Energy and Climate Change Directorate
Energy Consents Unit

T: 0141 242 0361
E: william.black@gov.scot

Scottish Government
Riaghaltas na h-Alba
gov.scot

Mr Angus Elder
Muirden Energy LLP
Muirden
Turriff
Aberdeenshire
AB53 4NH

21 June 2019

Dear Mr Elder,

REFUSAL OF APPLICATION FOR CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 AND DEEMED PLANNING PERMISSION UNDER SECTION 57(2) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 FOR THE CONSTRUCTION AND OPERATION OF DRUM HOLLISTAN WIND FARM APPROXIMATELY 2 KILOMETRES WEST OF REAY IN HIGHLAND.

Application

I refer to the application submitted by Muirden Energy LLP on behalf of Drum Hollistan Renewables LLP ("the Company") dated 21 October 2016 for consent under Section 36 of the Electricity Act 1989 ("the Act") and deemed planning permission under Section 57(2) of the Town and Country Planning (Scotland) Act 1997 for the construction and operation of Drum Hollistan Wind Farm ("the proposed Development") located on land on the Sandside Estate situated approximately 2 kilometres west of Reay and 3 kilometres east of Melvich within the planning authority area of the Highland Council.

The Company was incorporated under the Companies Act with the company number SO3055506 having its registered office at Muirden Farm, Turriff, Aberdeenshire, AB53 4NH.

The application proposed a development with an expected installed generating capacity of 51 megawatts. It would comprise of 17 wind turbines (11 with a maximum height of 119 metres blade to tip; 4 with a maximum height of 110 metres blade to tip; 1 with a maximum height of 125 metres blade to tip and 1 with a maximum height of 139 metres blade to tip). This letter contains the Scottish Ministers' decision to refuse the application.

Consultation

On 21 October 2016, in accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000 ("the 2000 Regulations") the Company submitted an Environmental Statement describing the proposed Development and giving an analysis of its environmental effects.

In accordance with statutory requirements, notice of the application and Environmental Statement were published appropriately and copies placed in the public domain in the locality of the proposed Development and those wishing to make representations had the opportunity to do so.

Under paragraph 2(1) of Schedule 8 of the Electricity Act and the 2000 regulations, the relevant Planning Authority is required to be notified in respect of a Section 36 consent application. In terms of the 2000 Regulations, notifications were sent to the Highland Council as the relevant Planning Authority, Scottish Natural Heritage the Scottish Environmental Protection Agency and Historic Environment Scotland. A wide range of relevant organisations were also consulted as bodies likely to be affected by the proposed Development.

On 13 July 2017 the Company submitted Supplementary Environmental Information relating to surveys for breeding Raptors and assessment of impacts on Hen Harriers, Merlin and Short-eared Owls. This was at the request of Scottish Ministers in response to the consultation response from Scottish Natural Heritage. It also included a replacement operational noise assessment. Supplementary Environmental Information in relation to the effects of the proposed Development on the Caithness and Sutherland Peatlands Ramsar site was submitted on 13 November 2017. This related to collision risk modelling data for Greylag Geese flights.

A summary of all consultation responses and third party representations received regarding the proposed Development are contained within Chapter 1 of the Public Local Inquiry Report.

Public Local Inquiry (PLI)

The Highland Council objected to the application on 02 June 2017 and did not withdraw their objection to the application after considering the Supplementary Environmental Information. In accordance with the terms of paragraph 2(2) of Schedule 8 to the Electricity Act, the Scottish Ministers caused a PLI to be held.

Inquiry sessions were held between 26 February 2018 and 06 March 2018 and the hearing session and community evening session took place on 06 March 2018. The Reporters undertook accompanied site inspections on 07 March 2018 and 26 and 27 April 2018. Unaccompanied inspections of the appeal site, its surroundings and other locations referred to in evidence took place on 17 and 18 October 2017, 04 March 2018 and 27 and 28 April 2018.

The PLI report was received by the Scottish Government on 16 October 2018. The Reporters' recommendation is that the application for section 36 consent should be refused.

Environmental Matters

The Scottish Ministers are satisfied that environmental information, including and Environmental Statement, has been produced in accordance with the Electricity (Environmental Impact Assessment) (Scotland) Regulations 2000 ("the 2000 Regulations") and that the applicable procedures regarding publicity and consultation laid down in those regulations have been followed.

The 2000 Regulations have subsequently (with effect from 16th May 2017) been replaced by the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 ("the 2017 Regulations"). The 2017 Regulations now apply to this application subject to certain modifications. These modifications, amongst other things, provide that where the 2017 Regulations refer to an "EIA report" this includes an "Environmental Statement" prepared under the 2000 Regulations.

Regulation 3 of the 2017 regulations requires that the Scottish Ministers must not:

a) grant an Electricity Act consent for EIA development; or
b) direct that planning permission is deemed to be granted under section 57(2) of the Town and Country Planning (Scotland) Act 2017 in respect of EIA development,

unless an environmental impact assessment has been carried out in respect of that development and in carrying out such assessment the Scottish Ministers must take the environmental information into account.

In accordance with paragraph 3 of Schedule 9 to the Electricity Act, the Scottish Ministers have had regard to the desirability of preserving the natural beauty of the countryside, of conserving flora, fauna and geological and physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest. The Scottish Ministers have also had regard to the extent to which the Company has done what it reasonably can to mitigate any effect the proposal would have on those matters.

The Scottish Ministers are satisfied that the requirements of the 2000 Regulations, the 2017 Regulations, the Electricity Act, and the Electricity (Applications for Consent) Regulations 1990 (as amended) have been met.

The Scottish Ministers' Considerations

The Scottish Ministers have considered fully and carefully the application, including the Environmental Statement, the Supplementary Environmental Statements, consultation responses, public representations, the findings, conclusions and recommendation of the Reporters and all other material information.

In Chapter 9 of the report the Reporters stated that the main issues to be considered were:

- the landscape and visual impact of the proposed Development;
- the impact on Wild Land Area 39;

- the benefits of the proposed Development including its renewable energy generation, carbon emission savings and net economic impact; and,
- the degree to which the proposed Development would be in conformity with national planning policy, the local development plan and other relevant guidance.

Chapter 9 of the report also contains the Reporters' final overall conclusions and recommendations.

The Reporters concluded that:

- the proposed Development would give rise to significant adverse landscape and visual impacts, unacceptably detracting from the character and visual amenity of the area;
- there would be significant adverse effects upon parts of the wild land area 39, which is an additional negative aspect of the proposal, but it would retain its overall integrity;
- although the proposed Development would provide net economic benefit and its renewable energy generation and associated saving of carbon dioxide emissions are all significant factors in its favour, its benefits overall would not be sufficient to outweigh the significant adverse environmental effects identified especially its landscape and visual impact; and
- conflict with relevant national planning policy and development plan provisions would arise by virtue of the significant adverse landscape and visual effects identified.

In Chapter 9, Para 9.36 the Reporters recommend that consent under section 36 of the Electricity Act 1989 should be **refused**.

The Scottish Ministers feel the proposed development would provide benefits in relation to help meet renewable energy targets; associated saving of carbon dioxide emissions; and contributing to the economy through the construction, operation and maintenance of the wind farm. However, the Scottish Ministers feel the proposed development would give rise to significant adverse landscape and visual impacts; and impacts on wild land. Therefore, the Scottish ministers agree with the Reporters' findings, reasoning and conclusions and adopt them for the purposes of their own decision.

The Scottish Ministers' Determination

The Scottish Ministers **refuse the application for consent** under section 36 of the Electricity Act 1989 for the construction and operation of Drum Hollistan Wind Farm on land approximately 2 kilometres west of Reay and approximately 3 kilometres east of Melvich.

In accordance with regulation 23(4) of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017, the applicant must publicise their determination on a website maintained for the purpose of making information publicly available, in the Edinburgh gazette and in a newspaper circulating in the locality in which the land to which the Application relates is situated.

Copies of this letter have been sent to the public bodies consulted on the application including the Planning Authority, SNH, SEPA and HES. This letter has also been published on the Scottish Government Energy Consents website at www.energyconsents.scot.

The Scottish Ministers' decision is final, subject to the right of any aggrieved person to apply to the Court of Session for judicial review. Judicial review is the mechanism by which the Court of Session supervises the exercise of administrative functions, including how the Scottish Ministers exercise their statutory function to determine applications for consent. The rules relating to the judicial review process can be found on the website of the Scottish Courts – https://www.scotcourts.gov.uk/rules-and-practice/rules-of-court/court-of-session-rules

Your local Citizens' Advice Bureau or your solicitor will be able to advise you about the applicable procedures.

Yours sincerely,

Redacted

William Black
A member of staff of the Scottish Ministers

Planning and Environmental Appeals Division

Scottish Government
Riaghaltas na h-Alba
gov.scot

Report to the Scottish Ministers

SECTION 36 OF THE ELECTRICITY ACT 1989 AND SECTION 57 OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Report by Christopher Warren and Andrew Fleming, reporters appointed by the Scottish Ministers

- Case reference: WIN-270-9
- Site Address: Drum Hollistan, approximately 2 kilometres west of Reay and 3 kilometres east of Melvich, Highland
- Application by Drum Hollistan Renewables LLP
- Application for consent (S36 Electricity Act 1989) and deemed planning permission (S57 Town and Country Planning (Scotland) Act 1997)
- The development proposed: construction and operation of Drum Hollistan Wind Farm
- Dates of inquiry / hearing sessions: 26 February 2018 – 07 March 2018

Date of this report and recommendation: 16 October 2018

Planning and Environmental Appeals Division
4 The Courtyard, Callendar Business Park, Falkirk, FK1 1XR
DX 557005 Falkirk www.gov.scot/Topics/Planning/Appeals

CONTENTS **Page**

Planning and Environmental Appeals Division

Summary of Report of Inquiry into application under section 36 of the Electricity Act 1989 and deemed application for planning permission under section 57 of the Town and Country Planning (Scotland) Act 1997 (as amended)

Scottish Government
Riaghaltas na h-Alba
gov.scot

The construction and operation of Drum Hollistan Wind Farm at Drum Hollistan, approximately 2 kilometres west of Reay and 3 kilometres east of Melvich, Highland, KW14

• Case reference	WIN-270-9
• Case type	Section 36 application
• Reporters	Christopher Warren and Andrew Fleming
• Applicant	Drum Hollistan Renewables LLP
• Planning authority	The Highland Council
• Other parties	Scottish Natural Heritage John Muir Trust Reay Area Windfarm Opposition Group (RAWOG)
• Date of application	20 October 2016
• Date case received by DPEA	31 August 2017
• Method of consideration and date	Inquiry sessions between 26 February and 06 March 2018 Hearing session and community evening session on 06 March 2018 Unaccompanied site inspections on 17 and 18 October 2017; 04 March 2018; 27 and 28 April 2018 Accompanied site inspections on 07 March 2018; 26 and 27 April 2018
• Date of report	16 October 2018
• Reporter's recommendation	Refuse S36 consent and deemed planning permission

The site

The site is located on the Sandside Estate, a traditional sporting and agricultural estate situated approximately 2 kilometres west of Reay and approximately 3 kilometres east of Melvich. The site boundary borders the A836 road to the north and Beinn Ruadh to the south. The site comprises of undulating moorland and extends to approximately 224 hectares. The majority of the site is located on a gentle, north-facing slope, rising approximately 82 metres above sea level at the roadside to approximately 186 metres above sea level at Beinn Ruadh.

Procedural context

This application was considered alongside an application relating to a nearby proposed wind farm at Limekiln, near Reay (WIN-270-8), referred to as 'Limekiln 2'. A pre-examination meeting was held in August 2017 to consider the arrangements and procedures for the Limekiln 2 wind farm inquiry. This meeting coincided with the Drum Hollistan wind farm application (WIN-270-9) being passed from the Scottish Government's Energy Consents Unit to the Planning and Environmental Appeals Division. The decision was therefore taken to hold a single, conjoined inquiry in respect of both applications.

Description of the development

It is proposed to erect 17 wind turbines (11 with a maximum blade tip height of 119 metres; 4 with a maximum blade tip height of 110 metres; 1 with a maximum blade tip height of 125 metres; and 1 with a maximum blade tip height of 139 metres). Associated infrastructure includes turbine foundations and crane hardstandings; access to the A836; 6.46 kilometres of access track; underground cabling; a substation and control building; and a temporary construction compound including storage and welfare facilities. The predicted installed generating capacity of the wind farm is 51 megawatts.

Consultations and representations

Caithness West Community Council objects to the application with regards to the detrimental impacts on the village of Reay and the surrounding area and in particular due to the siting of turbines so close to the A836 and the impact on the North Coast 500 (NC500) route. Visual impact from Sandside Bay and cumulative visual impact are also noted as concerns.

The John Muir Trust (JMT) objects to the application with regards to the cumulative visual impact, the impact on wild land and the impact on the economy. In addition, concerns are raised as to the amount of peat to be extracted.

Scottish Natural Heritage (SNH) objects to the application due to the adverse effects on Wild Land Area 39. Conditions are required to avoid impacts on the integrity of the Caithness and Sutherland Peatlands Special Area of Conservation and Special Protection Area, and to safeguard ornithological interests. Whilst not objecting to the proposal on grounds of landscape and visual impact, SNH advises that Drum Hollistan wind farm would also result in a number of significant landscape, visual and cumulative effects which cannot be readily mitigated. There would be a significant impact on the character of this part of the north coast.

Visit Scotland does not object to the proposal. Its response stresses the importance of tourism to Scotland's local and national economy, and of the natural landscape for visitors.

A range of other consultees had no objection to the proposed development or no objection, subject to conditions being imposed.

In response to public consultation, the Scottish Government's Energy Consents Unit (ECU) received 263 representations. Of these, 128 objections were made, which raised a wide range of issues and concerns. It is noted that the council directly received 151 objections, many of which duplicated the responses to ECU. 134 letters of support were received, based on a 'tick box' pro-forma.

The case for the parties

Policy context

The applicant contends that the Scottish Government's new energy targets, whilst challenging, demonstrate its commitment to a low carbon energy system and to the continued growth of the renewable energy sector in Scotland.

The applicant submits that the Scottish Government continues to deliver significant protection to wild land while avoiding blanket restriction and points out that it is only in National Parks and National Scenic Areas where SPP (table 1) states unequivocally that strategic wind energy development would not be acceptable. The applicant also submits that there is no specific reference in SPP to potential effects on the setting of a wild land area.

Policy 67 of the Highland wide Local Development Plan (HwLDP) is the dominant policy when it comes to wind energy. The only value of policies 28 and 57, in development management terms, is in flagging up issues that need to be fed into the planning balance under policy 67. It is only policy 67 against which the test should be undertaken under the full balancing exercise contained within it. There is no fundamental conflict with policy 67 such that the planning balance would indicate refusal.

There are potentially substantial socio-economic benefits that have to be weighed in the balance. The Scottish Ministers are anxious to secure community involvement in the ownership of onshore wind farms and, as policy 68 of the HwLDP recognises, this is bound to have some impact on the decision making process. As such, some weight should be given to this aspect of the proposal.

The council and SNH submit that the Scottish Government's recent statements of continued strong support relating to onshore wind largely reflect the existing position outlined within NPF3 and SPP, a policy framework that supports development in justified locations.

The development plan remains relevant and continues to accord with national policy. Policy 67 of the HwLDP is the most relevant policy in relation to the council's consideration of the proposal. The policy highlights the balance that the council has to strike between the delivery of proposals which make a contribution towards meeting renewable energy generation targets and the protection of natural resources which contribute to the overall character of the Highland area. The council considers the proposal contrary to policy 67. The local development plan remains up to date as it is largely in accordance with SPP. The Onshore Wind Energy supplementary guidance (OWESG) reflects national policy.

The John Muir Trust submits that national energy policy and the associated framework for fiscal support for renewable technologies are set at UK level and that UK policy, to the extent that it offers any future support to wind energy, now appears to be entirely focussed on theoretically reduced costs for offshore wind farms that have yet to commence construction. The provisions of SPP support the conclusion that the proposal should be rejected as it does not represent sustainable development. A loss of wild land, in policy terms, would not accord with the strengthened significant protection that flows from SPP.

The most relevant policy of the HwLDP is policy 67. Whilst the text is generally supportive of renewable energy, it is considered that a breach of any of the criteria in policy 67 must lead to a finding of a breach of the policy. The proposal would breach numerous criteria.

The proposal is not in accordance with the local development plan on account of the identified significant detrimental impacts. The Onshore Wind Energy supplementary guidance now forms part of the development plan and the proposal is also contrary to its terms.

Reay Area Windfarm Opposition Group (RAWOG) submits that the proposal is in breach of the council's development plan policies and adopted supplementary guidance due to the adverse scheme-specific and cumulative significant effects on residential amenity, landscape and wild land, alongside the potential adverse economic effects on local tourism. These effects are not outweighed by the generic benefits of the scheme which are already built into the positive policy environment which is supportive of renewables.

Landscape and visual impact

The applicant submits that the site is located in the least sensitive landscape character type ('Sweeping Moorland') in Caithness, which is reflective of the area's large scale and simple/ uniform topography, land cover, lack of settlement and unenclosed nature. The landscape effects are considered to be acceptable.

The applicant contends that the proposal is set back from the coastline (1.3 km at the nearest point) although points out that there are other wind farms located on or close to the coastline.

The proposal would not appear visually prominent from most of the key locations within the village of Reay, except from the church and golf club. However, the visual effects would not be 'dominating' or 'overwhelming' given the intervening distance, nature of visibility, apparent scale and the horizontal field of view. In terms of residential visual amenity, no properties would be unacceptably affected.

Outdoor recreational receptors would experience the proposal in wide panoramic views although this would be set within sweeping moorland that could acceptably accommodate, without otherwise adversely affecting the various outdoor pursuits.

In terms of cumulative effects, the applicant submits that due to the wide separation, limited horizontal field of view, design and location, both Drum Hollistan and Limekiln 2 wind farms could be accommodated acceptably in landscape and visual terms.

The council submits that the proposal has effects of substantial adverse significance on visual amenity, in particular, on receptors viewing the development in combination with the existing developments and features within the landscape. These significant visual effects extend to beyond 14 kilometres.

The proposal has significant adverse effects that are detrimental to visual amenity and the way in which the area is experienced, particularly by road users, recreational users of the outdoors and residents in close proximity of the scheme. This effect results from a combination of site location and design of the proposed development.

The John Muir Trust submit that the siting and design of the windfarm is such that it would seriously impact on the landscape.

JMT submit that the EIA acknowledges that the proposal would be highly visible and seen from many directions and viewpoints and in many cases from a long way off. It would

impact on road users including North Coast 500 and National Cycle Route users, walkers, local residents and users of the sea.

It would have a significant and detrimental effect in both terms of combined visibility and sequential impact. It would, to a significant extent 'fill in the gap' between Baillie Hill and Strathy North wind farms with serious implications for the natural capital of the area.

Impact on wild land

The applicant submits that Scottish Planning Policy (SPP) recognises that whilst seeking to protect wild land, some wind farm development may be appropriate within wild land areas (WLAs). Drum Hollistan would be wholly outwith wild land. Views of background wind farm development are a characteristic of parts of the East Halladale Flows wild land area 39 (WLA 39). Given the number of wind farms located in close proximity to WLAs, either existing or consented at the time WLAs were established, this confirms that WLAs do not preclude wind farms or visibility of them.

The applicant asserts that no one assessment methodology for wild land can claim to be better than the other. The applicant assessed wild land effects using both the SNH 2007 guidance and the 2017 draft guidance.

Overall, Drum Hollistan would have a limited effect on the baseline strength of the physical attributes of the WLA while all of the WLA perceptual responses would remain present. The applicant submits that the effect of Drum Hollistan on WLA 39 would not be significant with the most valued views south and the core area of wild land and its wild land qualities and integrity, preserved as a whole.

The combined, cumulative effects of Drum Hollistan and Limekiln 2 are likely to be significant from views in the northern part of WLA 39. These effects would not, however, result in a significant effect on this quality in the core area or southern views, and would not harm the overall integrity of the WLA. Both could be accommodated within the extensive northern panoramas as features of a more settled area to the north

SNH submits that there is no policy dispute as to the proper approach to wild land – a significant adverse impact on wild land qualities can arise by reason of a wind farm outside a WLA and, if it does, it requires to be put in the balance against the benefits of the proposal and is capable of justifying a refusal.

The Drum Hollistan turbines would form a dominant man-made feature, visible across much of the northern part of the WLA. While other wind farms, are visible from the WLA, these are not so intrusive that they significantly affect the strength of the qualities of the WLA, being located further from its boundaries and/ or partially screened by landform or comprising smaller turbines.

The proximity of the proposal to the WLA and proportion of the area affected by the proposal, including interior areas where the qualities of wildness are particularly well-expressed, would result in significant adverse effects on two of the four qualities of the WLA. These impacts would be adverse and long term and no mitigation would remove or reduce the significance of effect identified. The attrition of wild land qualities would have a greater effect over this relatively small WLA and its value would be seriously compromised by this proposal.

The John Muir Trust submits that the siting and design of the wind farm is such that it will seriously impact on the landscape including WLA 39 and is contrary to National Planning Framework 3. The proposal is a very large and visible industrial scale development on the edge of the WLA which would dominate and overwhelm many of the special qualities which have resulted in this area being designated as part of WLA 39.

There is an existing cumulative impact from the current operational windfarms and the Drum Hollistan wind farm would significantly add to this impact

If Drum Hollistan were to be approved, the result would be a large area of land being removed from the WLA 39 mapped area, at the re-assessment stage, as it would no longer be wild land. It is essential that WLAs are not eroded bit by bit, through gradual incremental loss of landscape quality.

JMT submits that, based on a remapping exercise it has undertaken, Drum Hollistan would impact significantly on at least three out of the four wild land attributes, which were used to map the spatial distribution and patterns of wild land quality across Scotland. Relative reductions in wildness are predicted by following and repeating the SNH mapping methodology for the proposed development using the same data and the same techniques to enable direct comparison. The mapping shows the effect upon the core of WLA 39, where wildness would be significantly reduced. The proposed development being easily visible from various key locations within the central area.

The remapping exercise is a complementary approach and is not being presented as an alternative to other means of assessment including the use of zones of theoretical visibility, wirelines and fieldwork. The evidence is an empirical quantification of JMT's fundamental concern that the consenting and construction of wind farms, of this scale in these locations, will result in a material loss of wild land (when re-mapped using the original methodology).

Economic impacts, tourism and recreation

The applicant submits that that during the construction phase, there will be approximately 241 job years created, 149 of these in Highland. The proposal represents a construction capital investment of approximately £71.4 million with an on-going operational expenditure of approximately £3 million per annum, all of which is expected to have a significant impact on the local economy. A significant proportion of the capital costs will be spent in the region.

The applicant is committed to offering an investment of up to a 10% equity share in Drum Hollistan as a 'shared ownership' opportunity for local individuals, businesses and organisations. Anticipated returns on this investment would ensure that there are significant, long term, net economic benefits to the local area. A community benefit fund is also proposed, although the applicant acknowledges that this is not a material consideration. The applicant proposes the provision of a number of measures including car parking and a rest area, electric vehicle charging units, information boards as well as ensuring that proposed access tracks would be available for recreational use.

The John Muir Trust submits that if approved, this wind farm would contribute to the further visual degradation of the wider landscape, potentially resulting in a negative socio-economic impact. Caithness relies heavily on tourism in its broadest sense for employment and income. The North Coast 500 (NC500) tourist route has been hugely successful and anything which could affect this must be seriously questioned and properly evaluated.

There remains a policy-based need in this case to properly and objectively assess (as far as possible) the net economic impact of the proposed development in accordance with the provisions of paragraph 169 in SPP. Possible tourism impacts should be part of that net impact assessment.

RAWOG submits that Paragraph 169 of SPP confirms that net economic impact is a material consideration in the determination of wind farm proposals. The Drum Hollistan applicant has not produced a net economic impact assessment. Such a net assessment would address all of the costs of the proposal, including the costing of the environmental effects, as well as the benefits of the proposal.

Carbon balance and peat management

The applicant submits that the carbon balance calculation, using the Scottish Government's online carbon calculator tool, shows that the carbon payback for the proposed development is 1.5 years for the expected case and 1.4 and 1.6 years for the minimum and maximum cases, respectively.

The site layout has been designed, in consultation with SNH, to avoid, where possible, areas of deeper peat including areas where peat slide risk is deemed to be likely or above. Further ground investigations will feed into the final engineering design and additional micro-siting of infrastructure will be undertaken, prior to construction, avoiding significant disturbance of deep peat.

The John Muir Trust submits that the proposal will have a detrimental impact on peat on site. It would not be possible to reinstate the excavated peat to its original effective state; a significant amount of carbon could still be released and the risks do not outweigh the benefits.

Mr Batten, in written submissions, contends that the Scottish Government's online carbon calculator is unfit for purpose at a public local inquiry, because of the difficulties in scrutinising the inputs used and the outputs claimed by the applicant. The applicant has not built mitigation into the design of the wind farm in order to reduce adverse effects on deep peat, contrary to SPP and the council's Onshore Wind Energy supplementary guidance.

Other relevant issues

The council considers the use of 11 rotor diameters for assessing shadow flicker where a property is not involved with the proposed development. No properties are located within 11 rotor diameters (902 metres) of any of the proposed turbines and therefore there are no predicted shadow flicker effects associated with the proposed development.

Noise levels from the proposed development would comply with the council target limits including the cumulative impact with the Limekiln 2 proposal. The proposal would also comply with the fixed lower noise limits, recommended for daytime and night-time, contained in ETSU-R-97 guidelines.

The applicant submits that the site is not covered by any designations of ecological interest and therefore there would be no direct impacts on any designated areas. The Caithness and Sutherland Peatlands SAC lies up-gradient of the proposed wind farm and therefore there are not considered to be any indirect effects on the SAC. In terms of protected mammals, surveys found that otters were the only protected species occurring within the

site boundary. SNH recommends pre-construction surveys and a watching brief in respect of this species.

Regarding ornithology, the site is adjacent to the Caithness and Sutherland Peatlands Special Protection Area (SPA). However, SNH advise that the proposal would not affect the integrity of the SPA. Similarly, SNH advise that neither the integrity of the North Caithness Cliffs SPA nor that of the Caithness Lochs SPA would be adversely affected by the proposal. SNH requests collision risk modelling data for greylag goose flights during the breeding season, in order to assess the potential effect upon the Caithness and Sutherland Peatlands Ramsar site.

No hydrological and hydrogeological issues are identified, subject to the imposition of conditions requested by SEPA and recommendations by Marine Scotland Science.

In terms of cultural heritage, archaeological features of local importance have been identified within the site although there would be no direct impacts on these known sites. The council recommends that a scheme for the investigation, preservation and evaluation of archaeological remains is agreed prior to commencement of development. The proposal is not considered to directly affect any designated sites. Whilst there is potential for indirect effects, no cultural or archaeological assets are predicted to potentially experience significant effects due to the proposal.

With regards to traffic and transport, there would be an increase in traffic on the A836 road between Thurso and the site entrance. Whilst the overall increase in HGV movements through Reay appears relatively high, it is in fact relatively small in the context of the actual number of HGV movements. Neither the council nor Transport Scotland object to the proposal on transport grounds. The community council has expressed concern about the impact on Reay village and has requested conditions to secure traffic management. The applicant advises that the construction traffic management plan would need to incorporate a co-ordinated delivery schedule to reduce the risk of cumulative impacts arising with the construction of other proposals.

No objections have been raised by consultees in relation to potential interference with radio/ television networks in the locality.

In regard to aviation interests, the Ministry of Defence has requested that infrared warning lighting be installed.

Reporters' conclusions

A broad range of issues have been identified in the consideration of this proposal and the majority of these (including shadow flicker; noise; ecology; ornithology; hydrology and hydrogeology; cultural heritage; traffic and transport; communications infrastructure; and aviation) can satisfactorily be dealt with by condition where necessary. Appendix 2 of this report contains appropriate conditions in this regard.

The main issues in this case are as follows:

- landscape and visual impact;
- impact upon wild land area 39;
- the benefits of the development; and
- the degree of conformity with national and local planning policy and guidance.

Landscape and visual impact

The site is located in the 'Central Caithness: Sweeping Moorland and Flows' landscape character type which according to the Caithness Landscape Sensitivity Appraisal, is the least susceptible to change from large scale wind farms, relative to all other landscape character types in Caithness. However, the EIA report quite markedly under-estimates the indirect effects upon coastal landscape character. Drum Hollistan, by virtue of its prominent, exposed and elevated location, only 1.3 kilometres south of the coastline, would have a significant adverse effect upon the coastal landscape and seascape. This is exacerbated by the lack of any intervening development between the proposal site and the coast. The development would result in challenging scale comparisons between the wind turbines and coastal cliffs, where these would be seen together, including in longer range views.

Drum Hollistan would deviate from the established pattern of wind energy development in the area, which generally tends to be set back from the coast.

The significant visual effects of the development would extend over a much wider area than predicted in the applicant's EIA report. The visual impact of the development would appear particularly stark and incongruous in views along the coast, significantly detracting from the visual amenity and views of this stretch of the Caithness and Sutherland coastline.

Whilst there would be significant visual effects on two residential properties, the effect upon the outlook for these properties would not affect residential visual amenity to an extent that either property could reasonably be considered as an unpleasant place to live.

Impact on wild land

Given the variable visibility of the development and the variable characteristics of the wild land area, across its full extent, the effects on the attributes, responses and qualities of WLA 39 were assessed by notionally dividing WLA 39 into four 'sub-areas'. This approach informed conclusions in relation to the effect on WLA 39 as a whole.

There would be significant, adverse effects from a number of locations within WLA 39. The overall strength of wildness in one sub-area, which forms part of the interior of the wild land area, is particularly high and includes locations where wildness qualities are strongly present. It is pertinent that there are limited other locations, across the wild land area, where these qualities are equally as strong and where Drum Hollistan would not also have a significant effect upon wildness. Drum Hollistan would have a significant effect upon a large proportion of this area of strongest wildness (which would be intensified further in a cumulative scenario where Limekiln 2 was to also exist), but the ability to experience this same level of wildness would not be lost from WLA 39 altogether, whether considered in isolation or cumulatively with Limekiln 2.

Benefits of the development

The development would have a positive effect upon the economy and employment during the construction and operational phases of development and would provide a net economic benefit. There is no evidence to suggest that the level of economic benefit would be tempered by harm to the visitor economy of the area which is also of high importance.

The wind farm would have an estimated installed capacity of up to 51 megawatts. The applicant's carbon calculations, which are derived from the Scottish Government's online carbon calculator, indicate a favourable carbon payback period of between 1.4 and 1.6 years, which would lead to substantial net carbon savings over the operational lifespan of the development. This positive aspect of the development is augmented by the site's layout largely avoiding deposits of deep peat.

Conformity with national and local planning policy

National energy policy articulates a clear commitment to renewable energy and makes clear that onshore wind farms continue to be recognised as important contributors to the achievement of targets for renewable energy generation and the reduction of greenhouse gas emissions. These targets have been renewed by the Scottish Energy Strategy (2017), which are ambitious and look ahead to 2030.

NPF3 gives in-principle support to the development although it relies largely on SPP to direct such proposals to appropriate locations. Paragraph 169 of SPP identifies the range of considerations which must be balanced to be able to reach an overall conclusion over whether renewable energy proposals, including onshore wind farms, are acceptable on a case by case basis.

The site falls within group 2: 'areas of significant protection' as prescribed by table 1 of SPP, due to the presence of deep peat. However, by virtue of the proposal's siting and design, it would not compromise the peat resource, significantly. The site is outwith wild land and so would not be classed as group 2 by virtue of its impact on wild land. Thus, the matter of wild land effects fall to be considered against paragraph 169 of SPP, as part of the overall balancing exercise.

In the context of this being an application under the Electricity Act 1989, the development plan does not have primacy in decision making, regardless of whether or not it is up to date. Overall, although the HwLDP is more than five years old, the relevant provisions of the plan are not out of date, with the exception of its references to wild land in policy 57, which should be disregarded. This is of little consequence overall, as policy 67 can be relied upon almost exclusively given it provides the council's adopted policy position specifically in respect of renewable energy development. Compliance or otherwise with policy 67 largely dictates the degree of compliance against the relevant provisions of other policies.

Despite policy 67 (and the HwLDP as a whole) pre-dating the current SPP, the considerations it identifies are broadly consistent with those identified in SPP paragraph 169. The development would fail to draw support from both policy 67 and SPP paragraph 169 in regard to its adverse landscape and visual impacts, and to some extent its effect upon wild land, but would accord with other aspects of their provisions, relating to the broader benefits of renewable energy development.

The Highland Council's adopted Onshore Wind Energy supplementary guidance guides the assessment of wind farm proposals against policy 67. The Caithness landscape sensitivity appraisal in incorporated within this supplementary guidance. Whilst of relevance, the document does not contain any specific requirements beyond those established by policy 67.

Overall conclusions

The benefits of the proposal would not be sufficient to outweigh the significant adverse effects identified, in particular its landscape and visual impact. The wild land effects contribute further to this finding but in isolation, the effect upon WLA 39 is not considered to be so great as to justify refusal. Whilst the development can draw support from various aspect of national and local policy, overall the development would run counter to the provisions of SPP, the HwLDP and other relevant policy and guidance, which are together supportive of development, subject to environmental safeguards. Adequate safeguards are not achievable and in the context of Schedule 9 of the Electricity Act, the benefits of the proposed development are outweighed by its adverse environmental effects.

Recommendations

It is recommended that consent under Section 36 of the Electricity Act 1989 should be refused. Consequently, it is also recommended that there be no direction that planning permission is deemed to be granted under Section 57 of the Town and Country Planning (Scotland) Act 1997 (as amended).

Scottish Government
Planning and Environmental Appeals Division
4 The Courtyard
Callendar Business Park
Callendar Road
Falkirk
FK1 1XR

File reference: WIN-270-9

The Scottish Ministers
Edinburgh

Ministers

In accordance with our minute of appointment, dated 07 September 2017, we conducted a public inquiry in connection with an application to construct and operate the Drum Hollistan wind farm on land approximately 2 kilometres west of Reay and approximately 3 kilometres east of Melvich, Highland. The Highland Council as Planning Authority has lodged an objection to the proposal which has not been withdrawn.

This application was considered by us alongside an application relating to a nearby proposed wind farm at Limekiln, near Reay (WIN-270-8). We herein refer to that proposal as 'Limekiln 2', to distinguish the current proposal from a previous application for S36 consent, which was refused by Scottish Ministers in July 2015 following a public inquiry under reference WIN-270-1. We held a pre-examination meeting on 31 August 2017 to consider the arrangements and procedures for the Limekiln 2 wind farm inquiry. That meeting coincided with the Drum Hollistan wind farm application (WIN-270-9) being passed from the Scottish Government's Energy Consents Unit to the Planning and Environmental Appeal Division. The decision was therefore taken to hold a single, conjoined inquiry in respect of both applications. This is reflected in our minute of appointment.

In light of the above, we held a pre-examination meeting on 18 October 2017, to consider the arrangements and procedures for a conjoined inquiry into both applications. At that meeting it was agreed that the following issues would be addressed at an inquiry session: the landscape and visual effects of the Drum Hollistan proposal, including effects on users of surrounding roads and recreational routes (including the North Coast 500 route), residential visual amenity, and cumulative effects; and its impact on the East Halladale Flows wild land area 39, including cumulative effects. In addition, it was agreed that there would be a hearing session on the following issues: energy policy and planning policy (in respect of both applications); and conditions. It was also agreed that further written submissions would be invited on net economic impact, specifically focused on the development's implications for the North Coast 500 tourist route and on the approach to the management of peat stockpiles.

The inquiry sessions were held between 26 February and 06 March 2018, and the hearing session took place on 06 March 2018. Closing submissions were exchanged in writing, with the final closing submission (on behalf of the applicant) being lodged on 06 April 2018.

