

Appeal under S.47 Town and Country Planning (Scotland) Act 1997 (as amended)

By

RES UK & Ireland Ltd

In respect of

Erection and Operation of a Wind Farm for a period of 35 years, comprising 5 Wind Turbines with a maximum blade tip height 138.5m, access tracks, substation, control building, battery energy storage system, and ancillary infrastructure.at Land 1580M SE of Schoolhouse, Forss, Thurso

Local Authority Reference: 22/03558/FUL

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1 Introduction

- 1.1 This is an Appeal by Renewable Energy Systems Ltd (“the Appellant”) in relation to a proposed wind farm comprising 5 turbines with a maximum height to tip of 138.5m and associated infrastructure in Forss, Thurso, known as Cairnmore Hill Wind Farm (“the Proposed Development”).
- 1.2 The application was refused by The Highland Council (“The Council”). The Council’s reasons for refusal are set out in its decision notice dated 26 February 2025 (APP1.13), which reflect those as detailed in the Report of Handling (“RoH”) (APP1.12).
- 1.3 The application follows a previous application for 8 turbines, 138.5m high, in 2019. This was withdrawn, at appeal stage in 2021 (The Council’s reasons for refusal are as contained in the Decision Notice dated March 2021, APP1.15), so that further design mitigation could be incorporated into a new application by the Appellant. The redesigned project took account of the concerns that had been raised previously, notably reducing the scheme from 8 turbines (and prior to that, 10 at scoping stage), to 5 turbines. In addition, the turbine height that is now proposed is the same as was proposed in the first application. The Proposed Development provided benefits in respect of lesser infrastructure requirements, development footprint, increasing the offset from all residential properties, The Proposed Development also benefits from an increase in the offset from the Broch at Thing’s VA and Scrabster Mains, whilst also providing an estimated installed wind capacity in the region of 21.5 MW overall.
- 1.4 This Statement of Appeal (“SoA”) constitutes the Appellant’s statement in terms of s.3 (4) (d) of the Town and Country Planning (Appeals) (Scotland) Regulations 2013. It sets out the full particulars of the Appellant’s case, the matters which it is considered require to be taken into account in determining the Appeal, and the procedures by which the Appellant wishes the Appeal to be determined.
- 1.5 The SoA should be read together with:
 - 1.1.1 The accompanying Appeal Form
 - 1.1.2 The Application Form (APP1.1) and supporting papers, including the Design and Access Statement (APP1.8), and Pre-Application Consultation Report (APP1.9);
 - 1.1.3 The Environmental Impact Assessment Report dated August 2022 which accompanied the Application (“the EIAR”) (APP1.2 – APP1.7);
 - 1.1.4 The Supplementary Information forming a Biodiversity Enhancement Management Plan dated October 2023 (APP1.11), to be read in conjunction with the EIAR;

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- 1.1.5 Updated Planning Statement dated February 2023 (APP1.10) which supersedes the Planning Statement lodged with the Application; and
- 1.1.6 the supporting documents as listed in Appendix 1; all of which form part of the Appellant's case.

The Site

- 1.6 The site covers an area of approximately 3.58 km² and is located approximately 4.5 km west of Thurso (EIAR Volume 3a: Figure 1.1: Site Location, APP1.4) ("the Site"). The Site is used principally for rough grazing and is within Landscape Character Type 143: Farmed Lowland Plain (EIAR Volume 3a Figure 5.1.4, APP1.4).
- 1.7 There are no designated landscapes within the Site.
- 1.8 The design and layout of the present scheme was arrived at following a detailed site selection process, consideration of alternatives, and several design iterations as detailed in the Design and Access Statement ("DAS") (APP1.8) and EIAR (Chapter 3 of APP1.3).

Consultation Responses

- 1.9 The responses from the consultees were as follows:

Consultee	Response
Highlands and Islands Airport	No objection
Ministry of Defence	No objection
NATS Safeguarding	No objection
NatureScot	No objection
SEPA	No objection
Scottish Water	No objection
Historic Environment Scotland	No objection
Transport Scotland	No objection
Caithness West Community Council	Objection

Thurso Community Council	Objection
Environmental Services	No objection
Archaeology Officer	No objection
Ecology Officer	No objection
Contaminated Land	No objection
Transportation Planning	No objection

- 1.9 In terms of public representations, the RoH states that 614 objections, 2 neutral comments, 3 supporting comments were made timeously. 25 objections and 223 supporting representations were made late. This SoA also addresses any additional matters that these raise.

Reason for Refusal

- 1.10 In its decision notice dated 26 February 2025, The Council cites the following reasons for refusal:

“1. The application is contrary to NPF4 Policy 11 part (e) (ii) and Highland-wide Local Development Plan Policy 67 (Renewable Energy) and Onshore Wind Energy Supplementary Guidance. The proposed development would have a non-localised significantly detrimental effects on landscape qualities, which are not clearly outweighed by social, environmental, or economic benefits. The location, scale, and elevation of the proposed development would not relate well to the existing landscape setting, would undermine the distinction between the Farmed Moorland Plain, Sweeping Moorland Flows, and High Cliffs and Sheltered Bays Landscape Character Types, and, would disrupt the integrity and variety of the Landscape Character Areas identified in the Councils Onshore Wind Energy Supplementary Planning Guidance. These effects would also be experienced by road user receptors on the nationally designated North Coast 500 tourist route and other regionally important routes. Consequently, the proposal does not accord with NPF4 Policy 4a) or HwLDP Policies 28 (Sustainable Design), and 61 (Landscape).

2. The application is contrary to NPF4 Policy 11 part (e) (ii) and Highland-wide Local Development Plan Policy 67 (Renewable Energy). The proposed development would have significantly detrimental visual effects when viewed by residential, recreational, and road user receptors, including occupants of nearby residential properties where the turbines would be dominant, tourists and visitors to the outdoors and key cultural locations in the wider vicinity of the site, from key views, and users of the NC500, over a wide and non-localised area predominantly from the west, south, and east of the proposed development as a result of the location, scale, and elevation of the

proposed development. Consequently, the proposal does not accord with NPF4 Policy 4a) or HwLDP Policy 28 (Sustainable Design)."

Principal issues in the Appeal

- 1.11 Given the reasons for refusal, the position of all consultees and the Appellant's own appreciation it is submitted that the determining issues in this appeal are:
- The landscape and visual effects of the development; and
 - The application of energy and planning policies in the planning balance.
- 1.12 There is no objection from any relevant statutory consultee on grounds such as cultural heritage and archaeology, access and traffic, ecology, ornithology, aviation, geology, hydrogeology and hydrology, and pollution. The Council does not cite any reason for refusal on these grounds.
- 1.13 Caithness West Community Council objects on grounds including landscape and visual impact, transport impacts, cumulative effects, impacts on tourism and a lack of community benefits. Thurso Community Council object on grounds of visual impact, noise and shadow flicker, road access, overprovision/policy and ornithology.
- 1.14 Other than the above matters which the Appellant submits as the determining issues in this appeal, the Appellant rests on the assessment of the impacts in respect of other areas as detailed in the EIAR and Supplementary Information. Matters are also addressed by conditions proposed by the Appellant in Appendix 2 of this SoA. The Appellant respectfully submits that the Reporter can reasonably conclude that, in relation to these matters, there will be no unacceptable impacts or impacts which could not be adequately mitigated by appropriate conditions. These matters and how they are addressed is summarised below.
- 1.15 The assessment of cultural heritage impacts is detailed in the EIAR. Following mitigation measures being adopted, including conditions as proposed, it is assessed that there will not be any residual significant effects during construction. There will be significant adverse effects during operation in respect of the setting of two scheduled monuments (Things' Va broch and broch at Scrabster Mains). This has been noted by Historic Environment Scotland ('HES') in its consultation response (APP2.3). HES has not objected to the Proposed Development but has suggested that further mitigation to reduce this effect could be provided by the deletion or relocation of Turbine 5. As outlined in the DAS (APP1.8) and EIAR (Chapter 3 of APP1.3), the final development layout was reached following consideration of a number of alternative turbine heights, numbers and layouts, which incorporated cultural heritage considerations, landscape and visual considerations, other environmental constraints and technical and consultation feedback. Overall, the Proposed Development strikes a balance between maximising renewable energy potential whilst respecting other environmental and technical on-site constraints. Mr Bell concluded in chapter 4 and within the Policy Appraisal (Appendix 4) that the Proposed Development complies with the relevant policies of NPF4. NPF4 Policy 7 '*Historic assets and places*' has not been referred to as part of the Council's reasons for refusal. It is submitted that there are no issues relating to cultural heritage justifying a refusal of the Appeal.

- 1.16 There is a full assessment of impacts on traffic and transport in the EIAR. No significant residual effects were identified. Appropriate conditions are proposed to mitigate any impacts. No consultee has objected. Mr Bell concluded in chapter 4 and within the Policy Appraisal (Appendix 4) that the Proposed Development complies with NPF4 policy 11 which relates to traffic and transport matters. Therefore it is submitted that there are no issues relating to traffic and transport justifying a refusal of the Appeal.
- 1.17 EIAR Chapters 7 and 8 and related technical appendices and figures (APP 1.3, 1.4 & 1.6) and the SEI (APP1.11) assess the impacts to ecology and ornithology. Following mitigation there will not be any residual significant effects and potential beneficial effects for breeding/wintering waders through the implementation of measures described in Chapter 8 and to biodiversity through implementation of the proposed conditions. No consultee has objected. Mr Bell concluded in chapter 4 and within the Policy Appraisal (Appendix 4) that the Proposed Development complies with NPF4 policies 1, 3 & 11 which relate to ecology and ornithology. Therefore it is submitted that there are no issues relating to ecology and ornithology justifying a refusal of the Appeal.
- 1.18 In respect of aviation matters, there are no consultee objections subject to condition. Mr Bell concluded in chapter 4 and within the Policy Appraisal (Appendix 4) that the Proposed Development complies with NPF4 policy 11 which relates to aviation. Therefore it is submitted that there are no issues relating to aviation justifying a refusal of the Appeal.
- 1.19 Chapter 15 and Technical Appendix 2 of the EIAR (EIAR Volume 2, APP1.3 and Volume 4, APP1.6) assess the effects on hydrology, the water environment and flood risk. Mitigation through development design and micro-siting would be implemented to avoid or minimise potential significant effect, secured by condition. There will not be any residual significant effects. No consultee has objected. Mr Bell concluded in chapter 4 and within the Policy Appraisal (Appendix 4) that the Proposed Development complies with NPF4 policy 11 which relates to hydrology. Therefore it is submitted that there are no issues relating to hydrology justifying a refusal of the Appeal.
- 1.20 In the event that the Reporter considers any of these issues require further consideration, the Appellant respectfully requests that further procedure be fixed to allow the Appellant the opportunity to lead further evidence on these matters, if required.

Structure of this SoA

- 1.21 The SoA therefore is structured as follows:
- 1.21.1 The Grounds of Appeal are set out in broad terms in Chapter 2;
- 1.21.2 Landscape and Visual Impacts are considered at Chapter 3;

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- 1.21.3 Chapter 4 provides an updated appraisal of the Proposed Development in terms of the Development Plan and national energy and planning policy;
- 1.21.4 Chapter 5 provides a summary of the benefits of the development; and
- 1.21.5 Chapter 6 sets out overall conclusions.
- 1.22 A set of conditions is proposed by the Appellant at Appendix 2.
- 1.23 A Policy Appraisal to support the Appeal provided at Appendix 4.
- 1.24 The Appellant reserves its right to address any other issues that are raised by The Council or third parties in its response to this SoA.

Appropriate Procedure and approach to determination of this Appeal

- 1.25 As matters stand, the Appellant does not consider that further procedure will be required other than consideration of the papers and the site inspection which the Reporter will make.

Witnesses and Evidence

- 1.26 The SoA contains input from witnesses on (i) landscape and visual impacts; and (ii) planning and energy policy issues. In particular:
- In Chapter 3 Ms Sam Oxley, LUC Limited addresses the landscape and visual impacts of the Proposed Development;
 - In Chapter 4, Mr David Bell of David Bell Planning Ltd provides an updated appraisal of the Proposed Development in terms of the Development Plan and national energy and planning policy; and

In Appendix 4, Mr Bell provides a Policy Appraisal to support the Appeal.

- 1.27 CVs for each of these witnesses are provided at Appendix 3.

2 Grounds of Appeal

Summary of the case for the Development

2.1 The Appellant disagrees with The Council that the proposal should not be found to be acceptable in planning terms, and summarises the case for a grant of planning permission to be as follows:

- The Site is not within any designated landscapes or mapped areas of wild land;
- No nationally important landscapes (National Scenic Areas or National Parks) would be significantly adversely affected by the Proposed Development;
- Significant effects on landscape character will be contained within 5 km and will affect a part of the Farmed Lowland Plain LCT, a part of the High Cliffs and Sheltered Bays LCT (coastal edge between Brims Ness and Holburn head); and a part of the North Caithness and Pentland Firth Seascape Character Unit (8).
- Effects on views and visual amenity will cease to be significant beyond approximately 8 km from the Site (at Viewpoint 7), and will only be significant at a Major (as opposed to a Moderate) level at Viewpoints 1 and 18, both at distances of 1.4 km from the site. Thus, in terms of geographic extent, the significant effects of the Proposed Development on landscape character and visual amenity can be concluded as localised for the purposes of Policy 11e(ii) of NPF4.
- There will be no significant effects on the special qualities of Special Landscape Areas (SLA), including those of Dunnet Head SLA, The Flow Country and Berriedale SLA or Farr Bay and Portskerra SLA (shown on Figure 5.1.6 in APP1.4);
- Appropriate design mitigation has been applied by way of embedded mitigation during the design process and in terms of the finalised design by way of siting, scale and extent of development and related infrastructure. Specifically, the application which was for ten turbines (previous scoping stage), was reduced to eight turbines (previous application), and is now for five turbines (current application), with tip heights having been kept low by modern standards. As such the scheme that is now proposed is modest in scale and size, both in terms of the number and height of turbines, which is reflected in the resulting effects. This is relevant to the advice in Policy 11e(ii) of NPF4.;
- There will be significant visual effects which will affect people who live in the scattered community in the area, but none of these would breach the threshold as set out in the Landscape Institute Technical Guidance Note 2/19 on Residential Visual Amenity Assessment (RVAA) (see page 12, para 4.17 onwards of APP6.1). There will be no unacceptable effects upon residential visual amenity,

or upon residential amenity more widely, in relation to shadow flicker, or noise. ETSU limits will be observed.

