

THE HIGHLAND COUNCIL

**CAITHNESS, SUTHERLAND & EASTER ROSS
PLANNING APPLICATIONS COMMITTEE – 22 JUNE
2010**

Agenda Item	
Report No	

**07/00217/S36CA : SPITTAL HILL WINDFARM LTD
LAND TO EAST OF SPITTAL HILL**

Report by Area Planning and Building Standards Manager

SUMMARY

Description : The proposal is for the erection of 30 wind turbines (77.5MW) with a height of 70m to hub and 110m to blade tip, installation of associated infrastructure, site tracks, temporary contractors compound and hard standing and erection of 2 permanent anemometer masts at land east of Spittal Hill, near Spittal, Caithness.

Recommendation : A recommendation is made to **raise no objection** to the application subject to conditions and completion of a legal agreement to secure funding for a number of areas of mitigation.

Ward : 4 Landward Caithness

Development category : Major Application

Pre-determination hearing: No hearing as the application is not contrary to the development plan.

Reason referred to Committee: More than 5 objections, objections from statutory consultees that cannot be resolved.

1. PROPOSED DEVELOPMENT

- 1.1 The proposal is for a wind farm on land east of Spittal Hill, Caithness. It has been submitted to the Scottish Government as an application under Section 36 of the Electricity Act 1989. Should Ministers approve the development, it will carry deemed planning permission under Section 57(2) of the Town and Country Planning (Scotland) Act 1997. The Council is a statutory consultee and is required to submit its views to the Scottish Government.
- 1.2 The application is supported by an Environmental Impact Assessment 2007 and by an addendum to the EIA submitted in November 2009.
- 1.3 The application is for the development of a major wind farm comprising 30 turbines (nominal generating capacity of 77.5MW) on a site extending 4 km east to west and 3 km north to south lying to the east side of Spittal Hill on an assemblage of agricultural and croft lands. (see attached plan) The proposal comprises of the

following main elements:-

- 27 wind turbines (hub height 70m, and maximum blade tip height 110m) (micrositing buffer of 50m requested) rated at 2.5MW each
- 3 wind turbines (hub height 60m, and maximum blade tip height 100m) (micrositing buffer requested of 50m) rated at 2.5MW each
- 2 permanent anemometry masts (60m)
- approximately 10km of new access tracks with cabling adjacent
- Temporary construction compound/laydown area
- Substation/control building
- New site access near Crofts of South Dunn
- New/improved access to Spittal and Banniskirk quarries for granular materials

The turbines are positioned about 300m apart in 7 rows running north to south between the 135m and 60m contours. This array maximises the energy available from the prevailing west/southwest winds.

- 1.4 The operational lifespan of the development is 25 years after which time the development will be decommissioned, with above ground facilities being removed. Turbines are to be delivered to the site by road from Wick Harbour. The grid connection (not part of this application) is to be directed to the sub-station at Mybster, which lies to the south of the site. The project both at the construction stage and operation stage is anticipated by the applicant to have a positive economic impact both nationally, regionally and locally.
- 1.5 The development is of a scale that requires submission of an Environmental Assessment under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000. The Environmental Statement (ES) comprises 4 volumes submitted in 2007. An addendum to the EIA was submitted in November 2009 providing further information on ornithology, visual and cumulative impact and cultural heritage.

2. SITE DESCRIPTION

- 2.1 The application site is located on farm land immediately to the east of the A9(T) approximately 2km north east of the village of Spittal in Caithness. The land is primarily agricultural, comprising rough and improved pastureland used for grazing sheep and some cattle.
- 2.2 The site occupies an area of 980 hectares with the topography being a mainly west to east slope from Spittal Hill (height 176m AOND) to a relatively flat area at Dunn (60m AOND). The site is rural in character with a number of small agricultural holdings and crofts within and in the vicinity of the site.
- 2.3 Spittal village lies 1.2 km west of the nearest turbine (turbine T10). The nearest houses to the turbines are within the site and are in close proximity to the turbines and are 'stakeholders' (owner/occupiers) in the development. These are:-
- | | | |
|-----------------|---|---------------------------------|
| Star Croft | - | 100 metres from nearest turbine |
| Toftingall Farm | - | 400 metres from nearest turbine |
| Langergill Farm | - | 750 metres from nearest turbine |
| Dunn | - | 300 metres from nearest turbine |
- 2.4 Other residential properties lying outside the site boundary but also named as

'stakeholders' (land owners) by the applicant are:-

Tigh Na Beinn	-	350 metres from nearest turbine
Lower Dunn	-	850 metres from nearest turbine
South Dunn	-	800 metres from nearest turbine
Larel	-	750 metres from nearest turbine
Argyle	-	850 metres from nearest turbine
Banniskirk Mains	-	1100 metres from nearest turbine
Spittal Quarry	-	850 metres from nearest turbine

2.5 Residential properties within 1km of the site with no financial interest in the proposed windfarm are:-

New House, Balnasmurich	- distance to nearest turbine - 810 metres - objection
Upper Larel	- 860 metres - objection
Lower Toftingall	- 730 metres
Lanergill	- 940 metres
Dunn and Scarmclate Holdings	- 812 metres
The Cottage, Dunn	- 1000 metres
The Old Schoolhouse, Dunn	- 1000 metres - objection
Gracequoy	- 1000 metres - objection
New House NW of 37 Oldhall, Watten	- 400 metres - objection

In addition planning permission exists for two houses near the turbines as follows:

House plot near Dunn (09/00134/OUTCA)	- 350 metres from nearest turbine
House plot at Upper Larel (08/00284/REMCA)	- 450 metres from nearest turbine

2.6 There are eight land ownerships involved in this proposal with a variety of numbers of turbines on the respective lands. These are:-

Tom and Steven Pottinger	- Banniskirk Mains - 2 turbines
D. Henderson and Son	- Dunn/South Dunn - 13 turbines
Donald Macdonald	- Larel - 2 turbines
Raymond Macgregor	- Tigh Na Beinn - 3 turbines
Liam Swanson/Morag Goodfellow	- Lanergill Farm - 2 turbines
Alan Higson	- Star Croft - 3 turbines share in 2 others
Les Davison	- Toftingall - 1 turbine and share in 1 other
A & D Sutherland	- Spittal Quarry - 1 turbine and share in 1 other

2.7 The development lies within 2km of the Caithness Lochs Special Protection Area (SPA) and Loch Watten Special Area for Conservation (SAC), RAMSAR site and Site of Special Scientific Interest (SSSI) and within 3 km of Loch Scarmclate SSSI. Banniskirk Quarry and Spittal Quarry are designated Sites of Special Scientific Interest for geological interest of national importance.

2.8 There are significant archaeological remains within the site including designated Scheduled Ancient Monuments (SAM) at Spittal Farm Broch and Chapel of Dunn.

3.0 PLANNING HISTORY

- 3.1 A scoping opinion was issued by the Scottish Government on 26 Jan 2005.
- 3.2 The following wind energy projects are within a 35km radius of this proposed wind farm:- Forss, Causeymire, Boulfruich, Flexhill, Achairn, Baillie, Camster, Bettyhill, Strathy North, Strathy South, South Shebster, Hill of Lieurary, Burn of Whilk, Stroupster, Bower, Durran, Olgrinmore, Halsary, Wathegar.

4.0 PUBLIC PARTICIPATION

- 4.1 The proposal was advertised on 27 April 2007 and 4 May 2007 for representations to be made under the Electricity Act 1989 and the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000. Following the submission of supplementary information to the Environmental Statement the application and the amendments to the EIA were further advertised on 27 November 2009. On each occasion copies of the supporting information were made available locally allowing 28 days for representations to be made
- 4.2 The Scottish Government has recorded 1325 objectors to the application and 1259 letters of support. Their records count all individuals who have signed representations, rather than the Council's normal practice of recording objections by household. The Council has received 400 letters of objection.
- 4.3 Objections to the proposals have highlighted the following matters:-
- proposals are too close to houses, several houses are less than 1km to the turbines;
 - adverse flicker effects on residential properties to north of the site;
 - visual impact of the development is unacceptable;
 - development will detract the current views from the A9 and other locations valued by tourists / visitors to the area;
 - adverse impact on the scenic beauty of the area / exceptional open landscape;
 - concern over the cumulative impact of wind farm developments upon the area;
 - adverse impact on nature conservation interests, including protected species (geese, swans, ospreys) and valued habitat;
 - the development is contrary to many Development Plan policies and the Highland Renewable Energy Strategy;
 - the proposal is contrary to EU Directives on the conservation of Wild Birds;
 - adverse impact on local archaeology, particularly its setting;
 - negative impact on amenity and health - arising from low level sound wave and flicker;

- turbine noise will detract from the tranquillity of the area;
- the turbines are too close to the community of Spittal;
- There are numerous houses located within 2Km of the proposed development
- The proposed development would have a significant long-term detrimental impact on the amenity of people living nearby
- the overall result of this development on the local economy will be negative
- the need for these turbines is unfounded

4.4 Supporters of the proposal have highlighted: -

- The need to address climate change concerns;
- The need to secure a clean energy supply;
- This is a project that significantly helps to meet government renewable energy targets;
- The economic value of such construction projects;
- The project will help to sustain local families and businesses;
- The environmental benefits that such projects can bring to the local countryside;
- Wind farm projects can reduce carbon emissions;
- Wind Farm projects are beneficial and would not deter visitor numbers to the area.

