

THE HIGHLAND COUNCIL

REPORT OF HANDLING

Agenda Item	
Report No	

13/04559/FUL - Spittal Hill Windfarm Ltd (SHWL)
Spittal Hill, Spittal, by Thurso, Caithness

Report by Head of Planning and Building Standards

SUMMARY

Description : Wind Farm (21MW) comprising 7 turbines and associated infrastructure.

Recommendation : - REFUSE planning permission.

Ward : 04 Landward

Development category : Major

Pre-determination hearing : Not required.

Reason referred to Committee : Not referred - delegated decision

1. PROPOSED DEVELOPMENT

1.1 The application is for the development of a wind farm (Spittal Hill) to operate for 25 years, with a potential generating capacity of 21MW. It is to comprise the following key elements: -

- 7 turbines (3MW) maximum tip height of 100m with external transformers;
- Meteorological mast;
- New (2km) and upgraded (4km) access tracks;
- Underground cables;
- Control building and substation;
- Temporary construction compound.

1.2 Construction of the wind farm is expected to take 12 months. Given the site's proximity to local quarries, there is no expectation for the use of an on-site borrow pit. Furthermore and although not part of the current application the ES highlights the proposed development is anticipated to connect directly to the national grid into the consented Spittal substation at Achanarras, located to the west of the A9 and within 2km of the site.

1.3 Two potential routes to site have been identified for the delivery of turbine components from Wick harbour. Both routes have been used previously to provide access to existing wind farms. The preferred route, as it is more direct, is to connect

from Wick Harbour onto the A882, as far as the minor road to Dunn and from there to the site access point. Localised road widening of the Dunn Road at the junction with the A882 and to the track at the site access, will be required. This is possible within land under the control of the applicant. An alternative route is to connect from Wick Harbour south on the A99 to Latheron, and from there onto the A9. Direct access can be taken from the A9 into the site, using an existing access point for Banniskirk Quarry, subject to localised widening of the access track to the quarry, within land under the control of the applicant. Access for other construction activities can make use of either site access point. The final choice will be determined in consultation with both Roads Authorities.

1.4 The ES advises that the project will utilise a Construction and Environmental Management Plan (CEMP). It will include any additional requirements of The Highland Council (THC), Scottish Natural Heritage (SNH), Scottish Environmental Protection Agency (SEPA), other statutory bodies and other relevant mitigation measures identified within this ES. Information on the following matters will be provided: -

- Construction Method Statements (CMS),
- Storage of excavated topsoil and subsoil;
- Engineering activities in and around the water environment;
- Pollution Prevention Plan;
- Construction Traffic Management Plan (CTMP);
- Habitat Management Plan;
- Water Management Plan;
- Waste Management Plan;
- Restoration and Reinstatement Plan (R&RP);
- Access Plan

2. SITE DESCRIPTION

2.1 The site is located 2 - 3km to the north east of the village of Spittal, 5km south east of Halkirk and 13km south of Thurso. The proposed turbines are on the north-east facing slopes of Spittal Hill (176m Above Ordnance Datum (AOD)). The topography of the site rises generally from north east to south west. The high point of the site is at around 150m AOD, with the highest turbine base sited at 122m (Turbine 2) and lowest at 89m (Turbine 7). The site low point is at 49m AOD where access is taken via the C Class Dunns road off the A882 (Wick – Thurso). The alternative access route via Banniskirk Quarry is from the A9 (T) road (Thurso – Inverness) 2km north of Spittal.

2.2 The site covers 102.5ha comprising an area of moorland which provides rough grazing. The actual footprint of the development is significantly smaller in size (4.46ha). The site sits generally above a lower landscape to the north comprising arable and grazing fields of rectilinear pattern. There is a small area of commercial forestry between Turbine No 4 and 6 which will remain unaffected by the proposed development. To the west, there are further areas of woodland.

2.3 Settlement in the area comprises a dispersed pattern of single properties, or small

housing groups, located adjacent to, or set back from, the network of roads in the area. There are 3 properties within 1km of the nearest turbine, all of which are stakeholders in Spittal Hill Windfarm Ltd (SHWL). There are a further 10 existing properties between 1 and 1.5km of the nearest turbine. The nearest non-stakeholder is located at 1,150m. In total, there are 51 existing properties within 2km of the nearest turbine.

- 2.4 The proposed development is located within the Small Farms and Crofts, Fringe Crofting and Historic Features landscape character type (LCT), as defined by the Caithness and Sutherland Landscape Character Assessment. This LCT is located in relatively small areas across Caithness. The site sits adjacent to the Mixed Agriculture and Settlement LCT, which covers large parts of the settled area of Caithness. There are no designated landscapes on the site and no national landscape designations in the surrounding study area (35km). The nearest designated landscape is the Flow Country and Berriedale Coast Special Landscape Area (SLA) to the south of the site. Dunnet Head SLA and Duncansby Head SLA lie to the north and north east of the site. Spittal Hill is regarded as a local landmark hill.
- 2.5 The site is not designated for any particular ecological reasons. However there are a number of designated sites in the surrounding area, with particular ornithological interests for gulls, greylag geese, whooper swans, raptors and other protected species (mammals) that could have connectivity (habitat)/ be affected (disturbance) by the development. Notable nearby designations include: -
- Caithness Lochs SSSI, SPA and Ramsar wetlands.
 - East Caithness Cliffs SSSI, SPA.
 - North Caithness Cliffs SSSI, SPA.
 - Caithness and Sutherland Peatlands SSSI, SPA, SAC, Ramsar wetlands.
 - River Thurso SSSI and SAC
 - Loch Scamclate SSSI.
- 2.6 There has been a long period of settlement in this area resulting in a number of archaeological remains both on and beyond the site. A total of 29 Scheduled Monuments and 13 listed buildings stand within 6.5 km of the proposed turbine array. Direct impacts are predicted on five heritage assets including some outwith the proposed wind farm which will need care particularly during construction to avoid and or minimise impact. There is a possibility of encountering hitherto unknown buried archaeological remains during ground breaking works associated with the development.
- 2.7 The on-site hydrology has been extensively modified by the development of a concentrated network of canalised drainage channels. All of the proposed infrastructure and most of the proposed new tracks are located within the Loch Scarmclate water catchment area. Some proposed and existing access tracks are located in the Loch Watten catchment and the existing road to Banniskirk Quarry lies within the Burn of Halkirk (River Thurso) catchment. All of these potential receptors have high physical, biological and chemical water quality and support an extensive fisheries and recreational water use resource.
- 2.8 When assessing a wind farm proposal consideration of similar developments around

the site is required. The list below presents the projects around this development site that are Operational, Approved or have been Submitted but are not yet determined. A plan highlighting these projects will be circulated with this report.

Built and / or Consented

Causeymire,
Forss 1 & 2,
Baillie Hill,
Boulfruich,
Wathegar 1,
Wathegar 2,
Flex Hill (Bilbster),
Achairn,
Burn of Whilk,
Camster,
Stroupster,
Strathy North,
Bad a Cheo,
Halsary.

Under consideration

Limekilns – (S36 objection raised by the Council),
Strathy South – (S36 objection raised by the Council),
Strathy Forest – (S36 pending consideration).

