

APPEAL BY NPOWER RENEWABLES
AGAINST THE REFUSAL OF THE HIGHLAND COUNCIL
TO GRANT PLANNING PERMISSION FOR THE ERECTION OF 12 WIND TURBINES
AND ANCILLARY DEVELOPMENT ON LAND AT HILL OF STROUPSTER

CLOSING SUBMISSIONS ON BEHALF OF THE APPELLANT

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- A. Identification of main issues and submissions on other issues.
- B. Identification of key policies.
- C. Submissions on main issues and on development plan compliance.
- D. Other material considerations and final submissions.

A. Identification of main issue and submissions on other issues

1. At the pre inquiry meeting you identified your view of the issues on which evidence would be needed (APP67).
2. As a result of the evidence I believe that the main local environmental issue comprises the landscape and visual effects of the development (principally cumulative impacts). I will deal with the effects on tourism under that heading on the basis that, if you find that the landscape and visual effects of what is proposed are acceptable, then there would no basis on which to find against the scheme because of impacts on tourism since such impacts could only arise from visual perceptions. I refer in this context to the evidence of THC on views from tourist routes and to the evidence that we have generally heard on this topic.
3. Paragraph 2 records my view of the main local environmental issues. In addition it is crucial to give proper weight to energy policy, to the need for this development, and to the clean energy benefits of this development (individually and together).

With regard to renewable energy targets it may or may not be (the position is not yet clear) that those for Scotland and, more locally, for Highland will be met for 2020. The targets set are, as advised in SPP6 (CD 7), minima and the environmental benefits of the project are not diminished if a plan target is reached.

In this context I refer to paragraph 11 of the closing submissions made on behalf of THC. I address the incorrect assertion made in paragraph 11(c) that in the medium to long term the emphasis is clearly moving to off-shore wind and other sources as opposed to on-shore wind. There is no evidence base for this assertion. Indeed the reverse applies. A brief look through the Renewable Energy Strategy (July 2009) (APP51) reveals that the UK Government will continue to place great reliance on the contribution which on-shore wind will make to targets.

It is also clear from the RES that the 2020 targets set by the Scottish Government will need to be revised so as to enable the procurement of roughly 30% of electricity from renewable sources (including notably on-shore wind) by 2020, noting here also the envisaged trajectory to 2050. It is appropriate to give considerable weight to the implications of the RES, and to a further new feature which appears within the document: the need for the UK Government to report every two years to the European Commission on the progress which has been made towards 2020 targets (being the 30% or so targets so far as renewable electricity is concerned).

In summary, it may or may not be that the Scottish Government's 2020 target will be met, but the position has moved substantially with the publication of the RES, and the implications are a matter of direct relevance to your considerations.

4. I deal with the identification of key policies in Section 2 of the submissions. However, at this stage I need to address paragraphs 7(c) and 7(d) of Mr Findlay's submissions, to the effect that if you determine that the development will give rise to any significant detriment then permission should be refused, subject to other material considerations. This cannot be the right approach. LG acknowledged in the outset that the development would give rise to significant

landscape and visual effects. Such effects are completely inescapable for wind energy development. The rejection of a wind energy proposal on the basis of a locally significant landscape or visual impact would be wrong in terms of national policy. Not only would such an approach be wrong in terms of the development plan (see below for more detailed submissions), but it would also be wrong because of the need to apply other material considerations, including the need to meet targets and the clean energy benefits of the development.

In summary, a decision which determined locally significant landscape or visual effects and which (either or both) gave undue weight to such effects or which failed to give weight to other material considerations in the planning balance, would contrary be to national policy. I make this point under some force at the start of my submissions because it is my perception that some Reporters may have been guilty of too narrow an approach to decision making for reasons which I have given. They have failed to have regard to the inescapability of significant local landscape and visual impacts.

5. As to other matters you said at the pre inquiry meeting that a number of other issues need to be covered, and I deal with those now on the basis that I do not believe that, on the evidence, they represent potential determining issues:

(a) Nature and Conservation.

(i) Contentions relating to nature conservation comprised RFR2 which also referenced policy N1 in the Structure Plan.

SNH now no longer objects to the proposed development subject to controls and measures proposed to be secured by condition. And there is no other reasoned evidence against the proposal on nature conservation grounds. You have not only suggested conditions relating to nature conservation, but also a draft Habitat Management

Plan and a draft Construction Method Statement (both intended to be secured by condition).

Not only is there now no case against the proposed development on the nature conservation basis. What is now a coniferous plantation will, under the Habitat Management Plan, revert with careful management to active blanket bog, a European priority habitat, in a location adjacent to an existing European site. This is a material benefit of the scheme to which I ask you to give weight.