- 2.2 Paragraph e) of NPF4 Policy 11 is expressly clear that in considering any identified impacts of developments, that significant weight must be placed on the contribution of the proposal to renewable energy generation targets and greenhouse gas emissions reduction targets. In particular, the Policy recognises that landscape and visual impacts are to be expected but provided they are localised and / or appropriate design mitigation has been applied, they will generally be considered acceptable.
- 2.3 The landscape and visual effects are considered acceptable and localised in nature, in terms of their spatial extent and severity, reflecting the modest size and scale of the project (EIAR Volume 2, Chapter 5, section 5.12 (APP1.3) and Updated Planning Statement, section 2.8.16 onwards (APP1.10)). Appropriate mitigation has been applied by way of the design approach and thereafter through to developing the finalised design, by way of the siting, scale and extent of the Proposed Development. This is demonstrated by way of the various layout iterations considered as set out in Chapter 3 of the EIAR (Design Evolution Considerations and Alternatives, EIAR Volume 2, Chapter 3 (APP1.3)), and also considered through the previous application (see APP1.14). The resulting effects are commensurate with those that would be expected for a modest scheme of this size and scale.
- 2.4 The overall conclusion reached is that that the Proposed Development satisfies the terms of section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended): the development is in accordance with the Development Plan and material considerations do not indicate that planning permission should otherwise be refused. Moreover, there are significant material considerations which weigh in favour of consent. Planning permission should therefore be granted subject to appropriate planning conditions.

3 Landscape and Visual Impact

- 3.1 This Chapter of the SoA has been prepared by Ms Sam Oxley on behalf of the Appellant. Sam is a Chartered Member of the Landscape Institute (CMLI), with over 25 years of experience in the design and landscape and visual assessment of wind energy development. Sam was the lead author of the 2022 Landscape and Visual Impact Assessment (LVIA) for the Proposed Development.
- 3.2 A summary of Ms Oxley's qualifications and relevant experience is contained in Appendix 3.

Methodology

- 3.3 The LVIA methodology for the assessment accords with Guidelines for Landscape and Visual Impact Assessment, 3rd Edition, Landscape Institute and IEMA (May 2013), hereafter referred to as GLVIA 3 (APP6.3). The levels of sensitivity and magnitude are divided into three grades, described as 'High', 'Medium' or 'Low' which are combined to result in levels of effect. Major and moderate effects are considered to be significant in the context of the EIA Regulations. Technical Appendix 5.1 (APP1.6) sets out the methodology for the LVIA.

Reasons for Refusal/Areas of Agreement/ Areas of Disagreement

- 3.4 The Council's Reasons for Refusal (RfR) are set out in the RoH.
- 3.5 RfR1: *"The application is contrary to NPF4 Policy 11 part (e) (ii) and Highland-wide Local Development Plan Policy 67 (Renewable Energy) and Onshore Wind Energy Supplementary Guidance. The proposed development would have a non-localised significantly detrimental effects on landscape qualities, which are not clearly outweighed by social, environmental, or economic benefits. The location, scale, and elevation of the proposed development would not relate well to the existing landscape setting, would undermine the distinction between the Farmed Moorland Plain, Sweeping Moorland Flows, and High Cliffs and Sheltered Bays Landscape Character Types, and, would disrupt the integrity and variety of the Landscape Character Areas identified in the Councils Onshore Wind Energy Supplementary Planning Guidance. These effects would also be experienced by road user receptors on the nationally designated North Coast 500 tourist route and other regionally important routes. Consequently, the proposal does not accord with NPF4 Policy 4a) or HwLDP Policies 28 (Sustainable Design), and 61 (Landscape)."*
- 3.6 This SoA addresses the following areas raised in this RfR, as well as any relevant objections made by others, including members of the public:
- non-localised significantly detrimental effects on landscape qualities;
 - location, scale, and elevation of the Proposed Development would not relate well to the existing landscape setting;

- undermining of the distinction between the Farmed Moorland Plain, Sweeping Moorland Flows, and High Cliffs and Sheltered Bays Landscape Character Types;
- disruption of the integrity and variety of the Landscape Character Areas identified in The Council's Onshore Wind Energy Supplementary Planning Guidance;
- effects experienced by road user receptors on the nationally designated North Coast 500 tourist route; and
- effects on other regionally important routes.

3.7 RfR2: *"The application is contrary to NPF4 Policy 11 part (e) (ii) and Highland-wide Local Development Plan Policy 67 (Renewable Energy). The proposed development would have significantly detrimental visual effects when viewed by residential, recreational, and road user receptors, including occupants of nearby residential properties where the turbines would be dominant, tourists and visitors to the outdoors and key cultural locations in the wider vicinity of the site, from key views, and users of the NC500, over a wide and non-localised area predominantly from the west, south, and east of the proposed development as a result of the location, scale, and elevation of the proposed development. Consequently, the proposal does not accord with NPF4 Policy 4a) or HwLDP Policy 28 (Sustainable Design)."*

3.8 This SoA addresses the following in relation to *'significantly detrimental visual effects'...* *'over a wider and non-localised area' ...'as a result of the location, scale, and elevation of the proposed development'* for:

- occupants of nearby residential properties *'where the turbines would be dominant'*;
- tourists and recreational visitors to the outdoors and key cultural locations in the wider vicinity of the site;
- people experiencing key views; and
- users of the NC500.

3.9 Given the overlap between issues identified in the two RfR, this Chapter is structured as follows:

Section 3.1 - Location and Design, which considers:

- location, scale, and elevation of the Proposed Development would not relate well to the existing landscape setting

Section 3.2 - Landscape effects, which considers:

- non-localised effects on landscape qualities
- the distinction between the Farmed Moorland Plain, Sweeping Moorland Flows, and High Cliffs and Sheltered Bays Landscape Character Types
- the integrity and variety of the Landscape Character Areas identified in The Council's Onshore Wind Energy Supplementary Planning Guidance

Section 3.3 - Visual Effects, which considers:

- tourists and visitors to the outdoors and key cultural locations in the wider vicinity of the site (including key views)
- occupants of nearby residential properties *'where the turbines would be dominant'*
- users of the NC500
- users of other regionally important routes

3.10 With regard to public objections there were 728 through petition and 18 written objections. The below provides a summary of the key landscape and visual concerns expressed through written objections.

- **Visual impact:** the wind farm would negatively impact the landscape, seascape, and skyline, significantly detracting from the areas' visual qualities. Section 3.3 of this SoA discusses the visual effects of the Proposed Development.
- **Negative effect on landscape and seascape:** the wind farm would have a significantly negative impact on the landscape and seascape qualities of the area. Section 3.2 of this SoA discusses the landscape and seascape effects of the Proposed Development.
- **Incompatibility with landscape character:** the location, scale, and elevation of the proposed development are argued to be incompatible with the existing landscape setting, suggesting it would undermine the distinction between different landscape character types and disrupt the integrity and variety of Landscape Character Areas. Section 3.1 of this SoA discusses the design and fit of the Proposed Development.
- **Proximity to Thurso:** The proximity of the wind farm to Thurso is a concern, with objections stating it would significantly impact the wild landscape and seascape characteristics of the town. Some people highlight that the turbines would be visible from many parts of Caithness, Sutherland, and Orkney. Section 3.3 of this SoA discusses the visual effects of the Proposed Development, including visual effects on Thurso.

- **Turbine height and skyline impact:** the height of the turbines is a concern, with comparisons made to the London Eye to emphasise their scale. Objectors fear the turbines would negatively impact the skyline of Thurso. Section 3.1 of this SoA discusses the design of the proposed wind, including turbine height.
- **Impact on peaceful and scenic area:** some residents express concern about the impacts of a wind farm on a beautiful and peaceful part of the country, negatively affecting the landscape. Section 3.2 of this SoA discusses the landscape effects of the Proposed Development.
- **Proximity to residences:** Concern with regard to the proximity of the wind farm to residential areas and family homes with children. People highlight the potential impact on their homes and living environments/ residential visual amenity. Section 3.3 of this SoA discuss effects on residential visual amenity.

3.11 This Chapter is accompanied by a map, which draws together information on the following within 20 km of the Site, onto one figure (Figure 3.1). It shows:

- Blade Tip (138.5 m) Zone of Theoretical Visibility (ZTV)
- NatureScot Landscape Character Types
- Landscape Designations and Wild Land
- Long Distance Trails
- Core Paths
- Cumulative Wind Farm Context (updated in March 2025).

Cumulative Update

3.12 The potential cumulative situation was checked, focusing on wind farms proposed within 20 km of the Proposed Development. Whilst cumulative effects are not specifically mentioned in the RfR, changes to the cumulative baseline have taken place since the application was lodged and are discussed where relevant in this SoA. It is only the closer projects that are of relevance to this Appeal namely Baillie, Forss, Hill of Lybster, Limekiln (and their associated extensions), but the others are listed for completeness. The table below outlines the changes and Figure 3.1 shows the current cumulative context, as of March 2025:

<i>Distance (km)</i> ¹	Wind Farm	Status (2022 LVIA) ²	Blade Tip Height (m)	Number of Turbines	Status as of March 2025
<i>Operational (included in primary LVIA baseline and Scenario 1 and 2 cumulative baseline)</i>					
18.49	Achlachan	Operational	115	5	Operational
4.55	Baillie	Operational	110	21	Operational
22.07	Bad a Cheo	Operational	112	13	Operational
20.41	Causeymire - Phase 1	Operational	101	21	Operational

¹ This is an approximate distance taken between the approximate centre point of each wind farm.

² The cumulative cut-off date was set on 09/05/2022.

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Distance (km)¹	Wind Farm	Status (2022 LVIA)²	Blade Tip Height (m)	Number of Turbines	Status as of March 2025
4.48	Forss - Phase 1	Operational	76	2	Operational
4.63	Forss - Phase 2	Operational	78	4	Operational
21.26	Halsary	Operational	120	15	Operational
<i>Consented (included in Scenario 1 and 2 cumulative baseline)</i>					
19.10	Achlachan 2	Consented	110	3	Consented in 2016 (now lapsed)
15.37	Dounreay Tri Demo	Consented	201	2	Consented (application for non-compliance with certain conditions approved Oct 2021)
4.04	Hill of Lybster	Consented	99.5	1	Operational
9.66	Limekiln Extension	Consented	149.9	5	Operational
<i>Application stage (included in Scenario 2 cumulative baseline)</i>					
4.23	Forss III (formerly Forss Extension)	Application Submitted	100	2	Consented (Feb 2024)

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Distance (km)¹	Wind Farm	Status (2022 LVIA)²	Blade Tip Height (m)	Number of Turbines	Status as of March 2025
11.12	Limekiln	Application submitted (Note: consented post cumulative cut-off date)	149.9	19	Operational
20.66	Tormsdale	Application Submitted	149.9	12	Application submitted (scheme amended via Aug 2023 SEI to 10 turbines). Further Environmental Information (FEI) with design amendments pending.
20.30	Kirkton	Scoping (not included in cumulative LVIA)	149.9	11	Awaiting decision post appeal.
20.30	Melvich	Not included	149.9	12	Application submitted (FEI with design amendments pending)
15.80	Swarclett	Not included	149.9	2	Application submitted

Section 3.1 – Location and Design

- **Location, scale, and elevation of the Proposed Development would not relate well to the existing landscape setting**

3.13 The project was originally designed using ten turbines, at the scoping stage for the previous application (APP1.14). This was subsequently reduced to eight in order to reduce landscape and visual effects. The original application was withdrawn in order that further design mitigation could be incorporated, when the project was reduced to five turbines, forming the Proposed Development.

3.14 The LVIA provides information on the Site at Table 5.8, as follows:

“The site is located across the ridge between Cairnmore Hillock (134 m Above Ordnance Datum (AOD)) to the west and Scrabster Hill (144 m AOD) to the east. This west to east aligned ridge is located to the south of the A836, which links Thurso to Melvick. Landcover comprises mainly open moorland and heath on the higher ground, and a mix of rough grassland/ pasture and arable fields on the lower ground to the north and south of the site. There are a number of minor watercourses and small waterbodies across the site, which radiate out from the higher ground towards the lower surrounding farmed lowland plain.

The influence of human activity is apparent on and around the site, through field boundaries and farm tracks; the remains of farmsteads (Blackheath) and discussed quarries; the surrounding road network (including a major A road to the north) and residential properties; moto-cross tracks, electricity distribution overhead lines and small scale turbines. Due to the open character of the surrounding landscape and slightly elevated nature of the site, operational wind farms in the wider surrounding landscape also influence character.

The turbines are proposed within the Farmed Lowland Plain (143) LCT. Access to the site will be via the northern side from the A836, near Forss Holdings.”

3.15 This is a modified landscape, where existing wind farms, electricity infrastructure, transport corridors, coniferous forestry, quarries, settlement and buildings have an influence on character. The Proposed Development will be seen in this context, adding a further man-made feature into the view.

3.16 The RoH considers the Site to be located on a ‘landmark’ hill. Paragraph 7.21 of the RoH states:

“...The site’s location is on a landmark hill that plays an important role in the spatial definition of the area, helping to create a separation of the coastal triangle that lies between the Forss Water and the Sweeping Moorland and Flows landscape character that dominates in Sutherland to the west, from the wider sweep of the Farmed Lowland Plain hosting landscape character area that straddles the A9.”

3.17 In reality, the Proposed Development will be located on a low hill in an undulating lowland area that varies in elevation. There are a number of similar low lying hills in

the vicinity including the Hill of Shebster (133 m AOD) to the south-west, west of the Forss Water Valley, and on which the operational Baille Wind Farm is located. There is also the Hill of Orlig (141 m AOD) to the east (east of Thurso) and the Hill of Lieurary (137 m) and Buckies Hill (122 m), both located to the south.

- 3.18 Low lying hills, and their association with wind farms, are recognised in the Farmed Lowland Plain (143) LCT key characteristics, as follows:

“Small groups of large wind turbines sited on some of the low ridges and hills and prominent visibility of larger wind farms in adjacent Landscape Character Types.”

- 3.19 As such, the location of the Site is considered to relate well to the existing landscape setting, and to the established landscape character.