3. PLANNING HISTORY

- 3.1 **14.06.2013** Proposed wind farm with up to 8 turbines to 100m to tip height / 24MW EIA Scoping Response (Ref 13/01780/SCOP).
03.04.2014 Renewal of planning permission for a house planning ref 11/00012/FUL which lapsed - was withdrawn (Ref 14/00447/FUL).
11.06.2013 Proposed wind farm with up to 8 turbines to 100m to tip height / 24MW EIA Screening response (Ref 13/01785/SCRE).
12:06:2012 Erection of 27 wind turbines with a height of 70m to hub and 110m to tip of blade, erection of 3 no turbines with a height of 60m to hub and 100m to tip of blade and installation of associated infrastructure refused (Ref 07/00217/S36CA).
22.09.2005 Extraction of flagstone, formation of spoil heap, construction of haul road to A9 - Banniskirk Quarry granted planning permission (Ref 04/00544/FULCA).

4. PUBLIC PARTICIPATION

- 4.1 The application was advertised twice as EIA development allowing 28 days for comment both at the outset of the application submission and again following the submission of revised material. The latter advert was placed on 28 March 2014 with a deadline for the submission of timeous representations being the 25 April 2013.
- 4.2 The application has attracted 1,739 representations including 587 letters of support and 1,150 objections (see list appended to this report).

Material considerations raised in objection are summarised as follows:

- Contrary to Development Plan (Policies – 28, 61 and 67).
- Visual impact within central Caithness.
- Cumulative visual impact on area.
- Impact on landscape – Spittal Hill a local landmark.
- Capacity of the landscape to absorb development is exhausted.
- Already rejected as a wind farm site.
- Potential of area already taken up by other approvals.
- Quality of ES does not conform with Council standards
- Loss of residential amenity / blight on nearby houses.
- Adverse impact on tourism / visitor numbers / main tourist routes (A9, A882).
- Grid capacity limited.
- Conflict with Special Protection Area's of Loch Watten & Loch Scarmclate.
- Adverse ecological impacts – on bats and birds (swans, geese, heron, etc.)
- Noise including cumulative noise with Halsary and other wind farms.
- Flicker – affecting property, motorists, health of individuals.
- Cost of renewable energy / public subsidy
- Inefficiency of wind energy.
- Caithness has enough wind farms.

Material considerations raised in support are summarised as follows:

- Site is well located for wind.
- Support wind farm development.
- Need for green energy.
- Visual Impact must be put in context with Climate Change debate.
- Employment opportunity - particularly with loss of Dounreay.
- Support a mix of energy supplies from renewables.
- Reduces carbon footprint / reliance on fossil fuels.
- Development will not deter visitors to the area

4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam. Access to computers can be made available via Planning and Development Service offices.

5. CONSULTATIONS

5.1 Watten Community Council held a local ballot on the proposal that highlighted 63 people for and 255 against the project.

5.2 Council's Access Officer has no objection to the application. Request for a condition requiring an Access Plan to secure future access provisions to hill top, car parking, signage and gates.

5.3 Council's Historic Environment Team (Archaeology) has no objection to the

application. A significant degree of mitigation is offered and needs to be secured by condition to safeguard features of interest, some survey work and an appropriate record of assets.

- 5.4 Council's Flood Team has no objection to the application. Request is made for planning conditions to ensure there is no increase in flood risk caused by the development.
- 5.5 Council's Environmental Health Team has no objection to the application. Request is made for planning conditions addressing controls over noise, construction activities, etc.
- 5.6 Council's Roads Engineer's has no objection to the application. Request is made for standard conditions and a wear and tear agreement to safeguard the local road network.
- 5.7 Transport Scotland (TRBOD) has no objection to the application. A request is made for planning conditions to be attached to any consented scheme to assist with maintaining the safety and free flow of traffic on the trunk road network.
- 5.8 Scottish Environmental Protection Agency (SEPA) has no objection to the application. Request is made for planning conditions to address key elements of the construction build, micro-siting of turbines, buffers to water courses and site restoration.
- 5.9 Scottish Water has no objection to the application. Request is made for a condition to ensure a water main in the area of the development will be protected from damage during and post construction.
- 5.10 Scottish Natural Heritage (SNH) has not objected to the application. It has highlighted that there are natural heritage interests of international importance affected by the proposed development. It recommends that mitigation is implemented to help minimise the impacts, mainly during construction and decommissioning. However it also advises that the turbine height is too large to the extent that the proposal would dominate the scale of the landscape and that there would be significant adverse cumulative impacts on local communities in the Spittal area when this proposal is seen in combination with the recently consented Halsary wind farm.
- 5.11 Historic Scotland has no objection to the application.
- 5.12 National Air Traffic Systems (NATS) has no objection to the application.
- 5.13 Highlands and Islands Airport Ltd (HIAL) has no objection to this application.
- 5.14 Ministry Of Defence (MOD) has no objection to this application. It requests a planning condition to secure appropriate aviation lighting as advised and notification of start of the construction, construction heights and location of final turbine build co-ordinates.

5.15 Office of Communications (OFCOM) has not objected to the application.

6. DEVELOPMENT PLAN POLICY

6.1 The following policies are relevant to the assessment of the application: -

6.2 Highland Wide Local Development Plan (2012)

Policy 28	Sustainable Design
Policy 29	Design, Quality and Place Making
Policy 31	Developer Contributions
Policy 55	Peat and Soils
Policy 57	Natural, Built and Cultural Heritage
Policy 58	Protected Species
Policy 59	Other Important Species
Policy 60	Other Important Habitats
Policy 61	Landscape
Policy 67	Renewable Energy including significant effects on: -

- Natural, Built and Cultural Heritage
- Other Species and Habitat Interests
- Landscape and Visual Impact
- Amenity at Sensitive Locations
- Safety and Amenity of Individuals and Individual Properties
- The Water Environment
- Safety of Airport, Defence and Emergency Service Operations
- The Operational Efficiency of Other Communications
- The Quantity and Quality of Public Access
- Other Tourism and Recreation Interests
- Traffic and Transport Interests

Policy 72	Pollution
Policy 77	Public Access

Caithness Local Plan (2002)

6.3 Following the adoption of the HwLDP there are no relevant policies within the Caithness Local Plan that continue in force as it affects the application site.

Caithness and Sutherland Local Development Plan (emerging)

6.4 The initial stage in the production of the plan, the "Call for sites and ideas", has been undertaken. A Main Issues Report remains in development at this stage.

7. OTHER MATERIAL POLICY CONSIDERATIONS

Scottish Planning Policy (June 2014) and other Guidance

7.1 The Scottish Government has very recently published its updated policy statement and advice. It advances principal policies on Sustainability and Placemaking, and

subject policies on A Successful, Sustainable Place; A Low Carbon Place; A Natural, Resilient Place; and A Connect Place. It also highlights that the Development Plan continues to be the starting point of decision making on planning applications. The content of the SPP is a material consideration that carries significant weight, although it is for the decision maker to determine the appropriate weight to be afforded to it in each case. There is no indication within SPP of a lessening of policies which are focused upon protecting the natural, built and cultural environment.

