

CAIRNGORMS NATIONAL PARK AUTHORITY

Title: **CONSULTATION FROM THE HIGHLAND
COUNCIL (15/03286/FUL)**

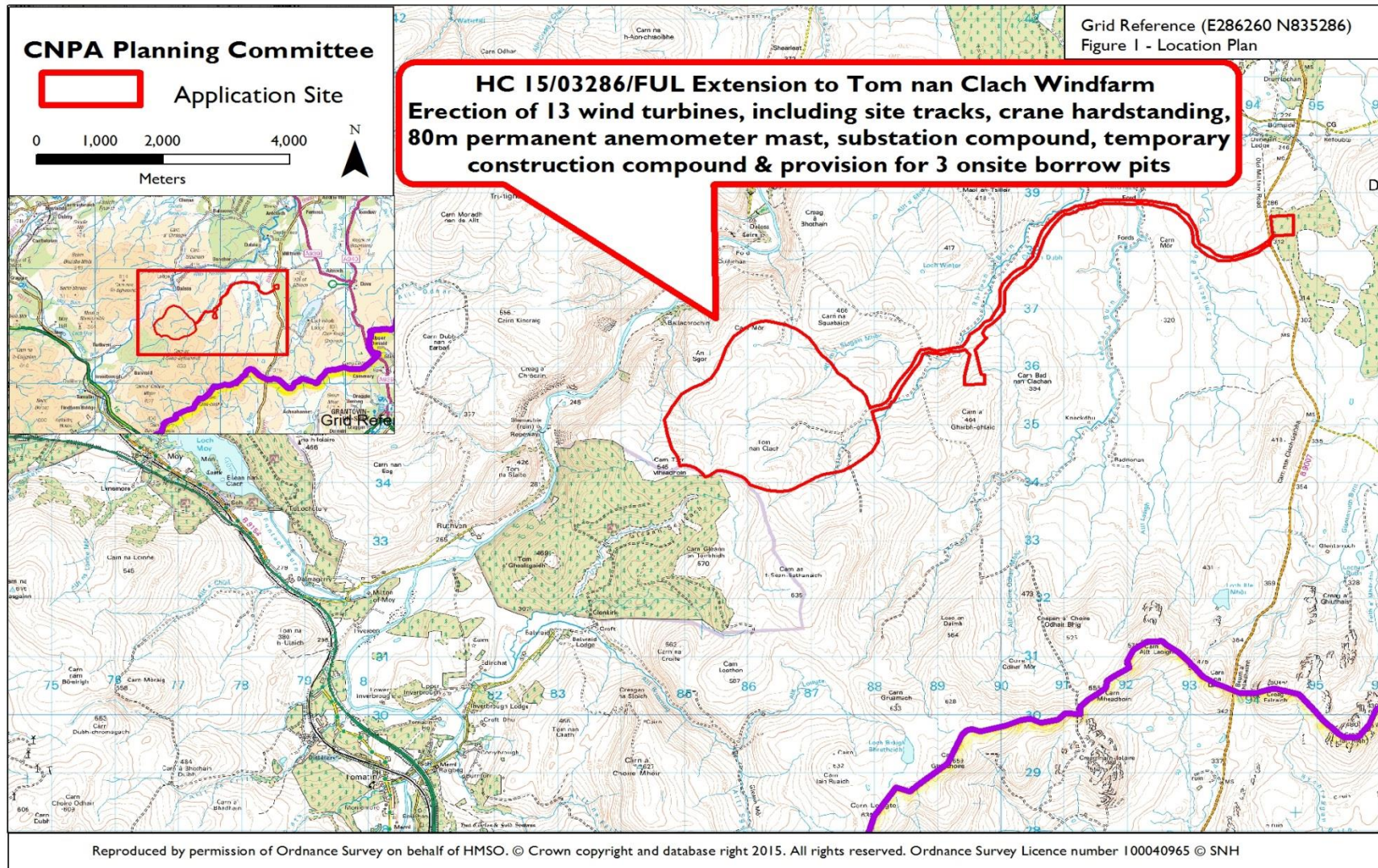
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PLANNING OFFICER
(DEVELOPMENT MANAGEMENT)**

DEVELOPMENT PROPOSED **Erection of 13 wind turbines, including
site tracks, crane hardstanding, 80m
permanent anemometer mast,
substation compound, temporary
construction compound & provision for 3
onsite borrow pits at Tom Nan Clach
Wind Farm Glenferness**