- (ii) In terms of the Caithness and Sutherland Peatlands, SPA and Ramsar Site and the Caithness and Sutherland Peatlands SAC you will need to consider any requirement for appropriate assessment under Regulation 48 Habitats Regulations 1994 (as amended). The citations for these designations, and for the Stroupster Peatlands SSSI can be found in APP45.

SNH has advised that appropriate assessments will be required for the European designations and for the Ramsar site. On the evidence of Dr Percival (submitted precognition) and Dr Dargie (oral evidence at the hearing session) and SNH (written submission and oral evidence of hearing) are able to make positive appropriate assessments. Therefore RFR2 is overcome and there is no basis for the rejection of the scheme on nature conservation grounds.

(b)

- (i) I now turn to the impact of the scheme on the general amenity of the area, and particularly on local residents (another topic on which you wanted evidence). There is no RFR on this issue (in comparison with general landscape and visual effects). I interpret the topic to mean

the potential for Stroupster wind farm to unduly impact on local residents through noise, shadow flicker or visual effects. As to noise the position is clearly acceptable and conditions have been provided. As to shadow flicker there can be no issue in terms of the advice in paragraph 64 of PAN 45 (CD14) because the nearest house to the development is at almost 1.8 kms.

- (ii) Turning to visual effects I might have needed to deal with paragraphs 7.46 and 7.47 of Mr Mooney's precognition, even though there was actually no evidence on the topic of residential amenity within those paragraphs. However it was made clear in evidence in chief that THC offered no evidence on this issue.
- (iii) However, we do have evidence from Mr Young and from LG. Ms Guthrie makes it clear that there will be significant visual effects on some residents. However, the issue under this heading is not whether or not there would be significant visual effects, but whether or not such impacts might be overbearing or oppressive such that fundamental residential amenity is put at risk. Mr Young is clearly concerned and drew attention to material on prominence in PAN45 (CD14). However, prominence is not dominance, let alone an overbearing or oppressive effect. Mr Young might have had the beginnings of a case if there were dwellings unduly close to the proposed wind turbines. However, that is not the case here.
- (iv) Policy S2 of the HRES (CD22) is satisfied in terms of there being a separation distance of more than 1 km between any wind turbine and dwelling (the closest is almost 1.8 km);
- (v) With regard to the advice in Annex A of SPP6 (CD7) about a 2 km separation distance it must be remembered that Annex A was written

for the purpose of advising on the creation of Broad Areas of Search for wind farms of more than 20 MW, and the separation distance advised is expressed to be to the edge of settlements. The intention of this advice is to ensure there is enough land available for development when identifying a Broad Area of Search. The advice is not intended to preclude locating turbines within the advised distance. The relevant paragraph in Annex A gives specific advice that "proposals will continue to be judged on a case by case basis" and the position has not been altered by a subsequent statement from the Scottish Government produced by Mr Young within CW16.

(vi) Mr Young contends that residential amenity (as he perceives it) would be impacted. Perhaps rather notably he contends in his precognition that at 13 kms a resident would have to close her blinds to work on a computer because she would otherwise be impacted by the wind turbines. You may feel that this position is a little extreme.

(vii) I submit that there is no evidence of any adverse effects on residential amenity (as opposed to significant effects on visual amenity) and therefore (referring forward to what I say later about policy G2 in the Structure Plan) I submit that there is no breach of that policy.

(c) I leave matters of policy raised by you at the PIM for now except in relation to RFR1. In evidence in chief GM almost abandoned the locational guidance in the HRES (CD22) and he finally made that leap in cross examination. He confirmed that no evidence was offered on RFR1. Clearly, the HRES addresses other matters than locational guidance, and I will address those other matters briefly in a moment, but RFR1 solely concerns the location of the proposed development. In my submission

THC was correct to offer no evidence on RFR1, and there is nothing further to explore in relation to it.

6. I will deal with other matters raised at the PIM in my submissions on the main issues. I note that RFR3-5 still survive in terms of evidence offered by THC. All the concerns in those RFR concern the landscape and visual impacts of the proposal and are effectively, and might in other cases have been within a single RFR, noting however evidence on tourism.
7. I now turn to identify the key policies in this appeal, noting that this is a rare wind farm appeal in that there is no evidence contrary to that in the environmental information on a number of topics frequently canvassed (e.g. archaeology, noise, aviation and transport).