4.5 All letters of representation can be viewed at the Area Planning Office and for Councillors, will be available for inspection at the Ross Institute, Halkirk immediately prior to the Committee Meeting.

5.0 CONSULTATIONS

5.1 **Watten Community Council:** Following a postal survey of the electors in Watten the Community Council **objected** to the proposed wind farm. However, following a meeting of the Community Council on 8 February 2010 it is understood that a letter was sent to the Energy Consents Unit **supporting** the wind farm development.

5.2 **Bower Community Council:** Comment that:-

1) photomontage viewpoints appear to have been chosen to deliberately mislead by not including positions which would have demonstrated the severe effect on

landscape amenity namely by excluding viewpoints along the ridge in Bower. Views from just north of this ridge all the way south from the ridge will be devastated by the turbines.

2) The whole site is seen as unsuitable for a wind farm.

3) Highland Council's Renewable Energy Strategy presumes against such a development at this location.

4) The dominant Hill of Spittal means that this wind farm would equally dominate a wide area of Caithness to the detriment of amenity.

5) Terrestrial TV signals from the Thrumster transmitter will be affected by the proposed turbines particularly at Bower and Castletown.

5.3 **Halkirk District Community Council:** object to the proposal for the following reasons:-

1) Close proximity to inhabited properties.

2) Potential noise problem.

3) Cumulative effect in the local area (i.e. with Causeymire Wind farm. The Highland Council Renewable Energy Strategy shows Spittal Hill area in an area where a 'presumption against development' is indicated.

5.4 **THC Archaeology Unit:** comment that all archaeological sites identified in the ES must be fenced off to avoid any disturbance or impacts during construction of the wind farm A 20m buffer is a minimum and 50m buffer is recommended. An archaeological watching brief should be conducted on all ground works.

5.5 **TECS Environmental Health:** No issues subject to attaching conditions.

5.6 **TECS Contaminated Land:** no issues regarding potential historic land contamination.

5.7 **TECS Roads and Community Works Manager Caithness:** No issues subject to attaching conditions.

5.8 **THC Landscape officer:** no issues

5.9 **Scottish Environment Protection Agency:** No issues subject to conditions regarding micro-siting to avoid watercourses, timing to avoid extreme weather, water abstraction, pollution prevention, borrow pits and appointment of an environmental manager.

5.10 **Scottish Natural Heritage:** In its letter of 29 June 2007 SNH objected due to:

- Likely significant effects but insufficient information to assess impacts on interests of Caithness Lochs SPA
- Likely significant effects on Loch Watten SAC. However if the proposal is undertaken strictly in accordance with the proposed conditions then the proposal will not adversely affect the integrity of the site.
- Significant adverse landscape and visual impacts including a) Significant landscape and visual impacts arising from this proposal particularly when experienced from the A9 and the A882; and b) significant adverse cumulative static and sequential impacts, and
- Insufficient information to assess the impacts on the Spittal Quarry and

Banniskirk Quarry SSSI's

- 5.11 In its letter to the Energy Consent Unit of 8 February 2010, SHN set out its position statement following the submission of further information. In summary this is as follows:-
- SNH maintain an objection on Landscape and visual impacts.
 - SNH maintain an objection subject to conditions on the Loch Watten SAC and our recommendations for measures to reduce impacts on European Protected Species. The position on these matters remains as stated in June 2007.
 - SNH is able to remove their objections to the impacts on the Caithness Lochs Special Protection Area, Banniskirk Quarry SSSI and Spittal Quarry SSSI.
- 5.12 SNH is of the opinion the proposed development will result in significant adverse landscape and visual impacts on a landscape of national interest, including adverse cumulative impacts with other existing, consented and proposed wind farms. The landscape of national interest could be referred to as the 'Caithness peatlands'. This comprises an area of flat peatland, sweeping moorland and lone mountain landscape character type extending between the mountains of Scaraben and Morven in the south, Knockfin Heights in the west, Beinn nam Bad Mor in the north and Bad a' Cheo in the east. This includes most of the Flow Country (proposed) AGLV. The landscape is distinctive and rare within Scotland for its extensive area of peatland characteristics that remains free from forestry plantations, and its sense of remoteness. The landscape is assessed as being of national interest due to its distinctiveness that contributes to the diversity of Scotland's landscapes. It is the opinion of SNH that the Spittal Wind Farm would adversely affect the qualities and experience of this distinctive landscape. SNH do not consider that the likely impacts of this proposal on the natural heritage are clearly outweighed by the wider public interest. SNH therefore object to this proposal due to the significant landscape and visual impacts on a landscape of national interest and the adverse cumulative impacts with other existing, consented and proposed wind farms.
- 5.13 **RSPB:** object to the proposals pending supply of further information regarding potential adverse effects on greylag goose and whooper swan, collision risk on hen harrier and concerns regarding impacts on curlew, lapwing and snipe. The addendum has addressed some concerns but the SPA populations of both whooper swan and greylag geese appear to have declined to well below baseline levels at the time of designation. Both species may be on that basis be considered to be in unfavourable status. Having carried out some very preliminary population modelling RSPB consider that adverse impacts on the integrity of the Caithness lochs SPA cannot safely be ruled out. RSPB therefore maintain an **objection**.
- 5.14 **Historic Scotland:** Initial concerns of the proposals impact on scheduled Ancient Monuments at Spittal Farm, Broch and the Chapel of Dunn. Advice was that the impact of the development on the setting of the scheduled monuments could be lessened by removing four turbines. This was not an objection but advice on how the proposed layout could be improved to lessen the impact on the SAM's.
- 5.15 **Transport Scotland –TRNMD:** The percentage increase in traffic on the trunk

road network from the development is likely to cause only minimal impact therefore no issues are raised.

- 5.16 **Highlands and Islands Airports:** The development would have an effect on operations at Wick Airport. The development could be accommodated but the consequence of doing so would result in changes to the instrument approach procedures. If planning permission was to be granted HIAL would require at least 6 months notice to effect the necessary changes and have these in place before construction of the turbines commenced. All cost of these changes would have to be borne by the developer. Red obstruction lighting would also be required.
- 5.17 **National Air Traffic Systems Safeguarding:** no objection to the proposal.
- 5.18 **Defence Estates (MOD):** No objections
- 5.19 **Health and Safety Executive:** No comments to make on the proposals.
- 5.20 **Crown Estate:** no comments to make on the proposals
- 5.21 **Caithness District Salmon Fishery Board:** Highlight a pollution potential into the Thurso River during winter rain/snow melt conditions.
- 5.22 **Forestry Civil Engineering:** Peat stability risk assessment indicates a low risk of peat instability.
- 5.23 **Office of Communication (Ofcom) & Joint Radio Company (JRC) :** no objection

6.0 DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Structure Plan 2001

Policy G1	Conformity with Strategy
Policy G2	Designed for Sustainability
Policy G3	Impact Assessment
Policy G4	Community Benefit and Commitment
Policy G6	Conservation and Promotion of the Highland Heritage
Policy BC1	Preservation and Archaeological Sites
Policy BC2	Archaeology, Education and Tourism
Proposal BC3	Archaeological Heritage Areas
Policy E1	Distributed Renewable Energy Developments
Policy E2	Wind Energy Developments
Policy N1	Nature Conservation
Policy T6	Scenic Views

Proposal L3 Areas of Great Landscape Value

Policy L4 Landscape Character

6.2 **Caithness Local Plan (September 2002)**

Land measured 500m from the roads surrounding the site is subject to General Policy PP2 – Favour development unless affecting important features.

The northern and central section of the site is subject to General Policy PP3 – Presumption against development where there are significant effects on heritage, amenity or public health.

General Policies PP1 – PP4 are set out on page 17 of the Caithness Local Plan Written Statement, in a stand-alone chapter. They apply as a policy consideration in respect of development generally and not just housing. They do not specify their application to particular types of development. The criteria for designating these policies are defined in the separate General Policies Annex to the Local Plan. An area is designated as a particular PP policy area because it contains one or more features from the relevant list in the Annex. Whilst particular features may be likely to be of particular significance as a consideration in respect of a particular proposed development type (such as housing), the starting point is that the general policies apply in respect of development generally.

6.3 Highland Renewable Energy Strategy and Planning Guidelines (HRES) (May 2006)

HRES is currently being reviewed to take account of Scottish Planning Policy (SPP) 6. Meanwhile it remains the approved Highland Council strategy on which wind energy proposals are assessed. Relevant policies include: -

Policy E7 presumes against the development of a major onshore wind farm.

Policy N1 local content of the works.

Policy S2 1km separation zone dwellings and wind turbines.

The Highland Renewable Energy Strategy sets out targets for export onshore wind energy that the Council hopes to achieve. These are 800MW by 2010, 1200MW by 2015, 1400MW by 2020, 2900 MW by 2050. The contribution of current large scale wind farm proposals in Caithness and Sutherland are essential if these targets are to be met.

6.4 Scottish Government Planning Policy and Guidance

The proposals require to be assessed against relevant parts of Scottish Planning Policy (SPP), National Planning Framework 2 and Planning Advice Notes (PAN).

