pads;
- On site power collection system (transformers and underground cables);
- Control building and substation compound;
- Construction compound; and
- One borrow pit.

1.4 The Company indicates the proposed development would be decommissioned after 40 years and the site restored in accordance with the decommissioning and restoration plan.

1.5 The proposed development is solely within the planning authority of Highland Council.

2. Consultation

2.1 Following the scoping opinion request a list of consultees was agreed between Infinergy (acting as the Company's agent) and the Energy Consents Unit. A consultation on the scoping report was undertaken by the Scottish Ministers and this commenced on 18 March 2021. The consultation closed on 12 April 2021**.** Extensions to this deadline were granted to The Highland Council, RSPB and the Defence Infrastructure Organisation (MOD). The Scottish Ministers also requested responses from their internal advisors Transport Scotland and Scottish Forestry. Standing advice from Marine Scotland Science (MSS) has also been provided with requirements to complete a checklist prior to the submission of your application. A full list of consultees is set out at **Annex A.**

2.2 The purpose of the consultation was to obtain scoping advice from each consultee on environmental matters within their remit. Responses from consultees and advisors, including the standing advice from MSS, should be read in full for detailed requirements and for comprehensive guidance, advice and, where appropriate, templates for preparation of the Environmental Impact Assessment (EIA) report.

2.3 Unless stated to the contrary in this scoping opinion, Scottish Ministers expect the EIA report to include all matters raised in responses from the consultees and advisors.

No responses were received from,

- SEPA
- Caithness Distric Slamon Fishery Board
- Civil Aviation Authority - Airspace
- Crown Estate Scotland
- Joint Radio Company
- John Muir Trust
- Mountaineering Scotland
- Scottish Rights of Way and Access Society (ScotWays)
- Scottish Wildlife Trust
- Visit Scotland
- Flow Country Rivers Trust
- Scottish Wild Land Group (SWLG)
- Reay Area Windfarm Opposition Group

2.4 With regard to those consultees who did not respond, it is assumed that they have no comment to make on the scoping report, however each would be consulted again in the event that an application for section 36C consent is submitted subsequent to this EIA scoping opinion.

2.5 The Scottish Ministers are satisfied that the requirements for consultation set out in Regulation 12(4) of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 have been met.

3. The Scoping Opinion

3.1 This scoping opinion has been adopted following consultation with The Highland Council, within whose area the proposed development would be situated, NatureScot (previously "SNH"), Scottish Environment Protection Agency and Historic Environment Scotland, all as statutory consultation bodies, and with other bodies which Scottish Ministers consider likely to have an interest in the proposed development by reason of their specific environmental responsibilities or local and regional competencies.

3.2 Scottish Ministers adopt this scoping opinion having taken into account the information provided by the applicant in its request dated 05 March 2021 in respect of the specific characteristics of the proposed development and responses received to the consultation undertaken. In providing this scoping opinion, the Scottish Ministers have had regard to current knowledge and methods of assessment; have taken into account the specific characteristics of the proposed development, the specific characteristics of that type of development and the environmental features likely to be affected.

3.3 A copy of this scoping opinion has been sent to The Highland Council for publication on their website. It has also been published on the Scottish Government energy consents website at www.energyconsents.scot.

3.4 Scottish Ministers expect the EIA report which will accompany the application for the proposed development to consider in full all consultation responses attached in **Annex A and Annex B**.

3.5 Scottish Ministers are satisfied with the scope of the EIA set out at paragraph 3.21 of the scoping report, however would request that the Company consider further the inclusion of a noise assessment in line with the Highland Councils request.

3.6 In addition to the consultation responses, Ministers wish to provide comments with regards to the scope of the EIA report. The Company should note and address each matter.

3.7 Scottish Ministers request that the company contacts Scottish Water (via EIA@scottishwater.co.uk) and makes further enquires to confirm whether there 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.

3.8 Scottish Ministers request that the Company investigates 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.

3.9 MSS provide generic scoping guidelines for both onshore wind farm and overhead line development https://www2.gov.scot/Topics/marine/Salmon-Trout-Coarse/Freshwater/Research/onshoreren) which outline how fish populations can be impacted during the construction, operation and decommissioning of a wind farm development and informs developers as to what should be considered, in relation to freshwater and diadromous fish and fisheries, during the EIA process.

In addition to identifying the main watercourses and waterbodies within and downstream of the proposed development area, developers should identify and consider, at this early stage, any areas of Special Areas of Conservation where fish are a qualifying feature and proposed felling operations particularly in acid sensitive areas.

MSS also provide standing advice for onshore wind farms (which has been appended at Annex B) which outlines what information, relating to freshwater and diadromous fish and fisheries, is expected in the EIA report. Use of the checklist, provided in Annex 1 of the standing advice, should ensure that the EIA report contains the required information; the absence of such information may necessitate requesting additional information which may delay the process.