B. Identification of Key Policies

8. The Development Plan comprises the Highland Structure Plan (CD1) and the Caithness Local Plan (CD2). There is a Main Issues Report for the future Highland Local Development Plan (HC4), but although a material consideration is this plan is at a very early stage, and in my view little or no weight should be given to it. The main issues report is still out for consultation, and there is a long statutory process beyond that. I make this submission especially in terms of any future designation of Areas of Great Landscape Value. I note particularly here GM's evidence at 5.13, 5.14 and 5.20. GM simply cannot say that any area will be designated, and I ask you to give no weight to these assertions. The same applies to the contentions in 5.13 and 5.14 in relation to the SPG which will be produced under Annex A to SPP6 in order to replace the HRES. No-one knows where any broad areas of search will be. What can be said is that, even if there are areas of significant protection to the north and south of the appeal site (acknowledged to be very likely because of the SPA and the SAC) that does not mean that the area of Stroupster could not be an area of search. In this context

I commend the advice in paragraph 4 of Annex 8 of SPP6 - there are to be no buffer zones.

9. Turning to development plan policies, the key policy in this appeal is in my view E2 in the SP. While E1 does address renewable energy and gives general support it is of little help at development control level. E2 is criteria based, if not complete in scope (e.g. there are no references to birds or ecology). The main issue (in terms of contested evidence) of visual effects (including cumulative effects) is covered. Although DS noted that landscape impacts are not precisely covered, I am not placing any weight on that omission.
10. The development control test in E2 is that there should be no significant detrimental effects. You will remember that I explored the test with GM in XX when he said (somewhat to my surprise) that any individual significant adverse effects of the development would mean a breach of the policy. In my view such an approach is far too narrow and an incorrect application of policy. The policy advises in the plural of impacts. I believe that the test must be viewed in the round: would there be significant detriment in the general terms of the policy? One significant adverse effect from (e.g.) a viewpoint regardless of the sensitivity of that viewpoint could not possibly mean a necessary breach of policy. In any case and noting what I said in paragraphs 3 and 4 of these submissions, even if it were determined that there was a breach of policy the need for this proposal, the clean energy benefits of the development, and the need to ensure that targets are met (noting my references to the implications of the RES) would be material considerations of considerable weight to be put in the balance in favour of the development.
11. In any event the GM test is contrary to the approach in SPP6 in PAN45. I refer here for example to the advice in para 4 of Annex 8 to SPP6 on significant long term detriment to communities. I also refer to the realism of (e.g.) paras 71

and 78 within PAN45. Whether or not the impacts of the development are adverse is a matter for you to determine, but without doubt there will be (evidence of LG) significant impacts of any wind energy developments, and this has been known since well before the SP was approved. Again it must be noted that significant landscape and visual effects are inherent in the nature of the development.

12. G2 in the SP is not canvassed in the RFR, but is referred to in E2. In my view G2 is not massively helpful. In terms relevant to this appeal it seeks to avoid significant detriment to landscape and scenery, and also to individual and community residential amenity (on which I have already submitted). So far as landscape and scenery are concerned the policy adds nothing to the terms of E2 in reaching a balanced approach.
13. G6 in the SP is not referred to in the RFR, but was addressed by GM. In XX I think it became clear that the area of Stroupster is not identified as of high quality in the sense advised in the policy. In my view G6 is not relevant to this appeal.
14. I turn now to T5 and T6 in the SP. T5 is irrelevant. It advises on the "development and maintenance" of strategic tourist routes. It is clear from the wording of T5 and from its supporting paragraph 2.7.10, that the sole objective is to encourage physical improvements to roads. However, T6 (referred to in RFR4) is of importance in this appeal. It advises on the protection of scenic views from tourist routes and from viewpoints, particularly if identified in a Local Plan. We can also note para 2.7.11 which reinforces the priority given to such views. It was agreed that the second sentence within T6 is irrelevant.
15. T6 takes us directly to the Local Plan where (as rehearsed with LG IC and in XX of GM) a clear approach emerges. We can see from paragraph 1.14 in the Local Plan, the Vision within the same document, it's Strategy Map, and from policy

PP3 (46) that it is clear that the same approach is being taken as in the Structure Plan to important views (defined as to and across water and to mountains).

16. There is certainly no reference within the SP or the LP to any particular importance of views inland (which are not towards mountains). The thrust of the SP and LP policies and other advice is clear.

17. I deal briefly with other policies. L4 in the SP (referred to in RFR5) advises that regard should be had to the desirability of "maintaining and enhancing present landscape character". I believe that you should give limited weight to L4 for two reasons:

(a) It contains no development control test, but only a "have regard to" approach; and

(b) Wind energy development (evidence of LG) will always be unlikely to maintain or enhance landscape character. It could never do so. Indeed, in comparison with L4 we have the acknowledgement within E2 that there may be adverse effects of development which will nonetheless be acceptable unless significantly detrimental.

