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Sent by e-mail to:
Mr G McGovern – Pinsent Masons LLP
Ms E Reid – Pinsent Masons LLP
Ms K Lyons – Highland Council
Mr I Kelly – obo Wildland Ltd
Ms E Clelland - RSPB

Our ref: WIN-270-12

13 April 2021

Dear Sir/Madam

SECTION 36 WIND FARM: STRATHY WOOD WIND FARM LAND AT STRATHY FOREST, SOUTH OF STRATHY SUTHERLAND

Thank you for your responses to the draft inquiry programme. The reporters have considered the various points raised and now issue the final inquiry programme.

They note that it is possible the landscape and visual evidence could be completed in two days. However the reporters prefer to allocate a generous time slot for this part of the inquiry thus reducing the risk to the overall programme should additional time be required.

The second inquiry session on wild land matters is now confirmed for a single day on Thursday 29 April. As requested by Mr Kelly, my colleagues are investigating the easiest way to share the digital fly-through during the virtual inquiry session. I will contact the parties if there is any technical difficulty in doing so.

Consequently, the reporters prefer to retain the two hearing sessions on Friday 30 April as intimated in the press notice for the inquiry.

Slight adjustments have been made to the hearing agendas to reflect the additional information provided and these are also attached.

It would be helpful now if the applicant could arrange to distribute the final core document memory sticks as per the adjusted list. Two copies are required for the DPEA and should be delivered to the DPEA Falkirk address by the 19th April

I trust this information is clear. Please do not hesitate to contact me if you require any further information.

Yours sincerely

Karen Cowie

KAREN COWIE
Case Officer

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Planning And Environmental Appeals Division

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Day	Matter	Witness	Other participants in virtual meeting
Monday 26 April 10.30 am	Inquiry Session 1 Landscape and Visual	1. Applicant Jonathan Mason	Applicant Vincent Fraser QC Gary McGovern Emma Reid Eleri Davies David Bell
Tuesday 27 April 9.30 am	Inquiry Session 1 Landscape and visual	2. The Highland Council Gillian Pearson	The Highland Council James Findlay QC Karen Lyon Simon Hindson
Wednesday 28 April 9.30 am	Inquiry Session 1 Landscape and visual		Wildland Ltd Ian Kelly
Thursday 29 April 9.30 am	Inquiry Session 2 Wild Land		1. Applicant Jonathan Mason 2. Wildland Ltd Dr Steven Carver
Friday 30 April 9.30 am	Hearing Session 1 Policy and guidance	Applicant Vincent Fraser QC, Gary McGovern, Emma Reid, David Bell, Eleri Davies. The Highland Council James Findlay QC, Karen Lyon, Simon Hindson, Gillian Pearson Wildland Ltd Ian Kelly	
Friday 30 April 2.00 pm	Hearing Session 2 Proposed conditions	Applicant Vincent Fraser QC, Gary McGovern, Emma Reid, David Bell, Eleri Davies, Jean Curran, Lauren Kellaway. The Highland Council James Findlay QC, Karen Lyon, Simon Hindson, Gillian Pearson. Wildland Ltd Ian Kelly	

SECTION 36: STRATHY WOOD WIND FARM, LAND AT STRATHY FOREST, SOUTH OF STRATHY, SUTHERLAND (WIN-270-12)

Hearing Session 1 on Policy to be held online on 30 April 2021 at 9.30 am

AGENDA

1. Introduction

2. UK and Scottish Energy Policy Context

a) David Bell sets out the ‘need case’ for renewable energy developments but Ian Kelly does not consider need to be a relevant consideration (paragraph 20). The parties will be given an opportunity to explain the relevance of the ‘need case’. Ian Kelly’s hearing statement (at paragraph 19) indicates the Gordonbush decision (**CD 20.40**) is relevant in this regard.

b) The reporters will give the parties an opportunity to explain how the emphasis on green recovery following the effects of Covid 19 might impact on the “need case”.

c) The reporters will ask parties to explain their understanding of the ‘double counting’ referred to in Simon Hindson’s statement (paragraphs 4.4.4 and 7.6) and Ian Kelly’s statement (paragraph 107)

3. Constraints payments

a) Ian Kelly at paragraph 14 of his statement indicates an intention to update these figures at the hearing. The reporters will provide an opportunity for him to do so but at the same time would want to know why such payments are of relevance to the Scottish Ministers in making their decision on this application. The applicant will also be offered an opportunity to respond on this point.

