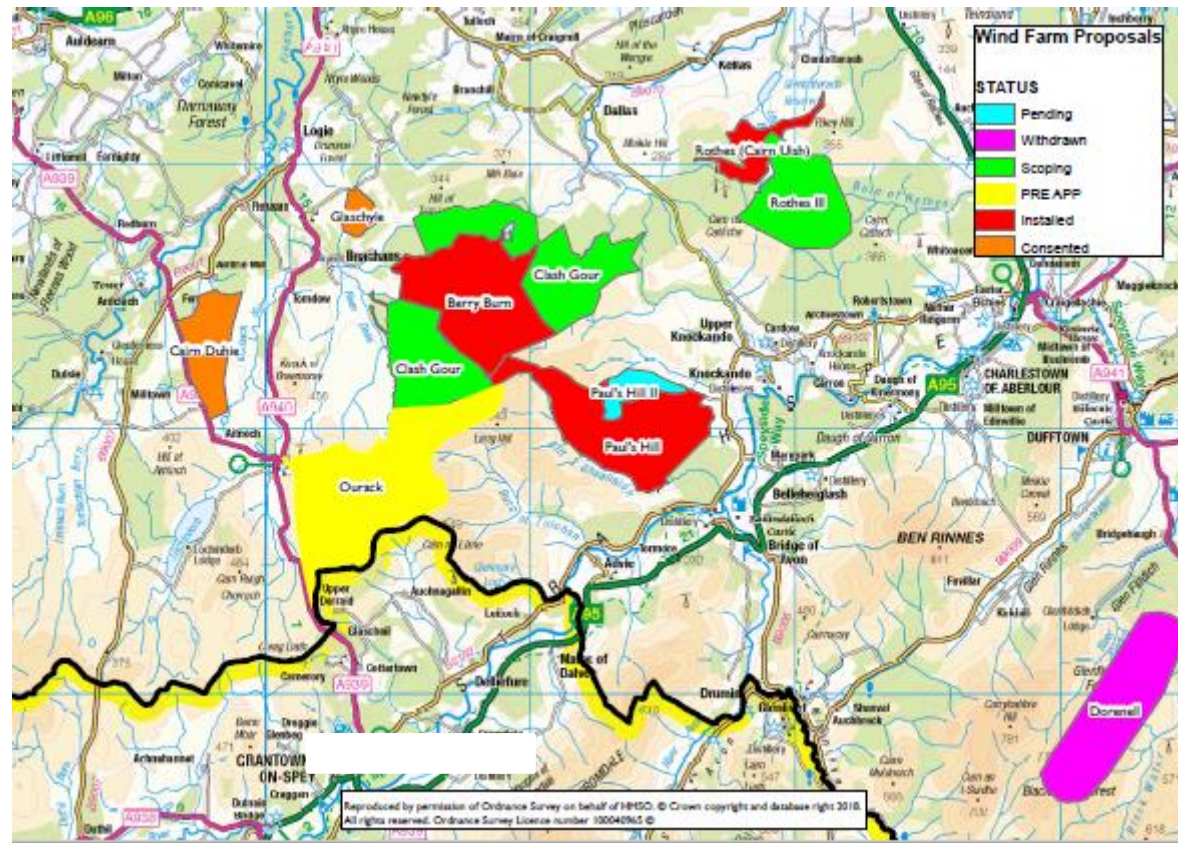


CAIRNGORMS NATIONAL PARK AUTHORITY

DEVELOPMENT PROPOSED:	
Consultation from Scottish Government Energy Consents Unit Proposed Paul's Hill II Wind Farm, West of Upper Knockando, Moray	
REFERENCE:	2018/0153/PAC
APPLICANT:	Paul's Hill Wind II Wind Farm
DATE CONSULTED:	16 April 2018
RECOMMENDATION:	No Objection
CASE OFFICER:	Katherine Donnachie, Planning Officer



PURPOSE OF REPORT

1. The purpose of this report is to provide a consultation response to the Scottish Government Energy Consents Unit on an application submitted under Section 36 of the Electricity Act 1989 for a proposed wind farm located to the north east of the Cairngorms National Park. The Scottish Government are the determining Authority for this application as the output is more than 50 MW. The application is accompanied by an Environmental Impact Assessment (EIA).
2. The planning issues being considered in relation to this consultation are the impacts upon landscape character and special landscape qualities of the National Park.
3. Under the existing protocol agreement on roles in advisory casework between Scottish Natural Heritage (SNH) and Scottish National Parks Authorities, SNH lead on the provision of advice concerning impacts on the National Parks designation of proposals outside the National Park, and their comments are included in this report.

