

Energy and Climate Change Directorate
Electricity Division

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13 July 2015

Dear Mr Sage

**APPLICATION FOR CONSENT AND DEEMED PLANNING PERMISSION
FOR THE CONSTRUCTION AND OPERATION OF LIMEKILN WIND
POWERED ELECTRICITY GENERATING STATION IN THE PLANNING
AUTHORITY AREA OF THE HIGHLAND COUNCIL.**

Application

I refer to the Application made by Infinergy Limited (the “Company”) dated 11 May 2011 for consent under section 36 of the Electricity Act 1989 (“the Electricity Act”) to construct and operate Limekiln Wind Farm located south of Creag Leathan, Limekiln Estate, Reay in Caithness. The application was for a development which would have the potential generating capacity of 75MW consisting of 24 wind turbines, 15 with a maximum blade tip height of 139m and 9 with a maximum blade tip height of 126m.

In July 2013 the Company submitted Additional Information (“AI”) relating to ecology, peat, forestry, landscape & visual, cultural heritage and socio economic benefits. In April 2014 AI in respect of an updated cumulative assessment and an updated peat stability survey was submitted by the Company and in July 2014 AI relating to residential amenity visualisations was submitted by the Company.

Consultation

In accordance with statutory requirements, advertisement of the Application and Environmental Statement was made in the local and national press and they were placed in the public domain, and the opportunity given for those wishing to make representations to do so.

Under Schedule 8 of the Electricity Act, the relevant Planning Authority is required to be notified in respect of a section 36 consent application. Notifications were sent to Highland Council as the Planning Authority, as well

as to Scottish Natural Heritage and the Scottish Environment Protection Agency. A wide range of relevant organisations were also consulted.

Prior to the Public Local Inquiry, the Company submitted AI in July 2013, April 2014 and July 2014. As required, this information was advertised in local newspapers giving the opportunity to those who wanted to make representations to do so.

In addition to representations by the Planning Authority, SNH and SEPA, a total of 583 public representations were received of which 566 were objections and 17 in support . A summary of consultation responses and third party representations is contained in page 4 and pages 19, 20 and 21 of PLI Report.

Public Local Inquiry (PLI)

The Highland Council objected to the application and did not withdraw their objection and in accordance with the terms of paragraph 2(2)(a) of Schedule 8 to the Electricity Act a PLI was held.

A pre-examination meeting was held on 6 March 2014 and the PLI subsequently held from 25 to 28 August 2014 in the Weigh Inn, Thurso, Caithness. Closing submissions were exchanged in writing, with the final closing submission (on behalf of the Company) being lodged on 29 September 2014.

The Reporters conducted unaccompanied site inspections prior to the preexamination meeting and prior to, during, and after the PLI.

The PLI Report was received by Scottish Ministers on 20 February 2015. No claims for expenses were made by parties.

Environmental matters

The Scottish Ministers are satisfied that the applicable procedures regarding publicity and consultation laid down in the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000 (“the EIA Regulations”) have been followed.

The Scottish Ministers’ Considerations

The Scottish Ministers have considered fully and carefully the application, including the Environmental Statement, the AI, consultation responses, public representations, as well as the findings, conclusions and recommendations of the Reporters and all other material information.

The PLI Report contains the Reporters’ findings, reasoning and conclusions. Paragraphs 12.27 and 12.28 of Chapter 12 of the PLI Report contain the Reporters’ overall conclusions.

The Scottish Ministers' Determination

Scottish Ministers agree with the Reporters' findings, reasoning and conclusions and adopt them for the purposes of their own decision and consequently, **refuse the application for consent** under section 36 of the Electricity Act for construction and operation of the 24 turbine, 75MW Limekiln Wind Farm.

In accordance with regulation 10 of the EIA Regulations, the Company must publicise this determination for two successive weeks in the Edinburgh Gazette and one or more newspapers circulating in the locality in which the land to which the application relates is situated.

Copies of this letter have been sent to the Planning Authority. This letter will also be published on the Scottish Government's Local Energy & Consents website.

The Scottish Ministers' decision is final, subject to the right of any aggrieved person to apply to the Court of Session for judicial review. Judicial review is the mechanism by which the Court of Session supervises the exercise of administrative functions, including how the Scottish Ministers exercise their statutory function to determine applications for consent.

The rules relating to the judicial review process can be found on the website of the Scottish Courts at <https://www.scotcourts.gov.uk/docs/default-source/rules-and-practice/rules-of-court/court-of-session/chap58.pdf?sfvrsn=12>

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

Yours sincerely

Sue Kearns
Head of Local Energy and Consents
A member of the staff of the Scottish Ministers