The National Planning Framework (NPF) presents the Scottish Government's strategy for Scotland's long term development. Scottish Planning Policy (February 2010) contains policies relevant to this proposed development Circulars also provide statements of the Scottish Government's policy. Statements of Scottish Government policy in the SPP, NPF and Circulars are material considerations which should be taken into account in development management decisions.

The proposals also require to be assessed against the following Planning Advice Notes (PAN).

- PAN 42 Archaeology
- PAN 45 Renewable Energy Technologies

- PAN 56 Planning and Noise
- PAN 58 Environmental Impact Assessment
- PAN 60 Planning for Natural Heritage
- PAN 73 Rural diversification

7.0 PLANNING APPRAISAL

7.1 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.

7.2 The determining issues are:

- does the proposed development accords with the development plan?
- if it does accord, are there compelling reasons for not approving the proposed development?
- if it does not accord, are there any compelling material considerations for approving the proposed development?

Assessment

7.3 To address the determining issues, the Committee must consider: -

- a) Planning Policy / Guidance
- b) Road and Access
- c) Pollution Control
- d) Historic Environment / Scheduled Ancient Monuments / Archaeology
- e) Natural Heritage
- f) Design, Visual Impact and Amenity considerations
- g) Tourism
- h) Other Material Considerations

Development Plan and other Planning Policy / Guidance

7.4 The Council's Structure Plan (para 1.6) and the Caithness Local Plan recognises the area of this proposed development as being economically fragile, where development initiatives are founded upon rural development principles. When considering new development a balance has to be achieved allowing a proactive approach to the wise use of the natural environment, recognising the economic benefits of sustainable forms of development. Various safeguards are built into the policy including sustainability, environmental safeguards and conservation interests. Structure Plan policies G2 (Design for sustainability), G6 (Conservation and promotion of Highland Heritage), BC1 Preserving Archaeology), L4 (Landscape character), and T6 (Scenic Views) are all relevant and need to be consideration in the context with other policies.

7.5 With regard to wind energy developments the Structure Plan is supportive of projects provided that impacts are not shown to be significantly detrimental (Policy E1 and E2). Assessment of proposals must have regard for Visual Impact; Noise; Electro Magnetic Interference; Roads Bridges and Traffic; Aircraft flightpaths / MOD operations and Cumulative Effects. In addition Policy BC 2 (Archaeology,

Tourism and Education) is supportive of development opportunities that can increase the tourist potential of archaeological sites or increase public understanding and awareness through research projects.

- 7.6 The Caithness Local Plan recognises the interest in renewable energy projects in Caithness. Such projects have to recognise the area's other primary interests including agriculture and agricultural diversification, tourism, valued landscape, history, culture and archaeology. The site of this application falls between two general planning policies. PP 2 which favours development unless it affects important features and PP 3 which applies a policy against development where significant effects impact on heritage features, amenity or public health.
- 7.7 The Highland Renewable Energy Strategy (HRES) does not allocate this area as a preferred location for major onshore wind farm development. Indeed the proposal lies within an area where there is a "presumption against" major scale onshore wind farm development where a precautionary approach to development should be taken. The Strategy is not intended to be a site specific planning tool, but a strategic tool for the siting of renewable energy developments in the Highlands. At this level the strategy cannot be prescriptive but it does nevertheless provide a starting point for the assessment of a proposal. Identified constraints for this area within the HRES assessment included Archaeology, Annex 1 Species, Proximity to Housing and Landscape. However following the publication of Scottish Planning Policy 6 Renewable Energy (SPP 6) HRES is now under review.
- 7.8 Within Scottish Planning Policy the Scottish Government in responding to climate change and advancing sustainable development has emphasised its support and commitment to 50% renewable output in Scotland by 2020. The aim of the policy is to assist the planning system in the process of encouraging, approving and implementing renewable energy proposals when preparing development plans and processing planning applications. Representations that argue against investment in this type of renewable energy technology can only be given limited weight given the very positive stance set by the Scottish Government.
- 7.9 SPP also highlights that support for renewable energy projects and the need to protect and enhance Scotland's natural and historic environment must be regarded as compatible goals. The planning system has a significant role to secure appropriate protection to the natural and historic environment without unreasonably restricting the potential for renewable energy. National policies highlight potential areas of conflict however it also advises that detrimental effects can often be mitigated and or effective planning conditions can be used to overcome potential objections to development. SPP advises that national or inter-national designations are to be given 'significant protection' from major wind farm developments.
- 7.10 SPP highlights the role of the planning system for the protection of both the site and setting of Scheduled Ancient Monuments (SAMs). This application does not present any works that will impact directly on an SAM but consideration needs to be given to the issue of impact on the setting of two SAMs. Securing the preservation of the monument 'within an appropriate setting' as required by national policy is solely a matter for the planning system and professional judgement. There is no statutory definition of "setting" but Historic Scotland recognise the following but not exhaustive list of factors including the archaeological / historical context, the visual appearance and the aesthetic qualities of the site's surroundings. SPP also recognises the value of

archaeological resources to the regeneration of communities through enabling education, training and employment opportunities.

- 7.11 SPP highlights a key role of the planning system is to ensure that society's requirements are met in ways which do not erode environmental resources. The protection of natural heritage may sometimes impose constraints on development. However, conservation and development can often be fully compatible and, with careful planning, the potential for conflict can be minimised. Planning authorities are to have full regard to natural heritage considerations in determining individual applications. Authorities should always consider whether environmental concerns could be adequately addressed by modifying the development proposal or attaching appropriate planning conditions.
- 7.12 SPP also states that when drawing up spatial guidance for wind farms of more than 20MW and identifying areas with potential constraints on wind farm development, planning authorities should consider a separation distance of up to 2km between areas of search and the edge of cities, towns and villages. This is recommended to guide developments to the most appropriate sites and to reduce visual impact, but decisions on individual developments should take into account specific local circumstances and geography. Development plans should recognise that the existence of these constraints on wind farm development does not impose a blanket restriction on development, and should be clear on the extent of constraints and the factors that should be satisfactorily addressed to enable development to take place.
- 7.13 Applications which are consistent with the above noted policies and the criteria which they set out would accord with the Council's Development Plan. In this regard, the Environmental Impact Assessment (EIA) has been prepared after a scoping exercise involving the principal consultees. It addresses all the main issues and this has been supplemented by additional information and clarification during the period since submission of the application. There is an outstanding objection from Scottish Natural Heritage on landscape impact which remains to be addressed in the round of all material considerations and considered by Ministers. However, providing that the impacts of the development are judged as not being "seriously adverse" or "significantly detrimental," the development would comply with the Development Plan.

Roads and access

- 7.14 The site has good road access from both the A9(T) and the A882 on to the B870 and then on to the C class road to Crofts of South Dunn where an existing field access will be improved to provide a new site access. The Council's roads from Wick to the site will require pre-construction surveys and improvements, widening and strengthening to accommodate the expected construction traffic and the abnormal loads vehicles used to transport turbine components. Turbine components would arrive at the site from Wick Harbour and follow the A882/B870 route to the site.
- 7.15 The Environmental Statement considers that during construction there could be about 120 people working on the site, whose traffic movements to the site can also be managed without adverse effect on local traffic movements. Roads authorities have raised no objections to the application subject to conditions and legal

agreements securing road improvements and a wear and tear agreement and the appropriate Road Construction Consents (RCC). Community concerns regarding traffic hold-ups especially for emergency and other vehicles can also be addressed by conditions requiring effective traffic management and community liaison. The use of two quarries that can be accessed within the site without using the public roads will assist in reducing the number of vehicles delivering construction materials to the site.

- 7.16 Improved public access arrangements, have the potential to benefit not only recreation for local residents but visitors to the area. The development of an access plan for the locality should be conditioned within any approval, including requirements to undertake an appropriate scale of works within the wider area to secure improved countryside access.

Pollution Control

- 7.17 Although SEPA has not objected to the application, it has drawn the developer's attention to the need to secure authorisation under The Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended) with respect to several water crossings. In addition it has highlighted the need when micro siting the final turbine base locations to protect local watercourses through a 20m buffer. Further conditions have also been requested by SEPA in respect of water abstraction, waste water and over the management of waste disposal, particularly through the construction phase and when working in extremely wet weather.

- 7.18 In their Environmental Statement accompanying the section 36 application, the developer has committed to a number of mitigation measures addressing pollution prevention, vehicle washers, bunds, active drainage management and wildlife management. The submission of an Environmental Policy and Developers Construction and Environmental Management Plan (CEMP) required by condition attached to any consent including a statement on all of these elements will satisfy the requests made by statutory consultees. There are no outstanding technical objections to the application subject to appropriate conditions being attached.

Historic environment and archaeology

- 7.19 Both Historic Scotland and the Council's archaeology unit are satisfied that the development will not adversely impact on scheduled monuments or other locally important sites provided conditions are applied to protect monuments during construction and a watching brief for buried artefacts is maintained during construction. The applicant has indicated enthusiasm to provide historical interpretation and access to the site and a condition can be applied to require this to be implemented.