- 3.20 The Proposed Development has been through a number of design iterations including a notable reduction in the number of turbines proposed, from ten (as put forward at Scoping stage in 2016, then reduced to eight in 2020 (previous application stage down to the five turbines which comprises the re-designed project now being considered. Chapter 3 of the EIAR provides further information on the design process with Table 3.1 providing a summary of ‘mitigation by design’:

- *“The number of turbines was changed from 5 [sic.8] to 10 and reduced to 5 through the design process and the layout of the remaining turbines was altered to provide the following mitigation:*
- *Placement of turbines within landscape of sufficient scale and simplicity and away from distinctive landscape features the scale and form of which could be compromised;*
- *Positioning of turbines inland, away from key views of key landmark features and views including the distinctive cliffs and bays of the northern coastline of Caithness, and the land mass of Orkney;*
- *Positioning of turbines to ensure sufficient separation from other nearby wind farm sites;*
- *Set-back from the most visible prominent slopes of the Hill of Forss;*
- *Maintenance of a maximum distance from individual dwellings and Janetstown properties;*
- *Minimisation of the amount of site infrastructure and ancillary elements;*
- *Location of ancillary elements to minimise visibility from external receptor locations, especially the A836 corridor; and*
- *Minimising ‘stacking’ of turbines in views from key neighbouring receptor locations.”*

- 3.21 The RoH highlights a number of positive changes associated with the revised 2022 application design, as follows:

“...The advantage of this site however is that the turbines can be grouped on relatively level, albeit elevated, ground, ensuring a relatively consistent turbine elevation across the development, in line with NatureScot guidance.” (para 7.27)

“In terms of turbine design, the applicant is proceeding with the proposal for 138.5 m ground to tip height turbines against the grain of recent scoping requests and applications whereby The Council is routinely responding to proposals in excess of 200 m ground to tip height turbines.” (para 7.28)

“...In the everchanging context of wind energy development and wind farm design across Highland then, the proposal appears to be behind the curve.” (para 7.30)

“The scheme’s revisions have resulted in some positives however. For example, the composition of the array is notably improved at VPS 3 (A836 Thurso), 6 (A9 South of Thurso), 10 (A9 Georgemas Station), and 12 (Dunnet Bay Visitor Centre) for example. And, that the spread of turbines is noticeably reduced at VPs 7 (North Link Ferry Scrabster to Stromness), 8 (Reay), 9 (Beinn Ratha), 12 (Dunnet Bay Visitor Centre), 13 (Easter Head Light House Car Park), 16 (Strathy Point) due to the angle of the view...” (para 7.31)

“In terms of design of the infrastructure on the site including the BESS, control building, substation, and tracks, appear to have been located to reduce landscape, visual, and other environmental impacts. The final designs of these components could be secured by condition in the event the scheme is approved and the applicant is aware of the Council’s requirement for associated buildings to be designed in a manner that reflects the Highland vernacular. In addition, the applicant is proposing to use internal transformers either in the nacelle or tower bases, which is supported as this would reduce the visual clutter of additional infrastructure on the site and could also be secured by condition.” (para 7.34)

- 3.22 As recognised in the RoH, and in the context of current wind farm applications, the Proposed Development represents a very modest scale turbine size and layout, which is located in a large scale and undulating landscape. The landform of Cairnmore Hill is subtle. Given the open and undulating nature of the landscape, Cairnmore Hill is seen in this context along with other subtle variations in the landform. A scheme of the size proposed, using turbines of this scale, can readily be accommodated into the large scale landscape, and will not appear to sit at a notably higher elevation than the surrounding land, given the subtle variations in the landform and the relatively low nature of the hill.
- 3.23 The ROH recognises a number of layout improvements for the five turbine layout. From the majority of assessment viewpoints, the Proposed Development will read as a coherent and small single group of turbines, with limited overlapping of turbine towers. The RoH also recognises (paragraph 7.34) that the design of onsite infrastructure has sought to minimise landscape and visual effects.

- 3.24 As such, the location, scale (and elevation) of the Proposed Development will relate well to the landscape setting, and to the existing landscape character.

Section 3.2 – Landscape Effects

- **Non-localised significantly detrimental effects on landscape qualities**

- 3.25 Landscape qualities are described as key characteristics of Landscape Character Types. Landscape qualities are also described within descriptions for designated landscapes, and are typically expressed as ‘special qualities’.

Landscape Character Types (LCTs)

- 3.26 The Proposed Development will be located in the Farmed Lowland Plain (143) LCT. To the north, within 5 km, a thin strip of the coastal edge is defined as the High Cliffs and Sheltered Bays (141) LCT. Offshore areas further north fall within the North Caithness and Pentland Firth Seascape Character Unit (8). Areas to the south-west of the proposed turbines, just beyond 5 km distance, lie within the Sweeping Moorland and Flows (134) LCT (refer to Figure 5.1.4 of the LVIA). There are no national or local level landscape designations across the Site. The closest landscape designation is the Dunnet Head Special Landscape Area (SLA), located approximately 12 km to the north-east.
- 3.27 The LVIA concludes that there will be significant effects on the landscape character of parts of the following LCTs:
- Farmed Lowland Plain (143) LCT – Major (significant) across site and reducing to Moderate (significant) within 5 km
 - High Cliffs and Sheltered Bays (141) LCT - Moderate (significant) from the high ground along the southern edge of the LCT between Brims Ness and Holburn Head (contained within 5 km of the proposed turbines)
 - North Caithness and Pentland Firth Seascape Character Unit (8) - Moderate (significant) within 5 km.

- 3.28 All of the significant effects on Landscape Character Types will be contained within 5 km of the proposed turbines.

Designated Landscapes

- 3.29 The LVIA concludes that there will be no significant effects on designated landscapes (see Tables 5.15-5.17 of the LVIA (APP6.3)).
- 3.30 The RoH comes to no clear conclusions with regard to the geographical extent of landscape effects, though does state, at paragraphs 7.61 to 7.63 and with regard to designated landscapes, that:

“It is important to note here that, while the proposal is considered to result in likely significant landscape effects, it is not considered to impact the Special Qualities or

the integrity of the Dunnet Head Special Landscape Area. For example, the proposal is not expected to compromise the SLA's perceived large scale and seemingly extensive interior moorland character by virtue of the development's distance from the headland. Furthermore, while the development is visible and prominent in views from the headline, the turbines would not impinge the expansive panorama seen from Dunnet Head itself.

Similarly, the applicant's assessment that the proposal will not significantly impact on the 'Distinctive Mount and Moorland', the 'Exposed Peaks, Vast Openness and Intimate Glens', and the 'Historic Landscape' Special Qualities of The Flow Country and Berriedale Coast SLA, or the 'Dramatically Intricate Coastline and Forceful Sea', the 'Moorland and Crofting Mosaic', the 'Big Skies and Extensive Views', and the 'Historical Dimension' Special Qualities of Farr Bay, Strathy and Portskerra SLA, is agreed...

In addition to the above, the applicant has scoped out detailed assessments of the effects of the development on the Special Qualities of the Kyle of Tongue, and, Hoy and West Mainland NSAs, and the Special Qualities of both the Duncansby Head, and, Bens Griam and Loch nan Clar SLAs, as well as the Wild Land Qualities of Wild Land Areas (WLA) 39: East Halladale Flows, 36: Causeymire-Knockin Flows, and, 41 Hoy. The scoping out of these designations from detailed assessment has been prior agreed with the applicant. It is also noted that the policy status of WLAs has changed in NPF4 relative to energy developments, which states that renewable energy developments that support national targets will be supported in Wild Land Areas (WLA) and that buffer zones around WLAs will not be applied, so that effects of development outwith WLAs will not be a significant consideration."

3.31 Dunnet Head SLA is the closest designated landscape, at 12 km distance.

3.32 RFR1 considers 'significantly detrimental effects on landscape qualities' to be 'non-localised'. NPF4, Policy 11 sets out support for renewable energy projects and recognises that significant landscape and visual impacts are to be expected for such projects (Policy 11 e) ii). It goes on to state that: "Where impacts are localised and/or appropriate design mitigation has been applied, they will generally be considered to be acceptable". There is no definitive statement in NPF4 as to the geographical extent of localised effects. A number of reporters have come to various conclusions with regard to the extent of localised effects, in the context of wind farm applications and these are referred to in the consideration and application of planning policy in the following Chapter 4 (paragraphs 4.22- 4.35) and Appendix 4 Policy Appraisal (paragraphs 4.614-23). These include schemes with significant effects on landscape character extending to approximately 12 km distance and with reporters considering these effects to be localised. As such, landscape effects, as identified in the LVIA are considered to be well within the realm of 'localised' effects, in the context of NPF4. The effects are no more extensive than would be expected for a wind farm proposal of this scale, and in this type of landscape.

- **Undermine the distinction between the Farmed Moorland Plain, Sweeping Moorland Flows, and High Cliffs and Sheltered Bays Landscape Character Types**

3.33 The Proposed Development will be completely contained within the Farmed Lowland Plain (143) LCT. It is assumed this is the LCT which it is referring to when discussing the Farmed 'Moorland' Plain. There is a thin strip of the High Cliffs and Sheltered Bays LCT to the north, within approximately 3 km. To the south-west, just beyond 5 km distance, is the Sweeping Moorland and Flows (134) LCT. Figure 5.1.4 of the LVIA highlights the relationship of the Proposed Development with the underlying LCTs.

3.34 RfR1 considers the Proposed Development to undermine the distinction between the Farmed Moorland Plain, Sweeping Moorland Flows, and High Cliffs and Sheltered Bays LCTs.

3.35 Paragraph 7.53 and 7.54 of the RoH states:

"...the location of the proposed development on the Hill of Forss gives the turbines a more immediate relationship with the wider Farmed Lowland Plain LCT. This relationship can be seen in the presence of the development as a prominent feature effectively defining the visible edge of the LCA when seen from the east. In these views the development is seen as part of a visual continuity of those windfarms located in, or closer to, the adjacent Sweeping Moorland and Flows LCA (LCT 134), that is both Limekilns and Baillie Wind Farms, and the Forss cluster Wind Farms. This association undermines the distinction between the two landscape character types because the larger scale of the proposed turbines brings the small groups of large wind turbines sited on low ridges and hills, for example VP13 (Easter Head Light House Car Park), into close association with the prominent and more expansive windfarms of Baillie and Limekiln in the adjacent LCT.

In coastal views, including those from key routes and the gateway transition between Sutherland and Caithness on the A836, the Farmed Lowland Plain LCA generally appears as part of a transition from Sweeping Moorland Flows to the High Cliffs and Sheltered Bays Landscape Character Area. At present, Baillie generally reads as more closely associated with the Sweeping Moorland and Flows, and Forss is more associated with the High Cliffs and Sheltered Bays LCT (LCT141). The elevated position of Cairnmore Hill places Baillie Wind Farm much less ambiguously within the Farmed Lowland Plain, thus creating the impression that the three turbine developments in close proximity with each other are located within the same LCA, which ultimately undermines the distinction between the Landscape Character Areas. While these effects are not experienced over the entire Farmed Lowland Plain character area, within the north west portion of the LCT, the effects are significant."

3.36 In terms of the other wind farms which are mentioned, the operational Baillie Wind Farm and the Forss cluster are both located in the Farmed Lowland Plain (143) LCT, within 5 km to the south-west and north-west respectively (refer to Figure 5.1.8). The, now under construction, Limekiln (and extension) is located in the adjacent LCT (Sweeping Moorland and Flows) at just over 8 km distance. This wind farm is located in a large area of coniferous forest, which extends north-east towards the boundary with the Farmed Lowland Plain LCT.

- 3.37 When looking at these schemes in views seen from the east, as represented by Viewpoint 13, the Forss cluster is more clearly associated with the coastal edge. There will then be a notable gap between this cluster, and the Proposed Development, which will read as an inland scheme clearly contained within the undulating Farmed Lowland Plain. Baillie and Limekiln both read as schemes seen in the distance, behind the Proposed Development. The Proposed Development, Baillie and Limekiln all read as inland wind farms. Due to the viewing distance and undulating nature of the terrain, it is difficult to perceive the transition between the Farmed Lowland Plain (in which the Proposed Development and Baillie Wind Farm are located) and the Sweeping Moorland and Flows (in which Limekiln is located). The distinction between the landscape character types is not readily apparent on the ground as it might be for more strongly contrasting types. The Proposed Development will sit across an intermediate horizon, with the other two wind farms sitting behind this horizon. In this view, wind farms tend to either be associated with the coastal edge, or to read as more inland schemes. The Proposed Development will clearly read as an inland scheme, set in the context of other inland wind farms.

Viewpoint 13 (photomontage extract)



- 3.38 Views seen from the coastal edge, including those from key routes and the gateway transition between Sutherland and Caithness on the A836 are best represented by Viewpoint 17, with views to the north-east, looking towards the Site. From here, the Proposed Development, the Forss cluster and Baillie Wind Farm will all read as distinct, separate wind farms, seen behind the horizon in the middle distance. The foreground of the view, experienced in views to the north-east, is characterised by undulating farmland which is the landcover and terrain associated with the Farmed Lowland Plain LCT. All three schemes will read as wind farms which are seen behind the horizon in the middle distance, in the context of the Farmed Lowland Plain LCT. Views to the sea (and to the coastal edge) can only be appreciated looking in a more northerly direction. Views towards the sweeping moorlands can be appreciated in views looking to the south and south-west.

Viewpoint 17 (photomontage extract)



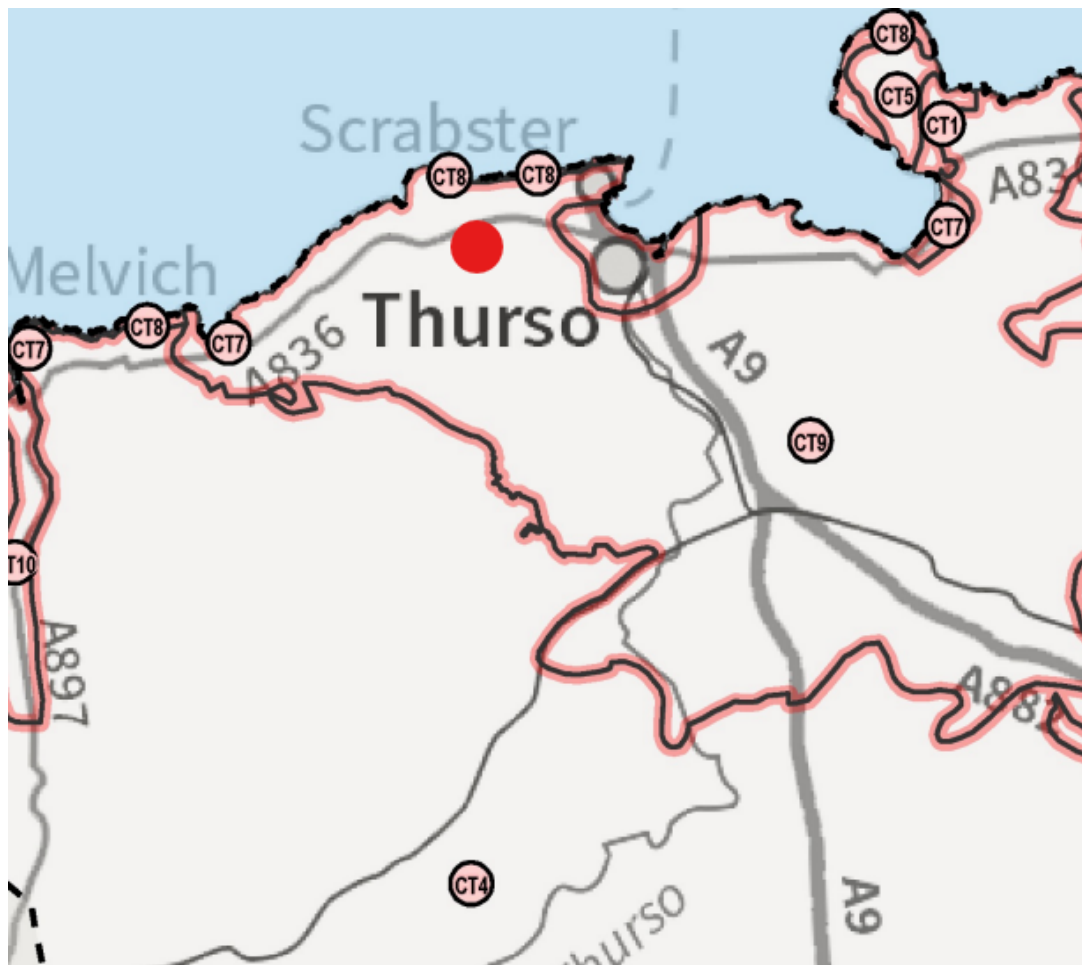
3.39 From the majority of assessment viewpoints, it is clear that the Proposed Development will be set within an undulating farmed lowland plain. There will be a clear offset from the Proposed Development to the coastal edge (when visible) and a clear offset between the Proposed Development and areas of moorland (when visible), which is the landcover associated with the Sweeping Moorland and Flows LCT. Arguably, it is the operational Baillie Wind Farm (located near the boundary with the Sweeping Moorland and Flows LCT) and Forss clusters (located near the coastal edge), which could be seen to play a role in any blurring of transition between landscape character types. The Proposed Development will be very clearly contained within the Farmed Lowland Plain. This is both in terms of its offset from the LCT boundaries to the north and west (refer to Figure 5.1.4) and in terms of its relationship with the landscape and setting of other wind farms, seen in views from the east (as represented by Viewpoint 13), and west (as represented by Viewpoint 17).