7.2 The new SPP sets out continued support for onshore wind in a similar manner to the previous SPP. It requires Planning Authorities to progress, as part of the Development Plan process, a spatial framework identifying areas that are most likely to be most appropriate for onshore wind farms as a guide for developers and communities. It also lists likely considerations to be taken into account relative to the scale of the proposal and area characteristics, which in summary comprise the following: -

- Net economic impact;
- Contribution to renewable energy targets;
- Effect on greenhouse gas emissions;
- Cumulative impacts;
- Impacts on communities and individual dwellings;
- Landscape and visual impacts, including wild land;
- Natural heritage;
- Carbon rich soils;
- Public access;
- Historic environment;
- Tourism and recreation;
- Aviation and defence interests;
- Telecommunications
- Road traffic;
- Trunk roads;
- Hydrology and flood risk;
- Decommissioning;
- Energy storage;
- Planning obligations for site restoration.

7.3 In addition to the above, the Scottish Government sets out further advice on Renewable Energy in a number of documents and web based information regularly updated including: -

- National Planning Framework for Scotland 3
- PAN 56 – Planning and Noise
- PAN 58 – Environmental Impact Assessment
- PAN 60 – Planning for Natural Heritage
- 2020 Routemap for Renewable Energy
- Onshore Wind Turbines
- Wind Farm developments on Peat Lands

Interim Supplementary Guidance: On-shore Wind Energy (March 2012)

- 7.3 The site and turbine envelope principally falls within an Area of Search requiring proposals to be assessed against the HwLDP, particularly Policy 67. The site, including Turbines 2 and 4 however fall within an area of “other constraints” Stage 2 on account of its proximity (2km) to the settlement of Spittal.

Highland Renewable Energy Strategy (HRES) (May 2006)

- 7.4 While superseded, in part, by the above Interim Supplementary Guidance, HRES is still relevant as a strategy document for renewable energy. Relevant policies to the current application, not otherwise superseded by the above noted Supplementary Guidance, include:

- Policy H1 Education and Training
- Policy K1 Community Benefit
- Policy N1 Local Content of Works

8. PLANNING APPRAISAL

- 8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

- 8.2 The determining issues are:

- Does the proposal accord with the Development Plan?
- If it does, are there any material considerations for not approving the proposed development?
- If it does not accord, are there any material considerations for approving the proposed development?

Assessment

- 8.3 To address the determining issues, the Planning Authority must consider the following:-

- a) Development Plan
- b) Interim Supplementary Guidance.
- c) Highland Renewable Energy Strategy.
- d) National Policy.
- e) Roads / Traffic Impact and Public Access.
- f) Water / Drainage and Peat.
- g) Natural Heritage.
- h) Design.
- i) Landscape, including wild land.
- j) Visual Impact.
- k) Residential Amenity
- l) Noise and Shadow Flicker
- m) Cultural Heritage.

- n) Economic Impact and Tourism.
- o) Aviation Interests
- p) Construction Impacts.
- q) Radio and TV Reception
- r) Other Material Considerations within representations.

Development Plan

- 8.4 The Development Plan comprises the adopted Highland-wide Local Development Plan (HwLDP) and Caithness Local Plan. With regard to the most recent SPP statement the HwLDP adopted in April 2012 is up-to-date. There are no site specific policies affecting this application site within the Caithness Local Plan. The principal HwLDP policy on which the application needs to be determined is Policy 67 - Renewable Energy. The other HwLDP policies listed at 6.2 of this report are also relevant and the application must be assessed against these policies also; for example Policy 61 - Landscape. These additional matters all fall within the ambit of Policy 67 and are assessed in full within a number of material considerations examined within this report.
- 8.5 Policy 67 highlights that the Council will consider the contribution of the project towards renewable energy targets, positive and negative effects on the local and national economy and other material considerations including making effective use of existing and proposed infrastructure and facilities. In that context the Council will support proposals where it is satisfied they are located, sited and designed such as they will not be significantly detrimental overall individually or cumulatively with other developments having regard to 11 specified criteria (as listed in para 6.2). Such an approach is consistent with the concept of Sustainable Design (Policy 28) to achieve the right development in the right place; it is not to allow development at any cost. If the Council is satisfied that there will be no significant adverse impact then the application will accord with the Development Plan.

Interim Supplementary Guidance

- 8.6 Following the publication of the most recent Scottish Government SPP in June 2014 the Council's Onshore Wind Energy: Interim Supplementary Guidance (ISG) is to be reviewed as a matter of priority. This review will also take into account the Council own examination of the Caithness landscape as set out in its emerging draft Cumulative Landscape and Visual Assessment of Wind Energy in Caithness. That said the ISG will continue to assist with the consideration of onshore wind energy applications meantime. The site principally falls within an "Area of Search" for wind energy requiring the policy to be assessed, as noted above, within Policy 67 of the HwLDP. However a small portion of the site including two turbines (No's 2 & 4) and the anemometer mast fall within 2km proximity to the settlement of Spittal, a Stage 2 – other constraints area.
- 8.7 The guidance also expands on the considerations / criteria set out in the Development Plan policy including Criterion 1 (Natural, Built and Cultural Heritage); 2 (Other species and Habitat Interests); 3 (Landscape and Visual Impact), 4 (Amenity at Sensitive Locations); 6 (Water Environment) and 7 (Safety of Airport, Defence and Emergency Service Operations). These will be key issues to be examined in this assessment. If the Council is satisfied on these matters then the application will

accord with its Interim Supplementary Guidance.

Highland Renewable Energy Strategy (HRES)

- 8.8 The Development Plan references HRES that was developed by the Council for a range of renewable energy technologies. In particular the additional benefits from such investment including for example 'Education and Training,' 'Community Benefit' and 'Local Content' which are important considerations when assessing individual project proposals – see also later section on economic impact. For the avoidance of any doubt only those parts of the Council's HRES which are compliant with Scottish Government SPP remain in force.

National Policy

- 8.9 The Scottish Government has a positive approach towards Renewable Energy technology. This continues to be set out in the updated Scottish Planning Policy (SPP) published in June 2014. The latest SPP adds a number of issues to the consideration of onshore wind energy projects including for example the identification of wild land; the consideration of impact on carbon rich soils. SPP still recognises in full the position of the Development Plan when determining applications for such development and maintains its strong stance on areas where protection is needed.
- 8.10 There is a Scottish Government target of 50% of Scotland's electricity demand to be generated from renewable resources by 2015, and 100% of Scotland's electricity demand to be generated from renewable resources by 2020. The targets are not a cap. The Scottish Government has advised that operational onshore wind energy capacity delivered 46% of Scotland's Gross electricity consumption in 2013. 11.216GWh was delivered from wind turbines. At the end of 2013, 6,592MW of installed renewable electricity capacity was available. Highland onshore wind energy projects in operation or approved as of April 2014 have a capacity to generate 1,650MW. A further 2,500MW has been approved offshore.
- 8.11 SPP highlights criteria for the assessment of applications. These are listed in para 7.2. These elements, as relevant to this application, are examined within this assessment. The SPP advises that Development Plans are expected to have a spatial framework for onshore wind farms drawn from the identification of areas where wind farms will not be acceptable; areas of significant protection; and areas with potential for wind farm development, subject to detailed assessment against identified policy criteria. The spatial approach advanced by the Highland Council is currently as set out in its Interim Supplementary Guidance, noted above.

