



Case reference	NOD-HLD-008
Application details	Major development of vertical launch space port comprising launch operations control centre, launch site integration facility, launch pad complex, antenna park, access road, fencing, services and associated infrastructure
Site address	Land 2600M SW of Dunbuie, Talmine, Tongue
Applicant Determining Authority Local Authority Area	Highlands and Islands Enterprise The Highland Council
Reason(s) for notification	Direction
Representations	590 (468 in objection, 122 in support). 1 petition in support with 513 signatures. 1 petition in objection with 1075 signatures.
Date notified to Ministers Date of recommendation	6 July 2020 24 July 2020
Decision / recommendation	Clear

Description of Proposal and Site:

- Planning permission is sought by Highlands and Islands Enterprise (HIE) for the construction of a vertical launch spaceport as described above to be constructed on the A' Mhoine peninsula, around 4 miles from Tongue in North Sutherland for no more than 12 launches per calendar year.
- Key elements of the development include two buildings: the Launch Operations Control Centre, where launch and range control operations would take place and including a small viewing area, up to 7 metres tall at its highest point, clad in grey with a green roof which slopes to the ground to integrate the development into the landscape; and the Launch Site Integration Facility, where the launch vehicles would be assembled and loaded, up to 11 metres tall at its highest point, with grey metal clad walls and a green metal clad roof. The remaining key facilities would be: the Launch Pad Complex, including launch pad, storage tanks, plant, water deluge system, strongback (22 metre tower, only in vertical position on launch days), flame diverter, lightning protection, proprietary rail system, mobile heating, ventilation and air conditioning system; antenna park; and access road.
- The site extends to approximately 307ha with proposed infrastructure covering 3.13ha.
- The site comprises undeveloped sweeping moorland with underlying peat.
- Part of the site overlaps with the boundaries of the Caithness and Sutherland Peatlands Special Area of Conservation (SAC) and Ramsar site, the Caithness and Sutherland Peatlands Special Protection Area (SPA) and Ramsar site as well as the Ben Hutig and

A'Mhoine Sites of Special Scientific Interest (SSSI). The built infrastructure of the proposed development lies outwith the designated sites.

- The North Sutherland Coastal Islands SPA lies to the north west of the site. The Inverhope SSSI lies to the west of the site. The Eriboll East and Witten Head Special Landscape Area (SLA) is located to the north and east of the site. The Ben Hope and Ben Loyal Wild Land Area (WL) lies approximately 0.4km to the south. The Kyle of Tongue National Scenic Area (NSA) is approximately 1.7km to the east.

EIA Development:

- The application is supported by an Environmental Impact Assessment Report (EIAR) which contains chapters on Seascape, Landscape and Visual Impacts; Ecology; Ornithology; Water Resources; Air Quality; Noise and Vibration; Cultural Heritage and Archaeology; Traffic and Transport; Climate Change; Major Accidents and Disasters; Transboundary Considerations and a Schedule of Mitigation. The application is also accompanied by a Planning Statement; Design and Access Statement; Road Alignment details; Drainage Impact Assessment; Socio-economic Statement; and Economic Impact Statement.
- The Highland Council has undertaken an appropriate assessment of the implications of the proposal on the Caithness and Sutherland Peatlands SPA; and on the Caithness and Sutherland Peatlands SAC.

Consultations and Representations:

- In summary, there are no outstanding objections from statutory consultees, subject to a number of conditions and development of the proposals in accordance with the required conditions.
- Scottish Environment Protection Agency (SEPA) had originally objected but withdrew their objection following receipt of additional information and the imposition of conditions to minimise the impacts on peatland and to secure a finalised Peat Management Plan and a Habitat Management Plan. SEPA note that the only significant loss of Ground Water Dependant Terrestrial Ecosystems on the site is the M6 flush to the north of the Launch Site Integration Facility building. A condition has been secured to ensure drainage plans are produced which would treat it like a watercourse. SEPA is content that the development minimises impacts on the water environment subject to conditions to secure the design details of watercourse crossings. SEPA welcomes the buffer of at least 50m between infrastructure and watercourses. It notes that the launch pad is only 40m away from a watercourse but considers this is acceptable due to the impact having this in a different location would cause and a condition is included to secure the final detailed design of the surface water drainage features and to secure monitoring of the discharge post launch, with the need for review and mitigation if required. Foul water drainage is considered acceptable by SEPA, however it requests that if an alternative solution which will have a lower impact on the environment is achievable that it should be implemented and a condition is requested to secure this. It requests conditions to ensure the mitigation outlined in the Schedule of Mitigation is secured. Further SEPA considers a condition should limit development to only the areas identified in the Extent of Works Plan. Confirmation is provided that the level of fuels, oxidisers and other chemicals store on site are at a level at which the Control of Major Accident Hazard regulations apply. SEPA requested that should the development not be used for a period of 5 years that the site should be decommissioned and it also recommends a bond to ensure adequate funds are in place to ensure suitable restoration. This has been secured by condition as well as a visitor management plan along with environmental monitoring of the plan.

- Scottish Natural Heritage (SNH) had also originally objected to the application but withdrew their objection following receipt of additional information and the imposition of conditions. SNH have been working with the applicant to develop the Visitor Management Strategy to a level that provides clear principles and sufficient information to enable SNH to fully assess impacts, effectiveness of mitigation measures and significance of any residual effects. SNH are satisfied that sufficient information in relation to visitor management has now been provided to demonstrate that a practical and workable solution to the issue of visitor management can be found which will avoid an adverse effect on the integrity of the Caithness and Sutherland Peatlands Special Area of Conservation (SAC) and Special Protection Area (SPA). SNH advice is that this proposal could be progressed with appropriate mitigation. A detailed Visitor Management Plan, Construction Environmental Management Plan (including species protection plans) and provision of an Ecological Clerk of Works are secured by conditions. SNH notes some effects on the qualities of the Kyle of Tongue National Scenic Area but it considers that the special qualities of the National Scenic Area will remain well expressed. To ensure this is the case conditions have been applied to ensure the retraction of the lightning tower when the rocket is not on the launch pad and a detailed lighting plan be produced and implemented. SNH are in agreement with the conclusions of the assessment on the impact on Wild Land Areas produced by the application that the proposal would not have a significant effect on the wild land area qualities of the Ben Hope – Ben Loyal Wild Land Area (WLA38). A decommissioning plan accompanied by an appropriate bond is secured by condition.
- HES were consulted on the application and had no objections.
- There are 468 objections to the application and a petition in objection with 1075 signatures. There is a protest group, 'Protect the Mhoine (PTM)'. Matters raised in objections include: the impact on climate change, the impact on natural heritage (including qualifying features of designated sites, protected species and ornithology), the impact on peat land; on amenity (noise); impact on tourism; impact on traffic and transport; adverse landscape and visual impact; impact of visitor management;) risk to health; contrary to the Development Plan; loss of croft land; impact on potential Flow Country world heritage site designation; impact on dark skies; risk of flooding; impact on fisheries; impact on public access; and, impact on built and cultural heritage.
- There are 121 representations in support of the application including a petition of support with 513 signatures. Tongue Community Council, Bettyhill, Strathnavar & Altnaharra Community Council, and Durness Community Council are in support of the application. Matters raised in support of the application include limited visual impact; economic benefit (jobs, population growth, and regeneration); limited environmental impact due to the proposed approach to the construction and restoration of the site; potential for the development to strengthen a fragile area; and potential tourism benefits.
- Scottish Ministers received a request on behalf of Wildland Ltd that the application be called in for determination by Scottish Ministers.

Assessment:

Background

1. Scottish Ministers issued a notification direction, on 28 May 2020, requiring Highland Council to notify this application if they were minded to grant planning consent. Notification was requested to assist in providing an overview of applications for

spaceport development in the planning system. On 26 June 2020, Highland Council North Planning Applications Committee unanimously agreed with planning official's recommendation to be minded to grant planning permission for this application subject to modifications to the proposed conditions and notification to Ministers. The application was duly notified to Scottish Ministers on 6 July 2020. The focus of this assessment is whether or not there are reasons why the planning application should be called in by Ministers to be determined at a national level.