3.10 Scottish Ministers consider that where there is a demonstrable requirement for peat landslide hazard and risk assessment (PLHRA), the 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 http://www.gov.scot/Publications/2017/04/8868, should be followed in the preparation of the EIA report, which should contain such an assessment and details of mitigation measures.

3.11 The scoping report identified viewpoints at Table 7.2 to be assessed within the landscape and visual impact assessment.

3.12 The noise assessment should be carried out in line with relevant legislation and standards. 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.”.

3.13 Ministers are aware that further engagement is required between parties regarding the refinement of the design of the proposed development regarding, among other things, surveys, management plans, peat, radio links, finalisation of viewpoints, cultural heritage, cumulative assessments and request that they are kept informed of relevant discussions.

4. Mitigation Measures

4.1 The Scottish Ministers are 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.

5. Conclusion

5.1 This scoping opinion is based on information contained in the applicant's written request for a scoping opinion and information available at the date of this scoping opinion. The adoption of this scoping opinion by the Scottish Ministers does not preclude the Scottish Ministers from requiring of the applicant information in connection with an EIA report submitted in connection with any application for section 36C consent for the proposed development.

5.2 This scoping opinion will not prevent the Scottish Ministers from seeking additional information at application stage, for example to include cumulative impacts of additional developments which enter the planning process after the date of this opinion.

5.3 Without prejudice to that generality, it is recommended that advice regarding the requirement for an additional scoping opinion be sought from Scottish Ministers in the event that no application has been submitted within 12 months of the date of this opinion.

5.4 Applicants are encouraged to engage with officials at the Scottish Government's Energy Consents Unit at the pre-application stage and before proposals reach design freeze.

5.5 Applicants are reminded that there will be limited opportunity to materially vary the form and content of the proposed development once an application is submitted.

5.6 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.

5.7 It should be noted that to facilitate uploading to the Energy Consents portal, the EIA report and its associated documentation should be divided into appropriately named separate files of sizes no more than 10 megabytes (MB). In addition, a separate disc containing the EIA report and its associated documentation in electronic format will be required.

Lee Crosbie
Energy Consents Unit
11/05/2021

ANNEX A

Consultation

List of consultees

Historic Environment Scotland
SEPA*
Nature Scotland
The Highland Council
Transport Scotland
Scottish Forestry
British Horse Society
BT
Caithness District Salmon Fishery Board*
Civil Aviation Authority Airspace*
Crown Estate Scotland*
Defence Infrastructure Organisation (MOD)
Fisheries Management Scotland
Joint Radio Company*
John Muir Trust*
Mountaineering Scotland*
NATS Safeguarding
Nuclear Safety Directorate (HSE)
RSPB Scotland
Scottish Rights of Way and Access Society (ScotWays)*
Scottish Wildlife Trust*
Visit Scotland*
Highland and Islands Airports
Flow Country Rivers Trust*
Office for Nuclear Regulation
Scottish Wild Land Group (SWLG)*
Caithness West Community Council
Reay Area Windfarm Opposition Group*

*No response was received

Internal advice from areas of the Scottish Government was provided by officials from Scottish Forestry.

ANNEX B

Marine Scotland Science advice on freshwater and diadromous fish and fisheries in relation to onshore wind farm developments.

July 2020

Marine Scotland Science (MSS) provides internal, non-statutory, advice in relation to freshwater and diadromous fish and fisheries to the Scottish Government's Energy Consents Unit (ECU) for onshore wind farm developments in Scotland.

Atlantic salmon (*Salmo salar*), sea trout and brown trout (*Salmo trutta*) are of high economic value and conservation interest in Scotland and for which MSS has in-house expertise. Onshore wind farms are often located in upland areas where salmon and trout spawning and rearing grounds may also be found. MSS aims, through our provision of advice to ECU, to ensure that the construction and operation of these onshore developments do not have a detrimental impact on the freshwater life stages of these fish populations.

The Electricity Works (Environmental Impact Assessment) (EIA) (Scotland) Regulations (2017) state that the EIA must assess the direct and indirect significant effects of the proposed development on water and biodiversity, and in particular species (such as Atlantic salmon) and habitats protected under the EU Habitats Directive. Salmon and trout are listed as priority species of high conservation interest in the Scottish Biodiversity Index and support valuable recreational fisheries.

A good working relationship has been developed over the years between ECU and MSS, which ensures that these fish species are considered by ECU during all stages of the application process of onshore wind farm developments and are similarly considered during the construction and operation of future onshore wind farms. It is important that matters relating to freshwater and diadromous fish and fisheries, particularly salmon and trout, continue to be considered during the construction and operation of future onshore wind farms.

