

CAIRNGORMS NATIONAL PARK AUTHORITY

Title: **CONSULTATION FROM SCOTTISH
GOVERNMENT**

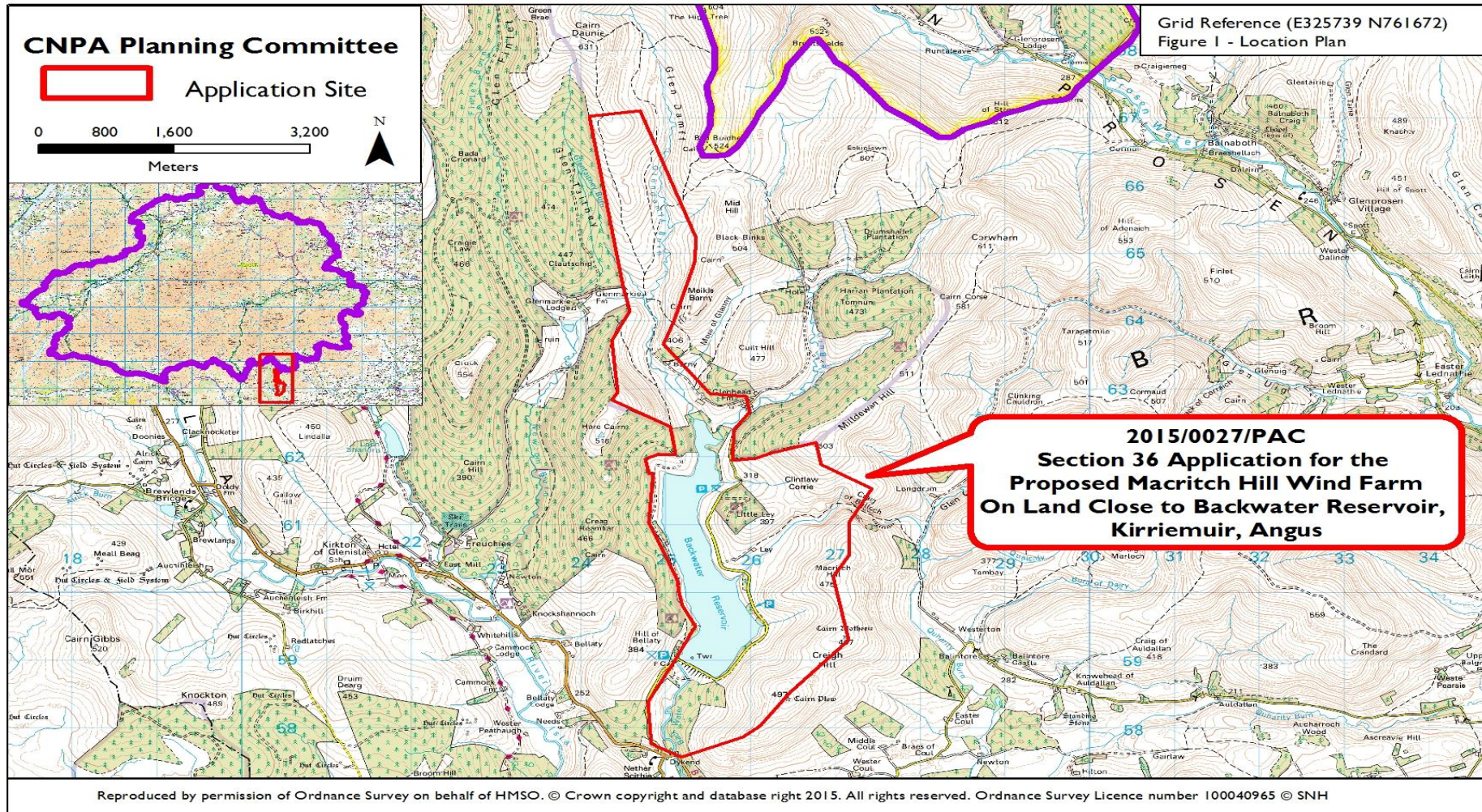
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DEVELOPMENT PROPOSED: **Section 36 Application for the Proposed
Macritch Hill Wind Farm on Land Close
to Backwater Reservoir, Kirriemuir,
Angus**

REFERENCE: **2015/0027/PAC**

APPLICANT: **Eneco Wind UL Limited**

RECOMMENDATION: **OBJECTION**



PURPOSE OF REPORT

1. The purpose of this report is to provide a consultation response to the Scottish Government Energy Consents Unit (the determining Authority for this application as the output is more than 50 MW) on this proposed wind farm, which lies to the south of the Cairngorms National Park. The application is accompanied by an Environmental Impact Assessment (EIA).
2. The planning issues being considered in relation to this consultation are whether there are any impacts upon the qualities of the National Park.