- **Disrupt the integrity and variety of the Landscape Character Areas identified in The Council's Onshore Wind Energy Supplementary Planning Guidance**

3.40 Page 88 of the Landscape Sensitivity Appraisal for Caithness (LSA-C) (APP6.4) provides landscape character mapping for Caithness. This broadly follows similar boundaries as set out in the 2019 NatureScot landscape character mapping for the area (refer to Figure 5.1.4).

3.41 The Site is clearly contained within CT9 – Farmed Lowland Plain which reflects the boundaries of NatureScot LCT (143), of the same name. The coastal edge (within 5 km to the north) in the LSA-C is defined as CT8 – High Cliffs and Sheltered Bays, which reflects the NatureScot LCT (141), of the same name. Just beyond 5 km to the south-west, the landscape transitions into CT4 Sweeping Moorland and Flows, which reflects the NatureScot LCT (134), of the same name.

Extract of landscape character mapping from page 88 of the LSA-C with site location marked approximately with red dot



3.42 Given that the boundaries in the LSA-C closely reflect the boundaries of the NatureScot 2019 LCTs, effects on them will be similar.

3.43 Paragraphs 7.55 to 7.58 of the RoH state:

“Within the Landscape Sensitivity Appraisal for Caithness (LSA-C), the landscape character unit is CT9: Farmed Lowland Plain. The description of the landscape identifies considerable local variety in prevalence of landscape characteristics across the unit. Local undulations in topography are identified as contributing to this diversity of landscape scale and pattern. The settled character and mosaic of fields increase the sensitivity to larger scale developments. Moreover, this section of the guidance notes the prominence and scale of the industrial/naval/commercial cluster around Dounreay and Forss.

The landscape character and sensitivities lead to a conclusion in the LSA-C that scope for larger turbines is limited. The advice for turbines is generally directed towards the medium and small turbines, for which greater scope is identified, the most pertinent guidance for larger turbines states that turbines should:

Be carefully chosen to ensure that their height and numbers reflect the balance of development within the farmed basin such that no one development type dominates.

At present the character of wind energy development within the CT9 Landscape Unit is for a range of smaller turbines, individually or in loose groups of two to three located across the main river basins, with a marked change in the north west of the Unit where Baillie and Forss developments bring larger groupings of larger turbines into the coastal triangle. As mentioned, the coastal triangle lies between the Forss Water and the boundary with Sutherland. The Forss cluster and Baillie Wind Farms are experienced as part of the transition through the industrial/naval/commercial development to the Sutherland landscape of Sweeping Moorland and Flows, which carries its own population of larger wind energy developments. The proposed development would not relate strongly to this pattern and would tend to increase the domination of larger turbines in the CT9 Unit outwith the transitional zone they currently occupy. They would also extend the perception of larger turbines into the backdrop and setting of Thurso. These are significant impacts that fail to meet the thresholds in the OWESG Criteria, specifically Criterion 6, because the proposal does not contribute positively to existing pattern of wind energy development or the objectives for development in the area.

As described, these impacts would fail to meet the thresholds described in OWESG Criterion 9 because the proposal does not relate well to the existing landscape setting and increases the perceived visual prominence of surrounding wind turbines. For the same reasons, the proposal would also fail to meet Criterion 10 because the distinctiveness, integrity and variety of Landscape Character Areas are not maintained.”

- 3.44 The LSA-C considers wind farms with turbines as 30 m or above as larger in scale (see glossary in page 69 of the 2016 Onshore Wind Energy Supplementary Guidance (APP5.5)). This highlights the age of the guidance, written at a time when wind energy development in Scotland was at a far earlier stage. With turbines proposed at 138.5 m to tip height, these are modest in scale in today's terms, in the context of current wind farm applications with turbines at 200 m to tip or greater. The modest scale of the turbines proposed is recognised in the RoH with the Council recognising that they are 'behind the curve' when compared to the typical height of wind turbines for current applications. The Proposed Development will be small in terms of turbine numbers, with 5 turbines. As noted at paragraph 1.3 of this SoA, this layout has been refined down from the 10 turbine layout originally proposed at scoping stage, following feedback from the Council.
- 3.45 The Farmed Lowland Plain is a large scale and open landscape. The landform is gently undulating, and there are a number of small hills in the range of up to approximately 180 m. Spittal Hill to south of the LCT is 176 m in height. As recognised in the CT09 Farmed Lowland Plain description, the landscape is well settled and infrastructure including wind farms, OHL, substations and larger scale buildings/ agricultural sheds influence character. Baillie Wind Farm has turbines at 110 m to tip and the Forss cluster has turbines at 78 m to tip (with a further consented turbine at just under 100 m to tip). In this landscape, and given the

existing wind farm context, the slightly larger turbines associated with the Proposed Development would not appear out of place or conflict with the wind farm pattern. They would fit the existing development pattern, both in terms of number, scale and position in relation to topography and character.

- 3.46 The RoH describes a 'coastal triangle' between the Forss Water (valley to the west of the Site) and the boundary with Sutherland. It suggests that as the existing Baillie and Forss Wind Farms are located in this 'coastal triangle', the Proposed Development would push wind farm development further east into the Farmed Lowland Plain, which would not follow the existing pattern of wind farm development. There is no mention, within the CT9 Farmed Lowland Plain description, of any 'coastal triangle' within this landscape character type. In the 'potential for wind energy development section' it states that medium or smaller scale turbines should be *"pulled back from the boundary with Sweeping Moorland LCT to maintain the clarity of the transition and avoid unnecessary cumulative effects"*.
- 3.47 The Proposed Development will be visible from the western edge of Thurso, as represented by Viewpoint 3 (below). It will not be visible from the lower lying core of the settlement, from which it will be screened by topography.

Viewpoint 3 (photomontage extract)



- 3.48 Table 5.36 of the LVIA provides an assessment of effects on the settlement itself, as follows:

"The ZTV, refer to Figure 5.1.2, indicates widespread theoretical visibility from the eastern and western parts of this settlement. The lower ground along the course of the River Thurso, through the centre of the settlement, is in an area of visual screening. Actual visibility will be greatly reduced by the built up nature of the settlement, which would generally restrict views of the Proposed Development. The most open views of the Proposed Development would be available from the western fringes of Ormlie, Pennyland and Burnside and from open sections of the A836, where all five of the Proposed Developments' turbines would be seen on the skyline, within a distance of 5 km. Viewpoint 3 is illustrative of these views, and from which a moderate and significant visual effect has been identified. However, within the core of the settlement and more widely, views towards the Proposed Development would typically be restricted by built form. Furthermore where long distance coastal views

from the settlement can be experienced, these will not be altered by wind farm development at the site.

As such, and overall, the Proposed Development is not considered to result in significant effects on this settlement.”

3.49 In summary:

- The LSA-C is clearly an older document, which does not recognise the scale of wind farm development currently proposed, or needed to meet current net zero targets.
- This is a large scale and modified landscape. The horizontal and vertical scale of the landscape is able to accommodate wind turbines of the scale proposed and the Proposed Development will read as a further feature in this modified landscape, rather than a new feature in an undeveloped landscape. The turbines proposed will be modest in scale and numbers, to help them relate to the existing nearby wind farm context.
- The Proposed Development will be clearly contained within the Farmed Lowland Plain LCT. It will be well offset from adjacent LCT boundaries, helping to reduce any sense of blurring of the ‘*integrity or variety*’ of LCT as mapped in the LSA-C. The LSA-C recommendations for CT09 – Farmed Lowland Plain, recognise this development potential.
- Whilst the wind farm will be visible from the western edge of Thurso, it will not result in significant visual effects on the main part of settlement itself. Topography and buildings within the low lying settlement will largely screen views. Key coastal views to the north will not be altered by wind farm development to the west.

Section 3.3 – Visual Effects

3.50 The Proposed Development ZTV is shown on Figure 3.1.

3.51 The LVIA concludes that in terms of visual amenity at the assessment Viewpoints, significant visual effects will extend no further than 8.1km (i.e. will be contained within approximately 8 km distance).

3.52 Appendix 5 of the RoH provides a comparative visual assessment appraisal. This appraisal agrees with the applicants’ findings of significant visual effects. The Council also suggests that significant visual effects would be found at the following viewpoints:

- Viewpoint 8 – Reay (10.3 km to nearest turbine)
- Viewpoint 9 – Beinn Ratha (12.2 km to nearest turbine)
- Viewpoint 11 – Ben Dorrery (12.6 km to nearest turbine)

- Viewpoint 12 – Dunnet Bay Visitor Centre (15.0 km to nearest turbine)
- Viewpoint 13 – Easter Head (15.7 km to nearest turbine)

3.53 The Council appear to suggest that five turbines at 138.5 m to tip height, which is relatively low in today's terms, will result in significant visual effects at up to almost 16 km distance. This seems overstated and unlikely given their number and size. It would be very unlikely for the effects of five relatively modest scale turbines to extend this far, and these findings are not supported by the detailed assessment work that was undertaken for the LVIA (APP1.3).

3.54 Analysis regarding these visual effects is provided below.

- **Tourists and visitors to the outdoors and key cultural locations in the wider vicinity of the site (including key views)**

3.55 The RoH states at paragraph 7.37:

“A total of 18 viewpoints across a study area of 40 km have also been assessed although all viewpoints are within 30 km of the turbines. These viewpoints are representative of a range of receptors including communities, recreational users of the outdoors, and road users. The viewpoints are considered sufficient to enable an assessment of the Landscape and Visual Impact Assessment (LVIA) and for the Planning Authority to come to a conclusion of the likely landscape and visual impacts.”

3.56 Appendix 5 of the RoH provides The Council's assessment of visual effects. Where The Council has come to different conclusions from the LVIA with regard to visual effects, this is discussed.

Viewpoint 1 – A836 (1.4 km distant to nearest turbine) (photomontage extract)



3.57 Both parties in agreement that effects will be Major and significant.

Viewpoint 2 – Thurso to Reay Road (3.1 km to nearest turbine) (photomontage extract)



- 3.58 Moderate effects are recorded in the LVIA, with The Council considering effects to be Major-Moderate. This slight increase can largely be attributed to The Council increasing the sensitivity of the viewpoint, due to nearby residential receptors at Westfield and scattered properties along the road. Most people will experience this partial view as road users, however.
- 3.59 Appendix 5 states: ... *“The existing energy development in the wider panoramic makes the section of the view towards Cairnmore Hill more valuable as a respite from energy development at this location. While the proposed development is discrete from these other wind farms, the significance of the cumulative impact stems from the fact that Cairnmore Hill would bookend views from the SW to NW with views of windfarm development, giving a sense of an encroaching encirclement of wind energy development. Therefore, the development would represent an increase in the influence of wind energy development on the character of the landscape.”*
- 3.60 However, and as demonstrated by the cumulative wirelines, views to the east and south will remain free of wind farm development. As such, the view is not ‘encircled’ by wind farms. From this location, which is also representative of views from the Forss Water Valley between the Proposed Development and the operational Baillie Wind Farm, the land form of the western flank of the Hill of Forss will help to reduce the visibility of the Proposed Development. The Proposed Development will read as a wind farm which is contained behind enclosing horizons to the east, helping to mitigate cumulative interactions with Baillie Wind Farm to the west.

Viewpoint 3 – A836 Thurso (3.9 km to nearest turbine) (photomontage extract)



- 3.61 Moderate effects are recorded in the LVIA, with The Council considering effects to be Major-Moderate. This slight increase can partially be attributed to The Council increasing the sensitivity of the viewpoint, due to a higher viewer susceptibility associated with residents to the west of Thurso. Views for residents will be dependent on the level of localised screening by buildings. Most people will experience this more open view as road users.
- 3.62 Appendix 5 of the RoH states: ... *"It is difficult to agree with the judgement that the visual effect will be over a small area given that the applicant's assessment states the VP represents sequential views for 5 km, while it may also represent stationary views from residential properties and external spaces from Burnside through Pennyland and Ormlie. Do not agree to a medium magnitude of effect, medium-large is more appropriate. The sensitivity of receptors and magnitude of effect tend towards the major level of effect, which is consistent with the findings of the report for the original application however the mitigation of reducing turbine numbers and the overall width of the array, as well as improving the overall composition, reduces this judgement to a major-moderate level of effect but agree it is Significant - the development will result in a considerable alteration to baseline views."*
- 3.63 The geographical extent has been judged in the context of road users on the A836. This is a long route, so views of this nature for approximately 5 km are, relatively speaking, short-lived in terms of the length of road over which they will be experienced. The RoH recognises mitigation through design, through reducing the width of the array and layout improvements. The RoH considers that the Proposed Development would *'pull views away from the coast'*. However, expansive coastal views to the north are more likely to draw the eye of the viewer away from the wind farm.