REFERENCE: **2015/0296/PAC**

APPLICANT: **Nanclach Ltd**

RECOMMENDATION: **NO OBJECTION**



PURPOSE OF REPORT

1. The purpose of this report is to provide a consultation response to The Highland Council (who is the determining Authority for this application) on this proposed wind farm, which lies to the north of the Cairngorms National Park. The application is accompanied by an Environmental Impact Assessment (EIA) and is categorised as a 'major' application.
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 Highland Council administrative area at Tom Nan Clach to the north of the Cairngorms National Park. Tom Nan Clach is located some 5.5 km to the east of the A9, around 7 km to the north east of Tomatin, and some 6 km west of the B9007 Duthil to Ferness road. The closest point of the wind farm is some 5.5km to the north of the Cairngorms National Park boundary as shown in **Figure 1**. Access is proposed from the B9007 by way of a new track to be constructed over a distance of around 18 km.
4. The site is located on the Cawdor estate on upland moorland to the south of the River Findhorn. The elevation of the site ranges from approximately 270 metres to 550 metres above ordnance datum (AOD)
5. Planning consent was granted for a wind farm at Tom Nan Clach in 2013. This current site extends slightly further south and the proposed arrangement of turbines is different, all as explained later in this report. The context of the current application site is shown in **Figures 2(a) and (b)**.

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Planning Committee Agenda Item 5 16/10/2015

