

The John Muir Trust
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Energy Consents Unit
Cloiche Wind Farm
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THC Reference: 20/01796/S36
Sent by email: Econsents_Admin@gov.scot
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1 June 2020

Dear Sirs,

Holding Objection: Cloiche S36 Wind Farm

I am writing on behalf of the John Muir Trust, submitting a holding objection to the proposed Cloiche S36 wind farm development, which seeks consent and deemed planning permission for 36 turbines with a maximum tip height of 149.9 metres on land adjacent to the operational Stronelaig wind farm development. The Trust will be taking advice from Mr Ian Kelly MRTPI in respect of this case and he has contributed to this holding objection.

The Trust intends to submit a fuller objection once we have reviewed the responses of statutory bodies in particular the responses from The Highland Council, the Cairngorms National Park Authority and Scottish Natural Heritage.

The reasons the Trust objects to this proposed wind farm are as follows:

1. The location suggested for the proposed development includes almost all of the area on the eastern and western fringes of the now operational Stronelaig development that had been excluded from that development's application as a condition of allowing it to proceed. In their Decision Letter Ministers concluded *'that further mitigation measures - as sought by The Highland Council - can and should be taken which reduce the visual and landscape impacts of the development, and therefore do not grant consent for the construction of 16 turbines and have required alterations to the position or height of others'*¹. In their Decision Letter Ministers also noted that the sensitivity of land on the fringes of the proposed site was a further constraint and an additional reason to remove the 16 turbines: *'there are small sections of the wider site within more constrained areas, for example at the west where the main access road lies within a "Stage 2 Area" where there is potential for some constraint and at the eastern boundary bounds a Stage 1 Area identified as being afforded 'significant protection' due to the presence of the Cairngorms National Park.'*² Those variations to what was originally proposed were fundamental to enabling consent for Stronelaig and the reasoning of Ministers, and the decision making process, would be fundamentally undermined if these turbines were now to be consented.
2. Scottish Planning Policy is clear that: *'Developers should seek to minimise adverse impacts through careful planning and design, considering the services that the natural environment is*

¹ Stronelaig Decision Letter, 6 June 2014

² Stronelaig Decision Letter, 6 June 2014

*providing and maximising the potential for enhancement*³ and windfarms should *'be sited and designed to ensure impacts are minimised and to protect an acceptable level of amenity for adjacent communities'*⁴. The proposed 36 turbines, 28 on Stronelaig's eastern fringe (where 9 turbines were removed from the original Stronelaig design before it was consented) and 8 on the western fringe (where 7 turbines were removed from the original Stronelaig design before it was consented), seeks to undo previous attempts to minimise adverse impacts through post design mitigation. In their Scoping Response in respect of Cloiche, The Highland Council notes, with respect to 'Landscape Character Area' 'LN6' Monadhliath ridge and tops, that there *'was limited scope for additional turbines within the existing pattern'*⁵ and that any turbines *'should maintain the landscape setting of each existing scheme'*⁶ and *'preserve mitigation established by current schemes'*.⁷ The Landscape and Visual Amenity Assessment in the application EIA-R fails to address these particular concerns and is, therefore, contrary to criterion 6 of The Highland Council's Onshore Wind Energy Supplementary Guidance.

3. An additional 36 turbines adjacent to the operational 66 turbines of Stronelaig makes the combined development over 150% bigger than it was expected to be based on the mitigated, reduced Stronelaig development. This is before adding the consented 14 turbine Dell development to the north and the proposed 39 turbines that comprise the Glenshero development to the south east (now at Public Local Inquiry with the Trust a participant in that Inquiry). The Cloiche proposal is effectively a request to consent what will in reality be a mega-wind farm of 155 turbines, with associated tracks and infrastructure. The combined effect would be a development at a scale that alters landscape character significantly. The location of this mega-development – between two Wild Land Areas and in the Monadhliath Mountains – means the landscape, and associated character types, are sensitive to the magnitude of change arising from the combined developments with limited ability to accommodate the totality of what is being proposed. It must also be taken into account that absent the sole factor of the consenting of Stronelaig the whole of this area would be part of one very extensive Wild Land Area.
4. Scottish Natural Heritage guidance explains the meaning of landscape accommodation in its aim *'to retain the overall character of the landscape yet accepting that development may be allowed which will have an impact on the landscape at the local scale. Development fits within the landscape and does not change its character to a significant extent.'*⁸ According to Scottish Natural Heritage *'Landscape accommodation implies that there may be important landscape related constraints in terms of the siting, design and scale of wind farms, but that suitably designed wind farms can be compatible with this objective.'*⁹ In the case of the proposed development, the constraints are the significant effects on the qualities of Wild Land Areas 19 and 20 (with possibly some adverse effects on Wild Land Area 14), significant effects on Landscape Character Type '221 Rolling Uplands 'Inverness' and significant effects on the Cairngorms National Park Landscape Character Area, 'The Monadhliath: South Monadhliath'. It is assumed that Scottish Natural Heritage and the Cairngorms National Park Authority will address the significant adverse effects on the special qualities of the National Park.