Natural Heritage

- 7.20 Both the Council and Scottish Government are advised on natural heritage matters regarding this application by SNH. Although SNH had initial objections to the impact of the development on the Natura sites (Caithness Lochs SPA and Loch Watten SAC), these objections have been withdrawn or modified such that with mitigation the proposals can satisfy the Natura tests. Provided the mitigation

measures indicated in the Environmental Statement are implemented then the proposals could be carried out without significant adverse impact on European Protected Species.

Design, Visual Impact and Amenity considerations

- 7.21 The layout of the wind farm is primarily informed by the direction of prevailing winds, local topography and physical and environmental constraints. The layout is essentially a grid with seven north south rows and six east west rows and exploits the accelerated wind effects produced around the lea of Spittal Hill. The symmetrical grouped array provides a coherent and consciously ordered approach to siting the development in this relatively open landscape.
- 7.22 The adverse visual impact and loss of amenity to properties where the owners/occupiers are stakeholders in the development is not of concern as they are prepared to accept noise, shadow flicker and visual impacts offset by material benefits. However, the property at Star Croft lies within the 'fall zone' of turbine T9 and would therefore be at risk should the turbine fail catastrophically. The applicant has agreed that the house will be removed from the site or its use changed to a non-residential one for the duration of operation of the wind farm.
- 7.23 Distances of turbines from non-stakeholder properties are given at paragraph 2.4 above. 5 non-stakeholder properties are less than 1km from the nearest turbine and another 4 properties are about 1km from the nearest turbines. The approved house plot at Upper Larel is 450m from the nearest turbine. Since this wind farm application was lodged two applications for houses have been approved NW of Oldhall, Dunn at 400m and 350m from the nearest proposed turbines. One of these houses has been built and occupied. The views from some properties will be impacted by the proposals particularly those to the south and east but the degree of impact depends on the aspect of the house and terrain features.
- 7.24 The development would introduce a very significant, new and man-made feature into the landscape in the centre of Caithness. As seen from Environmental Impact Assessment Figure 5.6 the zone of visual influence (ZTV) of the turbine towers, the hubs and blade tips are predicted to be seen from a range of locations principally within a 15km radius. Clearly for houses within the nearby communities around Spittal Hill the full extent of the wind farm will be evident. However many existing communities within a wider radius will have no views of the proposed wind farm in full or in part due to distance or land form separation. The development is anticipated to be visible from sections of the A9 Trunk Road extending to Thurso in the north and above Latheron on the A9 south of the site.
- 7.25 Scottish Natural Heritage (SNH) objects to the proposed development on grounds of its anticipated landscape and visual impact. In particular SNH highlighted in its assessment of significant adverse impact upon: -
- the landscape characteristics of the area
 - visual amenity
 - the experience of the Flow Country (proposed AGLV)
 - the experience on a search area for wild land; and
 - the sequential and cumulative effect of the wind farm in addition to existing, approved and proposed schemes.

- 7.26 There are no statutory landscape designations such as National Scenic Areas on the proposed wind farm site or its immediate surroundings. There are no local landscape designations on or in the area of the site. While valued locally, Spittal Hill is not in itself of significant scenic or landscape value in a Caithness or Highland context. Landscape character type is mixed agriculture and the site is mostly rough grazing land. The undistinguished nature of the agricultural landscape appears capable of accommodating the wind farm. It is the predicted extensive visibility within the wider landscape of Caithness that gives most concern both to SNH and to a large number of those making objectors.
- 7.27 In the open Caithness landscape the wind farm would be clearly visible from many parts, as are other wind farm developments in the area. Lone mountains such as Scaraben, Morven and the Maiden's Pap equally are widely visible. Existing wind farms at Causeymire and Boulfruich demonstrate that parts of the Caithness landscape can absorb large scale onshore wind farms. These early developments have changed the wider landscape which now includes clusters of large scale working turbines and have therefore changed the local landscape. When travelling south on the A9 from Thurso to Dunbeath and beyond the experience is already one where short sections of road provide exceptional views of the open landscape across Caithness and Sutherland interspersed with views which include major wind farm developments. The addition of the proposed Spittal Hill Wind Farm is not anticipated to significantly or adversely change this experience.
- 7.28 A further important issue to consider is whether or not a further wind farm development in this landscape will effect a change that would be significantly detrimental because of the cumulative impact. Clearly there has been substantive renewable energy development within Caithness and East Sutherland. Projects around the application site are listed in paragraph 4.2. This development alone or together with the nearby existing wind farms does not make the landscape into a 'wind farm landscape' and Central Caithness would appear to have more capacity to accommodate large scale wind energy development. SHN has recommended to Government that the proposals will have an unacceptable adverse cumulative impact on a landscape of national importance but the landscape they are concerned about lies at significant distance to the south west of the application site.

Tourism

- 7.29 The wind farm is not an area much visited by tourists other than passing en-route north or south on the A9(T). The number of tourist attractions within Caithness, particularly within the local area around Spittal is limited. Fishing, walking and touring this remote rural area of Scotland are principal activities of visitors to the area. A number of local dwelling houses provide Bed and Breakfast accommodation and other commercial facilities in the area provide services to passing tourists. The main impact of the proposed development would therefore be related to its effects on the landscape and tourists who will view the countryside from the road network. The existing wind farms visible from the A9(T) already provide a dramatic visitor experience and many travellers stop to view and photograph the turbines against the wide sweeping landscape of western Caithness. As clearly indicated the addition of a wind farm at Spittal Hill is not anticipated to adversely add to the existing impact that wind farms have on tourists experience on this tourist route. Furthermore, the application also has the potential to improve visitor experiences in the area, through access management and

information/ interpretation boards and archaeological/local history interpretation.

- 7.30 Over the last decade several studies have been carried out by industry and the Scottish Government into the effects of wind farm developments on tourism and public acceptability respectively. These have indicated both benign and neutral effects. The most recent study *“The Economic Impacts of Wind Farms on Scottish Tourism”* by Glasgow Caledonian University and Cogent Strategies International Ltd for Scottish Government March 2008 concluded as follows:-

“In general this research has found that the negative impact of wind farms on tourism at national level is small and any reduction in employment in tourism will be less than the numbers currently directly employed in the wind power industry. However the impacts in some local areas are important enough to warrant specific consideration by planning authorities. These should include the following:

- *The number of tourists travelling past on route to elsewhere,*
- *The views from accommodation in the area,*
- *The relative scale of tourism impact i.e. local and national*
- *The potential positives associated with the development*
- *The views of tourist bodies i.e. local tourist board or VisitScotland*

In many cases this consideration would be greatly assisted if the developers produced a ‘Tourist Impact Statement’ as part of the Environmental Impact Analysis. The core of the statement would be the tourist accommodation and the number of tourists on roads within the ZVI. However in tourist areas the developer might also be expected to generate proposals to make use of the positive aspects of the development.’

- 7.31 At the national planning level the research in this report identifies that from a tourism viewpoint:

- Having a number of wind farms in sight at any point in time is undesirable
- The loss of value when moving from medium to large developments is not as great as the initial loss. It is the basic intrusion into the landscape that generates the loss.
- This suggests that to minimise the impact on tourism very large single developments are preferable to a number of smaller developments, particularly when they occur in the same general area.

- 7.32 Caithness and Sutherland was selected for detailed appraisal and the research conclusions were as follows:-

“The research has shown that even using a worst case scenario the impact of current applications (on the tourism economy in Scotland) would be very small and for three of the four case study areas, would hardly be noticed. The fourth, Caithness and Sutherland, has an extremely fragile economy with its largest, indeed dominant, employer disappearing (Dounreay). Renewable Energy offers an alternative but whilst business tourism would probably expand in the short term it would negatively affect those tourists to Caithness looking for scenery and

*tranquillity. It might well be argued that one answer is to utilise the strongly positive attitudes of some tourists and market the area as **the** region for Renewable Energy and seek to ensure farms are accessible and have information boards and centres.”...*

“There is very extensive development planned in Caithness and Sutherland in areas where there is little natural protection and which most tourists will see. We estimate only 15% of tourists to Caithness and Sutherland will not see a wind farm at some stage. However the number of tourists is small and consequently in absolute terms the loss of employment and income is small, certainly less than the full time jobs in the wind farm industry nationally. We believe it will not exceed 30 jobs in total, probably less, considerably fewer than might be expected from the emerging renewables industry.”

- 7.33 Therefore the study found that at a certain (unspecified) cumulative level of turbines in Caithness the tourism economy will be adversely affected.

Construction Impact – traffic, noise, peat etc

- 7.34 Concerns have been raised over the impact of the development throughout the construction from noise impacts and disruption to local roads. The assessment of the vehicular movements upon the trunk road and local road network has determined that there will be no significant difficulties with the construction of this project, provided some localised road improvements are undertaken. Effective traffic management of abnormal loads required as a condition of any consent can ensure that emergency services can continue to operate efficiently and effectively provided in any locality during periods of construction. The use of two on-site quarries to obtain construction material for the access tracks and turbine bases is desirable to reduce the requirement to deliver fill material to the site from further a-field. Conditions can also be applied to restrict the operating hours of construction to ensure that the impacts on local communities are managed within acceptable levels.
- 7.35 Planning conditions can be applied requiring submission of a construction method statement when working near watercourses, working within peaty and or muddy environments, dust or waste creation, etc can minimise the environmental impact within acceptable levels. A peat stability risk assessment was carried out for the site and risks were assessed as very low to negligible as the site is mostly agricultural land.