Roads / Traffic Impact and Public Access

- 8.12 The site can be accessed in two ways, either from the A9(T) road or via the preferred route from the minor Dunn road from A882, with turbine parts (abnormal loads) originating from Wick Harbour. Transport Scotland notes that the development potentially will add traffic movements during construction on the A9(T) road from Latheron in the vicinity of the development site. The impact is not seen as significant but has requested conditions on access arrangements and site management to secure the safety of all road users.

- 8.13 The Council's road engineers are similarly minded in raising no objection to the application but require any approval to secure by condition / legal agreement localised improvements to the road network and safeguards from traffic impact during construction particularly abnormal loads. Some improvements to the local road network will be required especially junctions on the A882. Furthermore HGV's must be able to pass each other without causing one to stop on the main road. A wear and tear agreement (bond) will be necessary to ensure the local road network is returned to the Council after construction with GPS video pre & post construction surveys.
- 8.14 The ES highlights that there are no core paths or recorded public rights of way affected by this proposal although there is potential for informal access to the Spittal Hill-top is offered with the development. The Council's Access officer has highlighted that general recreational access rights, as given in the Land Reform (Scotland) Act 2003, are exercisable on the site and would continue to be on the majority on the site during operation of the development. Consequently an Access Management Plan is requested by condition to provide access route signage, information panels on access, on site visitor parking for recreational users, particular details on access infrastructure and potential micro-siting of turbines to avoid blade over-sailing access paths.

Water / Drainage and Peat.

- 8.15 The applicant's assessment highlights no private water supplies within or in close proximity of the wind farm site. The proposed development also sits outside of any Scottish Water (SW) drinking water protected areas. However the route of the access road and connection infrastructure could potentially affect a water main in the locality. SW has requested that this water main be protected from damage. This can be managed through a planning condition requiring any work in the vicinity to be agreed with the SW and undertaken to their specification.
- 8.16 The ES assessment has not identified any localised flooding issues associated with the site and associated catchments and no active flood plains will be impacted by the proposed development. The ES proposes a 20m buffer to be maintained between all development features to all on site watercourses. It also highlights that a Water Management Plan for the development site will be prepared which will include the provision of permanent and temporary SUDS, which will attenuate surface runoff from construction sites to appropriate greenfield rates. SEPA has also highlighted its requirements in addition to this buffer. Careful consideration is required by condition on pollution prevention near the various field drains and other areas such as watercourse crossings and proximity to wetlands. This can be addressed within the site specific Construction Environmental Management Document (CEMD) required by condition in line with Council policy and practice. In particular SEPA would expect the areas of M6 acid flushes (described in the E S) to be avoided.
- 8.17 The ES demonstrate that all new and upgraded watercourse crossings are likely to be consentable under the Controlled Activity Regulations (CAR) for the Water Environment. SEPA has no objection to these elements. All new crossings are proposed to convey the 1 in 200 year return period flow. However Council expect all

new crossings to be designed for the 1 in 200 year plus an additional allowance of 20% for climate change. Furthermore the ES advises that during construction new access tracks are to be designed out with a 10m buffer zone from water courses where possible. Also the ES when referring to turbines, meteorological mast construction and crane pad construction, a buffer zone of a minimum of 20m from all watercourses will be maintained when micro-siting the infrastructure. Micro siting can play an important role in avoid small pockets of deep peat or other sensitive features on the site. SEPA have therefore requested a condition that enables the applicant to micro-site the built elements of the scheme up to 25 m. All these provisions can be managed by condition.

Natural Heritage.

- 8.18 The key consideration for this development proposal in terms of nature conservation relates to the potential impact the East Caithness Cliffs SPA, classified for breeding peregrine falcon and seabird interests (gulls). Given its status the Council is required to consider the effect of the proposal on the SPA before it can be consented (Habitats Regulations Appraisal). Although the proposed development site is some distance from the SPA, SNH has advised there is connectivity between the proposed development site and the SPA for Herring Gull and Great Black-backed Gull interests.
- 8.19 SNH has advised that both of these species were recorded flying through the proposed development site during survey work, some at collision risk height. Although the proposed development is likely to have a significant effect on the Great Black-backed Gull and Herring Gull qualifying interests through collision mortality SNH advice is that the proposal will not adversely affect the integrity of the site. This is because the potential additional mortality caused by the proposed development will not influence the long term population trend for either species. This is for the proposed development on its own, and when considered cumulatively with other plans or projects affecting the SPA.
- 8.20 SNH has assessed the other interests associated with this development site and highlights a number of matters to help minimise the impacts mainly during construction and decommissioning. Given the comments from SNH, which advises the Council on such matters, it would be appropriate to ensure planning conditions are attached to any grant of planning permission as noted. These measures would be consistent with Council standards set out its approved guidance on Construction Environmental Management Process for Large-scale Projects. In the main its requests pre-construction survey for legally protected species is carried out at an appropriate time of year for the species, at a maximum of 8 months preceding commencement of construction, and that a watching brief is then implemented by the Ecological Clerk of Works (ECOW) during construction. The species that should be surveyed for include, but are not limited to, breeding birds, otter and water vole. The area that is surveyed should include all areas directly affected by construction plus an appropriate buffer to identify any species within disturbance distance of construction activity and to allow for any micro-siting needs.
- 8.21 SNH has also highlighted that the applicant has agreed to use its micro-siting allowance to relocate turbine 5 by ~12m northwards to grid reference 318223,

956230 and turbine 7 by ~8m northwards to grid reference 318594, 956166. In addition to this, SNH have recommended that micro-siting of any of the turbines ensures that a buffer of at least 50m is maintained between the closest part of the blade tip in its sweep and features used by bats (eg watercourses). This is to follow best practice and so minimise the risk of killing or injuring bats, a European Protected Species.

Design.

- 8.20 The site has already been considered for wind farm development, albeit for a much larger scheme (30 turbines) than the one presented within the current application. The applicant is seeking to take from the initial project, refused on appeal, a design which builds on the acknowledgement by some parties at the PLI process that the site was capable of accommodating some turbines, although no clues were given by the Reporter as to the height, number or layout that might be acceptable. Subsequently other developments have been proposed and consented in the area.
- 8.22 The application presents turbines at a maximum tip height of 100m, consistent with the nearby Causeymire wind farm and other approvals in the locality e.g Halsary wind farm (100m) and Bad a Cheo (105m). The turbines present an array of seven turbines as viewed from the north on the A882 (VP 9), but in plan form presents as two rows of turbines set on the upper northern slopes of Spittal Hill. The supporting ES present a full design statement, highlighting numerous design considerations that have helped inform the design process and final layout.
- 8.23 SNH has commented that with regard to turbine layout and numbers the proposal forms “a reasonably balanced grouping of turbines and adopts an appropriate semi-irregular layout that relates to the form of other nearby operational and consented wind farms”. Furthermore - “the number of turbines will result in a small clustered development that fits with the scale of the landscape of the site and its immediate surrounds, which is characterised by enclosed farmland and buildings on lower hill slopes and within the valley occupied by Loch Watten”
- 8.24 However, SNH has advised that with regard to turbine height “contrary to the statement in the Environmental Statement (Volume 4, Table 5.1.1) it has not agreed that “the turbine heights for the current proposal are appropriate”. During its pre-application discussions with the applicant - “discussion and advice was focussed on turbine numbers and layout. It is only when carrying out a full assessment of the submitted proposal that the issue with turbine height has become apparent.” SNH’s advises that “the height of the turbines is still too high in relation to the smaller scale features present in this landscape. This is illustrated in Viewpoint 4 from Spittal, Viewpoint 10 on the A882 and Viewpoint 14 on the B870 near Backlass, where 100m high turbines would overwhelm the scale of the small buildings that lie in relative proximity to the proposed development site.” SNH’s has advised that “turbines in the region of 74-80m to blade tip height should be explored”.
- 8.25 The applicant subsequently considered reduced sized turbines (79m to tip height), but determined that its case for 100m tip height turbines was robust. The 100m turbine would provide 4 times more energy, with minimal increase in environmental effect. SNH was not persuaded to amend its views in respect of its advice on

landscape impact.