³ Paragraph 202, Scottish Planning Policy, June 2014

⁴ Paragraph 170, Scottish Planning Policy, June 2014

⁵ Page 81, Scoping Opinion

⁶ Page 81, Scoping Opinion

⁷ Page 81, Scoping Opinion

⁸ Page 20, Spatial Planning for Onshore Wind Turbines – natural heritage considerations, SNH, June 2015

⁹ Page 20, Spatial Planning for Onshore Wind Turbines – natural heritage considerations, SNH, June 2015

5. The combined effect of the proposed Cloiche wind farm development with existing and consented wind farm developments amounts to over-development contrary to Scottish Planning Policy's principle for '*Avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.*'¹⁰ It is also contrary to Policy 61 of The Highland Council's Local Development Plan. This states development should be designed with '*consideration of the appropriate scale, form, pattern and construction materials, as well as the potential cumulative effect of developments where this may be an issue*'¹¹. The Local Development Plan places the burden on the developer to *enhance*, rather than deplete, the landscape characteristics where these have already been deteriorated: where '*the condition of the landscape characteristics has deteriorated to such an extent that there has been a loss of landscape quality or distinctive sense of place*'¹² the developer is expected to '*enhance the landscape characteristics of the area*'¹³. For this proposal, landscape quality has already been lost due to Stronelaig, but far from enhancing the remaining landscape characteristics of the western range of the Monadhliath Mountains, this development seeks to erase and erode these characteristics. The criteria within the Local Development Plan Policy 67 Renewable Energy Developments will be addressed in the later fuller objection.

6. The ability of a landscape to accommodate more wind farm development without unacceptable adverse landscape and visual impacts also relates to the cumulative impacts. Alongside Stronelaig and Dell, this proposed development will have cumulative landscape and visual impacts¹⁴ that will be further compounded if the proposed Glenshero development goes ahead: '*a total of thirteen wind farm sites within 40km have been identified as most likely to combine with the Proposed development to result in potential cumulative landscape and visual effects.*'¹⁵ The combined effect of all of the 13 existing developments already reduces the capacity of the Monadhliath Mountains to accommodate any more development of the proposed size and number of turbines. Scottish Planning Policy has foreseen the inverse relationship between cumulative impacts and the capacity of an area for new development: '*in some areas the cumulative impact of existing and consented energy development may limit the capacity for further development.*'¹⁶ In this case capacity has been reached and the application should not proceed.

7. The majority of the proposed site is an area that has been mapped by The Highland Council in its 'Onshore Wind Supplementary Guidance'¹⁷ as an area of '*significant protection*'.¹⁸ This correlates to the area's relative wildness (Volume 3 - Figure 7.4.1 Map of Relative Wildness) and the fact it is between two areas of nationally important mapped environmental interest: Wild Land Area 19 and Wild Land Area 20. The Scottish Government's National Planning Framework 3 recognises wild land as a '*nationally important asset*'. The proposed

¹⁰ Paragraph 29, Scottish Planning Policy, June 2014

¹¹ Paragraph 21.8.1, Highland-wide Local Development Plan, 2012

¹² Paragraph 21.8.1, Highland-wide Local Development Plan, 2012

¹³ Paragraph 21.8.1, Highland-wide Local Development Plan, 2012

¹⁴ Defined in Scottish Planning Policy as '*Impact in combination with other development. That includes existing developments of the kind proposed, those which have permission, and valid applications which have not been determined. The weight attached to undetermined applications should reflect their position in the application process.*'

¹⁵ Paragraph 7.3.5, Chapter 7, Landscape and Visual Amenity Environmental Impact Assessment Report

¹⁶ Paragraph 169, Scottish Planning Policy, June 2014

¹⁷ https://www.highland.gov.uk/downloads/file/982/inner_moray_firth_area_spatial_framework

¹⁸ See Volume 2, Chapter 2, Plate 2.1: Proposed Development Site Boundary overlaid on the Onshore Wind Energy Supplementary Guidance

development represents over-development of a landscape that includes *nationally important* wild land that is afforded '*significant protection*'¹⁹. It puts the qualities of that wild land at risk of further deterioration and undermines The Highland Wide Local Development Plan's recognition that '*Landscape and scenic value are very important in Highland, both within and outwith designated areas with many landscapes of high quality offering striking views. Different types and scales of development are suited to different landscapes.*'²⁰ The combined scale of this proposed Cloiche wind farm development in conjunction with the existing Stronelaig wind farm (and with the proposed Glenshero wind farm) further erodes the remaining wild qualities of the Monadhliath Mountains. These mountains have been compromised by Stronelaig, but that does not justify further development; it limits further development. The limited landscape capacity of these mountains was evident in the reasoning and mitigation in the original Stronelaig decision and the decision making rationale applied by Scottish Ministers ought to be upheld by refusing this application.

Yours faithfully,

Rosie Simpson,
On behalf of the John Muir Trust
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¹⁹ Table 1: Spatial Frameworks, page 39, Scottish Planning Policy, June 2014

²⁰ Paragraph 21.7.1, Highland-wide Local Development Plan, 2012