In the current document, MSS sets out a revised, more efficient approach to the provision of our advice, which utilises our generic scoping and monitoring programme guidelines (https://www2.gov.scot/Topics/marine/Salmon-Trout-Coarse/Freshwater/Research/onshoreren). This standing advice provides regulators (e.g. ECU, local planning authorities), developers and consultants with the information required at all stages of the application process for onshore wind farm developments, such that matters relating to freshwater and diadromous fish and fisheries are addressed in the same rigorous manner as is currently being carried out and continue to be fully in line with EIA regulations. At the request of ECU, MSS will still be able to provide further and/or bespoke advice relevant to freshwater and diadromous fish and fisheries e.g. site specific advice, at any stage of the application process for a proposed development, particularly where a development may be considered sensitive or contentious in nature.

MSS will continue undertaking research, identifying additional research requirements, and keep up to date with the latest published knowledge relating to the

impacts of onshore wind farms on freshwater and diadromous fish populations. This will be used to ensure that our guidelines and standing advice are based on the best available evidence and also to continue the publication of the relevant findings and knowledge to all stakeholders including regulators, developers and consultants.

MSS provision of advice to ECU

- MSS should not be asked for advice on pre application and application consultations (including screening, scoping, gate checks and EIA applications). Instead, the MSS scoping guidelines and standing advice (outlined below) should be provided to the developer as they set out what information should be included in the EIA report;
- if new issues arise which are not dealt with in our guidance or in our previous responses relating to respective developments, MSS can be asked to provide advice in relation to proposed mitigation measures and monitoring programmes which should be outlined in the EIA Report (further details below);
- if new issues arise which are not dealt with in our guidance or in our previous responses, MSS can be asked to provide advice on suitable wording, within a planning condition, to secure proposed monitoring programmes, should the development be granted consent;
- MSS cannot provide advice to developers or consultants, our advice is to ECU and/or other regulatory bodies.
- if ECU has identified specific issues during any part of the application process that the standing advice does not address, MSS should be contacted.

MSS Standing Advice for each stage of the EIA process

Scoping

MSS issued generic scoping guidelines (https://www2.gov.scot/Topics/marine/Salmon-Trout-Coarse/Freshwater/Research/onshoreren) which outline how fish populations can be impacted during the construction, operation and decommissioning of a wind farm development and informs developers as to what should be considered, in relation to freshwater and diadromous fish and fisheries, during the EIA process.

In addition to identifying the main watercourses and waterbodies within and downstream of the proposed development area, developers should identify and consider, at this early stage, any areas of Special Areas of Conservation where fish are a qualifying feature and proposed felling operations particularly in acid sensitive areas.

If a developer identifies new issues or has a technical query in respect of MSS generic scoping guidelines then ECU should be informed who will then co-ordinate a response from MSS.

Gate check

The detail within the generic scoping guidelines already provides sufficient information relating to water quality and salmon and trout populations for developers at this stage of the application.

Developers will be required to provide a gate check checklist (annex 1) in advance of their application submission which should signpost ECU to where all matters relevant to freshwater and diadromous fish and fisheries have been presented in the EIA report. Where matters have not been addressed or a different approach, to that specified in the advice, has been adopted the developer will be required to set out why.

EIA Report

MSS will focus on those developments which may be more sensitive and/or where there are known existing pressures on fish populations (https://www2.gov.scot/Topics/marine/Salmon-Trout-Coarse/fishreform/licence/status/Pressures). The generic scoping guidelines should ensure that the developer has addressed all matters relevant to freshwater and diadromous fish and fisheries and presented them in the appropriate chapters of the EIA report. Use of the gate check checklist should ensure that the EIA report contains the required information; the absence of such information may necessitate requesting additional information which may delay the process:

Developers should specifically discuss and assess potential impacts and appropriate mitigation measures associated with the following:

- any designated area, for which fish is a qualifying feature, within and/or downstream of the proposed development area;
- the presence of a large density of watercourses;
- the presence of large areas of deep peat deposits;
- known acidification problems and/or other existing pressures on fish populations in the area; and
- proposed felling operations.

Post-Consent Monitoring

MSS recommends that a water quality and fish population monitoring programme is carried out to ensure that the proposed mitigation measures are effective. A robust, strategically designed and site specific monitoring programme conducted before, during and after construction can help to identify any changes, should they occur, and assist in implementing rapid remediation before long term ecological impacts occur.

MSS has published guidance on survey/monitoring programmes associated with onshore wind farm developments (https://www2.gov.scot/Topics/marine/Salmon-Trout-Coarse/Freshwater/Research/onshoreren) which developers should follow when drawing up survey and/or monitoring programmes.

If a developer considers that such a monitoring programme is not required then a clear justification should be provided.