We conducted unaccompanied inspections of the appeal site, its surroundings and other locations referred to in evidence on 17 and 18 October 2017; 04 March 2018; 27 and 28

April 2018. Accompanied site inspections took place on 07 March 2018; 26 and 27 April 2018.

Our report, which is arranged on a topic basis, takes account of the precognitions, written statements, documents and closing submissions lodged by the parties, together with the discussion at the inquiry and hearing sessions. It also takes account of the Environmental Impact Assessment report, supplementary and other environmental information submitted by the parties, and the written representations made in connection with the proposal.

Today, we have also submitted our separate report to Scottish Ministers, outlining our findings and recommendation on the Limekiln 2 application. This is to enable Ministers to consider the cumulative impacts of both proposals together, given their proximity to one-another and commonality of the main issues. We elected to provide separate reports for the Drum Hollistan and Limekiln 2 wind farm proposals, despite the inquiry process itself being conjoined. This reflects that the two proposals are distinctly separate applications, despite the potential cumulative interactions between them. Inevitably however, some evidence and conclusions are common to both proposals; where this is the case, we have deliberately set out our conclusions in respect of both proposals in the same terms, in the respective reports.

Abbreviations

AA	Appropriate Assessment
CD	core document
ECU	(Scottish Government) Energy Consents Unit
EIA	Environmental Impact Assessment
ETSU	The Assessment & Rating of Noise from Wind Farms (ETSU-R-97)
GW	Gigawatts
ha	hectares
HwLDP	Highland-wide Local Development Plan
JMT	John Muir Trust
km	kilometres
LCA	landscape character assessment
LCT	landscape character type
LDP	local development plan
LVIA	Landscape and Visual Impact Assessment
MW	Megawatts
m	metres
m/s	metres per second
NPF3	Third National Planning Framework (2014)
RAWOG	Reay Area Windfarm Opposition Group
SAC	Special Area of Conservation
SEPA	Scottish Environment Protection Agency
SNH	Scottish Natural Heritage
SPA	Special Protection Area
SPG	Supplementary Planning Guidance
SPP	Scottish Planning Policy
SSSI	Site of Special Scientific Interest
THC	The Highland Council
VP	viewpoint
WLA	wild land area
WLA 39	Wild Land Area 39: East Halladale Flows
ZTV	zone of theoretical visibility

CHAPTER 1: BACKGROUND

The proposal

1.1 Drum Hollistan Renewables LLP (the applicant) seeks consent under Section 36 of the Electricity Act 1989 and deemed planning permission under Section 57(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) to construct and operate a wind farm on land approximately 2 kilometres west of Reay and 3 kilometres east of Melvich, Highland.

1.2 The application was submitted to Scottish Ministers on 21 October 2016 and was accompanied by an Environmental Statement (principally comprising volumes 1, 2, 3 and 4). We herein refer to this as the EIA report, for consistency with the 2017 regulations which we refer to in more detail in paragraph 2.8 below. Supplementary environmental information was submitted on 12 July 2017, including ornithological information relating to further breeding raptor surveys and a replacement operational noise assessment. Supplementary environmental information in relation to the effects of the proposed development on the Caithness and Sutherland Peatlands Ramsar site was submitted in November 2017, comprising of collision risk modelling data for greylag goose flights.

1.3 The predicted installed generating capacity of the wind farm is 51 MW. A full description of the proposed development is set out in chapter 5 of the EIA report. The main components of the proposed development are:

- 17 wind turbines (11 with a maximum blade tip height of 119 metres; 4 with a maximum blade tip height of 110 metres, 1 with a maximum blade tip height of 125 metres and 1 with a maximum blade tip height of 139 metres);
- Turbine foundations and crane hardstandings;
- Access to the A836;
- 6.46 kilometres of access track;
- Underground cabling;
- A substation and control building; and
- A temporary construction compound including storage and welfare facilities.

Site description

1.4 The application site is located on the Sandside Estate, a traditional sporting and agricultural estate situated approximately 2 kilometres west of Reay and approximately 3 kilometres east of Melvich. The site boundary borders the A836 road to the north and Beinn Ruadh to the south. The site extends to approximately 224 hectares and is generally characteristic of the Sweeping Moorland landscape character type. The majority of the site is located on a gentle, north-facing slope, rising approximately 82 metres above sea level at the roadside to approximately 186 metres above sea level at Beinn Ruadh.

Consultation responses

1.5 The following consultees have no objection to the proposed development:

- British Telecom (BT)
- Civil Aviation Authority
- Forestry Commission Scotland (FCS)
- Historic Environment Scotland (HES)
- Joint Radio Company
- National Air Traffic Services (NATS)
- Scottish Water

1.6 AM Geomorphology (Peat Slide Risk) does not object to the application. AM Geomorphology consider the peat landslide hazard and risk Assessment (PLHRA), prepared in support of the application, to be satisfactory, subject to a number of clarifications. It also requests consideration be given to several conditions, should consent for the application be granted.

1.7 Caithness District Salmon Fishery Board does not object to the application but requests that the fish populations in the area are considered and protected.

1.8 Caithness West Community Council object to the application. Concerns have been raised as to the detrimental impacts of the proposed development on the village of Reay and the surrounding area in particular due to the siting of turbines so close to the A836 and the impact on the North Coast 500 (NC500) route. Visual impact from Sandside Bay and cumulative visual impact are also noted as concerns. The community council consider that the development conflicts with the Onshore Wind Energy Supplementary Guidance. Conditions are sought to secure traffic management, including the provision of footbridges to the east and west of Reay in the interests of pedestrian safety.

1.9 John Muir Trust (JMT) object to the application on the basis of the cumulative visual impact of the proposed development, the impact on wild land and the impact on the economy. In addition, concerns are raised as to the amount of peat to be extracted.

1.10 Marine Scotland Science (MSS) does not object to the application. It has recommended that the draft water quality management plan as outlined in the EIA report is expanded and that additional survey work would be required.

1.11 Ministry of Defence – Defence Infrastructure Organisation (MoD) does not object to the application. Conditions are requested in order to secure aviation warning lighting. It also wishes to be notified of the construction start and end dates, the maximum height of construction equipment and the latitude and longitude of each turbine.

1.12 Royal Society for the Protection of Birds (RSPB) does not object to the application but request that conditions are secured for the implementation of the habitat management

plan; the construction environmental management plan; the formation of a habitat management group; and a programme of post-construction bird monitoring.

1.13 Scottish Environment Protection Agency (SEPA) does not object to the application subject to conditions. Conditions are sought in order to secure: pollution prevention and construction environmental management; that no borrow pits are permitted by the permission; micro-siting (to apply to all elements of the scheme) with limitations related to water courses; the location of temporary peat stores; the sequential restoration of proposed peat restoration areas; detailed design of water course crossings; decommissioning and restoration.

1.14 Scottish Natural Heritage (SNH) object to the application due to the adverse effects on wild land area 39 (East Halladale Flows). SNH also request that conditions are applied in line with their assessment to avoid impacts on the integrity of the Caithness and Sutherland Peatlands Special Area of Conservation and Special Protection Area, and to safeguard ornithological interests.

1.15 Whilst not objecting to the proposal on grounds of landscape and visual impact, SNH advises that Drum Hollistan wind farm would also result in a number of significant landscape, visual and cumulative effects which cannot be readily mitigated. At this location the character of the open and more managed Caithness landscape in the east notably changes to the smaller scale more indented rocky coastal Sutherland landscape in the west. This transitional area between the Caithness and North Coast landscape character areas is important to their identity. The range of significant effects identified on the various landscape character types (LCTs), in addition to the sensitivity of these LCTs to this scale of development, will result in a significant impact on the character of this part of the north coast.

1.16. The applicant's LVIA has identified significant visual effects from a number of locations within 10 km of the development site. At these locations, the proposal will be seen as a dominant new development due to its very prominent location. The proposal would introduce large scale features which would disrupt the existing balance between the smaller scale and pattern of key landscape features. This impact is particularly pronounced within 10 km of the proposal and along the coastal edge, where the scale of the turbines will dominate that of other landscape features.

1.17 There will be significant cumulative visual effects from Drum Hollistan in combination with the Limekiln wind farm as experienced from the A836 and its surrounding settlements, and from Beinn Ratha as Drum Hollistan would extend large scale development into the smaller scale landscapes of Sutherland's north coast.

1.18 Transport Scotland does not object to the application. It has expressed concerns regarding the turning circle at the junction of the A836 and A9 but also support its use as it avoids reversing manoeuvres when leaving Scrabster Harbour.

1.19 Visit Scotland does not object to the proposal. Its response stresses the importance of tourism to Scotland's local and national economy, and of the natural landscape for visitors. It recommends that any detrimental impact on tourism be identified and considered in full.

Representations

1.20 In response to public consultation, including press advertisement, the Scottish Government's Energy Consents Unit (ECU) received 128 objections. The council also received 151 objections, many of which duplicated the responses to ECU. The grounds of objection can be summarised as follows:

- Impact on wild land
- Visual impact (individual and cumulative)
- Landscape impact
- Traffic impact (road and road users)
- Impact on wildlife and ecology
- Impact on ornithology
- Impact on recreational users of the outdoors including those using the area for walking, cycling and horse riding
- Impact on water environment
- Impact of construction
- Impact on residential amenity
- Noise impact
- Shadow flicker
- Tourism impact
- Impact on peat
- Limited economic benefit
- Inefficient technology
- Health impacts
- Property values

1.21 134 letters of support were also received, based on a 'tick box' pro-forma. The grounds of support can be summarised as follows:

- Economic benefits
- Environmental benefits
- Appropriate location

1.22 The council received 1 representation providing neither support or objection to the application. The representation raised the following:

- Impact on recreational users of the outdoors including those using the area for horse riding.

Consideration by The Highland Council

1.23 The council considers that the proposal does not accord with the principles and policies contained within the development plan and that it is unacceptable in terms of applicable material considerations.

1.24 The council's report of handling on the application recommended that an objection is raised to the application for the following reasons:

"1. The application is contrary to Policy 67 (Renewable Energy) and Policy 28 (Sustainable Design) of the Highland wide Local Development Plan and the Onshore Wind Energy Supplementary Guidance as the development would have a significantly detrimental visual impact particularly as viewed from travellers, including tourists, and recreational users of the outdoors in the wider vicinity of the site but particularly to the north, east and west of the proposed development due to the design and location of the proposed development.

2. The application is contrary to Policy 67 (Renewable Energy) and Policy 57 (Natural, Built and Cultural Heritage) of the Highland-wide Local Development Plan and Scottish Planning Policy 2014 as the impacts of the development would be detrimental to Wild Land Area 39 (East Halladale Flows) and are not able to be satisfactorily mitigated by siting or design.

3. The proposal would not preserve the natural beauty of the area surrounding the application site as required under Schedule 9(3)(2) of the 1989 Act."

1.25 The council's objections to the application were notified to the Scottish Government's Energy Consents Unit by letter dated 2 June 2017.

Approach to the inquiry by parties

1.26 The council and SNH shared legal representation at the inquiry. The council's participation was focused on evidence relating to visual impact and policy matters. SNH led evidence on wild land matters, including related policy. They relied upon one-another's evidence insofar as it was relevant to the position and remit of their respective individual organisations.

1.27 Similarly, the John Muir Trust (JMT) and Reay Area Windfarm Opposition Group (RAWOG) were jointly represented. RAWOG did not actively participate in any of the inquiry or hearing sessions, but we permitted its representative to pose questions to the applicant's witnesses on behalf of RAWOG.

Evening session

1.28 It was agreed at the pre-examination meeting that there would be an evening session during the course of the conjoined inquiry, in order to enable members of the community to read statements they wished to make on the proposed developments. This was on the basis that no statements would be permitted which introduced new or technical evidence, and those making statements would not be asked any questions by us or the applicant(s). Individuals focused on a wide range of issues in relation to this and the Limekiln 2 application during the evening session, and these are captured in the bullet point summary above. We address those considerations which are material to our assessment in the relevant subject chapters of this report. Copies of the statements made, plus a small number of statements submitted after the evening session have been provided by the individuals involved.

CHAPTER 2: LEGISLATIVE AND POLICY CONTEXT

2.1 This chapter outlines the principal legislative context, and the overall national and local energy and planning policy context relevant to the assessment of this application. Other more detailed, topic-specific policy matters are dealt with in subsequent chapters as appropriate.

Legislative context

2.2 Section 36 of the Electricity Act 1989 establishes that generating stations with a capacity of more than 50 MW shall not be constructed, extended or operated except in accordance with a consent granted by Scottish Ministers.

2.3 Scottish Ministers are required to serve notice on the relevant planning authority (in this case, The Highland Council), in accordance with Schedule 8(2) of the Act. As the council objected to the application, Scottish Ministers were required by the Act to hold a public inquiry to help determine whether or not to grant consent. In this case, the Scottish Ministers opted to conjoin the inquiry with that for the Limekiln 2 application.

2.4 In considering such applications under Section 36 of the Act, Scottish Ministers are required to have regard to a range of environmental matters set out within Schedule 9, paragraph 3(1)(a) which includes the "… desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest". Paragraph 3(1)(b) places a specific duty upon the person who formulated the proposals to do what he reasonably can to mitigate any effect of the proposal upon those same matters.

2.5 In considering Section 36 proposals, paragraph 3(2) of Schedule 9 requires Scottish Ministers to have regard to: (1) the desirability of the matters mentioned in paragraph 3(1)(a) of Schedule 9; and (2) the extent to which the person by whom the proposals were formulated has complied with his duty.

2.6 In the applicant's closing submissions it is asserted in paragraph 3.3.7 that Schedule 9 must be given priority in decision-making in Section 36 cases. This led to correspondence from the council which challenged the legality of this claim. This in turn elicited a further response from the applicant to clarify its position. On this specific matter, our own conclusion is that whilst we consider Schedule 9 to be the fundamental starting point for decision-making, the desirability of preserving, conserving and protecting (as applicable) the interests specified by Schedule 9, and the extent to which the development would achieve this, can only be established by having careful regard to policy and guidance as relevant and appropriate, as material considerations. The fact that the concept of 'material considerations' is grounded in Section 25 of the Planning Act, does not in our view make the use of the term unhelpful in the assessment of a proposal under the Electricity Act, as asserted by the applicant.

2.7 The provisions of Section 57(2) of the Town and Country Planning (Scotland) Act 1997 state that "On granting or varying a consent under Section 36 or 37 of the Electricity Act 1989, the Scottish Ministers may give a direction that planning permission for that development shall be deemed to be granted, subject to such conditions (if any) as may be specified in the direction …".

2.8 The applicant's original 'environmental statement' was prepared under the requirements of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000 (as amended). These regulations have subsequently been replaced by the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017. The transitional provisions set out in regulation 40 (except 40(3)) apply to this application. These in effect transpose elements of the 2000 regulations in place of aspects of the 2017 regulations. Some of the 2017 regulations are also not required to be applied to this case, given an environmental statement, which is now referred to as the EIA report, had been submitted ahead of the new regulations coming into force. For the avoidance of doubt, we have used the term 'EIA report' throughout this report.

2.9 Scottish Ministers are however required to comply with the requirements of regulation 21 of the 2017 regulations when determining this application. This sets out the information which must be included in the decision notice.

Policy context

2.10 The energy and planning policy context was considered by means of a hearing session held on 06 March 2018. Given the substantive policy issues are the same for the Drum Hollistan and Limekiln 2 proposals, a single conjoined hearing session was held. Hearing statements were submitted by the applicant; the Limekiln 2 applicant; the council and SNH as a joint statement ; the John Muir Trust (JMT); and RAWOG.

2.11 The applicant, council and SNH submitted a statement of agreed matters which included areas of agreement between the parties in respect of the energy and planning policy context.

Energy policy

2.12 The statement of agreed matters confirms that there is no dispute between the parties regarding (1) the seriousness of climate change and its potential effects or (2) the seriousness of the need to cut carbon dioxide emissions. It is agreed between the parties that the Scottish Government's 100% renewable electricity target for 2020 is not a cap as confirmed in the letter from the Chief Planner to the Scottish Government of November 2015, to all Heads of Planning in relation to energy targets and SPP. The parties also agree that renewable energy policy is a matter that should be afforded weight in the planning balance in this case.

2.13 It is agreed between the parties that the UK Government is legally committed to the delivery of 15% of all its energy to be derived from renewable sources by 2020, and that the Scottish Government remains committed to at least the equivalent of 100% of Scotland's electricity consumption to be delivered by 2020. It is also agreed between the parties that the letter from the Chief Planner to the Scottish Government referred to above, reinforces the position in Scotland, despite changes to the subsidy support system for the whole of the UK, announced by the UK Secretary of State for Energy and Climate Change in June 2015, and also confirms the Scottish Government's commitment to the expansion of community ownership of renewable energy developments.

2.14 The JMT advise that the Chief Planner's letter should be seen in the context of UK energy policy and the Scottish Government's strategy to significantly reduce overall energy usage. The JMT also highlight that this letter does not set out to deviate from the normal application of the planning balance. Whilst we agree with these observations, we are

satisfied that the above target is not a cap and that there is a general acceptance of this by parties.

2.15 The statement of agreed matters lists the most relevant renewable energy policy documents at EU, UK and Scottish Government levels in regard to the consideration of the proposal, as follows:

- The EU Renewable Energy Directive, European Commission (March 2009);
- The EU 2030 Energy and Climate Change Policy (January 2014);
- The UK Renewable Energy Strategy (2009);
- The UK Renewable Energy Road Map (July 2011);
- The UK Renewable Energy Roadmap Update (2013);
- The 2020 Routemap for Renewable Energy in Scotland (2011);
- The UK Clean Growth Strategy (2017);
- The UK Industrial Strategy (2017);
- The Scottish Electricity Generation Policy Statement (2013);
- The 2020 Routemap for Renewable Energy in Scotland – Update (2015);
- The Scottish Government: Energy in Scotland (2017);
- Letter of 11 November 2015 from John McNairney to all Heads of Planning in relation to energy targets and SPP;
- The Scottish Government: Draft Climate Change Plan (January 2017);
- The Scottish Government: Scottish Energy Strategy (December 2017); and
- The Scottish Government: Onshore Wind Policy Statement (December 2017).

2.16 The Scottish Government formally published its Climate Change Plan in February 2018, replacing the draft version of the plan listed above. Taken together, we find the above documents articulate a clear commitment to renewable energy, and that onshore wind farms continue to be recognised as important contributors to the achievement of targets for renewable energy generation and the reduction of greenhouse gas emissions. These targets have been renewed by the Scottish Energy Strategy (2017), which are ambitious and look ahead to 2030.

National planning policy

2.17 The statement of agreed matters confirms that the applicant, council and SNH agree that National Planning Framework 3 (NPF3) (2014) sets out the strategic spatial policy context for decisions and actions by Scottish Government and its agencies, and all planning authorities are required to reflect this policy in their strategic and local development plans. The parties agree that, amongst its wide-ranging policies, NPF3 sets out the need for a strategy to reduce reliance on fossil fuels and emphasises not just the challenges in embracing a renewable and low carbon economy while protecting and sustaining environmental assets but also the wider benefits that this will bring, especially in employment creation.

2.18 The statement of agreed matters also confirms agreement that Scottish Planning Policy (SPP) (2014) is non-statutory in that it does not form part of the development plan for the purposes of sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended). Section 3D and 3E of the 1997 Act require the Scottish Ministers and planning authorities respectively to seek to achieve the objective of sustainable development in the preparation of NPF3 and development plans. This is recorded on page

2 of SPP. The parties are in agreement that, as a statement of Scottish Ministers' priorities, SPP is a material consideration that carries significant weight for decision making.

2.19 SPP sets out policy principles (page 9) with the introduction of "….a presumption in favour of development that contributes to sustainable development." This means that policies and decisions should be guided by principles, amongst which include: supporting the delivery of energy infrastructure; supporting climate change mitigation; and protecting natural heritage including landscape.

2.20 SPP (paragraph 154) calls for the planning system to support the transformational change to a low carbon economy consistent with national objectives and targets, including deriving the equivalent of 100% of electricity demand from renewable sources by 2020. SPP states that the planning system should "support the development of a diverse range of electricity generation from renewable energy technologies - including the expansion of renewable energy generation capacity ….".

2.21 SPP specifically considers onshore wind at paragraphs 161-166. SPP requires local development plans to establish a spatial framework to consistently guide broad locational decisions for onshore wind energy proposals. SPP is clear that locally derived spatial frameworks are expected to follow the approach set out in table 1 of SPP. Table 1 enables all areas to be categorised as one of three groups, indicating the likely acceptability of a location in principle (with the level of protection reducing from Group 1 to 3). The site falls within 'Group 2: Areas of significant protection' due to being located in an area of 'carbon rich soil, deep peat and priority peatland habitat'.

2.22 Paragraph 169 of SPP sets out the wide range of considerations that may be applicable to the determination of onshore wind energy proposals.

2.23 The parties identify the following national planning guidance in the statement of agreed matters as being relevant in relation to onshore wind:

- The Scottish Government (online): Onshore wind turbines guidance (updated May 2014);
- The Scottish Government: Onshore Wind – some questions answered (December 2014);
- SNH: Spatial planning for onshore wind turbines – natural heritage considerations: guidance (June 2015); and
- The Scottish Government: Good practice principles for shared ownership of renewable energy developments (September 2015).

The development plan

2.24 Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) is not engaged under the Electricity Act 1989 and as such the development plan does not have primacy in decision making. However, the development plan is capable of being a significant material consideration.

2.25 The statutory development plan for the site is comprised of:

- the Highland-wide Local Development Plan (HwLDP) (adopted 2012);
- the Caithness Local Plan (adopted 2002, continued in force April 2012);

- the Onshore Wind Energy supplementary guidance (adopted November 2016) including the Caithness Landscape Sensitivity Appraisal (adopted December 2017); and
- all other statutorily adopted supplementary guidance.

2.26 Policies of any relevance to the proposal within the Caithness Local Plan have been superseded by the policies of the Highland-wide Local Development Plan (HwLDP). The parties agree in the statement of agreed matters that there are no policies within the Caithness Local Plan which are of relevance to the application. The emerging Caithness and Sutherland Local Development Plan is currently at the examination stage. It does not therefore form part of the adopted development plan, nor does the proposed plan contain any policies of any pertinence to the merits of this case, should the plan be adopted ahead of this application's determination.

2.27 The parties agree in the statement of agreed matters that the principal policies from the HwLDP which are relevant to the consideration of the application, and which are referred to in the reasons for objection to the proposal, are as follows:

- Policy 28: Sustainable Design
- Policy 57: Natural, Built and Cultural Heritage
- Policy 67: Renewable Energy Developments

2.28 Policy 28 advises that the council will support developments which promote and enhance the social, economic and environmental wellbeing of the people of Highland. It establishes a range of sustainable design considerations, the majority of which cannot be readily applied to the Drum Hollistan proposal due to the particular characteristics of wind farm developments. The policy states that where developments are judged to be significantly detrimental in terms of the considerations it identifies, it will not accord with the local development plan.

2.29 Policy 28 also requires that all development proposals must demonstrate compatibility with the 'Sustainable Design Code' supplementary guidance, which requires that developments should: conserve and enhance the character of the Highland area, use resources efficiently; minimise the environmental impact of development; and enhance the viability of Highland communities.

2.30 Policy 57 provides criteria to assess the effects of development upon natural, built and cultural heritage. The stringency of the criteria depend on whether such features are of local/regional, national or international importance. The policy and accompanying appendix identify wild land as of local/ regional importance, which is out of step with subsequent published national policy, which identifies wild land as a nationally important asset. In this regard, the council and SNH have confirmed that no weight should be given to the policy.

2.31 Policy 67 was, in the hearing session, recognised by parties as the most relevant policy of the HwLDP for both the Drum Hollistan and Limekiln 2 proposals. This policy requires proposals for renewable energy developments to be well related to the source of the primary renewable resources that are needed for their operation. It requires a proposal's contribution towards renewable energy generation targets and its effects upon the local and national economy to be considered. It states that support will be given to proposals where they are located, sited and designed such that they will not be significantly

detrimental overall, either individually or cumulatively with other developments, having regard in particular to any significant effects on the following:

- Natural, built and cultural heritage features;
- species and habitats;
- visual impact and impact on the landscape character of the surrounding area (the design and location of the proposal should reflect the scale and character of the landscape and seek to minimise landscape and visual impact, subject to any other considerations);
- amenity at sensitive locations, including residential properties, work places and recognised visitor sites (in or outwith a settlement boundary);
- the safety and amenity of any regularly occupied buildings and the grounds that they occupy - having regard to visual intrusion or the likely effect of noise generation and, in the case of wind energy proposals, ice throw in winter conditions, shadow flicker or shadow throw;
- ground water, surface water (including water supply), aquatic ecosystems and fisheries;
- the safe use of airport, defence or emergency service operations, including flight activity, navigation and surveillance systems and associated infrastructure, or on aircraft flight paths or MoD low-flying areas;
- other communications installations or the quality of radio or TV reception;
- the amenity of users of any core paths or other established public access for walking, cycling or horse riding;
- tourism and recreation interests; and
- land and water based traffic and transport interests.

2.32 The policy makes clear that where consent is granted, this would be subject to appropriate arrangements to secure the restoration of the site once the consent expires.

Other relevant policies of the Highland-wide local development plan include:

- Policy 29 Design, quality and place making
- Policy 31 Developer contributions
- Policy 55 Peat and soils
- Policy 56 Travel
- Policy 58 Protected species
- Policy 59 Other important species
- Policy 60 Other important habitats
- Policy 61 Landscape
- Policy 63 Water environment
- Policy 68 “Community” renewable energy developments
- Policy 72 Pollution
- Policy 77 Public access

2.33 The council adopted its Onshore Wind Energy supplementary guidance in November 2016, and this now forms part of the adopted development plan. Section 4 of the document contains general guidance on wind energy across the Highland council area. The Caithness Landscape Sensitivity Appraisal provides a more detailed but still strategic level assessment of the variable capacity and sensitivity of the landscape to accommodate

wind turbines. This was adopted in December 2017 and forms section 5 of the supplementary guidance.

The main points for the applicant

2.34 In regard to the main policies and guidance listed above, the applicant submits that:

- Reference is made to the firm commitments of the Scottish Government towards reaching and exceeding their 100% target (of electricity consumption from renewables by 2020) set out in the Chief Planner's letter to all Scottish councils in November 2015 which confirms that even the 100% figure is not to be regarded as a cap if and when it is reached.
- The Scottish Energy Strategy identifies new energy targets for Scotland including the equivalent of 50% of the energy for Scotland's heat, transport and electricity consumption be supplied from renewable sources by 2030.
- The Scottish Government expect a greater proportion of both heat and transport demand to be met by electricity thus placing more pressure on the renewables generating side, along with a wider expansion of vehicle charging points and storage facilities for electricity.
- Reaching 50% of all energy consumption by 2030 will be challenging. The target demonstrates however, the Scottish Government's commitment to a low carbon energy system and to the continued growth of the renewable energy sector in Scotland.
- The duty under section 25 of the Town and Country Planning (Scotland) Act 1997 (to determine the application in accordance with the provisions of the development plan unless material considerations indicate otherwise) does not apply as this application is under the Electricity Act. However, the development plan remains a relevant and important consideration. Where consistent with national policy, it should be given considerable weight in the determination of the application.
- In terms of wild land, the recent Onshore Wind Policy Statement (OWPS) confirms that the Scottish Government continues to deliver significant protection to wild land while avoiding blanket restriction.
- In Scottish Planning Policy, in neither paragraph 200, nor paragraph 215, nor in Table 1 on page 39 is there any specific reference to the potential effects on the setting of a wild land area. This guidance applies to development inside the mapped areas. This differs to the approach contained in the HwLDP, where there is reference to the effects on the setting of the wild land area in the various criteria identified.
- It is notable that it is only in National Parks and the National Scenic Areas where the Table 1 advice states unequivocally that strategic wind energy development would not be acceptable. Even inside a WLA, there is no such presumption.
- Policy 67 of the HwLDP is the dominant policy when it comes to wind energy.
- There are tensions between policy 67 and the other two policies that the council refers to in its reasons for objecting to the application. Policy 28, concerned with sustainable design, is a general policy as part of the overall spatial strategy which covers a range of uses from housing to industry, and almost all of its multiple provisions are of no relevance to a wind farm proposal. There are references to residential amenity and to effects on designated landscapes but nothing that is not covered in policy 67 or indeed other parts of HwLDP.
- In policy 57, the only relevant part of this policy concerns its references to wild land areas, which it states are of local/ regional importance.

- The only value of policies 28 and 57 in development management terms is in flagging up issues that need to be fed into the planning balance under policy 67 and so it is only policy 67 against which the test should be undertaken under the full balancing exercise contained within it.
- There is no fundamental conflict with policy 67 such that the planning balance would indicate refusal.
- The HwLDP is now more than five years old having been adopted in 2012 and so the advice in paragraph 33 of SPP will be relevant. In such circumstances, the presumption in favour of development that contributes to sustainable development will be a material consideration.
- There are potentially substantial socio-economic benefits that have to be weighed in the balance and which on a Section 36 application are in no way barred from being taken into account in the decision making process.
- Scottish Government good practice principles for shared ownership of renewable energy developments explicitly acknowledge that cumulatively the potential benefits of community energy projects are nationally significant. It also reiterates bullet point one of paragraph 169 of SPP 2014 which notes that 'net economic impact including local and community socio-economic benefits such as employment, associated business and supply chain opportunities' are a relevant consideration for renewable energy projects.
- The Scottish Ministers are anxious to secure community involvement in the ownership of onshore wind farms and, as policy 68 of the HwLDP recognises, this is bound to have some impact on the decision making process. As such, some weight should be given to this aspect of the proposal.

The main points for the council and SNH

2.35 The council and SNH produced a combined policy hearing statement although it is noted that SNH's interest is limited to those matters relating to wild land policy.

2.36 The council and SNH submit that:

- The statements of continued strong support relating to onshore wind contained within the Scottish Energy Strategy and Onshore Wind Policy Statement, published by the Scottish Government, are acknowledged although none indicate a relevant distinct policy change since the date of the consideration of the proposals.
- It is also acknowledged that such support should only be given where justified. The onshore wind policy statement sets out the need for a more strategic approach to new development that acknowledges the capacity that landscapes have to absorb development before landscape and visual impacts become unacceptable. These statements largely reflect the existing position outlined within NPF and SPP, a policy framework that supports development in the justified locations.
- It is not considered that the Climate Change Plan, Scottish Energy Strategy or Onshore Wind Policy Statement would materially change any judgement as to what was or was not acceptable development. It is important that energy policy support for renewable energy development is not double counted, given its clear reflection in policy.
- NPF3 considers that onshore wind has a role in meeting the Scottish Government's targets to achieve at least an 80% reduction in greenhouse gas emissions by 2050 and to meet at least 30% overall energy demand from renewables by 2020, including

generating the equivalent of at least 100% of gross electricity consumption from renewables. The council do not consider these targets to represent a cap.

- NPF3 identifies wild land as a nationally important asset. NPF3 is a material consideration that should be afforded significant weight in the planning balance.
- Whilst acknowledging the policy principle, contained in SPP, favouring development that contributes to sustainable development, this requires to be balanced against the environmental and economic objectives of SPP.
- SPP is clear that areas identified for wind farm development should be sited and designed to ensure impacts are minimised. SPP is a material consideration that should be afforded significant weight in the planning balance.
- SPP (paragraph 200) recognises the high sensitivity of wild land and the need to safeguard its character. SPP (paragraph 215) provides a policy test for proposals within a wild land area and therefore is not engaged by the proposal. However, wild land is recognised by SPP (paragraph 169) as a relevant development management consideration for energy infrastructure whether it falls within or outwith a wild land area.
- The criteria contained within paragraph 169 of SPP, against which proposals for onshore wind energy developments should be assessed, are primarily reflected in policy 67 of the HwLDP (despite the HwLDP pre-dating the current version of SPP). The failure of a proposal against one policy criterion does not mean that the development fails; all of these criteria must be given consideration. It is for the decision maker to attribute weight to these on a case by case basis.
- The development plan remains relevant and continues to accord with national policy. Policy 67 of the HwLDP is the most relevant policy in relation to the council's consideration of the proposal. The policy highlights the balance that the council has to strike between the delivery of proposals which make a contribution towards meeting renewable energy generation targets and the protection of natural resources which contribute to the overall character of the Highland area. The council considers the proposal to be contrary to policy 67.
- The HwLDP predates SPP and SNH's preparation of the map of wild land areas and is based on the previous NPF2 and SPP 2010. Although the HwLDP has not been amended to reflect the current NPF3/ SPP, it still remains up to date as it is largely in accordance with SPP. The Onshore Wind Energy supplementary guidance reflects current national policy.
- No weight should be afforded to the wild areas policy content of the HwLDP as national policy post-dates the relevant policies.
- The development is outwith a WLA but the proposal will have an impact on the qualities of wildness experienced within the WLA 39.

The main points for the John Muir Trust (JMT)

2.37 The JMT submits that:

- National energy policy and the associated framework for fiscal support for renewable technologies are set at UK level. UK policy, to the extent that it offers any future support to wind energy, now appears to be entirely focussed on theoretically reduced costs for off shore wind farms that have yet to commence construction.
- Matters including grid capacity, installed over-capacity, or the likelihood of constraints payments, all of which are material to the overall net economic impact assessment flowing from SPP (paragraph 169), have not been addressed by the applicant.

- According to NPF3, features such as landscape and natural heritage are of national importance and a planned and balanced approach is needed in considering the location of renewable energy developments, notwithstanding the targets for renewable energy generation.
- SPP provides up to date planning policy guidance on wind farms as of 2014. The policy principles in SPP "introduce a presumption in favour of development that contributes to sustainable development". The proposal does not give due weight to net economic benefit; does not deliver good design; is not a sustainable land use, given the significant adverse effects; does not protect and enhance the natural heritage and landscape and constitutes over-development and therefore it does not represent sustainable development. The provisions of SPP support the conclusion that the proposal should be rejected.
- The climate change plan demonstrates the considerable extent of surplus capacity that needs to be built in order to meet the 100% renewable electricity generation target. Critically, the renewable energy targets are to be achieved across the whole range of renewable technologies. Whilst wave and tidal energy are still in the testing stages, offshore wind and solar capacity in the UK is expanding rapidly whilst encouraging smaller scale community level projects is an ambition of the Scottish Government.
- The Onshore Wind Energy Policy Statement (2017) commits the Scottish Government (in paragraph 77) to continuing the significant protection for wild land areas. The document does not introduce any new considerations for the determination of the application.
- A loss of wild land, in policy terms would not accord with the strengthened significant protection that flows from SPP.
- The most relevant policy of the HwLDP is policy 67. Whilst the text is generally supportive of renewable energy, it is considered that a breach of any of the criteria in policy 67 must lead to a finding of a breach of the policy. Drum Hollistan would breach numerous criteria.
- Under policy 67, the proposal is likely to have only limited economic benefits. In terms of environmental benefits, these do not extend beyond the assumed benefits of renewable energy that are already factored into the favourable policy framework.
- The proposal is not compliant with policy 28 for a variety of reasons. The proposal does not demonstrate sensitive siting and high quality design given the adverse effects on Reay village and the surrounding area, the wild land and tourist routes.
- Following the publication of SPP2, the WLAs became a nationally important mapped environmental interest. The effects on the WLA fall to be considered under sub-section 2 of the policy – features of national importance. The proposal is in breach of policy 57 on account of significant adverse effects on this feature of national importance. This is not outweighed by social or economic benefits of national importance, as stipulated by the policy.
- In terms of policy 61, the proposal has not been designed to reflect the landscape characteristics and special qualities of the area, having regard to the scale, form and pattern of the proposed development and its location in relation to the wild land resource.
- The proposal is not in accordance with the local development plan on account of the identified significant detrimental impacts. The Onshore Wind Energy supplementary guidance now forms part of the development plan and the proposal is also contrary to its terms.