Landscape, including Wild Land.

- 8.26 The site and its surrounding area out to 10km have no significant landscape designations. Beyond this distance there are a number of Special Landscape Areas (SLA), Listed Gardens & Designed Landscapes (i.e. Castle of Mey) and Wild Land as highlighted in paragraph 2.4 above. There are no or negligible impacts on most of these designations arising from the development on account of the lack of visibility and or distance. The key considerations for this proposal are in respect of The Flow Country and Berriedale Coast SLA to the south and perhaps more particularly Dunnet Head SLA to the north. For the former SLA, the closest, the impacts arising from the development is not considered significant, given the topography of Spittal Hill which intervenes, distance from the SLA and the intervening windfarms that prevail at Causeymire and other consent projects adjacent to Causeymire. The interests of the SLA lie much further to the south.
- 8.27 With regard to the Dunnet Head SLA, which sits 15 – 20km to the north of the proposed wind farm site, the ES advises that the landscape impact is not significant or moderately significant. It suggests that the impact is regarded as negligible. The Council’s citation for this SLA advises that - “this prominent headland forms a striking large landmark at the northernmost point of the British mainland. High numbers of visitors travel along the single-track road to the viewpoint and lighthouse which occupies a commanding position and is itself a prominent feature in views from land and sea. In clear conditions expansive views are obtained, from the cliff tops and from elevated positions, extending across the sea to Orkney, Cape Wrath, Strathy Point, Duncansby Head, and inland to the peaks of Caithness including Morvern, Maiden’s Pap and Scaraben.”
- 8.28 The citations for the SLA note sensitivity in respect of development that could impinge on either the views towards the headland from the east and west or the expansive panorama seen from Dunnet Head itself; development that could disrupt the gentle curve of Dunnet Bay and disturb its qualities of seclusion: and large-scale structures on or near to the headland could compromise its perceived large scale and the seeming extensive character of the interior moorland in addition to the peninsula’s distinctive landmark qualities. Judgement is required on the impact of the addition of the development, albeit 15 – 20km distance, particularly inland from Dunnet Head. This requires to take account the cumulative impact of operational and consented largescale wind farms particularly arising from the cluster of turbines formed by Causeymire, Halsary, Achlachan and Bad a Cheo. Cumulative impacts with other wind developments (e.g. Camster and many others) and potentially offshore wind farms emerging in the wider area are also important when considering individual views and when considering sequential impact of travellers to Caithness, particularly tourists.
- 8.29 The development has to be read with regard to the landscape character of the locality, largely as defined by SNH’s Caithness and Sutherland Landscape Character Assessment. The ES highlights that Caithness can be divided into two broad character areas including the “Settled Area” broadly corresponding to the Mixed Agricultural and Settlement Landscape Character Area and the “Remote Area”

comprising moorland, hill and mountains. The site sits within the settled north eastern area of Caithness, within two landscape character types including “Mixed Agricultural Settlement” and “Small Farms and Crofts, Fringe Crofting and Historic Features” The ES concludes that there are significant effects within the range of the landscape units within 15 km of the proposed development but this is limited to: -

- the Open Intensive Farmland landscape as the development is viewed from the eastern side of Loch Watten.
- The Mixed Agricultural and Settlement landscape character type immediately adjacent to the development.
- The Small Farms and Croft, Fringe Crofting and Historic Features landscape on which the development is located.

8.30 The ES highlights that “the landscape impact is specific to the site; and is quite local; and there are similar landscape character types are found elsewhere within the study, where the effects are not significant.” SNH has commented that “the proposal would avoid overwhelming the focus provided by Spittal Hill, as it forms a relatively small grouping related to lower hill slopes. The number of turbines will result in a small clustered development that fits with the scale of the landscape of the site and its immediate surrounds, which is characterised by enclosed farmland and buildings on lower hill slopes and within the valley occupied by Loch Watten.” However SNH comment that “it is not clear that the height of the turbines has been taken into account by the applicant in the design of the proposal that fully recognises the landscape of the area and the elements which make up this landscape”.

8.31 The ES states that the height of turbine deployed in the application has been drawn from the prevailing turbine typology of operational developments in the locality including Causeymire, Achairn, Flex Hill and Wathegar. The applicant has presented a design statement within its ES highlighting a number of factors upon which it has determined the final layout pointing out “the turbines are located on an area of moorland, which is considered large in scale and in its opinion has the capacity to accept such development.” SNH has advised that “the presence of smaller scale features limit landscape scale and make a smaller turbine more appropriate in terms of achieving a satisfactory ‘landscape fit’ at this location”. In this regard SNH highlight “viewpoints 4 – Spittal, VP 10 on the A882 and VP 14 on the B870 near Backlass where 100m high turbines would overwhelm the scale of the small buildings in relative proximity to the proposed development site. “

8.32 The Council has been undertaking an assessment of the Caithness landscape with regard to its capacity to accept on shore wind farm development. This work is only at a draft stage, but is expected to be developed and integrated into the Council’s updated Supplementary Guidance for wind farm development as informed by the most recent SPP. No great weight can be given to the case made within the current assessment process, but the assessment by landscape consultants concludes that the site falls within an area “where receptor sensitivity to potential cumulative effects is a limiting factor to further development.” From the planning history of this area it is clear that Spittal Hill although not very significant in terms of height, has a high degree of significance in the local Caithness landscape. It has been described as a highly visible local landmark, which is seen from large distances away. The hill offers separation and screening to thereby provide relief from cumulative impact. Although

the applicant has sought to reduce the hub height of turbines below the hill top, blades will extend to a higher level approximately 44m for the highest turbine, albeit at a set back distance of over 1km.

8.33 The development of several wind turbine projects in Caithness is creating its own impact on the landscape with many projects being perceived as part of a cluster of turbines. It is noteworthy that this application has sought to locate turbines off Spittal Hill and to the north of its ridge line with Backlass Hill. This is then slightly apart from the Causeymire, Halsary, Achlachan and Bad a Cheo “cluster” which sits, within a separate watershed, indeed within the sweeping moorland, which connects with the Flow Country (remote area), as opposed to the Mixed Agricultural and Settlement Area of the Watten / Wick valley. That said the proximity of the above wind farms to the proposed development on Spittal Hill does present a sense of increasing the visual extent of this “cluster”, particularly when viewed from further afield – see para 8.28. Furthermore, assessment of the Zone(s) of Theoretical Visibility (ZTV) of these wind farms highlights that the area west of Watten – Clayock along the A882 that had respite from turbines, would now be impacted by the Spittal Hill turbines. Area’s of respite in the landscape, upon residents and road users from proximity to largescale turbines, where significant impact is experienced, is important. Such respite may ensure the very character of the landscape / visual experience of an area is not modified. The outcomes from the above noted study may assist with guidance on this matter in the future. However the issue of respite requires some judgement in the determination of the current application.