Operational noise, shadow flicker effect & safety

- 7.36 A number of representations have highlighted concern over the potential impact of the development on nearby residential properties. In particular the potential noise arising from the turbines as well as the issue of shadow flicker arising when the sun is low in the sky. The developer’s noise assessment in the Environmental Statement predicts that with the exception of the consented house plot at Upper Larel noise levels at non-stakeholder properties will not exceed recommended guideline levels. Conditions should therefore be applied to any consent to mitigate post construction operational noise effects should issues arise. Mitigation could include shut down of turbines 21, 25, 16 and 11 to achieve night time noise limits. Noise modelling predicts that noise from turbines will not be significant at the new

house NW of 37 Oldhall and the house site 360m NE of Dunn Farm

- 7.37 The ES has also advised that given the distances between the turbines and most non-stakeholder residential properties no shadow flicker effect will occur in a way that will cause nuisance or annoyance. However, the ES identifies that the consented house site at Upper Larel would be likely to be affected for around 43 hours per year, with an average duration of 56 minutes and an average duration of 38 minutes in the middle of the day in winter months. The predictions for Dunn Farmhouse also suggest that some flicker effects will be experienced at the new house NW of 37 Oldhall and at the house plot 360m NE of Dunn Farm. However, a planning condition can be applied to require mitigation should adverse flicker effects be experienced after the turbines are operational.
- 7.38 With regard to the development disrupting electromagnetic waves / signals within the area, relevant consultees have assessed the application and raised no objections. The Council has a standard approach when addressing such concerns, which have been raised within representations. This requires the provision a bond or condition to secure improvements if the development has caused a negative effect on existing broadcast service provision.

Air safety/lighting etc

- 7.39 Highlands and Islands Airport have identified that the aircraft approach procedures at Wick airport will have to be modified if this proposal proceeds. It is recommended that a condition be applied to any consent to require these modifications to be made prior to construction of the wind farm. Red navigation lighting will also be required on the turbines.
- 7.40 There are no other material considerations raised by representations that have not otherwise been addressed within this report.

8.0 CONCLUSION

- 8.1 This application, under Section 36 of the Electricity Act 1989, sets out a major proposal for a 30 turbine wind farm development with the potential to generate 77.5MW of electricity. If approved it would contribute towards helping the Scottish Government meet its target of generating 50% of Scotland's electricity from renewables by 2020. Schedule 9 of the above Act requires the proposal to be considered within the context of the desirability of preserving natural beauty, conserving flora and fauna, and protecting certain sites of architectural or historic or archaeological interest. The Council are consultees in the process as there is a deemed planning permission should the application be approved by Ministers. If the Council object to the proposal the application is likely to be determined after a Public Local Inquiry.
- 8.2 National energy policy as set out in SPP encourages renewable energy developments, with a range of differing technologies, where projects can be located without undue environmental or amenity impact. The many representations against this application have specifically highlighted a number of such concerns covering issues such as impacts on residential amenity, conflict with protected

species, principally birds, adverse visual impact and cumulative impacts taken with other wind farms built or proposed on scenic and open landscape and general amenity. Objectors have also highlighted that these concerns would also impact adversely on local tourism and local viewpoints of value to tourists.

- 8.3 The Council's Highland Renewable Energy Strategy, is not supportive of major onshore wind farm development within this locality. However, given the more recent national policy statement on renewable energy matters in SPP, which is supportive of such projects, the Council's own HRES policy can only be accorded limited weight given that it is a strategic approach. The assessment of the HRES policy has however highlighted key constraints all of which have come to the fore in the consideration of this application and with the concerns highlighted above, help with the assessment of this development proposal.
- 8.4 With regard to local archaeological interests this is a material consideration for the Council to take into account. However, It is clear that the proposed application will have no direct impact on any designated site or Scheduled Ancient Monument.
- 8.5 In the consideration of landscape and visual impact the proposed development will have a major and significant impact on the local landscape if approved and developed. Turbine towers with blades to a tip height of 110m high will be highly visible from many parts of the Caithness landscape. SNH maintain an objection to the proposals in regard to the cumulative impact on a landscape of national importance that they identify as the Flow Country proposed Area of Great Landscape Value (AGLVp) and Search Area for Wild Land (SAWL). The boundary of this proposed AGLVp and SAWL lies some 8km to the south west of the site. Causeymire wind farm lies between the AGLVp and the application site. Therefore, travelling from the north or south there is already a significant impact on the AGLVp from the existing wind farm.
- 8.6 In considering impacts on communities SPP suggests that a separation distance of 2km from communities and large scale wind farms should be used when drawing up broad areas of search for major wind farms. The village of Spittal is 1.2km from the nearest proposed turbine. This would suggest that much of this wind farm site would have to be excluded from a broad area of search if a spatial plan had been prepared in accordance with SPP. However, this 2km separation distance is recommended to guide developments to the most appropriate sites and to reduce visual impact, but decisions on individual developments should take into account specific local circumstances and geography. It should be noted that the residential component of Spittal village is mostly on the west side of the A9 with houses facing north and south. Views to the east from Spittal village are of the spoil heaps from the stone quarry.
- 8.7 In considering impacts on individual houses the Council's HRES recommends that a 1km separation from turbines and houses should be used as a guideline. Nine stakeholder houses, 6 non-stakeholder houses and two house plots with planning permission are within 1km of the proposed turbines. The closest non-stakeholder property is the new house at Dunn - 400m from the nearest turbine. This house was given permission and built in the knowledge that a windfarm was proposed nearby. The principal rooms face to the SE, away from the windfarm site, and a large agricultural shed has been built between the house and the wind farm site. The consented house plot at Upper Larel could be affected by noise and shadow

flicker but conditions and turbine shut down controls could mitigate these effects to acceptable levels. Similarly any post construction noise or shadow flicker affecting the proposed house or house plot near Dunn can be mitigated by managing appropriate shut down of turbines should post construction issues arise. Houses on the A882 are generally oriented to face the road and are screened from the windfarm site by hedgerows and trees. It is acknowledged that several residential properties with no financial interest in the project will clearly be impacted by the wind farm as their outlook and views from gardens and windows will be altered.

- 8.6 The cumulative effects on residential amenity of this proposal taken with the existing wind farm at Causeymire and the pending application at Halsary must be considered. Visual effects will be most significant around the dispersed community at Mybster where wind turbines will be visible both to the south and to the north east. The nearest turbine proposed at Spittal wind farm is 2.2km from Mybster junction and the nearest turbine on the Causeymire wind farm site is just over 2km from Mybster junction. A 4 km separation would therefore exist between the existing Causeymire wind farm and the proposed Spittal wind farm. It is considered that this separation is sufficient to prevent an unacceptable impact on the amenity of properties that lie between the wind farm sites. (It should be noted that the nearest proposed turbine at Halsary wind farm is proposed to be 1.3km from Mybster crossroads).
- 8.7 Many residents in the wider area beyond 1km from the site will be able to see the development from their properties, but most communities will have limited sight of the development. Undeniably, in the wider landscape the development will be highly visible, as are other similar developments in the area. However the visual and landscape impact of this proposal either individually or cumulatively with other wind farm developments in the surrounding area is not considered to be significantly adverse to warrant objection given that there are no national or local landscape designations on or near the site. The expected impact of the development is not considered to be significantly adverse as viewed from many sections of the main roads and other tourist routes in the area. Consequently, it is seen that tourist numbers, and tourist related business in the area are also unlikely to be adversely affected by the development.
- 8.8 The benefits of the proposal must be weighed against potential drawbacks and then both considered in the round. The project carries considerable support in principle by virtue of the Government's policy and targets towards greater renewable energy production. With a generating capacity of up to 77.5 Mega Watts the proposal would make a substantial and very significant contribution to meeting both national and the Highland Council's own renewable energy targets. There will also be a significant number of construction jobs, albeit short term, and economic benefits to the local economy during the construction of the wind farm. Nine local families, community organisations and businesses will derive longer term sustainable support from the development. Waste spoil heap material from the flagstone quarries will be removed and used in the wind farm construction. The applicant has also given a commitment to enhancing access and interpretation facilities in the locality to add to the recreational opportunities for locals and visitors and to give support to an archaeological research project.
- 8.9 It is considered that in the balancing of material considerations there are none of

significant weight alone or in combination to indicate that consent should be withheld. The application is therefore considered to be consistent with the Development Plan. It is therefore recommended that the application be supported, subject to conditions as detailed below.

9.0 LEGAL AGREEMENT

- 9.1 It has been the Council's normal practice in approving a wind farm development to secure certain matters by way of a legal agreement in parallel with conditions – for example, where financial bonds are to be provided or where actions require the involvement of parties other than the applicant and the Planning Authority. However, Circular 1/2010 - Planning Agreements, sets out the Government's guidance on the use of agreements and the preference for the use of conditions wherever possible to secure infrastructure. Two recent wind farm appeal decisions have dispensed with section 75 agreements in favour of the use of appropriate conditions to secure a restoration bond, a bond for TV mitigation and for a 'wear and tear' agreement on roads.