The main points for Reay Area Windfarm Opposition Group (RAWOG)

2.38 RAWOG submits that:

- The proposal is in breach of the council's development plan policies and adopted supplementary guidance. This is due to the adverse scheme specific and cumulative significant effects on residential amenity, landscape and wild land, alongside the potential adverse economic effects on local tourism, all of which are not outweighed by the generic benefits of the scheme which are already built into the positive policy environment which is supportive of renewables.
- The group supports the policy position of the JMT in respect of the proposal and deferred to JMT during the hearing session in respect of energy and planning policy.

CHAPTER 3: LANDSCAPE AND VISUAL IMPACT

3.1 This chapter considers the landscape and visual effects of the proposal, including cumulative effects. We give no consideration to any matters relating to wild land in this chapter; wild land effects are considered exclusively in chapter 4 of this report.

Evidence on landscape and visual impact

3.2 The applicant's landscape and visual impact assessment (LVIA) is contained within chapter 7 of the EIA report, dated October 2016. Accompanying figures and visualisations are contained in volumes 3 and 4 of the EIA report, with volume 3 including a residential (visual) amenity assessment.

3.3 On 16 January 2018, the applicant submitted a peer review of the LVIA provided in volume 2 of the EIA report. Following questions regarding its status being raised on behalf of the John Muir Trust, the applicant advertised the peer review, together with its landscape and visual inquiry report (and wild land inquiry report) in accordance with the EIA regulations 19 and 20 as additional environmental information. As such, the peer review and the conclusions therein can be treated as forming part of the Environmental Impact Assessment for the proposed wind farm.

3.4 Ahead of the inquiry, a statement of agreed matters was submitted jointly by the applicant, council and SNH. This covered a range of matters, but of relevance to landscape and visual matters, the agreed matters between the three parties are summarised as follows:

- The only notable change to the cumulative baseline, since the Drum Hollistan application was made in October 2016, is to the status of the Dounreay Tri floating offshore demonstrator project which has been consented.
- The parties agree that the methodologies employed in the assessment of landscape and visual effects of Drum Hollistan in the EIA report and additional environmental information broadly followed good practice guidance at the time of publication.
- the LVIA study area and relevant areas of focus are within accepted thresholds and are sufficient to enable the identification of the potential significant landscape and visual effects of Drum Hollistan.
- The viewpoints included within the EIA report are representative of the types and locations from which there may be views towards Drum Hollistan on an individual and cumulative basis; and the viewpoint selection to inform the assessment is appropriate for the scale and siting of Drum Hollistan.
- The Caithness and Sutherland landscape character assessment (1998) informs the baseline landscape character and sensitivity that is relevant to Drum Hollistan. However, the parties note that there have been changes to features present in the landscape of the area since 1998, in part because of wind farm development. This is acknowledged by SNH in its Siting & Designing Wind Farms in the Landscape - 2017 Guidance (paragraph 3.5).
- The Caithness Landscape Sensitivity Appraisal provides a strategic level study which may inform future decision making for wind farm development. It is not intended to replace the need for site specific assessments and appraisals of development proposals.
- The following landscape character types would be subject to some significant landscape effects from Drum Hollistan:

    - CT4: Central Caithness: Sweeping Moorland and Flows – including the Sweeping Moorland LCT; and the Moorland Hills and Slopes LCT.
    - CT9: North Caithness: Farmed Lowland Plain – including the Mixed Agriculture and Settlement LCT; and the Open Intensive Farmland LCT.
- The degree to which these character types would be affected is agreed. It is also agreed that effects on character types beyond those listed above do not require consideration as part of the inquiry session.
- The following eight representative viewpoints would be subject to significant visual effects from Drum Hollistan:

    - VP2 A836, Dounreay (6.9 km from nearest wind turbine);
    - VP3 A836, Reay Church, A836 (3.2 km from nearest wind turbine);
    - VP4 A836, Drum Holliston Layby (0.3 km from nearest wind turbine);
    - VP5 A836 Melvich (3.2 km from nearest wind turbine);
    - VP7 Reay (Path to Achins) (2.2 km from nearest wind turbine);
    - VP8 Beinn Ratha (1.57 km from nearest wind turbine);
    - VP9 Sandside Bay Harbour (3.1 km from nearest wind turbine);
    - VP10 Portskerra (4.6 km from nearest wind turbine); and
    - VP11 Shebster (6.7 km from nearest wind turbine).

- The LVIA in the EIA report identifies fewer significant effects than the applicant's peer review.
- Drum Hollistan would not significantly (or materially) affect any landscape designations that are intended to protect the scenic or historic qualities of the landscape.
- The cumulative assessment within the EIA report considered all other existing, consented and proposed (i.e. those wind farms for which a planning application has been submitted) wind farms within 40 km of Drum Hollistan as at August 2016.
- Parties agree that cumulative effects potentially material to the reporters' recommendation comprise the additional and combined effects of Drum Hollistan with other existing, consented and proposed wind developments (as well as other existing energy infrastructure) within approximately 20 km of Drum Hollistan.
- The addition of the Drum Hollistan wind farm to the operational and consented wind farm baseline would not give rise to a 'wind farm landscape' (where wind farms are the defining characteristic in the landscape) but would contribute to the perception of a 'landscape with wind farms' (where wind farms are one of a number of defining characteristics in the landscape) in this part of Caithness and north Sutherland, extending from Strathy North in the west, to the Causeymire cluster in the east.
- The closest, occupied, residential property to Drum Hollistan is Under Keeper's Cottage at a distance of 1.8 km to the nearest wind turbine. The applicant and the council agree that whilst some significant visual effects would arise, no effects would arise at any residential property in relation to the visual component of residential amenity such that any property might become widely regarded as an unattractive place in which to live.

3.5 The statement of agreed matters also identifies two matters where the applicant and council differ in their positions:

- The applicant considers that significant visual effects would only arise within a maximum 7 kilometre range of the propose turbines. The council considers that

there would be significant visual effects as a result of this application beyond 10 kilometres; and
- the council considers receptors at additional viewpoints would be subject to significant visual effects as a result of Drum Hollistan wind farm.

3.6 In advance of the inquiry, the applicant submitted an inquiry report and supporting figures.

3.7 We requested that the applicant (and also the Limekiln 2 applicant) provide updated cumulative wirelines to take account of the consented Dounreay Tri Offshore Wind Demonstrator Project ('Dounreay Tri'). In response the applicant confirmed that it was content to rely upon the cumulative wirelines submitted by the Limekiln 2 applicant.

3.8 The council and the John Muir Trust also submitted inquiry reports. At the inquiry, evidence on landscape and visual effects was given by witnesses for the applicant, council and the John Muir Trust.

The main points for the applicant

3.9 The council has generally accepted that the LVIA within chapter 7 of the EIA report follows the Guidelines for Landscape and Visual Impact Assessment and SNH otherwise make no comment on the LVIA methodology. The peer review made a number of minor comments on methodology and clarifies comments made on methodology by the council (in its report of handling, paragraphs 8.40-44 and 8.62). To ensure clarity, a revised methodology, using terminology consistent with the EIA report, and used to support the peer review and evidence in the inquiry report is provided in Appendix A of the inquiry report.

Landscape effects

3.10 Neither SNH nor the council object to Drum Hollistan on landscape grounds.

3.11 In landscape terms, the Drum Hollistan site falls into group 3 of Scottish Planning Policy table 1 and group 2 in the council's updated spatial framework. Analysis of the latter and the Caithness Landscape Sensitivity Appraisal (CLSA) indicates that the Drum Hollistan site would be located in a least sensitive landscape character type (LCT) in Caithness.

3.12 The peer review agreed that there would be significant effects on landscape character in respect of the Sweeping Moorland and Moorland Hills and Slopes LCTs, with some further localised areas of significant effect on two adjacent LCTs, including the Mixed Agriculture and Settlement (the area west of Isauld and south of Reay) and the Open Intensive Farmland (west of Sandside Bay).

3.13 In terms of the CLSA, these landscape effects may be translated as affecting two character types (CT4 and CT9) as follows:

- CT4: Central Caithness: Sweeping Moorland and Flows
  - Sweeping Moorland LCT;
  - Moorland Hills and Slopes LCT;

- CT9: North Caithness: Farmed Lowland Plain

- Mixed Agriculture and Settlement LCT; and
- Open Intensive Farmland LCT.

3.14 The main focus of the landscape effects is upon the moorland landscapes within which Drum Hollistan would be located. Collectively, area CT4 forms a vast area of widespread moorland landscape.

3.15 The CT4 area is assessed in the CLSA as the least sensitive area of landscape character within Caithness. This results from the area's large scale and simple/ uniform topography, land cover, lack of settlement and unenclosed nature. All of these factors, indicating lower susceptibility, apply to the Drum Hollistan site and surrounding moorland. The area is undesignated, indicating a lower value, although there is a corresponding higher landscape value to the south of Beinn Ratha, within wild land area 39.

3.16 Significant landscape effects would extend to the north, east and west at a distance of up to approximately 2-3 km, which is the limit of this character type although the ZTV is fragmented to the west. It may be noted that in the west and along the north coast, the ZTV is limited by topography and consequently ensures that the effects on the strath (Halladale) and the High Cliffs and Sheltered Bays LCTs would be not significant. The Sweeping Moorland extends further in the south. Some limited significant effects on part of this landscape character are predicted, affecting the area between Beinn Ratha and Loch na Seilge, within 4 km and the Moorland Hills and Slopes LCT on the western and northern slopes of Beinn Ratha.

3.17 Significant landscape effects within 4 km of a wind farm are fairly typical of large wind farm development. Considering the factors above, the landscape effects of Drum Hollistan on CT4: Central Caithness: Sweeping Moorland and Flows, and the LCTs which fall within it, are considered to be acceptable in landscape terms.

3.18 In CT9: 'North Caithness: Farmed Lowland Plain', the Mixed Agriculture and Settlement LCT has been assessed as of lower or reduced sensitivity to Drum Hollistan, given its location outwith this LCT, the presence of other man-made development (including wind farms and other energy infrastructure) as part of its character, and the absence of perceptual qualities (such as wildness). Significant effects would indirectly affect an area of limited scenic value near Dounreay and its associated pylons.

3.19 A further western fragment of Open Intensive Farmland (very similar to the Mixed Agriculture and Settlement LCT) to the west of Sandside Bay would also be indirectly and significantly affected. The eastern and main part of this LCT is located at 4-5 km from Drum Hollistan and continues further east beyond the study area. Although Drum Hollistan would be clearly visible, the more immediate presence of the Dounreay nuclear power station and other related energy development further reduces the sensitivity of this landscape character. The proposal would be experienced in the context of other wind farms as a 'landscape with wind farms and energy development'.

3.20 The landscape effects on CT9: North Caithness: Farmed Lowland Plain, and the LCTs which fall within it, would be experienced in the context of a 'landscape with wind farms and energy development', with wide panoramas, and are therefore considered acceptable in landscape terms.

3.21 The effects on other LCTs, including Straths: Strath Halladale, Small Farms and

Crofts: Melvich and High Cliffs and Sheltered Bays, would not be significantly affected by Drum Hollistan.

3.22 There is no established or discernible 'pattern' of wind farm development that needs to be retained; and the distribution of wind farm development is continuing to emerge on a case by case basis. However, Drum Hollistan follows a broad national and regional pattern of wind farm development located within moorland areas/ hills, close to more settled landscapes and, inevitably, the transition between these.

3.23 Page 94 of the CLSA provides a list of the so-called 'gateways' in Caithness, most of which appear to duplicate with the 'key views' also noted. In respect of CT4, the following 'gateway' is noted and repeated on page 99 in the CT4 appraisal:

> "Further west there are key 'gateway' views as you cross the transition from the open flat moorland/ agricultural plain of Caithness, to the more undulating and rugged moorland of Sutherland, which demarcates the boundary of the Study Area."

3.24 From this description, it is difficult to know precisely where the 'gateway' is located, as the term 'gateway' has been confused with 'landscape transition'. One would expect a 'key gateway' to coincide with exceptional, valued, long range views, usually viewing from high to lower ground, but there is nothing about the Drum Hollistan site or the views towards it from either Reay or Melvich, which are special in that regard (Viewpoints 3: Reay Church and 5: Melvich). The area is not designated for scenic quality, not even at a local level. The Drum Hollistan layby is not listed as a 'key view' in the CLSA, and nor should it be (viewpoint 4: Drum Hollistan layby).

Landscape transition

3.25 The location of Drum Hollistan within a vaguely defined 'area of transition' should not properly be considered as a significant factor in the wider decision to consent the application. In summary, many existing and consented wind farms are located within 10 kilometres of areas of landscape transition, where wind farm development is often viewed in moorland areas, close to settled lowland landscape types creating a strong visual rationale for their location. The set back of the wind farms in such cases, within the moorland areas, allows for the large scale of wind turbines to be properly set within what are typically large-scale landscapes, such that the perceived scale of the turbines is reduced/ mitigated by distance when viewed from adjacent settled, lowland landscapes that may be of a smaller scale. The Drum Hollistan site also allows for a similar "logical relationship between the development and the landscape scale and character" of its location, as recommended by the CLSA on page 101.

3.26 Whilst not objecting on LVIA grounds, in its consultation response SNH imply that the location of the Drum Hollistan site, next to the A386, is in an area where "the character of the open and more managed Caithness landscape in the east notably changes to the smaller scale more indented rocky coastal Sutherland landscape in the west". The Drum Hollistan site is clearly well within the Sweeping Moorland LCT (by 2 kilometres) and within a consistent area of this landscape character, which is large-scale and simple, bearing all of the characteristics that reduce its sensitivity to wind farm development.

3.27 The experience of landscape change, from CT9 Farmed Lowland Plain to CT4 Sweeping Moorland occurs in the vicinity of Reay, where there is an obvious change in land

use, in particular from enclosed fields to unenclosed moorland. The 'smaller scale' and indented rocky coastal landscapes that SNH refer to, could relate to the High Cliffs and Sheltered Bays LCT, which is mostly outwith the ZTV and/ or the Small Farms and Crofts LCT around Melvich and Strathy, which again would not be significantly affected by Drum Hollistan.

Seascape effects

3.28 The council has expressed concerns that Drum Hollistan is located close to the coast, although it is set back 1.3 km from the coastline at its nearest point. Much of the closest coastline is outwith the ZTV and would have no view of Drum Hollistan.

3.29 Other wind farms in Caithness which are located on, or close to the coastline, include Forss (and its extension), the Hill of Lybster turbine, Lychrobbie and Burn of Whilk, the latter two of which are also located on elevated moorland above the cliffs and coastline in south eastern Caithness.

3.30 Inquiry report figure 1.3b illustrates the four Local Coastal Character Areas (LCCA), as identified in SNH's Orkney and North Caithness Coastal Character Assessment (pages 284-289). The LCCAs all fall within the Portskerra Regional Coastal Character Area and the LCCA descriptions and areas partly overlap with the LCTs in areas where the effects of Drum Hollistan would be not significant.

Visual effects

3.31 Once account is taken of the sea and WLA 39 (areas of limited visual receptors), the extent of relevant ZTV coverage is very limited: to the east within 7 km; and to the west within 6 km. Much of the area to the east is characterised by 'landscape with wind farms and energy development', although it possesses wide coastal and landward panoramas. The area to the west is more 'remote', being separated from Drum Hollistan by Strath Halladale and Melvich Bay, where the ZTV is fragmented and the Drum Hollistan wind turbines would have a reduced visibility owing to the screening effects of the landform. This area is also one of attractive seaward/ coastal views and wide coastal and landward panoramas.

3.32 Within this visual context, and recognising that Drum Hollistan would be visible, the wind farm has been designed to appear as a 'positive' feature in the landscape, presenting a simple, balanced and cohesive wind farm composition that reasonably accords with the SNH guidance.

3.33 Table 4 of the peer review sets out a comparative viewpoint analysis from the three landscape architects involved with Drum Hollistan application. The peer review concluded that eight of the assessment viewpoints (numbers 2, 3, 4, 5, 7, 8, 9 and 10) within 6.9 kilometres would be significantly affected in comparison to seven identified in the EIA report (number 2 was not found to be significant) indicating a high level of agreement. The council considered thirteen of the assessment viewpoints would be significantly affected (i.e. at viewpoint numbers 1, 6, 11, 12 and 13 in addition to the foregoing) but its conclusions are based on some over-assessed and inconsistent judgements.

3.34 In regard to the A836/ North Coast 500 tourist route, examination of tourist references confirms that there are no promoted tourist attractions along this part of the

route. Significant visual effects are predicted for part of the route between Dounreay and Drum Hollistan (west bound, approximately ≤7 km) and between Melvich and Drum Hollistan (east bound, approximately ≤6 km). Within the 10 km study area, there are virtually no areas along the A836 where Drum Hollistan would not be theoretically visible with other existing or consented wind farm development.

3.35 From Reay, Drum Hollistan would not appear visually prominent from most of the key locations in the village, including the school, memorial cross and village hall, but would be prominent (and significant) from the church and golf club, which are set a little apart from the built-up area of the village (viewpoint 3: A836 Reay church). The visual effects would not be 'dominating' or 'overwhelming' given the intervening distance, nature of visibility, apparent scale and the horizontal field of view.

3.36 In terms of residential visual amenity, none of the individual properties or Reay village as a whole would be unacceptably affected.

3.37 Significant effects on outdoor recreational receptors in the local area include local walkers on core paths and the hill summit of Beinn Ratha, cyclists on the NCR 1, surfers and people on the beach at Sandside Bay, and golfers on Reay Golf Course. Although Drum Hollistan would be prominent, the wind farm would appear as a simple, ordered and well-composed turbine composition. Drum Hollistan would be experienced in wide panoramic views and set within sweeping moorland that could acceptably accommodate, without otherwise adversely affecting the various outdoor pursuits. Ultimately, it is unlikely that people would be deterred from these activities, given the intervening distance, or separation, and the context of Drum Hollistan in a wide, open, moorland landscape setting.

Cumulative effects

3.38 Tables 2 and 6 in the peer review provide a summary of the cumulative assessment; and in particular, 'scenario 2' which is the combined cumulative effect of the existing and consented wind farm developments with both Drum Hollistan and Limekiln 2. The tables demonstrate that there would be no particular 'increase' in the number of significantly affected landscape and visual receptors as a result of the combined cumulative effects, although there would be an increase in the number of wind farms visible.

3.39 Owing to the clear separation between Drum Hollistan and Limekiln 2, the significant effects would be spread over a wider area within 7 kilometres of both schemes, with either one or the other 'leading', in terms of the primary effect. Alternatively, both developments would be potentially visible (subject to screening) in different directions (e.g. Viewpoint 2: A836 Dounreay). Again, the wide separation, limited horizontal field of view, design and location indicate that both Drum Hollistan and Limekiln 2 could be accommodated acceptably in landscape terms.

Conclusions

3.40 The Drum Hollistan applicant has done all that could reasonably be done to mitigate the landscape and visual effects, and by implication the effect on 'natural beauty', as required by Schedule 9 to the Electricity Act 1989.

3.41 The council has over-assessed the landscape effects in its report of handling, which it is largely relying upon in this inquiry. The council's reasons for objection are disputed and

the proposal should be regarded as acceptable in landscape, visual and cumulative assessment terms.

The main points for the council

3.42 The council considers that it is the visual impact of the development which provides the main basis for its first reason for objecting to the scheme. Reason one relates to the visual effects upon various receptors from various locations. Reason two relates to the detrimental impact the development would likely have on wild land area 39 - East Halladale Flows. Scottish Natural Heritage present the case in so far as it relates to wild land area 39.

3.43 Hence the council has not itself advanced landscape evidence, although in terms of background and the evidence of SNH to this inquiry, it still relies on the concerns in regard to landscape effects noted in the report of handling, which reflect the concerns of SNH and others.

Landscape effects

3.44 The report of handling states at paragraph 8.64 that:

> "It is of particular note that the development at the edge of the Caithness landscape character area and immediately adjacent to the North Coast landscape character area identified in SNH's publication The Landscapes of Scotland (sic). As a result of this transitional landscape, which moves from the open and simpler landscape of Caithness into the broken, rocky coastal landscapes of north Sutherland, the visual impact will be stark due to the transitional point at which one will see the wind farm. SNH highlight this in its response, noting that the transitional area is important to the identity and sensitivity of these landscapes as a whole. Overall SNH do not consider that the proposal can be accommodated without significantly adversely affecting the distinctive landscape character of the north coast. Having considered the ES and the response from SNH, the view of SNH is accepted."

3.45 In order to understand the visual impact it is important to refer to the relevant landscape character assessments as they provide a useful backdrop against which to consider and discuss visual impact, including cumulative impact.

3.46 The proposed wind farm largely sits within the Sweeping Moorland landscape character type (LCT) identified within the Caithness and Sutherland Landscape Character Assessment (LCA) (SNH; 1998). It is noted that the LCA is somewhat dated and there are a number of wind farms which have been brought forward since the LCA was published, however it still provides a useful guide as to the capability of landscape types to accommodate wind energy development.

3.47 The Caithness and Sutherland LCA considers that the Sweeping Moorland landscape character type is dominated by its wide open space, resulting in a high degree of exposure, affording extensive visibility. It is considered that these characteristics are typical of the site in which the proposed development sits. The guidance included within the LCA points out that "This landscape may be favoured for wind farm development". However it goes on to note that it may "conflict with the sense of remoteness and 'wild land' within many areas". The LCA suggests that wind farms would tend to appear most appropriate where they are located within the wide open areas of this LCT so that the turbines appear

inferior to the scale of the surrounding space. It is not considered that the location of the wind farm has led to the turbines being of an inferior scale. This is due to the presence of landforms in front of the scheme when viewed from the west and the location of the scheme in relatively close proximity to the coast. This is in contrast to other developments in this LCT and those surrounding it, with the exception of Forss (which has significantly smaller turbines), which are set back significantly from the coast and the road.

3.48 The proposed development would be close to a more complex coastal landscape due to the undulations in the landscape, inlets and elevated position above the sea. In some instances when one views the proposed development it would have an uncomfortable relationship with the coast, appearing to be very close to the sea and not related to the wide open spaces of the area. This is particularly noticeable from viewpoints 13 (Strathy Point) and 18 (Dunnet Head), particularly in views where the development will be seen in the wider context of the landscape.

Landscape transition

3.49 The transitions in the landscape as one travels along the north coast, are clear. The development is at a point at the edge of the Caithness landscape character area and the North Coast Landscape Character Area as identified in the Landscapes of Scotland Map. In its response to the application, SNH identify this transitional area as important to the identity and sensitivity of these landscapes as a whole.

3.50 The applicant's assessment does not fully take into consideration the way the landscape transition focuses the views on the site of the proposed development, making any impacts more pronounced.

3.51 The applicant takes issue with the concept of the proposal being in an area of landscape transition. While it may not be a clear change in the landform itself, there is a clear change in the way one views the landscape due to the changing features and openness which one arrives at as they travel from west to east.

3.52 The proposed development does not fit with the established or emerging pattern of development in this area. The pattern being set back from the principal road network and coast in more isolated pockets of the landscape which are infrequently visible from the principle routes through the area and settlements. Forss and Bettyhill schemes are the exceptions however they are much smaller in scale. There are no other wind energy development of the scale of Drum Hollistan either in planning or in operation which would be so close to the road.

3.53 The Caithness and Sutherland LCA considers that the Sweeping Moorland landscape character type (LCT) is dominated by its wide open space, resulting in a high degree of exposure, affording extensive visibility. The LCA discusses the very gradual transition between this LCT and those surrounding it.

Visual effects

3.54 Viewpoints 15-18 and viewpoint 20 have not been assessed by the applicant following a screening exercise that it undertook. This approach is not accepted and given the high sensitivity of some of these viewpoints, in particular viewpoint 18 (Dunnet Head), it is felt that full consideration of these viewpoints should have been undertaken.

3.55 The significant effects identified in the applicant's LVIA are not disputed. Having assessed these matters in the field, it is considered that receptors would be significantly adversely affected at a number of additional viewpoints (1, 2, 6, 11, 13 and 19). The applicant has underplayed the sensitivity of receptors in its assessment.

3.56 There are three key receptors for this wind energy development: road users (including tourists), recreational users of the outdoors and residential receptors.

3.57 In regard to road users, The EIA report assesses visual impact on travellers at a number of points on the principal road network, including points on the A9 and the A836. Both of these roads are routes well used by tourists and form part of the North Coast 500. The EIA report underplays the scenic quality of the routes in the area, particularly the A836. It does so by over-emphasising the impact of human interventions in the area and the impact they have on scenic value. The route as a whole is highly scenic and each element of the route contributes to the experience as one travels through the area. In addition, when tourists are travelling this route, they will be more susceptible due to their attention or interest being focussed on the views and the visual amenity of the area. When this is taken into consideration over the extensive length of the road where this development will be visible, it leads to the impacts on road users being significant, adverse and unacceptable.

3.58 When assessing recreational users, the EIA report focuses on walkers and cyclists utilising National Cycle Route 1 (NCR1) and core paths. The sensitivity of walkers and cyclists varies between different assessments in the EIA report. Generally it is considered that the heightened sense of awareness and slower speed of movement through an area, giving the receptor more time to appreciate their surroundings, means that these receptors should be classed as high sensitivity. It is considered that the assessment of recreational receptors undertaken gives a fair account of the likely effects of the development.

3.59 In relation to both road users and recreational users, in the applicant's assessment there has been a lack of consideration of, and in turn an under-estimation of, the contribution of the whole of a view and the impact that a proposal may have on a viewer's perception of place or of a particular view. The applicant has focused on the field of view which the development will take up for receptors at particular viewpoints. In reality, people stop to take in their surroundings as they ascend any hill or travel through or stop in scenic areas.

3.60 The applicant has understated the scenic value of the area in which the development sits by referring to other areas and features surrounding the application site being of greater scenic value. The visual draw of some other parts of either NCR 1 or the North Coast 500 routes are not disputed. However, it is important to recognise that these features would not be as visually striking if they were not in such contrast to the landform in which the development sits, which in itself has qualities of a journey into remoteness with a sense of solitude as one travels from east to west.

3.61 For residential receptors, the EIA report finds that 2 of the 5 properties assessed would experience a major and significant visual impact on residential amenity. The results for these two properties are not disputed but it is considered that the impact on residential amenity has been understated as the assessment appears to have focused on the orientation of the property, views from principal garden areas, and the effects of screening. It is however accepted that the effects would not render the properties as what may be

regarded as unattractive places to live.

3.62 The council's Onshore Wind Energy supplementary guidance (OWESG) contains guidance on the siting and design of wind farms and matters related to landscape and visual effects. This includes a series of 10 criteria which can be used as a framework to help assess a proposal (paragraph 4.16) but which are not absolute requirements. The applicant considers that the development satisfies all of the criteria as set out in the OWESG, save for criteria 6 or 9 which the applicant considers are not applicable to their scheme. However, in doing this, the applicant has taken a very narrow view of the criteria and appears to ignore elements of the thresholds. The assessment presented by the applicant is not considered to be a balanced assessment against the criteria.

3.63 The applicant considers that the Caithness Landscape Sensitivity Appraisal prejudges any LVIA that is to be undertaken as it identifies no strategic capacity in the whole study area. While the finding of the appraisal is accurately presented, this does not preclude wind farms from being accommodated within the area. The finding of no strategic capacity simply sets out that there is not one single area to which onshore wind energy development can be guided to.

Cumulative effects

3.64 The pattern of development of onshore wind energy development along the north coast is well established. It comprises of turbines set back from the coast and road network, with the exception of Forss wind farm. The positioning of other wind farms, set back from the road and screened topography have led to other consented and operational schemes being less prominent from the local road network.

3.65 The relationship with other wind energy schemes in the area, has generally been poorly considered. The matter of cumulative and sequential impact is more of a concern as one travels through the area on the principal road network.

Conclusions

3.66 It has been demonstrated that the proposal has effects of substantial adverse significance on visual amenity in particular on receptors viewing the development in combination with the existing developments and features within the landscape. These significant visual effects extend to beyond 14 kilometres.

3.67 The proposal has significant adverse effects that are detrimental to visual amenity and the way in which the area is experienced, particularly by road users, recreational users of the outdoors and residents in close proximity of the scheme. This effect results from a combination of site location and design of the proposed development.

The main points for the John Muir Trust (JMT)

3.68 The siting and design of the windfarm is such that it will seriously impact on the landscape. Despite the 'analysis' in the EIA report of the visual impact on 'receptors' such as people, the paths they walk on, the homes they live in, the roads they drive on, and the landscapes they view, what we get exclusively is a professional opinion. We do not get the views of residents, visitors, or walkers; we do not hear the voice of the people who will actually be affected. No attempt has been made to survey people using the visualisations.

3.69 The value of this professional analysis has to be questioned when we read statements such as on page 79 of the EIA report: “Once road users cross the border between Caithness and Sutherland, the wind farm would be located behind them and views would no longer be experienced.” In other words if you don’t look towards the wind farm you won’t see it.

3.70 Essentially, the EIA report says this is a highly visible development which will be seen from many directions and viewpoints and in many cases from a long way off. It will impact on road users including North Coast 500 users, it will impact the National Cycle Route, it will impact walkers, it will impact local residents and it will impact users of the sea.

3.71 Analysis of the applicant’s visualisations is based not on subjective professional jargon/ opinion but is rather the perceptual response of a lay person. Particular concern is expressed in regard to the following viewpoints:

- VP1 A836 Forss: A traditional, managed landscape in the foreground with relatively low level buildings and infrastructure which would be overshadowed by the construction of Drum Hollistan with its dominant towers and turbines in the background whose moving blades will draw the eye.
- VP2 A836 Dounreay: The proposal will add to the existing industrial development of the Dounreay site itself. However, it will also introduce a new and major industrial scale development into the area leaving a traditional managed landscape sandwiched between it and Dounreay.
- VP3 A836 Reay church: The turbines are shown as being huge and dominant within the landscape, dwarfing everything else. In particular the columns and blades will stand out starkly against the sky. As such they will be highly visible late into the night during the summer months when the hours of daylight are much longer.
- VP4 A836 Drum Hollistan layby: This is an overwhelming visualisation which encapsulates the dominant impact of the proposal. The wooden transmission poles in the foreground look to be the size of fence posts relative to the turbines a considerable distance behind them. The turbines dominate and overwhelm the landward view. This viewpoint alone provides a powerful reason for rejection of this proposal. The professional view appears to be that although the turbines are huge it is not as bad as it could be since sometimes it will be behind you or you can look away seaward. It should also be pointed out that travellers heading westwards towards Drum Hollistan will see the turbines. Once they pass it they will no longer see Drum Hollistan (unless the passengers look back) but they will then see Strathy North. Thus cumulative impact is increased and becomes significant.
- VP5 A836 Melvich: The development at this point overwhelms and dominates the landscape changing it from one of managed farmland to one with a large industrial development looming above it.
- VP6 A836 Bettyhill – Armadale: This visualisation shows quite clearly how big and visually obvious these turbines are. The EIA report describes the significance of effect on this viewpoint as being ‘minor – moderate and not significant’. It may be so to a professional landscape architect but to a normal user of the landscape we would suggest it is a highly visible, discordant industrial development.
- VP7 Reay (Path to Achins): The turbines are large and dominate the horizon. The turbines are very large and the size of the farm buildings, given they are in the foreground, cannot ‘increase the perceived scale’ as stated in the EIA report. The reverse is possible however.

- VP9 Sandside Bay Harbour: The view would be dominated and overshadowed by the turbines which loom over the landscape. We are again surprised that the EIA report claims that the location of Sandside House in front of the turbines will accentuate the scale of the wind turbines.

Cumulative effects

3.72 SNH's guidance on cumulative impact (March 2012) states that two wind farms '*need not be intervisible*' to have an impact. The Drum Hollistan wind farm if approved would have a significant and detrimental effect in both terms of combined visibility and sequential impact. It would, to a significant extent 'fill in the gap' between Baillie Hill and Strathy North wind farms. This industrialisation could have serious implications for the natural capital of the area.

Reporters' conclusions on landscape and visual impact

3.73 In its report of handling and also in its inquiry report, the council has alluded to a number of shortcomings in the applicant's LVIA against the approach commended in the Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA3). The applicant has sought to clarify various detailed points in appendix A of its inquiry report.

3.74 Having reviewed the submissions, we are satisfied that the LVIA undertaken by the applicant is fit for purpose and has not deviated markedly from recognised good practice. In this regard, we also draw support from the statement of agreed matters, which confirms that the council, SNH and the applicant are in agreement that the methodologies used in the applicant's LVIA (in both the EIA report and additional environmental information) broadly followed relevant good practice guidance.

3.75 Whilst there is clear dispute between the applicant and other parties over the nature and extent of significant landscape and visual effects that would result from the proposal (which we focus upon below), we find no basis to conclude that these differences arise from a flawed methodological approach to assessing the effects by any party. Rather these simply represent differences in professional judgement.

Landscape effects

3.76 We acknowledge that neither the council nor SNH has formally advanced a landscape objection. The John Muir Trust has principally also focused on visual effects. Notwithstanding the above, we must give our full consideration to the landscape impact of the proposal, not least because significant landscape effects are predicted by the applicant's EIA report and its peer review. Notable landscape concerns have been presented by the council and SNH despite their respective overall positions outlined above.

3.77 Parties are in agreement that no designated landscapes would be significantly affected by the Drum Hollistan proposal. Given there is no evidence to the contrary, and noting the intervening distances from the nearest landscape designations, we concur with this view.

3.78 The Drum Hollistan site is located entirely within the 'Sweeping Moorland' landscape character type (LCT 1), as delineated by the Caithness and Sutherland Landscape Character Assessment (1998). This LCT is part of LCT CT4: Central Caithness: Sweeping

Moorland and Flows, as defined by the Caithness Landscape Sensitivity Appraisal (CLSA), which forms part of the adopted Onshore Wind Energy supplementary guidance.

3.79 Figure 1.3b in volume 2 of the applicant's landscape and visual inquiry report shows the relationship of the proposed development with landscape character types within a 5 kilometre radius, and illustrates the relative proximity of the development to other LCTs. Areas within the Mixed Agriculture and Settlement LCT, High Cliffs and Sheltered Bays LCT, and the Moorland Slopes and Hills LCT are all within a 2 kilometre radius of the proposal. There are a further 4 LCTs within a four kilometre radius. It is noteworthy also that the coastline is 1.3 kilometres to the north of Drum Hollistan.

3.80 The Caithness and Sutherland Landscape Character Assessment describes Sweeping Moorland as being characterised by features including wide open space; simple visual composition; a fairly flat, or gently sloping or undulating landform. We consider this description is a fair reflection of the landscape in which the Drum Hollistan site is situated. From our experience and taken in isolation, this type of landscape can often lend itself well to large-scale wind turbines, with the simplicity and scale of such landscapes often assisting in satisfactorily accommodating wind farm development. This is to some degree reflected in the Caithness Landscape Sensitivity Appraisal, which indicates that LCT CT4 is, out of all Caithness landscape character types, least susceptible to change from large scale wind farms (being rated '3' on a scale of 1-4, with 1 being most susceptible to change).

3.81 LCT CT4's landscape sensitivity rating is however qualified by the accompanying text in the appraisal. Of particular relevance to the Drum Hollistan site is where it states (on page 100, under 'landscape sensitivity'):

> "To the west the relatively abrupt transition from the more rugged Sutherland landscape character to the open flatter landform of Caithness provides a key gateway and is highly sensitive to windfarm development in the immediate and wider landscape (given wide open views) that would erode the clarity of this transition and interrupt experience of moving from one regional landscape to another."