SITE DESCRIPTION AND PROPOSED DEVELOPMENT

4. The proposed wind farm is located immediately to the east of the existing Pauls Hill Wind Farm some 6.5 to 7 km (at its nearest point) to the north east of the northern boundary of the Cairngorms National Park as shown on the committee site plan above and within the plans attached in **Appendix I**. This site is located within the Moray Council administrative area and Moray Council are also a consultee to this process. Pauls Hill lies to the east of Grantown- on-Spey and some 7 km to the north west of Knockando. Roy's Hill, a landmark hill in the locality, lies to the south east.
5. The existing wind farm at Pauls Hill started operating in May 2006 and comprises 28 turbines of height 100 metres to tip and overall output of 64.4 MW.
6. The current proposal is to erect a further 7 wind turbines to the east of the existing wind farm. Six will be 134 metres to tip, and one will be 149.9 metres to tip. Hub height ranges from 75.5 metres to 91.4 metres.
7. Vehicular access will be from the east to the Blacksboat/Aberlour public road network outwith National Park. The turbines are of standard three blade design and it is understood that this height of turbine should not require automatic aviation lighting. The proposed grid connection will run eastwards via Marypark to Glenfarclas.
8. A copy of the site location and layout plans is attached in **Appendix I – Plans**.
9. Ancillary infrastructure is proposed as follows:
 - a) New tracks to each turbine position together with upgrading of a section of existing track serving the site.
 - b) Construction compound.
 - c) Control building.
 - d) Crane pads and laydown areas.
 - e) Borrow pits.

10. The application is supported by an Environmental Statement (ES) which includes chapters on Landscape and Visual Impact Assessment (LVIA), photomontages, wirelines and ZTVs. The submission contains cumulative ZTVs and sequential routes visibility diagrams and visualisations, which include along the B970 road north of Nethybridge. There is also a section which considers the impacts on the special landscape qualities of the National Park and a number which sets out and concludes that there will not be any significant impacts of any of the special qualities due to the location of the site in terms of the separation of the proposed development from the Park, explaining in the assessment that with many of the special qualities there will be no change due to the internal focus and localised nature of the quality.
11. The submission also includes a number of viewpoints to help illustrate visibility from the Park. These are attached in **Appendix I – Plans**. These will be available at the Planning Committee meeting.
12. Key viewpoints are:
 - a) Viewpoint 5 - Carn a Ghilie Chearr located some 10.6 km from the nearest turbine. This has been chosen to represent views from the northern boundary of the Park in the Cromdales, and shows Pauls Hill 2 extending the grouping eastwards.
 - b) Viewpoint 8 - Carn Diamh, between Glenlivet and Tomintoul, and located some 16.4 km from the nearest turbine.

RELEVANT PLANNING HISTORY

13. PRE/2017/0021: As this is an EIA development a scoping opinion was submitted to the Energy Consents Unit and the CNPA and SNH responded with comments. The CNPA recommended at scoping stage that consideration be given to views and sequential visual impacts from the B970 in Strathspey near Nethybridge. The need to consider the relationship in terms of layout, scale and height to existing wind farms which form part of a cluster on the north of the National Park was highlighted along with the need to carry out an assessment of the impacts upon the special landscape qualities of the National Park.
14. There are a number of other wind farm proposals, at both formal application and scoping stage in the immediate vicinity summarised as follows:
 - a) **Pauls Hill 1** - constructed and operational since 2006, it comprises 28 turbines of height 100 metres to tip.
 - b) **Berryburn Wind Farm (previously known as Cairn Kitty)** - Moray Council reference 04/02473/S36 constructed and operational, comprising 29 wind turbines.
 - c) **Rothes 1 and 2 Wind Farms** - constructed and operational. Rothes 1 comprises 22 turbines of height 100 metres to tip, and Rothes 2 comprises 8 turbines of height 125 metres to tip.
 - d) **Rothes 3 Wind Farm** at scoping stage (CNPA reference PRE/2017/0038). Located to the south east of the existing Rothes wind farms, this proposal at scoping stage comprised up to 29 turbines of height to tip varying from 149.9 to 225 metres height to tip.