Viewpoint 4 – St Marys Chapel, Crosskirk (4.1 km) (photomontage extract)



- 3.64 Moderate effects are recorded in the LVIA, with The Council considering effects to be Major-Moderate. This slight increase can partially be attributed to the increased value The Council give to the view, as the church is a Scheduled Monument. Effects on the setting of Scheduled Monuments are considered in the cultural heritage chapter of the EIAR. No significant effects on the setting of St. Marys Chapel are identified in the cultural heritage chapter 6 of the EIAR (APP1.3). As noted in the LVIA: *"This viewpoint is not located within a designated landscape. It is not a promoted viewpoint or on a promoted trail. It does not have any recognised scenic value. It is therefore considered to be of medium value."*

- 3.65 At a number of places in the RoH, The Council consider this to be a 'key' viewpoint. The RoH Appendix 5 states:

"The development would represent a considerable increase in the influence of wind energy developments on the panoramic view's composition where they sit on the skyline within the transition of low farmed planes and coastal views to the southeast and east, with the landmark potentially encircled by turbines..."

...Do not agree that the visual effect would be experienced over a small geographical extent as similar views are gained within the Forss business park and to the east of Forss Water at Crosskirk and down to the A836 around Forss, this may be large geographic extent for a single visual effect. Turbines represent a substantial change to the baseline view and as above the magnitude of effect tends towards major but reduces to major-moderate but still significant due to the improved composition."

- 3.66 The cumulative wirelines highlight that the Forss Wind Farm cluster is, by far, the more prominent scheme in the view. Expansive coastal views to the north would also not be interrupted by any wind farm development at the Site, to the south-east. The Proposed Development would read as an inland wind farm, set within the farmed lowland plain. Pasture and rough grassland/moorland across the Site is clearly apparent and the Hill of Forss reads as a subtle undulating landform, both of which are features associated with the farmed lowland plain.
- 3.67 The view was selected to be representative of views for recreational visitors to the chapel. As such, the geographical extent is small in scale. Similar views will be experienced from different parts of the coastal edge (the high ground behind – south - of the coastal cliffs). However, these views will not be experienced as views from a specific visitor destination (the chapel).

Viewpoint 5 – Kintail Cottage (scoped out due to limited visibility)

Viewpoint 6 – A9 South of Thurso (6.3 km) (photomontage extract)



- 3.68 Moderate effects are recorded in the LVIA, with The Council considering effects to be Major-Moderate. This slight increase can partially be attributed to the increased value The Council give to the view, with tourists using the A9. However, the A9 is a busy and fast moving commuter road in this area, and from this location does not form part of the NC500, given it takes the coastal route to the east.

3.69 The RoH Appendix 5 goes on to state:

“The development will result in a notable alteration of the baseline view due to the spread and scale of turbines against the scale of existing structures, and against the scale of the hill, which is a receding landform from that location such that the size and scale is medium-large. Turbines will be visible on that point of the horizon not only for the 7 km stretch of the A9(T) from just north of the junction with the B874 to Thurso, but also on the stretch of the A9(T) from the Caithness Flagstone Ltd premises leaving Spital heading north, albeit with the magnitude of the effect increasing while travelling north. In any case the large geographic extent is agreed. Consider that the consider the magnitude of effect to be more appropriately described as being in the medium-large bracket leading to a with a major-moderate and significant LoE, a bracket higher than the applicant’s assessment but reduced since the previous assessment again largely due to an improved composition.”

3.70 The RoH suggests that the Hill of Forss is a ‘receding landform’ from this location. It is certainly a subtle feature in the view, which could be said from most locations. Given the scale of development; expansive nature of the view; influence of other features such as wind farms, OHL and other large scale buildings; and the viewing distance, a medium scale of change is appropriate.

Viewpoint 7 – NorthLink Ferry Scrabster to Stromness (photomontage extract)



3.71 Moderate effects are reported in the LVIA, with The Council considering effects to be Major-Moderate. This slight increase can be attributed to the slightly increased scale of change The Council give to the view.

3.72 Appendix 5 of the RoH states: *“The size and scale is judged to be medium-large; turbines will appear over the cliffs for the extent of the ferry journey which is a large geographic extent. The worst case scenario is a major-moderate magnitude of effect, but can agree that the effect reduces with distance in any case the resultant visual effect is significant.”*

Viewpoint 8 – Reay (10.3 km) (photomontage extract)



- 3.73 Minor (not significant) effects are reported in the LVIA, with The Council considering effects to be Moderate (significant). This increase can be attributed to the increased scale of change The Council give to the view.
- 3.74 Appendix 5 of the RoH states: *“The size and scale is medium as the turbines appear large at a distance behind Dounreay and OHL towers, the view composition changes inland from Fresgoe with the turbines only being visible over the bay for less than 1 km so the small geographical extent can be agreed. A medium magnitude of effect leading to a moderate and significant level of effect is considered more appropriate in this instance.”*
- 3.75 Given the scale of development; expansive nature of the view; likely focus of the view looking out to sea, to the north; influence of other features such as wind farms, OHL and the power station - many of which have modified the horizon in views towards the Site; and the viewing distance, a medium-small scale of change (and Minor and not significant effect) is appropriate.

Viewpoint 9 – Beinn Ratha (12.2 km to nearest turbine) (photomontage extract)



- 3.76 Minor (not significant) effects are reported in the LVIA, with The Council considering effects to be Moderate (significant). This increase can be attributed to the increased scale of change The Council give to the view.
- 3.77 Appendix 5 of the RoH states: *“The size and scale of the proposal is somewhat magnified due to the elevated location of turbines obscuring an important landmark feature (Dunnet Head) and their being a notable and awkward addition to the turbines of Bailie Wind Farm, and is judged to be medium, the geographic extent of the visual effect is small due the VP representing a single summit however similar effects may*

be experienced at other summits in the area such as Sean Airigh, Clachgeal Hill, and Cnoc an Eich. However, no visual information is provided for those locations, which would experience the development above Limekiln as well as Baillie. The MoC is medium, the level of effect is moderate and significant with the proposal creating an adverse and very undesirable effect from this VP.”

- 3.78 However, this is a large scale and expansive view which has been altered by wind farms. The Proposed Development will be seen fully behind another wind farm, which currently alters the view and horizons seen when looking towards Dunnet Head. The wind farm would represent a small additional feature in the view. Combined with the viewing distance, a small scale of change (and Minor and not significant effect) is appropriate.

Viewpoint 10 – A9 Georgemas Station (12.6 km) (photomontage extract)



- 3.79 Minor (not significant) effects are reported in the LVIA, with The Council considering effects to be Moderate-minor (not significant). This increase can be attributed to the increased sensitivity The Council give to the view, associated with tourists on the A9. However, the majority of road users on this fast moving route will be commuters. At this location, the road does not form part of the NC500, given it takes the coastal route to the east.

Viewpoint 11 – Ben Dorrery (12.6 km) (photomontage extract)



- 3.80 Minor (not significant) effects are reported in the LVIA, with The Council considering effects to be Moderate (significant). This increase can be attributed to the increased scale of change The Council give to the view.
- 3.81 Appendix 5 of the RoH states: *“Similar to VP 9, the size and scale of the proposal is somewhat magnified due to the elevated location of turbines with the array appearing wide over several landscape features, which keeps the size and scale in the medium*

bracket. Again, the VP represents a single summit with a limited, small, geographic extent however it is not clear whether similar visual effects would be experienced from Beinn Freiceadain, Cnoc an Arbhair or other local summits. The MoC is medium, with a moderate significant level of effect."

- 3.82 However, this is a large scale and expansive view which has been altered by wind farms. The Proposed Development will represent a small feature in the overall view. It will read as a discrete, separate scheme set in the gently undulating context of the farmed lowland plain. Combined with the viewing distance, a small scale of change (and Minor and not significant effect) is appropriate.

Viewpoint 12 – Dunnet Bay Visitor Centre (15 km) (photomontage extract)



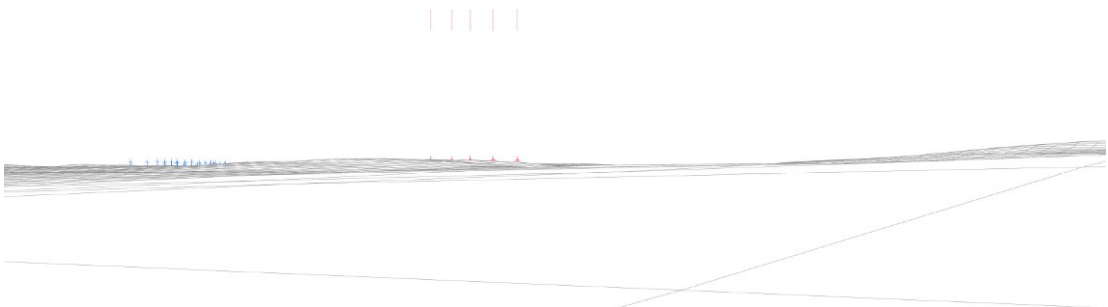
- 3.83 Minor (not significant) effects are reported in the LVIA, with The Council considering effects to be Moderate (significant). This increase can be attributed to the increased scale of change The Council give to the view.
- 3.84 Appendix 5 of the RoH states: *"The size and scale of turbines is likely in the medium bracket due to the elevation and sky-lining, the visual effect is likely to be experience from the majority of the beach, West Dunnet and from the A836 leaving Dunnet, although less so from the A836 where it runs parallel to the beach. As such, the geographic extent is medium as agreed with the Applicant leading to a MoC in the medium bracket. The LoE is moderate and significant."*
- 3.85 However, this is a large scale and expansive view which has been altered by wind farms (Baillie Wind Farm also visible in views towards the Site). The landform is low and gently undulating, so inland wind farms will inevitably be seen on the skyline. The Proposed Development will not be located above a notably higher part of the landform. Indeed, subtle hills to the left (east of the Site) are more legible from this location. Combined with the viewing distance, a small scale of change (and Minor and not significant effect) is appropriate.

Viewpoint 13 – Easter Head (15.7 km) (photomontage extract)



- 3.86 Minor (not significant) effects are reported in the LVIA, with The Council considering effects to be Moderate (significant). This increase can be attributed to the increased scale of change The Council give to the view.
- 3.87 Appendix 5 of the RoH states: *“Turbines appear out of scale with the underlying landscape which, along with the compositional issues, increases the size and scale of the change to medium, a similar visual effect will likely be experienced over a medium-small geographic extent. The MoC is Medium-Low, the LoE is moderate significant.”*
- 3.88 However, this is a large scale and expansive view where the large scale nature of the farmed lowland plain can be appreciated. The Hill of Forss is a subtle landform in this view, seen in the context of other subtle variations in the landform across the farmed lowland plain. Higher hills and mountains are very much more a part of the distant views. The Proposed Development will be seen in the context of other inland wind farms, in views to the south-west. The focus of views from this location is likely to be out to sea, rather than looking inland. Combined with the viewing distance, a small scale of change, and Minor and not significant effect, is appropriate.

Viewpoint 14 North of Mybster Substation (19.3 km) (wireline extract)



- 3.89 Both parties in agreement that effects will be Minor and not significant.

*Viewpoint 15 – Loch Watten Visitor Centre and Car Park (22.4 km to nearest turbine)
(photomontage extract)*



3.90 Both parties in agreement that effects will be Minor and not significant.

Viewpoint 16 Strathy Point (23.1 km) (photomontage extract)



3.91 Whilst the suggested level of effect differs, both parties are in agreement that effects will be below the threshold of significance.

Viewpoint 17 – A836 East of Reay (9.9 km) (photomontage extract)



3.92 Whilst suggested level of effect differs, both parties are in agreement that effects will be below the threshold of significance.

Viewpoint 18 – Janetstown (1.4 km) (photomontage extract)

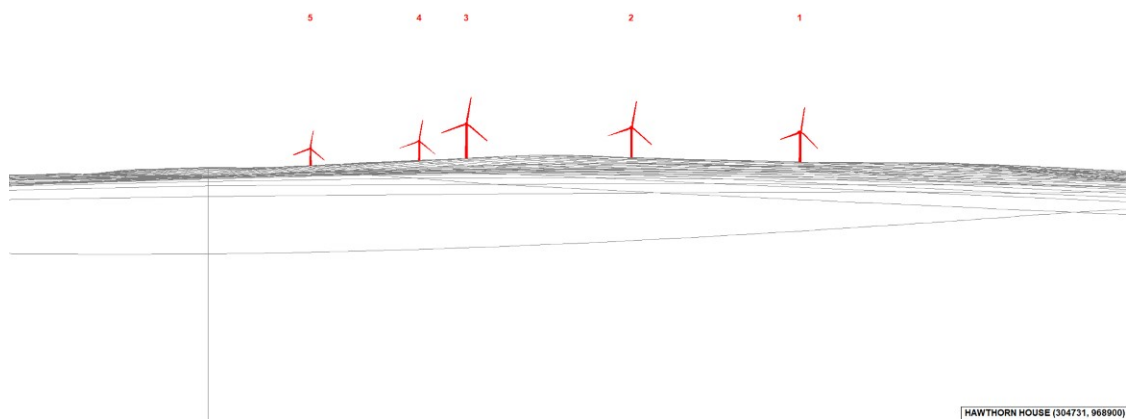


- 3.93 Both parties are in agreement that effects will be Major and significant.
- 3.94 In summary, The Council largely agrees with the viewpoint assessment findings. There are some slight variations in levels of effect, where The Council has attributed a slightly higher sensitivity or scale of change to the view. Overall significance is largely agreed, with the exception of the following viewpoints:
- Viewpoint 8 – Reay (10.3 km to nearest turbine)
 - Viewpoint 9 – Beinn Ratha (12.2 km)
 - Viewpoint 11 – Ben Dorrery (12.6 km)
 - Viewpoint 12 – Dunnet Bay Visitor Centre (15.0 km)
 - Viewpoint 13 – Easter Head (15.7 km)
- 3.95 All of these viewpoints are located over 10 km from the Proposed Development. All of these views are large scale and expansive, where the Proposed Development will form a relatively small feature in the overall view. For these reasons, and, as set out in this SoA, effects are judged to have been over estimated by The Council, from these locations. As such, significant visual effects are judged by the applicant to be contained within approximately 8 km, which is considered to be localised in extent.
- **Visual effects for occupants of nearby residential properties where the turbines would be dominant**
- 3.96 Effects on residential visual amenity, from all residential properties within 2 km of the proposed turbines were considered (see Residential Visual Amenity Assessment (RVAA) in Technical Appendix 5.2, APP1.6). Figure 5A2.1 – Residential Baseplan shows the locations of properties on a map, some of which have been grouped, based on them being close and having similar viewing experiences.
- 3.97 Since the application was submitted in 2022, and as of February 2025, there is one new property within 2 km of the proposed turbines, as follows:
- Hawthorn House (304731, 968900)

- 3.98 This property is located within the Group 2 cluster, to the south of the A836. The proposed turbines will be located to the south-west, at approximately 1.6 km distance. A wireline was generated from here, to accompany this SoA (refer to Figure 3.2 with extract provided below). This wireline confirms that effects on residential visual amenity will be similar in nature to those reported for the existing Group 2 cluster, which states in Table 2 of the RVAA (APP1.6):

“Whilst wireline (refer to Figure A5.2.3) suggests potential for a high magnitude of change in more open views (primary and secondary) to south-east, the viewing distance and scale of change is such that effects are unlikely to breach the residential visual amenity threshold. Where localised built form, garden vegetation and hedgerows do not screen views, the Proposed Development will be seen in the context of open views with expansive skies.”

