

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

**APPEAL AGAINST REFUSAL OF PLANNING PERMISSION FOR
CONSTRUCTION OF WIND FARM, CONSISTING OF ERECTION OF 12
NO. WIND TURBINES, HEIGHT OF 70 METRES TO HUB, ASSOCIATED
INFRASTRUCTURE INCLUDING BORROW PIT, ACCESS TRACKS, 2 NO.
TEMPORARY CONSTRUCTION AREAS AND REFURBISHMENT OF PART
OF OLD STEADING TO ACCOMMODATE SITE OFFICE AND GRID
CONNECTION AT HILL OF STROUPSTER, AUCKENGILL, WICK,
CAITHNESS**

STATEMENT OF CASE BY THE HIGHLAND COUNCIL

SEIRU REF: P/PPA\270\431

THC REF: 05/00273/FULCA

1.0 BACKGROUND

1.1 This statement of case has been prepared by The Highland Council (“the Council”) in response to the appeal by NPower Renewables, East Lodge, North Range, Stanley Mills, Stanley, PH1 4QE. (“NPower”) against refusal of planning permission for the erection of 12 wind turbines on the Hill of Stroupster, Auckengill, Wick, Caithness.

1.2 The Council’s statement of case shall indicate as follows:

- A brief description of the application submitted
- Scope of evidence
- Assessment against the development plan
- Other relevant material planning considerations
- Those documents that the Council intends to lodge
- Provisional list of witnesses giving evidence on behalf of the Council.

1.3 The Council reserves the right to amend its statement of case once the additional environmental information is received from the appellant.

2.0 DESCRIPTION OF THE APPLICATION

2.1 The proposal is to erect 12 wind turbines on the Hill of Stroupster, Auckengill, Wick. The hill is 79m above sea level and lies some 15 km north of Wick on the A99 and 6 km to the south of John O’ Groats. The wind turbines would have a tower height of 70 metres and would be 113 metres to the rotor tip. The turbines would be finished in a matt pale grey. Access to the site would follow the existing forestry track from a minor road off the A99 at Auckengill. The track leads to the Old Stroupster Farm Steading at the centre of the application site. 7km of new access tracks will be formed on-site with

underground grid connection cables running from the turbines along the access tracks. The Old Stroupster Steading is proposed to be converted to accommodate an electrical substation, site office and store. A borrow pit of approximately 105,400 cubic metres and 2 temporary construction compounds are also proposed. The proposed wind farm would have an installed capacity to generate up to 30 Mega Watts (MW) of electricity depending on the final wind turbine type selected. Permission is sought for an operational period of 25 years after which time the wind farm would be decommissioned or an application made for a further operational period.

3.0 SCOPE OF EVIDENCE

3.1 The Council witness' evidence will cover an assessment against the development plan and all relevant material considerations. In particular the following will be considered:

- *Visual and Landscape impact*

3.2 The site is located on a prominent upland hill in Caithness which is visible from the towns of Wick and Keiss and the villages of Lyth, Mey, Auckengill, Freswick, Tofts and Skirza and from the main tourist route (the A99) and the principal roads through the area and from smaller settlements and individual properties within 10km. The site is also visible from peaks and viewpoints up to and beyond 30km. The main sensitivity of the site is therefore its elevated situation in an open and undulating Highland landscape.

3.3 The proposal would have visual impacts over a wide area of Caithness and extending to and impacting adversely on visual amenity and landscape. The Local Plan identifies the area as a fragile area where the landscape is of importance and value to tourism and the local economy. The development would also be highly visible from main tourist routes and viewpoints.

- *Cumulative Impact*

3.4 The Council is of the view that taken cumulatively with other wind farms constructed, approved or proposed in the vicinity, the development would result in a detrimental sequential visual impact of wind turbines in the landscape of Caithness. There is also likely to be an adverse impact on the local economy if a wind farm is constructed in the area.

