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OBJECTION to Limekiln windfarm application: THE ELECTRICITY ACT 1989 SECTION 36 APPLICATION

The John Muir Trust wishes to object to the application by Limekiln Wind Limited (the 'Applicant') to construct and operate a 24 turbine wind farm at Limekiln Estate, Reay.

The applicant has re-submitted the previous scheme design proposal for a wind farm of 24 turbines. Of these 15 turbines would be at 139m high to blade tip and 9 turbines would be at a maximum of 126m high to blade tip. There would be associated on-site infrastructure including access tracks and borrow pits. This is exactly the same scheme as was rejected by Scottish Ministers in July 2015 following the Public Inquiry held in August 2014.

To prevent repetition, the Trust supports and adopts RAWOG's submission, in so far as it is relevant to Wild Land, and with regard to the policy context.

JOHN MUIR TRUST EXPERTISE ON WILD LAND

The John Muir Trust is the leading Wild Land conservation charity in the United Kingdom. Working with people and communities to conserve, campaign and inspire, the Trust is a membership organisation that seeks to ensure that Wild Land is protected and enhanced and that wild places are valued by and for everyone.

The John Muir Trust does not have a policy opposing any built development should go ahead in Wild Land Areas (WLAs), as the developer has suggested. The Trust is not against any wind turbines in WLAs. For instance, a few, moderately sized turbines, owned by the community and on the fringe of a WLA, may well be acceptable if it has minimal impacts which would not lead to a reduction in the size of the WLA, and taking into account the benefits and disbenefits. An example of such a scheme, supported by the Trust, is the North Harris Trust's Monan development of three turbines in a National Scenic Area. These were originally to be 80 metres high but a re-design brought in smaller two-blade turbines. However, the Trust believes that developments of a scaled and sited such that the

development would lead to a diminishing of the WLA should not be consented.

Scotland's Wild Land is an asset of national and international significance but it is a finite resource. The distribution of Scotland's Wild Land is closely associated with peatlands which plays a vital role in retaining carbon in the ground. Wild Land gives us clean air, water and food and is home to valuable wildlife. Wild Land also plays a vital role in contributing to well-being, supporting tourism and a wide range of other economic and leisure activities. The Scottish Government has said that Wild Land is a resource of national importance.

The Trust is committed to policy principles that support the current targets of the UK Government and devolved governments for greenhouse gas emissions reduction, as these are the primary public policy tools directed at climate change mitigation. However, the Trust does not support the construction of industrial-scale wind energy developments on Wild Land or developments that would impact significantly adversely on Wild Land and does not believe that it is necessary to allow such developments to achieve emissions targets – see later.

To assess whether the proposal would impact significantly adversely on Wild Land, the Trust considered the impact the Limekiln Wind Farm would have, using -

- SNH's Wild Land Areas map (2014)

And considering the Trust's own policies :

- Built Development Policy (2013)
- Energy and Wild Land Policy (2013)
- Wild Land Policy (2010)
- Trust's map of wildest top 10% in UK (2010)

This objection is written by Helen McDade, the Head of Policy for the John Muir Trust (JMT) who has worked for the Trust on policy issues since 2005 - working extensively on Wild Land and landscape matters, strategic planning and energy policy. Ms McDade contributed to presenting the Trust's case, including assessment of LVIA and cumulative impacts, at a number of Public Local Inquiries (PLIs) that the Trust has taken part in – Beaully Denny 400kV transmission line; Muaitheabhal wind farm in the Western Isles; Calliachar wind farm in Highland Perthshire; Allt Duine wind farm in the Monadhliath mountains and Glenmorie wind farm. Ms. McDade prepared and gave the Trust's landscape and visual evidence at the 2014 Limekiln Public Local Inquiry.

BACKGROUND REGARDING THIS APPLICATION

The Trust was a leading objector regarding the impacts on Wild Land at the original Limekiln Public Local Inquiry (PLI) in 2014. Our focus is on the Wild Land impacts, including landscape, visual and cumulative impacts and also the impact on peatlands and carbon sequestration.