8.34 The Scottish Government has only very recently updated its position in respect of wild land, with further work being required of local council’s in respect of spatial framework’s identifying areas most appropriate for wind farms. The mapping of wild land areas by SNH has been concluded. This has recognised that significant areas of wild land within West Caithness and East Sutherland. However these are generally at distance from the proposed development site (i.e. 8km from the Flow Country wild land area) and south of Causeymire, Halsary, Achlachan and Bad a Cheo wind farms. SNH has raised no concerns over the anticipated impact of this development on the identified wild land areas in Caithness.

Visual Impact.

8.35 The ES presents 23 viewpoints to help with the assessment of the proposed development, both in respect of landscape and visual impact on key receptors, including cumulative impacts with other similar development in the area, both operational and approved. Significant visual effects are identified in three areas all relatively close to the development site: -

- Viewpoint 2, 3 and 4 between 2.5 – 5km distance to the nearest turbine west of the development and relate to viewing from local residents and travellers along the A9 between Spittal and its junction with the A882 - Moderate effects (thereby significant).
- Viewpoints 8, 9 and 10 located 1.5km – 2km distance to the nearest turbine to the north of the development and relate to views from local residents and travellers along the A882 – Major effect to residents and Moderate (thereby significant) to road users).

- Viewpoints 14 – 16 located on the B870, which runs north and south of Watten, linking with Spittal, where there is impact for road users and local residents and additionally at the east of Loch Watten recreational users) – Moderate effects (thereby significant).

8.36 It is then the distance from the development that the ES states accounts for a minor, low and or negligible impact from most other assessed viewpoints, together with the setting of the turbines off Spittal Hill and north of the ridge line to Backlass Hill.

8.37 With regard to the impact of the turbines as viewed from the A9 south of the development, as highlighted by SNH at Viewpoint 5 (Memorial on A9) and Viewpoint 6 (Rangag) both on the A9, the ES concludes proposal would not have significant impact on account of the cumulative effects when taking Causeymire, Halsary and Bad a Cheo wind farms developments into account. This conclusion is not contested.

8.38 SNH has highlighted particular concerns with regard to cumulative impacts on visual amenity. The proposed development would in its view have significant cumulative effect on visual amenity as experienced from the B870 in the Backlass area and from within and around residential properties lying on the southern slopes of Spittal Hill. These effects would occur as the Spittal Hill turbines and the now consented Halsary and operational Causeymire wind farms are seen together; and in sequence at close distances of between approximately 2km and 3km. SNH advises that as viewed from Viewpoint 4 on the A9 at the southern edge of Spittal village the proposal would make a substantial contribution to significant cumulative effects adversely affecting setting and local visual amenity. Although not commented upon by SNH, the impacts of the consented Achlachan and Bad a Cheo wind farms also adds to the turbine numbers in this location, with four wind farm developments now forming a significant consented cluster on the south / south eastern side of Spittal village.

8.39 SNH has also commented that significant cumulative effects would also arise on the A882 and the B874. However, its advice is that the proposed development would make a relatively minor contribution to cumulative effect when compared with the greater and more consolidated extent of the Flex Hill / Achairn and Wathegar I & II wind farms – which lies to the east of Watten. This is because the proposed development would relate better to the landscape scale of the more patterned and settled Watten / Wick valley and have a less dominant visual effect.

8.40 Containment within distinct landscapes is valuable, particularly to provide setting of development and even with visual respite. Viewpoint 17 Nr Cooper's Hill highlights the potential of the proposed development at Spittal Hill to expand the Causeymire, Halsary, Achlachan and Bad a Cheo cluster northwards and in a prominent way. At greater distance the same impact is experienced from VP 20 Dunnet Head. The cumulative ZTV's demonstrates how this larger cluster of turbines from four wind farms overlaps with the current Spittal project, particularly within the 5km radius of the application site. Viewers travelling the A882 have awareness of the above cluster and the addition of the Spittal Hill project will increase visual awareness of turbines in this locality. The ES recognises the significant (moderate) impact on road users that the proposed development will introduce.

Residential Amenity

- 8.41 The visual impact assessment within the ES has highlighted significant impacts arising in three areas close to the development, particularly affecting residential receptors. In this regard it is also important to assess the degree of that impact taking into account factors such as noise, shadow flicker and general impact of the developments taking account of the orientation of properties and their general usage. This can extend to more general amenity encompassed from in travelling in and around the area in which they live. Such assessment will recognise that some owners and occupants of affected properties have a financial interest in the proposed development. Accordingly such interest can allow a slightly greater tolerance of expected impact to be taken into account. There are three existing properties within 1km of the nearest turbine, all with a financial interest in the project. The closest property, Marchlands, is at a distance of 790m south east of turbine 7. The front of the property looks directly towards the development, but it also has principal views towards Loch Watten.
- 8.42 There are 10 non-stakeholder properties between 1km and 1.5km distance, the nearest is located at 1,150m, and 51 existing properties within 2km of the nearest turbine. Planning permission for a house plot at a distance of 790m from the nearest turbine, recognised in the applicant's ES, has now lapsed. The ES has identified 23 properties where the effect on residential properties is considered significant (3 with major impact and 20 with moderate impact). Star Croft and Marchlands, where major impact is identified, have a financial interest in the project, with Balnasmurich not being involved. This latter property is partial screened from the development, but the project will introduce turbines on an outlook from the house which is currently free of turbines. The property already has outlooks toward existing and consented developments including nearby Causeymire, Halsary, Achlathan and Bad a Cheo.
- 8.43 The ES concludes that no individual property is impacted by the development to the extent that living conditions would be unpleasant, overwhelming and oppressive so that the property would become an unattractive place to live. The degree of impact is clearly a matter of subjective opinion. Many residents from the above properties are amongst the objectors to the application. Residential impact was a key discussion point in the Public Local Inquiry for the initial Spittal Hill Wind Farm, which recognised the need to look at the impacts on property, including the approach to the property, as well as from the garden to gauge the impact and respite, be that visual, cumulative impact, noise, etc. The assessment presented in the ES on individual properties up to 2km from the nearest turbine is informative and can be relied upon to assist in making a judgement of impact. Of the 20 properties assessed as significant (moderate) impact many are located adjacent to the A882 north east of the development and will have views of the turbines similar to that highlighted by within Viewpoint 8 and Viewpoint 9. From these two locations a clear view of the turbines is obtained at a distance in excess of 1km, where the impact is seen as being significant. The issue of turbine height discussed earlier is a consideration in terms of potential mitigation to this assessed impact.
- 8.44 The recent SPP has confirmed a 2km area around towns and villages might be afforded some protection / further consideration within any spatial framework guidance. The Council's current Interim Supplementary Guidance – Onshore Wind

Energy already highlights this constraint. The applicant has undertaken an assessment of the development on the community of Spittal, which sits on the A9(T) road, close to the locally important B870 road, and is surrounded by primary land uses including agriculture, forestry and quarrying. The ES has identified that the development would have a significant effect (moderate) on the community, given the partial views of the development to the north and in combination with the strong influence of wind farm development to the south. The eastern and western prospects of the village remain open.