18. In the LP there is PP3 (45), referred to by GM, which advises on the Regional Scenic Coast. Since the advice in this policy is limited to acknowledging the desirability of new facilities at Dunnet and Dunscanby Heads the policy is quite irrelevant. The same applies to PP1 (42) which expresses support for new facilities at John O'Groats.

19. Overall E2 is clearly the key policy. It is supportive, but you may wish to note that it incorporates no planning balance. For that we need to go to national policies (see the end of these submissions).

C. Submissions on Main Issues and Development Plan Conclusion

20. The principal evidence was from Mr Young and LG. GM made clear in his precognition that he was a policy witness. As to landscape and visual material that he presented there was information in relation to new viewpoints, and I note that GM concluded significant adverse effects from most of these. However, there are some points to make about GM's approach:
- 20.1 He is not a landscape architect, but acknowledged that he approached his evidence as a planner.
- 20.2 He gave no cumulative effects evidence at all - leaving this purely to SNH.
- 20.3 In relation to the individual effects of Stroupster there is therefore no evidence from SNH (who do not oppose Stroupster alone) and no evidence from THC beyond additional photomontages and conclusions on impacts which were not reasoned. It is certainly the case that no evidence from SNH or THC could be used to justify refusal on this ground.
- 20.4 GM provided no reasoning for the conclusions he reached in relation to the THC viewpoints.
- 20.5 In XX he (you may feel surprisingly) said that he had not thoroughly read the SNH evidence relating to the cumulative landscape and visual effects of the development.
- 20.6 As already noted he withdrew in IC the points that he had briefly made on residential amenity in his precognition.

21. Whilst GM did produce the THC viewpoints and some (unreasoned) conclusions in relation to them I am afraid that it cannot be said that he provided any evidence to the Inquiry to which you could give any significant weight on impacts on the development on landscape character and visual amenity. In relation to the additional viewpoints you can form your own views based upon the material provided and on the tabulated response of LG.
22. What GM did was to indulge in an extraordinary explanation of visualisation. The Appellant found this material at best irrelevant and at worst extremely frustrating. I am not going to waste more time save to make the following headline points:
- 22.1 LG has used visualisations in landscape and visual impact assessment for many years as an experienced landscape architect. She knows that this material must be accurate, but that ultimately the camera cannot present what the human eye sees. Nevertheless her CLVIA material is consistent with current SNH guidance (CD APP 024). Even the ES material presented photomontages with a viewing distance of 300 mm (the minimum currently recommended as acceptable by SNH).
- 22.2 THC do not contend that the material produced on behalf of the Appellant is inaccurate. The issue is one of perception.
- 22.3 The Appellant is deeply disappointed that, following a lengthy application and Appeal process, and the process of the second application, it was not until delivery of GM's precognition that any contentions were made in relation to the visualisations. GM acknowledged this readily in XX, but regrettably without any apology.

22.4 It is quite clear to me that GM used his precognition, and indeed the inquiry to indulge in a personal interest and pursue a crusade on visualisations which is irrelevant in practical terms. The topic which was discussed at such length was in no way useful for you given SNH guidance on this matter and the Appellant's compliance with this guidance. Photomontages and wirelines must be accurate, but they are never more than tools. They are not the basis for an assessment, but an aid to assessment.

22.5 You know all this and I somewhat doubt that any part of the extraordinary evidence on this topic was remotely helpful to you. You knew before this Inquiry whether you needed to take into account the correct viewing distance for photomontages and wirelines and you knew ultimately what was required was robust commonsense and experience. Nothing has changed.

22.6 Finally, at the end of the exercise Mr Findlay told you that there was no contention by THC that you had inadequate visual material from the Appellant to use in reaching your conclusion. What a shameful waste of time. THC has escaped an expenses application only because the time wasted was (just) insufficient to warrant the effort.

I now turn to the landscape and visual impact evidence in this case presented by Mr Young and by LG.

23. I deal firstly with that from Mr Young. While the Appellant does not agree with Mr Young he presented some very useful visual material and some sensible points for consideration. My submissions in relation to them are as follows:

- (a) With regard to the proposed borrow pit you will remember that I dealt with this IC with LG and took Mr Young to the points LG made in XX. I invite you to refer to Figures 3.5 - 3.7 in the CLVIA which show that the entrance to the borrow pit will be from the north and which show the restoration

methods proposed. Of critical importance is the proposal to carry out restoration blasting so as to fracture the sloping sides of the borrow pit, precisely so as to enable peat and drift material to adhere sufficiently to enable vegetation growth to take place, and therefore enable effective restoration. The position has been thought through by the Appellant, and the evidence by Mr Young about the long term appearance of the borrow pit is wrong.