10.0 RECOMMENDATION

Raise no objection to the application for the development subject to attaching the following conditions to any permission:

Description of the Development

The Development shall have a maximum capacity of 77.5 MW and shall comprise a wind-powered electricity generating station a Spittal Hill, Caithness in Highland Council area including:

- i) Not more than 30 turbines, with a total height to blade tip of 110m.
- ii) Substation
- iii) Two anemometer masts
- iv) Site tracks
- v) Cabling
- vi) Temporary Contractors Compound and Turbine
- vii) Laydown Area

all as specified in the application, the Environmental Statement and addenda

Commencement and installation

1. Works in relation to the Development shall be commenced within 5 years from the date of this consent unless otherwise agreed.

Reason: Statutory requirement.

Reinstatement of the Site

2. If works in relation to the Development have not been commenced within the period of 5 years from the date of this consent (or such longer period as may have been agreed, the Company shall, within six months of the expiry of that period, fully reinstate the Site.

Reason: To ensure control over the implementation of the development

Assignment of consent

3. The applicant shall not be permitted to assign, alienate or transfer this consent without the prior written authorisation of the Scottish Ministers.

Reason: To ensure all responsibilities under the consent are satisfied, if transferred.

Duration and re-instatement

4. 1. This permission shall lapse after a period of 25 years from the date of final commissioning of the Development.
2. The Company shall notify the planning authority of the date of final commissioning of the Development within 3 months of that date.
3. At the end of this period, unless the express approval in writing of the planning authority is given, all wind turbines, buildings and ancillary equipment, shall be dismantled and removed from the Site, and the ground fully re-instated in accordance with the approved scheme referred to in Condition 9 below.

Reason: In order to clarify the terms of this permission and to ensure restoration of the site.

Construction General

5. 1) The Development shall be constructed and operated in accordance with:-
- a) the application; and
 - b) the Environmental Statement (as revised by the Addendum and Supplementary Information to the Environmental Statement
- and in accordance with the terms of the conditions and any approval required thereunder
- 2) The Development shall be undertaken in its entirety with no partial implementation.

Reason: In order to clarify the terms of this permission and to ensure restoration of the site; and to protect local residents and the water environment.

Micro-siting of turbines and access tracks

6. 1. Subject to paragraphs 6(3) below, no wind turbine may be sited or access track constructed more than 25 metres in any direction from the approved location without the prior written approval of the planning authority in consultation with Scottish Natural Heritage and the Scottish Environment Protection Agency.
2. Any request for such approval shall include a revised site layout for the location of all turbines and access roads.

3. Notwithstanding any approval under paragraph 6(1) above:-
- a) no turbine shall be located closer to a non-stakeholder property than the minimum distance between any turbines and that property as detailed in the Environmental Statement dated 2007;
 - b) no turbines shall be located within 20 metres of a water body;
 - b) other than at watercourse crossings, there shall be no construction works within –
 - (i) 10 metres of a headwater stream less than two metres wide;
 - (ii) 20 metres of a stream or water body wider than two metres; and
 - (iii) 50 metres of any watercourse in areas of peat

Reason: In order to clarify the terms of this permission and to ensure restoration of the site; and to protect local residents and the water environment.

Approval of wind turbine specification

7. No works in relation to the Development are to commence until the planning authority have given approval in writing for the final specification of the wind turbines.
- 1. The final approved specification is to include details of the make, model, design, power rating and warranted sound power levels; the colour and matt paint finish and the mechanism to avoid potential ice throw.
 - 2. The developer's noise assessment shall be updated as necessary to reflect the turbine specification approved, and shall be submitted to the planning authority prior to the commencement of development. In the event of predicted exceedance of ETSU-R-97 levels or as otherwise agreed, the developer shall submit mitigation measures to the planning authority for their prior written approval in advance of the commencement of development.

Reason: In order to clarify the terms of the permission and retain effective control over the development; to avoid nuisance to nearby residents arising from noise or blade glint; and to avoid the possibility of ice throw.

Approval of ancillary matters

8. No works in relation to the Development are to commence until the planning authority have given approval in writing for the final specification of the means of access, fencing, design, materials and colours and external finishes and construction, of all ancillary elements to the Development, including in particular details relating to the substation and control building.

Reason: In order to ensure a high standard of design in the interest of visual amenity.

9. No works in relation to the Development shall commence until the planning authority have approved in consultation with Scottish Natural Heritage and the

Scottish Environment Protection Agency an indicative scheme for the re-instatement of the Site.

1. The re-instatement scheme is to make provision for the removal of all wind turbines and ground reinstatement.
2. The re-instatement scheme shall be reviewed, and amended as necessary, and the amended scheme shall be approved in writing by the planning authority, at least 12 months prior to actual de-commissioning and re-instatement works.

Reason: To ensure that the restoration of the site is achieved after decommissioning.

Bond

10. No work shall commence on the Site until the Company has provided documentary evidence that a bond or other financial provision to cover all decommissioning and site restoration costs is in place and written confirmation has been given by the planning authority to the Company that the proposed bond or other financial provision is satisfactory.

1. The Company shall ensure that the approved bond or other financial provision is maintained throughout the duration of this consent.
2. The bond or other financial provision will be subject to a five yearly review from the commencement of the development, to be conducted by a competent independent professional who has relevant experience within the wind energy sector [and details provided to the Company, operator, landowners, and the planning authority.]

Reason: To ensure that the restoration of the site is achieved after decommissioning.

11. Development shall not commence until a Construction and Environmental Management Plan is submitted to and in writing by the Local Planning Authority in consultation with SNH, SEPA and Scottish Water. Construction of the development shall proceed in accordance with the approved Plan, unless otherwise agreed in writing by the Planning Authority. The Plan shall address the following matters (and shall be implemented as approved):

- Environmental Policy – Statement of responsibility for all environmental features, safeguards and mitigation.
- Details of construction works, the construction methods and surface treatment of all hard surfaces and tracks.
- Details of temporary site compounds for storage of materials and machinery (including areas designated for car parking).
- Siting and details of wheel washing facilities
- Details of the timing of works and methods of working for cable trenches and

foundation works

- Details of the timing of works and construction of the substation/control buildings and anemometry mast
- Details of the bridges and culverts for all new water crossings.
- Details of Borrow Pit working methodology including blasting operations, noise controls and restoration.
- Peat Stability including implementation of mitigation requirements contained within Peat Stability Risk Assessment.
- Dust management
- Cleaning of site entrances, site tracks and the adjacent public highway and the sheeting of all HGVs taking spoil or construction materials to / from the site to prevent spillage or deposit of any materials on the highway.
- Pollution control arrangements, including protection of water courses and ground water and soils, bunding of fuel storage areas, and sewage disposal
- Disposal of surplus materials
- Post construction restoration/reinstatement of the temporary working areas and borrow pit
- Construction noise management plan (including identification of access routes, locations of materials lay-down areas, details of equipment to be employed, operations to be carried out, mitigation measures and a scheme for the monitoring of noise in the event of complaints)
- Appointment and scope of work for a Project Ecologist who shall have responsibility for monitoring compliance with the provisions of the approved Plan and who shall report all breaches of the approved Plan to the Planning Authority.

Reason: To protect highway safety, water assets, amenity and the environment

Impact on Loch Watten Special Area of Conservation and European Protected Species

12. Prior to and during the construction of the wind farm the mitigation measures detailed in Chapter 8 of the Environmental Statement in respect of measures to prevent pollution of Loch Watten SAC and the mitigation and monitoring measures set out in paragraph 6.71 of the Environmental statement in respect of European Protected Species shall be implemented.

Reason: To ensure that the wind farm will not have an adverse effect on the integrity of the Loch Watten Special Area of Conservation and European Protected Species that may use the site.

Archaeology

13. No works in relation to the Development shall commence before, a scheme for archaeological investigation and monitoring has been submitted to and approved in writing by the planning authority.
1. The archaeological scheme is a scheme setting out how site clearance and excavation works are to be carried out.
 2. All site clearance or excavation works shall be implemented in accordance with the approved archaeological scheme.

Reason: In order to protect any features of archaeological importance.

Protection of sites of archaeological or historic interest

14. 1. Prior to the commencement of any works in relation to the Development, the following sites of archaeological or historic interest shall be identified and physically marked out on the ground:-
- a) Broch at 180m east of Spittal Farm (index no 582);
 - b) Chapel of Dunn 300m south west of Oldhall House (index no 5732)
2. These sites shall be so identified throughout the duration of the construction works.

Period and time of construction

15. Unless otherwise agreed by the planning authority, the wind farm shall be wholly constructed and commissioned within one construction period in accordance with this approval.

Unless agreed in writing by the planning authority in advance, any construction activity involving audible noise at any nearby house shall also be restricted to 07:00 to 19:00 hours on Mondays to Fridays and from 07:00 to 12:00 on Saturdays with no such access/egress on Sundays or Bank Holiday.

Reason: To minimise the period of disturbance to local residents and to avoid prolonged uncertainty.

Access to Site by heavy goods vehicles

16. Access to the site by heavy goods vehicles shall be restricted to 07:00 to 19:00 hours on Mondays to Fridays and from 07:00 to 12:00 on Saturdays with no such access/egress on Sundays or Bank Holidays (except for the delivery of abnormal loads under escort).

Reason: In order to minimise noise and disturbance during construction.