- 8.45 The above assessment relates mainly to impact on interests within 2km distance from the nearest turbine. There are further properties beyond this distance which will be impacted by the proposal, and particularly those that are set between the application site and other wind farm projects including Causeymire (distance to nearest turbine at Spittal Hill 5.4km), Halsary (4.6km), Bad a Cheo (6.1km) and Achlachan (4.7km). In as much as the applicant has recognised that significant visual impact can arise from their development for road users at distances of over 4km in its assessment from Viewpoint 2, there are a number of properties (approximately 10) outwith the ES's detailed 2km assessment of residential properties which will also be impacted by the proposal, and to a significant (moderate) degree. They lie between Spittal Hill and the above noted wind farms by Backlass / Mybster / north east of Spittal.

Construction Impacts

- 8.46 The construction of the proposed turbines will generate noise during the excavation and laying of foundations, along with the haulage of plant and materials to and within the site. The ES has highlighted that it is not anticipated that construction noise levels on site will exceed the daytime noise limits or the evening and weekend noise limits at residential properties in proximity of the site.
- 8.47 The addition of construction traffic on the main roads is not considered to add significantly to traffic volumes and type to any great extent. The exception will be the use of the local Dunn road from the A882, which itself will need to be improved. The impact of the road improvement works and subsequent traffic is expected only to have limited impact during construction hours. This impact will not significantly affect local properties / households. Mitigation is offered and can be secured through the requirement and approval of a Construction and Environmental Management Document, set as a condition, to ensure responsible construction practices are adopted to reduce potential impact on neighbouring properties and other road users.
- 8.48 The ES highlights that the development will be part restored following the initial construction activity and fully restored on decommissioning. SEPA in particular highlighted the importance of securing all appropriate site restoration and the need for this to be set as a planning condition to any consent. The condition will require the proposed decommission works to be approved, including the timescale for implementation. The Council has a standard practice of ensuring that a bond is secured to implement the required decommission and site restoration, should there be a failure by the site operator.

Noise and Shadow Flicker

- 8.49 The application was accompanied by a noise assessment. The assessment has included the cumulative impact from other wind turbine developments in the area. However the initial assessment did not use consented levels. This has now been amended and a noise assessment submitted which includes consented levels adjusted for the controlling property principle. The levels have also been adjusted for directionality based data on the fact that the worst case downwind propagation of noise cannot apply to all wind farms at all properties the same time. It is noteworthy that five properties have been identified as being financially involved with the development. NSR01 Banniskirk Mains; NSR13 Dunn; NSR14 Crofts of South Dunn; NSR16 Tigh na Beinn; NSR23 Star.
- 8.50 The Council's approach to national standards is to require noise compliance levels to the lowest guidance limits on account of the rural nature of the area. This requires noise levels, including cumulative noise do not exceed 35dB LA90 daytime; 38dB LA90 night time or up to 5dB above background. The latest assessment has continued to assume higher limits than the ones referred to above. The EHO is not convinced by the argument to relax the noise limits and has advised that the above limits of 35dB LA90 daytime; 38dB LA90 night time or up to 5dB above background be applied.
- 8.51 It appears that in general the adjusted consented data could still comply with the recommended limits although in theory there may need to be some curtailment measures if other wind farms operate at higher than predicted levels. However, it is not possible to suggest specific limits until an assessment is carried out comparing the consented adjusted levels against the 35/38dB limits. However, it is likely that there will be little if any margin between the predicted levels and the consented limits so the EHO has reiterated a recommendation that compliance monitoring be undertaken following commissioning. I would also recommend a condition addressing amplitude modulation.
- 8.52 Given the rotor diameter of the candidate turbine being 80m, the potential for shadow flicker to cause a problem extends to approximately 800m. There is only one property within this radius (Marchlands), but there is no anticipated impact predicted from the development given its location (south east) from the nearest turbine. The ES also highlighted the potential impact on a single house development at Upper Larel, planning permission for which has since lapsed. No weight can therefore be given to this assessed impact.

Cultural Heritage

- 8.53 The applicant's ES highlights that a 29 scheduled monuments and 13 listed buildings stand within 6.5 km of the proposed turbine array, although the distances to the turbines themselves is in many instances greater. Effects on the settings of these monuments are not assessed as significant in terms of EIA Regulations. Historic Scotland has not objected to the application having requested assessment of the potential of the proposal to impact upon the settings of four Scheduled Monuments: the Chapel of Dunn; the Broch at Spittal Farm; Fairy Hillock chambered cairn, and the broch at Knockglass (all located within 3 km of the proposed turbine array) as

well as a further five Scheduled prehistoric monuments around Achanarras Hill, which are located within 5 km of the proposed turbine array.

8.54 The turbines will be sited within an area of open moorland, although a group of pasture fields north of the Crofts of South Dunn are included within the site boundary, to provide access. The presence of shieling sites and ruined post-improvement crofts on the application site indicates that the now abandoned hill-slope was formerly occupied by sparse isolated farming communities, potentially from the later medieval period onwards. This is indicative of an economy based on animal husbandry complemented by limited cultivation. The ES advises that none of these impacts will be significant. The Council's archaeology unit has not objected to the proposed development but has requested mitigation by condition. This will draw on the offer mitigation set out by the applicant but requiring a detailed record to be made of upstanding cultural heritage features within the development area, or close to the boundary of the development including recording/survey, fencing, watching briefs, and data provision.

Economic Impact and Tourism

8.55 The ES highlights that the application seeks to advance a £27m capital investment. Whilst the benefits of this investment will be felt across Europe, including Scotland, the impact and benefits to the local area are more limited in procurement terms. Key benefits locally will arise from the estimated 30 FTE jobs during the 12 month construction phase, 2 - 3 regular maintenance jobs over a 25 year operational phase and subsequently with decommissioning. The investment will not significantly impact on the current management of the site, which can continue in agricultural use / rough grazings. There is also the potential to make better recreational use of the site, which will benefit local residents in the main.

8.56 In contrast to the benefits of the proposed development, there may be dis- benefits, a subject which has been highlighted by the many objectors to the wind farm. Many of the comments made are generic to onshore wind farms in general, with references made to impact assessment surveys of tourists to Scotland. The ES simply highlights that there is the potential for the wind farm in general to have a minor, direct effect on local tourism. However there is no substantive information from the applicant or thirds parties on how this development may effect principal recreational activities that take place in Caithness for example angling on local rivers and lochs, bird watching focused in the main of designated sites, coastal walks, cycling, car bound travellers, visitor attractions across the area, B&B facilities, local hotels, etc.

8.57 The site is not regarded as one which would have significant direct impact on any particular local business or tourist attraction. However there are increasing concerns expressed locally over the build up of turbines in significant and prominent clusters on and offshore in the Caithness area, that is being seen as detrimental to landscape that may affect the local tourist economy. The site position, south of the key settlement of Thurso, close to the north railway line and important tourist route including the A9 road and A882 road, is thereby sensitive in this regard. This is perhaps part of the argument presented in the Council's assessment of the Caithness landscape noted in para 8.32. Given the cumulative impact of development, the value of areas of respite are equally important to those travelling

through an area.