3.82 Parties are in dispute over where this landscape transition between Caithness and Sutherland occurs, and whether or not it acts as a 'gateway' which increases the landscape's sensitivity to a wind farm. Parties have addressed this issue in submissions and we heard oral evidence on this matter during the inquiry. We consider that the area of sweeping moorland between Reay and Strath Halladale (within which Drum Hollistan would be located) does form an important component of the wider transition in regional landscape character between the Caithness character area and 'North Coast' character area of Sutherland, although we found the area of transition in landscape character, whilst most marked between these points, also extends beyond them, particularly to the west.

3.83 There is some ambiguity over the meaning of the term 'gateway' in the Caithness Landscape Sensitivity Appraisal, and it is not defined by the document. For CT4, gateways are referred to in regard to the "key 'gateway' views" of the different regional landscapes. During our site inspections, the only specific location we could identify which could easily be described in this way was the Drum Hollistan layby. From there, eastward views of the Caithness character area present a notably different landscape character to that of Sutherland's North Coast character area. Given the lack of clarity over the purpose, role or importance (or otherwise) of gateways however, the weight we place on this concept is necessarily restricted.

3.84 All told, whilst we accept that this area of sweeping moorland forms part of a relatively short transition in regional landscape character, we are not persuaded by the contention that this therefore increases the sensitivity of this part of the LCT to wind farm development. We do not find that the presence of the Drum Hollistan wind farm would blur or distort the landscape transition. Whilst significant direct effects would occur for the host LCT, its overarching characteristics as outlined in the LCA would be retained. The markedly different characters of Caithness and Sutherland, to the east and west of this section of the sweeping moorland LCT respectively, would endure, regardless of the development. On this basis, we conclude that the proposed development would not have a substantial effect upon the overall sense of there being a transition from one regional landscape to another.

3.85 In regard to landscape character types predicted to be subject to significant effects, we note that the council and SNH do not dispute the applicant's assessment. We agree that significant effects would occur at the Moorland Slopes and Hills: Beinn Ratha LCT (which is also in the council's LCT CT4), Mixed Agriculture and Settlement LCT and Open Intensive Farmland: West Sandside Bay (both of which are in the council's LCT CT9: 'Farmed Lowland Plain – North Caithness'), given their proximity and the extent of visibility of the development from these areas.

3.86 The applicant's peer review (as summarised in table 1 of the document) does not agree with the findings of the EIA report that significant effects would arise at the Flat Peatlands LCT; Open Intensive Farmland: West Sandside Bay LCT; Strath: Strath Halladale LCT; or the Small Farms and Crofts: Melvich LCT.

3.87 The concerns of the council and SNH do not focus on the sensitivity, magnitude and overall level of effect on any of these LCTs specifically. Adverse effects on the coastal landscape character more broadly are however referred to. The applicant has refuted the claim that Drum Hollistan would be located close to a complex coastal landscape. Whilst we consider proximity to be only one of a wide range of factors in assessing the nature of landscape (and seascape) effects, it is our view that Drum Hollistan can fairly be described as being close to the coast; the High Cliffs and Sheltered Bays LCT is approximately 1 kilometre from the nearest turbine. From numerous locations, views towards Drum Hollistan, both from the east and west, would be seen in a coastal context, with the cliffs, beaches, and /or sea visible simultaneously with the proposed turbines. In broadly northward views (for example, from Beinn Ratha), the sea provides the backdrop, and from the north (from the sea) the development would be seen above and beyond the cliffs

3.88 The applicant has had regard to the effects of the development upon seascape in its landscape and visual inquiry report. The EIA report did not provide a separate assessment of seascape. It did include the High Cliffs and Sheltered Bays LCT in its baseline but it was not assessed. The peer review assessed this LCT to be of high sensitivity, but the magnitude of effect would be slight to negligible due to the lack of visibility of the proposed development from the coast. The effect overall was assessed to be minor and not significant. Local coastal character areas are also considered in the peer review.

3.89 We agree with those parties which have asserted that Drum Hollistan would be viewed in a coastal landscape context, given the extent to which the development and the sea and/ or coast would be seen together. The most notable examples of this relationship are illustrated at viewpoint 8 (Beinn Ratha); viewpoint 10 (Portskerra); viewpoint 13 (Strathy

Point); and, at longer range, viewpoint 18 (Dunnet Head). We return to consideration of the visual effects of the development from these and other locations below.

3.90 The applicant has introduced the term 'landscape with wind farms and energy development' (LWED) in its landscape and visual inquiry report (in paragraph 3.2.14), as a concept to describe the characteristics of LCT CT9 to the east of the proposal. Whilst we consider this to be a fair shorthand means to describe the character of that area to some extent, the concept also needs to be treated with some caution. The simple fact that other developments of a particular type are a feature of the landscape, does not necessarily reduce its sensitivity to further similar development. The 'LWED' term also takes no account of the pattern of the development it is referring to, which can strongly influence its landscape impacts.

3.91 There is not a strong established pattern of wind energy development along the north coast, within the 40 kilometre study area used by the EIA report (Figure 1.3a). We note, as highlighted by the council, that wind farms are located on the south side of the A836 and set back from the road and coast, with the exception of Forss wind farm (and the consented Hill of Lybster single turbine which would group with Forss) which is positioned on the coast. It is not for us to assess the effects of other developments, but we note the council does not view the location of Forss as one it would wish to further reinforce. The size and scale of Forss is also somewhat smaller than that of the Drum Hollistan proposal, comprising of 6 turbines up to 78 metres to blade tip.

3.92 The turbines at Baillie Hill wind farm are more comparable in size to Drum Hollistan (although smaller than 13 of the 17 proposed at Drum Hollistan, at 110 metres). Baillie Hill is set back from the coast by approximately 3.5 kilometres yet still has a notable effect on the coastal landscape in views from the west. Dounreay nuclear power station is positioned on the coastline (out of functional necessity), and whilst it is an 'energy development', the similarities between it and a wind farm are otherwise negligible. We do not consider that Dounreay contributes to a development pattern from which Drum Hollistan can draw support.

3.93 We find Drum Hollistan would be prominent in the landscape, given its elevated position in relatively close proximity to the coastline. Although the wind farm would be within sweeping moorland, we find that where seen in the context of the coastline more widely, the character of the wider landscape context is markedly less well suited to accommodating the proposed development, with its indirect landscape influence extending to the coastal landscape more broadly. This proximity would result in challenging scale comparisons between the cliffs and the wind turbines where seen together, and at longer range, Drum Hollistan would have a significant adverse effect upon the coastal landscape and seascape, with which it would appear to be more associated. We agree with the council that these effects are particularly noticeable from representative viewpoint 13 (Strathy Point). Even at much longer range (as evident from viewpoint 18 (Dunnet Head)), the proximity of the wind farm to the coastal landscape would be evident, and the scale comparisons described above would still occur, although the overall impact would be lessened by the intervening distance.

Visual effects

3.94 The EIA report, the applicant's peer review and the council have all concluded that significant visual effects would arise at representative viewpoints 3, 4, 5, 7, 8, 9 and 10.

The peer review found significant visual effects would also arise at viewpoint 2, which again the council concur with but with the council finding the level of effect to be major rather than moderate. We have visited all of the above viewpoints as part of our unaccompanied site inspections. They are all within 7 kilometres of the proposed development, and noting the extent to which the wind turbines would be visible from these locations, we agree that these representative viewpoints would be subject to significant visual effects.

3.95 The council considers significant visual effects would extend over a much greater distance. The position of the John Muir Trust, whilst it has not made an assessment using EIA terminology, does support the council's conclusions in this regard. We consider the viewpoints in dispute in order of ascending distance from Drum Hollistan below.

3.96 From viewpoint 11 at Shebster, the council considers that the applicant has under-estimated both the sensitivity of receptors and the magnitude of change. From our site inspections and using the relevant illustrative material, we agree with the applicant that the level of visual effect at this viewpoint is lower than at viewpoints 5 (Melvich), 9 (Sandside Bay harbour) and 10 (Portskerra), and we note again that the council is not in dispute with the level of effect predicted by the applicant at those viewpoints. Whilst there would be unobstructed views of Drum Hollistan from Shebster, the intervening distance of 6.7 kilometres, together with this being a relatively expansive view, suppresses the overall visual effect of development.

3.97 Given that the principal receptors at this location would be residents of Shebster and road users including users of the National Cycle Route 1 (NCR1), we consider the applicant has under-estimated the sensitivity of receptors. We find the visual effect to be significant overall based on the LVIA methodology used by the applicant (outlined in Appendix A of its inquiry report).

3.98 Viewpoint 13, Strathy Point, is assessed for the applicant as being subject to a moderate but not significant visual effect. We agree that this is a viewpoint of high sensitivity, but we find the applicant's conclusion that the magnitude of visual effect would be 'slight', to quite considerably underplay the effect of Drum Hollistan on the coastal panorama. We acknowledge that the development would be 10.3 kilometres away, occupying a 6 degree field of view, but these facts fail to capture the nature of the view and the notable visual impact of the development.

3.99 The views of the coastline, eastwards from this viewpoint, are expansive. Whilst the Dounreay nuclear power station is a focal point in this view, it is seen in the context of the flatter Caithness coast, and so it does not unduly detract from the coastal view of the distinctive and rugged cliffs and inlets. Despite the presence of Dounreay therefore, Drum Hollistan would be incongruous in this location, introducing large scale wind turbines to the coastal context which would compete in scale with the cliffs seen beneath them. We conclude that the visual effects at Strathy Point would be significant.

3.100 Viewpoint 1: A836 Forss is 13.1 kilometres from Drum Hollistan. We agree with the applicant that not all receptors using this route will be of high sensitivity, but that said, given this is a principal tourist route we consider many road users would be highly sensitive to the development. The view of Baillie Hill and Forss wind farms detract from the view to some extent but we do not consider this would lessen the sensitivity of receptors overall.

3.101 The magnitude of change is assessed to be slight by the applicant, whilst the council

must have considered the magnitude to be substantial (i.e. the highest scale of magnitude) in order to have concluded that a major, significant level of effect would arise, although this is not expressly stated. We find the magnitude of visual effects to be somewhere between the applicant's and council's findings. Drum Hollistan would be perceived as positioned close to the coast and in a prominent location, but the visual effects are tempered by the intervening distance and presence of other development including other wind farms. We consider the visual effect would be significant.

3.102 From Ben Dorrery (viewpoint 19) there is little difference between the applicant and council, both predicting moderate visual effects but concluding differently on whether or not this would be significant. We agree also that the effect would be moderate but noting the intervening distance of 14.7 kilometres, and the presence of the telecommunications mast at the summit of Ben Dorrery, overall we do not consider the effect to be significant at this viewpoint.

3.103 Finally, viewpoint 6: A836 Bettyhill – Armadale is the most distant of the representative viewpoints from where it is contended by the council that significant visual effects would arise. As outlined for viewpoint 1 in paragraph 3.100 above, we consider the sensitivity of road users would be variable, but those following the tourist routes would typically be of high sensitivity.

3.104 The magnitude of effects are limited by the intervening distance of 15.7 kilometres, although the development would become a focal point in what is currently a relatively naturalistic outlook. Overall however, we do not find the effects to be significant at this range.

3.105 The council considers that when assessing visual impact, the applicant has not taken sufficient account of the contribution of the whole of a view to the overall experience of, and impact on, receptors. We accept that from any of the representative viewpoints, the experience of receptors, whether road users or recreational users of the outdoors, would not only be affected by what is seen in a single field of view, but by the wider surroundings and experience of moving through an area. We do not however find that the applicant's approach to assessing visual effects to be inappropriate, and nor do we consider the applicant's assessment under-estimates effects at all viewpoints. Where we consider it has under-estimated effects, this is not to an extent that would bring into question the robustness of its approach.

3.106 We find road users, principally on the A836 travelling in both directions, and on the Shebster road westbound, would be significantly affected by the development. Where the A836 runs adjacent to the Drum Hollistan proposal, the visual effects would be dominant, but we consider this to be less problematic than the visual impact of the development in wider views, particularly where the wind farm would be seen simultaneously with views of the cliffs and coastal landforms. Regardless of other influences upon visual amenity such as Dounreay, and notwithstanding any historic interest that receptors may have in that facility, wind farms are not a novel feature in Scotland and are highly unlikely to be part of the area's appeal to visitors. A strong draw to this area of Caithness and Sutherland is the coastal landscape, the visual impact upon which would, locally, be significant.

3.107 We find that Drum Hollistan's location would significantly detract from the visual amenity and views of this stretch of coastline. These effects would be most greatly felt by recreational road users, including those following the North Coast 500 route, the North and

West Highlands tourist route and National Cycle Route 1. The applicant has highlighted that the 'Rough Guide to the North Coast 500' does not identify any particular tourist destinations between Thurso and Strathy, with the exception of Strathy Point and Strathy Bay. We do not consider this diminishes the visual amenity this section of the route provides, and we have concluded above that from Strathy Point (which is in any event noted as a specific destination), the development would have a significant adverse visual impact.

Residential visual amenity

3.108 In the supporting figures to the applicant's landscape and visual inquiry report, additional wirelines and photomontages have been provided from locations within the village of Reay. Figure 1.8 is located near the phone box, and figure 1.9 is outside the village hall. During the inquiry there was criticism of these viewpoint choices because visibility of Drum Hollistan from these specific locations is limited. However, we consider they reasonably represent the intermittent nature of visibility from Reay. Figure 1.7 at Reay church provides a counterbalance, demonstrating that there are also locations in Reay from where the wind farm would be highly visible.

3.109 We made accompanied site inspections to those properties closest to the Drum Hollistan proposal, on the west side of the village of Reay, assisted by wirelines (figures 7.53; 7.54; 7.55; 7.56; and 7.57) which accompanied the applicant's residential visual amenity assessment (on pages 84-87 of the EIA report).

3.110 We viewed the proposed development from the garden grounds of Under Keeper's Cottage, Craigielea, Sandside Lodge, Keeper's House and Tighfada, all of which would be between 1.85 and 1.98 kilometres from the nearest turbines.

3.111 Given the intervening distance, we would not typically expect a wind farm to have any overbearing visual effects. Some of the properties would have little or no view of the wind farm due to intervening tree cover. We found that Under Keeper's Cottage and Tighfada would have the clearest view of the development, which is consistent with the findings of the EIA report. We agree with the applicant that the level of visual effect at both of these properties would be major and significant. That said, we do not consider the development would have an adverse effect at any property, to the extent that it would result in a material reduction in residential amenity. We also draw support from the council's own conclusions in this regard.

Cumulative effects

3.112 The consented Dounreay Tri Floating Offshore Wind Demonstrator Project ('Dounreay Tri'), would consist of two offshore wind turbines, 200 metres in height to blade tip. Based on the cumulative wirelines produced by the Limekiln 2 applicant, and which the Drum Hollistan applicant is also relying upon, we are satisfied that Dounreay Tri would not give rise to any greater magnitude of cumulative landscape and visual effects, due to its limited visual influence and intervening distance from the coast

3.113 The concerns raised by parties in regard to cumulative effects are principally focused on the sequential impacts of wind farm development as one moves through the area. The council has also criticised the proposal's deviation from the established pattern of wind energy development in the area as contributing to cumulative impacts.

3.114 We agree with the EIA report and peer review that significant cumulative landscape effects would arise in a scenario where the Limekiln 2 development is also assumed to exist. We find that, with or without Limekiln 2 in the cumulative context, none of the affected landscape character types would become a 'wind farm landscape', as wind turbines would not become a defining characteristic of the landscape. This is because of the separation distances between Drum Hollistan, Limekiln 2 and the operational Baillie Hill and Forss wind farms to the east, and Strathy North wind farm to the south west.

3.115 In assessing cumulative visual effects, the peer review addressed some ambiguity in the EIA report in regard to how the three scenarios (taking account of additional and combined effects) were being applied. A comparison of the findings of the EIA report and peer review are provided in table 6 of the peer review, on page 20. We agree with the conclusions of the peer review in regard to the viewpoints from where cumulative visual effects would be significant.

3.116 We also agree with the council and the John Muir Trust that a key consideration is the sequential cumulative effects as receptors travel through the area. With Limekiln 2 assumed to be in the baseline, we consider sequential visual effects would be significant whether travelling east or west along the A836. This is because visibility of the proposed development, Limekiln 2, Baillie Hill and Forss in the east and Strathy North in the west would be available in short succession (together with some simultaneous visibility), but we find, with the exception of Strathy North, these schemes would visually relate to one-another and form a cluster which would lessen the impact of these sequential effects. Taking Limekiln 2 out of the baseline, the perception of a cluster would be lost but the separation distances between Drum Hollistan and other wind farms would be considerable, and we do not consider sequential cumulative effects would be significant in that scenario.

3.117 Numerous representations have raised concerns regarding the 'encirclement' of the village of Reay, particularly in the event that both Drum Hollistan and Limekiln 2 were consented and built. We have made extensive unaccompanied site inspections in and around Reay, in addition to the accompanied visits to specific residential properties. We are in no doubt that the cumulative effects upon Reay would be significant and adverse. However, as the illustrative material accompanying both applications indicates, there are limited locations from within the village where simultaneous visibility of the developments would be available, notwithstanding the theoretical cumulative visibility because this takes no account of buildings, vegetation and other land cover (figure 1.2b). The two schemes would also be visually separated by the distinctive hill of Beinn Ratha.

3.118 We are satisfied that, in respect of the cumulative effects upon Reay, Drum Hollistan and Limekiln 2 could co-exist without resulting in any overwhelming sense of encirclement. Taking Drum Hollistan in isolation, from Reay we do not find there would be significant effects from the visual cumulative interaction with any other wind energy development.

Overall conclusions on landscape and visual effects

3.119 It is to be expected that wind farm proposals, regardless of their location, will result in some significant landscape and visual effects, and Drum Hollistan would be no exception to this. We find the significant visual effects of the development would extend over a wider area than predicted in the applicant's EIA report and peer review, although cumulative landscape and visual effects would be relatively localised, with or without Limekiln 2 wind

farm in the baseline.

3.120 Whilst Dounreay nuclear power station and Forss wind farm assume locations adjacent to the coast, we do not find those developments establish a pattern or character of development that would indicate to us that Drum Hollistan's location should be considered in more favourable terms. Dounreay has a markedly different character to that of the proposal, whilst the size and scale of Forss is much less than that of the proposed development. Forss may also be regarded as the exception rather than the norm, in terms of the emerging pattern of wind energy developments in these parts of north Caithness and Sutherland; the prevailing approach elsewhere has been to set wind farm development back from the coast, thereby avoiding the difficulties presented by this proposal.

3.121 We find that Drum Hollistan, by virtue of its prominent, elevated location only 1.3 kilometres south from the coast, would have a significant adverse effect upon the coastal landscape and seascape. We find that the Drum Hollistan site does form part of a landscape transition between two regional landscapes with Caithness to the east and the north coast of Sutherland to the west. We do not consider that the development would be detrimental to that sense of transition however.

3.122 The visual impact of the development would appear particularly stark and incongruous in views along the coast. It would strongly detract from the visual amenity of the coastal area, to a notably greater degree than other wind farm developments within the study area adopted by the EIA report.

CHAPTER 4: IMPACT ON WILD LAND

4.1 In this chapter, we consider the effects of the Drum Hollistan wind farm upon the East Halladale Flows wild land area 39 (WLA 39). We first of all draw conclusions on what we consider to be the most appropriate methodology for assessing these effects, as this informs our subsequent assessment.

Wild land policy and guidance

4.2 Rather than provide a full chronology to explain how wild land policy and guidance has emerged and developed, we set out in this section the current and salient policy and guidance considerations relevant to this application, elaborating upon the policy context outlined in chapter 2.

4.3 As already identified in chapter 2 above, National Planning Framework 3 (NPF3), at paragraph 4.4, makes clear the position of the Scottish Government, stating that: "We also want to continue our strong protection for our wildest landscapes – wild land is a nationally important asset."

4.4 Scottish Planning Policy 2014 (SPP) expands on NPF3's position. Table 1 of SPP sets out a spatial framework for onshore wind farms, which should be reflected in development plans. This establishes three groups of areas in Scotland: group 1: areas where wind farms will not be acceptable (which applies to National Parks and National Scenic Areas); group 2: areas of significant protection (which includes a range of designations and interests including areas of wild land as shown on the 2014 SNH map of wild land areas); and group 3: areas with potential for wind farm development (which are locations outwith those in groups 1 and 2).

4.5 Paragraph 169 of SPP sets out a wide range of development management considerations of relevance to wind farm proposals. This includes, in the sixth bullet point "landscape and visual impacts, including effects on wild land".

4.6 More broadly and relating to the role of development plans, SPP goes on to state in paragraph 200 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." Finally, paragraph 215 states that "In areas of wild land (see paragraph 200), development may be appropriate in some circumstances. Further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation."

4.7 SNH published its wild land areas map in June 2014, which delineated all areas of wild land in Scotland. This was accompanied by SNH's 'Advice to Government' which outlined the approach used to map the areas.

4.8 Guidance on how to assess the impacts of development on wild land areas is currently under review by SNH. In 2007, SNH published 'Assessing the Impacts on Wild Land – Interim Guidance Note', which was updated in October 2014. Despite its 'interim' title, it has not been formally superseded by any alternative document. In January 2017, SNH published revised draft guidance 'Assessing impacts on Wild Land Areas – Technical

Guidance', which was subject to consultation between January and April 2017. This document received 148 consultation responses, and the outcome of the consultation and final document is awaited. SNH strongly favour the use of the 2017 draft guidance; we reach our own view on this matter below.

4.9 In January 2017, SNH also published descriptions for each individual wild land area, including for WLA 39. These align with the assessment approach proposed in the draft 2017 guidance, although it should be noted that the descriptions themselves are published rather than draft. The description identifies "… individual wild land attributes and resulting wild land qualities. The qualities reflect specific combinations of the attributes and the varying influence of these as they come together and are experienced" (CD10.33 paragraph 1.2).

Evidence on wild land effects

4.10 The applicant's EIA report addresses wild land effects within the landscape and visual chapter 7 of the written statement. This is accompanied by large format baseline illustrative material including wirelines and photomontages in volume 3, including four wild land viewpoints in figures 7.49; 7.50; 7.51; and 7.52.

4.11 The applicant's peer review of the landscape and visual evidence in the EIA report also included a review of the EIA report's findings relating to wild land. As outlined in paragraph 3.3 above, this was advertised as additional environmental information in accordance with the EIA regulations.

4.12 Ahead of the inquiry, a wild land inquiry report and supporting figures were prepared by the applicant's witness (who also undertook the peer review). The wirelines within the supporting figures were updated and take account of the consented Dounreay Tri offshore wind energy development. It also introduced an additional viewpoint, E, at Loch na Caorach. This was further supplemented by additional wirelines centred on Drum Hollistan wind farm, but from the wild land viewpoints used by the Limekiln 2 applicant.

4.13 SNH submitted an inquiry report, which provides an assessment of the effects of Drum Hollistan on WLA 39, using the methodology set out in the 2017 draft guidance. An alternative summary assessment using the 2007 guidance is set out in Annex A of SNH's inquiry report. A separate document prepared for the purposes of the inquiry, 'Supplementary information on wild land impact appraisal', contains more detailed information on how the 2017 draft guidance has been interpreted and applied to the main assessment provided in the inquiry report (with the content of this latter document applying equally to SNH's assessment of Limekiln 2).

4.14 The John Muir Trust (JMT) submitted two inquiry reports: one by John Low from JMT and one by Dr Steve Carver of the Wildland Research Institute (WRI). The Limekiln 2 applicant raised a number of queries, seeking clarification on various aspects of Dr Carver's evidence. This resulted in two substantive responses from Dr Carver. We therefore allowed both applicants to submit supplementary precognitions to allow for a response to be made to those submissions. The supplementary precognition for the Drum Hollistan applicant was submitted on 23 February 2018.

4.15 The statement of agreed matters, jointly submitted by the applicant, SNH and the council, is confined to the following points in regard to wild land matters:

- SNH published updated wild land assessment guidance for consultation purposes in January 2017. This remains in draft form and has not yet been finalised. On their website, SNH advise that "You should apply the consultative draft guidance in place of the 2007 guidance while we consider responses". The 2007 guidance is still recorded on the SNH website and has not been withdrawn.
- The parties agree that the WLA 39 is the only wild land area which requires consideration at the Inquiry.

The main points for the applicant

4.16 Scottish Planning Policy (SPP) recognises that whilst seeking to protect wild land, some wind farm development may be appropriate within WLAs (paragraph 215) and this is also reflected in SNH advice to government (paragraph 2.7). SNH's Spatial Planning for Onshore Wind Turbines – Natural Heritage Considerations also emphasises this approach, where in the sixth paragraph of Annex 1 it states that "Within local landscape designations and Wild Land Areas, the degree of landscape protection will be less than for National Scenic Areas. In these areas, an appropriate objective may be to accommodate wind farms, rather than seek landscape protection".

4.17 WLAs are not landscape 'designations' and are not recognised for their scenic quality. It is, however, notable that the East Halladale Flows WLA 39 is not 'overlapped' by national or local landscape designations, which are recognised for their scenic quality, as with other WLAs within the study area.

4.18 83.91% of the land within the boundary of WLA 39 presently has visibility of existing and consented wind farms, not accounting for other applications. The addition of Drum Hollistan would increase this by 1.95%. This reflects the general SNH advice (documents CD10.35 (paragraph 5) and CD10.28 (paragraph 9)) that wild land areas are not 'wilderness', and it is recognised that they will be affected to varying degrees by limited development either within or outwith their areas. Wild land qualities will be variable within the WLA as is susceptibility to development.

4.19 Views of background wind farm development are a characteristic of parts of WLA 39. In this respect, the East Halladale Flows WLA 39 can be regarded as a 'landscape with wind farms'. Given the number of examples of where wind farms are located in close proximity to WLAs, and which were existing or consented at the time WLAs were established, this confirms that WLAs do not preclude wind farms or visibility of them.

4.20 Excluding visibility restricted to blade tips and areas of visibility of less than 4 turbines, the extent of ZTV coverage is closer to 16% of WLA 39, concentrated on the northern and north western areas of WLA 39. Conversely 73% of WLA 39 would have no theoretical visibility of Drum Hollistan. There is limited or no theoretical visibility from the area east of the broad ridgeline between Beinn Ratha and Clachgeal Hill, or from beyond the higher ground, roughly coinciding with the 8 km distance indicator from Drum Hollistan (shown in inquiry report figures 2.3 and 2.4).

Methodology

4.21 A large part of the wild land inquiry sessions was taken up with consideration of methodological matters, principally, the approach which is best able to capture the essence of the qualities which underlie the mapping of the WLA 39.

4.22 The applicant asserts that no one assessment can claim the title of the 'best' method, most suited to identify the significance of the effects of Drum Hollistan, Limekiln 2 or both on the WLA. Regardless of methodology, there needs to be an understanding of: (a) whether there are likely to be significant effects from either or both schemes on WLA 39; and (b) whether these effects meet any 'test' for the level of effect predicted.

4.23 To assist, the applicant has assessed wild land effects using both the 2007 guidance and 2017 draft guidance.

Assessment using 2007 guidance

4.24 The proposed development lies outwith the WLA 39 boundary and could not physically affect any of the 'physical attributes' located within WLA 39. The strength and perception of wild land is strongest whilst viewing into the WLA and/ or whilst moving into and towards the core of the WLA. Views looking out of WLA 39 tend to involve visibility of adjacent landscape and features that are not wild, whilst views looking into the WLA, or across into a neighbouring WLA, tend to have the strongest WLA qualities. This stark contrast is illustrated in figure 2.7, which provides an annotated view of development visible in the northern hemisphere, in comparison to the lone mountains visible in the southern hemisphere, viewing in this example from the Beinn Ratha summit.

4.25 The peer review agreed with the conclusions of the EIA report's wild land assessment, concluding that there would be no significant effects on WLA 39 and agreeing with the conclusions that the effect of Drum Hollistan on WLA 39, as a whole, would be not significant. A summary of the assessment against the 2007 guidance, which takes account of the peer review, is provided in table A1 of the inquiry report (Appendix A).

4.26 In regard to physical attributes, there would be no effect on 'perceived naturalness' and 'rugged or otherwise challenging terrain'. It is noted that SNH and the council appear to agree with this conclusion.

4.27 For the attributes 'lack of constructions or other artefacts' and 'little evidence of contemporary land uses', there are numerous developments and contemporary land uses visible in the northern hemisphere from the closest assessment viewpoints. Whilst these are seen in views out of the WLA, it does not support SNH's contention that the boundary is 'fluid' and extends further north into the sea. Taken together, the number and volume of other development visible from WLA 39 is sufficient to weaken the physical attributes and perceptual responses, although they would remain present. In addition, the area to the north has less land based 'range and prospect', and less 'risk and anxiety' in comparison to the views south, back into the WLA.

4.28 Whilst some moorland is visible in the northern hemisphere, this was not included within WLA 39 or the description of it; and there is no mention of the sea. Further, it is unreasonable to expect people to 'visually sieve out' those areas of moorland from the background of other development visible in this panorama along the coast, and thereby

claim a predominant quality of wild land. The design of Drum Hollistan has led to a simple and cohesive composition, reducing its horizontal spread; although it would appear prominent in these views, it would not lead to a significant reduction in the already weakened wild land attributes visible to the north.

4.29 The southern hemisphere more strongly exhibits the wild land attributes and qualities of the East Halladale Flows WLA 39, together with the adjacent WLAs to the south and southwest. These views would be unaffected by Drum Hollistan (viewed in the opposite direction) and the core areas and integrity of the East Halladale Flows WLA 39 would be preserved.

4.30 As one travels further south and deeper into WLA 39 (viewpoints B: Loch nan Eun and C: Beinn nam Bad Mor), the wild land attributes and qualities become stronger, although some development and land-use remains visible. Owing to the increased distance between these viewpoints and Drum Hollistan, the magnitude of impact or change resulting from Drum Hollistan would be reduced in comparison to the more northerly and peripheral viewpoints which are closer to the proposed development. Again, the level of effect on these views would not be significant, with the integrity of the main, southerly views, core areas and the WLA as a whole preserved.

4.31 All of the perceptual responses are present within WLA 39, although the strength or quality of each of them is variable, with the strongest perceptual responses focused on the southern views and core area of the WLA, away from the more peripheral areas along the WLA boundary. It is also clear from site visits that all of the perceptual responses would remain present with the addition of Drum Hollistan.

4.32 Overall, Drum Hollistan would have a limited effect on the baseline strength of the physical attributes while all of the WLA perceptual responses would remain present, indicating, as assessed in the EIA report, that the effect of Drum Hollistan on WLA 39 would be not significant. The most valued views south and the core area of wild land and its wild land qualities and integrity would be preserved as a whole.

Assessment using draft 2017 guidance

4.33 The draft 2017 guidance was developed to assess the effects of development on WLAs and their specific wild land qualities. The document status is ‘draft’ and has not yet evolved to take account of the extensive consultation comments.

4.34 The methodology recognises that the wild land qualities will vary across a WLA, and will “strengthen progressively as a person moves into the WLA” (paragraph 18). This is an observation that has proved particularly relevant where the views south and locations deepest within and towards the south of WLA 39 are noted as those areas with the strongest wild land qualities, reflecting the core area of WLA 39.

4.35 Turning to consideration of the four wild land qualities identified in the description of WLA 39:

- Quality 1 - An awe inspiring simplicity of landscape at a broad scale, with a strong horizontal emphasis, ‘wide skies’ and few foci

The southern views, which express this quality most strongly, would not be affected. The views north are more complex. Rather than a horizontal emphasis, the views tend to be from higher ground and overlooking. Whilst the turbines would be clearly visible, the wild land effects would be limited. Although the quality is weaker in the north, the addition of Drum Hollistan would add further complexity and foci. Conversely, the magnitude of change related to Drum Hollistan decreases towards the south, with increased distance and reduced horizontal spread and scale. For these reasons, the levels of effect would be not significant.

- Quality 2 - A remote, discrete interior, with limited access and a strong sense of solitude

  Again this quality is most strongly expressed from areas deeper within the WLA, beyond the Beinn Ratha – Clachgeal Hill ridgeline and the northern area within 5-6 km from Drum Hollistan. Where this quality is more strongly expressed, views of Drum Hollistan diminish. The effect from Drum Hollistan would be not significant. Limekiln 2 would have the greater effect, although it is considered that the combined cumulative effects of Drum Hollistan with Limekiln 2, would also be not significant for similar reasons and would not harm the overall integrity of the WLA.

- Quality 3 - A rugged and complex pattern of hidden burns, lochans and pools at the local level, despite the landscape's simple composition at the broad scale

  There would be no effect on this quality from Drum Hollistan, or cumulatively.

- Quality 4 - A remarkably open landscape with extensive visibility, meaning tall or high features in the distance are clearly visible

  This is most strongly expressed within the core area and in the south facing views, which would not be affected by Drum Hollistan. Viewing north, open views are less 'remarkable' and more typical of lower hill top views.

Cumulative effects

4.36 The combined, cumulative effects of Drum Hollistan and Limekiln 2 are likely to be significant from views in the northern part of WLA 39, particularly in the northeast, owing to the increased magnitude of change resulting from Limekiln 2. These effects would not, however, result in a significant effect on this quality in the core area or southern views, and would not harm the overall integrity of the WLA. Effects would be indirect in nature and limited to the north and north eastern areas of WLA 39; areas where the physical and perceptual attributes are weaker and affecting views out of the WLA towards the coast in the north.

4.37 Generally, Limekiln 2 has twice the impact in comparison to Drum Hollistan (in terms of proximity, horizontal field of view, number of turbines and extent of wind farm area, visible from the assessment viewpoints). Nonetheless, the Drum Hollistan and Limekiln 2 schemes are separate and distinctly suited to their respective locations. Both could be accommodated within the extensive northern panoramas as features of a more settled area to the north.

The evidence of SNH

4.38 The defects in SNH's assessment of Drum Hollistan using the draft 2017 guidance, in its inquiry report, can be summarised as follows:

- The fragmentation of an overall assessment of the effects on wild land, created by an over-strict adherence to effects on individual qualities considered only within the WLA, which leads to a circumscribed assessment in which views out are in some way discounted;
- the need for assessment of the effects of a development lying outside a WLA is imprecise;
- a 'test' of significance linked to qualities which are 'substantially eroded', is one which has no basis outside the current draft guidance, and no endorsement by Scottish Ministers. When 'value' is then added in at a later stage, uniformly 'high' in the assessment of Drum Hollistan (see the last bullet point below), an alternative threshold of 'serious compromise' confuses the level of significance ascribed;
- the magnitude of effect of Drum Hollistan has been assessed by considering the view to only one quadrant of the compass, instead of taking account of the whole 360° experience, as shown in the large format visualisations and for the wild land viewpoints in the EIA report volume 3;
- the muddling of the physical attributes which contribute to the different qualities of the WLA;
- the complete ambiguity of the word 'may' in sections 11 and 25 of the 2017 guidance, understood by Ms Anderson (and indeed SNH more widely) to mean that as development outside the boundary of WLA 39, Drum Hollistan could affect the physical attributes of the area, whereas it is clear that Scottish Ministers regard such effects as being limited to perceptual responses only; and
- ascribing of a uniformly 'high' value to wild land, at a later stage than that advised by the 2017 guidance itself, contrary to GLVIA3 advice and good practice.

4.39 Overall, the assessment for SNH using the draft 2017 guidance was incomplete, partial and methodologically skewed. Given the acknowledgement that the draft 2017 guidance has yet to be developed through application, practice and eventual endorsement by the Scottish Ministers, that assessment should be treated with caution. The alternative assessment for SNH using the 2007 guidance lacked detail, reflecting SNH's strong preference of following the 2017 draft guidance.