Additional (90 degree) wireline from Hawthorn House (extract)



- 3.99 The RVAA (Technical Appendix 5.2, APP1.6) concludes that:

“...the potential relationship between residential properties in proximity to the Proposed Development is not unusual when compared and calibrated with other existing and consented wind farm developments within Scotland and throughout the UK. This study confirms that no properties/ property groups will be subject to effects on residential visual amenity which are judged to breach the Residential Visual Amenity Threshold. This is a landscape which is open in character, with large scale views and expansive and wide skies. Many properties have views towards the coast, which draw the eye. When visible the Proposed Development is seen in the context of these expansive and open views, which are typically available in multiple viewing directions. This helps to prevent residents from feeling any views of the Proposed Development are inescapable.

In relation to cumulative effects with operational wind farms, a number of properties considered in this RVAA have views orientated to the north-west and west looking over the Lythmore Strath/ Strath of Baillie towards operational wind farms (Baillie and Forss). The distance to operational wind farms to the west and north-west is such that the properties will not feel surrounded by wind farms to the extent that effects on

residential visual amenity are breached. The LVIA (refer to Table 5.37) provides further assessment on communities around the Proposed Development and considers cumulative interactions with operational wind farms further.”

- 3.100 Table 5.37 of the LVIA provides an assessment for communities around Cairnmore Hillock/ Hill of Forss including Forss, Janetstown and Westfield. Given the proximity of the Proposed Development, and often open nature of views, the LVIA concludes:

“The ZTV, refer to Figure 5.1.2, indicates widespread theoretical visibility for local communities around the Hill of Forss and Cairnmore Hillock. The landscape around the site is gently undulating and open in character, so actual visibility will closely reflect theoretical. Any local screening varies from property to property, and tends to be from vegetation and built form within the property curtilage, rather than landscape features in the surrounding area.”

- 3.101 Viewpoint 1 (which represents views from properties along the A836 to the north of site) and 18 (which represents views from properties in Janetstown) both indicate a large scale change in views. A medium-large scale of change in the view is anticipated from properties in Forss Water Valley and Westfield, where the landform of Cairnmore Hillock will play more of a screening role for properties to the south-west of the site (see Viewpoint 2).

Viewpoint 1 (photomontage extract)



Viewpoint 2 (photomontage extract)



Viewpoint 18 (photomontage extract)



“When visible, from properties around Cairnmore Hillock and Hill of Forss, the Proposed Development will result in significant visual effects. However, many properties have open and long distance views in one or more direction away from the site. The open and gently undulating nature of the landscape contributes to the sense of large scale views with expansive skies. The large scale and expansive nature of these views is better able to accommodate wind farm development of the scale proposed. This includes further views of wind farms with relevance to residents who currently experience views of Baillie and Hill of Forss Wind Farms, along the Forss water Valley. Where longer distance coastal views from communities around the site can be experienced (to the north for properties along the A836 and to the north-east, towards Dunnet Bay, for properties in Janetstown), these will typically not be altered by wind farm development at the site.”

3.102 The RoH states at paragraph 7.85 to 7.90:

“Given that no individual has the right to a private view in the planning system, the threshold of whether the significant visual effects of the proposal would be oppressive, overbearing, and/or overwhelming on living conditions at individual properties is necessarily higher than that simply of a significant visual effect as assessed above. Consequently, there are several additional factors to consider such as relative size and proximity of turbines, whether the turbines are sited within principal views / primary outlooks from properties and property groups, as well as the type and nature of available views, which are described in the RVAA Methodology (Volume 4 Technical Appendix 5.3: Residential Visual Amenity Assessment). It is noted that the RVAA is broken down in to more detail regarding individual properties and logically defined housing groups than previously submitted.

The RVAA concludes that the development is unlikely to breach the residential visual amenity threshold for all of the properties and property groups assessed. That a number of properties would experience significant visual impacts, but none were considered sufficient to be deemed ‘overbearing’ or overwhelming’ to render the property an unattractive place to live.

Groups 3, 4 and 12, Hopefield, and Braigh-Mor would experience turbine towers behind intervening landscape features such as open fields that serve to separate the turbines from the properties and maintain a sense of openness, even if the turbines

enclose a portion of otherwise open views. It is considered that the turbines would be unlikely to occupy the most valuable sections of the views from the properties.

The agricultural area to the south of Brimmisa House's garden ground along with the A836, help to distinguish the area of undifferentiated rough pasture between the A836 and the horizon, which, coupled with the steeper sloping ground, would otherwise bring the horizon in to a much more immediate relationship with the house. Consequently, the proposal is not considered to reach the threshold of the 'Lavender Test'.

All three Group 6 properties are on the development side (south) of the A836 with less intervening land and a rising landform that presents these properties with a more immediate relationship with the horizon and the turbines, which are located on the other side. The effect will be more similar to that shown in VP 1 (A836 by Motorcross Track) of the previous application. Turbines recede with 5 being the larger turbine, then 4, then 3, with only smaller tower sections would be visible, which helps it from breaching the threshold. Turbines recede to a lesser extent for Braigh-Mor.

*Given the above, it is accepted that the proposal, while being a stark new and dominant feature in the landscape, **is unlikely to breach the residential visual amenity threshold for individual properties or property groups.** However collectively, the turbines will be experienced as a strong visual intrusion across the community."* [emphasis added]

3.103 In summary, the RoH confirms the findings of the RVAA and that there would be no breach of the Residential Visual Amenity Threshold. The LVIA recognises that there will be significant visual effects for the nearest residents/ dispersed communities. However, there are mitigating factors including:

- Many properties have open and long distance views in one or more direction away from the site.
- The open and gently undulating nature of the landscape contributes to the sense of large scale views with expansive skies.
- The large scale and expansive nature of these views is better able to accommodate wind farm development of the scale proposed.
- Given the nature of views, views of the proposed turbines will not seem inescapable.
- Where longer distance coastal views from communities around the site can be experienced (to the north for properties along the A836 and to the north-east, towards Dunnet Bay, for properties in Janetstown), these will typically not be altered by wind farm development at the site.
- **Visual effects for users of the NC500**

- 3.104 The North Coast 500 (NC500) is a circular long distance driving route. Through the LVIA study area, the NC500 follows the route of the A839 between Bettyhill, in the west, to John O’Groats, in the east. South of John O’Groats, the NC500 follows the route of the A99. Figure 5.1.2a of the LVIA shows the NC500 in relation to the LVIA study area and ZTV. This figure highlights that the NC500, as it follows the route of the A99, is beyond 25 km or more from the site, and largely outside of the ZTV. As such, this section of the route has been scoped out of the assessment. The LVIA includes an assessment of sequential effects from the A839 (refer to Table 5.38) and notes the following in the baseline section:

“... At its closest is situated approximately 1 km to the north of the Proposed Developments’ turbines... Views to site include short distance oblique views from the open section of the route as it passes the site. Medium to longer distance more direct views will also be available, from shorter sections of the route, as road users travel east and west...”

- 3.105 The sensitivity of road users on this route is defined as medium-high given the increased susceptibility associated with tourists using the NC500, and as the route passes through some locally designated landscapes, and is promoted as a long distance and scenic driving route, which increases value. This level of sensitivity is judged to be appropriate given that this is quite a fast moving road in the area of the site, which if were not part of the NC500, would be given a lower overall sensitivity.
- 3.106 The LVIA concludes that, *“Moderate and above (significant) sequential effects are predicted from open sections of the route, as road users travel east and west, within approximately 7.5 km of the site. The operational Baillie and Forss Wind Farms will also be visible in certain views through this section, particularly as road users travel east towards the site. Beyond this, sequential effects are judged to fall below the threshold of significance.”*
- 3.107 Paragraphs 7.77 to 7.79 of the RoH provide the following assessment from the NC500:

“For road users including tourists travelling east along the A836/NC500, the proposal would be a near constant presence from west of the Drum Hollistan layby and viewpoint, some 13 km west of the site, in mostly forward views when transitioning from the Sweeping Moorland and Flows into the Farmed and Lowland Plains of Caithness, which the development is associated with. Behind the traveller are the Bettyhill Phase 1 and the approved Phase 2 Wind Farms, Strathy cluster of wind farms, and to the receptors’ left, the Pentland Floating Offshore Wind Farm site. Once the receptor has passed the Wind Farms of both Limekilns, Baillie, Forss, and Hill of Lybster, Cairnmore Hill Wind Farm would be a dominant feature of the landscape overwhelming the Hill of Forss local landmark that currently acts as a visual break between the Sweeping Moorland and Flows Landscape Character Area that hosts these wind energy developments and Thurso’s rural setting, which is currently free of wind farms, to the detriment of Thurso’s rural setting.”

“Similarly, for road users heading west along the route, the proposal is theoretically visible from East Mey in largely forward views from where it is experienced

sequentially with Lochend and likely the emerging cluster with Hollandmey. The proposal will increase in prominence beyond Castletown and on the approach to Thurso due to its elevation.”

“The applicant’s assessment considers the significant effects to occur for road users from around 7.5 km from the proposal east and west taking account of where combined views of wind farms become more apparent, and, where the proposal has a greater presence and influence and so more notably increases the scale of change in the view. While reasonable, this assessment misses the impact that the development at Hill of Forss would have on the qualitative experience of the route where it would reduce and detract from the transitional experience of the key gateway location for travellers heading to Thurso from the west. This is because, the location and prominence of the proposal would blur the distinction between the Sweeping Moorland and Flows, Farmed Lowland Plains, and the High Cliffs and Coastal Bays LCAs, overwhelming and detracting from the landscape characteristics, namely the Hill of Forss, that contribute to the distinctive transitional experience along the route. The change to the character and setting of Thurso’s rural hinterland on the approach to the settlement from the east, and particularly when exiting the settlement at its west, is also to Thurso’s detriment. This is because the turbines would considerably increase the influence of windfarm development by bringing turbines directly into the experience of the road users leaving the settlement and signifying a strong association of the NC500 along the north coast section with wind farms.”

- 3.108 When travelling east, the RoH recognises the influence of various wind farms as experienced from the NC500. The Proposed Development would slightly extend the influence of wind farms further east in views from the route. It would not introduce notably new visibility of wind farms from the route, given the influence of the nearby Forss and Baille Wind Farm clusters. When travelling east, and once road users have passed the Site, there would be a section of road approximately 3 km in length which is free of wind farms, on the approach to the settlement of Thurso.
- 3.109 The Council appears to be overstating the significance of the Hill of Forss as a local landmark, that acts as a visual break between *“the Sweeping Moorland and Flows Landscape Character Area that hosts these wind energy developments and Thurso’s rural setting.”* The Hill of Forss is a relatively subtle landform, which is clearly located within and associated with the Farmed Lowland Plain LCT. Farmland characterises the landcover of the Hill of Forss (arable, rough grassland and some moorland) indicating its fit with this area. The low hill is located approximately 5 km east of the boundary of the Sweeping Moorland and Flows LCT. The Farmed Lowland Plain is a gently undulating landscape and there are a number of subtle hills across it, as recognised in the documented key characteristics of the LCT. Indeed, Viewpoint 17, which is representative of views when travelling east of the NC500, highlights the gently undulating nature of the landform in views to the east. The Council agree, in Appendix 5 of the RoH, that effects from this location would fall below the threshold of significance.

Viewpoint 17 (photomontage extract)



- 3.110 When travelling west, Viewpoints 12 and 3 provided representative views from the NC500, on the approach and departure from Thurso.

Viewpoint 12 (photomontage extract)



Viewpoint 3 (photomontage extract)



- 3.111 Both views highlight the subtle undulating nature of the landform, seen in views to the west from the NC500. To suggest that the Hills of Forss is a 'landmark hill' which contributes to the 'distinctive transitional experience' along the route is somewhat overstating the significance of the landform, as seen in views from the NC500, and with regard to its role in providing a transition between LCT. It is a very gentle feature.
- 3.112 In summary, the RoH agrees with the findings of the LVIA, in that significant effects will be contained within 7.5 km to the east and west of the Site, as experienced from the NC500. Given the length of the overall route, these effects will be localised in extent. When travelling west through Thurso, which is low lying, the topography and buildings in the settlement will largely screen views towards the Proposed

Development. Views on the western departure from the settlement will be quite fleeting in nature, as road users pass the Site, after approximately 3 km. When travelling east, the western approach to Thurso will remain free of wind farms, as experienced from this area, as road users will already be past it.

- 3.113 The RoH acknowledges that wind farms are already visible from parts of the route. Given the proximity of the Baillie and the Forss Wind Farm clusters, the Proposed Development will slightly increase the influence of wind farms in views seen from this route. The RoH overstates the significance of the subtle Hill of Forss as a landmark from the NC500. This is a very gentle feature in the farmed lowland plain, and certainly not a feature that would form a notable landmark in the minds of recreational users of the NC500, given the scenery along the long route. In reality, most users of the NC500, when passing the Site, will be looking towards views to Thurso and the sea, to the north, with the Proposed Development being located to the south of the route.

- **Visual effects on other regionally important routes**

- 3.114 Table 5.7 of the LVIA outlines which routes were carried forward for sequential assessment. The justification for the selection of routes which is considered in this table is set out as follows:

“Theoretical visibility of the Proposed Development from routes (roads, railways, ferries and recreational routes) is illustrated on Figures 5.1.2. Visibility from a route will vary as you move along it, depending on the surrounding topography, built form and vegetation pattern alongside the route.

Based on an analysis of theoretical visibility and potential views, Table 5.7 below provides information on which routes have been carried forward for detailed assessment.

Due to their lower receptor susceptibility, roads and railways beyond 10 km from the turbine area are scoped out. Due to the higher susceptibility of receptors using promoted long distance footpaths and cycle routes, these are included up to 15 km from the turbine area. Core Paths and rights of way within 5 km of the proposed turbines are mapped.”