- e) **Hill of Glashcyle** (Moray Council reference 13/00053/EIA) - wind farm consented and constructed comprising 12 wind turbines of height 100 metres.
- f) **Cairn Duhie** (Highland Council reference 13/04142/S36) - wind farm consented and under construction comprising 20 wind turbines of height 110 metres.
- g) **Ourack** (CNPA Reference PRE/2017/0043): at scoping stage this proposal comprised up to 50 turbines of unspecified height ranging at this stage.
- h) **Clashgour** (CNPA Reference PRE/2017/0013): at scoping stage this proposal comprised 63 turbines of height ranging from 135 to 175 metres to tip. Site located to the west of Pauls Hill and wrapping around the existing Berry Burn wind farm and situated some 4 km (at its nearest point) to the north of the Cairngorms National Park.

15. These are shown on the plan contained in **Appendix 2** which shows wind farms around the National Park.

PLANNING POLICY CONTEXT

16. The development proposal is located wholly outwith the National Park, therefore the Cairngorms National Park Local Development Plan (2015) Policies are not applicable. However, an assessment of the proposal must have regard to Scottish Planning Policy and the National Park Partnership Plan (NPPP). The NPPP is a material consideration with section 14 of the National Parks Act 2000 expressly setting out that the Scottish Ministers, a National Park authority, a local authority and any other public body or office-holder must, in exercising functions so far as affecting a National Park, have regard to the National Park Plan as adopted.

National Policy and Guidance

- 17. **Scottish Planning Policy** (SPP, revised 2014) sets out national planning policies that reflect Scottish Ministers priorities for the operation of the planning system and for the development and use of land. The content of SPP is a material consideration in planning decisions that carries significant weight. The SPP promotes consistency in the application of policy across Scotland while allowing sufficient flexibility to reflect local circumstances.
- 18. SPP specifically sets out that the planning system should support the transformational change to a low carbon economy, support the development of a diverse range of electricity generation from renewable energy technologies, and guide development to appropriate locations. In paragraph 154, it sets out the Scottish Government's commitment to increasing the overall amount of energy generated from renewable sources to 30% by 2020 with the equivalent of 100% of electricity demand being met by renewable sources by this date. In terms of policy principles, paragraph 154 requires the planning system to guide renewable energy development to appropriate locations and to advise on the issues that would need to be taken into account when specific proposals are being assessed.
- 19. Paragraph 169 sets out the issues to be considered when considering energy infrastructure development proposals including the need to consider likely cumulative impacts and landscape and visual impacts, including effects on wild land. Further advice

on wind energy is contained in the Scottish Government online information note on “onshore wind turbines” which outlines the issues to be considered and references the range of SNH publications and guidance on wind energy and planning.

20. National Parks are highlighted in paragraphs 84 – 86 of the SPP under the “promoting rural development” section. These paragraphs re-state the aims of the National Parks and the need to pursue these collectively. SPP highlights that if there is a conflict between the first aim (conserving and enhancing the natural and cultural heritage of the area) and any of the others then greater weight must be given to the first aim. Planning decisions are expected to reflect this weighting and be consistent with these aims.
21. Paragraph 212 of the SPP highlights that where development affects a National Park it should only be permitted where the objectives of the designation and the overall integrity of the area will not be compromised, or any significant adverse impacts on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.
22. SPP also highlights in paragraph 85 that these aims and requirements apply to development outwith a National Park that affects the Park.