The evidence of the John Muir Trust (JMT)

4.40 The evidence presented by the JMT was frequently confused between landscape and visual, and wild land matters.

4.41 A number of anomalies were identified in the desk and map-based evidence of Dr Carver for the JMT, and during cross-examination these were not adequately explained. Some had resulted from inaccurate assumptions or errors in the datasets being used, whilst there was no explanation for others. The evidence was confusing; a computer simulation is not the same as what a human being would experience and there was not an adequate explanation for the lack of correlation between his evidence and the findings of either the Drum Hollistan or Limekiln 2 applicant.

4.42 Mr Low, also for the JMT, has no formal landscape qualifications, and seemed unaware of any distinction between landscape and visual effects, and effects on the qualities of wild land.

4.43 The findings of Mr Low's viewpoint assessment are overstated and not accepted. His assertion that an EIA reflects only professional judgement is also not agreed. Overall, much of the evidence given for the JMT is based on opinion rather than objectivity.

The main points for Scottish Natural Heritage (SNH):

4.44 There is no policy dispute as to the proper approach to wild land – a significant adverse impact on wild land qualities can arise by reason of a wind farm outside a WLA and, if it does, it requires to be put in the balance against the benefits of the proposal. The weight to be given to such impacts will vary with each case but, nevertheless, is likely to be considerable given the recognised national importance of protecting WLAs. As the Creag Rhiabhach decision demonstrates, that can be overcome in an appropriate case. Significant wild land impact does not equate per se to an embargo, though it can quite properly justify a refusal as contemplated by the reporters in the previous Limekiln inquiry.

Methodology

4.45 What is important for this inquiry is that the assessment methodologies, as applied, are understood and provide a robust assessment of the qualities. It is not particularly important for the inquiry that the 2017 draft guidance is a draft document if, in its current format and read alongside the explanatory note submitted to the inquiry (document SNH8), it fulfils that task.

4.46 Read as a whole, the applicant's judgments in Ms Rylott's inquiry report have an over-emphasis on visual assessment, and within that context over-emphasise the importance of views to the south and south west.

4.47 Other errors include:

- Finding WLA 39 to be "a landscape with wind farms" just because views of wind farms are capable over long distance;
- the view that the Limekiln 1 reporters' conclusions supported her case, arguing that the whole of the north of the WLA is affected to the same degree by external detractors as the area to the east of Beinn Ratha, which is clearly not the case. The Limekiln 1 reporters' assessment of views to the north east with its obvious detractors, are translated to views to the north where these detractors are not present, save to a much reduced extent;
- the "hemisphere" approach is directly at odds with an experiential approach. A viewer does not just experience a view in one direction, he/ she experiences the full extent of the view;
- the approach to 'core areas' was outdated;
- analysis of the four qualities of the WLA description tended to confuse qualities 1 and 4 and over-emphasised views outwith the WLA (relevant to quality 4) and largely ignored the qualities of "awe-inspiring simplicity and openness" (quality 1) within it.

4.48 In Ms Rylott's assessment (for the applicant) using the draft 2017 guidance, she undertook a viewpoint assessment in essence, and found no significant impacts, and likewise no cumulative significant effects. Drum Hollistan must be truly exceptional to be

sited so close to a WLA yet have no significant effects at all. No other examples of such a wind farm have been identified. The four selected viewpoints are elevated and are not representative of the more contained lower parts of the WLA which often feature a stronger sense of seclusion where development and land uses such as forestry located outside the WLA are less evident. Some of these more contained areas in the northern part of the WLA would have theoretical visibility of this wind farm, as shown in the ZTV in Figure 1.

Assessment using draft 2017 guidance

4.49 The assessment undertaken by Ms Anderson for SNH is clear and robust. The assessment of effects on wild land qualities is more nuanced than an assessment of visual effects; this is because even a relatively small change, for example visibility of a limited number of turbine blade tips, can result in a significant effect on perceptual qualities such as the sense of remoteness and solitude experienced within the WLA.

4.50 The physical attributes and perceptual responses associated with wild land are strongly linked. The type of effects on wildness will depend on the nature, scale and location of the development in question. Large wind turbines sited close to a WLA would be likely to be more visually intrusive than many other types of development and therefore could have a greater propensity to affect physical attributes, such as the perceived naturalness of the WLA or the lack of artefacts/ structures, as well as affecting perceptual responses.

4.51 The assessment, using the 2017 draft guidance and further clarified through document SNH8, considers the susceptibility of each WLA quality to the type and scale of development proposed. The magnitude of change is then assessed and conclusions drawn on the significance of effect for each of the four qualities. The value attached to the WLA has not been factored into the assessment in table 1 of the inquiry report, and therefore needs to be considered when making judgements on the effect of the proposed wind farm on WLA 39. The 2017 draft guidance notes that the value of WLAs should be judged to be high in accordance with their nationally important status as set out in NPF3 paragraph 4.4.

4.52 Two of the four qualities identified in the description of this WLA would be significantly and adversely eroded by the proposed Drum Hollistan wind farm. These are as follows:

- Quality 1 (“An awe-inspiring simplicity of landscape at the broad scale with a strong horizontal emphasis, ‘wide skies’ and few foci”) - this development would substantially diminish the sense of awe experienced within this WLA by reducing the perceived expansiveness of this very open, low lying and simple landscape where scale and distance is hard to judge (and where the WLA comprises a relatively small area, belying the huge sense of space experienced).

- Quality 2 (“A remote, discrete interior, with limited access and a strong sense of solitude”) - the sense of remoteness and solitude that is present across much of the WLA and which is most strongly experienced in the more contained basins, valleys and interior plateaux, would be significantly diminished by this development which would lie very close to its boundary and comprise large visibly moving turbines. Wildness is experienced as a continuum and even where not visible, the wind farm could alter the perception of remoteness and solitude experienced across the WLA as the memory of what is present and highly intrusive is retained.

4.53 Drum Hollistan would stand on the edge of WLA 39 on ground of broadly similar elevation, rather than Limekiln 2 which effectively sits below that part immediately adjacent to it - albeit its impacts are felt further to the south. Its turbines would dominate the features of the northern part of the WLA 39 and diminish Beinn Ratha – significantly so. Beinn Ratha is perhaps the exception hill to the flat rule of sweeping moorlands, but it is an integral part of WLA 39. Its scale would be diminished by Drum Hollistan's very high turbines (and also by Limekiln 2) in the wider views from the interior of the WLA when looking north.

Cumulative effects

4.54 The proposed Limekiln 2 wind farm would incur significant cumulative effects on the qualities of WLA 39 in combination with the Drum Hollistan wind farm. Both these developments lie very close to the boundary of the WLA and comprise large turbines which would be dominant features from parts of the WLA. Theoretical visibility of these wind farms broadly overlaps in the central part of the WLA with both mainly being visible from higher ground. The combined effect of both wind farms would result in significant cumulative effects on the awe-inspiring simplicity of this landscape and on the sense of remoteness and solitude experienced within much of the northern part of the WLA. This would be of such significance that two of the wild land qualities would be majorly altered, and most probably lost, from a substantial part of the WLA.

4.55 There would also be some significant cumulative effects arising between Drum Hollistan and the Strathy South and Strathy Wood wind farm proposals where these developments, in combination with the operational Strathy North wind farm, would substantially increase the extent of wind farm development seen from the East Halladale Flows WLA, further eroding the sense of continuity and expansiveness of the WLA (WLA quality 4).

2007 guidance

4.56 The alternative assessment using the 2007 guidance, provided in Annex A of the inquiry report, considers more generic wild land physical attributes and perceptual responses rather than the qualities specific to the East Halladale Flows WLA. The WLA mapping, WLA description and the 2017 draft guidance allow a better understanding of the effects to be considered in an assessment. Notwithstanding those comments, the conclusions of the assessment undertaken using the 2007 guidance are that the Drum Hollistan wind farm would result in adverse and significant effects on the WLA.

4.57 While the proposed wind farm would not be sited within WLA 39, its location very close to the northern boundary of the WLA would result in the introduction of very large, moving and dominant constructions/ human artefacts into the northern part of the WLA. The sense of sanctuary/ solitude would be significantly reduced as a result of the increased visual intrusion of close-by and large wind turbines. The proposal would also result in a significant diminishment of the arresting/ inspiring qualities and sense of awe associated with this simple, open and expansive WLA.

Conclusions

4.58 WLAs are recognised as a nationally important asset in National Planning Framework 3 and Scottish Planning Policy (SPP). SPP recognises the sensitivity of WLAs and while there is no specific test set out for development proposals located outside a WLA, it states that consideration needs to be given to any significant effects that may arise (paragraph 169).

4.59 The Drum Hollistan turbines would form a dominant man-made feature, visible across much of the northern part of the WLA. While other wind farms, are visible from the WLA, these are not so intrusive that they significantly affect the strength of the qualities of the WLA, being located further from its boundaries and/ or partially screened by landform or comprising smaller turbines.

4.60 The proximity of the proposal to the WLA and proportion of the area affected by the proposal, including interior areas where the qualities of wildness are particularly well-expressed, will result in significant adverse effects on two of the four qualities of the WLA. These impacts would be adverse and long term and no mitigation would remove or reduce the significance of effect identified. The attrition of wild land qualities would have a greater effect over this relatively small WLA and its value would be seriously compromised by this proposal.

The main points for the John Muir Trust (JMT)

Mr John Low

4.61 The siting and design of the wind farm is such that it will seriously impact on the landscape including WLA 39. The JMT believes that permitting this development in this location would be contrary to the spirit and meaning of NPF3, which states that "spatial frameworks should guide new wind energy to appropriate locations taking into account important features including wild land".

4.62 SPP in paragraph 200 states "Plans should identify and safeguard the character of areas of wild land as identified on the 2014 SNH map of wild land areas". This proposal is a very large and visible industrial scale development on the edge of the WLA. It would dominate and overwhelm many of the special qualities which have resulted in this area being designated as part of WLA 39.

4.63 WLAs are officially designated but are not covered by statute. The key attributes and qualities of WLA 39 are described by SNH as being:

- "An awe-inspiring simplicity of landscape at the broad scale, with a strong horizontal emphasis, 'wide skies' and few foci" – JMT considers that Drum Hollistan would bring a significant focus to the WLA and significantly disrupt the horizontal emphasis.

- "A remote, discrete interior, with limited access and a strong sense of solitude" – JMT considers that Drum Hollistan would be a discordant feature which would negatively impact on this characteristic.

- "A rugged and complex pattern of hidden burns, lochans and pools at the local level, despite the landscape's simple composition at the broad scale."

- "A remarkably open landscape with extensive visibility" - because of this, very tall features in the distance are clearly visible. Drum Hollistan would bring tall man-made features much closer to the WLA, which would be clearly visible and would therefore impact on its qualities. Nowhere does SNH or their descriptor suggest that uniform, exceptionally high structures with moving blades, surrounded by tracks and hardstandings, would complement this unique and awe inspiring landscape.

4.64 The above conclusions are supported by a viewpoint assessment contained in the inquiry report.

4.65 There is an existing cumulative impact from the current operational windfarms. Added to this are those consented but not yet built with a considerable number at application and scoping stage. If consented, the Drum Hollistan wind farm would significantly add to this impact. It is not possible to mitigate the impact of these huge rotating structures to any acceptable degree and therefore are unacceptable on the edge of a wild land area, as their visual impact would detract significantly from the WLA's qualities.

4.66 If Drum Hollistan were to be approved, the result would be a large area of land being removed from the WLA 39 mapped area, at the re-assessment stage, as it would no longer be wild land. This is a fundamental consideration in the view of the JMT, as the loss of wild land cannot be equated with "significant protection" (which WLAs are attributed in table 1 of SPP). The conflict is fundamental and must lead to the rejection of this proposal if there is to be any faith at all in the wording and meaning of policy.

4.67 Although the proposed development will be just outwith the WLA, it cannot avoid but have an impact on the WLA as an entity.

4.68 It is essential that WLAs are not eroded bit by bit, through gradual incremental loss of landscape quality, simply because any one particular part of the WLA already has some manmade impacts on it. Now that these areas have been formally identified by the Scottish Government, it cannot be right to allow further significant impacts because there have been some already. To do so would inevitably result in less and less wild land and, as result, such decisions would not have been correct as their effects would be clearly contrary to the objectives of the stated policy.

Dr Steve Carver

4.69 The JMT submits that the evidence of Dr Carver is of the utmost importance in the Drum Hollistan and Limekiln 2 cases. This is the first time that empirical evidence of this type has been presented to a wild land wind farm inquiry in Scotland. It represents a profound and beneficial change of approach to the assessment of the effects of wind farms on mapped WLAs.

4.70 The JMT took the view that the most straightforward way to assess the effects of the development on the WLA would be to repeat the 2014 WLA mapping, but with an assumption of the relevant wind farms being in place, and then to assess just how much of the WLA would be lost.

4.71 Dr Carver's key findings in respect of Drum Hollistan, as below, were not challenged in any way in evidence in chief or in cross examination by either applicant. These findings can be reported to Ministers as unchallenged evidence:

- For Drum Hollistan, it is estimated that the effect would be that the area of Jenks class 7 and 8 wild land in the core zone would be reduced by 546 ha or 34.6%.
- The cumulative effect with Limekiln 2 is estimated as being that the area of Jenks class 7 and 8 wild land in the core zone would be reduced by as much as 718 ha or 50.6% and the Jenks class 5 and 6 areas reduced around the edge by 361 ha or 3%.

4.72 These analyses are based on the same approach, methods and techniques used by SNH in developing the 2014 map of WLAs. The mapping is based on an assumption that Drum Hollistan would comprise 17 turbines, 130 metres in height. This assumption over turbine heights was accepted to be incorrect during cross-examination. It is accepted that this would have some effect on the mapping.

4.73 Drum Hollistan would impact significantly on at least three out of the four wild land attributes used to map the spatial distribution and patterns of wild land quality across Scotland. These are 'perceived naturalness of the land cover', 'absence of modern human artefacts', and 'remoteness from mechanised access'. 'Rugged and challenging nature of the landscape' would remain unaffected.

4.74 Relative reductions in wildness are predicted and shown in Figures 3.11 and 3.12 by following and repeating the SNH phase 1 mapping methodology for the proposed development using the same data and the same techniques to enable direct comparison. The greatest impact is, as expected, in the immediate vicinity of the proposed site, but significantly affects the size of the Jenks class 7 and 8 area. This is perhaps the area of greatest significance in terms of impact on the core of WLA 39 with the proposed development being easily visible from various key locations within the central area. There are smaller patches of significant impact at greater distance from the proposed development site wherein most turbines will be in full view.

4.75 The various differences between the applicant's assessment and the remapping exercise for JMT principally arise from factors relating to:

- differences in the terrain data used;
- differences in the viewshed model – the mapping presented for JMT uses software which allows the calculation of the visibility of features in the landscape based on the vertical area visible (taking partial visibility into account) and distance decay effects;
- the applicant's ZTVs not taking 'terrain clutter' (such as buildings and trees) into account; and
- search radius.

4.76 These and other technical issues were raised by the Limekiln 2 applicant, but are relevant to the Drum Hollistan proposal also. Dr Carver has sought to address these matters in two supplementary responses.

4.77 Dr Carver clarified his view during the inquiry that the remapping exercise is a complementary approach and is not being presented as an alternative to other means of assessment including the use of zones of theoretical visibility, wirelines and fieldwork.

4.78 The evidence is an empirical quantification of JMT's fundamental concern that the consenting and construction of wind farms of this scale in these locations will result in a material loss of wild land (when re-mapped using the original methodology).

Reporters' conclusions on wild land

4.79 Scottish Planning Policy (SPP) contains a number of references to wild land, as outlined above. As Drum Hollistan would not be located within wild land, the only directly applicable reference is paragraph 169. This sets out a wide range of development management considerations of relevance to wind farm proposals. This includes, in the sixth bullet point "landscape and visual impacts, including effects on wild land".

4.80 We find there are no other provisions within SPP in regard to wild land, which can be applied to a development outwith WLA boundaries. The usefulness of these other references to our assessment is confined to providing an understanding of the broader policy thrust in respect of the relationship between development and wild land. SPP paragraph 215, for example, indicates that an assessment of effects on wild land requires consideration of "the qualities" of a WLA. This is notwithstanding that outwith a WLA, the requirement of paragraph 215 (to demonstrate that significant effects on the qualities can be substantially overcome) does not apply, and so is not a test which Drum Hollistan must satisfy.

4.81 The 'wildness qualities' of WLA 39 set out within SNH's published wild land description are identified as:

1. an awe-inspiring simplicity of landscape at the broad scale, with a strong horizontal emphasis, 'wide skies' and few foci;
2. a remote, discrete interior, with limited access and a strong sense of solitude;
3. a rugged and complex pattern of hidden burns, lochans and pools at the local level, despite the landscape's simple composition at the broad scale; and
4. a remarkably open landscape with extensive visibility, meaning tall or high features in the distance are clearly visible.

4.82 These qualities are elaborated upon further in the accompanying narrative in the WLA 39 description, and our assessment considers the nature of the effects upon them.

4.83 In regard to the development plan, there is little by way of relevant policy in the adopted LDP which would be of assistance to our assessment of the proposal's wild land effects. We therefore simply refer back to chapter 2 where we provide an overview of the relevant development plan provisions, including where we note that LDP policy 57 is not aligned with SPP on wild land.

4.84 In terms of assessment methodology, SNH has argued the case that the 2017 draft guidance ought to be followed, rather than the 2007 guidance. We find that an assessment approach using the 2017 draft guidance has the capability to more readily reflect the way in which a development would impact upon the qualities, and attributes, that are specific to WLA 39. SNH also advocate using the 2017 draft guidance because it more closely aligns with the methodology in the published Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA3).

4.85 The consultation on SNH's draft 2017 guidance generated a considerable number of responses and substantive criticisms. The JMT have expressed concerns about aspects of the draft 2017 guidance, which are reflective of its response to that consultation. During the wild land inquiry session and policy hearing, SNH fairly acknowledged that changes to the draft document are likely but the scope of these changes could not be confirmed. Nor could the likely timescale for the publication of the final guidance document.

4.86 We note that the applicant has adopted a somewhat more relaxed approach than SNH (or indeed the Limekiln 2 applicant) over the question of which assessment methodology ought to be followed, but nevertheless acknowledges that the confidence that can be had in the draft 2017 approach is reduced by its transitional nature.

4.87 Given there are inherent uncertainties over what final form the currently draft 2017 guidance may take, the weight we attribute to it is reduced. For this reason, we conclude that greater reliance should be placed on the 2007 guidance, as updated in 2014.

4.88 The 2007 guidance requires the consideration of the effects of a development upon the following categories of physical attributes and perceptual responses (assessed against their baseline strength):

Physical attributes:

- perceived naturalness;
- lack of constructions or other artefacts;
- little evidence of contemporary land uses;
- rugged or otherwise challenging terrain; and
- remoteness and inaccessibility.

Perceptual responses that may be evoked by the above physical attributes are:

- a sense of sanctuary or solitude;
- risk or, for some visitors, a sense of awe or anxiety;
- perceptions that the landscape has arresting or inspiring qualities; and
- fulfilment from the physical challenge required to penetrate into these places.

4.89 Methodological issues aside, we consider that the evidence presented by parties, regardless of whether it aligns with the 2007 or draft 2017 guidance (or whether it is a 'bespoke' approach, such as that by Dr Carver), can all be given due regard in terms of the substance of the evidence therein. We have used this range of evidence to draw our own conclusions on the effects of Drum Hollistan on WLA 39.

4.90 We agree with the applicant that there is no established 'test' in policy or guidance, for where effects on wild land from development outwith (regardless of significance) may be deemed to be 'unacceptable', in isolation from the overall planning balance which must be taken. Having regard to the 2007 guidance, and also to a lesser extent the draft 2017 guidance, we find no clear established or potentially emerging test or threshold; our conclusions below therefore reflect our own professional judgement, borne out of the submitted evidence and our own experiences from our extensive site inspections within WLA 39, both accompanied and unaccompanied.

4.91 Based on the zones of theoretical visibility (in figure 2.3 to 2.5), it is evident that the extent to which visibility of Drum Hollistan would occur is geographically variable across WLA 39. The precise characteristics of WLA 39 are also similarly variable. For this reason, before considering the effect on WLA 39 as a whole, we consider it appropriate to first base our assessment on considering the wild land effects on notional 'sub-areas' - a term used by the Limekiln 2 applicant and which we have adopted in our own assessment of that proposal.

4.92 We considered basing our assessment on the northern/ southern 'hemispheres' referred to by the applicant. Whilst this would allow for contrasts in the views and experience to be noted, we do not find this concept to be sufficient to fully consider how different geographic elements of the WLA would be affected. The applicant has also identified a notional 'core area' of wild land (figure 2.2), which we considered using for this purpose. SNH criticised this approach, with the term itself appearing to cause some of this disagreement because it could be interpreted as adopting the same, now superseded terminology used in earlier WLA mapping. The applicant explicitly states that the term does not refer to that previous meaning, but to avoid any confusion, we consider it preferable to refer to this concept as the 'interior' – given this is a term which is used in the wild land description itself in quality 2.

4.93 We have not used figure 2.2 and the core area/ interior it identifies as the means of geographically distinguishing between the effects on different parts of the WLA for two reasons: (1) we find the interior is too widely drawn by the applicant, with areas included which, in our view, do not present the wild land qualities and attributes most strongly; and (2) there are considerable geographical differences across the identified core/ interior (and also in the peripheral areas outwith the identified interior) in terms of the effects of Drum Hollistan.

4.94 All told, we find that the same sub-areas as indicatively drawn by the Limekiln 2 applicant (in figure JW5) are also capable of being applied to the consideration of the effects of Drum Hollistan, with one notable change, outlined below. This also provides consistency in our approach to these individual assessments, and allows for our findings to be articulated in broadly the same terms.

4.95 One difference in our use of notional sub-areas for assessing Drum Hollistan, in comparison to that used in our Limekiln 2 report, is to consider the north-western area of WLA 39 as an additional sub-area, rather than falling within sub-area (iii). This is because visibility of Drum Hollistan would be most extensive from this part of the WLA, which contrasts with parts of sub-area (iii) further east, which has only very limited theoretical visibility of Drum Hollistan. To avoid confusion, we have not altered the numbering of the sub-areas as referred to by the Limekiln 2 applicant, and by us in our inquiry report for Limekiln 2. We therefore refer to this additional area as the 'north-west' sub-area. We would define this north-west sub-area as being those parts of WLA 39 west of the summits of Beinn Ratha (viewpoint D), Sean Airigh (viewpoint A) and Clachgeal Hill (Limekiln 2 viewpoint A), and the interconnecting 'ridge'; and the area west and north of Loch nan Eun (Drum Hollistan viewpoint B), beyond sub-area (ii).

North-west sub-area:

4.96 One of the applicant's representative viewpoints is located within this sub-area, at viewpoint E: Loch na Caorach. The position of this viewpoint is in close proximity to the

wild land boundary, and the illustrative material (figure 2.8) shows the extent to which developments and contemporary land uses in Strath Halladale diminish the sense of wildness in this location. We find the viewpoint to be generally representative of the swathe of WLA 39 in proximity to the western boundary. It is not representative of the character of the whole of this sub-area however.

4.97 The ridgeline between Beinn Ratha and Clachgeal Hill screen from view the developments and land uses which have a profound effect on wildness from the ridge and sub-area (i). The land undulates and its character reflects quality 3's identification of "a rugged and complex pattern of hidden burns, lochans and pools at the local level…". The nature of the topography is such that central parts of the sub-area are well contained, with few or no external influences affecting the strength of wildness. Our findings are consistent with those of SNH in this regard; table 1 of its inquiry report states (in regard to quality 2) that Drum Hollistan "…would also be seen from more confined valleys and basins in the north where a particularly strong sense of solitude can be experienced due to the very limited visibility of human influences outside the WLA".

4.98 We did not find quality 1 to be strongly present in this sub-area, with the undulations and restricted outlook adding a level of complexity to the landscape which is not present in other parts of WLA 39. This in turn reduces the strength of quality 4 to some degree. Despite the relatively strong presence of the physical attributes of perceived naturalness, lack of constructions or other artefacts, and little evidence of contemporary land uses, in parts of the sub-area, we found the only perceptual response of comparable strength to be the sense of sanctuary and solitude. Other perceptual responses, whilst present to varying degrees, were lessened by the limited availability of more expansive views, and the relative proximity of Strath Halladale, which facilitates access as well as refuge.

4.99 We consider the Drum Hollistan wind farm, in this part of WLA 39, would be a prominent vertical, manmade feature which would have a considerable indirect effect in some parts of this sub-area, where the physical attributes referred to above are most strongly present. Where this is the case, we find the susceptibility of the attributes to be heightened. The ZTV shows that most of this sub-area would be likely to have extensive visibility of the proposed development. In locations where other influences are not visible (or where they are less apparent), Drum Hollistan would have a more notable effect upon the perceptual response of the sense of sanctuary and solitude, which is reflected in quality 2.

4.100 The applicant has assessed the effect at viewpoint E to be not significant. Whilst we broadly agree with the assessed relatively low baseline strength of attributes, we do consider the applicant's assessment underestimates the magnitude of change. Regardless of other influences, the development would be prominent and the effect upon the attribute of the lack of constructions/ artefacts would in our opinion be more marked than the applicant accounts for. Whilst the overall wild land effect at viewpoint E is, we conclude, not significant, we consider significant effects would arise deeper into this sub area, based on our foregoing assessment.

Sub-area (i):

4.101 This sub-area is notionally defined by the ridgeline formed by and linking the summits of Beinn Ratha (viewpoint D), Sean Airigh (viewpoint A) and Clachgeal Hill (Limekiln 2 viewpoint A), extending round to Beinn Nam Bad Mor (viewpoint C) and Beinn

Nam Bad Beg (Limekiln 2 viewpoint H). The applicant has stressed the differences between the northern and southern aspects in terms of the respective strength of wildness qualities, attributes and responses depending on the field of view, and we find that this contrast is strongly evident at all of the foregoing viewpoints. That said, we agree with SNH that the wildness qualities are part of a 360 degree experience and cannot be properly accounted for by looking at a particular field of view in isolation from others available from the same location.

4.102 Considering the effects upon these representative viewpoints in these terms, and having visited all of them, we find the strength of wildness is substantially reduced by the extent of human influences to the north of (and outwith) WLA 39. These external influences include development at Dounreay nuclear power station and Reay village, and contemporary land uses including the Limekiln coniferous plantation, and more widely the managed farmland landscape adjacent to the coast.

4.103 The applicant has provided wirelines from all of these viewpoint locations, including those selected by the Limekiln 2 applicant, and so we have a comprehensive impression of the extent of visibility of Drum Hollistan. We have also visited all of these viewpoints. We accept the applicant's argument that in northern views, the magnitude of change must be considered in light of the weakened nature of physical attributes of a lack of constructions and little evidence of contemporary land uses; and that it would be the already affected northern views in which Drum Hollistan would be seen, outwith the WLA boundary.

4.104 Even taking all of these factors into account, we are not persuaded by the applicant that the overall level of effect would be not significant from Beinn Ratha and Sean Airigh. Drum Hollistan would occupy an area of moorland which, despite the presence of a line of electricity pylons (which the WLA boundary follows), and being flanked by more settled landscapes, nevertheless provides a more open, natural character which makes a positive contribution to the sense of wildness from these locations. We find the magnitude of change would therefore be greater than predicted in the EIA report, and the overall effect would be significant at viewpoints A and D.

4.105 We agree with the applicant however that from viewpoint C, the effect would not be significant. The influence the development would have upon wildness would be diminished by the intervening distance, whilst visibility of most turbines would also be restricted to blade tips behind Beinn Ratha. The influence of other development including Dounreay in the same field of view is also material.

4.106 Below the ridgeline in sub-area (i) we found the strength of wildness qualities and physical attributes to be weak. The area is easily accessible from Reay, and Dounreay (where visible) and the Limekiln forest have a marked effect upon any sense of wildness. The ZTV (figure 2.3) indicates visibility of Drum Hollistan would also only occur on the upper slopes approaching the ridge, and across a small area immediately adjacent to the northern WLA boundary, in Helshetter Strath.

4.107 We find that sub-area (i) serves an important function, providing a transitional experience as one enters the WLA, heading south towards its interior where the wildness qualities, and the experience of it, are at their strongest. We do not consider that Drum Hollistan would detract from that sense of transition, even though we find the effects from some locations along the ridgeline to be significant. It is principally south of the ridgeline, beyond this notional sub-area, where the transition is completed and wildness strengthens.

Sub-area (ii)

4.108 This sub-area as delineated by the Limekiln 2 applicant is located broadly in the centre of the core area/ interior of WLA 39 identified by the Drum Hollistan applicant (figure 2.2). In terms of illustrative material upon which our assessment is based, viewpoint B (Loch nan Eun) is located on the western extremity of the sub-area. The applicant's wirelines based on the Limekiln 2 viewpoint locations and associated assessment conclusions (tables A2 and A3) are also of assistance, with Limekiln 2's viewpoints B and C being located within this sub-area also. The applicant's blade tip and hub-height ZTVs (figures 2.3 and 2.4 respectively) corroborate the extent of potential visibility of Drum Hollistan in this sub-area.

4.109 We have visited this sub-area on both an accompanied and unaccompanied basis. These were undertaken on days with excellent visibility. We found this to be an area where the wild land qualities and attributes are strongly expressed, with little in the way of influences from developments or land uses outwith the WLA. We consider the applicant has overstated the influence of Strathy North wind farm and Strath Halladale, to the west, upon the strength of attributes at viewpoint B. We note also that Strathy South wind farm has been consented. If built this would, in our view, have some further effect upon the strength of these attributes. Notwithstanding, whilst Strathy North wind farm is noticeable and does have a bearing (albeit limited) upon the overall wildness experience, we found the qualities, attributes and perceptual responses to endure and to be of high strength. In turn, we find this viewpoint, which we consider to be representative of sub-area (ii) more widely, to have high susceptibility to the introduction of new foci.

4.110 We consider the applicant has underestimated the sensitivity of qualities 1, 2 and 4 at its viewpoint B and from Limekiln 2 viewpoint B. We found there to be little difference in the strength of qualities and attributes between those viewpoints and at Limekiln 2 viewpoint C. We agree with the applicant's conclusion that the qualities 1 and 2 are of high sensitivity. We consider quality 4 to also have high sensitivity, and we would attribute these same ratings to all three viewpoints located in this sub-area.

4.111 From both our accompanied and extensive unaccompanied site inspections, and whilst acknowledging that it was impractical to walk through or visit every part of the WLA, out of all of the many areas and locations we did visit, we found no other areas of the WLA to present qualities 1, 2 and 4 more strongly than in this modest sub-area.

4.112 We have given careful consideration to the factors which lead us to this view. The relative elevation of sub-area (ii) provides for particularly expansive, panoramic views. The vast sense of scale, simplicity, openness, and horizontal emphasis are strongly present.

4.113 The extensive visibility to the south and south-west is a very significant factor, with visibility stretching well beyond the boundaries of WLA 39, which we found to be largely indecipherable from here. Whilst WLA 39 is actually fairly small in area, there is no impression of this from sub-area (ii), with southern views extending across WLA 36 (Causeymire-Knockfin Flows) and beyond to the lone mountains of Morven and Scaraben. Long-range views of Ben Loyal and Ben Hope are available to the south west.

4.114 In comparison to this southern aspect, in isolation the northward views are less impressive, curtailed by the ridgeline which also forms the notional boundary with

sub-area (i). In this sense, the applicant's distinction between the northern and southern 'hemispheres' has some logic. However, we consider that approach risks implying that the contribution of the northern aspect is of less importance to the overall strength of wildness qualities, attributes and resulting perceptual responses. We find that the 360 degree experience is integral to the strength of wildness at all locations within the WLA. The high strength of wildness in the interior of the WLA, which includes the entirety of sub-area (ii), is in our view reliant on the northern aspect's perceived naturalness, lack of constructions or contemporary land uses, its challenging terrain and remoteness, in equal measure to that of the southern aspect; it is this overall experience which gives rise to the high strength of wildness. This further explains why viewpoints located along the ridgeline in sub-area (i) provide relatively less wildness; the influence of development and land use to the north affects the experience significantly despite the dominating, expansive views southwards.

4.115 Sub-area (ii) is arguably the most difficult part of WLA 39 to access on foot given its distance from any of the tracks which penetrate into the wild land, and the nature of the terrain. We found our unaccompanied site inspection particularly beneficial to consider the perceptual responses that arise from being in sub-area (ii). Having experienced the difficulties of navigating and orientating oneself in what is a remote area with very few visible human influences, all of which were relatively distant, all of the perceptual responses which ought to be provided by a WLA presented themselves strongly. For us, the sense of sanctuary and solitude, sense of risk, and the arresting, inspiring qualities of the landscape were all particularly apparent.

4.116 The strong sense of wildness in this sub-area is not, we found, prevalent in other parts of WLA 39. We therefore consider Drum Hollistan's effect upon sub-area (ii) to be a particularly important aspect of our assessment. The applicant has concluded that there would be no significant effects from viewpoint B, or from Limekiln 2's viewpoints B and C. Using the illustrative material provided by the applicant, which we also reviewed whilst at the viewpoint locations, we consider the applicant has under-estimated the effect of the proposed development at these viewpoints. From viewpoint B, EIA report figure 7.50 provides baseline photography, wirelines and a photomontage of the wind farm. From this, we find Drum Hollistan would significantly detract from the qualities of WLA 39, interrupting the simplicity of the landscape and its strong horizontal emphasis. Its presence would affect the sense of solitude which is provided by the 360 degree experience of the area. A number of the turbines would also appear to sit on the skyline, increasing their visibility. These effects are not lessened to any meaningful degree by the more distant visibility of Strathy North wind farm to the west.

4.117 Whilst illustrative material at the Limekiln 2 viewpoints B and C is limited to wirelines (plus baseline photography (for viewpoint B in figure 9.51 and viewpoint C in figure 9.52 submitted by the Limekiln 2 applicant), we find the effect of Drum Hollistan at Limekiln 2 viewpoint B can be fairly described in the same terms as the applicant's viewpoint B. The effect from Limekiln 2 viewpoint C is lessened because visibility of Drum Hollistan would be more limited by the topography, but this must be considered in the context of the location, which offers such a high strength of wildness.

4.118 We conclude that there would be significant, adverse effects at all three viewpoints in sub-area (ii). We do not find Drum Hollistan would have such an adverse effect within sub-area (ii) as to result in any of the attributes and responses being lost altogether, and we consider that wildness qualities would still prevail. Whilst the sense of wildness is provided by the full experience of the area, we agree with the applicant that the southern aspect is a

particularly important element of the defining characteristics of WLA 39. With some caution, we note that it is to Drum Hollistan's advantage that it does not affect the southern aspect. We are however left in no doubt that in sub-area (ii), wildness would be reduced. The extent to which this weighs against the proposal is accentuated by the limited locations elsewhere in WLA 39 where the wildness experience is comparably strong.

Sub-area (iii):

4.119 This sub-area comprises all other areas outwith and to the south of the sub-areas considered above. It is important to note again that this sub-area differs to how it is shown on Limekiln 2's figure JW5, as for the purposes of assessing the effects of Drum Hollistan we have treated the north-west segment of sub-area (iii) as a separate sub-area.

4.120 The applicant did not select any representative viewpoints in this area. We consider this to be reasonable given the very limited locations from where any visibility of Drum Hollistan would occur, as indicated by the ZTVs in figures 2.3 and 2.4. The wirelines provided by the applicant confirm there would be no visibility of Drum Hollistan from Limekiln 2's viewpoints D, E, F and G.

4.121 The locations within this sub-area from where there would be visibility of Drum Hollistan, are located next to the southern boundary of WLA 39, where other influences, particularly coniferous forest plantations, already reduce wildness. These limited locations are essentially transitional areas and not part of the interior of the WLA. Combined with the increased distance at which Drum Hollistan would be visible, we do not consider any significant effects would arise in this sub-area.

