

GS/Carn Gorm/IK

Town and Country Planning (Scotland) Acts 1997 and 2006

PROPOSED CARN GORM WIND FARM

PI Renewables Ltd

**Appeal in respect of the refusal of planning permission for a 14 turbine development,
each turbine 115m high, and associated infrastructure**

Highland Council Ref: 13/04791/FUL

DPEA Ref: PPA-270-2117

CLOSING SUBMISSIONS

on behalf of

The John Muir Trust (JMT)

Submitted: 13th September 2015 – by Email only

Ian Kelly MRTPI,

Head of Planning, Graham and Sibbald, Perth

Email: ikelly@g-s.co.uk

Background

1. These Closing Submissions are lodged on behalf of the John Muir Trust in respect of the appeal against the refusal of planning permission for the proposed Carn Gorm wind farm (THC planning application reference 13/04791/FUL). The interest of the Trust for this case is the protection of Wild Land. The Trust also recognises that in addition to the refusal of planning permission by the Highland Council there was also a formal **national interest objection** from SNH on account of the significant adverse impacts on WLA 29.
2. The Trust is of the strong view that Closing Submissions should be focussed and brief, as the Reporter already has all of the evidence and there is no need to repeat that evidence. That is the approach taken in these Closing Submissions.

The Evidence

3. The John Muir Trust gave written evidence on policy matters and oral evidence on the landscape, visual and policy issues associated with Wild Land. The Reporter is asked to give considerable weight to that evidence.
4. It was put to Mr Low, for the Trust, that the JMT policy of opposing all commercial scale wind farm developments in Wild Land areas was somehow contrary to Scottish Government policy as set out in SPP2 paragraph 215. That is a misrepresentation of the actual policy position for the following reasons:
 - a. Paragraph 215 of SPP2 is not about wind farms. It is about “development”. The Trust opposes commercial scale wind farms in or affecting Wild Land areas but does not seek any blanket ban on “development” in those areas
 - b. Paragraph 215 has to be read in conjunction with paragraph 200 which stresses that Wild Land areas are “very sensitive to any form of intrusive human activity”, that they “have little or no capacity to accept new development” and that “Plans should identify and safeguard the character of these areas of wild land as identified on the SNH 2014 map of wild land areas”.

5. When the full policy position is considered and when the recent Ministerial decisions in respect of Glenmorie, Limekiln and especially Allt Duine are considered it is more accurate to say that the Trust and Scottish Ministers are at one in the approach to the strengthened protection of Wild Land.
6. The Trust fully endorses the careful and considered evidence presented on behalf of SNH, including the detailed analysis of the effects of the proposed development on Wild Land Area 29. In short, a significant area of Wild land would be lost. Having regard to the outcome of the Stronelairg S36 consent and SPP2 paragraph 170 that affected area of Wild Land would be lost “in perpetuity”. That point goes to the heart of this case. The complete loss of an area of Wild Land, and that is what would follow from this proposal being permitted, is neither safeguarding nor strengthened significant protection.
7. Furthermore, it was regarded as highly significant that, in clarification to Mr Kelly for the JMT, Ms Harry confirmed that both the SNH Wild Land mapping methodology and the resulting mapped Wild Land boundaries had been specifically endorsed by Ministers and were not “up for debate”. The Reporter appeared to accept this.
8. The Trust supports the landscape and visual and policy evidence given on behalf of the Highland Council. Whilst the Wild Land issue is of importance to the Trust it must not be forgotten that there are other significant and adverse landscape and visual impacts that should lead to the refusal of this application. The Moy wind farm is now beginning to be a prominent feature in the landscape setting of Inverness when approaching from the north on the A9, especially coming south from Tore. The proposed Carn Gorm wind farm would form a similar but even more intrusive feature in the landscape setting of Inverness when approaching the City driving north on the A9 approaching from Daviot.
9. The Trust has given careful consideration to the evidence presented on behalf of the Appellants. Senior Counsel for the appellants, in response to an interjection from Mr Kelly on behalf of the Trust, claimed that the appellants were not challenging either the SNH Wild land methodology or the resultant boundaries. However, the reality is that their entire case was that the proposed turbines should be permitted as the site and

the “affected” area was not “true Wild Land”. That is a direct challenge to policy and that evidence should be disregarded. They also tried to invent a concept that there were actually two wind farm proposals – eight turbines within the Wild Land and six turbines that were outwith the Wild Land. No such split proposal was before the Reporter.

10. The Trust notes, with regret, that this is not that first time that this approach of challenging the mapping has been attempted, particularly by the appellant’s landscape witness, and it is an approach that should be rejected so firmly that it never is heard again. The recent Allt Duine Ministerial decision letter makes it quite clear that, notwithstanding the differential levels of relative wildness (Ministers could have used the relative wildness mapping as the basis of their policy but they specifically did not do so), it is the whole of the mapped Wild Land area that is afforded the strengthened protection of policy and that a significant adverse effect on any part of the Wild Land area is contrary to national planning policy. Following the Allt Duine decision, and having regard to the evidence on the Carn Gorm case, there can only be one outcome for Carn Gorm and that is refusal on the basis of clearly established policy stemming directly from Ministers.

Submission

11. It is, therefore, respectfully submitted that the Reporter should uphold the decision of the Planning Authority and conclude that the appeal should be rejected and planning permission refused on the grounds that the proposal is not in accordance with the Development Plan and with National Planning Policy.

[END]