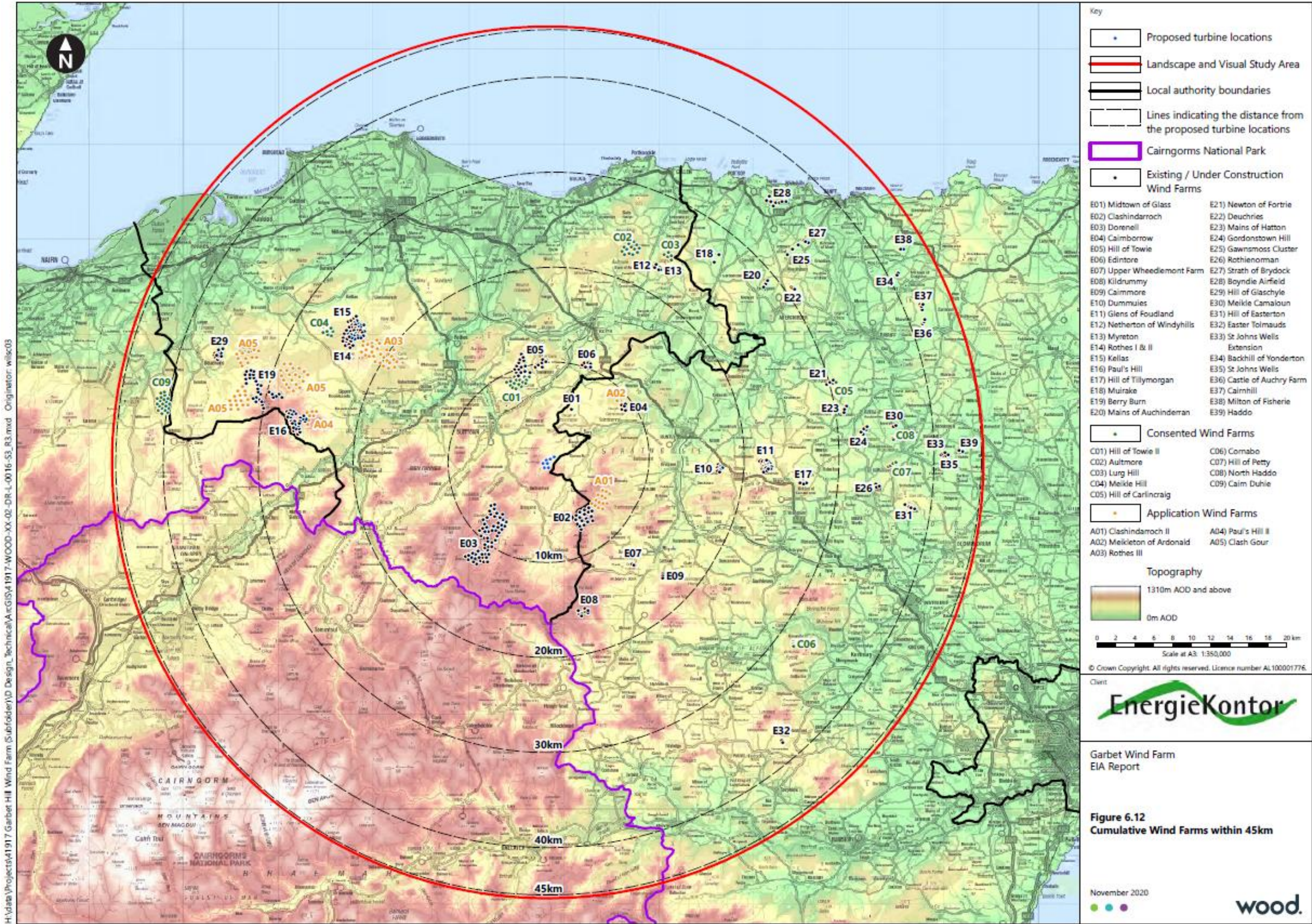


CAIRNGORMS NATIONAL PARK AUTHORITY

DEVELOPMENT PROPOSED: Garbet wind farm	
Consultation from Moray Council	
REFERENCE:	2021/0039/PAC (21/00020/EIA)
APPLICANT:	Energiekontor
DATE CONSULTED:	3 February 2021
RECOMMENDATION:	No objection
CASE OFFICER:	Nina Caudrey, Planning Officer



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PURPOSE OF REPORT

1. The purpose of this report is to inform the committee decision and subsequent consultation response to Moray Council on an application submitted under the Planning etc. (Scotland) Act 2006 for a proposed wind farm located to the north east of the Cairngorms National Park. The application is accompanied by an Environmental Report (ER), which presents the findings of the applicant's Environmental Impact Assessment (EIA).
2. The planning issues to be considered are confined to the effects of the proposed wind farm on the landscape character and Special Landscape Qualities (SLQs) of the National Park. All other matters, such as ecology, noise, general amenity, etc, are assessed by the decision maker (Moray Council) with advice from statutory consultees.
3. Under the current working agreement on roles in landscape casework between NatureScot (formerly Scottish Natural Heritage, SNH) and the Park Authority, NatureScot lead on the provision of advice on the effects on the SLQs caused by proposals outwith the Cairngorms National Park. Their advice has been used to inform this report.