17. No works in relation to the Development shall commence before, a road safety and traffic management plan has been submitted to and approved in writing by the planning authority.

1. The road safety and traffic management plan shall make provision for:-
 - a) allowing traffic to pass on at least 3 occasions during the transportation of abnormal loads;
 - b) utilising optimal size abnormal load convoys to reduce incidences of delay;
 - c) appropriate route and signage for contractors and public safety;
 - d) co-ordination of abnormal loads with Network Rail and rail operators, if appropriate;
 - e) appropriate contingency plans in the event of breakdown;
 - f) the avoidance of potential combined effects with other wind farm construction traffic;
 - g) details of a liaison group which shall inform and consult local residents regarding traffic movements; and
 - h) a scheme of monitoring and repair, to ensure that any adverse impact of construction on the fabric of the public road network is rectified.
2. The Development shall be carried out in accordance with the approved road safety and traffic management plan.

Reason: In order to minimise the impact of construction of the development on the public road network and its users.

Shadow flicker

18. No works in relation to the Development shall commence until a scheme of mitigation for shadow flicker has been submitted to and approved in writing by the planning authority.
 1. The scheme shall include mitigation measures to reduce the impact of shadow flicker on nearby houses and proposed houses and shall be based on a detailed assessment of the impact of each turbine on those houses.
 2. The approved scheme shall be implemented prior to the commissioning of the wind farm.

Reason: To protect the occupiers of nearby houses from the effects of shadow flicker.

TV and Radio reception

19. No works in relation to the Development shall commence until a TV and radio reception mitigation plan has been submitted to and approved in writing by the planning authority.

1. The plan shall provide for a baseline TV reception survey to be carried out prior to commencement of turbine installation, the results of which shall be submitted to the planning authority.
2. Within 12 months of the commissioning of the development, any claim by any individual person regarding TV picture loss or interference at their house, business premises or other building, shall be investigated by a qualified engineer and the results submitted to the planning authority.
3. Should any impairment to the TV signal be attributable to the wind farm, the developer shall remedy such impairment so that the standard of reception at the affected property is equivalent to the baseline TV reception.

Reason: To ensure that any effect on TV or radio reception is rectified.

Public access and interpretation

21. Prior to the commencement of development an Access and Heritage Interpretation Plan shall be submitted to and agreed in writing with the Planning Authority. The Access and Heritage Interpretation Plan will detail which archaeological sites should have their access improved and which sites would benefit from interpretation, along with proposals for maintaining and encouraging public access to the archaeological resource as well as details of signage and promotion of a Heritage Trail. Implementation of the Plan is required as part of this condition.

Reason: To improve access and interpretation across this development site, whilst securing a measure of control and protection of valued local archaeology.

Aviation

22. Prior to commencement of development written confirmation will be provided to the planning authority by the applicant that the changes required to the instrument approach procedures at Wick Airport have been implemented to the satisfaction of Highlands and Islands Airports Limited.

Reason: In the interests of air safety.

23. Prior to commencement of works in relation to the Development, the applicant shall provide the Ministry of Defence (Defence Estates - Safeguarding) and the Civil Aviation Authority with the following information, a copy to be submitted to the planning authority–

- (a) proposed date of commencement of construction;
- (b) estimated date of completion of construction;
- (c) precise location and height above ground level of the tallest structure;
- (d) maximum extension in height of any construction equipment; and
- (e) position of the turbines in latitude and longitude plus eastings and northings.

Reason: In order to ensure aviation safety.

Warning lights

24. Details of any proposal to install aircraft navigation warning lights on any turbine shall be submitted to and be approved in writing by the Planning Authority prior to installation. Such warning lights shall be installed in accordance with the approved proposals.

Reason: In the interests of aviation safety and visual amenity.

Wind speed data

25. The wind farm operator shall log wind speed and wind direction data continually and shall retain the data which has been obtained for a period of no less than 12 months.
1. The data shall include the average wind speed in metres-per second for each 10 minute period and the measuring periods shall be set to commence on the hour or in 10 minute increments thereafter. Where the wind speed is measured at a height other than 10 metres, the data shall be supplemented by adjusted values which allow for wind shear, normalised to 10 metre height. Details of the wind shear calculation shall be provided.
 2. The wind speed data shall be made available to the Planning Authority on request on a Microsoft Excel spreadsheet in electronic format.

Reason: In order to control noise in the interest of residential amenity.

Wind turbine noise

26. 1. At wind speeds not exceeding 12 metres per second, as measured or calculated at a height of 10 metres above ground level (at the location of the meteorological mast shown at location easting 302610 northing 965639 on the approved layout plan) the wind turbine noise level at any house or other Noise Sensitive Premises shall not exceed-
- a) during night hours, 38 dB LA90,10min, or the night hours LA90,10min background noise level plus 5 dB(A), whichever is the greater;
 - b) during quiet waking hours, 35 dB LA90,10min or the quiet waking hours LA90,10min background noise level plus 5 dB(A), whichever is the greater;
- and
- c) at all times 45 dB, LA90,10min or the (day/night as appropriate) hours LA90, 10min background noise level plus 5 dB(A), whichever is the higher in respect of any house where the occupier is a stakeholder in the development,

providing that this condition shall only apply to dwellings, existing planning

permissions for dwellings or other Noise Sensitive Premises lawfully existing at the date of this planning permission.

2. At the request of the planning authority and following a valid complaint to the Planning Authority relating to noise emissions from the wind turbines, the wind farm operator shall measure or calculate, at its own expense, the level of noise emissions from the wind turbines.
3. The measurement and calculation of noise levels shall be undertaken in accordance with "The Assessment and Rating of Noise from Wind Farms", September 1996, ETSU report number ETSU-R-97 having regard to paragraphs 1-3 and 5-11 inclusive, of The Schedule, pages 95 to 97; and Supplementary Guidance Notes to the Planning Obligation, pages 99 to 109; and calculations of noise made using the approach reported in the environmental statement submitted with the planning application. The assessment approach shall be approved by the Planning Authority prior to undertaking the detailed assessment.
4. In comparing measured wind turbine noise levels with background noise levels, regard shall be had to the prevailing background noise levels as measured at specified properties and shown by the best fit curves in the environmental statement submitted with this Section 36 application.
5. In the event of a complaint from a property owner or occupier other than one of the following specified stakeholder properties:-
 - Banniskirk Mains
 - Dunn/South Dunn
 - Larel
 - Tigh Na Beinn
 - Lanergill Farm
 - Star Croft
 - Toftingall
 - Spittal Quarry

the measured wind turbine noise levels at that other property shall be compared to the prevailing background noise levels at the specified property which is most likely to have similar background noise levels.

6. Should the noise levels specified in paragraph (1) be exceeded, the wind farm operator shall take immediate steps to ensure that noise emissions from the wind farm are reduced to or below such levels or less, and obtain written confirmation of that reduction from the Planning Authority.

Reason: In order to control noise in the interest of residential amenity.

Failure to supply electricity

27. In the event that any wind turbine fails to produce electricity supplied to a local grid for a continuous period of 12 months (not due to it being under repair or awaiting

replacement), then it shall be deemed to have ceased to be required and, unless otherwise agreed in writing by the planning authority (whose consent shall not be unreasonably withheld), that wind turbine and its ancillary equipment shall be dismantled and removed from the Site within the following six months and the ground fully re-instated to a specification approved in writing by the planning authority.

Reason: In order to protect visual amenity.

Safety

28. Prior to commencement of development a) the occupation and use of the dwelling known as 'Star Croft' shall permanently cease and the building shall be demolished and permanently removed from the site or b) an application for change of use of the house to use as control building or other non-residential use associated with the wind farm shall be submitted, approved and implemented.

Reason: In the interests of amenity and safety.

Interpretation

In the conditions, unless the context otherwise requires:

'applicant' means Spittal Wind Farm Limited and its successors and assignees;

"background noise level" means the ambient noise level already present within the environment (in the absence of noise generated by the development) as measured and correlated with wind speeds.

'commissioning of the development' means the date on which the first turbine generator forming part of the development first supplies electricity on a commercial basis;

'construction period' means the period from the commencement of the development until the site compounds have been reinstated in accordance with the conditions of this consent;

'Development' has the meaning given in Annex 1; [means a wind-powered electricity generating station at Spittal Hill, Spittal, Caithness comprising a maximum of 30 turbines, 2 anemometer masts and 1 substation and control building, to be sited as shown on the section 36 application plan showing the overall wind farm Application Boundary and Proposed Site Layout (figure number 1.2 in Environmental Statement).

'environmental statement' means the Environmental Statement submitted by Spittal Wind Farm Ltd in April 2007;

'ETSU-R-97' means the ETSU Report number ETSU-R-97 'The Assessment and Rating of Noise from Wind Farms' published in September 1996;

ETSU-R-97 derived 'quiet waking hours' or 'night hours' noise limit means the noise limits derived in accordance with paragraphs 1.2.3, 1.3.1 and 1.3.2 of the Supplementary Guidance Notes to the Planning Obligation, pages 101 to 102, of ETSU-R-97;

'final commissioning of the development' means the date on which all wind turbine generators forming the development have supplied electricity on a commercial basis or such earlier date as the Scottish Ministers deem the development to be complete;

"Night hours" means 23:00 - 07:00 hours on all days.