Planning Conditions

MSS advises that planning conditions are drawn up to ensure appropriate provision for mitigation measures and monitoring programmes, should the development be given consent. We recommend, where required, that a Water Quality Monitoring Programme, Fisheries Monitoring Programme and the appointment of an Ecological Clerk of Works, specifically in overseeing the above monitoring programmes, is outlined within these conditions and that MSS is consulted on these programmes.

Wording suggested by MSS in relation to water quality, fish populations and fisheries for incorporation into planning consents:

1. No development shall commence unless a Water Quality and Fish Monitoring Plan (WQFMP) has been submitted to and approved in writing by the Planning Authority in consultation with Marine Scotland Science and any such other advisors or organisations.

2. The WQFMP must take account of the Scottish Government's Marine Scotland Science's guidelines and standing advice and shall include:

    a. water quality sampling should be carried out at least 12 months prior to construction commencing, during construction and for at least 12 months after construction is complete. The water quality monitoring plan should include key hydrochemical parameters, turbidity, and flow data, the identification of sampling locations (including control sites), frequency of sampling, sampling methodology, data analysis and reporting etc.;
    b. the fish monitoring plan should include fully quantitative electrofishing surveys at sites potentially impacted and at control sites for at least 12 months before construction commences, during construction and for at least 12 months after construction is completed to detect any changes in fish populations; and
    c. appropriate site specific mitigation measures detailed in the Environmental Impact Assessment and in agreement with the Planning Authority and Marine Scotland Science.

3. Thereafter, the WQFMP shall be implemented within the timescales set out to the satisfaction of the Planning Authority in consultation with Marine Scotland Science and the results of such monitoring shall be submitted to the Planning Authority on a 6 monthly basis or on request.

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

Sources of further information

NatureScot (previously “SNH”) guidance on wind farm developments - https://www.nature.scot/professional-advice/planning-and-development/advice- planners-and-developers/renewable-energy-development/onshore-wind- energy/advice-wind-farm

Scottish Environment Protection Agency (SEPA) guidance on wind farm developments – https://www.sepa.org.uk/environment/energy/renewable/#wind

A joint publication by Scottish Renewables, NatureScot, SEPA, Forestry Commission Scotland, Historic Environment Scotland, MSS and Association of Environmental and Ecological Clerks of Works (2019) Good Practice during Wind Farm Construction - https://www.nature.scot/guidance-good-practice-during-wind-farm- construction.

Marine Scotland Science advice on freshwater and diadromous fish and fisheries in relation to onshore wind farm developments.

July 2020

Annex 1

MSS – EIA Checklist

The generic scoping guidelines should ensure that all matters relevant to freshwater and diadromous fish and fisheries have been addressed and presented in the appropriate chapters of the EIA report. Use of the checklist below should ensure that the EIA report contains the following information; the absence of such information ***may necessitate requesting additional information*** which could delay the process:

MSS Standard EIA Report Requirements	Provided in application YES/NO	If YES – please signpost to relevant chapter of EIA Report	If not provided or provided different to MSS advice, please set out reasons.
1. A map outlining the proposed development area and the proposed location of: o the turbines, o associated crane hard standing areas, o borrow pits, o permanent meteorological masts, o access tracks including watercourse crossings, o all buildings including substation, battery storage;			

○ permanent and temporary construction compounds; ○ all watercourses; and ○ contour lines;			
2. A description and results of the site characterisation surveys for fish (including fully quantitative electrofishing surveys) and water quality including the location of the electrofishing and fish habitat survey sites and water quality sampling sites on the map outlining the proposed turbines and associated infrastructure;			
3. An outline of the potential impacts on fish populations and water quality within and downstream of the proposed development area;			
4. Any potential cumulative impacts on the water quality and fish populations associated with adjacent (operational and consented) developments including wind farms, hydro schemes, aquaculture and mining;			
5. Any proposed site specific mitigation measures as outlined in MSS generic scoping guidelines and the joint publication “Good Practice			

during Wind Farm Construction" (https://www.nature.scot/guidance-good-practice-during-wind-farm-construction);			
6. Full details of proposed monitoring programmes using guidelines issued by MSS and accompanied by a map outlining the proposed sampling and control sites in addition to the location of all turbines and associated infrastructure			
7. A decommissioning and restoration plan outlining proposed mitigation/monitoring for water quality and fish populations.			

Developers should specifically discuss and assess potential impacts and appropriate mitigation measures associated with the following:	Provided in application YES/NO	If YES – please signpost to relevant chapter of EIA Report	If not provided or provided different to MSS advice, please set out reasons.
1. Any designated area, for which fish is a qualifying feature, within and/or downstream of the proposed development area;			
2. The presence of a large density of watercourses;			
3. The presence of large areas of deep peat deposits;			

4. Known acidification problems and/or other existing pressures on fish populations in the area; and			
5. Proposed felling operations.			