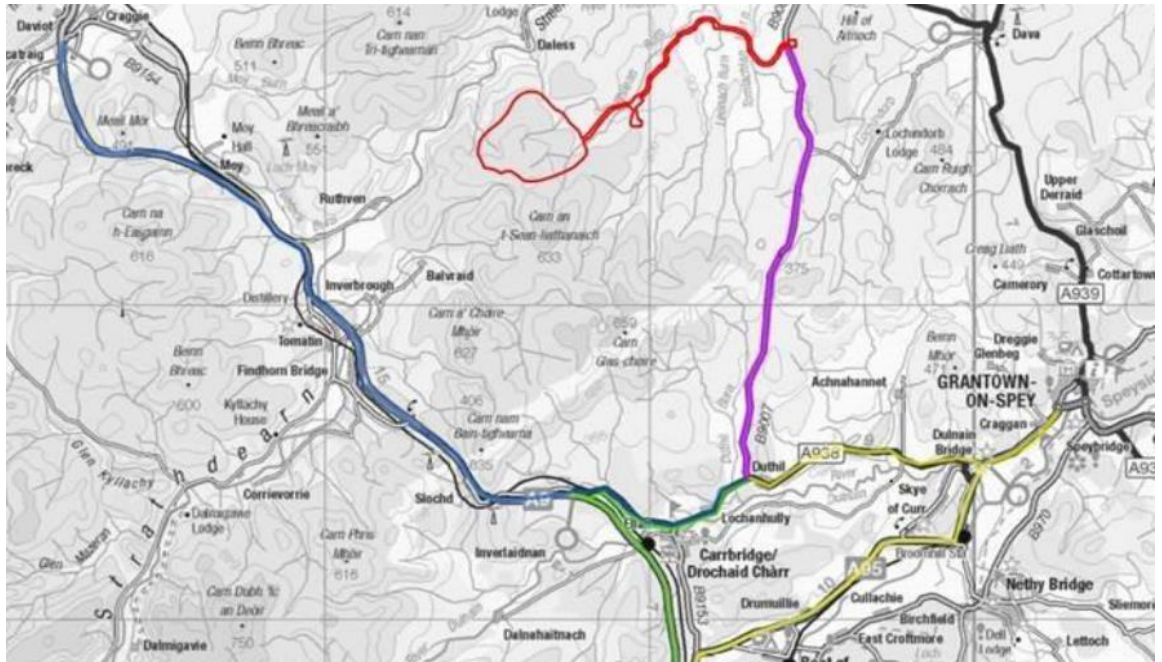


Figure 2(a): Context of Site

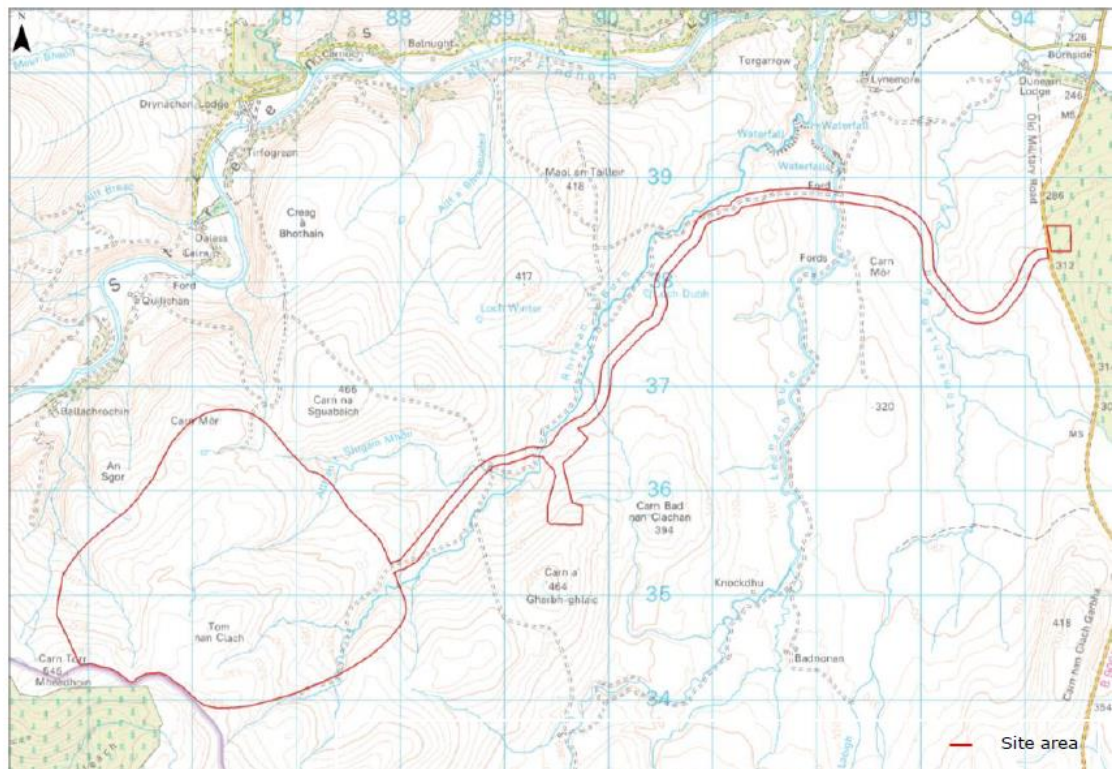


Figure 2(b): Site boundary

Proposed Development

6. Planning permission is in place for a wind farm at Tom Nan Clach comprising 17 turbines of height up to 110 metres to tip with hub height varying from 60 to 75 metres and generation capacity of 39 MW. This application now proposes to 'repower' the permitted wind farm and change the design of the turbines to fewer turbines of greater capacity in order to optimise the wind resource and generating capacity. This will involve the erection of 13 wind turbines of height 125 metres to tip. Rotor diameter is up to 105 metres, with hub height up to 75 metres. Total generating capacity will remain at 39 MW.
7. In their non-technical summary, the applicant advises that this change will increase the predicted energy yield by up to 26% whilst ensuring that environmental effects remain acceptable. They explain that this equates to providing an additional 19,745 homes with renewable power. The applicants further advise that the rationale for the proposed change is because wind turbine technology has evolved significantly since the original scheme was submitted in 2009, with the average generating capacity of large scale wind turbines increasing to well in excess of 3 MW (dependent on wind regime) as a result of improvements in energy conversion technology, along with larger rotors set on higher towers.
8. The applicants also explain that the new proposal will increase the predicted energy production from 122.3 GWh per annum to 154.8 GWh per annum through the specification of the new turbine design, which harnesses energy more efficiently. They also submit that this will save 15,000 more tonnes of CO₂ annually as compared to the original scheme, as well as reducing the length of new access track. The applicants submit that this will make the scheme "carbon neutral" within 2.2 years.
9. The changes, as compared to the original scheme, can be summarised as reducing the number of turbines by four, increasing their height to tip by 15 metres and changing the configuration on site. A comparison of the two layouts is shown in **Figure 3**, which shows the proposed layout (red) and the approved layout (grey).