As the proposal has remained exactly the same, our original detailed evidence at the PLI remains relevant and the detail of our submissions then must be considered as part of this objection.

On numerous occasions in the run-up to and during the PLI in 2014, the Applicant was asked to assess the Wild Land Area 39, East Halladale Flows, in accordance with Scottish Government's Scottish Planning Policy 2014 (SPP2), and Scottish Natural Heritage's Wild Land Area (WLA) map 2014. Rather than provide the necessary extra assessment, the Applicant's landscape architect spent many hours of the PLI making his case that the Applicant's approach was correct in only assessing the much smaller area – their wild land study area (WLSA). Having lost the case, the Applicant has now done the further assessment work which had been requested and has forced upon all parties an expensive and time-

consuming process of re-considering the same proposal.

Evidence which should be considered:

- a) The clear outcome of the initial application
- b) the subsequent consideration of Wild Land issues in other wind farm cases in the Highlands
- c) The evidence submitted to the previous Limekiln Inquiry
- d) The terms of this objection and that from individuals and any from the statutory consultees
- e) The significant and adverse scheme specific and cumulative landscape and visual effects on receptors including designated and important landscape resources, especially on Wild Land and viewpoints and
- f) The complexity of the local and regional scale cumulative landscape and visual impact issues (and the associated landscape capacity issues) along with the actual and likely effects of existing, consented, proposed and in scoping wind farms in Caithness, Sutherland, and Wester Ross.
- g) This is an objection in respect of this proposal alone, but, as indicated above, there is a wider concern about the overall cumulative effects of wind farm and wind turbine developments and proposals in the wider Caithness, Sutherland and Wester Ross areas, especially given the recent North Coast 500 Initiative. That wider cumulative impact aspect is one of the key considerations, along with residential amenity and Wild Land, for the determination of this application.

REASONS WHY THE APPLICATION SHOULD BE REFUSED

- 1. The main argument on Wild Land made by the Applicant has already been rejected after a thorough Public Local Inquiry**

The Applicant's case essentially remains the same case as that which was rejected by the Ministers. Although the Applicant has now done the assessment for the whole Wild Land Area, **they continue to argue that parts of the Wild Land Area do not require the same policy application and consideration because there are gradations of wildness, referring to the maps of relative wildness** . This is either an incorrect interpretation of government policy, as expressed in the SPP, or an argument against government policy.

Scottish Government policy on Wild Land Areas and the WLA map

After much detailed technical work, consultation and consideration, the Scottish Government chose to refer to the WLAs map in Scottish Planning Policy 2 with each Wild Land Area delineated, rather than to refer to a composite relative wildness map (see Fig 9.28a in the Environmental Statement). The government had considered all those relative wildness maps and the composite but chose to include the WLAs map in policy.

The logical interpretation of why that approach was chosen is that it was to make the policy clear and applicable, removing the need, with each application, for hours of debate about how much more or less wild each hectare was. Otherwise, the new policy would have made no change to the approach taken in Wild Land assessments for applications. Clearly, that cannot be the intention of a very

significant change in SPP.

It is clear from SPP that any land within the Wild Land Areas is in Group 2 of Table 1 of the onshore wind section, with the protection that Group 2 confers.

The policy is clear as to exactly where Wild Land, as referred to in the policy, is – it is the WLAs.

It is not for protagonists to go over the merits and demerits of each mapping methodology for Wild Land – discussing which map is their personal favourite – with each application and at each and every PLI into a windfarm.

It is not for the Council and decision-makers to apply different policy criteria according to relative wildness maps of different areas of the Wild Land Area but it is for the Council and decision-makers to decide what national and planning authority policies require when a WLA would be impacted.

2. Wild Land is recognised by Scottish Government as a “nationally important” asset to be “safeguarded”

In SPP2, Table 1, under Group 2 it says:

“Other **nationally important** mapped environmental interests:

- areas of wild land as shown on the 2014 SNH map of wild land areas;
- carbon rich soils, deep peat and priority peatland habitat.”

NPF3 paragraph 4.4 states “We also want to continue our strong protection for our wildest landscapes - wild land is a nationally important asset.”