Strategic Policy

Cairngorms National Park Partnership Plan 2017- 2022

23. The Cairngorms National Park Partnership Plan (NPPP) is the National Park Plan required under section 11 of the National Parks (Scotland) Act 2000. It is the management plan for the Cairngorms National Park that is approved by Scottish Ministers. It sets out how all those with a responsibility for the Park will coordinate their work to tackle the most important issues. As noted earlier the National Park Act sets out that decision makers must in exercising functions so far as affecting a National Park, have regard to the National Park Plan as adopted.
24. The NPPP sets out the vision and overarching strategy for managing the National Park, guiding the work of all public bodies and other partners to achieve the aims of the Park which are set out in the NPPP and legislation. The vision is for an outstanding National Park enjoyed and valued by everyone, where nature and people thrive together.
25. Three headline long-term outcomes for the Park are set out as follows:
 - a) **Conservation** - A special place for people and nature with natural and cultural heritage enhanced.
 - b) **Visitor Experience** - People enjoying the Park through outstanding visitor and learning experiences.
 - c) **Rural Development** - A sustainable economy supporting thriving businesses and communities.
26. The Plan also explains that the landscapes of the National Park are valued by many and underpin the area’s economy. The NPPP contains policies to deliver these outcomes. Key policies in relation to the current Pauls Hill 2 proposals are policies 1.3 and 3.3.

27. Policy 1.3 seeks to conserve and enhance the special landscape qualities with a particular focus on conserving and enhancing wildness qualities; maintaining and promoting dark skies; enhancements that also deliver habitat improvements; enhancing opportunities to enjoy and experience the landscapes of the Park and applying a presumption against new constructed tracks in open moorland.
28. Policy 3.3 seeks to support development of a low carbon economy and states that:
“large scale wind turbines are not compatible with the landscape character or special qualities of the National Park. They are inappropriate within the National Park, or where outside the Park they significantly adversely affect its landscape character or special landscape qualities”

CONSULTATIONS

29. The Scottish National Park Authorities have agreed a protocol arrangement with Scottish Natural Heritage (SNH) on respective roles in advisory casework. The agreement sets out that SNH will take the lead role in considering the impacts on the National Park designation of proposals outside the Park, with the National Park Authority in a supporting role. The protocol also sets out that National Park Authorities and SNH, with others share a responsibility for delivering National Park Partnership Plans and safeguarding the integrity of the National Parks and their special qualities.
30. Set against this background, SNH have assessed the development, including landscape impacts upon the National Park and have responded to the Energy Consent’s consultation to advise that the Agency has no objection to the proposals. A copy of SNH’s response is attached as **Appendix 3**.
31. In summary SNH have advised that due to the increased height of the turbines the original containment provided by the siting of the existing Pauls Hill wind farm in a core area, centrally located within the open rolling uplands character area, will be breached whereby visibility will be introduced into the Spey Valley. Whilst there will be some increased level of landscape and visual impacts on the Cairngorms National Park and its special landscape qualities, these are considered to incur localised significant effect which are limited in extent and not considered to affect the special landscape qualities of the National Park.
32. SNH further comment that whilst resultant significant effects are limited in extent; further mitigation could be achieved to improve the design of the extension. However they have also taken into account the other natural heritage interests on the site and consider that the embedded mitigation offered in relation to the River Spey SAC and hen harrier interests are on balance more important in this case and should not be compromised in order to further reduce landscape and visual impacts. If however design changes can be identified which do not compromise the natural heritage interests then SNH recommend that such amendment is made.
33. The detailed comments of SNH’s landscape advisor note that the relatively limited scale of this proposed extension to Pauls Hill wind farm means that cumulative impacts are more restricted in extent in the wider study area. Consequently the advisor’s advice focusses on the additional impact of Pauls Hill 2 in combination with the existing Pauls

Hill 1. It is noted that there is some additional visibility at Knockando, Advie and Boat of Garten and in a very narrow, broken cone of visibility catching upper slopes and summits of mountain tops from Cairn Daimh (Viewpoint 8) south to Brown Cow Hill within the National Park. However the ZTV also illustrates that for the most part where the existing Pauls Hill wind farm is visible, the new development will also be visible.