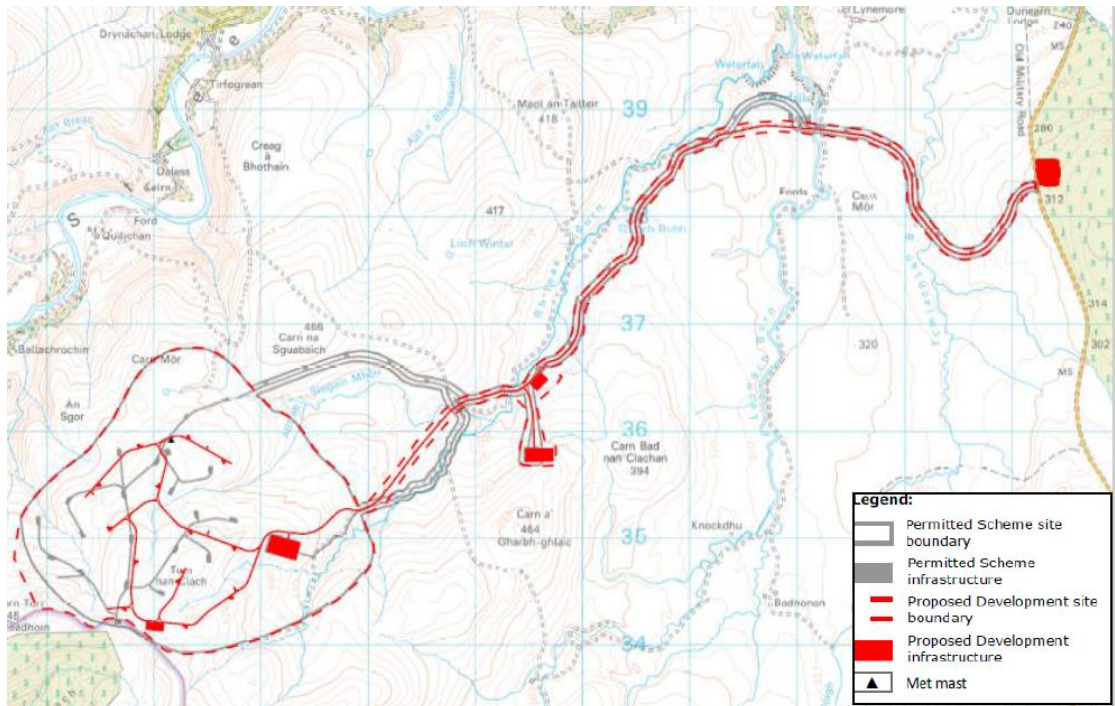


Figure 3: Comparison of Consented and Proposed Layouts

10. Other components of the development are:

- a) Crane hardstanding areas
- b) Approximately 18 km of new permanent access tracks, 5 metres wide and including seven new water crossings.
- c) One permanent meteorological mast, 80 metres high
- d) Sub-station compound, with electrical substation and control building. It is indicated in the environmental statement that connection to the grid will be via a new substation at Tomatin. Details of the connection from the site to the wider network would be the subject of a separate consents procedure in due course.
- e) Up to three borrow pits
- f) Temporary construction compound

11. The application is accompanied by an Environmental Statement (ES), which covers the following key areas:

- a) Landscape and visual impact assessment which includes consideration of wild land impacts
- b) Ecology and Ornithology
- c) Hydrology, geology and hydrogeology
- d) Cultural heritage
- e) Telecommunications and aviation
- f) Noise
- g) Traffic and Transport
- h) Socio Economic Impacts

12. A statement of Community Consultation, Design & Access Statement and a Planning Statement were also provided. The Planning Statement outlines how it is considered the development complies with relevant planning policies although it does not identify the National Park Partnership Plan which contains relevant policies relating to development affecting the setting and special landscape qualities of the National Park within this document. The National Park Partnership Plan is referenced in the main Environmental Statement.
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 centre and assess the significance of effects. This covered four main areas:
 - (a) Effects on landscape
 - (b) Effects on views
 - (c) Cumulative effects
 - (d) Evaluation of difference in residual effect between the approved and proposed schemes
14. The LVIA and Cumulative Landscape and Visual Impact Assessment (CLVIA) included photomontages and visualisations from a number of viewpoints (VPs), including the following within the National Park with significant cumulative effects identified at Viewpoint 2.
 - (1) VP 2 -Carn Glas-choire at 5.78 km distant, situated on the northern boundary of the National Park
 - (2) VP 16 – Creag Ealraich at 8.57 km distant, also situated on the northern boundary of the National Park to the south east of the application site
 - (3) VP 12 – Gorton Hill at 12.8 km distant, situated just north of Grantown
 - (4) VP 7 – Geal Charn Mor, Monadhliath some 22 km to the south west of the application site, located on the south west Park boundary near Aviemore/Lynwilg
 - (5) VP 9 - Meall A Bhuachailie at 25.9 km distant and located to the north of Glenmore
 - (6) VP 3 - Ptarmigan restaurant, at 32 km distant and located on Cairngorm mountain
 - (7) VP 4 - Creagan a Chaise at 25.8 km distant, located in the Cromdale hills
15. The LVIA concluded that, despite the scale of the development, significant effects occur in a relatively contained part of the study area with theoretical visibility of the development concentrated in a broad band extending across the upland landscape to the south west and north east of the site with visibility very limited to the north and south. It is concluded that the western part of the Drynahan, Lochindorb and Dava Moors Special Landscape Area will have significant effects, but that remaining parts of this special landscape area along with the Cairngorms National Park and National Scenic Area will not be significantly affected due to a combination of factors. These factors are considered to be; distance from the application site, limited extent of visibility,