- 3.115 On this basis, detailed sequential assessments were carried out for the A836 (and NC500), A9 (and the Wick to Thurso Railway Line, which follows a broadly similar route along the broad valley of the River Thurso), the Stromness Ferry and Core Paths (within 5 km). Effects on the NC500 (and A836 are considered above. The following sections consider effects on the A9 (and Wick to Thurso Railway) and Core Paths, which are discussed in more detail in the RoH.

The A9 (and Wick to Thurso Railway)

- 3.116 Table 5.39 of the LVIA provides an assessment of effects on the A9. It concludes that:

“Moderate (significant) sequential effects are predicted from open sections of the route within approximately 6 km of the site, on the southern outskirts of Thurso. Beyond this, sequential effects are judged to fall below the threshold of significance.”

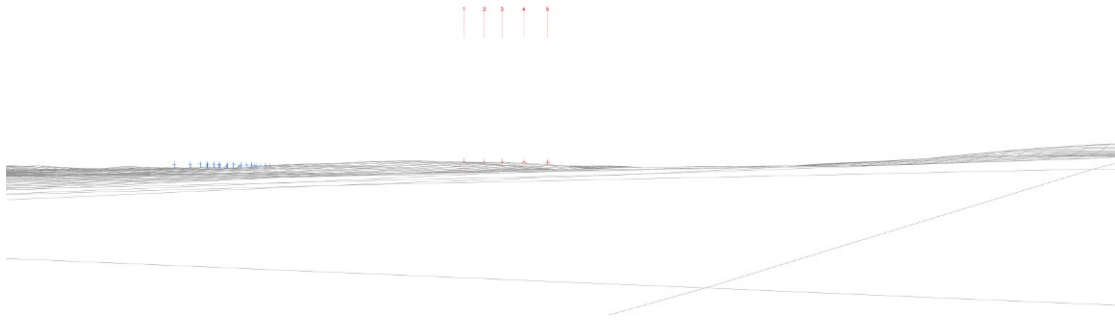
3.117 Paragraphs 7.80 to 7.81 of the RoH state:

“For travellers heading north along the A9(T), the development would theoretically be seen on the skyline of the A9(T) from a distance of around 30 km in combination with Baillie Wind Farm, albeit beyond the turbines of the Causeymire, Achlachan, Bad a Cheo, Halsary, and Tacher Cluster Wind Farm cluster. Northbound travellers will have experienced the extensive North Sea offshore cluster of Beatrice, Moray West and East (Stevenson, Telford, and MacColl), before being presented with Buolfrulich Wind Farm, then potentially the 13no 180 m turbines of Golticlay Wind Farm enroute to passing through the wind farm landscape formed by the aforementioned Causeymire, Achlachan, Bad a Cheo, Halsary, and Tacher cluster, itself with potential to be extended further into the Sweeping Moorland and Flows LCA if Tormsdale Wind Farm is approved. This sequential, not to mention the successive and in combination experiences of turbine developments along the A9(T), highlights the need to maintain visual and experiential respite from this type of development for travellers along important routes. Instead, the prominence of Cairnmore Hill Wind Farm in many forward views, gives undue prominence to both Limekiln and Baillie Wind Farms, which combine to effectively frame the Sweeping Moorland and Flows LCA as enjoyed from the A9(T), and gives the proposal the presence of being the destination for travellers along the route.

Similarly, the turbines are theoretically visible for road and rail users travelling from Wick all the way to Thurso along, also largely in forward views. The A882 joins the A9(T) just north of Georgemas Junction, the effect of which is described above, and is a vital link for the region. An assessment of the proposal’s effect on the amenity of these sections of road and rail is notably absent from the submitted LVIA. Users of the routes would experience the development to the front of their vision in relation to the Achairn, Bilbster, Camster and Camster II, and Wathegar Wind Farm cluster south of the road, and the approved Cogle Moss turbines to the north. While the distance to the development from this section of road means the development would appear within a limited section of the view in comparison to the wider landscape, the development would introduce yet another wind energy development to a portion of the view along the route not currently associated with this type of development, again its increasing prominence giving it the presence of being a destination for travellers along the route.”

3.118 When travelling north, Viewpoints 14, 10 and 6 are representative of views from the A9. Similar views will be available from the Thurso to Wick Railway, which follows a similar route to the A9 from the location of Viewpoint 10 (around Georgemas Station) and then heading north.

Viewpoint 14 (wireline extract)



- 3.119 From Viewpoint 14, the cumulative wireline highlights the influence of other wind farms, located in closer proximity to the road (cluster including Halsary, Bad a Cheo and Causeymire Wind Farms). From this location (which is 19.3 km distant) views towards the Proposed Development will be very limited, being largely screened by intervening forestry. The nature of views will change as road users continue north. However, the undulating landform will continue to provide partial screening, and the Proposed Development will be well offset from the operational Baillie Wind Farm and more distant (and now under construction) Limekiln Wind Farm, in views seen to the north-west. The Council agree, in Appendix 5 of the RoH, that effects would not be significant from this location.

Viewpoint 10 (photomontage extract)



- 3.120 Continuing north, from Viewpoint 10 (12.6 km distant), road users are now past the larger cluster of wind farms including Halsary, Bad a Cheo and Causeymire, so any cumulative interactions with these schemes will fall away. From this location, views towards the Proposed Development will be slightly oblique; views of Baillie Wind Farm are largely screened; and the under construction Limekiln Wind Farm will be well separated from the Proposed Development. The Council agree, in Appendix 5 of the RoH, that effects would not be significant from this location. As such, effects from the A882 which joins the A9 to the south-east of this location (and a section of the Thurso to Wick Railway, which broadly follows this route), will also fall under the threshold of significance, given the increased viewing distance.

Viewpoint 6 (photomontage extract)



- 3.121 Continuing north, and on the approach to Thurso, as represented by Viewpoint 6, views towards the Proposed Development will become increasingly oblique for road users, as the Proposed Development will be located to the west of the settlement, and the A9 heads towards Thurso in a more direct and northerly direction. The cumulative wireline highlights notable separation between the Proposed Development, the operational Baille Wind Farm and the under construction Limekiln. All three schemes will be seen behind medium to longer distance horizons, in which the foreground context is characterised by the undulating landscape of pastoral land use associated with the farmed lowland plain. They do not frame views of the sweeping moorland and flows, as the RoH suggests. Significant visual effects are, however, recognised from this location (6.3 km distant) which is in line with the findings of the sequential assessment for this route. In the context of this very long route, these effects are considered to be localised in extent.

Core Paths

- 3.122 Table 5.7 of the LVIA states *“Core Paths within 5 km are mapped on Figure 5.1.2. These include Core Paths radiating north, west and south of Thurso, as represented by Viewpoint 3 and 18; short sections of Core Paths to the east of Westfield, as represented by Viewpoint 2; and short sections of Core Paths around Crosskirk Bay, as represented by Viewpoint 4.”*
- 3.123 Paragraph 7.74 of the RoH states: *“The LVIA has also considered the development to result in significant effects on the amenity of Core Paths within 5 km of the proposal site where they would have an open aspect towards the development; VPs 2 (Thurso to Reay Road), 3 (A836 Thurso), 4 (St Mary’s Chapel, Crosskirk), and 18 (Janetstown), which is agreed. However, there are Core Paths at Sandside Head, VP 8 (Reay) and Ben Dorrery, VP 11(Ben Dorrery), where significant visual effects have been appraised. The proposal is not considered to impact the amenity of Core Paths within Broubster Forest.”*
- 3.124 Figure 3.1 of this SoA provides mapping of Core Paths out to 20 km distant.
- 3.125 From the Core Path network around Sandside Head (as represented by Viewpoint 8 at Reay), Figure 3.1 highlights that visibility would generally be limited to a short section of the path network, above the high cliffs to the west of Sandside Bay. Due to

the viewing distance, and for the reasons set out in the SoA at 3.76, effects are not considered to be significant from here.

Viewpoint 8 (photomontage extract)



- 3.126 From the Core Path network around Ben Dorrery (as represented by Viewpoint 11), Figure 3.1 highlights that the path approaches the summit from the east, through forestry, and then climbs the southern flank of the hill. As such, views towards Site will generally be limited to the summit area. Due to the viewing distance, and for the reasons set out in the SoA at 3.83, effects are not considered to be significant from here.

Viewpoint 11 (photomontage extract)



- 3.127 In summary, significant sequential visual effects are recognised from open sections of the A9 within approximately 6 km of the site, and for parts of the Core Path network, within 5 km and with more open views. These effects are considered to be localised.

Landscape and Visual Conclusions

- 3.128 Following feedback from The Council for the previous application, the design was refined to create a small and compact layout.
- 3.129 The Proposed Development will not be located within a national or local level landscape designation, such as an NSA or SLA. There will be no significant effects on any designated landscapes. The Council agrees with this position.

- 3.130 Landscape and visual effects are considered to be localised, extending no further than approximately 8 km distance (5 km for landscape, 8 km for views).
- 3.131 Whilst there will be significant visual effects which will be experienced by people who live in scattered communities across the area, there are a number of mitigating factors due as set out at paragraph 3.104 of the SoA. Furthermore, there will be no effects on residential visual amenity which are judged to breach the residential visual amenity threshold, as set out in the Landscape Institute guidance (see APP6.1). The Council agrees with this position.
- 3.132 The Proposed Development will be clearly located within the Farmed Lowland Plain LCT. It will be well offset from the coastal edge to the north, and the Sweeping Moorland and Flows LCT to the south-west. It will be set in an area of rough grassland/moorland which is the characteristic landcover associated with the farmed lowland plain. It will not appear to blur the boundaries with other LCTs, being set well back from transitional areas.
- 3.133 The Hill of Forss (the hill upon which the development is proposed) is a subtle and relatively low landform in the Farmed Lowland Plain LCT. There are a number of other small hills/ gentle rises in the wider landscape, which is recognised in the key characteristics of the Farmed Lowland Plain LCT. Some of these hills are already characterised by the presence of turbines. The Proposed Development will fit with this development pattern.
- 3.134 Effects as experienced from a section of the North Coast 500 will be localised.
- 3.135 The Proposed Development will be set within a modified landscape where a number of human influences are apparent. It will read as a further feature and human influence in the landscape, with landscape and visual effects being localised, as might be expected for a development of this scale, and relatively limited in extent and severity.

4 Summary of Policy Appraisal

Introduction

- 4.1 This Chapter has been prepared by Mr David Bell of David Bell Planning Ltd. Mr Bell is a Chartered Town Planner with over 35 years of experience in planning and development practice. A summary of Mr Bell's qualifications and relevant experience is contained in Appendix 3.
- 4.2 The Reporter is referred to **Appendix 4** of this SoA. This comprises a detailed policy appraisal of the Proposed Development ('the Policy Appraisal') undertaken by Mr Bell. This Section does not repeat the policy appraisal but instead sets out a summary of the key points.

The Energy Policy Framework

- 4.3 The Policy Appraisal sets out the energy policy framework and the strong policy support for the further and rapid delivery of onshore wind development as a critical response to the Climate Emergency and Scotland's legally binding target of net zero by 2045. The Planning Statement (2022) (APP1.7) and its Update (2023) (APP1.10) cover this topic however the Policy Appraisal refers to new material considerations which have emerged since the Planning Statement Update was produced in 2023.
- 4.4 New climate change and energy considerations include the following which are referred to in detail in the Policy Appraisal:
- Updates to the UK Carbon Budget position and reference to the Seventh Carbon Budget (APP7.1) which was published in early 2025 and what it states with regard to the recommended deployment capacity of onshore wind;
 - The CCC Report to the UK Parliament of July 2024 (APP7.2);
 - The changed UK Government approach to onshore wind as a result of the new UK Government (2024) and the publication of the Clean Power 2030 Action Plan (APP7.3) and the new UK target for onshore wind to be deployed by 2030;
 - The publication of the UK Battery Strategy in November 2023 (APP7.4);
 - The Onshore Wind Sector Deal published in September 2023 (APP7.5);
 - The CCC Report to the Scottish Parliament of March 2024 and what it set out in relation to the achievability of Scotland's emission reduction targets (APP7.6);
 - The Scottish Government Green Industrial Strategy, published in September 2024 (APP7.7).

- The Climate Change (Emissions Reduction Targets) (Scotland) Act 2024 and the move away from annual emission reduction targets to a system of carbon budgets to bring Scotland in line with the approaches taken in Wales at the UK level.
 - It is clear from a review of the up-to-date climate change and energy policy framework that the trajectory, in terms of the scale and pace of action required to deliver more renewable generation and reduce emissions, is growing ever steeper.
- 4.5 The Onshore Wind Policy Statement (2022) (APP7.15) ('OWPS') confirms a Scottish Government ambition for a minimum of 20 GW of installed onshore wind capacity by 2030. The UK Clean Power Action Plan has set a target of 30 GW to be operational in the UK by 20230. Policy therefore supports a minimum increase in the installed capacity of onshore wind in Scotland by an amount equivalent to about 130% of the entire installed capacity of all current operational Scottish onshore wind farms, and this in a period of around 5 years.
- 4.6 These new policy related documents, with the OWPS and National Planning Framework 4 ('NPF4'), emphasise that the planning system has a critical role in addressing the climate and nature crises through affording significant weight to the contribution of renewable developments in achieving these objectives. The OWPS expressly recognises that to achieve the Scottish Government's 20GW ambition by 2030 will require deployment of taller and more efficient turbines and that *"this will change the landscape"*.

National Planning Framework 4

- 4.7 Turning to the planning policy framework, the statutory Development Plan against which the Appeal is to be determined comprises NPF4 and the Highland wide Local Development Plan (2012) ('the HwLDP') and its related Supplementary Guidance.
- 4.8 Before addressing policies, it is helpful to identify the policies that are referenced in the Council's two reasons for refusal. They are as follows:
- 4.9 In summary therefore, the topics in dispute and the planning policies referenced in the reasons for objection (which both relate to landscape and visual matters) are as follows:
- 4.10 **Reason 1:** Landscape and visual matters:
- NPF4 Policy 11 (Energy) paragraph e) and ii);
 - NPF4 Policy 4 (Natural places) paragraph a);
 - HwLDP Policy 28 (Sustainable Design);
 - HwLDP Policy 61 (Landscape);
 - HwLDP Policy 67 (Renewable Energy Developments); and

- The Council Onshore Wind Supplementary Guidance.

4.11 **Reason 2:** Landscape and visual matters:

- NPF4 Policy 11 (Energy) paragraphs e) ii);
- NPF4 Policy 4 (Natural places) paragraph a);
- HwLDP Policy 28 (Sustainable Design);
- HwLDP Policy 67 (Renewable Energy Developments); and
- The Highland Council Onshore Wind Supplementary Guidance.