34. From viewpoints within the Spey Valley the proposed turbines, although limited in horizontal extent, will appear significantly larger than existing. Similarly from viewpoints to the east they will appear more dominant on visual horizons. Further design mitigation could be considered to improve the design providing this did not compromise the mitigation proposed for natural heritage interests.
35. Specifically in terms of the impacts on the National Park, there will be some additional visibility into the lower north facing slopes of the Spey Valley around Boat of Garten approximately 30 km away and, as noted earlier, in a very narrow broken cone of visibility at upper slopes and mountain tops. There will also be increased visibility at Viewpoint 5 Carn a Ghile Chearr where the proposed development will be viewed as a combination of full, partial and blade tips to the east of the existing Pauls Hill. At a distance of 10 km the difference in scale will be clearly apparent with turbines encroaching on and being visible over the summit of Roy's Hill.
36. Turbines 5, 6 and 7 will be particularly pronounced in this composition, but the additional turbines would be viewed infrequently within a contained group at distances of between 7 - 36km.
37. In conclusion it is considered that this increased level of landscape and visual impacts upon the National Park will incur localised significant effects which are limited in extent and as such are not considered to significantly affect the special landscape qualities of the National Park. However given the wider landscape and visual impacts, in particular significant cumulative effects on the special landscape qualities from existing and approved wind farms, every effort should be made to mitigate the effects by embedded good design, such as reducing the heights of turbines 5, 6 and 7.

APPRAISAL

38. As the development proposal is located outwith the Park boundary, the key planning issue for consideration is that of the landscape and visual impact, and in particular whether the proposal will significantly adversely affect the landscape character and special landscape qualities of the National Park. All other matters, including ecology, noise, and general amenity etc., are assessed by the decision maker (Energy Consents Unit) with advice from statutory consultees.
39. In this context a key consideration is the landscape and visual effects from the northern parts of the National Park arising from the increased number of turbines visible and in particular how this relates to existing wind farms in terms of height and configuration of turbines. Given the number of wind farms in the vicinity, cumulative impacts are also a key consideration.

40. The National Park Partnership Plan (NPPP) and Scottish Planning Policy set out how proposals outwith the boundaries of the National Park should be considered in terms of impacts upon the Park. The NPPP sets out in policy 3.3 a test for considering this, explaining that large scale wind turbines are inappropriate outside the Park where they *significantly adversely affect its landscape character or special landscape qualities*.
41. Similarly Scottish Planning Policy (SPP) sets out as noted earlier, that where development affects a National Park it should only be permitted where the objectives of the designation and the overall integrity of the area will not be compromised, or any significant adverse impacts on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.
42. The impacts upon the National Park have been fully considered by SNH's landscape advisor who has concluded that whilst in this case the impacts will incur significant localised effects; these are limited in extent whereby they are not considered to significantly affect the special landscape qualities of the National Park.
43. CNPA officers concur with this assessment and would conclude that whilst there will be some effect on the National Park arising from the additional visibility of the proposed wind farm extension this is not considered to significantly adversely affect the landscape character or special landscape qualities. It is also not considered to compromise the objectives of the designation or the overall integrity given the distance from the Park and the localised nature of impacts. In these circumstances the proposed development is considered to comply with the National Park Partnership Plan and with national planning policies in respect of the impacts on the National Park.
44. Whilst there is undoubtedly a build-up of wind farms in this area north of the National Park the cumulative effect can at this stage only be reasonably considered in terms of the relationship to the consented wind farms in the vicinity. In this context the proposed Pauls Hill II wind farm does not add significantly to the landscape and visual impacts or, as noted previously, significantly adversely affect the special landscape qualities and landscape character of the National Park. It will be viewed as an extension to the existing Pauls Hill wind farm and will largely be visible in the context of this, with very limited additional visibility of this extension on its own, and then at long distances. Should further proposals currently at scoping stage come forward as applications then this matter of cumulative impact as a result of yet more turbines here will of course need further detailed consideration with these cases.
45. In these overall circumstances it is considered that the CNPA should not raise any objections to the proposals.
46. As noted by SNH's landscape advisor there is scope to reduce the visual and landscape impacts of the proposed wind farm by re-considering the height, location and potential removal of turbines 5, 6 and 7. However as the current proposal is not considered to fail the policy tests this is not something that the CNPA could reasonably base an objection on. Accordingly it is recommended that this point simply be highlighted to the decision maker for their consideration of design issues and that the CNPA do not object to this proposal.

RECOMMENDATION

That Members of the Committee confirm:

- a) That the CNPA has **NO OBJECTION** to the application for the proposed **Paul's Hill II Wind Farm, West of Upper Knockando, Moray**; and
- b) Support **Scottish Natural Heritage's** landscape recommendation that the applicants consider further mitigation of landscape and visual impacts through removing, relocating and/or reducing the height of turbines 5, 6 and 7 providing this does not compromise embedded mitigation for the **River Spey SAC and Hen Harrier interests**.

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