SITE DESCRIPTION AND PROPOSED DEVELOPMENT

Site Description

3. The application site is located within the Angus Council administrative area to the east and north of the Backwater reservoir as shown in **Figure 1**. It is located between Glen Isla and Glen Prosen on a mixture of agricultural land, rough grazing, moorland and forestry. The site includes sloping land to the east of the Reservoir where 11 turbines which is local landscape feature accessed a minor public road which leads north from the Kirriemuir to Kirkton of Glenisla B public road. There are a number of car parks near to the reservoir, which is readily accessed from the south.
4. This minor road then leads north via a private track to Glenhead Farm and the site extends further northwards into an upland, moorland area leading towards the spur of Cairn Daunie where a further seven turbines are proposed. Woodland lies to the west at Glen Taitney and around Glenmarkie Lodge. To the east is the Glen Damff burn.
5. The site is located around 10 km north east of Alyth, and 12 km north-west of Kirriemuir. The closest point of the wind farm is some 1.5 km south of the Cairngorms National Park boundary at the nearest point of the development, ranging to 8 km south of the boundary with the development proposed around the Backwater reservoir.
6. The site is located on land owned by Scottish Water who operates the reservoir. The Environmental Statement outlines Scottish Water's desire to become self sufficient in terms of its use of power with the proposed development estimated to be capable of having potential to supply 30% of the body's electricity consumption every year. However, the electricity generated will not be ring fenced for Scottish Water.
7. The site access will be taken from the Kirriemuir to Kirkton of Glenisla public road via a spur road leading to farms at Braes of Coul and Balintore, from which a network of tracks are proposed to lead up to the site, running parallel to the Backwater reservoir road. This network will then run northwards to the west of the Glenhead track to run north to service the northern part of the site.

Proposed Development

8. The proposal is for the erection of 18 wind turbines of a height to tip of 125 metres, with a total generating capacity of up to 59.4 MW. The applicants' agents estimate that this capacity is equivalent to around 29,840 households¹. The applicants advise that this will result in CO₂ savings of around 97,000 tonnes per year if replacing a fossil fuel sourced mix of generation. Hub height will be 80 metres and rotor diameter is 90 metres. Some of the turbines would be required to have aviation lighting which is envisaged to be infrared lighting units, not visible to the naked eye.
9. Other components of the development are as follows:
 - a) External transformer housing
 - b) Modification of public road junction
 - c) Site tracks of around 18 km in length and of around 5 metres width plus verges, constructed of crushed stone from local borrow pits
 - d) Operations and control building, and substation measuring around 38 metres by 15 metres to be located within forestry area
 - e) Three temporary construction and storage compounds
 - f) Three borrow pits
 - g) Crane pads/hardstanding areas for construction
 - h) Underground electricity cable from turbines to the control building/substation. Electricity would then be exported to the grid transmission system with the applicants' preference being underground routing. Details of the connection from the site to the wider network could be the subject of a separate consents procedure
 - i) Long term habitat management area to the south east of the site near *Wester Coul* to compensate for loss of woodland.
10. **Figure 2** illustrates the proposed layout.

¹ The agent advise that this figure is worked as follows: Installed Capacity (59.4MW or 59400kW) x capacity factor (0.281- which is a DECC figure for Scotland's average annual load factor for onshore wind = 28.1%) = 16691.4kW x annualised hours (8760) = 146,216,660kWh. This figure is then divided by the average household energy consumption (Scottish Government estimate this to be around 4900 kilowatt hour) to give the number of households.