So there is no debate that Wild Land Areas are **NATIONALLY** important –as stated in the Scottish government’s words in NPF3 and SPP2. THC has not yet incorporated this aspect of national policy into its Local Development Plan policies and Supplementary Guidance.

The Highland Council and Applicant references to Wild Land being locally or regionally important are incorrect.

Scottish Planning Policy 2 paragraph 200 states that:

*“Wild land character is displayed in some of Scotland’s remoter upland, mountain and coastal areas, which are very sensitive to any form of intrusive human activity and have little or no capacity to accept new development. **Plans should identify and safeguard the character of areas of wild land as identified on the 2014 SNH map of wild land areas”***

“Safeguarding” is defined in the dictionary as “*protect from harm or damage with an appropriate measure*” and must mean that an area is not significantly diminished by a development. So although the Limekiln turbines are immediately adjacent to the WLA rather than in the WLA they will still significantly diminish the mapped area and it would not be safeguarded if Limekiln was built.

3. Cumulative, Landscape and Visual Impacts

To comply with the objection deadline, the Trust does not have the resources or time to visit all the relevant viewpoints or get a detailed assessment of the LVIA. The Trust relies on SNH and THC to do that detailed work and would wish the opportunity to add additional comment if necessary once that work is in the public domain.

However, we can make the following comments:

Local Development Plan Policies

We note that the Highland Council in its guidance in the 'Highland Wide Local Development Plan', p115 states that *'New developments should be designed to reflect the landscape characteristics and special qualities identified in the Landscape Character Assessment of the area in which they are proposed. This will include consideration of the appropriate scale, form, pattern and construction materials, as well as the potential cumulative effect of developments where this may be an issue.'*

In addition Highland Council in their Renewable Energy Strategy states that key aspects of a Renewables Vision for Highland are the 'Retention of the regional diversity, scenic qualities and local distinctiveness of landscapes which are also vital underpinnings of tourism.' We believe that this development conflicts with these policy statements.

Relevant Council Policies

- 57 Natural built and Cultural heritage HWLDP p 111 &
- 67 Renewable Energy Developments HWLDP p 123

This large scale development is counter to both national and LDP policies and statements with regard to its impact both singly and cumulatively.

Inadequate mapping of cumulative ZTV impact

Figures 9.17 to 9.25 address cumulative impact. There are at least two major problems with this presentation.

- 1) Each figure refers only to two windfarms – ie
Figure 9.23 shows cumulative ZTV for Limekiln and Strathy North
Fig 9.24 shows cumulative ZTV for Limekiln and Strathy South
But there is no figure showing cumulative ZTV of all three of these windfarms, far less a figure showing all nine windfarms which have been included in cumulative ZTVs.
- 2) Each figure uses a simple colour coding – yellow for Limekiln; blue for the other selected windfarm in the figure and green for cumulative effect. There should be a shading process used so that it is clear how many turbines, within a band, are visible in various areas. As can be seen, most of the Figures in this series have one colour or another over much of the area shown. However, it is not possible to discern whether, in any one area, it is only a few turbines or that area would have a lot of turbines.

The way in which these cumulative ZTVs have been presented is very unhelpful. It is understandable how this methodology has come about – through sheer pressure of numbers of windfarms and, within that, numbers of turbines. Nevertheless, this represents a major shift away from the methodology used in other LVIA's the Trust has considered which shades different bands of numbers of turbines. The Trust would suggest that the Applicant is likely to have the technology and manpower to correct these deficiencies and should be requested to do so before consideration of the application.

However, even with the currently inadequate consideration, it is clear that Limekiln is proposed in an area which, if left undeveloped, is the transition to the Wild Land Area 39, which allows that wild land to be enjoyed by the many visitors driving round the North Coast 500 route and exploring the far north. Conversely, if Limekiln is developed, visitors driving west and exploring this landscape will be barely away from the landscape with windfarms which is much of Caithness before they come

upon Strathy North wind farm. As a consequence we are seriously concerned that the proposed development, if approved, would be visually intrusive and significantly and adversely impact on this wild landscape.