"Noise sensitive premises" means existing premises, the occupants of which could be exposed to noise from the wind farm.

'operational period' means the period from the date of the final commissioning of the development until the last date on which any of the wind turbine generators supplies electricity on a commercial basis;

'Planning Authority' means the Highland Council;

"Quiet waking hours" means 18:00 - 23:00 hours on all days, plus 07:00 - 18:00 on Sundays and 13:00 - 18:00 hours on Saturdays.

'SEI' means the environmental information supplementary to the environmental statement submitted by Spittal Wind Farm Ltd in November 2009

'Site' means the area of land outlined in red on Figure 1.2 in the Environmental Statement

"Wind turbine noise level" means the rated noise level due to the combined effect of all the wind turbines, excluding existing background noise level but including any tonal penalty incurred under the methodology described in ETSU-R-97, pages 99 - 109.

"Wind speeds" means wind speeds measured or calculated at a height of 10 metres above ground level on the site at a specified Ordnance Survey grid reference agreed with the planning authority.

(2) References to the date or time of the commencement of the Development means the date on which the development shall be taken as begun in accordance with section 27 of the Town and Country Planning (Scotland) Act 1997 but shall not include any activities, including works necessary to give effect to the conditions of this consent, site investigations or surveys, setting out works or any other works or activities.

For Information: -

1. SEPA has advised that authorisation under CAR will be required for some activities proposed.
2. For the avoidance of any doubt any on-site borrow pits will require to be subject of a further planning application and subject to screening an Environmental Impact Assessment
3. Contact should be made with TR-NMD Bridges Branch (Tel No 0131 244 4363) as to the feasibility of abnormal load movements from the nearest suitable port.
4. Maintenance issues, requiring HGV or Abnormal traffic movements to the site, may be necessary throughout the 25 year lifetime of the development. Such access issues need prior discussion with the Council's TEC Services.
5. No development shall start on site until the completed Notice of Initiation of Development (NID) form attached to this decision notice has been submitted to and acknowledged by the Planning Authority.
6. Upon completion of the development the completed Notice of Completion form attached to this decision notice shall be submitted to the Planning Authority.

Signature: Richard Hartland

Designation: Richard Hartland, Head of Planning and Building Standards

Author: Gordon Mooney (01463) 702249

Background Papers: File Reference 07/00217/S36CA

Appended:

- List of Letters of Representation received by The Highland Council
- Summary of representations made to Energy Consents Unit
- Lists of representations to Energy Consents Unit will be available at the Committee meeting on excel spreadsheets.
- Location Plan
- Site Layout Plan

Public Representations

A total of **2690** public representations were received of these **1437** were objections and **1253** were in support of the development.

The following is a list of representations showing objections numbers

Reason for objection	Total	Council Area	Rest of Scotland	Rest of UK	Overseas	Unknown
Environmental						
Designated Site	454	385	24	40	5	0
Habitat	1176	1068	40	60	8	0
Wildlife	1239	1098	44	89	8	0
Forestry	25	22	0	2	1	0
Noise Pollution	787	666	34	77	10	0
Water Pollution	867	768	35	58	6	0
Planning/Policy						
Scotland has met targets	23	22	1	0	0	0
Inefficient/intermittent	87	64	3	19	1	0
Other forms of energy	91	80	5	3	3	0
Local planning policy	1149	1009	46	85	9	0
Inadequate Public Consultation	881	770	38	67	6	0
Need PLI	1	0	0	1	0	0
Visual						
Visual Impact	1363	1193	51	109	10	0
Cumulative Effect	1186	1047	41	89	9	0
Amenity	1248	1129	46	62	11	0
Economic						

Tourism	1257	1119	44	85	9	0
Devalue Property	17	14	0	1	2	0
Local Economy	858	752	42	56	8	0
Other impacts						
Transport	97	65	5	26	1	0
Archaeological /Heritage sites	352	270	22	55	5	0
Telecommunications	18	18	0	0	0	0
Aviation and radar	4	3	0	0	1	0
Strobe effect & Shadow Flicker	659	555	31	65	8	0
Health and Safety	228	183	5	37	3	0
Peat Destruction	222	177	19	22	4	0
Case Specific	147	126	8	7	2	2



Spittal Hill Wind Farm Ltd

RPS

Key

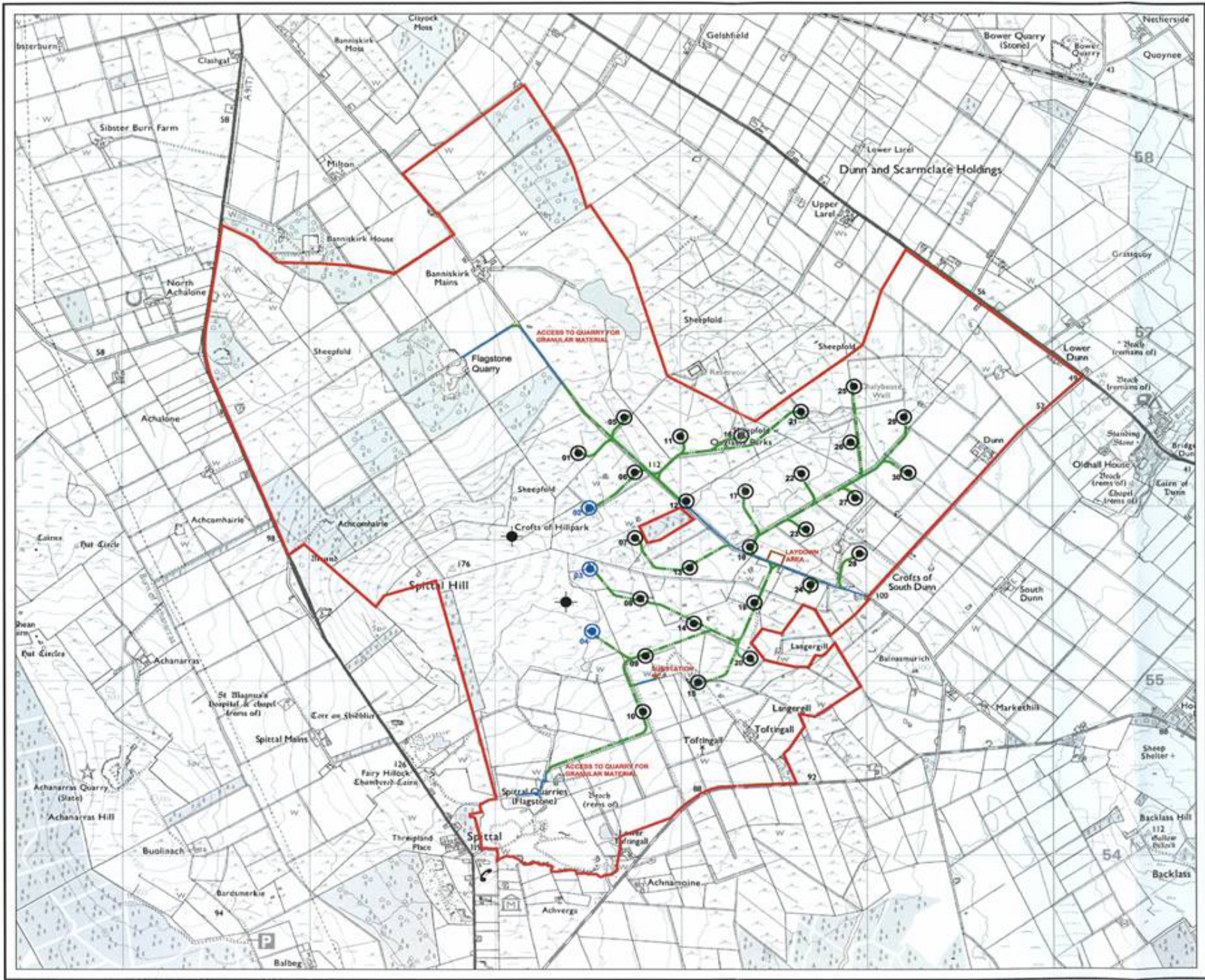
- Planning Application Boundary
- 35km Study Area Boundary



Rev	Date	Comment

Site Location Plan
Figure 5.1

Spittal Hill Wind Farm Environmental Statement



Spittal Hill Wind Farm Ltd



Key

- Application Boundary
- 110m Turbine Locations
- 100m Turbine Locations
- Existing Tracks
- Proposed Access Tracks
- Temporary Laydown Area
- Proposed Meteorological masts

Turbine No.	Easting	Northing
1	317452	956305
2	317508	955990
3	317512	955641
4	317523	955283
5	317698	956510
6	317754	956195
7	317778	955818
8	317783	955470
9	317810	955142
10	317796	954822
11	317999	956401
12	318024	956023
13	318049	955648
14	318070	955329
15	318092	954991
16	318328	956405
17	318352	956086
18	318375	955767
19	318398	955448
20	318375	955129
21	318652	956544
22	318655	956188
23	318678	955869
24	318702	955550
25	318939	956687
26	318920	956368
27	318943	956049
28	318966	955730
29	319206	956511
30	319229	956182



Application Boundary & Proposed Site Layout
Figure 2

Spittal Hill Wind Farm Non-Technical Summary