wider influence of the Cairngorms Mountains on these designated areas, and the existing influence of operational and under construction wind farms.

16. The assessments also concluded that the proposed development would not give rise to any significant cumulative landscape effects with the exception of part of the open upland landscape character type, where the development will be added to a cumulative situation already strongly influenced by the proposed Cairn Duhie wind farm, with a cumulative effect with the Moy, Farr and Kyllachy schemes.
17. The assessments finally concluded that, in comparing the consented and the proposed schemes, whilst some degree of change may be apparent, the scale of this change is not sufficient to change the effects of the proposed development as compared to the approved scheme.

RELEVANT PLANNING HISTORY

On Site

18. Some Members may recall the previous application (Reference no. 09/00439/FULIN), as mentioned earlier, for a wind farm comprising 17 wind turbines of height to tip 110 metres (together with associated access track, construction compounds, and borrow pits) at Tom Nan Clach was considered at the October 2009 meeting of the CNPA Planning Committee in order to respond to the Highland Council, the determining authority for this case. The Committee did not object to the application, but, in line with officer recommendation, raised concerns to the determining authority regarding the cumulative impact should both Tom Nan Clach and Glenkirk be approved. Glenkirk was a proposed wind site to the south comprising 26 turbines of height 110 metres to tip and the CNPA objected to this case. That site was located closer to the National Park boundary, and was being determined by the Scottish Government Energy Consents Unit.
19. The Tom Nan Clach application was refused by The Highland Council and progressed to appeal and public inquiry. In June 2013 the Scottish Government Directorate of Planning and Environmental Appeals (DPEA) upheld the appeal and issued planning permission. The public inquiry was a conjoined inquiry with Glenkirk which was refused.
20. In 2014, the CNPA commented on a scoping report for a proposal involving up to 33 turbines at Tom Nan Clach and expressed concern regarding the significance of impacts. More recently in March 2015 CNPA officers provided advice at the pre-application stage as to key issues to be addressed with any submission for a revised proposal involving 13 turbines. These issues included the need to assess the effect on the special landscape qualities and the sense of wildness along the northern boundary of the National Park and from the Cromdale hills. The scoping response also highlighted that the different configuration and height of turbines - and the subsequent potential magnitude of change compared to the original approval, which was considered to relate well to the landform - may result in the new wind farm having an intrusive or

dominating effect from some locations. CNPA officers advised of the need to fully assess such impact and to provide sufficient material to enable a judgement to be made as to whether these impacts were significant or not.

General Area

21. As Members are aware there has been some pressure for new wind farms around the National Park and in this general area there have been a number of key proposals as follows:
- a) Cairn Duhie comprising 20 turbines of height 110 metres to tip is the subject of an ongoing application for section 37 consent from Scottish Government. This site lies to the north east of the current application site and was considered at the February 2014 meeting of the CNPA Planning Committee when Members raised objections to the proposals on the grounds of landscape and visual impacts, impacts upon special qualities and cultural heritage and adding to the growing encirclement of the National Park by constructed, consented and proposed wind farms. The application is currently proceeding to public inquiry.
 - b) Moy comprising 20 turbines of height 126.5 metres to tip has been approved and is under construction
 - c) Kyllachy comprising 20 turbines of height 110 metres to tip has now been approved following a successful appeal. The CNPA did not raise objections to the proposals.
 - d) Farr, adjoining Kyllachy, and comprising 40 turbines of height 102 metres to tip is operational.
 - e) Also of relevance is the recent Scottish Minister decision on Allt Duine to the far south west where planning consent has been refused following a public inquiry.
22. These sites are shown in **Appendix I – Wind Farm Map** which shows key sites at planning and pre-planning stage around the Cairngorms National Park.