- (b) Mr Young criticised the quality of the visualisations produced by the Appellant (mainly the ES rather than the CLVIA). As with the THC approach I urge that you do not attach importance to Mr Young's criticisms. The material produced on behalf of the Appellant is accurate, observes SNH Guidance in terms of minimum viewing distance, and is clearly useable by you as a tool in the field.
- (c) As to the identification of viewpoints LG confirmed in IC that the purpose was to select a representative sample of viewpoints. This was done and this was discussed with SNH in advance of the publication of the ES (see APP74). Adding further viewpoints to an already representative sample adds no quality, although undoubtedly it adds to the (artificially) defined quantity of significant effects (but to purpose).

I also need to draw attention to the visualisations produced by THC (HC14). For all the vaunted attention to accuracy and to informing the viewer of visualisations about viewing distance there is a lack of clarity within HC14. I don't attach that much importance to this, but following XX of GM it does seem quite clear that, so far as the 75mm lens photomontages are concerned, the viewing distance cannot be right for a monocular vision. It may be that for the 75mm lens photomontages this is unimportant because (per GM IC) they were not intended to be viewed other than with both eyes. However, HC14 doesn't tell the viewer this, and there

is certainly nothing on the individual photomontages to tell the viewer that they should simply be held at a comfortable arm's length. A viewing distance of 520mm is specified. In the event this sort of detail is not necessarily important, and I only make the point because, having insisted on absolute accuracy in telling the viewer the correct viewing distance, THC fall foul of the same sin, if sin it is.

24. With regard to the evidence of LG I have the following brief submissions in closing:

- (a) You will have noted LG's qualifications and extensive experience of assessing wind energy development. She presents a robust and reliable body of objective information on which you can rely. I also commend her conclusions.
- (b) Unusually, but having reviewed LG's evidence, and in the absence of any opposing professional evidence, I can really do no better in closing than to commence specific paragraphs of her conclusions within her precognition. With regard to landscape character I refer to paragraph 8.4. As to visual impacts of Stroupster alone I refer to paragraph 8.5. As to the impact of the wind farm on scenic views from the main tourist routes I commend paragraphs 8.8 and 8.9. With regard to the general objective of maintaining present landscape character I refer to what LG realistically says about this issue in paragraph 8.10. As to the position of SNH LG records this in 8.11. In terms of SNH's view on cumulative effects we have 8.12. I also refer to 8.13 which addresses SNH's fundamental reason for rejection (sequential visibility of the wind farm from the A99 north of Wick). With further regard to sequential views we have 8.14 and 8.15. Finally 8.16 deals with the design and layout of the wind farm.

It is worth emphasising in the context of cumulative effects that the nearest of the existing or consented wind farms is 15 kms away, and this

distance would not reduce if any of the currently proposed wind farms were to be approved.

I commend all this material in submissions.

25. In addition I have the following points:

- (a) SNH's case is based not on an assessment of cumulative effect from fixed viewpoints, but only sequential effects for the traveller though Caithness.
- (b) It is clear on the evidence of LG (see e.g. Figure 1 in the CLVIA) that Stroupster Wind Farm would be no surprise to travellers through Caithness in terms of existing wind farms and those which are consented but not yet built. Both are part of the legitimate baseline in terms of the assessment of Stroupster. The wind farms are spaced out through Caithness, and Stroupster will be seen as part of a scattered, if regular, pattern of wind farm development and in a way which in my submission is perfectly acceptable in sequential terms.
- (c) Following the close of the inquiry THC wrote to you to confirm that an application for planning permission has now been made for Halsary wind farm. The Appellant does not object to the Halsary submission being brought to your objection, and wishes to respond. Attached to these submissions is a written report by Lindsey Guthrie relating to the Halsary proposal. (The report by LG is presented an annexe to the submissions).
- (d) As to views from tourist routes (as opposed to impacts on tourists and tourism businesses to which I turn in a moment) I refer to what I said earlier about the objectives of the SP and the LP. It is clear that the policy concentration is on the preservation of views to and across water and towards mountains. None would be impacted by the proposed development. LG dealt with this in her evidence.