4. National Planning Framework (NPF) and Scottish Planning Policy (SPP)

a) The reporters will ask parties to explain their understanding of the relevance of NPF3 and SPP, and the position statement on NPF4 as material considerations. (**CDs 9.1, 9.6 and 9.7**)

b) The reporters will ask parties to explain whether the development would be sustainable development, or not, in terms of paragraph 29 of SPP. (**CD9.6**)

c) The reporters will ask the parties to explain how wild land areas should be treated in terms of SPP paragraphs 169, 200 and 215. (**CD9.6**)

5. Highland Wide Local Development Plan 2012 (CD 10.1)

- a) The reporters will ask parties to respond to Ian Kelly's position at paragraph 82 of his statement that the acceptability of the development should be assessed, first, through consideration of the development then the material considerations?
- b) The reporters will ask parties to explain to what extent the development complies with Policy 28 Sustainable Development?
- c) If Policy 57, Natural, Built and Cultural Heritage is no longer relevant to the assessment of impacts on Wild Land Areas (see Simon Hindson's statement at paragraph 5.2.7) the parties will be asked to explain if any other development plan policy would apply to the assessment of impacts on a wild land area.
- d) The reporters will offer parties the chance to explain how the development would comply, or not, with Policy 67 Renewable Energy and the Onshore Wind Energy Supplementary Guidance. **(CD 10.2)**
- e) The reporters will give Ian Kelly an opportunity to explain his concerns set out in paragraph 84 of his statement regarding paragraph 22.1.8 in the Highland Wide Local Development Plan in terms of the interpretation and application of Policy 67 Renewable Energy?

6. Any other matters

SECTION 36: STRATHY WOOD WIND FARM, LAND AT STRATHY FOREST, SOUTH OF STRATHY, SUTHERLAND (WIN-270-12)

Hearing Session 2 on Conditions to be held online on 30 April 2021 at 2 pm

AGENDA

(The proposed conditions are set out in **CD 18.3**)

1. Introduction by reporters

2. Direction under Section 58(2) of the Town and Country Planning (Scotland) Act 1997 (as amended)

The reporters envisage a brief discussion on the reasons why the longer period for commencement is required.

3. Condition 7 Failure of Development to Generate Electricity

The reporters expect the discussions on condition 7 to extend to potential consequential impacts on conditions 6, 8 and 9.

4. Condition 15 Forestry

The Scottish Government's Policy on Control of Woodland Removal may be relevant to this condition.

5. Condition 18 Appearance of Turbines and Ancillary Structures

The reporters will be seeking to establish whether external transformers form part of the proposed development.

6. Condition 8 - Decommissioning and Restoration

The reporters note that condition 6 of SEPA's consultation response (August 2019) indicates that 'wording' that only requires removal of above ground elements would not be acceptable. Does this condition need to be adjusted?

7. Condition 10 – Micrositing.

The reporters will be seeking to establish whether a met mast forms part of the proposed development.

The reporters note that condition 4 b) of SEPA's consultation response (August 2019, **CD 3.4.13**) on micro-siting requires buffer zones around GWDTE except for specific items that are already agreed. Is this provided for in condition 10?

8. Condition 12 - Construction Traffic Management

The reporters will be considering whether provision should be made for the submission and agreement of a traffic management plan for the decommissioning stage?

9. Condition 16 - Forest Waste.

The reporters note that the habitat management plan (Appendix A8-1, **CD 1.3.1 i**) indicates some brush may be required for habitat management purposes therefore should the condition make allowances for that?

10. Condition 30 - Drainage and Flood Risk.

The reporters note that condition 2 of SEPA's consultation response (August 2019, **CD 3.4.13**) requires the redundant River Uair crossing to be removed. Does this condition need to be adjusted?

11. ANNEX 1 to 3

The reporters have two queries:

In Annex 1 the description of the development refers to "Chapter 4 of the EIA Report" Bearing in mind the three versions of the development should this be more precise ie the date of the document?

Is Annex 2 intended to be the list of conditions?

12. Any matters relating to the conditions arising from the hearing and inquiry sessions preceding this hearing