Development Plan

2. Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
3. Highland Council's report of handling on the application sets out that the primary policy for determination of the application is Policy 36 (Wider Countryside) in the Highland Wide Local Development Plan (HWLDP) (2012). The preamble to Policy 36 sets out that the Council supports development of rural areas because this will help to maintain population, infrastructure and services. This policy requires consideration of the extent to which developments are acceptable in terms of siting and design; pattern of development; compatibility with landscape character and capacity; loss of locally important croft land; and servicing. It states that regard will be had to development in Fragile Areas (the development is within a Fragile Area as defined by HIE) in relation to maintaining population and services by helping to re-populate communities and strengthen services.

Consideration

4. In their report of handling, Highland Council have assessed the proposal against the relevant policies of the Development Plan and all other material considerations relevant to the application. Highland Council consider the determining issues in this case to be Economic Development, Construction, Roads, Transport and Wider Access, Water, Flood Risk, Drainage and Peat (inc carbon emissions, Natural Heritage including ornithology, Built and Cultural Heritage, Design, Landscape and Visual Impact (including Wild Land Areas), Impact on Croft Land, and Noise and Air Quality.
5. The Council has assessed the information presented within the EIA Report and other environmental information in relation to the development. Residual significant effects have been identified in relation to landscape and visual effects, noise, traffic, major accidents and disasters and greenhouse gases.
6. A detailed description of the proposed mitigation is contained within the EIA Report and the Report of Handling. With application of the required mitigation secured by conditions, Highland Council consider that the development accords with the policies of the Development Plan and is acceptable in terms of all other material considerations. The Council has incorporated the requirement for a schedule of mitigation within the conditions of this permission and monitoring has been secured through the proposed Conditions of this permission.

Landscape impact and visual effects

7. Relevant features of international and national importance comprise the Caithness and Sutherland Peatlands SPA, the Caithness and Sutherland Peatlands SAC, the North Sutherland Coastal Islands SPA, and the Caithness and Sutherland Peatlands Ramsar site, the Ben Hutig SSSI, the A' Mhòine SSSI, and the Kyle of Tongue NSA. SNH do not

consider there to be likely significant effects if the specified mitigation is applied. An Appropriate Assessment has been undertaken by Highland Council and concludes that there will not be an adverse effect on site integrity of European sites.

8. Highland Council have considered potential impacts on protected species, and impacts outwith the designated sites and have concluded that there is workable and practical mitigation that can be put in place to minimise environmental effects including Species Protection Plans, Habitat Management to minimise the environmental effects.
9. There would be two buildings on site: the Launch Operations Control Centre, up to 7 metres tall at its highest point, clad in grey with a green roof which slopes to the ground to integrate the development into the landscape; and the Launch Site Integration Facility, up to 11 metres tall at its highest point, with grey metal clad walls and a green metal clad roof. A lighting tower would extend to 40m in height when the rocket is in the strongback but this would be required by condition to retract to 20m and lie horizontally on non-launch days to help mitigate the impacts. The location of buildings within a dip in the site surrounded by mounding will assist further in reducing the visual impact. Although there are some significant visual effects and residual effects on Wild Land Highland, subject to specified mitigation, Highland Council find acceptability against the policies of the development plan.

Noise

10. The report of handling sets out that operational noise for such a facility would largely be limited to the launch and can be controlled by the Control of Pollution Act 1974. It is anticipated that the noise from the launch and flight would be experienced for up to 70 seconds, up to 12 times per calendar year. These impacts are considered to be significant albeit short lived. Given the level of potential noise impacts Highland Council have included conditions requiring that noise monitoring is undertaken during launch activities to verify the findings of the noise assessment.

Transport and wider access.