- (e) No issue is raised by SNH or by THC in relation to the design and layout of the wind farm, but only its location.
- (f) In XX of LG Mr Findlay attempted to draw a distinction, in terms of the acceptability of the development in landscape terms, between the sub-type of Flat Peatlands as opposed to the main landscape type of Sweeping Moorland. It is to be noted that Mr Findlay had no support from his own witness on this point. In my view the distinction is wholly artificial and is not supported by SNH's Caithness and Sutherland Landscape Character Assessment (APP27). You will obviously look carefully at APP27, and I invite you to note that there is no material distinction to be made between the type and the sub-type in terms of the scale, openness, and the simplicity of the landscape and its capacity to absorb the wind farm development of the type proposed at Stroupster.

Therefore with regard to the individual merits of the proposed Stroupster wind farm the site is eminently suitable for wind farm developments. The landscape is large scale and simple, and on the evidence of LG and of the SNH LCA is well able to accommodate the proposed development. As to visual effects there is an entirely acceptable separation distance between the proposed wind farm and the nearest residential property (nearly 1.8kms). Although there are (inevitably as LG acknowledges) significant visual effects on neighbouring residents these are relatively few.

26. In any event I urge you not to attach too much importance to locally significant landscape and visual effects for their own sake. They are inevitable. I have noted that in some other appeal decisions they have been seen by some Reporters to be enough to warrant the objection of a scheme. Such in my view

is a completely wrong approach. I refer in this context to paragraph 71 and 78 of PAN45.

I refer to the context of what I have just said to paragraphs 2 and 3 of these submissions.

27. I also note (in favour of the project) that the proposed Stroupster wind farm does not suffer from any objective difficulties (e.g. aviation radar, noise, archaeology or (now on the evidence) ornithology, ecology or hydrology). In planning terms this is a very clean wind farm site, and in my view the only serious issue requiring determination comprises the cumulative visual (not landscape) effects of the project.
28. With this in mind I now turn to look at the last issue - impacts on tourism businesses.
29. In respect of views from tourist routes and facilities I have already dealt with these points and there is nothing further to say.
30. Turning to impacts on tourism businesses we have no evidence from THC at all. Please see in this respect GM at 5.28 and 5.32 where he specifically declines to engage on impacts on individual business activity, both as a matter of evidence and (5.32) as a matter of planning principle. I should record that I don't agree with what GM says at 5.32. Impacts on individual businesses can be material to your decision if the evidence is convincing and could lead to a more general conclusion. It is fair that I say that. THC, however, are solely reliant on the protection of views - see above.
31. With regard to Mr Watts and his witnesses (who address Freswick) my primary submission is that their evidence has nothing to do with tourism in Caithness. Mr Watts bought Freswick 12 years ago, and has aspirations of creating a business based on visits by artists and others. He has no tourism business, and

even if his aspirations are fulfilled, and indeed even if all that he wishes to achieve for Freswick is fulfilled, there will still be no tourism business as such. Please do not think for the moment that the Appellants do not wish Mr Watts success, but his evidence should be regarded as that on behalf of an aspiration to create a business, and not evidence on behalf of tourism in Caithness. To find a decision against this project in whole or in part on the evidence of Mr Watts, Mr Murray-Leach and Mr Walton would be to refuse a proposal on the basis of a concern which is not material in planning terms.

In any event it is my submission on the evidence of LG that the visual effects of the development on Freswick, both as a visual receptor and as a Listed Building, will be minimal and for these reasons also ask you to give little weight to the evidence of Mr Watts and his team.

32. As to the concerns of Mr Wilson, and more generally tourism in Caithness, we have assertions, but no clear evidence. There is no evidence before the Inquiry of trends in tourism in Caithness over the years. We have a snapshot from HC 16 but no more than that.
33. All the evidence we have is therefore prospective. There is no evidence of actual impact to date. On the basis of evidence of DS there are very many factors which influence what tourists may do (eg the exchange rate, the economy and the weather), and it may well be difficult to isolate particular influences. However, in this context I note that it is not as if Caithness is a stranger to wind farms. On the evidence of LG (see Figure 1 in the CLVIA) there are projects which have been built and you should note in this context that there are other projects which have been consented. However, despite the concerns of Councillor Bremner and others I note that THC has still failed to bring any serious evidence to this Inquiry about impacts on tourism, and has certainly not

commissioned any studies about the impact of the existing wind farms on tourism. If there was such a concern why has this not done?