Aviation Interests

8.58 Developments of this nature must have regard for aviation safety, both in respect of military activities as well as commercial services and emergency services; in this case particularly flights to and from Wick Airport managed by HIAL. The development is not expected to present any significant impact, but a request has been made for planning conditions to ensure any construction and development details are confirmed with aviation interests and an appropriate level of air safety lighting (infra-red) provided.

Radio and TV Reception

8.59 No particular concerns have been raised on the matter of TV, radio reception and other telemetry interests in the area. However the council has a standard practice in situations where there may be some concerns to nearby residents and businesses. This can be addressed through condition to ensure that developers address adverse impacts that may emerge during construction and over the initial year of operation when problems may first be detected.

Other Material Considerations Within Representations

8.60 In line with The Highland Council policy and practice, community benefit considerations are undertaken as a separate exercise and generally in parallel to the planning process.

8.61 There are no other relevant material factors highlighted within representations for consideration of this application by the committee.

9. CONCLUSION

9.1 The Scottish Government gives considerable commitment to renewable energy and encourages planning authorities to support the development of wind farms where they can operate successfully and where concerns can be satisfactorily addressed. This commitment is confirmed within the most recent Scottish Planning Policy / National Planning Framework publications.

9.2 The Council is supportive of renewable energy projects and has a positive policy set out in its Highland-wide Local Development Plan (Policy 67) but there are a number of considerations for assessment to ensure proposals are not significantly detrimental individually or cumulatively with other developments. The site falls primarily within an "Area of Search" it also falls within a 2km separation area around the community of Spittal. The most recent Scottish Planning Policy maintains at 2km the concept of community separation for the consideration of visual impact.

- 9.3 As with all applications the benefits of the proposal must be weighed against potential drawbacks and then considered in the round, particularly against all relevant policies as set out in the Development Plan. The project has the potential to provide 21MW of renewable energy, making a useful contribution towards Scottish Government targets and a small number of jobs locally in Caithness and more in the wider economy.
- 9.4 Many issues highlighted in the processing of this application, for example in relation to construction and traffic impact and can be effectively managed through offered and secured mitigation, the adoption of good construction practices and planning conditions. Many statutory consultees have not objected to the application, subject to appropriate planning conditions being put in place. A large number of letters of support (587) for the project have also been received.
- 9.5 However, the application has also attracted a very large number of letters (1,730) against the proposal and a local ballot conducted by Watten Community Council highlighted 63 people for and 255 against the project. The objections have raised issues of concern which are material considerations.
- 9.6 As with most planning applications the proposal requires judgement on a few key determining issues. In the case of this application the key issues are also criteria set out in the Council's Development Plan and Interim Supplementary Guidance. These include its "Landscape and Visual Impact"; "Amenity at Sensitive Locations"; and "Safety and Amenity of Individuals and Individual Properties" These are considered in turn.
- 9.7 In design and landscape terms SNH has stated the development would present a balanced group of turbines that relates to the form of other nearby operational and consent wind farms. It also commented that the proposal presents "a relatively small clustered development that fits with the scale of the landscape of the site and avoids overwhelming the focus provided by Spittal Hill. However SNH highlights that the height of the turbines are "too high in relation to the smaller scale features that present in the landscape - overwhelming the scale of buildings that lie in relative proximity to the proposed development site". Viewpoints 4, 10 and 14 have been referenced to demonstrate the impact. The blade tips of all turbines will be higher than Spittal Hill summit 176m AOD. The applicant, in response, highlights that the turbine height is appropriate in its view and that the proposed turbine / wind farm would have a significantly greater energy output than a turbine of reduced height i.e.79m to tip.
- 9.8 Notwithstanding the debate on turbine size, the landscape in Caithness is experiencing a build up of turbines, wind farms and more significantly wind farm "clusters". SNH has commented on impacts that the Spittal Hill scheme has qualities in terms of cumulative impact for example to travellers on the main A882 road when compared with the turbines at Flex Hill, Achairn and Wathegar I & II. This is on account of relationship to landscape scale and land use pattern. Nevertheless road users on the A882 will have significant visual impact of the proposed turbines. It is also clear from the ZTV presented in the ES and in the assessment of cumulative impact at properties, that an area west of Watten on and around the A882, relatively free of significant impact from turbines (respite), would have clear visual impact of the

Spittal Hill turbines. Also, as viewed from Viewpoints 17 near Cooper's Hill and more distantly from VP 20 Dunnet Hill, the proposal would seem to expand visually the Causeymire cluster of turbines over the ridge line that runs between Spittal Hill and Backlass. These visual effects are considered to be significantly detrimental.

- 9.9 With regard to "amenity at sensitive locations" it is the significant impact from the community of Spittal and a small number of residential properties within 2km and slightly beyond the wind farm turbines that raise concerns. The ES clearly identifies significant impact arising from the development in respect of its assessment of the impact from Viewpoint 4 at Spittal, and over 20 properties which lie particularly north and east of the development and within 2km of the nearest turbine. The impact at the settlement of Spittal is primarily visual, experienced by properties within or close to the community arising both from this development and in combination with outlooks towards Causeymire wind farm and the consented Halsary, Bad a Cheo and Achlachan turbines.
- 9.10 With regard to the criteria "safety and amenity of individuals and individual properties" it is accepted that the development will have no significant impacts on individual properties in respect of noise and shadow flicker. However the amenity of some households and residents who live in close proximity (2km) of the development, the visual impact and cumulative visual impact with other developments will be a significant concern. This impact has been recognised within the supporting ES. Some relaxation over the degree of impact on the amenity of properties can be taken into account where there is a financial interest. However there remain a small number of properties that do not fall into this category, that sit within the 1.2 – 2km radius of the nearest turbine. The property Balnasmurich perhaps has the greatest impact, on account of the impact that the Spittal Hill project will bring on top of the impact from Causeymire, Halsary and Bad a Cheo. However there also a few properties just outwith the 2km from the nearest turbine by Mybster, which will be similarly impacted. In this regard SNH has highlighted the cumulative impact on properties within the vicinity of Backlass VP 14.
- 9.11 The application has to be determined principally in terms of Policy 67 of the Highland-wide Local Development Plan, which also reflects the tests set out within other policies within the plan; for example Policies 28 Sustainable Design and 61 Landscape. Even with the benefits that the project will bring in terms of renewable energy and jobs and taking account of the offered mitigation and potential to deploy planning conditions the project on balance will have significant impacts which cannot easily be set aside. The significant impacts relate to the visual impact on properties within 2km of the site and potentially wider towards Backlass / Mybster, taking into account the cumulative visual impact arising from the operational Causeymire Wind Farm and consent Halsary, Achlachan and Bad a Cheo wind farms; the loss of visual respite that the area north of Spittal Hill and its ridge line to Backlass enjoys from the immediate effects of largescale wind farm development, and the extent to which the Spittal Hill development would further extend the Causeymire turbine cluster as viewed from the north, including the Dunnet Head SLA. Whilst a reduce turbine height to at least 79m to tip might lessen the impact on local housing and the community of Spittal, the expansion of the Causeymire cluster as viewed from the north would remain a significant cumulative concern.