4.12 The policy references are the same for each reason with the exception of HwLDP Policy 61 which only appears in Reason for Refusal No.1.

4.13 There are no outstanding objections from any statutory consultees other than the Council.

4.14 Section 4 of the Policy Appraisal contains a detailed appraisal of the Proposed Development against NPF4, with a focus on the policies referenced in the reasons for refusal but is also references NPF4 Policy 1 (Tackling the climate and nature crises).

4.15 Policy 1 directs decision-makers that when considering all development proposals significant weight will be given to the global climate and nature crises. The Proposed Development directly furthers the policy intent and outcomes of Policy 1 and must be afforded significant positive weight in terms of tackling the climate and nature crises.

4.16 The Proposed Development is considered to accord with Policy 4. The site is not within a National Park or a National Scenic Area and has no adverse effects on such areas. Furthermore as Ms Oxley has set out earlier in this SoA, the Proposed Development will have no significant adverse effect on qualities or the integrity of any local landscape area (SLAs in Highland).

4.17 Policy 11 can be considered as the 'lead' NPF4 policy for the consideration of the proposal. It seeks to encourage, promote and facilitate all forms of renewable energy development and supports all forms of renewable, low-carbon and zero emissions technologies, including onshore wind farms.

4.18 In respect of maximising net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities, the Policy Appraisal sets out the employment and other economic benefits of the Proposed Development and the Appellant's commitment to maximising local benefits. The Proposed Development is consistent with NPF4 Policy 11 c).

- 4.19 Policy 11 e) requires that project design and mitigation demonstrate how potential impacts of a development are addressed. As assessed in the EIAR, confirmed in consultation responses, and reflected in the RoH, in relation to matters other than landscape and visual effects there are no adverse impacts that cannot be adequately mitigated through imposition of appropriate conditions.
- 4.20 Landscape and visual effects are the determining local environmental issue in this Appeal. The Policy Appraisal, drawing on the landscape and visual appraisal undertaken Ms Oxley in Chapter 3 of this SoA, as well as the findings of the EIAR, provides a detailed assessment of the Proposed Development against Policy 11 e) ii): *“Significant landscape and visual impacts, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/or appropriate design mitigation has been applied, they will generally be considered to be acceptable.”*
- 4.21 NPF4 expressly recognises that significant landscape and visual impacts are to be expected for some forms of renewable energy. Where localised and/or appropriate design mitigation has been applied, they will generally be considered acceptable. Onshore wind farms are one such form of development. Having regard to the design mitigation applied to the Proposed Development, the resultant reduction in effects, and the localised (as that term is now understood based on a review of post NPF4 onshore wind farm decisions) nature of significant landscape and visual impacts, the Proposed Development accords with Policy 11 e) ii).
- 4.22 Ms Oxley has confirmed in Chapter 3 that the landscape and visual effects that would arise would be localised. The term ‘localised’ requires a judgement on the geographical extent of influence from a wind farm, having regard to the type of landscape in which the impacts would arise. In this regard, it is relevant to consider three relatively recent wind farm Section 36 decisions in Highland.
- 4.23 In the Achany Extension Wind Farm Section 36 decision, the Scottish Minister’s (page 14 of the decision – APP9.1) referred to the conclusions of the LVIA in that case, which was that the development (for a scheme of tip height 149.5m – close to the tip height proposed for Cairnmore Hill) would result in:
- 4.24 *“A limited number of localised significant effects on landscape character and visual amenity affecting relatively localised parts of the landscape and visual resource up to 10 km and locally to 12.5 km from the proposed development.”*
- 4.25 It is also stated in the Achany Extension Wind Farm decision letter that (page 15):
- 4.26 *“The Scottish Ministers acknowledge that the proposed development will have some significant landscape and visual impact, but overall, these would remain relatively localised, with the majority of significant effects occurring within 10 km of the proposed development and none at a distance greater than 12.5 km.”*
- 4.27 The view of the Scottish Ministers in terms of the geographical extent within which there would be localised impacts, in the Achany Extension case was therefore up to 12.5 km.

- 4.28 In the Chleansaid Section 36 decision (APP9.2), (16 turbines at 200m to blade tip height) the Scottish Ministers at page 13 of their Decision Letter, stated:
- 4.29 *“The Scottish Ministers agree with the EIAR conclusions that the proposed development will have some significant landscape and visual impacts but overall, these would remain relatively localised, with the majority of significant effects not occurring more than 12km from the proposed development. It is, therefore, considered by the Scottish Ministers that the landscape and visual impacts are acceptable.”*
- 4.30 This position is repeated on page 16 of the Decision Letter, where it is stated:
- 4.31 *“....these impacts are considered acceptable in the context of the benefits that the proposed development will bring in terms of net economic benefit, contributing to renewable energy and climate change targets, while protecting the natural environment.”*
- 4.32 Furthermore in the Bunloinn Section 36 Decision (APP9.3) (10 turbines at 200m to blade tip height), at paragraph 24 of the Decision Letter states that the planning authority acknowledges there will be significant landscape and visual impacts but *“it is satisfied that by virtue of the proposed development’s location, setting and design, these are largely localised and are acceptable when all matters are taken into account.”*
- 4.33 At paragraph 93 it is set out that *“The Scottish Ministers acknowledge that the proposed development will have some significant landscape and visual impacts but overall, these would remain relatively localised with the majority of significant effects occurring within 12 km of the proposed development none at a distance greater than 14.7 km.”*
- 4.34 It is fully accepted that each development needs to be considered on its respective merits, but it is important that there is consistency in decision making with regard to this particular aspect of NPF4 policy 11 e) and its application. Based on a review of current practice and the application of NPF4 policy, it is considered that there is a high degree of confidence in the position that the landscape and visual effects arising from the Cairnmore Hill development would be localised and should be treated as such in the interpretation of NPF4 Policy 11.
- 4.35 The Proposed Development is considered to accord with all the Policy 11 e) environmental and technical criteria, with all relevant NPF4 policies and with NPF4 when read as a whole.

The Highland wide Local Development Plan

- 4.36 Section 5 of the Policy Appraisal further assesses the Proposed Development against the HwLDP.
- 4.37 The environmental and topic considerations within the HwLDP policies are however encompassed within the broad remit of NPF4 Policy 11 Part e) and other NPF4

Policies such as Policies 1 and 4. It is not considered therefore that the LDP policies which date from 2012 add anything different to the policy scope within NPF4. Notwithstanding that position, no conflict is identified with the HwLDP policies.

Conclusions and the Planning Balance

- 4.38 The Appellant's position is that the planning balance clearly supports the grant of planning permission.
- 4.39 Significant weight is to be given to the Climate Emergency and to the contribution of individual developments to tackling climate change – this is made expressly clear in NPF4. NPF4 and policy statements such as the OWPS recognise that significant landscape and visual impacts are to be expected from onshore wind development. NPF4 is also clear that where such impacts are localised and/or appropriate design mitigation has been applied, they will generally be considered to be acceptable. In considering impacts, significant weight will be placed on the contribution to renewable energy generation targets and to greenhouse gas emissions reduction targets.
- 4.40 Policy has not altered the requirement to undertake a balancing exercise and to consider the adverse impacts of a renewables proposal; but the relative weight to be ascribed to the benefits of a renewable development and its residual adverse effects has changed. It is clear from Ms Oxley's appraisal that in relation to the determining issue, namely landscape and visual impacts, there would not be any unacceptable impact on residential visual amenity and the effects that would arise on landscape character and in relation to other visual receptors would be localised. This position is reinforced by calibration of how the term localised has been applied in other decisions, including those of the Scottish Ministers. The term "generally acceptable" in NPF4 does not mean acceptable in every case. However, it is not considered that there are receptors affected such that the proposal should be deemed unacceptable.
- 4.41 The Policy Appraisal addresses the balancing of benefits and impacts of the Proposed Development within the wider climate change and energy policy framework and has highlighted key new provisions which have emerged over the last two years. Having regard to the significant weight to be given to the global climate and nature crises, and the significant weight to be placed on the contribution to renewable energy generation targets and greenhouse gas emissions reduction targets when considering impacts, it is considered that the benefits of the Proposed Development clearly outweigh its residual localised significant landscape and visual effects.
- 4.42 The Proposed Development is considered to accord with relevant policies in the Development Plan and with the Development Plan as a whole. Material considerations as discussed below also indicate that planning permission should be granted.

5 The Benefits of the Development

- 5.1 With an overall installed capacity in the region of 21.5 MW, the Proposed Development would make a valuable contribution to the attainment of the UK and Scottish Government policies of encouraging renewable energy developments. This will in turn contribute to the achievement of UK and Scottish Government targets.
- 5.2 The Proposed Development has a grid connection date prior to 2030 (May 2028), which means delivery of around 21.5 MW in the near term will have a disproportionately higher benefit in terms of its contribution towards the renewable energy targets than the same capacity delivered later.
- 5.3 The Proposed Development would result in carbon dioxide emission savings of approximately 21,925 tonnes of CO₂ per annum when replacing grid-mix electricity generation. With an expected emissions payback of 0.8 years compared to fossil-fuel mix of energy generation, the carbon balance would be in a net gain following this period. This illustrates a positive net impact through contributing significantly towards the reduction of greenhouse gases from energy production.
- 5.4 The project will provide a capital investment estimated to be in the order of £21 million and also generate a beneficial effect on the local economy. During the construction phase, an estimated 3 temporary construction jobs will be created and during the operational phase, employment related to operations and maintenance for the Proposed Development would generate a further 2.5 FTE jobs and an estimated 3.4 indirect jobs over the lifetime of the Proposed Development.
- 5.5 The Appellant proposes to administer a fund into which annual community benefit payments will be made. The fund will be used by local community groups to secure long-term economic benefits and will act as a significant contribution to meeting local developmental aspirations. The Applicant will pay £5,000 per MW of installed capacity per annum into the fund. This equates to £105,000 of income per annum, or over £3.67m over the 35-year operational life of the Proposed Development, depending on the eventual turbine type installed and capacity installed. Whilst it is acknowledged that community benefit payments are not a material planning consideration, taken together the socio-economic benefits that would arise from the Proposed Development have been maximised, meeting the requirements of Paragraph c) of Policy 11 of NPF4.
- 5.6 The Proposed Development would also deliver significant biodiversity enhancement and is compliant with NPF4 Policy 3. A Biodiversity Enhancement Management Plan was provided as SEI (APP1.11) and details its proposed habitat and conservation management measures to enhance biodiversity within the Site. This shall be secured by way of condition as proposed in Appendix 2. The Plan sets out its aims and associated objectives to (i) restore and enhance wet dwarf heath shrub; (ii) promote native broadleaved woodland cover and increase site biodiversity; (iii) promote species-rich native shrub cover and increased site biodiversity; and (iv) create and increase the extent of native hedgerows. A Biodiversity Management Group will

oversee and monitor the implementation of an agreed Biodiversity Enhancement Management Plan and include representatives from The Council, NatureScot and the developer.

6 Overall Conclusions

The Development Plan

- 6.1 Based on the policy appraisal presented above and within the Appendix 4, the Proposed Development is considered to be acceptable in terms of its environmental effects and accords with the lead and with other relevant policies and with the Development Plan when it is read as a whole.

National Planning Policy

- 6.2 NPF4 sets out a strong position of support in relation to renewable energy and renewable energy targets and recognise the significant energy resource to be provided by onshore wind. This is clearly not at any cost and development continues to be guided to appropriate locations and environmental effects need to be judged to be acceptable when weighed against the benefits of such schemes before consents are forthcoming. Such an appraisal is presented in this SOA.
- 6.3 The Council's RfR extend to NPF4 Policies 4 and 11. Policy 4, Part d) specifically relates to a proposed development that may adversely affect the qualities and the integrity of a local landscape designation. It provides that development will be supported where such significant adverse effects are clearly outweighed by social, environmental or economic benefits of at least local importance. As explained in the SoA, there would be no significant adverse effects on the qualities or integrity of any local landscape designations.
- 6.4 NPF4 Policy 11 confirms that significant landscape and visual impacts are to be expected for some forms of renewable energy. Scottish Government policy, which forms part of the Development Plan, is that where such impacts are localised and / or appropriate design mitigation has been applied, they will generally be considered to be acceptable. Notably, policy recognises that significant landscape and visual effects are inevitable and generally acceptable. Ms Oxley sets out in her evidence within this SOA that the landscape and visual effects would be localised.
- 6.5 The Appellant has gone to considerable lengths to ensure a satisfactory layout, design and composition for the Proposed Development. In short, appropriate design mitigation has been applied. Potentially significant adverse landscape and visual effects resulting from the Proposed Development have been addressed through an iterative design process (i.e. 'mitigation by design') and a well-considered proposal has been established, which has acceptable effects. This is a well-designed scheme which strikes a balance between maximising renewable energy potential whilst respecting other environmental and technical on-site constraints.
- 6.6 The proposed development is considered to be in accordance with the relevant policies of the NPF4, the HwLDP and the related Supplementary Guidance.

Climate Emergency & the Renewable Energy Policy Framework

- 6.7 The Proposed Development will help to deliver the national Spatial Strategy. The Proposed Development would make a valuable and near-term contribution to help Scotland and the UK attain Net Zero security of supply and related socio-economic objectives. Specifically, the Proposed Development would be able to contribute to the interim 2030 emissions reduction target given its connection date of May 2028. The Appellant submits that very substantial weight should be given to this contribution when weighing the need for the development and its identified effects within the planning balance.

Overall Conclusions

- 6.8 It has been demonstrated that the Proposed Development accords with national planning policy, and that there is a substantial need for this type of development in order that pressing future targets in relation to the global heating crisis and renewable energy generation and greenhouse gas emission reductions can be met in time. 8.8 NPF4 has not altered the requirement to undertake a balancing exercise and to consider the adverse impacts of a development proposal; but the relative weight to be ascribed to the benefits of a renewable development and its residual adverse effects has changed. It is clear from Ms Oxley's appraisal set out in this SoA (Chapter 3) that in relation to the key determining issue in this Appeal, namely landscape and visual impacts, that there would not be any unacceptable impact on residential visual amenity and the effects that would arise on landscape character and in relation to other visual receptors would be largely localised. This position is reinforced by calibration of how the term localised has been applied in other decisions, including those of the Scottish Ministers, as set out in Chapter 4 of the SoA and the Policy Appraisal of Mr Bell (Appendix 4). The term "generally acceptable" in NPF4 does not mean acceptable in every case. However, it is not considered that there are receptors affected by the proposal such that it should be deemed unacceptable
- 6.9 The Proposed Development. would be consistent with all relevant policies of the Development Plan and with the Development Plan when read as a whole. All the relevant material considerations have been properly considered. As set out in this SoA, the planning balance strongly favours the granting of planning permission. The Appeal should be allowed, and planning permission should be granted.