34. In contrast I commend the evidence of DS who is the only witness before this Inquiry who has carried out previous impact surveys in Cumbria and Cornwall, revealing no impact in practice in areas very dependent on tourism (APP 61).
35. I also ask you to have regard to the nature of tourism in Caithness. Again please see APP 61 and HC 16, and indeed the Local Plan. The emphasis is on the creation of new facilities rather than the attraction of the countryside, although the evidence is that the vast majority of those who visit Caithness are interested in visiting the countryside. That is a slightly different emphasis.
36. It must be noted that Caithness is in the far north east, beyond the evident landscape attractions of Sutherland and Highland more generally (see HC 16). It is clear from the Local Plan and from HC 16 that something extra is needed to attract visitors to Caithness - hence the emphasis on facilities.
37. I also record my XX of Mr Watts who (together with his colleague from Freswick) gave evidence that artists who visited Freswick would certainly not wish to see wind turbines. In my view Mr Watts has given vicarious evidence without authority. There is no evidence before the Inquiry that the majority of artists would view wind turbines negatively. Mr Watts asserts that this is so, but produces no evidence to that effect. He says that he has letters from artists, but has not produced them. It is my observation that Mr Watts is telling us what he believes the artists will feel, and in doing so he communicates his own fears and dislikes rather than evidence on behalf of others. I am not criticising Mr Watts for doing this because I know from seeing him give evidence that he is genuine in his beliefs. However, they are beliefs and not evidence.

38. I conclude that there is no evidence before the Inquiry to justify the dismissal of this Appeal on the basis of impacts on tourism. This compares with the position at the Corlarach Inquiry (see the decision at APP66). It is clear from the report of that Inquiry that detailed evidence was received from local tourism operators of potential impacts. This is not the case here (see above). It is clear that Corlarach was the exception to the rule which is that Inquiry Reporters have consistently declined to find against a proposal on the basis of impacts on tourism without any real evidence. And so it is the case here. It is my strong submission that there is no evidence base on which you could find against this project on the basis of tourism impacts, either because of views from tourist routes or because of impacts on individual businesses.
39. I said at the outset that (in turn) the issue of tourism was parasitic on landscape and visual issues. If the proposed development is acceptable in landscape and visual terms then it will be acceptable in terms of tourism and that is my submission on the evidence.

Development plan submissions

I said in Section 2 of the submissions that in my view Policy E2 in the SP was the key policy in this Appeal. In fact I would go so far as to say that this Appeal can be determined in development plan terms on the basis of E2 together with T6 in the SP. On the evidence, and without the need to say anything more at this stage, I rely on early submissions and conclude that this proposal is consistent with the provisions of the development plan as a whole. Therefore planning permission should be granted unless other material considerations indicate that a contrary view should be taken. I now turn to these.

D. Other material considerations and final submissions

The key material considerations in this case, aside from the development plan, which will be brought into account at this stage are:

- the wider benefits of the proposed development;
- the absence of any objections in the scheme from any consultee save SNH in relation to cumulative landscape and visual effects; and
- the EU Directive on renewable energy issued in March 2009 (APP 52) and the Renewable Energy Strategy 2009 (APP 51).

The clean energy benefits of the proposed development are set out by DS in his precognition. I do not need to set them out here, but I ask that you give them separate and considerable weight. As to the views of consultees it is noted at the start of these submissions that this was an unusual proposal in that the only local environmental issues for you to consider comprise landscape and visual matters and (strictly consequent upon landscape and visual effects) tourism interests. There are no objections to this proposed development in terms of hydrology, hydrogeology, cultural heritage, aviation, ecology, or birds. That is unusual and adds to the perception that the proposed Stroupster wind farm is indeed well located and well designed.

I would also ask you to have careful regard to the observations of your fellow Reporters in relation to recent similar proposals. Notably I refer you to APP 66 (the Kildrummy) decision and to that made in respect of Acahany. In both cases the Reporters did in my view address wider issues relating to renewables correctly and gave appropriate weight to the need for benefits of this former development.

Turning finally to the EU Directive and the Renewable Energy Strategy I incorporate in these closing submissions my opening statement which went in some detail into these documents. I also incorporate what DS had to say about them in his precognition.

It is of some particular importance to note that the Scottish Government's 2020 targets will need to be revised to take account of the increased targets implied by the RES. It is also of importance to note that the UK is under a legal obligation to attain the 15% by 2020 target for renewable energy.

To meet the (roughly) 30% target for renewable electricity by 2020 is, as acknowledged in various places in the Renewable Energy Strategy a huge challenge, and it is a challenge which is directly relevant to your decision. Also of weight is the obligation on the UK Government to report the progress towards the required 2020 renewable contribution every two years. There is clear emphasis on maintaining the required trajectory towards targets.

I would also urge you not to do what decision makers have been so often tempted to do - to acknowledge a need for the benefits of renewable energy development, but then to express regret that local environmental effects outweigh the need for the development. Rather, the approach should I feel be to acknowledge the inevitability of significant, and quite possibly adverse, landscape and visual effects, but then look at needs and benefits. The difference may seem semantic, but psychologically I believe that it is important. It is a matter of approach and attitude.