SITE DESCRIPTION AND PROPOSED DEVELOPMENT

4. The proposed wind farm is located in Moray, approximately 5.5km southeast of Dufftown and 13km west of Huntly, as shown in the applicant's ER figure 6.12 on page 2 of this report. As also shown in the figure, in the surrounding area there are numerous existing and consented wind farms, plus several proposed wind farms in the planning system.
5. The proposed development would comprise 7 turbines with a maximum height of 190m to the tip of the blade in an upright position, approximately 1.6km of upgraded existing track plus around 5km of new track, as well as other infrastructure and works (such as substation, underground cabling, borrow pits, etc). It is expected that the proposed wind farm would have an estimated total installed capacity of around 46.2MW, dependent on the turbine specification used.
6. The nearest turbine would be around 11 km to the north east of the closest part of the boundary of the Cairngorms National Park, with the other turbines, tracks and associated infrastructure located further from the National Park boundary.
7. Theoretical visibility of the proposed wind farm from within the National Park would typically be limited and at distance, as shown by the applicant's ER figure 6.2 (**Appendix I**). Some theoretical visibility is found at around 20-30km from the wind farm in the Cromdale Hills, with some theoretical visibility at greater distances further into the National Park, as shown by the coloured areas.
8. However, when considering the cumulative visual effects, the proposed wind farm would not add significantly to the level of visibility of wind farms seen from within the National Park - as shown by the figure provided by the applicant in **Appendix II**.

9. Visualisations from two viewpoints, VPI4 Little Gael Carn in the Ladder Hills and VPI5 Carn Daimh around 8km north of Tomintoul, have been provided in the applicant's ER to demonstrate the level of visibility that would be had from within the National Park, at a distance of approximately 18 and 23 km respectively to the nearest proposed turbine. These are available to the public via the Moray Council website, eplanning <https://publicaccess.moray.gov.uk/eplanning/>, by searching for the application reference "21/00020/EIA", then under the "Documents" tab, selecting the relevant figure numbers (figure 6.33 for viewpoint 14 and 6.34 for viewpoint 15).

RELEVANT PLANNING HISTORY

10. **2021/0039/PAC** CNPA responded to a scoping consultation from Energy Consents and Deployment Unit (ECDU) in early April 2020. (The proposed wind farm has subsequently been reduced in MW output, so is now being determined by Moray Council.)

PLANNING POLICY CONTEXT

11. The development proposal is located wholly outwith the National Park, therefore the Cairngorms National Park Local Development Plan policies do not apply. However, an assessment of the proposal must have regard to Scottish Planning Policy (SPP) and the National Park Partnership Plan (NPPP).

National Policy

12. **Scottish Planning Policy** (revised December 2020) sets out national planning policies that reflect Scottish Ministers priorities for the development and use of land, as well as for operation of the planning system. The content of SPP is a material consideration in planning decisions that carries significant weight.
13. Policy relating specifically to National Parks and development management can be found in paragraphs 84 and 85 of SPP. These re-state the four aims of the National Parks as set out in the National Parks (Scotland) Act 2000, as well as 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 the four aims.
14. Paragraph 85 of SPP also clarifies that the aims and requirements of paragraphs 84 and 85 apply to development outwith a National Park that affects the Park.
15. Paragraph 212 of SPP states that "where development affects a National Park... it should only be permitted where:
 - a) the objectives of the designation and the overall integrity of the area will not be compromised; or
 - b) 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".

Strategic Policy

16. The **Cairngorms National Park Partnership Plan (NPPP) 2017 – 2022** is required under section 11 of the National Parks (Scotland) Act 2000. It is the management plan for the Cairngorms National Park approved by Scottish Ministers. The NPPP sets out how all those with a responsibility for the National Park will coordinate their work to tackle the most important issues. There is a duty for decision makers to have regard to the NPPP, a requirement set out in Section 14 of the Act. As such, the NPPP is a material consideration in planning decisions.
17. The NPPP identifies that the landscapes of the National Park are valued by many and underpin the area's economy. It contains policies to safeguard landscape interests. Of relevance to wind farm development proposals are policies 1.3 and 3.3a.
18. Policy 1.3 seeks to conserve and enhance the SLQs as a general policy objective for management of the National Park.
19. Policy 3.3a seeks to support development of a low carbon economy and increase renewable energy generation where this is compatible with conserving the SLQs. In relation to wind farm development, the policy 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

NatureScot advice

20. In accordance with the NatureScot/CNPA casework agreement, NatureScot have provided CNPA with advice in relation to the effects on the National Park, of the proposed wind farm both alone and cumulatively with other existing and consented wind farms in the surrounding area.
21. NatureScot advice that there will be no significant adverse effects on the Special Landscape Qualities of the National Park.

APPRAISAL

22. The policies of the NPPP and SPP set out how proposals outwith the boundaries of the National Park should be considered in terms of effects on the Park.
23. Policy 3.3a of the NPPP sets out a test for considering effects on the landscapes of the National Park, in that large scale wind turbines are inappropriate outside the Park where they 'significantly adversely affect its landscape character or special landscape qualities'. If a proposal fails policy 3.3a, it would also be in conflict with policy 1.3, which seeks to conserve and enhance the SLQs.

24. Paragraph 212 of SPP sets out that “development that affects a National Park... should only be permitted where:
- a) the objectives of designation and the overall integrity of the area will not be compromised; or
 - b) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.”
25. In the policy context of the NPPP and SPP, consideration is required of the effects of the proposed development, on landscape character and the SLQs, both alone and cumulatively with other wind farms in the surrounding area.
26. While there are a number of existing and consented wind farms in the area to the north-east of the National Park (as shown on page 2), which the proposed wind farm adds to, it is not considered that the proposed wind farm alone or in combination with other existing or consented wind farms will significantly adversely affect the landscape character or SLQs of the National Park.
27. As a result, the proposed wind farm is considered to comply with national planning policies that seek to safeguard National Parks, as well as NPPP policies 3.3a and 1.3. Therefore, it recommended that CNPA should **not** object to the proposed wind farm development.

RECOMMENDATION

That Members of the Committee confirm:

- **That the CNPA has NO OBJECTION to the application for the proposed Garbet wind farm.**