4. Loss of wild land

WILD LAND AREA 39 ASSESSMENT

It is very common for an Applicant's assessment of Wild Land to highlight that only X% has visibility of the development. In this case, the best the applicant can claim in Appendix 9E, para 5.8, is, "*The ZTV shows that the majority of the WLA will gain no visibility.*" It is very unhelpful to consider what percentage of a WLA is affected. WLAs, by definition, are very large areas.

Looking at this another way, using **Table 9E2**, it is important to note that **42% of the extensive Wild Land Area 39 will have visibility of the Limekiln re-submission proposal** and that 11% of the Wild Land Area will have visibility of between 21 and 24 of the proposed turbines.

6,678 hectares of the total 15,899 hectares of the WLA39 would have potential visibility.

5. The over-riding question to be considered for WLAs – the test

For the Council and the Minister, and ultimately for a Reporter at a PLI, the key question is surely this:

If Limekiln goes ahead, will that result in such a significant adverse impact on the Wild Land Area that, if revisited by SNH methodology, the WLA would be reduced?

If Limekiln would impact on wild land to that extent, the development would be contrary to NPF3 paragraph 4.4 and SPP2 paragraph 200 and the development could only be consented if there is any way that both the following criteria can be fulfilled:

- 1) The economic value of these areas can be maximised, and
- 2) Provided that environmental impact issues can be satisfactorily addressed.

It is clear that an impact on a WLA is unacceptable in policy if it would lead to loss from that WLA of a significant area within the WLA map, if the map were subsequently revisited. That should be the test applied. If this is not the test, it renders the WLAs almost meaningless as the decision-making process would not have altered with the introduction of the map and reference to it in SPP2, and wild land would continue to be lost by attrition.

It is impossible to see how the landscape, visual and cumulative impacts of this size of scheme, even as assessed by the Applicant (which the Trust believes underestimates the significance of adverse impacts) could be addressed by conditions seeking mitigation.

Limekiln would result in the WLA being reduced in size, in a future assessment, and so it is contrary to national planning policy.

6. Consistency with Ministerial decisions since the introduction of SPP2 and WLAs

There have been a number of key Scottish Government planning decisions regarding Wild Land Areas demonstrating government policy, since the introduction of SPP2 in June 2014. Those decisions include Carn Gorm and Glenmorrie. Wholly relevant to this application is the Minister's refusal of consent for the construction and operation of Glenmorrie Wind Farm in August 2014. In the Ministerial decision letter, these sections of the Report of the Inquiry are quoted:

"7.128 The proposed development would have a significantly detrimental impact on the wildness qualities of a significant proportion of the adjacent Search Area for Wild Land and its approval would

not safeguard the wild land resource of the area.”

“7.134 Having taken all of the above into consideration, I conclude that the benefits of the proposed development in making a significant contribution to national renewable energy targets, a modest contribution to the local economy during operation with a more substantial contribution during construction and possible improvements to recreational access, would not outweigh the significantly detrimental landscape and visual impacts on the local environment and community. The overall scale of the proposed wind farm and its associated infrastructure would accentuate the adverse impacts on the environment and community to a degree which would be unacceptable. Although the applicant has fulfilled the duties required by Schedule 9 of the Electricity Act by having due regard to those relevant matters and mitigation in the Environmental Statement, Addendum and Supplementary Environmental Information, the environmental impacts of the proposed development would not be acceptable. In a balance of benefits against disbenefits, the proposed development would be contrary to both national planning policy and the local development plan”.

Although the Glenmorie decision refers to the Search Areas for Wild Land (SAWLs) because the Inquiry preceded SPP2, it is relevant as SPP2 makes it clear that there is stronger protection for WLAs than SAWLs.