There has to be something quite fundamentally and obviously wrong with the proposed development to justify a rejection in local, national and/or international legal and policy circumstances. It is my view that no such fundamental problems have remotely been demonstrated in the case of the proposed Stroupster wind farm.

Indeed what is proposed represents a well located, well designed project. No evidence has been produced which would justify refusal, in the context that I have set out at the end of the submissions. It is also the case that Stroupster has a grid connection offer, and therefore can proceed. I would ask you to grant planning permission for Stroupster wind farm.

30 November 2009

ANNEXE TO CLOSING SUBMISSION

**THE STROUPSTER WIND FARM INQUIRY FOR
THE APPELLANT**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

SEDPEA Reference P/PPA/270/431

**WRITTEN SUBMISSION
of Lindsey Guthrie
MA Hon, MPhil Landscape Architecture, MLI
of SLR Consulting Limited**

**on behalf of
RWE NPOWER RENEWABLES LIMITED ("THE APPLICANT")**

**In respect of Cumulative Landscape and Visual Impact of Stroupster Wind Farm
with the proposed Halsary Wind Farm**

November 2009

Stroupster and Halsary Wind Farms

Introduction

The Highland Council has drawn attention to the fact that an application has been lodged for a wind farm at Halsary in Caithness and would like the Reporter to take account of this application in consideration of the Stroupster appeal.

The Halsary wind farm site is identified and noted as being at scoping stage in the Further Environmental Information (FEI) Cumulative Landscape and Visual Impact Assessment (CLVIA) in respect of Stroupster submitted to the Council in August 2009. Figure 1 in FEI CLVIA shows the location as being approximately 20km to the south west of the Stroupster site.

Review of Potential Cumulative Landscape and Visual Impact

RWE npower renewables Limited, the Applicant, has asked me to consider the potential cumulative interaction between the proposed Stroupster wind farm and Halsary.

On the basis of publicly available information in respect of the Halsary wind farm proposal the number and location of turbines have been plotted onto a revised cumulative base plan (Figure 1) which is attached to this review. This indicates that there would be 18 turbines which are noted as being of 100m height to blade tip. As currently proposed, the turbines would be arranged in an informal group immediately to the east of the A9 and opposite to the existing Causeymire wind farm with the nearest turbine to the proposed Stroupster turbines being at 20.1km distance.

The Halsary site occurs mostly within the Coniferous Woodland Landscape Character sub-type, (the same sub-type as most of the turbines proposed at Stroupster; with 2 turbines in the main Sweeping Moorland landscape character type.

The Halsary wind farm would be at over 20km from Stroupster and would be immediately adjacent to the existing Causeymire wind farm. I therefore consider that from most locations within the surrounding landscape it would appear as an extension to, and ultimately part of, this wind farm, albeit on the east side of the A9, whereas Causeymire is on the west side of this main road.

There are no instances identified in the CLVIA for Stroupster, where significant cumulative effects on landscape character or visual amenity are identified from Stroupster with the Causeymire wind farm. This is primarily due to the intervening distance. Although the Halsary wind farm would be slightly closer to Stroupster, the nearest turbine would still be at a distance of over 20km. Consequently, and having regard to the proximity of Halsary to Causeymire, I do not consider that there would be any significant cumulative effects from Stroupster with existing and consented wind farms, the other proposed wind farms included in the FEI CLVIA and Halsary.

In respect of potential sequential cumulative effects, the Halsary wind farm would be immediately adjacent to the A9, which is one of the identified main tourist routes in the Caithness Local Plan from which scenic views are to be protected. Visibility of the proposed Stroupster wind farm from the A9 is limited and would only occur over a total of 7.85km of the route within the study area (approximately 19%), with the closest distance being at 18.7km.

The two tourist routes which were identified by the Council as being of particular concern in relation to the Stroupster wind farm are the A99 and A836. Given the location of the Halsary project relative to these routes, and the related intervening distance, I do not

anticipate that there would be significant cumulative sequential effects from Stroupster with Halsary.

I note that the Halsary project is at application stage and assume that the weight to be given to it in consideration of potential cumulative effects on landscape character and visual amenity from interaction between Stroupster and Halsary would reflect this status.

Conclusion

Having regard to the proposed location of the Halsary turbines, their distance and configuration I do not anticipate that the inclusion of this proposed development within the cumulative assessment for Stroupster would materially change the findings of the FEI CLVIA, or my evidence presented to the public inquiry.