4.122 We consider that a key aspect of our consideration of the overall effect of Drum Hollistan upon WLA 39 as a whole, is whether the WLA would still be capable of providing an experience of wildness of a comparable strength to that currently. We have concluded above that sub-area (ii) possesses strong wildness qualities, which would be significantly adversely affected by Drum Hollistan. The degree to which this weighs against Drum Hollistan is, in our view, partly determined by the extent of wild land with similarly strong baseline wildness, which would not be significantly affected by the development.

4.123 In large parts of sub-area (iii), we find that the wildness qualities and attributes are less strongly present than in sub-area (ii). We disagree with the applicant's illustration in figure 2.2, which suggests that the majority of this area is within the core/ interior where the qualities and attributes are most highly expressed.

4.124 During our site inspections, we found that from much of the eastern third or so of sub-area (iii) (i.e. approximately the area south and east of Beinn nam Bad Beag (Limekiln 2's viewpoint H)) there are a number of detracting influences upon the physical attributes and perceptual responses. Within the WLA, there are the tracks from Shurrery Lodge to Loch Tuim Ghlais, and from Dorrery to Loch Caluim. There are other external influences, including the wind farms at Baillie Hill and Causeymire; coniferous plantations; the railway; the mast at the summit of Ben Dorrery and the single dwelling at Torran at the foot of Ben Dorrery. Further west, the qualities and attributes are stronger, but there is not the same impression of openness or extensive visibility as from more elevated locations. In areas close to the southern boundary, the relative proximity of coniferous plantations (some of which have been/ are being felled) also lessens the sense of wildness.

4.125 We must be careful to not overstate the effects of external influences on the wildness of sub-area (iii) as a whole. However, we find there are only limited areas of sub-area (iii) with similarly strong baseline physical attributes and perceptual responses to those available in sub-area (ii), which would be unaffected by Drum Hollistan. We found a comparable strength of wildness to be present in the area immediately to the south of sub-area (ii); and to the immediate north, south and west of Loch Tuim Ghlais, despite access to this area being facilitated by the well-made track from Shurrery Lodge to the loch. Based on our site inspections and the evidence before us, we consider that if there are any other locations in sub-area (iii) with comparably strong physical attributes and responses to sub-area (ii), these must be highly localised.

Cumulative considerations

4.126 Both the applicant and SNH have taken the approach towards operational wind farms as forming part of the baseline against which Drum Hollistan is being assessed. We agree that the standalone assessment of the proposed development implicitly takes account of other developments and their influence.

4.127 Broadening our consideration of cumulative effects to include consented and proposed schemes (except Limekiln 2, which we return to below), of most relevance are the consented Strathy South and application-stage Strathy Wood wind farms, which if built would be located to the immediate south of the operational Strathy North wind farm. We consider that the additional effect of Drum Hollistan, alongside these schemes, would give rise to some significant effects, principally from the summits and ridge in sub-area (i); from sub-area (ii); and limited parts of the north-west sub-area. However, those other schemes are relatively distant, and whilst we find the overall cumulative effect with Drum Hollistan would be significant, the overall strength of wildness qualities and attributes would not be diminished. We are satisfied that there would not be any other significant cumulative effects in other locations alongside other schemes relevant to this scenario.

4.128 The addition of Limekiln 2 to the cumulative scenario would result in Drum Hollistan having a more marked combined cumulative effect upon WLA 39. The cumulative ZTV (figure 2.5) indicates that sub-area (ii) at and in the vicinity of viewpoint B, and Limekiln 2's viewpoints B and C, would be subject to extensive combined visibility. In light of our conclusions above in regard to the strength of wildness in this area, and the significant adverse effect Drum Hollistan would individually have upon wildness qualities, attributes and responses in this area of the WLA, we consider the magnitude of that effect would be increased markedly in the presence of Limekiln 2.

4.129 We find the applicant's assertion, that Limekiln 2 would have twice the impact in comparison to Drum Hollistan, to be misleading (albeit not deliberately so). This statement is based on a narrow interpretation of 'impact' and we find the effects of both developments to be broadly comparable, particularly because of their individual and cumulative influence upon sub-area (ii) where wildness is most strongly present and so most susceptible to effects from development. We conclude the cumulative effect of Drum Hollistan in addition to Limekiln 2 would be significant and adverse.

Overall conclusions on wild land effects

4.130 Whilst we have considered the effects of Drum Hollistan on WLA 39 by 'sub-area', the effect upon WLA 39 as a whole, and the wildness qualities it possesses, must be taken into account.

4.131 The mapping undertaken by Dr Carver for JMT is essentially a desk-based approach to informing an assessment of the overall effects of the development upon the physical attributes and perceptual responses for WLA 39, individually and cumulatively. Whilst in our view this approach to mapping effects offers some potential to assist with an assessment, we found too many discrepancies and anomalies with the mapping, to be able to rely upon it to any meaningful extent. A desk-based approach also has inherent limitations and, as Dr Carver fairly acknowledged, it is not intended to be a substitute for a field assessment. We found that the mapped predicted effects of Drum Hollistan were inconsistent with our own findings during site inspections.

4.132 We find that from peripheral/ 'transitional' areas of WLA 39, significant effects would arise but these would not have a bearing on the overall integrity of the wild land. A transition into (or indeed out of) wild land would be experienced with or without Drum Hollistan's presence.

4.133 Having made that transition, we consider it to be a reasonable expectation that wildness qualities, the physical attributes and perceptual responses to be at their strongest. In reality, for various reasons outlined above, these qualities, attributes and responses will inevitably be of variable strength. Principally because of influences upon wildness from existing developments and land uses outwith the WLA, the parts of the WLA which demonstrate the strongest overall wildness are limited to a smaller area than one would perhaps expect in advance of entering into WLA 39. We are left in no doubt that Drum Hollistan would have a significant effect upon a large proportion of this area of strongest wildness. These particular adverse effects would be intensified in a cumulative scenario where Limekiln 2 were to be constructed.

4.134 We do not find that Drum Hollistan, individually or cumulatively, would have an effect so severe or widespread as to undermine the integrity of WLA 39 as a whole. We do however conclude that the resulting significant effects upon wildness, in parts of WLA 39 where wildness is most strongly present, would be detrimental to the qualities of WLA 39 and potentially one's experience of it. There is however no specific policy test or threshold against which identified effects may be judged, and so these matters must ultimately fall to our overall conclusions to be weighed in the balance against other relevant considerations.

CHAPTER 5: ECONOMIC IMPACTS, TOURISM AND RECREATION

Summary of evidence

5.1 Chapter 16 of the applicant's EIA report assesses the potential economic and social effects that may arise as a result of the proposed development. The assessment considers the pre-construction, construction, operation and decommissioning phases of the proposal. Table 16.16 in the EIA report summaries the predicted effects at each of these stages. In EIA terms, no significant effects are predicted. The greatest effects relate to the economy, employment, tourism and recreation during the construction and operational phases of development. During these phases, the development is anticipated to have a moderate positive effect, and a moderate negative effect for the economy and employment, and tourism and recreation, respectively.

5.2 In paragraph 16 of our note of the pre-examination meeting, we requested further written submissions specifically in relation to the economic impact of the North Coast 500 (NC500) tourist route.

5.3 Further written submissions were made by the applicant, which made reference to 14 additional documents as evidence, and which were accordingly submitted. These documents are provided under references DH/APP/9.1 to DH/APP/9.14 inclusive.

5.4 The JMT and RAWOG also made further written submissions in regard to the NC500 and net economic impact. The applicant separately commented on these submissions by JMT and RAWOG.

5.5 Subsequent to the further written submissions, the applicant submitted an additional document (entitled 'Further local benefits of Drum Hollistan'. This refers to three aspects of the proposal: shared ownership; community benefit; and tourism opportunities at Drum Hollistan.

5.6 We had a limited discussion on matters relating to net economic impact during the policy and conditions hearing session. The hearing statements submitted by parties, listed in Appendix 5 of our report, are therefore also relevant sources of evidence.

The main points for the applicant

5.7 It is expected that during the construction phase of the project there will be approximately 241 job years created, 149 of these in Highland. This equates to around 10 direct full-time equivalent jobs per year of the development's lifetime. In addition, there will be a gross value added (GVA) economic impact of approximately £9 million over the lifetime of the project.

5.8 The proposal represents a construction capital investment of approximately £71.4 million with an on-going operational expenditure of approximately £3 million per annum, all of which is expected to have a significant impact on the local economy. A significant proportion of the capital costs will be spent in the region.

5.9 The economic case for the development is compelling, and when offset against the negative economic impacts, it is concluded that Drum Hollistan would positively contribute to the local economy. The extent to which this benefit is maximised depends on the future makeup of the local workforce. It is conceivable that the regional labour market may, over

the life of the project, develop into a local wind farm economy, given the current and projected status of wind energy in the Highland region. This would further increase the potential for local employment.

5.10 The applicant is committed to offering an investment of up to a 10% equity share in Drum Hollistan as a 'shared ownership' opportunity for local individuals, businesses and organisations. This commitment is demonstrated by the signed Memoranda of Understanding between the applicant and parties interested in the investment offer. These are provided in Appendix 2 of the applicant's Further local benefits of Drum Hollistan' document.

5.11 Based on the full 10% shared ownership offering being agreed with the investment parties, and a return on investment of between 6-10%, calculations suggest a net revenue of £375-600 million would be generated over the operational period of the wind farm. This would ensure that there are significant, long term, net economic benefits to the local area, which should be considered as relevant considerations in the determination of the application for Section 36 consent, and can be secured by condition.

5.12 Although not a material consideration, the community benefit fund would be £5,000 per megawatt of installed capacity. This would result in a community benefit fund from the wind farm of £255,000 per annum being paid to a local community group. Discussions are also being held to make direct payments towards developing initiatives in the local area around Drum Hollistan that will benefit the local tourism economy, such as infrastructure and amenities associated with the NC500, and for community-led regeneration projects.

5.13 A car parking and rest area is proposed, which would enable access to more elevated, better views across to Orkney and the Caithness coastline than are currently available from the layby on the A836. Two electric vehicle charging units would be installed at the car park to aid the further usage of electric vehicles in the local area, especially for those travelling the NC500. Information boards would be available, illustrating the locations of the main points of interest in the surrounding landscape, and the access tracks would be available for recreational use.

5.14 The potential effects of Drum Hollistan on tourism have been carefully assessed as part of the EIA report, and these have been elaborated upon in subsequent submissions, in regard to both the latest evidence relating to the NC500, and the effects of wind farms on tourism generally across Scotland.

5.15 Not only is there a negligible likelihood of effects on tourist facilities and attractions within the immediate area around Drum Hollistan, but the NC500 concept is a robust initiative which relies on a very wide range of attractions across hundreds of miles of countryside, in which the area around Reay plays a relatively minor role, either as a provider of accommodation or of specific attractions to visitors. The presence of a large number of energy developments in this part of Scotland has done nothing to affect the interest in the NC500 concept, and clearly very large numbers of those who have used it and driven past and close to wind farms in Caithness and elsewhere, have not regarded it as any form of disincentive to the overall experience which takes a number of days to complete.

5.16 Objections based on the presence of a wind farm or more than one wind farm visible from a tourist route such as NC500 have to be able to demonstrate that such juxtapositions have been harmful in the past. There is no evidence to suggest that this is the case.

The main points for the John Muir Trust

5.17 If approved, this wind farm would contribute to the further visual degradation of the wider landscape, potentially resulting in a negative socio-economic impact. Caithness relies heavily on tourism in its broadest sense for employment and income. The North Coast 500 tourist route has been hugely successful and anything which could affect this must be seriously questioned and properly evaluated.

5.18 There is increasing evidence that as the number of wind farms and turbines increases so does the negative view of these developments by resident and visitor alike. Reference is made to a YouGov poll, commissioned by the John Muir Trust in September 2012, of 2269 people throughout the UK which found that 43% of the respondents would be less likely to visit a scenic area which has a large concentration of wind turbines whilst only 2% would be more likely to visit such an area. 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)'.

5.19 However, studies into tourist/ visitor perception of wind farms and their impact on tourism have not specifically addressed remote areas such as this and the most recent by BiGGAR Economics Limited, July 2016, 'Wind Farms and Tourism Trends in Scotland' is a highly flawed analysis. The JMT is of the view that no credence can be placed on such reports and that in order for a definitive view to be reached, the only way forward is for a fully independent study to be commissioned.

5.20 The EIA report does not adequately assess the development's likely individual and cumulative effects on the route. One reason is because it was published in 2016, and so the phenomenal success of the NC500 route in increasing tourism was not anticipated. It also uses a study area for its socio-economic assessment which is Highland-wide. This is over 25,000 square kilometres and so does not give useful data for the particular Caithness and North Sutherland area.

5.21 There is a real risk of there being adverse effects on tourism activities that focus on or that rely on the value and key characteristics of the landscape in this area. There is a serious risk that either or both Drum Hollistan and Limekiln 2 wind farms would impact significantly on the rapidly increasing tourism business associated with the NC500.

5.22 Whilst there are very clear and very real concerns held by various parties on tourism effects, it is considered that there are no specific percentage-impact related policy conclusions which can be provided. It would now be very difficult to undertake an objective, robust study of the effects of a particular wind farm or combination of wind farms on the particular tourism economy of a particular area. This simply reflects the absence of consistent historic data streams, the difficulties in finding comparative 'control' areas with no wind farms, and the challenges of separating out the impact of one factor from the various factors, including macroeconomic factors, influencing the performance of a local tourism economy.

5.23 The Scottish Government and the Scottish planning system now need to consider the potential benefits of trying to secure better data and better assessments, notwithstanding the significant problems, prior to consenting any more wind farms in environmentally sensitive areas that are heavily reliant on outdoor tourism.

5.24 There remains a policy-based need in this case to properly and objectively assess (as far as is possible) the net economic impact of the proposed development in accordance with the provisions of paragraph 169 in SPP. Possible tourism impacts should properly be part of that net impact assessment.

The main points for RAWOG

5.25 Paragraph 169 of SPP confirms that net economic impact is a material consideration in the determination of wind farm proposals. The SPP actually uses the wording "net economic benefit" but that is clearly wrong as it pre-supposes the outcome of the net assessment. In terms of the net economic effects of the schemes individually and in terms of cumulative impact, neither the Drum Hollistan applicant nor Limekiln 2 applicant has yet produced a net economic impact assessment. Such a net assessment would address all of the costs of the proposals, including the costing of the environmental effects, as well as the benefits of the proposals.

5.26 In the meantime, it is considered that the reporters do not have the necessary information to reach any positive conclusions on the net economic impact of either or both proposals.

5.27 The NC500 initiative has apparently resulted in additional tourists being attracted to the area with additional spend and with additional pressures on facilities. It is not known whether there has been a net increase in numbers. It would also appear that there has also been an associated increase in publicity and awareness about the area through the NC500 marketing.

5.28 It is assumed that NC500 visitors are attracted by both the scenery and by the 'cache' of completing the round trip.

5.29 The assessment of the effects of the wind farms on the NC500 could only be carried out, properly, by a geographically specific economic impact study overseen by a neutral peer review group. Neither applicants' EIA report contains such a study, and so there is no specific evidence that would allow the reporters to set aside the concerns of RAWOG about the potential adverse effects of the wind farms on the NC500 initiative.

Reporters' conclusions on economic impacts, tourism and recreation

5.30 In paragraph 169 of SPP, when assessing proposals for energy infrastructure developments, the first of the bullet-point considerations is "net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities". The considerations listed in paragraph 169 are not ranked by importance, but we consider this is nevertheless an important aspect of the Drum Hollistan proposal.

5.31 The John Muir Trust (JMT) and RAWOG have been critical of the applicant's assessment of net economic impact. The JMT, in particular, has asserted that the economic assessment does not establish the overall net effect, because it has failed to take account of factors such as constraint payments, whole system costs and environmental externalities.

5.32 We find that the approach to assessing the net economic impact of the scheme, set out in the applicant's EIA report, appropriately focuses on the scheme-specific socio-economic effects. This quantifies the level of investment and anticipated employment generation, as well as making qualitative judgements on the overall significance of effects on the economy and employment, and tourism and recreation.

5.33 We would tend to agree with the JMT that, taken more holistically, this does not take account of every aspect of economic effect at the national, regional and local level. We are not persuaded, however, that it is necessary to attempt such a complex and detailed assessment for an individual proposal. Some of the factors would be highly variable over time, and the applicant and/ or the proposed development would have no control or influence over many economic considerations. There is also a danger that the large number of assumptions required to undertake such a 'whole economy' assessment of net economic impact could in itself bring the robustness of the assessment into doubt.

5.34 We agree with the applicant that the proposed community benefit fund is not a material planning consideration. It can, however, be legitimately secured as a condition of Section 36 consent, and we have included a condition in Appendix 1 of this report on this basis.

5.35 The applicant's commitment to offer up to 10% shared ownership to local individuals and businesses is a positive aspect of the development, which if ultimately taken up, would make a positive contribution to the local economy. We are satisfied this offer aligns with the principles outlined in the 'Scottish Government good practice principles for shared ownership of onshore renewable energy developments' (2015). If Ministers are minded to grant consent, we recommend this offer be secured by a condition of Section 36 consent (as specified in Appendix 1).

5.36 The weight we attach to this offer is however tempered because, to date, there is not a firm commitment from any third parties to invest in the development. The various memoranda of understanding signal a level of interest in the offer, but it does not extend beyond this currently. Furthermore, we do not find that the memoranda of understanding provide any indication of a broader community interest in shared ownership, of a nature that could meaningfully engage policy 68 ('"Community" renewable energy developments'), of the Highland-wide Local Development Plan, which allows for greater amenity impacts to potentially be permitted than would normally be the case.

5.37 It is evident to us that the local economy of north Caithness and Sutherland places considerable reliance upon tourism. The rapid growth in visitors to the area, who have been attracted by the North Coast 500 (NC500) initiative, appears to have had a marked, positive effect on the local visitor economy. There is a clear enthusiasm to capitalise upon the popularity of the NC500 route locally, and we note the concern expressed by parties and in representations that the Drum Hollistan proposal could be detrimental to the experience the NC500 offers, and to the appeal of the local area more generally to visitors.

5.38 We consider it important to draw a distinction between our assessment of the development's effect on visitors as visual receptors (which forms part of a broader consideration of landscape and visual effects in chapter 3 of this report) and an assessment of the broader appeal of the area to visitors, and the economic consequences of detracting from this appeal. We accept that if the local (or wider) area was to become less attractive to visitors because of the presence of Drum Hollistan wind farm, due to its individual and/ or

combined effect, this could in turn have implications for the local visitor economy. However, we are also clear that even a highly adverse and significant landscape and visual effect does not necessarily equate to the area, or attractions such as the NC500, becoming less visited.

5.39 Whilst Drum Hollistan would be positioned immediately adjacent to the A836, which at this location the NC500 follows, there is no evidence to suggest that this would alter the overall visitor experience or appeal of the route. We find it highly doubtful that a single development of this nature, given the highly localised impact it would have in the context of the route as a whole, would have a bearing on one's decision to follow the route or visit the area, or whether or not one would return to the area. Even considering all other operational, consented and proposed wind farms, we are of the same view. There is no evidence before us to support a conclusion that the development would be significantly detrimental to the visitor economy. On the contrary, the weight of evidence available shows no correlation between wind farm development and visitor numbers in an area.

5.40 For the development to be detrimental to the visitor economy, the effect would have to be so substantial as to outweigh the area's draw. Whilst we acknowledge that there may be a 'tipping point' at which the proliferation of wind farms could detract from an area's overall appeal as a visitor destination, there is no basis to conclude that such a point would be reached in this case.

5.41 We note the poll results cited by the JMT, but these must be balanced against the weight of evidence and studies referred to by the applicant. Having reviewed these submissions, the overwhelming thrust of available evidence is that the presence of wind farms and a thriving visitor economy are not mutually exclusive in an area.

5.42 The applicant has proposed to provide a car parking area (with electric car charging points) and viewpoint with information boards within the development site. Whilst we consider this to be a positive aspect of the scheme, and it has scope to facilitate views of and across the East Halladale Flows wild land area, its overall contribution to the visitor experience of the area would in our view be minimal. This aspect of the proposal therefore has little bearing on our overall assessment.

5.43 Overall, based on the submitted evidence, we agree with the applicant that the development would have a positive effect upon the economy and employment during the construction and operational phases of development, and we find the development would provide a net economic benefit. There is no evidence to suggest that the level of economic benefit would be tempered by harm to the visitor economy of the area.

5.44 The final value of the anticipated net economic benefits is reliant upon the level of uptake of the shared ownership opportunity, but we are nevertheless satisfied that the development can draw support from SPP paragraph 169 in regard to its net economic effect. We are satisfied also that there is no evidence to suggest that the development would conflict with the provisions of NPF3 and SPP in regard to tourism, both of which place emphasis on the importance of the visitor economy in Scotland.

CHAPTER 6: CARBON BALANCE AND PEAT MANAGEMENT

Summary of evidence

6.1 The applicant's assessment of the climate change, carbon balance and peat management implications of the proposal is set out in chapter 6 of the EIA report and includes carbon payback calculations. Chapter 13 of the EIA report considers the potential impacts of the proposal on hydrology, hydrogeology and geology including alterations to the geological environment (including underlying peat). This EIA report chapter is supported by a series of technical appendices including: peat survey report; draft peat management plan; draft/ initial peat slide risk assessment and peat dewatering calculations. Chapter 13 of the EIA report and the supporting technical appendices are therefore referenced where this is appropriate to the consideration of carbon balance and peat management.

6.2 With specific regard to peat disturbance and re-use, SEPA has advised that it is content that the information presented by the applicant demonstrates that the deepest peat in the area has mostly been avoided and that impacts on peat have been minimised. SEPA also confirms that it is content that the draft peat management plan follows recognised best practice and adequately demonstrates how peat will be managed on site. SEPA note that the development will not result in the generation of any waste peat and request that a condition should be applied to ensure that temporary peat stores may only be located as shown in figure 1 of appendix 13.3 in the EIA report. SEPA note that there are significant areas of degraded peat on the site and it welcomes the restoration proposals outlined by the applicant.

6.3 AM Geomorphology Ltd were commissioned by the Scottish Government's Energy Consents Unit, to technically assess the peat landslide hazard and risk assessment (PLHRA) submitted by the applicant. AM Geomorphology concluded that the PLHRA is satisfactory. A number of minor clarifications were suggested by AM Geomorphology although these did not alter its findings.

6.4 In the note of the pre-examination meeting, we provided an opportunity for parties to submit further written submissions in relation to the applicant's carbon calculations. A response by Mr Batten was received, to which the applicant subsequently responded.

6.5 We allowed Mr Batten to make a supplementary written submission, which was submitted on 08 March 2018, to enable the Scottish Government's publication of the Onshore Wind Policy Statement and Climate Change Plan to be taken into account (given they were in draft form at the time of the earlier submissions). Mr Batten relied upon these submissions and did not attend the inquiry.

6.6 We sought clarification from the John Muir Trust (JMT) on concerns it had raised regarding the proposed management of peat stockpiles, by requesting further written submissions on this matter. We also allowed Mr Batten to make further submissions on the peat aspect of the Highland spatial framework within the council's adopted Onshore Wind Energy supplementary guidance.

The main points for the applicant

6.7 The carbon balance calculation, using the Scottish Government's online carbon calculator tool, shows that the carbon payback for the development is 1.5 years for the

expected case, 1.4 years for the minimum and 1.6 years for the maximum case.

6.8 The site layout has been designed to avoid, where possible, identified environmental constraints, including areas of deeper peat. This has been conducted through habitat mapping and through probing and coring to establish the spatial distribution of peat across the site. Generally, the depth of peat across the site that will be excavated is less than one metre deep and this is illustrated with the lower average depth of peat around infrastructure compared to the site average. This demonstrates that areas of deeper peat have been avoided where possible.

6.9 A draft peat management plan (PMP) has been prepared to demonstrate that peat has been appropriately considered and protected during the design phase and that peat present at the site will be carefully managed and preserved during the construction and operation periods. The draft PMP identifies areas where peat will be excavated from the infrastructure footprint which will be reused to create new peat habitat and restore surfacing. Areas of disturbed peat are proposed to be reinstated.

6.10 An initial peat slide risk assessment including desk study and field work has found that peat is present across the majority of the site with locally deep areas (greater than 4 metres). A total of 2,219 probes and 110 cores were taken to inform peat depth and peat characteristics. Geomorphological features were identified within the development area including historical peat cuttings, peat gullies, peat hagg, peat pipes and relic peat/ soil slides, the presence of which indicate that there is potential for peat slide at the site. Where possible, the design of the wind farm avoids areas where risk was deemed to be likely or above. The peat slide risk assessment will be updated following further detailed intrusive ground investigations which will then feed into the final engineering design. Additional micro-siting of infrastructure will be undertaken in conjunction with the appointed ecological clerk of works, prior to construction.

6.11 Mr Batten's approach is overly simplistic and fails to take into account some key factors. Analysis of this sort requires an understanding of how the emission figures published by the Scottish Government have been calculated. It is the applicant's understanding that the calculation methods are different, and consequently any comparison between the target and the predicted carbon intensity of Drum Hollistan should not be scrutinised in detail.

6.12 Version 1.0.1 of the Scottish Government's carbon calculator tool was used to assess the overall carbon payback of the site. The boundary of the assessment uses a lifecycle analysis approach and includes a number of emission sources that would not be included in the usual assessment of the carbon intensity of electricity generation. The applicant maintains, therefore, that the assessment boundaries are not equivalent nor comparable. Even with longer payback terms and calculation approaches being changed regularly, the development would be beneficial in regard to carbon payback, long before the halfway stage of the development's life will have been reached.

6.13 It is not clear why the JMT consider the construction environmental management plan (CEMP) to have shortcomings in respect of peat stockpiles. The CEMP is effectively a suite of documents which includes a series of appendices including: peat management plan; peat slide hazard risk assessment; and habitat management plan. Section 4.3.3 of the CEMP and appendix 13.3 (peat management plan) describe how disturbed peat will be reinstated. Section 9.2 of the peat management plan provides up-to-date best practice plans in respect of the storage of peat stockpiles prior to its reuse during construction.

6.14 The consultation response from SEPA does not identify any shortcomings with the peat management plan, and which confirms that SEPA are generally content that it follows recognised best practice and adequately demonstrates how peat will be managed on site. In light of these comments from SEPA, the applicant advises that it is satisfied that it has outlined best practice measures in relation to the storage of peat stockpiles during the construction period.

6.15 The applicant responded to the JMT's further written submission of 29 November 2017 with a second written submission in December 2017. In these further written submissions, the applicant re-emphasises that should the application be granted consent by the Scottish Ministers, the draft CEMP and draft peat management plan, which are working documents, would be finalised and approved by the regulatory authorities prior to the construction phase. The applicant maintains that the draft CEMP and draft PMP are adequate in their current form and that they do not require amendment at this time.

6.16 In regard to Mr Batten's submissions, the applicant has stated that it has provided details of the siting and design process in the EIA report (chapters 4 and 13), which considers the results of the assessment of effects on carbon rich soils, deep peat and priority peatland habitat. The proposal was designed in consultation with SEPA to minimise and avoid impacts on carbon rich soils, deep peat and priority peatland habitat. The relocation of turbines 4, 5, 9 and 11 was agreed with SEPA specifically to avoid deep peat, of which Mr Batten appears unaware, and which may also alter some of his calculations in respect of Drum Hollistan. The proposal accords with table 1 of SPP and paragraphs 4.34(b) and (c) of the supplementary guidance.

The main points for the John Muir Trust (JMT)

6.17 The JMT consider that the proposal will have a detrimental impact on peat on site. The development would be located principally in areas where peat is 0.5 metres or more in depth. This is deep peat, contrary to the position of the applicant and their advisor who define deep peat as being one metre or greater.

6.18 It will not be possible to reinstate the excavated peat to its original effective state and given the volume of peat to be excavated, consider this to be environmentally unacceptable. Whilst a peat management plan might mitigate some of the damage caused to peat on site, a significant amount of carbon could still be released and the risks do not outweigh the benefits.

6.19 The use of borrow pits, whether within or outwith the site, could result in the removal of significant volumes of peat, which should be included in calculations regarding carbon payback, and should also be considered in the peat management plan. The CEMP and the peat management plan do not cross-reference effectively and do not provide a coherent plan for how peat is to be dealt with. The current peat management plan is mainly theoretical and does not provide a coherent management plan to inform the CEMP, which is also lacking substance.

The main points for Mr Batten (made in written submissions)

6.20 It is asserted that the Scottish Government's online carbon calculator is unfit for purpose at a public local inquiry, because of the difficulties in scrutinising the inputs used,

and the outputs claimed, by the applicant.

6.21 Mr Batten has researched Drum Hollistan using an earlier version of the carbon calculator, which is spreadsheet-based. Mr Batten's spreadsheet calculations accompany his submission. The applicant's carbon calculations, which have been approximately replicated using the spreadsheet-based calculator, indicate that the Drum Hollistan development would be contrary to the direction of travel of Scottish Government climate change policy, but it is estimated to cause a lower quantity of greenhouse gas emissions per unit of electricity generated than Limekiln 2.

6.22 Reference is made to the Scottish Government 'Second Report on Proposals and Policies' (RPP2), which introduced a target to reduce the carbon intensity of electricity generation in Scotland. Mr Batten submits that this document sets a more appropriate benchmark for carbon intensity of electricity generating stations in Scotland and should be used instead of the 'current' grid intensity cited by the applicant.

6.23 It is noted that the draft Climate Change Plan's proposed policy outcome of negative carbon intensity in electricity generation by 2030 appears to have been withdrawn in light of the current prospects for carbon capture and storage. This essentially supersedes earlier submissions made in regard to carbon intensity and policy direction, suggesting that the merits of peatland wind farm applications should continue to be considered on a case-by-case basis.

6.24 SPP table 1 and paragraphs 4.34(b) and (c) require applicants to use siting and design (e.g. avoiding deep peat) to mitigate adverse effects on carbon rich soil, deep peat and priority peatland habitat. In proposing turbine locations on some of the deeper peat areas of the site, the applicant has failed to build such mitigation into the design.

Reporters' conclusions on carbon balance and peat management

6.25 The carbon calculations presented in the applicant's EIA report, and which are derived from the Scottish Government's online carbon calculator, indicate a favourable carbon payback period of between 1.4 and 1.6 years, which would lead to substantial net carbon savings over the operational lifespan of the development.

6.26 Mr Batten's evidence identifies a number of difficulties with the online carbon calculator. We acknowledge that there will inevitably be some limitations in such an approach, because the calculation it makes must apply various assumptions. Whilst we understand the basis for Mr Batten using an earlier spreadsheet-based version of the carbon calculator, given there are underlying differences between this and the more recent online version used by the applicant, we find the outcomes of the respective calculations cannot be safely compared.

6.27 In any event, there is no dispute that the development would provide carbon savings, and we find that that these savings would be of an order that clearly weighs in favour of the development. There is no evidence to suggest to us that the development would not offer substantial carbon savings. Whilst noting the limitations of any such calculations as referred to above, we conclude that the online carbon calculator provides the best available means by which carbon calculations can be provided in a consistent and comparable format.

6.28 Overall, we find the development aligns with the relevant provisions of national policy and guidance in respect of carbon emissions and savings, including the recently published Climate Change Plan (2018). We have had regard to this favourable aspect of the proposal in our overall conclusions in chapter 9.

6.29 Due to the presence of deep peat within the proposal site, the development falls to be considered as being within group 2 ('areas of significant protection'), as defined by SPP table 1.

6.30 We are satisfied that the applicant has had proper regard to the presence of deep peat, and has sought to avoid areas of deep peat within the site as far as practicably possible. The EIA report does not predict significant effects related to peat, which we consider is reflective of the applicant's approach to minimising the effects on peat through siting and design. We are also mindful that there are currently areas of degraded peat within the site, and that the applicant has identified proposals for the restoration of degraded peat, which we consider beneficial. We acknowledge the concerns raised by the John Muir Trust regarding the impacts upon peat, but we consider that with appropriate conditions, the careful management of the resource can be ensured and the resource would be appropriately safeguarded. The JMT's concerns regarding the impact of borrow pits upon the peat resource are not relevant to our assessment, as no borrow pits are proposed.

6.31 On this basis, we find the application accords with the provisions of table 1 and paragraph 205 of SPP relating to peat. It is also consistent with policy 55 ('Peat and soils') of the local development plan, as it has been demonstrated that unnecessary disturbance to peat would be avoided. In reaching this conclusion, we draw support from the fact that, subject to conditions, SEPA is satisfied that areas of deepest peat have mostly been avoided and impacts on peat have been minimised. SEPA is content with how peat will be managed on site and does not object to the proposal.

6.32 Based on the applicant's evidence regarding peat stability and landslide risk, and noting the findings of the independent appraisal of that evidence, undertaken by AM Geomorphology Ltd, we do not find these issues to present a particular constraint to development. We are satisfied that any residual risk relating to peat stability would be appropriately addressed by the construction environmental management plan, which we recommend be required by condition (in Appendix 2 of this report) if Ministers are minded to grant consent.

6.33 In reaching the above conclusions in respect of carbon emissions and the effects upon peat, we note our findings align with the position of the applicant, the council and SNH outlined in the submitted statement of agreed matters, which confirms the shared view that subject to appropriately worded conditions, the application is acceptable in relation to climate change, carbon emissions and peat.

CHAPTER 7: OTHER RELEVANT ISSUES

Shadow flicker

7.1 Shadow flicker is addressed in chapter 9 of the EIA report. The Scottish Government's 'online guidance on onshore wind turbines' advises that: "….where separation is provided between wind turbines and nearby dwellings (as a general rule 10 rotor diameters), "shadow flicker" should not be a problem." The council's Onshore Wind Energy supplementary guidance (2016) details the use of 11 rotor diameters for assessment purposes where a property is not involved with the proposed development. This increase in distance from the widely accepted 10 times rotor diameter to 11 is to account for the northern latitudes of Highland. There are no properties located within 11 rotor diameters (902 metres) of any of the proposed turbines and therefore there are no predicted shadow flicker effects associated with the proposed development. The council does not anticipate that shadow flicker would be an issue either individually or cumulatively given the proposal's location in relation to residential properties.

Noise

7.2 Supplementary information was submitted by the applicant in July 2017 which included a replacement operational noise assessment (chapter 8 of the EIA report). This replacement assessment followed the publication of noise data for a modification to the proposed wind turbine model. The manufacturer of the proposed wind turbine (Enercon) has developed blades with trailing edge serrations which result in lower noise levels. According to the applicant, the noise levels arising from the turbines at the noise sensitive receptors will operate below the noise levels recommended by the council.

7.3 The council reviewed the replacement noise assessment in August 2017 and was satisfied that it demonstrated that noise levels from the proposed development would comply with the council target limits of 35dB LA90 daytime, 38dB LA90 night time or up to 5dB above background noise levels. This included a cumulative assessment with the Limekiln 2 proposal. The proposal would also comply with the fixed lower noise limits, recommended for daytime and night-time, contained in 'ETSU-R-97: the Assessment and Rating of Noise from Wind Farms'. Whilst the council does not object in respect of noise impact, in order to be able to monitor matters and to take enforcement action as appropriate, the council considers it necessary to secure noise limits at noise sensitive receptors, as per the predicted noise limits set out in table 8.13 of the Supplementary information. Condition 33 in Appendix 2 of this report addresses noise matters.

7.4 The applicant and the council, in the statement of agreed matters, agree that, subject to appropriately worded conditions, the proposal is acceptable in relation to infrasound, low frequency noise, the effects of wind shear and overall noise impacts during construction, operation and decommissioning.

Ecology

7.5 Chapter 10 of the applicant's EIA report assesses the potential impact of the proposed development on ecology, whilst chapter 11 is focused specifically on protected mammals.