Figure 2 – Proposed Layout

11. As stated previously, the application was accompanied by an Environmental Statement (ES), which covered the following key areas:
 - a) Landscape and Visual Impact Assessment
 - b) Site selection and alternatives considered
 - c) Ecology
 - d) Ornithology
 - e) Hydrology, hydrogeology and soils
 - f) Cultural heritage
 - g) Aviation
 - h) Noise
 - i) Transport and Access
 - j) Socio Economics, Tourism and Recreation
12. A statement of Community Consultation and a Planning Statement were also provided. The Planning Statement outlined how it is considered the development complies with relevant planning policies.
13. The Landscape and Visual Impact Assessment (LVIA) information sought to identify the effects of the proposed development on the landscape and visual resource in the Study Area (defined as 35 km radius of the site) and assess the significance of effects. It included zone of theoretical visual influence information (ZTV), photomontages and visualisations from a number of viewpoints (VPs) including eight from within the National Park at:
 - (1) Viewpoint 1 – The Snub to the east of Glenclova at 13 km distance from the site
 - (2) Viewpoint 2 – Shanks of Catstae east of Glenclova at 13.7 km distance to north east of site.
 - (3) Viewpoint 3– Dreish north of the site at 7.7 km distance
 - (4) Viewpoint 4 – Glas Maol north west of the site at 12.7 km distance
 - (5) Viewpoint 5 – Creag Leacach north west of the site at 12 km distance
 - (6) Viewpoint 19– Mid Hill Grouse Butt north west of the site on National Park boundary at 5 km distance
 - (7) Viewpoint 19– Mayar north of the site at 7.3km distance
 - (8) Viewpoint 25 – Beinna Ghlo north west of the site at 28 km distance
14. The LVIA highlights that the development will be located within a steep sided valley dominated by the presence of the Backwater reservoir, a large artificial waterbody and as such differs in character from the other Angus glens. The ES concludes that the scheme will have a relatively localised influence upon landscape character and views.
15. In the wider context, the ES concludes that the effect of the turbines would be restricted by the size and scale of the landscape, stating that the series of hills and ridges that form the foothills of the Cairngorms and which enclose the Angus Glens would restrict views of the proposed turbines and hence reduce their influence on the surrounding landscape. The conclusion being

that the turbines would be subservient to the hills which surround them and provide a backdrop.

16. Whilst the ES accepts that there would be a localised reduction in the degree of wildness experienced from the southern edge of the Lochnager - Mount Keen Wild Land Area, this is not considered to be significant as the chief aspect of wild land (namely the vast views across a mountainous landscape) would remain the predominant influence with the development set against the non wild landscape of the Cairngorms foothills.
17. The ES concludes that the development would not affect the special qualities of the Cairngorms National Park, nor its designation, highlighting that there would be almost no visibility from the core of the National Park and that whilst there would be a localised change from views at elevated locations close to the National Park boundary at such views the development would be located beyond the boundary of the National Park. The ES states that the development would be set beyond the simple, extensive moorland landscape that characterises the National Park within a more complex mosaic of reservoir, forestry and farmland demonstrating ongoing human intervention.

RELEVANT PLANNING HISTORY

18. CNPA officers provided advice in February 2013 at the Environmental Impact Assessment scoping stage as to key issues to be addressed with any submission and advised that in officer opinion there would be likely to be significant adverse impacts upon the National Park. Further discussion took place with Scottish Natural Heritage officers and the agent regarding future submission and concerns regarding impacts upon the National Park.
19. As Members are aware, there has been some pressure for new wind farms to the south of the National Park and there are a number of existing and approved wind farms in the vicinity of the application site. Key sites are as follows:
 - (a) Drumderg – an existing wind farm of 16 turbines of height 107 metres to tip
 - (b) Tullymurdoch - The CNPA was consulted by Perth and Kinross Council on an application for seven wind turbines of a height to tip 120 metres. This was considered at the October 2012 Planning Committee meeting and no objections were raised. Consent has been granted for this development following a successful appeal to the Directorate of Planning and Environmental Appeals (DPEA) against non determination
20. A consultation from the Angus Council for the erection of 14 wind turbines of height to tip 115 metre at Saddlehill to the south west of the current application site was also considered at the last meeting (April 2015) of the Cairngorms National Park Authority Planning Committee. At this time it was agreed to raise no objections, but to highlight the Committee's concern regarding the encircling of the Cairngorms National Park by wind farm development.

21. These sites are shown in **Appendix I – Wind Farm Map** which shows key sites at planning and pre planning stage around the National Park.