- *Impact on SAC/SPA*

3.5 The Council has been advised by SNH that insufficient information has been provided by the appellant to show that the proposals would not have an adverse effect on the Caithness and Sutherland Peatlands Special Area of Conservation, Special Protection Area and Ramsar which is a priority habitat under the Habitats Directive.

3.6 The Local Plan identifies the area as a fragile area where the landscape is of high importance and sensitivity to tourism and the local economy. The development would be highly visible from main tourist routes and viewpoints.

4.0 ASSESSMENT AGAINST THE DEVELOPMENT PLAN

4.1 The applications will be assessed against all relevant policies of the approved Highland Structure Plan 2001 and the adopted Caithness Local Plan 2002. These policies include:

- *Structure Plan*

General Strategic Policies - Policies G2, G3, G4, G6, G8

Energy – Policies E1, E2

Tourism and Scenic Views – Policy T6

Landscape – Policy L4

Nature Conservation - N1

- *Local Plan*

Primary Policy PP3

4.2 It is the Council's position that the application is contrary to the development plan in that the visual and landscape impacts of the proposal would be significantly detrimental and adverse and the cumulative effects on landscape, visual amenity and tourism when considered either separately or cumulatively are likely to be significantly detrimental.

4.3 Separately, whether considered individually or cumulatively, the proposals will have an adverse effect on important scenic views enjoyed from tourist routes and view points.

5.0 OTHER RELEVANT MATERIAL PLANNING CONSIDERATIONS

5.1 The applications will be considered against the following:

- Government Policy, guidance and advice
- Representations received
- The Highland Renewable Energy Strategy 2006

5.2 It is the Council's position that the assessment of the applications against all other material considerations gives support to the presumption in favour of the development plan, namely that the applications should be refused.

6.0 PROVISIONAL LIST OF DOCUMENTS

6.1 In an effort to avoid duplication of documents being produced, the Council intends to lodge the following documents.

- The approved Highland Structure Plan 2001
- The adopted Caithness Local Plan 2002
- The National Planning Framework for Scotland (NPF2)
- SPP – The Planning System
- SPP 6 – Renewable Energy
- NPPG 6 – Renewable Energy Developments (revised 2000 and now superseded)
- NPPG 14 – Natural Heritage
- SPP15 – Planning for Rural Development
- SPP23 – Planning and the Historic Environment
- PAN 45 – Renewable Energy Technologies (revised 2002)
- PAN 45 Annex2 – Spatial Framework and supplementary planning guidance for wind farms.
- PAN 50 – Controlling the environmental effects of surface mineral workings
- PAN 56 – Planning and Noise
- PAN 58 – Environmental Impact Assessment
- PAN 60 - Planning and Natural Heritage
- PAN 73 – Rural diversification
- The Highland Renewable Energy Strategy and Planning Guidelines 2006

6.2 The Council reserves the right to lodge additional documents relevant to the Inquiry.

7.0 WITNESSES

7.1 The Council will be legally represented and evidence will be led from the following witnesses:

- Mr Gordon Mooney, Principal Planner
- A landscape witness
- Councillor David Bremner

7.2 It is anticipated that the evidence in chief of these 3 witnesses will take up to ½ day.

8.0 CONCLUSIONS

8.1 With regard to the proposal, because of the proposed turbine heights and positioning the development would dominate the landscape to the detriment of visual amenity both in the local context and in the wider landscape and could have adverse effects on tourism and on the Caithness and Sutherland Peatlands.

8.2 There is also likely to be an adverse cumulative impact on the landscape and visual amenity of the north of Caithness if a wind farm is constructed at Stroupster

8.3 For these reasons, the Council considers that the proposed development does not accord with the development plan. Whilst the Council is committed to increasing electricity generation from renewable sources, assessment of the proposed development against all relevant material considerations adds weight to the presumption in favour of the development plan.

8.4 The Council accordingly respectfully requests that the appeal be dismissed and planning permission refused.