11. The Transport Assessment estimates that a total of 1100 spectators would visit the site for the launches. Transport Planning consider that the volume of spectator traffic for the first launches has the capability of having a severe, albeit short term impact on the local road network. Without significant traffic and visitor management this impact would not be acceptable. Overall, Highland Council consider that while the development would challenge the capacity of the existing infrastructure in the area, through both the construction and operational phases of the development, an appropriate package of mitigation can be secured by condition including a Visitor Management Plan. The mitigation has the potential to make significant improvements to the existing road infrastructure in the area which will have benefits for both local road users and tourists.

Peatland and Greenhouse gases.

12. Overall the development would lead to the loss of 3.2ha of peatland habitat. However, SEPA and Highland Council consider the proposal accords with the relevant requirements of the HWLDP and SPP as the areas of undisturbed and deepest peat are avoided where possible, and construction techniques to minimise impacts are proposed. The applicant has committed to offsetting this loss through peatland restoration adjacent to the site. Highland Council and SEPA consider that on balance, the carbon release can be managed by use of an appropriate Peat Management Plan and through a Habitat Management plan secured by condition.

Economic development and socio economic benefits

13. The Council consider that the development also has a number of benefits, not least the potential economic benefits in terms of Gross Value Added of the proposal to the Highlands and Islands and to job creation but also potential to make significant improvements to the existing road infrastructure and socio-economic benefits and community benefits such as the potential to facilitate a reversal of the population decline in the area and how this can help sustain local services.

Cultural heritage

14. Subject to mitigation Highland Council do not consider that there will be significant effects on built or cultural heritage. There is concern from some objectors that the potential for the Flow Country to obtain World Heritage Site status could be in jeopardy. The Highland Council acknowledges that there is a risk that land use change prior to nomination and inscription may compromise areas which might otherwise have been included in the site boundary, however the Council is content that impacts on the habitats for which the Flow Country is famed can be minimised.

Major accidents and disasters

15. Matters of safety have been raised in representations and there are other regulatory functions which control these issues.

Marine Environment

16. A Marine Environmental Risk Assessment (MERA) has been undertaken by the applicant. This identifies a number of risks to the marine environment, such as debris impact on marine ecology, collision risk to marine users and release of unspent fuel from deposited rocket parts. The planning authority are currently considering whether the issue of collision risk of marine debris to marine users is a matter which can / should be controlled via the planning system or by the license required under the Space Industry Act.

Impact on Croft Land

17. The report of Handling explains that the Crofters Commission do not consider that the proposed development would have a major impact on current grazing uses. It notes that there is one crofter whose use of the common grazings will be impacted but the loss of land to the proposed development would be outweighed by the wider social and economic benefits.

Transboundary effects

18. It is acknowledged that whilst there are transboundary effects, these are not considered significant in EIA terms.

Monitoring and enforcement of conditions

19. Given the complexity of the proposal, to assist in the discharge of conditions, Highland Council seek that the developer employs a Planning Monitoring Officer (PMO) to monitor and enforce compliance with all conditions, agreements and obligations related to this permission (or any superseding or related permissions), including the provision of a monthly compliance report to the Planning Authority during the construction period and annual reports thereafter. The applicant has advised that the development has a

nominal operational period of 50 years but it is not applying for a temporary planning permission. In addition, the applicant has committed to decommissioning and reinstatement if the proposed development is not used for vertical launches for a period of 5 years.

Decommissioning and Restoration

20. A scheme for decommissioning and restoration is secured by condition to require a financial guarantee to cover the costs of decommissioning and restoration. In addition to planning permission, this is a scheme that will be significantly regulated by other authorities including SEPA, SNH, Marine Scotland, CAA and the UK Space Agency.

Conclusion

21. This is a new and unique development type for Scotland and notification has provided an overview of the issues raised. It is considered that Highland Council have taken all relevant matters into account in their deliberations including the challenges in terms of access, landscape and visual impact and environmental impacts where there are residual significant effects, as well as the economic development and socio economic benefits of the proposal, and are satisfied that subject to the mitigation required by conditions, the proposal accords with the development plan and is acceptable in terms of all other material considerations.
22. It is not considered that the proposal requires to be determined at a national level.

Decision/Recommendation:

- It is recommended that the application is cleared back to Highland Council for determination.