DEVELOPMENT PLAN CONTEXT

National Policy and Guidance

22. **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. Under planning law, planning applications must be determined according to the development plan unless material considerations indicate otherwise. 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.
23. 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.
24. 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 sets out issues to be considered and references the range of SNH publications and guidance on wind energy and planning.
25. 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.
26. 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.

27. SPP also highlights in paragraph 85 that these aims and requirements apply to development outwith a National Park that affects the Park.
28. Wild Land Areas are addressed in paragraph 200 of the SPP which are identified as being very sensitive to any form of intrusive human activity and have little or no capacity to accept development with the requirement set out for Plans to identify and safeguard the character of areas of wild land as identified in the Scottish Natural Heritage 2014 map of wild land areas. In relation to development management, it is highlighted in paragraph 215 that development may be appropriate in some circumstances, and further consideration is required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.

Strategic Policy

Cairngorms National Park Partnership Plan 2012-2017

29. The Cairngorms National Park Partnership Plan sets out the vision and overarching strategy for managing the Park and provides focus and priorities at a time of limited financial resources. The Plan also provides a strategic context for the Local Development Plan and shows how the four aims of the National Park can be achieved together. It sets out the strategic direction and priorities for the Park.
30. Three long term outcomes for the Park are set out as follows:
 - 1) A sustainable economy supporting thriving businesses and communities
 - 2) A special place for people and nature with natural and cultural heritage enhanced and
 - 3) People enjoying the park through outstanding visitor and learning experiences
31. These outcomes address the interaction of the three main characteristics of the National Park these being; that the Park is an internationally important area for nature conservation; a fragile rural economy; and an internationally known tourism destination. Recognising the relationship of these outcomes is at the heart of the National Park. A series of work programmes to help deliver the outcomes is set out in the Plan.
32. Specific policies of the Plan seek to promote and enhance the special qualities of the Park. In particular Policy 1.3 sets out that large scale commercial wind turbines (defined as more than one turbine and more than 30 metres in height) are not compatible with the special qualities of the National Park and are not considered to be appropriate within the National Park, or where outside the Park they affect its landscape setting.

33. Also relevant is Policy 2.3 which seeks to conserve and enhance the special landscape qualities of the National Park, with a particular focus on conserving and enhancing wildness qualities and enhancing opportunities to enjoy and experience the landscapes of the Park.

CONSULTATIONS

34. The Scottish National Park Authorities have agreed an arrangement with Scottish Natural Heritage (SNH) on respective roles in advisory casework. This 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 supporting. Accordingly the views of both SNH and the CNPA Landscape Advisor have been included in this report.
35. **Scottish Natural Heritage** landscape advice concluded that there was no capacity for this scale of development which does not fit with the landscape character. In relation to impacts upon the National Park it concluded that there would be:
- a) significant adverse effect on the immediate landscape setting of the National Park
 - b) significant adverse effects on the special landscape qualities of the National Park and that the proposed development would significantly adversely affect the experience of these special qualities in parts of the National Park where people go specifically to enjoy these qualities, which are fundamental to the experience of the Angus Glens
 - c) significant adverse effects on the Lochnager Mount Keen Wild Land Area where people go to experience wild land qualities, to the extent that it may warrant a change to the Wild Land Area boundary. The wild land area boundary lies some 3 km from the nearest proposed turbine.
36. SNH have now formally objected to the application on the grounds of the significant adverse impacts on the Cairngorms National Park as well as on the significant adverse impacts on the wildness qualities experienced in Wild Land Area 16 Lochnager- Mount Keen and the need for further information in relation to schedule I bird species. A copy of their objection is attached as **Appendix 2**. In summary this highlights the impacts upon the special landscape qualities of the National Park in particular those associated with the southern plateaux within the Park including summits and ridges of Dreish and Mayar which are contiguous with the wind farm site outside the Park boundary.
37. **CNPA Landscape Advisor** has assessed this application and a copy of the full response is attached as **Appendix 3**. The officer advises that the submitted ZTVs demonstrate that visibility of the proposed development will extend to:
- a) the slopes of Caenlochan Forest including Glas Maol and Creag Leacach
 - b) hills and ridges along the National Park boundary including Midhill, Bawhelps, Craigie Thieves, the High Tree and Bad Buidhie