7. Renewable energy targets are currently being achieved and do not justify unacceptable environmental impacts

Scotland has more than enough renewable energy projects built or consented to achieve its renewable targets so **there is no need for this project to achieve national energy or carbon targets. See RAWOG’s submission for the detail.**

8. Grid unable to cope with current wind production in far north

Contrary to the idea that all wind production is economic and efficient, the wrong development in the wrong place can be economically daft. In the area that Limekiln is in there is a major issue that projects are being brought into the system despite there being insufficient electricity grid connection. Due to the method of electricity constraints payments, new projects are “harvesting” very considerable payments for producing nothing.

9. Evidence of constraints payments

For instance, nearly £600,000 of constraints payments were paid in less than a month for Strathy North to be turned off and not produce any electricity, because the transmission grid couldn’t cope with the electricity production there at that time. Some or all of SSE’s 33 turbines at Strathy North were shut down almost daily between November 12 and December 10, 2015.

10. Impact on local economy and tourism

The effect of this development could also have a severe economic impact on local tourism. In addition to the normal Highland tourist activity, including nature based tourism, the proposed development is also on the route of the National Cycle Network and, as RAWOG have highlighted, the North Coast 500 route which has been very successful.

It is frequently said, and again by the developers in the ES, that there is no evidence that tourists are deterred from visiting an area with industrial windfarms. However, this is not true – see below - and

the decision would need to consider carefully potential impacts on tourism.

Yougov is a highly respected polling organization who will not ask questions they regard as leading for a particular result. They discuss in detail how to phrase a question to avoid bias. A YouGov poll of 1119 Scots adults for the John Muir Trust in June 2013 found that 51 per cent of people in Scotland would be 'less likely to visit a scenic area which contains large-scale developments (e.g. commercial wind farms, quarries, pylons)' as opposed to 2% would be more likely to visit. Heading west along the coast, cyclists and road users will have a full view for a number of miles of the development. As part of the cumulative effect – both from a single location but also sequentially - cyclists, local people and tourists will also experience the sight of Baillie, Forss and Strathy North (in operation).

Conclusions

1. Environmental assessment detail obscures the simple major tests. One problem with hundreds of pages of detailed assessment of different aspects and bits of the landscape is that it can become difficult to be able “to see the wood for the trees” or, in wild land terms, to see the very significant national wild land impacts because of all the detailed smaller impacts on different landscape character types or sub-units.
2. **Wild land is a holistic concept of what can be seen and felt across large stretches of wildness. It is not possible to eat away bit by bit from the edges and not have an impact on the whole. This should be borne in mind when too much detail obscures rather than clarifies the main issues.**
3. Developments are now being considered which would never have got as far as a planning application a few years ago because the severe impacts on our precious national heritage were recognised by all. Scots are now being asked to accept developments of the scale of Limekiln in very sensitive landscapes, almost as if they are not major industrial developments being driven into wild areas. They are often told they must accept the development because other developments have already intruded into the area so “it’s no longer wild land”. It is akin to fighting on the Western front – a breach in one place makes a loss along the way more likely. But that argument that once the impacts have started there is no point refusing other similar developments is not how planning process and policy work. In particular, Wild Land Areas were introduced to prevent this kind of attrition.
4. There is a question about whether the stage has been reached in this part of the Highlands where consideration of preserving a band of undisturbed land is required - a “greenbelt” writ large in the Highlands - to prevent the whole area becoming a “windfarm landscape”. In fact, Wild Land Areas are one way in which the need to protect such areas from significant intrusion and incremental attrition has already been anticipated and included in planning policy through NPF3 and SPP2. So, in this case, there is current planning policy to preserve this area from being a “windfarm landscape”. The stated intention of the Scottish Government in its recent policy revisions is to strengthen that protection even more in the future. To consent Limekiln would utterly undermine that clear intention.
5. Allowing development to occur on Limekiln would greatly affect Scotland’s precious wild land resource when government intention and public opinion is clear. It would be a significant loss for Scotland’s reputation as a country with large landscapes and a major loss to Scotland’s sense of place. The proposed Limekilns Wind Farm site is not appropriate for this type of development and as such should not be approved.

Yours sincerely

A handwritten signature in black ink that reads "Helen McDade". The signature is written in a cursive style with a large initial 'H' and 'M'.

Helen McDade
Head of Policy