

GS/Limekiln2/IK

Electricity Act 1989

Town and Country Planning (Scotland) Acts 1997 and 2006

PROPOSED LIMEKILN RE-SUBMISSION WIND FARM

Limekiln Wind Ltd, per Infinergy Limited, Inverness

NPAC COMMITTEE NOTE

on behalf of

The John Muir Trust (JMT)

Background

1. This current S36 application is for the exact same proposal as was objected to previously by the Council, and which was subsequently rejected by Scottish Ministers following the Limekiln Public Inquiry.
2. The Council had three substantive reasons for objecting to the original proposal:
 - a. The size of the turbines and the adverse effects upon the village of Reay and the wider area
 - b. Cumulative impact along with Forss 1 and 2 and Baillie
 - c. The impact on the A836 tourist route between Thurso and Tongue

The Council, subsequently, also strongly supported the SNH and Trust Wild Land case at the Inquiry as part of a comprehensive and substantive Council Inquiry case.

3. Now, in January 2017 those original objections remain entirely valid and unchanged. The three further considerations that have changed are the strengthened protection for Wild Land in planning policy terms, the emerging success of the NC500 initiative, and a more complex cumulative situation. These aspects all strengthen the case against the re-submitted proposal. The Trust remains of the view that this past and present position should lead to the Council once again objecting to the proposal.

The Current Re-submitted S36 Limekiln Application

4. The Trust has already objected to this current application fully reflecting the previous case. Some key issues are: around 42% of the affected WLA will have visibility of this proposed wind farm; grid capacity issues mean that wind farms in this area are simply harvesting constraints payments; and rejecting this proposal would be entirely consistent with other Ministerial/appeal decisions including Glenmorie and Carn Gorm which addressed the “eating away at the edges” of Wild Land issue. Finally, allowing major wind farm development to occur at Limekiln would significantly affect Scotland’s precious Wild Land resource at a time when Government intention and public opinion is clear.
5. SNH, who worked alongside the Council and the JMT at the original Inquiry, has fully assessed the re-submitted application. The SNH conclusions are crystal clear:
 - a. *The proposed wind farm would have significant adverse effects on a nationally important area of wild land, Wild Land Area (WLA) 39 East Halladale Flows. In our view these effects cannot be readily mitigated. We therefore object to this proposal.*
 - b. *SNH is now in a position to consider the effects on the whole of the WLA. We consider that these impacts on central parts of the WLA result in **significant adverse effects on the qualities of the West Halladale Flows WLA**. The proximity of the proposal to the WLA, the extent and type of visibility from within the WLA, in addition to the strength and range of wild land qualities expressed in the areas affected, mean that it is very difficult to conceive of any means to mitigate these effects.*
6. The assessment could not be more to the point – these conclusions alone mean that the proposal is not supported by national or local planning policy or guidance.

The Report to the NPAC

7. In the light of all other recent Highland wind farm cases, including relevant appeal decisions, the Officer recommendation of no objection was a significant surprise to

the Trust. However, NPAC Members will be well aware of the need for a consistent approach to the significant (strengthened) protection for Wild Land. Therefore, only a few comments are offered on the report:

- a. General – the bulk of the assessment is simply an uncritical repeat of the ES
- b. Para 7.1 – this is surprisingly out of date, the Guidance is now Adopted
- c. Para 8.9 – “limited potential and consolidation” is not comparable with a new wind farm of 24 turbines mainly at 139m high
- d. Para 8.14 – national policy provides for strengthened protection of Wild Land with the whole of WLA’s being afforded the same level of protection
- e. Para 8.55 to 8.61 – the proposal fails the Wild Land policy test set out in SPP and there are no special reasons given in the report as to why the proposal should therefore not attract an objection. This is a key issue
- f. Para 8.63 – there is a need for a fuller, more objective assessment here given the recognition of the large numbers of resident and visitor receptors
- g. Para 9.9 – the conditional aspect of seeking the removal/relocation of turbines gives rise to well-known and documented FEI procedural and advertising complications (post Stronelairg) that are not addressed in the report

Final Submission

8. There is nothing relevant and new that gives any support to this already rejected wind farm proposal. It is clearly contrary to Policy and Guidance. The Trust, therefore, respectfully urges the Members of the NPAC to continue the Council’s consistent approach by objecting to the proposed Limekiln 2 Wind Farm on the grounds that its’ adverse scheme specific and cumulative effects on Wild Land, on landscape and views, and on residential amenity are such that the proposal is contrary to the HWLDP (Policies 67 and 61) and to the Adopted OWESG.
9. The Trust would be delighted to work alongside and to support the Council at the subsequent Public Inquiry.