- c) the tops and higher south west facing slopes between Glen Prosen and Glen Clova including the hills of Dreish and Mayar
 - d) high ground to the east of Glen Clova including areas around Loch Brandy, Loch Wirral and Ben Tirran
 - e) the munro summits of Beinn a Ghlo
38. In terms of impacts upon landscape character the Officer considers that the Angus Glens and Highland Summits and Plateaux landscape character areas transition is characterised by overlapping yet clearly defined and distinct individual hills across where land cover is broadly consistent. The proposed development contrasts with this underlying land form to create significant effects.
39. In terms of visual impacts the viewpoint information, which are representative of views likely to be gained by walkers, skiers, etc has been assessed and all have a high sensitivity to change with impacts upon viewpoints at Dreish, Mayar and Mid Hill Grouse Butts significant and adverse. In addition the separation of the development into two groups, its poor relationship with the landform, design inconsistencies and backclothing (where there is a both a positive colour contrast and pattern contrast with the backcloth creating more visibility of the development) increases the impact upon viewers. This southern part of the National Park is extremely popular with walkers and the impacts will be significant from both turbines and infrastructure.
40. Cumulative impacts have also been considered and it is concluded that there will be significant impacts when the development is viewed from hills such as Dreish and Mayar in combination with Drumderg. In addition because the development will appear as two groups in many views from the National Park then intra-cumulative impacts will be significant. Adverse impacts will be augmented by the linearity/lining up of the turbines in the northern group and the inconsistent relationship to landform and visibility of access tracks in the southern group.
41. In terms of impacts upon the setting of the National Park, there is contiguity and consistency of character across the Park boundary as noted earlier with shape of landform being the most dominant characteristic. The northern part of the wind farm will sit on the Cairn Daunie ridge and will have a significant adverse effect on the immediate landscape setting and fail to meet National Park Plan policy.
42. In terms of the integrity of the National Park designation and the qualities for which it was designated, it is considered that although the development would adversely impact upon a number of locations within the Park it would not significantly affect the integrity of the National Park. It would however have significant adverse effects on the special qualities of the National Park all as set out in the officer's advice detail and specifically upon:

- a) the vastness of space, scale and height , shrinking this by introduction of the new structures
- b) dominance of natural landforms and wildness
- c) grand panoramas and framed views

This is contrary to Scottish Planning policy.

43. Finally in relation to Wild Land Areas and Wildness, the turbines would be visible from key locations, hill summits, ridges and walking routes in the Lochnager Mount Keen Wild Land Area. The officer highlights that from breasting the col between Little Dreish and Mayar and completing the ascent of Dreish and Mayar (popular walking routes), the development would be in almost constant view. Industrial scale wind turbines and associated tracks will affect remoteness and the sense of solitude and sanctuary as well as affecting the arresting and inspiring qualities. It is concluded that the development would have an adverse effect upon the wild land area so much so that it may warrant a change in its boundary.

APPRAISAL

44. As noted earlier the proposed wind farm is located on a site which lies around 1.5km (at its closest point) from the southern boundary of the National Park. The key planning issue for consideration is that of the visual and landscape impact of the development upon the National Park and its setting, with both national planning policy and the National Park Partnership Plan setting out the need to consider the impacts of such development upon the setting of the National Park.
45. These policies expressly set out 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. Scottish Planning Policy highlights that this policy approach applies to development outwith a National Park which affects the Park, whilst National Park Partnership Plan Policy 1.3 sets out the requirement to ensure that large scale commercial wind turbines do not affect the landscape setting of the National Park. Finally Policy 2.3 of the National Park Partnership Plan seeks to conserve and enhance the special landscape qualities of the National Park, with a particular focus on conserving and enhancing wildness qualities and enhancing opportunities to enjoy and experience the landscapes of the Park. Scottish Planning Policy reinforces the need to fully consider impacts on wild land, with a Wild Land Area (Lochnager and Mount Keen) lying some 3 km from the site.
46. Set against this background it is essential to fully consider the impacts of the proposed development on the setting, qualities and wildness of the National Park.