DEVELOPMENT PLAN CONTEXT

National Policy and Guidance

23. **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.
24. 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.

25. 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.
26. 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.
27. 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.
28. SPP also highlights in paragraph 85 that these aims and requirements apply to development outwith a National Park that affects the Park.
29. 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

30. 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.
31. 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
32. 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.
33. 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.
34. 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

35. 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.
36. **Scottish Natural Heritage** landscape advice does not consider that the landscape and visual effects of this change will result in SNH altering any of its previous advice on this scheme; which was advice of no objection). With regards to impacts on the Cairngorm National Park and the setting of the Park, it is not

considered that the change in layout or increase in turbine size will result in any greater effects on the National Park or its setting than those of the consented scheme. This is primarily due to the magnitude of change between the consented and proposed schemes, but also relates to the change in cumulative baseline since the original application was considered - namely the removal of Glenkirk, and consenting of Moy and Kyllachy.

37. Previous advice from SNH on the original Tom Nan Clach application did not expressly consider the impacts upon the National Park as this was the remit of the CNPA at that time. The CNPA Landscape Advisor assessed that original proposal and concurred with the conclusions of the applicants' Environmental Statement that the impacts upon the National Park were not adverse. Those impacts judged to be 'moderate', were at a great distance from the site or very localised. The Advisor highlighted that the visual impact of Glenkirk and Tom Nan Clach would be major adverse hence the CNPA recommendation outlined earlier (see paragraph 18 above)

APPRAISAL

38. As noted earlier the proposed wind farm is located on a site which lies around 5.5 km, at its closest point, away from the northern 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. The parameters for this are set out in the Development Plan Context above. Any impacts associated with the proposed development also require to be considered against the baseline of the existing consented wind farm.
39. The landscape setting of the National Park on this northern side is to a large extent determined by continuity of the upland character across the boundary and the special landscape qualities that this area contributes to the Park. This open upland expanse contributes to special landscape qualities of surrounding hills, extensive moorland, dominance of natural landforms, sense of wildness and grand panoramas. Having considered the material submitted, the impact upon these special landscape qualities is not considered to be any more significant as a result of the proposed changes. Whilst the visualisations illustrate that the changes will be noticeable they are not significant.
40. In terms of wildness it was identified by the CNPA at the scoping stage that, although the proposal was unlikely to have a significant effect on the wild land areas within the National Park, it may affect the sense of wildness along the north boundary and from the Cromdale hills. It was therefore recommended that an assessment of such impacts be included with any submission. This assessment is considered to demonstrate satisfactorily that there will not be any significant effects.

41. When the CNPA considered the original application for 17 wind turbines of height 110 metre to tip it was concluded that the landscape and visual impacts were not of a significance to warrant objection. The report set out that visual effects on the National Park were considered to be minor to moderate adverse with impacts being at great distances (25km) or very localised. The report highlighted that cumulative impact concerns would arise if the Glenkirk proposal proceeded.
42. The current proposal to reduce the number of turbines, reconfigure their layout and increase their height has been considered against the baseline of this consented scheme and also in the light of current National Park Partnership Plan and Scottish planning policies. These set out a clear requirement to consider the setting of National Parks and its special landscape qualities, which is more clearly expressed now than in 2009.
43. In this regard although there will now be less turbines, the amendments will change the 'swept path' of the turbines as a result of the increased rotor diameter and overall turbine height. This will result in a change in the visual volume of the development, which is illustrated in the comparative viewpoint visualisations. However, this information is considered to demonstrate satisfactorily that the change will not be significant, and will not have any significant additional impacts upon the National Park as compared to the consented scheme and SNH, as landscape advisor, concurs with conclusion.

CONCLUSION

44. In these overall circumstances it is considered that the proposed development could proceed without detriment to the landscape character, setting and special qualities of the National Park. It is therefore recommended that the CNPA raise no objection to the proposed development.

RECOMMENDATION

That Members of the Committee support a recommendation of NO OBJECTION to the erection of 13 wind turbines, including site tracks, crane hardstanding, 80m permanent anemometer mast, substation compound, temporary construction compound & provision for 3 onsite borrow pits at Tom Nan Clach Wind Farm Glenferness

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29 September 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.