7.6 The application site is not covered by any designations of ecological interest, and so there would be no direct impacts on any designated areas. However, the site is adjacent to the Caithness and Sutherland Peatlands Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site, and East Halladale Site of Special Scientific Interest (SSSI). The closest turbines and infrastructure would be 52 metres from the boundary of these designations.

7.7 The EIA report's findings have been informed by field work and desk-based assessments, including a national vegetation classification (NVC) survey and aquatic survey, details of which are provided in chapter 10. No significant ecological effects, including habitat loss, are predicted on the basis of the assessments undertaken.

7.8 The Caithness and Sutherland Peatlands SAC is located upstream of the proposed development and therefore it is unlikely that indirect effects on the SAC will occur as a result of the proposed development. The EIA report concludes that, subject to appropriate mitigation measures outlined in the draft construction environmental management plan (CEMP), no significant impacts are predicted upon the Caithness and Sutherland Peatlands SAC.

7.9 SNH, in its consultation response dated 18 August 2017, confirmed that subject to a condition to safeguard against direct and indirect damage to the SAC, it had no objection to the development on ecological grounds.

7.10 The applicant has prepared a deer management plan, with which SNH broadly agree. SNH do not anticipate significant impacts on the adjacent designations referred to above caused by the displacement of deer.

7.11 In regard to protected mammals, surveys did not find any evidence of wildcat, badger, pine marten or water vole within the survey area. Otters were the only protected species for which there was evidence of occurrence within the site boundary.

7.12 There was evidence that otters forage within the site (on the eastern and northern fringes) but there was no evidence that the species uses the site for shelter or breeding. The applicant identifies several mitigation measures that could be used during the construction of watercourse crossings in order to minimise risks to foraging or dispersing otters. SNH has recommended that a pre-construction survey for otters is carried out in the 6 months preceding commencement of construction and that a watching brief is then implemented during the construction period.

7.13 The EIA report also confirms that there are no suitable features (trees, buildings or caves) that could support a bat roost within 500 metres of the site. The majority of the site represents very poor habitat for foraging bats due to its very exposed location. The suitability of the site for commuting and foraging bats is considered low.

Ornithology

7.14 The applicant's assessment of the potential impact of the proposal on birds is set out in chapter 12 of the EIA report. The survey work carried out comprised of breeding bird surveys, year-round vantage point surveys to determine collision risk for sensitive species and an assessment of potential impacts on goose feeding areas.

7.15 The applicant provided supplementary information in July 2017, including an update to chapter 12 of the EIA report, presenting the results of surveys and providing an assessment of effects to breeding raptors. The site and an area within a 2 kilometre buffer of the proposed development was surveyed for breeding peregrine falcons, merlins, hen harriers and short-eared owls during May, June and July 2017. The full results of the surveys are presented in a confidential annex.

7.16 Based on the evidence presented by the applicant, SNH has made a range of detailed comments in regard to ornithological interests, which are summarised below. SNH updated its position in August 2018 to reflect a recent judgement in the Court of Justice of the EU, which advises against the practice of taking account of mitigation in establishing the likelihood of harmful effects on a European site, which may in turn incorrectly indicate that an appropriate assessment is not required.

7.17 In regard to the Caithness and Sutherland Peatlands Special Protection Area (SPA), the advice of SNH is:

- This proposal is likely to have a significant effect on golden plover, and possibly hen harrier and merlin from the SPA as a result of construction related disturbance. Consequently, the Scottish Government, as competent authority, is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interests, if Ministers are minded to grant consent.
- If the proposal is consented, construction works should avoid the bird breeding season (15 March - 31 August inclusive). If this is not possible, pre-construction surveys for waders and raptors should be carried out following best practice guidance with any necessary mitigation implemented to avoid disturbance. Subject to these mitigation measures, SNH considers that the construction phase of the development should not adversely affect the integrity of the site.
- For the operational phase of development, any displacement of breeding hen harrier, merlin and short-eared owl from the SPA would be unlikely to have a significant effect on its qualifying interests, and an appropriate assessment would not be required for this aspect.
- A significant effect on red throated diver from collision mortality and on golden plover from displacement from breeding sites is predicted during the operational phase. Again, before consent is granted an appropriate assessment should be undertaken. The opinion of SNH is that the proposal would not affect the integrity of the SPA for the reasons given in its response.

7.18 An appropriate assessment would also be required, if Scottish Ministers are minded to grant consent, to establish the effects of the proposal upon the North Caithness Cliffs SPA and its peregrine population, and the Caithness Lochs SPA, due to the potential for significant effects on greylag geese and Greenland white-fronted geese. SNH's view is that in neither instance would the integrity of the sites be adversely affected.

7.19 Finally, SNH considers that collision risk modelling data for greylag goose flights during the breeding season should be provided, so the potential effect upon the Caithness and Sutherland Peatlands Ramsar site can be assessed.

Hydrology and hydrogeology

7.20 The potential impacts of the proposal on hydrology and hydrogeology (including

geology) are considered in chapter 13 of the EIA report. This identifies areas of activity, particularly during the construction phase, where there are potential effects on the hydrology and hydrogeology of the site.

7.21 The magnitude and significance of potential effects was assessed, covering sedimentation/ erosion, pollution, alteration to natural drainage patterns/ run-off volumes and rates, increase in magnitude or frequency of flood events and alteration of the geological environment. With additional specific mitigation measures, micro-siting, monitoring and the implementation of management plans, over and above best practice techniques considered as standard, the significance of the residual effects of the proposal on hydrology and hydrogeology of the site are considered to be minor.

7.22 SEPA confirm in their consultation response on the application and accompanying EIA report that as a result of constructive pre-application discussions, it has no objections to the application subject to the imposition of a number of conditions in relation to: pollution prevention and construction environmental management; micro-siting; protection of the water environment and de-commissioning.

7.23 Marine Scotland Science do not object to the application but recommend that the draft water quality management plan is expanded and that additional survey work is undertaken. Scottish Water and Caithness District Salmon Fishery Board do not object to the application.

7.24 The statement of agreed matters prepared by the applicant in conjunction with the council and SNH, confirms that subject to appropriately worded conditions, the application is considered to be acceptable in relation to hydrology and hydrogeology, including controlled waters, flood risk and surface run-off from the site during construction and operation and in respect of contamination.

Cultural heritage

7.25 The cultural heritage impacts of the proposal are assessed in chapter 14 of the EIA report. Archaeological features of local importance have been identified within a 500 metre radius of the proposed turbines and there is potential for previously unknown or unrecorded features to also be present. The EIA report advises that through the avoidance of known sites and the imposition of a buffer around them, there would be no direct impacts on these known sites. The applicant has suggested that a watching brief is established in those areas closest to the proposed access track and turbines. The council recommends that a scheme for the investigation, preservation and evaluation of archaeological remains is agreed prior to commencement of development.

7.26 Within the wider area (up to 10 kilometres from the site) there are a number of scheduled monuments and listed buildings. The proposal is not considered to directly affect any designated sites although there is potential for indirect effects. In relation to indirect effects, the EIA report advises that no cultural or archaeological assets are predicted to potentially experience significant effects due to the proposal. The indirect magnitude of effect predicted to Reay parish church and enclosure wall (category A listed) in the EIA report is a moderate – major impact. However, this impact is not considered significant and Historic Environment Scotland accept this conclusion based on the assessment work completed.

7.27 Neither Historic Environment Scotland nor the council's historic environment team object to the proposal, subject to archaeological mitigation secured by condition.

Access, transport and traffic

7.28 The traffic and transport impacts of the proposal are assessed in chapter 15 of the EIA report. There would be an increase in traffic during the construction, operation and decommissioning of the proposal resulting in increased traffic flows on the A836 road between Thurso and the site entrance.

7.29 The construction phase would result in the greatest increase in traffic over an 18 month period, which the applicant has assumed to commence in April 2019. The predicted maximum increase in traffic is based on a worst case scenario for the busiest period of the construction programme. The potential percentage increase in both total traffic and HGV traffic during this phase is identified as 0.7% and 17.7% on the A9; 0.9% and 22% between Thurso and Reay and 1.8% and 54% on the A836 through Reay. Whilst the HGV traffic flow through Reay is predicted to increase by 54% and would appear significant, the average number of daily trips by HGV traffic between Reay and the site entrance would total 16 trips per day. This equates to a total of two trips per hour based on a normal working day. Therefore, whilst the overall increase appears relatively high, it is in fact relatively small in the context of the actual number of HGV movements. The total number of vehicle movements associated with the operational phase of the development is up to 330 per year which is considered negligible.

7.30 Neither the council nor Transport Scotland have objected to the application. Whilst the applicant has completed a review of the proposed route for abnormal indivisible loads, the council considers it prudent that the principal roads proposed to be used in the construction of this proposal are assessed in detail to identify any mitigation measures that might be required. Caithness West Community Council has expressed concern about the impact on Reay as a result of this proposal and has requested that conditions are sought in order to secure traffic management, including the provision of footbridges to the east and west of Reay in the interests of pedestrian safety.

7.31 The applicant has identified several wind farm proposals which could potentially lead to cumulative adverse effects in combination with the construction, operation and decommissioning phases of the proposal. These include Strathy Wood and Limekiln 2, the recently consented Strathy South as well as the operational Strathy North. The applicant assumes the proposed developments would utilise the same landing port at Scrabster and the A836 for transporting goods. In order to address this matter, whilst acknowledging the uncertainty surrounding the implementation of these proposals, the construction traffic management plan would need to incorporate a co-ordinated delivery schedule in order to reduce the risk of cumulative impacts.

Communications infrastructure and electromagnetic interference

7.32 The potential effects of the proposal upon existing communications infrastructure and aviation safeguarding facilities are considered in chapter 17 of the EIA report. Wind turbines have the potential to be a physical obstruction that could affect communications networks and aviation activities. Wind farms can affect telecommunication systems, including television reception, mobile telephone network coverage and other transmissions such as those used by emergency services. No concerns have been raised by consultees

in relation to potential interference with radio/ television networks in the locality. The Joint Radio Company, acting on behalf of utility companies who operate radio systems to support operational requirements, confirm that the proposal is not expected to cause interference to established telecommunications systems. BT conclude that the proposal should not cause interference to its current and planned radio networks.

7.33 In respect of aviation activities, wind farms can cause interference with radar systems. The height of the structures relative to flight paths (including low-flying military aircraft) is also an important consideration. Consultation responses from the Civil Aviation Authority, National Air Traffic Services, the Ministry of Defence and Highlands and Islands Airports Limited do not raise any objections to the proposal. The Ministry of Defence has, however, requested a condition to secure infra-red aviation warning lighting, and it wishes to be notified of the commencement and completion of the development, the maximum height of construction equipment and the latitude and longitude of each proposed turbine.

Reporters' conclusions on other relevant issues

7.34 Given that there are no properties located within 11 rotor diameters (902 metres) of any of the proposed turbines, this separation distance would be sufficient to ensure that shadow flicker would not affect any properties. The council suggested as a precaution that a scheme of mitigation, using mode management, could be secured by condition. However, given the above, we do not consider this necessary or appropriate.

7.35 The noise limits recommended by ETSU-R-97 for residential receptors, together with the methodology for calculating these, are well established and widely accepted as appropriate requirements for wind farm proposals. We are satisfied that the proposal is capable of operating both individually, as well as alongside Limekiln 2 wind farm, within specified noise limits at all of the nearest noise-sensitive properties identified in table 8.13 of the revised noise assessment (chapter 8 of the supplementary information) . To address any ongoing risk of noise limits being exceeded, and in the context that a number of representations have highlighted concerns regarding noise, we agree with the wording of a condition proposed by the applicant and council, which specifies noise limits. It also establishes the action to be taken in the event of an actual or alleged breach. This is set out in Appendix 2.

7.36 In relation to ecology, we have had regard to several representations submitted in response to the application, which raised concerns in respect of the impact of the proposal on wildlife and fauna. However, we find it significant that no consultees whose remit includes ecological interests have objected to the development on ecological grounds. This is further reinforced by the statement of agreed matters, which confirms that the applicant, council and SNH agree that the proposal is acceptable in relation to ecology, including impacts on protected species and designated sites, subject to appropriately worded conditions. No substantive evidence is before us to challenge this position.

7.37 In this context, we note also that all of the conditions listed in Appendix 2 of this report had been agreed in advance between the applicant, council and SNH, including those relating to the safeguarding of ecological interests. Subject to the imposition of these conditions, we are satisfied that significant effects upon ecological interests, including the nearby designations, would not occur.

7.38 Similarly, we have no reason to disagree with the survey findings in respect of protected mammals. If the development is consented, we consider it appropriate that further surveys should be completed in advance of construction works, in particular because of there being evidence of otter movements within the site. Subject to the conditions in Appendix 2, we find the proposal would not lead to significant effects for any protected species, noting that we consider ornithological interests separately below.

7.39 In regard to ornithology, we are satisfied that the EIA report, including the supplementary information provided, gives robust consideration to bird species and associated designations. The site itself is not designated but it is adjacent to the northern boundary of the Caithness and Sutherland Peatlands SPA and Ramsar site. The North Caithness Cliffs SPA is located to the north and the Caithness Lochs SPA is located to the south east.

7.40 Material to our assessment is the position of SNH and RSPB, neither of which object to the development on ornithological grounds, subject to conditions. Furthermore, the statement of agreed matters by the applicant, council and SNH, confirms the same position.

7.41 There would be some displacement of breeding birds, but we adopt the same view as SNH that this would be unlikely to have an adverse effect upon the integrity of the above designations and the populations they support.

7.42 We note that, in order to assess the flight activity of birds within 500 metres of the proposed development, surveys were carried out over the course of two years, involving 145 survey visits, totalling 435 hours. We are satisfied that this level of survey activity would enable the applicant to draw competent conclusions and we have no reason to question the validity of these respective survey findings. We agree with the applicant that for most target species, the collision risk is negligible.

7.43 We have had regard to the position of SNH and RSPB, particularly given their responsibilities and remit. There is no evidence before us which would lead us to question the evidence in the EIA report and supplementary information, or the conclusions of these consultees. We therefore conclude that the development would not have an unacceptable effect upon ornithological interests, subject to conditions listed in Appendix 2, and also subject to the findings of the necessary appropriate assessments which should be undertaken by Scottish Ministers in advance of any decision to grant consent.

7.44 In regard to any potential effects of the development upon hydrology and hydrogeology, we place considerable reliance on the position of SEPA, which has no objection to the development, subject to certain conditions. These conditions relate to pollution prevention and construction environmental management; micro-siting; protection of the water environment and decommissioning (as well as peat disturbance and reuse). We refer to these suggested conditions again in chapter 8; we are satisfied that in the event that Scottish Ministers are minded to grant consent, the conditions listed in Appendix 2 of this report align with the position of SEPA in regard to providing necessary safeguards for the water environment. SEPA is also content that there are no groundwater drinking water supplies within 250 metres of any proposed new infrastructure. We conclude that the proposal's impact upon the water environment would, subject to conditions, be limited and effectively mitigated.

7.45 There is no evidence before us which leads us to question the cultural heritage assessment, and we therefore accept that the development would not have any significant effects upon local cultural heritage features. We are also satisfied that the proposal would not directly affect any designated sites. Whilst some indirect effects upon local cultural and archaeological assets would arise, we conclude that the wind farm, which would clearly be a contemporary feature, would not significantly affect these features, because the ability to identify assets and interpret their settings would endure. We do however consider it justified to require a programme of archaeological evaluation and recording, as a condition of consent.

7.46 We acknowledge that there would be an increase in traffic on the local road network as a result of the proposal with the greatest increase during the 18 month construction phase. Whilst the overall percentage increase in HGVs through Reay appears significant, it is relatively small in the context of the actual number of HGV movements. We are satisfied that the A836 is capable of accommodating this increase in traffic.

7.47 Despite this conclusion, we are conscious of the concerns of local residents in respect of the impact of construction traffic through the village. We do not consider it necessary to seek a condition for the provision of footbridges at Reay. The evidence shows that the total number of traffic movements through Reay on the A836 would, even at the busiest times, be at a level somewhat below the point at which road safety, particularly for pedestrians, would become a concern. The linear form of Reay would also mean that the provision of footbridges would be unlikely to negate the need for pedestrians to cross the road at various locations, and we do not consider footbridges to be necessary or effective mitigation.

7.48 However, we do see the benefit in the production of a construction traffic management plan to manage the impact of construction on the road network. Similarly, we see the benefit in the establishment of a community liaison group to ensure effective dialogue between the developer and the local residents on all transport related mitigation measures. Taken together, we conclude that these measures would provide necessary and proportionate safeguards. Conditions to this effect appear in Appendix 2 of this report.

7.49 The council had expressed concern regarding the use of the A9 from Invergordon for the transportation of the crane to be used on site. Given we have no alternative option before us, it would seem logical for such a matter to be addressed further through the construction management plan.

7.50 No objections have been received in respect of telecommunications and based on the consultation responses received on this matter, we are satisfied that the proposal is acceptable in this regard.

7.51 In light of the consultation responses received in respect of aviation, there is no basis for us to have any concern that unacceptable effects on air safety would arise. We note that, following correspondence from the applicant, the Ministry of Defence does not maintain its request for visible red lighting, with infrared lighting meeting its needs regarding aviation safety. This is beneficial given the visual impact visible red lighting would have

upon night skies. The request to be notified of construction start and end dates, the maximum height of construction equipment and the precise locations of each turbine, are adequately addressed in the conditions listed in Appendix 2.

CHAPTER 8: PROPOSED CONDITIONS

8.1 A schedule of conditions has been prepared and submitted by the applicant and council, and also reflecting input from SNH. The schedule confirms that all of the conditions have been agreed by these parties.

8.2 We have, nevertheless, reviewed the conditions. During the policy and conditions hearing held on 06 March 2018, we discussed the merits of two conditions, one relating to decommissioning and restoration plans, and the other regarding the requirement to provide a planning monitoring officer. This was because of disagreement between the council and the Limekiln 2 applicant over two similar conditions put forward by the council for that scheme.

8.3 At the hearing, parties were in agreement that there would be logic to having consistency in the wording of both schedules of conditions for Drum Hollistan and Limekiln 2 respectively, where the purpose of a condition is the same. We share this view.

8.4 In this context, we recommend that the wording of condition 7, in regard to decommissioning and restoration plans, be replaced with wording which reflects the form of words we have recommended in the Limekiln 2 report. We consider this is a more proportionate approach to achieving the same end result. It also reflects SEPA's request for a plan to be submitted at least 2 years before the expiry of the permitted operational period of the wind farm.

8.5 The council has sought a condition which makes provision for a planning monitoring officer to be appointed by the applicant (as set out in condition 34 of the proposed schedule of conditions agreed between the council and applicant). We are not persuaded that this condition satisfies all six tests for conditions within Circular 4/1998. Notwithstanding that the applicant is agreeable to the imposition of this condition, we do not see that a developer's responsibility can be required to extend to monitoring of compliance with a consent. Any developer has a responsibility to comply with the terms of consent, and any monitoring deemed to be necessary by the council falls within its own established remit. We have not included the condition on this basis. This is consistent with the approach we have taken in the Limekiln 2 report.

8.6 We are satisfied that, subject to a small number of changes to wording in order to improve clarity, consistency and enforceability, all other proposed conditions are fit for purpose and adequately capture the requests of consultees. SEPA, in particular, requested a number of conditions, the requirements of which are adequately met by the provisions of the proposed conditions (despite the precise wording differing from that suggested) . The one exception to this is SEPA's request for a condition to make clear that borrow pits are not permitted. Given that borrow pits are not proposed, we do not find such a condition to be necessary.

8.7 In the event that Ministers are minded to grant consent for Drum Hollistan, we recommend the imposition of the conditions listed in Appendix 1 and 2, which reflect the matters noted above. Conditions 1 to 5 (in Appendix 1) relate to consent being sought under the Electricity Act. Conditions 6 to 33 (in Appendix 2) are a list of deemed planning conditions.

CHAPTER 9: OVERALL CONCLUSIONS AND RECOMMENDATIONS

9.1 This application for Drum Hollistan wind farm is made under Section 36 of the Electricity Act 1989. Scottish Ministers must decide whether or not to grant consent, and also deemed planning permission under Section 57 of the Town and Country Planning (Scotland) Act 1997, as amended.

9.2 In making their decision, Scottish Ministers are required to have regard to a range of environmental matters set out within Schedule 9 of the Electricity Act, including the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest. The extent to which the applicant has complied with their respective duty to do the same must also be given due regard.

9.3 In order to establish the extent to which the considerations set out in Schedule 9 would be satisfied, this report provides an assessment of the environmental information before us in the context of relevant national and local policy and guidance, with this policy and guidance essentially providing the parameters and requirements against which an overall judgement may be taken.

9.4 Having regard to current knowledge and methods of assessment, we are satisfied that the reasoned conclusions within the applicant's EIA report (including additional and supplementary information provided in accordance with the regulations) addresses the likely direct and indirect significant effects of the development. We summarise in our conclusions below where our findings differ to the EIA report's findings in respect of significant effects.

9.5 We have considered all of the topics referred to by the EIA report in the preceding chapters of this report. Based on our findings and conclusions therein, we consider the main issues in this case to be:

- the landscape and visual impact of the development;
- the impact on wild land area 39;
- the benefits of the development, including its renewable energy generation, carbon emissions savings and net economic impact; and
- the degree to which it would be in conformity with national planning policy, the local development plan and other relevant guidance.

9.6 Our conclusions below are made having had careful regard to all parties' submissions, consultation responses, and representations received, together with oral evidence presented during the inquiry, hearing and evening sessions. These are outlined in chapter 1 of this report.

<u>Landscape and visual impact</u>

9.7 We have considered the landscape and visual effects of the Drum Hollistan wind farm, including cumulative effects and residential visual amenity, in chapter 3.

9.8 The wind farm would be located wholly within the 'Sweeping Moorland' landscape character type (LCT 1), as delineated by the Caithness and Sutherland Landscape Character Assessment (1998). This LCT is part of LCT CT4: 'Central Caithness: Sweeping

Moorland and Flows', as defined by the Caithness Landscape Sensitivity Appraisal (CLSA), which itself is part of the council's adopted Onshore Wind Energy supplementary guidance. The CLSA categorises CT4 as the least susceptible to change from large scale wind farms, relative to all other landscape character types in Caithness. We similarly conclude in paragraph 3.80 that this type of landscape can often lend itself well to large-scale wind turbines, with the simplicity and scale of such landscapes often assisting in satisfactorily accommodating such development.

9.9 Parties are in dispute over where the landscape transition between Caithness and Sutherland occurs, which is described in the CLSA as a key gateway, highly sensitive to wind farm development, despite the broader characteristics of LCT CT4. We conclude in paragraph 3.83 that there is a lack of clarity over the term 'gateway', and we do not find reliance can be placed on the concept. Whilst we do accept that this area of sweeping moorland forms part of a relatively short transition in regional landscape character, we do not find that the presence of the Drum Hollistan wind farm would blur or distort the landscape transition.

9.10 Parties have given relatively less attention to the proximity of the development to coastal landscapes, but we have found that the EIA report quite markedly under-estimates the indirect effects upon coastal landscape character. We find that Drum Hollistan, by virtue of its prominent, exposed and elevated location only 1.3 kilometres south of the coastline, would have a significant adverse effect upon the coastal landscape and seascape. This is exacerbated by the lack of any intervening development between the proposal site and the coast. In paragraph 3.93 above, we note that the development would result in challenging scale comparisons between the wind turbines and coastal cliffs, where these would be seen together, including in longer range views.

9.11 We find the significant visual effects of the development would extend over a much wider area than predicted in the applicant's EIA report. The visual impact of the development would appear particularly stark and incongruous in views along the coast, significantly detracting from the visual amenity and views of this stretch of the Caithness and Sutherland coastline. Drum Hollistan would deviate away from the established pattern of wind energy development in the area, which generally tends to be set back from the coast.

9.12 We found that the residential properties 'Under Keeper's Cottage' and 'Tighfada' would have the clearest view of the development, and there would be significant visual effects at these properties. Noting the intervening distance however, we concluded in paragraph 3.111 that the effect upon the outlook of these properties would not be so great as to result in a material reduction in residential amenity.

9.13 There would be significant cumulative effects if both Drum Hollistan and Limekiln 2 wind farms were to co-exist, but not to the extent that a 'wind farm landscape' would be created. We also find that in this scenario, the schemes would visually relate to one-another, and with other nearby wind farm development, forming a cluster which would lessen the overall cumulative visual impact. We have also found that Drum Hollistan and Limekiln 2 could co-exist without resulting in any overwhelming sense of encirclement from the village of Reay. Taking Drum Hollistan in isolation, from Reay (or indeed elsewhere) we do not find there would be significant effects from the visual cumulative interaction with any other wind energy development.

Wild land

9.14 In chapter 4, we assessed the effects of the Drum Hollistan wind farm upon the East Halladale Flows wild land area 39 (WLA 39), having regard to the physical attributes and perceptual responses (present in all areas of wild land), together with the wildness qualities which are specific to WLA 39.

9.15 Drum Hollistan would be positioned wholly outwith the boundary of WLA 39. Consequently, most of the provisions of SPP relating to wild land do not apply. Paragraph 169 of SPP does however identify the effects on wild land as a relevant consideration in wind farm cases. This must be read in the context that NPF3 and SPP also recognise wild land as of national importance, and we consider its value can justifiably be considered to be high on this basis.

9.16 We assessed the effects on the attributes, responses and qualities of WLA 39 by firstly notionally dividing WLA 39 into four 'sub-areas', to enable us to take proper account of the variable visibility of the development, and the variable characteristics of the wild land area across its full extent. This informed our conclusions in regard to the overall effect on WLA 39 as a whole.

9.17 The EIA report did not identify any significant effects upon wild land arising from the development. We disagree and find that there would be significant, adverse effects from a number of locations within WLA 39. We consider the overall strength of wildness in sub-area (ii), which forms part of the interior of the wild land area, to be particularly high. Viewpoints in this sub-area are located on modest summits. Together with other areas of relatively high ground comprised within sub-area (ii), we found these to be locations where qualities 1, 2 and 4 as outlined in SNH's published description of WLA 39, are all strongly present. Of particular pertinence is that we found limited other locations, across the whole of the wild land area, where these qualities are comparably strong and where Drum Hollistan would not also have a significant effect upon wildness.

9.18 For the overall integrity of WLA 39 to be compromised, we consider adverse effects upon wildness would need to be more widespread, and/ or it would need to reduce the highest strength of wildness available anywhere within its boundary. We are left in no doubt that Drum Hollistan would have a significant effect upon a large proportion of this area of strongest wildness (which would be intensified further in a cumulative scenario where Limekiln 2 was to also exist), but the ability to experience this same level of wildness would not be lost from WLA 39 altogether, whether considered in isolation or cumulatively with Limekiln 2.

Benefits of the development

9.19 In chapter 5, we have considered the net economic impact of the development, having regard to any adverse impacts upon tourism and recreation as well as the benefits of the proposal. In chapter 6 and in respect of the wider climate change and renewable energy agenda, we have considered the proposal's carbon payback period, together with the effects upon peat within the site.

9.20 Paragraph 169 of SPP identifies net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities, as a relevant consideration.

9.21 In paragraph 5.43 above, we conclude the development would have a positive effect upon the economy and employment during the construction and operational phases of development, and we find the development would provide a net economic benefit. There is no evidence to suggest that the level of economic benefit would be tempered by harm to the visitor economy of the area, which we recognise to also be of high importance. The development can therefore draw support from SPP paragraph 169 in regard to its net economic effect.

9.22 In chapter 6, we found that the development would offer substantial net carbon savings over the operational lifespan of the development. This positive aspect of the development is augmented by the site's layout largely avoiding deposits of deep peat. The renewable energy which would be generated by the wind farm, and the resultant carbon savings, are aspects of the development which attract clear support from energy and planning policy at all levels.

9.23 Overall, the renewable energy contribution, carbon savings and the net economic benefits that would arise from the development weigh strongly in favour of the proposal.

Conformity with national and local policy

9.24 National energy policy articulates a clear commitment to renewable energy, and makes clear that onshore wind farms continue to be recognised as important contributors to the achievement of targets for renewable energy generation and the reduction of greenhouse gas emissions. These targets have been renewed by the Scottish Energy Strategy (2017), which are ambitious and look ahead to 2030.

9.25 The seriousness of climate change and it potential effects, and the importance of reducing carbon dioxide emissions is agreed by parties. We are equally left in no doubt that energy policy provides an unequivocal position of support, in principle, for renewable energy development. This is despite the John Muir Trust's assertion that support for such projects may be wavering; financial incentives aside, we find UK energy policy remains strong, whilst Scottish Government energy policy is resolute.

9.26 National Planning Framework 3 (NPF3) is reflective of the wider energy policy context, and recognises the role of the planning system in achieving aims and targets relating to renewable energy and reducing carbon emissions. It also recognises both the importance of protecting and sustaining environmental assets, and wider socio-economic benefits of development. We find the in-principle support NPF3 gives to the development to be a significant consideration, whilst noting that it relies largely on SPP to direct such proposals to appropriate locations. We also find the provisions of SPP to be an important material consideration in this case.

9.27 SPP provides a similarly positive in-principle stance, which is encapsulated in its presumption in favour of development which contributes to sustainable development. In this sense, we consider a development would be 'sustainable' in the round where it accords with SPP's provisions read as a whole; it is not enough to simply state that a wind energy development is inherently sustainable.

9.28 Paragraph 169 of SPP identifies the range of considerations which must be balanced to be able to reach an overall conclusion over whether renewable energy proposals,

including onshore wind farms, are acceptable on a case by case basis. We consider it is principally this balance which also determines whether or not a wind energy proposal would be a sustainable form of development. We return to this matter in our overall conclusions below.

9.29 Table 1 of SPP also establishes a spatial framework for wind farms. The Drum Hollistan site falls within group 2: areas of significant protection, due to the presence of deep peat. We are however satisfied that the proposed wind farm would not compromise the peat resource significantly, by virtue of the proposal's siting and design, and so this resource does not require protection from the development to the extent that would warrant refusal of consent. The proposal site would not be classed as group 2 by virtue of its impact on wild land, as it would be located outwith wild land. Thus the matter of wild land effects fall to be considered against paragraph 169 of SPP, as part of the overall balancing exercise.

9.30 There has been some debate over whether the development plan is sufficiently up to date, which principally consists of the Highland-wide Local Development Plan (HwLDP) adopted in 2012, together with associated supplementary guidance. In the context of this being an application under the Electricity Act 1989, the development plan does not have primacy in decision making, regardless of whether or not it is up to date, although this matter is capable of having a bearing on how the plan's provisions are taken into account.

9.31 Overall, although the HwLDP is more than five years old, we do not find the relevant provisions of the plan to be out of date, with the exception of its references to wild land in policy 57, which we find should be disregarded. We find this to be of little consequence overall, as we conclude policy 67 can be relied upon almost exclusively given it provides the council's adopted policy position specifically in respect of renewable energy development. Compliance or otherwise with policy 67 largely dictates the degree of compliance against the relevant provisions of other policies, but to take those other relevant policies in isolation would run the risk of applying their requirements out of context.

9.32 Despite policy 67 (and the HwLDP as a whole) pre-dating the current SPP, the considerations it identifies are broadly consistent with those identified in SPP paragraph 169. Whilst there are some differences in their scope and emphasis, we cannot envisage a situation where conclusions drawn against either SPP paragraph 169 or HwLDP policy 67 would contradict one-another. The development would fail to draw support from both policy 67 and SPP paragraph 169 in regard to its adverse landscape and visual impacts, and to some extent its effect upon wild land, but would accord with other aspects of their provisions, relating to the broader benefits of renewable energy development.

9.33 In terms of supplementary guidance, the Highland Council Onshore Wind Energy supplementary guidance (adopted November 2016) including the Caithness Landscape Sensitivity Study (adopted December 2017) is of relevance. We have noted the ten criteria and 'thresholds' it sets out, which are intended to guide the assessment of wind farm proposals against policy 67. Whilst these criteria add some depth to the policy's provisions, they are not in themselves requirements (which is made clear by the document) and the document does not raise the policy bar. Having had regard to the terms of the supplementary guidance, we find it to be consistent with policy 67, and so a forensic assessment of the proposal using the supplementary guidance would offer little value to our consideration of the scheme's merits. Similarly, we find the capacity study to be a helpful

strategic guide, but we do not consider its findings to be capable of being pivotal to our assessment.

Overall conclusions

9.34 We have identified what we consider to be the main issues in this case in paragraph 9.5 above. Returning to these matters we find:

- the development would give rise to significant adverse landscape and visual impacts, unacceptably detracting from the character and visual amenity of the area;
- there would be significant adverse effects upon parts of wild land area 39, which is an additional negative aspect of the proposal, but it would retain its overall integrity;
- Drum Hollistan would provide net economic benefit, and its renewable energy generation and associated savings of carbon dioxide emissions are all significant factors in its favour; and
- Conflict with relevant national planning policy and development plan provisions would arise by virtue of the significant adverse landscape and visual effects identified.

9.35 Overall, we find that the benefits of the Drum Hollistan wind farm would not be sufficient to outweigh the significant adverse effects identified, in particular its landscape and visual impact. The wild land effects contribute further to this finding but in isolation we do not consider the effect upon WLA 39 to be so great as to justify refusal. Whilst the development can draw support from various aspects of national and local policy, we find that overall the development would run counter to the provisions of SPP, the HwLDP and other relevant policy and guidance, which are together supportive of development subject to environmental safeguards. Adequate safeguards are not achievable in this case, and so we find that in returning to Schedule 9 of the Electricity Act, the benefits of the proposed development are outweighed by its adverse environmental effects.

Recommendations

9.36 We therefore recommend that consent under Section 36 of the Electricity Act 1989 should be refused. Consequently, we recommend that there be no direction that planning permission is deemed to be granted under Section 57 of the Town and Country Planning (Scotland) Act 1997 (as amended).

9.37 If however Scottish Ministers are minded to grant consent, they must firstly undertake an appropriate assessment, to consider the effect of the proposal on:

- the Caithness and Sutherland Peatlands SPA and the effect on golden plover, hen harrier and merlin as a result of construction related disturbance, and from collision mortality of red throated diver and displacement of golden plover during the operation of the wind farm;
- the North Caithness Cliffs SPA and its peregrine population; and
- the Caithness Lochs SPA and the effect on greylag geese and Greenland white-fronted geese.

9.38 This is in order to accord with the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended.

9.39 In this scenario, and subject to there being a favourable conclusion to the required appropriate assessments, we have also provided a list of recommended conditions in Appendix 1 and 2 to this report, which we recommend should be applied to the Section 36 consent and deemed planning permission, respectively.

Redacted

Reporter

Redacted

Reporter

Appendix 1 – Section 36 consent conditions

Duration of the Consent

1. The consent is for a period of 30 years from the date of Final Commissioning. Written confirmation of the date of Final Commissioning shall be provided to the Planning Authority and Scottish Ministers no later than one calendar month after the event.

Reason: To define the duration of the consent.

Commencement of Development

2. The Commencement of the Development shall be no later than five years from the date of this consent, or such other period as the Scottish Ministers may direct in writing.

Reason: To avoid uncertainty and ensure that the consent is implemented within a reasonable period.

Non-assignation

3. This consent may not be assigned without the prior written authorisation of the Scottish Ministers. The Scottish Ministers may authorise the assignation of the consent (with or without conditions) or refuse assignation as they may, in their own discretion, see fit. The consent shall not be capable of being assigned, alienated or transferred otherwise than in accordance with the foregoing procedure. The Company shall notify the Planning Authority in writing of the name of the assignee, principal named contact and contact details within 14 days of written confirmation from the Scottish Ministers of an assignation having been granted.

Reason: To safeguard the obligations of the consent if transferred to another company.