47. The proposed development is located a short distance (just over 1 km) to the south of the National Park boundary with the northern part of the development site being sited on land that is of a character which is similar to, and contiguous with, the character of land within the National Park. It is clearly part of the setting of the National Park as set out in the views of both CNPA and SNH landscape advisors and due to the scale and size of the proposed turbines it will have a significant adverse impact upon this setting. Indeed, the viewpoint submissions from the applicants serve to illustrate this impact very clearly.
48. From views from the summits, ridges and walks in this area the turbines will be seen as sitting in this setting and this will undoubtedly affect the experience of those parties visiting the National Park. In this regard it is noted that this is a very popular part of the National Park, readily accessible from the population centres to the south including Dundee and as such the impacts will be even greater.
49. Accordingly it is considered that the proposed development will have an adverse impact upon the setting of the Cairngorms National Park, contrary to Scottish Planning policy and the policies of the Cairngorms National Park Partnership Plan.
50. The proposed development will also adversely impact upon the special landscape qualities of the National Park. The development will reduce the sense of openness by introducing large, industrial scale infrastructure (including a network of access tracks) into the setting of the National Park and dominating the landscape and the panoramic views. Overall these impacts mean that the proposed development will adversely impact upon the special landscape qualities for which the Cairngorms National Park was designated, contrary to planning policies.
51. Finally, in relation to wildness it is considered that the proposed development will have significant adverse impacts upon the Lochnager Mount Keen Wild Land Area which is located a short distance to the north. The qualities of wildness would be significantly eroded as a result of siting wind turbines here. As noted by our Landscape Advisors this may even warrant a change to the wild land area boundary should the development proceed. Again these significant adverse impacts are contrary to planning policies.
52. The applicant's Environmental Statement suggests that the overall impacts are not significant as set out earlier in this report in paragraph 14 to 17. However, following careful consideration and taking into account the landscape advice of our consultees it is considered that the impacts are significant and adverse in this case, all as outlined earlier. In addition the applicant's case that the impacts do not affect the "core" of the National Park is not accepted. The policy tests relate to special landscape qualities and impact upon setting and there is no mention of the core of the National Park being more important in any respect.

CONCLUSION

53. In these overall circumstances the proposed development is considered to be contrary to the aims of the National Park, Scottish Planning Policy and the policies of the Cairngorms National Park Partnership Plan. It is therefore recommended that the CNPA object to this proposed development on the basis of the significant adverse impacts upon the National Park.

RECOMMENDATION

That Members of the Committee support a recommendation of OBJECTION to the Section 36 application for the proposed Macritch Hill wind farm on Land close to Backwater Reservoir, Kirriemuir, Angus for the following reasons:

1. The proposed development is contrary to Scottish Planning Policy, the aims of the Cairngorms National Park and the policies of the Cairngorms National Park Partnership Plan 2012-2017 in that it will not conserve and enhance the natural heritage of the National Park.
2. The proposed development is contrary to Scottish Planning Policy and to Policy 2.3 of the Cairngorms National Park Partnership Plan 2012-2017 in that it will adversely affect the qualities for which the National Park is designated as a result of the significant adverse landscape and visual impacts arising out of the layout, scale, location and size of the proposed development.
3. The proposed development is contrary to Scottish Planning Policy and to Policy 1.3 of the Cairngorms National Park Partnership Plan 2012-2017 in that it will adversely affect the setting of the Cairngorms National Park due to the scale, siting, size and visual intrusion of the proposed wind farm.
4. The proposed development is contrary to Scottish Planning Policy and to Policy 2.3 of the Cairngorms National Park Partnership Plan 2012-2017 in that it will significantly adversely affect the wildness of the Cairngorms National Park, the Lochnager and Mount Keen Wild Land Area and the opportunities to enjoy and experience the landscapes of the Cairngorms National Park due to the scale, siting, size and visual intrusion of the proposed wind farm which will adversely affect the sense of solitude and sanctuary and the arresting and inspiring qualities.

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1 May 2015

The map on the first page of this report has been produced to aid in the statutory process of dealing with planning applications. The map is to help identify the site and its surroundings and to aid Planning Officers, Committee Members and the Public in the determination of the proposal. Maps shown in the Planning Committee Report can only be used for the purposes of the Planning Committee. Any other use risks infringing Crown Copyright and may lead to prosecution or civil proceedings. Maps produced within this Planning Committee Report can only be reproduced with the express permission of the Cairngorms National Park Authority and other Copyright holders. This permission must be granted in advance.