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Our Ref: GM/CC/07/00217/S36CA

Your Ref:

Date: 28 January 2010

Dear Lorraine,

**The Electricity Act 1989
The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000
Section 36 Application for the proposed Spittal Wind Farm, Caithness – (07/00217/S36CA)**

I refer to your letter of 26 November 2009 requesting the Council's response to your consultation request for the above application (2007) and addendum (2009) which was considered by the Caithness, Sutherland and Easter Ross Planning Applications Committee on 22nd June 2010 following a site visit. The unanimous decision of the Committee was that The Highland Council, as planning authority, object to the proposed development for the following reasons:

- (i) The grounds of objection put forward by SNH are supported. These grounds are that 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.
- (ii) The visual impact (including cumulative impact) on a number of individual residential properties within 1 km of the site and with no financial interest in the proposed wind farm, and consequently the impact on the amenity of the occupants of these properties, would also be significantly adverse, as would the impact on residential properties in the wider area. Spittal village lies within 1.2 km of the site and would also suffer unacceptable visual impact.
- (iii) For these reasons, the proposed development would be contrary to Local Plan Policy PP3 which applies to the northern and central section of the site and which presumes against development where there are significant effects on amenity. In addition, while it is accepted that the site itself has no formal landscape designation, SNH identify the area as a "landscape of national interest" for the reasons set out at paragraph 5.12 of the Report No PLC-29-10 to the Planning Applications Committee. This should therefore be seen as an "important feature" within the meaning of Local Plan Policy PP2 and the proposed development should accordingly be considered to be contrary to LP Policy PP2 which applies to the remainder of the site in that it would adversely affect this important feature.
- (iv) For the same reasons, the proposed development cannot be supported under Structure Plan Policy E2, in that it would be significantly detrimental in respect of two of the criteria listed in that Policy, namely, visual impact and cumulative effects. It is also assessed as significantly detrimental in terms of Structure Plan Policy G2 in that it would have unacceptable adverse impact on individual

residential amenity at the nearby residential properties, as well as unacceptable adverse impact on landscape.

(v) Separately, concerns are also raised over whether the developer's predictions in relation to shadow flicker and noise have been sufficiently rigorously assessed. This does not form a formal ground of objection on the part of the Authority, but is an area of concern on which the Authority would invite further deliberation.

I look forward to hearing from you in due course regarding arrangements for a public local inquiry.

Yours sincerely

Gordon Mooney
(Development Management HQ Team)