Shared Ownership

4. The Company, or other company to whom this consent may be formally assigned, shall keep open for all interested parties the offer of shared ownership set out in the Memorandum of Understanding reference DH/APP/12.8 until conclusion of the turbine supply contract. The Company shall actively market the shared ownership opportunity and accept local investment of up to 10% of the equity in the Development. The Scottish Ministers may from time to time require the Company to disclose information regarding the progress of securing shared ownership in the Development.

Reason: In the interests of securing shared ownership and as consistent with s.36(5) of the Electricity Act 1989 (as amended).

Community Benefit

5. The Company, or other company to whom this consent may be formally assigned shall, from the Date of First Commissioning until the Date of Final Commissioning, pay to a community benefit fund and/or a body of similar purpose ('the Fund/s') the annual sum of five thousand pounds sterling for each megawatt of electricity generated by the Development, the said annual payments to be varied on each anniversary of the Date of

First Commissioning according to any corresponding increase in the Retail Price Index for the operational lifetime of the Development and to be held and distributed from the Fund/s for benefit of projects in the Community Council areas of Caithness West and Melvich, conform to Good Practice Principles for Community Benefits from Onshore Renewable Energy Developments published by the Scottish Government in November 2013.

The Scottish Ministers may from time to time require the company to disclose information regarding the processes established for the payment and distribution of such community funds.

Reason: In the interests of securing payment of community benefit and as consistent with s.36 (5) of the Electricity Act 1989 (as amended).

Appendix 2 – deemed planning permission conditions

Decommissioning and Site Restoration

6. Upon the expiration of a period of 30 years from Final Commissioning, the wind turbines shall be decommissioned and removed from the site, with decommissioning and restoration works undertaken in accordance with the terms of Condition 7 of this permission.

Reason: To ensure the development is decommissioned and the site restored at the expiry of the permission.

7. Not later than 2 years before the expiry of the 30 year period referred to in Condition 6 and in any event prior to decommissioning occurring, a decommissioning and site restoration scheme shall be submitted to the Planning Authority for its written approval. The scheme shall make provision for the removal of the wind turbines and the associated above ground equipment and turbine foundations to a depth of at least 1 metre below the ground. The scheme shall detail the lengths of the access road to the site and the lengths of access tracks within the site boundary which are to be retained following decommissioning and site restoration. The scheme shall also include the management and timing of any works together with a Traffic Management Plan to address likely traffic impact issues during the decommissioning period and restoration measures for the land from which the turbines and any ancillary equipment and structures have been removed together with the appointment of an Ecological Clerk of Works. The approved scheme shall be implemented as approved.

Reason: To ensure appropriate provision is made for turbine(s) requiring repair or for turbine(s) which require decommissioning.

Supply of Electricity to the National Grid

8. The Company shall, at all times after the First Export Date, record information regarding the monthly supply of electricity to the national grid from the site as a whole and electricity generated by each individual turbine within the Development and retain the information for a period of at least 12 months. The information shall be made available to the Planning Authority within one month of any request by them. In the event that:

i. any one or more (up to nine) of the wind turbine generators hereby permitted cease to export electricity to the grid for a continuous period of 6 months, unless otherwise agreed in writing with the Planning Authority, then a scheme shall be submitted to the Planning Authority for its written approval within 3 months from the end of that 6 month period for the repair or removal of those turbines. The scheme shall include either a programme of remedial works where repairs to the relevant turbine are required, or a programme for removal of the relevant turbines and associated above ground works approved under this permission and the removal of the turbine foundations to a depth of at least 1 metre below ground and for partial and proportionate site restoration measures following the removal of the relevant turbine. The scheme shall thereafter be implemented in accordance with the approved details and timetable;

ii. Nine or more of the wind turbine generators hereby permitted cease to export electricity to the grid for a continuous period of 12 months, unless otherwise agreed in writing with the Planning Authority, then a scheme shall be submitted to the Planning Authority for its

written approval within 3 months of the end of that 12 month period for either the repair of those turbines, including a programme of remedial works, or decommissioning of the development in accordance with Condition 7. The approved scheme shall then be implemented in accordance with the programme contained therein.

Reason: To ensure appropriate provision is made for turbine(s) requiring repair or for turbine(s) which require decommissioning.

Financial Guarantee

9. There shall be no Commencement of Development until a scheme to provide financial security for the commitments set out in Condition 7 has been submitted to and approved in writing by the Planning Authority. Thereafter the scheme shall be implemented as approved.

Reason: To ensure that there are sufficient funds to secure performance of the decommissioning and restoration conditions.

Appearance

10. No wind turbine shall be erected on site until details of the external finish and colour of the towers, nacelles, blades, any external transformer and anemometer mast have been submitted to and approved in writing by the Planning Authority. Thereafter, development shall progress in accordance with these approved details and the turbines shall be maintained in the approved colour, free from external rust, staining or discolouration, until such time as the wind farm is decommissioned.

Reason: In the interests of the character and appearance of the area.

11. None of the wind turbines, any external transformers, anemometers, substation building, control building or above ground fixed plant shall display any name, logo, sign or other advertisement (other than health and safety signage) unless otherwise approved in advance in writing by the Planning Authority.

Reason: In the interests of the character and appearance of the area.

12. The wind turbines hereby permitted shall have three blades and all wind turbine blades shall rotate in the same direction. The overall height of the wind turbines numbered 1, 2, 4, 5, 6, 7; 12, 14, 15, 16 and 17 in Figure 5.2 of the Environmental Statement dated 29 September 2016 shall not exceed 120m to blade tip height (79m hub height and 82m blade diameter) and the wind turbine numbered 3 shall not exceed 125m to blade tip height (84m hub height and 82m blade diameter) and Turbine 13 shall not exceed 139m to blade tip height (99m hub height and 82m blade diameter) (wind turbine numbering shown on Figure 5.2 of the Environmental Statement dated 29 September 2016) when the turbine is in the vertical position as measured from natural ground conditions immediately adjacent to the turbine base.

Reason: In the interests of the character and appearance of the area.

13. All cables between the turbines and between the turbines and the control building on site shall be installed and kept underground.

Reason: In the interests of visual amenity.

14. No construction of the control building, substation or ancillary infrastructure shall commence until final details of the location, layout, external appearance, any and all external lighting to be used during the operation of the site, fencing, walls, paths and any other ancillary elements of the development, have been submitted to, and approved in writing by, the Planning Authority. Thereafter, development shall progress in accordance with these approved details.

Reason: In the interests of the character and appearance of the area.

Construction Method Statement

15. There shall be no Commencement of Development until a Construction Method Statement ("CMS") has been submitted to and approved in writing by the Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved CMS, subject to any variations approved in writing by the Planning Authority. The CMS shall include:

a) details of the phasing of construction works;
b) the formation of temporary construction compounds, access tracks and any areas of hardstanding;
c) details of the temporary site compound including temporary structures/buildings, fencing, parking and storage provision to be used in connection with the construction of the development;
d) the maintenance of visibility splays on the entrance to the site;
e) the method of construction of the crane pads and turbine foundations;
f) the method of working cable trenches;
g) the method of construction and erection of the wind turbines;
h) dust management;
i) pollution control: protection of the water environment, bunding of fuel storage areas, surface water drainage, sewage disposal and discharge of foul drainage;
j) details of water crossings;
k) temporary site illumination during the construction period;
l) details of the proposed storage of materials and soils and disposal of surplus materials;
m) details of timing of works;
n) details of surface treatments and the construction of all hard surfaces and access tracks between turbines and between turbines and other infrastructure;
o) details of routeing of onsite cabling;
p) details of emergency procedures and pollution response plans;
q) siting and details of wheel washing facilities;
r) cleaning of site entrances, site tracks and the adjacent public highway and the sheeting of all HGVs taking spoil or construction materials to/from the site to prevent spillage or deposit of any materials on the highway;
s) details and a timetable for post construction restoration/reinstatement of the temporary working areas, and the construction compound;
t) working practices for protecting nearby residential dwellings, including general measures to control noise and vibration arising from on-site activities, shall be adopted as set out in British Standard 5228 Part 1: 2009;

u) areas on site designated for the storage, loading, off-loading, parking and manoeuvring of heavy duty plant, equipment and vehicles;
v) a Site Waste Management Plan to include details of measures to be taken during the construction period to minimise the disturbance of soil and peat.

Reason: To ensure a satisfactory level of environmental protection and to minimise disturbance to local residents during the construction process.

Construction Environmental Management Plan

16. There shall be no Commencement of Development until a Construction Environmental Management Plan ("CEMP") outlining site specific details of all on-site construction works, post-construction reinstatement, drainage and mitigation, together with details of their timetabling, has been submitted to and approved in writing by the Planning Authority in consultation with SNH.

The CEMP shall include:
a) a peat management plan including peat slide hazard and risk assessment and emergency plans for peat slide;
b) a species protection plan;
c) a bird protection plan;
d) a water quality management plan; and
e) measures to ensure that no construction, drainage or peat storage works adversely affect the Caithness and Sutherland Peatlands Special Area of Conservation.

The development shall be implemented thereafter in accordance with the approved CEMP unless otherwise approved in advance in writing by the Planning Authority.

Reason: To ensure a satisfactory level of environmental protection , including avoidance of adverse effects on the Caithness and Sutherland Peatlands Special Area of Conservation, and to minimise disturbance to local residents during the construction process.

Traffic Management Plan

17. There shall be no Commencement of Development until a Traffic Management Plan ("TMP") has been submitted to and approved in writing by the Planning Authority. The approved TMP shall be carried out as approved in accordance with the timetable specified within the approved TMP. The TMP shall include proposals for:

a) the routeing of construction traffic and traffic management including details of the capacity of existing bridges and structures along the abnormal load delivery route and a risk assessment;
b) scheduling and timing of movements;
c) the management of junctions to and crossings of the public highway and other public rights of way;
d) any identified works to accommodate abnormal loads along the delivery route including any temporary warning signs;
e) temporary removal and replacement of highway infrastructure/street furniture;
f) reinstatement of any signs, verges or other items displaced by construction traffic;
g) banksman/escort details;

h) a procedure for monitoring road conditions and applying remedial measures where required as well as reinstatement measures; and
i) a timetable for implementation of the measures detailed in the TMP.

Reason: In the interests of road safety.

Floating Access Tracks

18. Except with prior written approval of the Planning Authority, floating roads shall be installed in accordance with Figure 3 of Appendix 13.2 of the Environmental Statement dated 29 September 2016. Prior to the installation of any floating road, the detailed location and cross section of the floating road to be installed shall be submitted to and approved in writing by the Planning Authority. The floating road shall then be implemented as approved.

Reason: To ensure peat is not unnecessarily disturbed or destroyed.

Hours of Construction

19. Construction work which is audible from any noise-sensitive receptor shall only take place on the site between the hours of 0700 to 1900 on Monday to Friday inclusive and 0700 to 1300 on Saturdays, with no construction work taking place on a Sunday or on national public holidays. Outwith these specified hours, construction activity shall be limited to concrete pours, wind turbine erection and delivery, maintenance, emergency works, dust suppression, and the testing of plant and equipment, unless otherwise approved in advance in writing by the Planning Authority.

Reason: In the interests of amenity to restrict noise impact and the protection of the local environment.

Micrositing

20. The wind turbines hereby permitted shall be erected at the grid co-ordinates set out in Table 5.2 of the Environmental Statement and as follows:

Turbine	Easting	Northing
1	293190	964148
2	292900	964310
3	293196	963785
4	292890	963936
5	292537	963643
6	292914	963520
7	292529	964066
8	292095	964146
9	292220	963836
10	292598	963260
11	292784	962985
12	293185	963325
13	293487	963598
14	293697	963360
15	293941	963148
16	293491	963039

17	293142	962955

Notwithstanding the terms of this condition the wind turbines and other infrastructure hereby permitted may be microsited within 50 metres, save that no wind turbine or other infrastructure may be micro-sited to less than 50 metres from established surface water features.

A plan showing the position of the turbines and other infrastructure on the site shall be submitted to the Planning Authority within one month of completion of the Development works.

Reason: To enable necessary minor adjustments to the position of the wind turbines and other infrastructure to allow for site-specific conditions.

Blasting

21. Blasting shall only take place on the site between the hours of 07.00 to 19.00 on Monday to Friday inclusive and 07.00 to 13.00 on Saturdays, with no blasting taking place on a Sunday or on national public holidays, unless otherwise approved in advance in writing by the Planning Authority.

Reason: To ensure that blasting activity is carried out within defined timescales to control impact on amenity.

Ecology

22. No development shall commence until a deer management statement has been submitted to and approved in writing by the Planning Authority. The deer management statement shall set out proposed long-term management of deer using the wind farm site and shall provide for the monitoring of deer numbers on site from the period from Commencement of Development until the date of completion of restoration in collaboration with the Northern Deer Management Group.

The approved deer management statement shall thereafter be implemented in full.

Reason: In the interests of good land management and the welfare of wild deer.

23. No development shall take place until a Habitat Management Plan ("HMP") has been submitted to and approved in writing by the Planning Authority. The HMP shall include the mitigation measures described within the Environmental Impact Assessment Report entitled Environmental Statement dated October 2016. Thereafter the HMP shall be implemented as approved.

Reason: In the interests of nature conservation.

24. There shall be no Commencement of Development until an independent Ecological Clerk of Works ("ECoW") has been appointed, such appointment to be approved in writing by the Planning Authority. The terms of appointment shall:

(a) Impose a duty to monitor compliance with the ecological, ornithological and hydrological commitments provided in the Environmental Impact Assessment Report entitled

Environmental Statement dated October 2016 and Supplementary Information dated June 2017 lodged in support of the application and the Construction Environmental Management Plan, Peat Management Plan, Habitat Management Plan, Species Protection Plan, Bird Protection Plan, Water Quality Management Plan and other plans approved in terms of the conditions of this permission ("the ECoW Works");

(b) Advise on micrositing proposals issued pursuant to Condition 20;

(c) Require the ECoW to report to the nominated construction project manager any incidences of non-compliance with the ECoW Works at the earliest practical opportunity and stop the job where any breach has been identified until the time that it has been reviewed by the construction project manager; and

(d) Require the ECoW to report to the appropriate statutory body any incidences of non-compliance with the ECoW Works at the earliest practical opportunity.

The ECoW shall be appointed on the approved terms throughout the period from Commencement of Development, throughout any period of construction activity, during any period of post construction restoration works approved as part of the Construction Method Statement and during the establishment of the Habitat Management Plan.

Reason: To protect ecological interests.

25. There shall be no Commencement of Development until surveys have been carried out at an appropriate time of year for the species concerned, in the six months preceding commencement of construction by a suitably qualified person, comprising:

- otter surveys at watercourses and adjacent suitable habitats and within a 250m radius of each wind turbine and associated infrastructure;
- water vole surveys at watercourses and adjacent suitable habitats up to 200m upstream and downstream of watercourse crossings;
- bat surveys between May and September to include surveys at all structures within 30m of proposed works;
- breeding bird surveys, particularly for breeding waders and raptors, of all areas directly affected by construction, plus an appropriate buffer to identify any species within disturbance distance of construction activity (only required if construction work is carried out during the bird breeding season from 15 March to 31 August inclusive) and
- electrofishing surveys at Sandside Burn and Achvarasdal Burn.

The survey results and any mitigation measures required for these species on site shall be set out in a species mitigation and management plan, which shall inform construction activities. The plan shall be submitted to and approved in writing by the Planning Authority, in consultation with SNH, prior to the Commencement of Development and the approved plan shall then be implemented in full.

Reason: In the interests of nature conservation.

Access

26. There shall be no Commencement of Development until an Access Management Plan ("AMP") has been submitted to and agreed in writing by the Planning Authority. The AMP

should ensure that public access is retained in the vicinity of Drum Hollistan Wind Farm during construction, and thereafter that suitable public access is provided during the operational phase of the wind farm. The plan as agreed shall be implemented in full, unless otherwise approved in writing with the Planning Authority.

Reason: In the interests of securing public access rights.

Archaeology

27. There shall be no Commencement of Development until the Company has secured the full implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation ("WSI") which has been submitted to and approved in writing by the Planning Authority. This written scheme shall include the following components:
a) an archaeological evaluation to be undertaken in accordance with the agreed WSI; and
b) an archaeological recording programme the scope of which will be dependent upon the results of the evaluation and will be in accordance with the agreed WSI.

Reason: To protect and/or record features of archaeological importance.

Peat

28. Prior to Commencement of Development, the Company shall appoint an independent and suitably qualified geotechnical engineer as a Geotechnical Clerk of Works ("GCoW"), the terms of whose appointment (including specification of duties and duration of appointment) shall be approved by the Planning Authority. The terms of appointment shall impose a duty to monitor compliance with the Peat Management Plan.

Reason: To ensure a satisfactory level of environmental protection.

Air safety

29. No turbine shall be erected until a scheme for aviation lighting for the wind farm consisting of Ministry of Defence accredited infra-red aviation lighting has been submitted to and approved in writing by the Planning Authority. The turbines shall be erected with the approved lighting installed and the lighting shall remain operational throughout the duration of the permission.

Reason: In the interests of aviation safety.

30. There shall be no Commencement of Development until the Company has provided the Planning Authority, Ministry of Defence, Defence Geographic Centre and NATS with the following information, and has provided evidence to the Planning Authority of having done so:

- the date construction starts and ends;
- the maximum extension height of any construction equipment; and
- the latitude and longitude of every turbine.

Reason: In the interests of aviation safety.

Community Liaison Group

31. There shall be no Commencement of Development until a public awareness scheme has been submitted to and approved in writing by the Planning Authority. The scheme shall set out how the community is to be kept informed of project progress, how it will allow advanced dialogue on the provision of all transport-related mitigation measures and keep under review the timing of the delivery of turbine components. This shall also ensure that local events and tourist seasons are considered and appropriate measures to co-ordinate deliveries and work with these and any other major projects in the area to ensure no conflict between construction traffic and the increased traffic generated by such events/seasons/developments. The scheme shall be implemented as approved.

Reason: To assist project implementation, ensuring community dialogue and the delivery of appropriate mitigation measures for example to minimise potential hazards to road users, including pedestrians, travelling on the road networks.

Hydrology

32. There shall be no Commencement of Development until full details of all surface water drainage provision within the application site (which should accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland Third Edition, or any superseding guidance prevailing at the time) have been submitted to, and approved in writing by, the Planning Authority. Thereafter, only the approved details shall be implemented and all surface water drainage provision shall be completed prior to the first occupation of any of the development.

Reason: To ensure that surface water drainage is provided timeously and complies with the principles of SUDS; in order to protect the water environment.

Noise

33. The rating level of noise immissions from the combined effects of the wind turbines (including the application of any tonal penalty) when determined in accordance with the attached Guidance Notes, shall not exceed the values for the relevant integer wind speed set out in, or derived from, the tables attached to these conditions at any dwelling which is lawfully existing or has planning permission at the date of this permission and:

a) The Company shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1(d). These data shall be retained for a period of not less than 24 months. The Company shall provide this information in the format set out in Guidance Note 1(e) to the Planning Authority on its request, within 14 days of receipt in writing of such a request.

b) No electricity shall be exported until the Company has submitted to the Planning Authority for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the Planning Authority.

c) Within 21 days from receipt of a written request from the Planning Authority following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling,

the Company shall, at its expense, employ a consultant approved by the Planning Authority to assess the level of noise immissions from the wind farm at the complainant's property in accordance with the procedures described in the attached Guidance Notes. The written request from the Planning Authority shall set out at least the date, time and location that the complaint relates to and any identified atmospheric conditions, including wind direction, and include a statement as to whether, in the opinion of the Planning Authority, the noise giving rise to the complaint contains or is likely to contain a tonal component.

d) The assessment of the rating level of noise immissions shall be undertaken in accordance with an assessment protocol that shall previously have been submitted to and approved in writing by the Planning Authority. The protocol shall include the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken, whether noise giving rise to the complaint contains or is likely to contain a tonal component, and also the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise immissions. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Planning Authority under paragraph (c), and such others as the independent consultant considers likely to result in a breach of the noise limits.

e) Where a dwelling to which a complaint is related is not listed in the tables attached to these conditions, the Company shall submit to the Planning Authority for written approval proposed noise limits selected from those listed in the Tables to be adopted at the complainant's dwelling for compliance checking purposes. The proposed noise limits are to be those limits selected from the Tables specified for a listed location which the independent consultant considers as being likely to experience the most similar background noise environment to that experienced at the complainant's dwelling. The rating level of noise immissions resulting from the combined effects of the wind turbines when determined in accordance with the attached Guidance Notes shall not exceed the noise limits approved in writing by the Planning Authority for the complainant's dwelling.

f) The wind farm operator shall provide to the Planning Authority the independent consultant's assessment of the rating level of noise immissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Planning Authority for compliance measurements to be made under paragraph (c), unless the time limit is extended in writing by the Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Planning Authority with the independent consultant's assessment of the rating level of noise immissions.

g) Where a further assessment of the rating level of noise immissions from the wind farm is required pursuant to Guidance Note 4(c), the Company shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph (d) above unless the time limit has been extended in writing by the Planning Authority.

Table 1 – Between 07:00 and 23:00 – Noise limits expressed in dB LA90,10 minute as a function of the measured wind speed (m/s) at 10 metre height as determined within the site averaged over 10 minute periods.

Location	Measured wind speed at 10 metre height (m/s) within the site averaged over 10-minute periods							
	5	6	7	8	9	10	11	12
Tighfada	29	33	36	37	37	36	36	36
Underkeepers Cottage	29	33	36	38	37	37	37	37
Keepers House	29	33	36	38	37	37	37	37
Sandside Lodge	29	33	36	38	37	37	37	37
Craigielea	29	33	36	37	37	37	37	37
Craggis Cottage	28	32	35	36	36	36	36	36
Brackside Cottage	28	31	35	36	36	35	35	35
Brackside	24	28	31	33	32	32	32	32
Achins	24	27	30	32	31	31	31	31
Sandside House	27	31	34	36	35	35	35	35
Ackron Farm	22	26	29	30	30	30	30	30
Beinn Ratha Court	24	28	31	32	32	32	32	32
Pine Lodge	27	31	34	36	35	35	35	35
Woodlands	27	31	34	35	35	35	35	35
Ivy Cottage	27	31	34	35	35	35	35	35
Stackyard Cottage	27	31	34	35	35	35	35	35
Stables	27	31	34	35	35	35	35	35
Storehouse	27	31	34	35	35	35	35	35
The Smiddy	27	31	34	35	35	35	35	35

Table 2 – Between 23:00 and 07:00 – Noise limits expressed in dB LA90,10-minute as a function of the measured wind speed (m/s) at 10 metre height as determined within the site averaged over 10 minute periods.

Location	Measured wind speed at 10 metre height (m/s) within the site averaged over 10-minute periods							
	5	6	7	8	9	10	11	12
Tighfada	29	33	36	37	37	36	36	36
Underkeepers Cottage	29	33	36	38	37	37	37	37
Keepers House	29	33	36	38	37	37	37	37
Sandside Lodge	29	33	36	38	37	37	37	37
Craigielea	29	33	36	37	37	37	37	37
Craggis Cottage	28	32	35	36	36	36	36	36
Brackside Cottage	28	31	35	36	36	35	35	35
Brackside	24	28	31	33	32	32	32	32
Achins	24	27	30	32	31	31	31	31
Sandside House	27	31	34	36	35	35	35	35
Ackron Farm	22	26	29	30	30	30	30	30
Beinn Ratha Court	24	28	31	32	32	32	32	32
Pine Lodge	27	31	34	36	35	35	35	35
Woodlands	27	31	34	35	35	35	35	35
Ivy Cottage	27	31	34	35	35	35	35	35
Stackyard Cottage	27	31	34	35	35	35	35	35
Stables	27	31	34	35	35	35	35	35
Storehouse	27	31	34	35	35	35	35	35
The Smiddy	27	31	34	35	35	35	35	35

Table 3: Coordinate locations of the properties listed in Tables 1 and 2.

Property	Easting	Northing
Tighfada	294996	964976
Underkeepers Cottage	294904	964858
Keepers House	294962	964776
Sandside Lodge	295081	964624
Craigielea	295135	964571
Craggis Cottage	295467	964533
Brackside Cottage	295506	964521
Brackside	295596	964384
Achins	295902	964061
Sandside House	295209	965148
Ackron Farm	289980	962514
Beinn Ratha Court	295693	964373
Pine Lodge	295525	964585
Woodlands	295590	964586
Ivy Cottage	295639	964588
Stackyard Cottage	295598	964557
Stables	295626	964564
Storehouse	295645	964565
The Smiddy	295668	964564

Note to Table 3: The geographical coordinate references are provided for the purpose of identifying the general location of dwellings to which a given set of noise limits applies.

Guidance Notes for Noise Conditions

These notes are to be read with and form part of the noise condition. They further explain the condition and specify the methods to be employed in the assessment of complaints about noise immissions from the wind farm. The rating level at each integer wind speed is the arithmetic sum of the wind farm noise level as determined from the best-fit curve described in Guidance Note 2 of these Guidance Notes and any tonal penalty applied in accordance with Guidance Note 3. Reference to ETSU-R-97 refers to the publication entitled “The Assessment and Rating of Noise from Wind Farms” (1997) published by the Energy Technology Support Unit (ETSU) for the Department of Trade and Industry (DTI).

Guidance Note 1

(a) Values of the LA90,10 minute noise statistic should be measured at the complainant’s property, using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated in accordance with the procedure specified in BS4142: 1997 (or the equivalent UK adopted standard in force at the time of the measurements). Measurements shall be undertaken in such a manner to enable a tonal penalty to be applied in accordance with Guidance Note 3.

(b) The microphone should be mounted at 1.2 – 1.5 metres above ground level, fitted with a two-layer windshield or suitable equivalent approved in writing by the Planning Authority, and placed outside the complainant’s dwelling. Measurements should be made in “free field” conditions. To achieve this, the microphone should be placed at least 3.5 metres away

from the building facade or any reflecting surface except the ground at the approved measurement location. In the event that the consent of the complainant for access to his or her property to undertake compliance measurements is withheld, the Company shall submit for the written approval of the Planning Authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements shall be undertaken at the approved alternative representative measurement location.

(c) The LA90,10 minute measurements should be synchronised with measurements of the 10-minute arithmetic mean wind and operational data logged in accordance with Guidance Note 1(d), including the power generation data from the turbine control systems of the wind farm.

(d) To enable compliance with the conditions to be evaluated, the Company shall continuously log arithmetic mean wind speed in metres per second and wind direction in degrees from north for each turbine and arithmetic mean power generated by each turbine, all in successive 10-minute periods. Unless an alternative procedure is previously agreed in writing with the Planning Authority, such as direct measurement at a height of 10 metres, this wind speed, averaged across all operating wind turbines, and corrected to be representative of wind speeds measured at a height of 10m, shall be used as the basis for the analysis. It is this 10 metre height wind speed data, which is correlated with the noise measurements determined as valid in accordance with Guidance Note 2. All 10-minute periods shall commence on the hour and in 10- minute increments thereafter.

(e) Data provided to the Planning Authority in accordance with the noise condition shall be provided in comma separated values in electronic format.

(f) A data logging rain gauge shall be installed in the course of the assessment of the levels of noise immissions. The gauge shall record over successive 10-minute periods synchronised with the periods of data recorded in accordance with Note 1(d).

Guidance Note 2

(a) The noise measurements shall be made so as to provide not less than 20 valid data points as defined in Guidance Note 2 (b)

(b) Valid data points are those measured in the conditions specified in the agreed written protocol under paragraph (d) of the noise condition, but excluding any periods of rainfall measured in the vicinity of the sound level meter. Rainfall shall be assessed by use of a rain gauge that shall log the occurrence of rainfall in each 10 minute period concurrent with the measurement periods set out in Guidance Note 1. In specifying such conditions the Planning Authority shall have regard to those conditions which prevailed during times when the complainant alleges there was disturbance due to noise or which are considered likely to result in a breach of the limits.

(c) For those data points considered valid in accordance with Guidance Note 2(b), values of the LA90,10 minute noise measurements and corresponding values of the 10- minute 10-metre height wind speed averaged across all operating wind turbines using the procedure specified in Guidance Note 1(d), shall be plotted on an XY chart with noise level on the Y-axis and the 10- metre height mean wind speed on the X-axis. A least squares, “best fit” curve of an order deemed appropriate by the independent consultant (but which may not be

higher than a fourth order) should be fitted to the data points and define the wind farm noise level at each integer speed.

Guidance Note 3

(a) Where, in accordance with the approved assessment protocol under paragraph (d) of the noise condition, noise immissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component, a tonal penalty is to be calculated and applied using the following rating procedure.

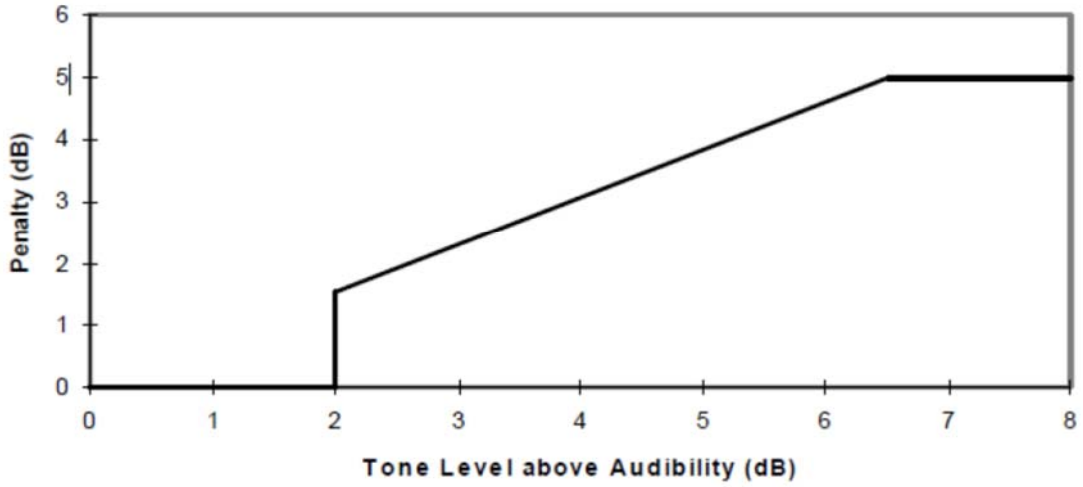
(b) For each 10 minute interval for which LA90,10 minute data have been determined as valid in accordance with Guidance Note 2 a tonal assessment shall be performed on noise immissions during 2 minutes of each 10 minute period. The 2 minute periods should be spaced at 10 minute intervals provided that uninterrupted uncorrupted data are available ("the standard procedure"). Where uncorrupted data are not available, the first available uninterrupted clean 2 minute period out of the affected overall 10 minute period shall be selected. Any such deviations from the standard procedure, as described in Section 2.1 on pages 104-109 of ETSU-R-97, shall be reported.

(c) For each of the 2 minute samples the tone level above or below audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104-109 of ETSU-R-97.

(d) The tone level above audibility shall be plotted against wind speed for each of the 2 minute samples. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be used.

(e) A least squares "best fit" linear regression line shall then be performed to establish the average tone level above audibility for each integer wind speed derived from the value of the "best fit" line at each integer wind speed. If there is no apparent trend with wind speed then a simple arithmetic mean shall be used. This process shall be repeated for each integer wind speed for which there is an assessment of overall levels in Guidance Note 2.

(f) The tonal penalty is derived from the margin above audibility of the tone according to the figure below.



Guidance Note 4

(a) If a tonal penalty is to be applied in accordance with Guidance Note 3 the rating level of the turbine noise at each wind speed is the arithmetic sum of the measured noise level as determined from the best fit curve described in Guidance Note 2 and the penalty for tonal noise as derived in accordance with Guidance Note 3 at each integer wind speed within the range specified by the Planning Authority in its written protocol under paragraph (d) of the noise condition.

b) If no tonal penalty is to be applied then the rating level of the turbine noise at each wind speed is equal to the measured noise level as determined from the best fit curve described in Guidance Note 2.

(c) In the event that the rating level is above the limit(s) set out in the Tables attached to the noise conditions or the noise limits for a complainant's dwelling approved in accordance with paragraph (e) of the noise condition, the independent consultant shall undertake a further assessment of the rating level to correct for background noise so that the rating level relates to wind turbine noise immission only.

(d) The Company shall ensure that all the wind turbines in the development are turned off for such period as the independent consultant requires to undertake the further assessment. The further assessment shall be undertaken in accordance with the following steps:

(e) Repeating the steps in Guidance Note 2, with the wind farm switched off, and determining the background noise (L3) at each integer wind speed within the range requested by the Planning Authority in its written request under paragraph (c) and the approved protocol under paragraph (d) of the noise condition.

(f) The wind farm noise (L1) at this speed shall then be calculated as follows where L2 is the measured level with turbines running but without the addition of any tonal penalty:

$$L_1 = 10 \log\left[10^{L_2/10} - 10^{L_3/10} \right]$$

(g) The rating level shall be re-calculated by adding arithmetically the tonal penalty (if any is applied in accordance with Note 3) to the derived wind farm noise L1 at that integer wind speed.

(h) If the rating level after adjustment for background noise contribution and adjustment for tonal penalty (if required in accordance with note 3 above) at any integer wind speed lies at or below the values set out in the Tables attached to the conditions or at or below the noise limits approved by the Planning Authority for a complainant's dwelling in accordance with paragraph (e) of the noise condition then no further action is necessary. If the rating level at any integer wind speed exceeds the values set out in the Tables attached to the conditions or the noise limits approved by the Planning Authority for a complainant's dwelling in accordance with paragraph (e) of the noise condition then the development fails to comply with the conditions.

Appendix 3 – Document lists

Core documents list

Drum Hollistan applicant's documents list

Limekiln 2 applicant's documents list

The Highland Council documents list

Scottish Natural Heritage documents list

Consolidated documents list – submissions by all parties

Appendix 4 – Appearances

The Drum Hollistan applicant (Drum Hollistan Renewables LLP)

Dr Martin Sales – Consultant, MacRoberts LLP, called:
- Rebecca Rylott – Technical Director, AMEC Foster Wheeler

The Highland Council

James Findlay QC called:
- Simon Hindson, Principal Planner – Major Projects, The Highland Council

Scottish Natural Heritage

James Findlay QC called:
- Carol Anderson, Landscape consultant

The John Muir Trust

Ian Kelly – Head of Planning, Graham and Sibbald, called:
- John Low - Policy Officer, John Muir Trust
- Dr Steve Carver – Director of the Wildland Research Institute, University of Leeds

Reay Area Windfarm Opposition Group (RAWOG)

Ian Kelly – Head of Planning, Graham and Sibbald, on behalf of RAWOG

Appendix 5 – Hearing participants and statements

The Drum Hollistan applicant (Drum Hollistan Renewables LLP)

Dr Martin Sales – Consultant, MacRoberts LLP
David Stewart – Chartered town planner

The Highland Council

James Findlay QC
Simon Hindson - Principal Planner – Major Projects, The Highland Council

Scottish Natural Heritage

James Findlay QC
Simon Brooks - Policy and Advice Manager, SNH

The John Muir Trust

Ian Kelly – Head of Planning, Graham and Sibbald
Andrew Bachell – CEO, John Muir Trust

Reay Area Windfarm Opposition Group (RAWOG)

Ian Kelly – Head of Planning, Graham and Sibbald, on behalf of RAWOG

The Limekiln 2 applicant (Infinergy Ltd on behalf of Limekiln Wind Ltd)

Marcus Trinick QC
David Bell – Director, Jones Lang LaSalle LLP

Appendix 6 – Closing submissions

The following closing submissions were received in writing subsequent to the close of the inquiry:

The Drum Hollistan applicant

The Highland Council and SNH

The John Muir Trust

Reay Area Windfarm Opposition Group

The Limekiln 2 applicant