



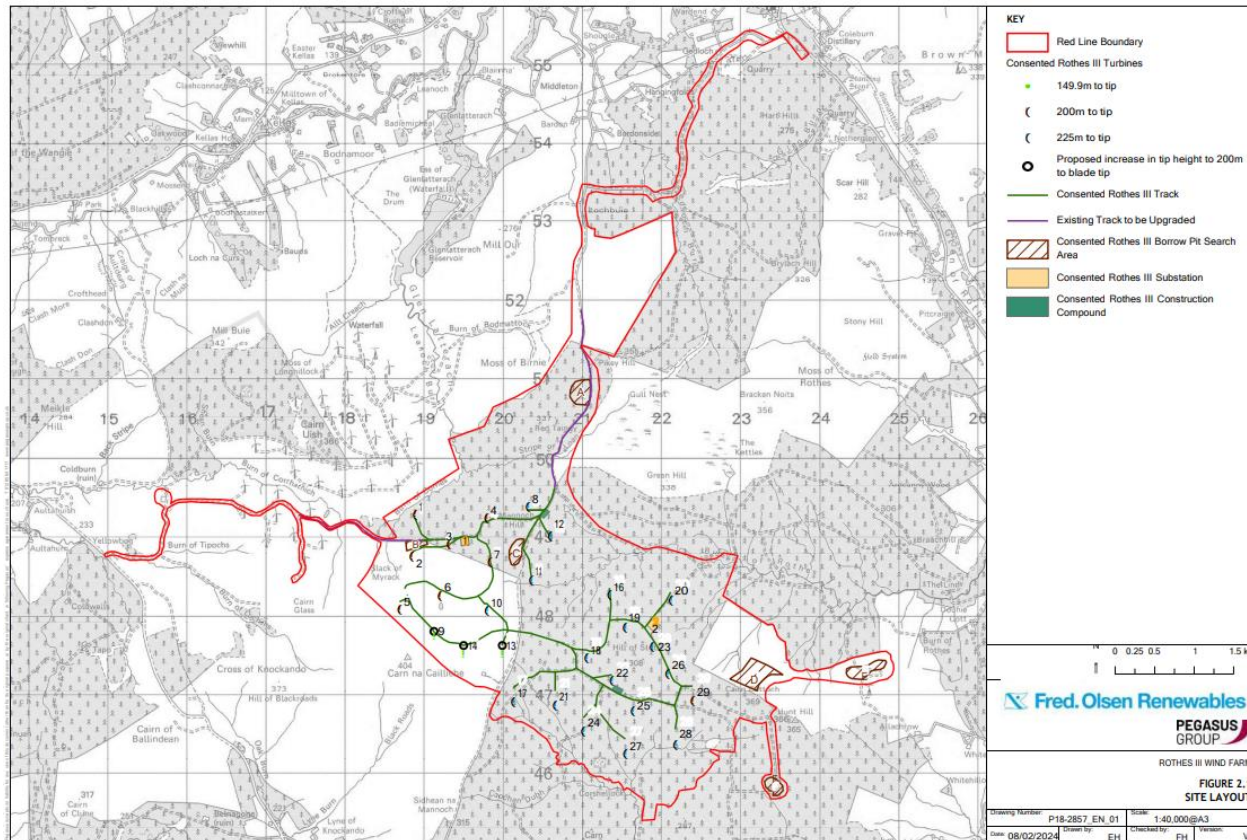
Committee report

Development proposed: Rothes III Wind Farm - Notification of a variation application under Section 36C of the Electricity Act

Reference:	2024/0205/PAC (ECU00005150)
Applicant:	Rothes III Ltd
Date called-in:	N/A
Recommendation:	No objection
Case officer:	Emma Bryce, Planning Manager (DM)



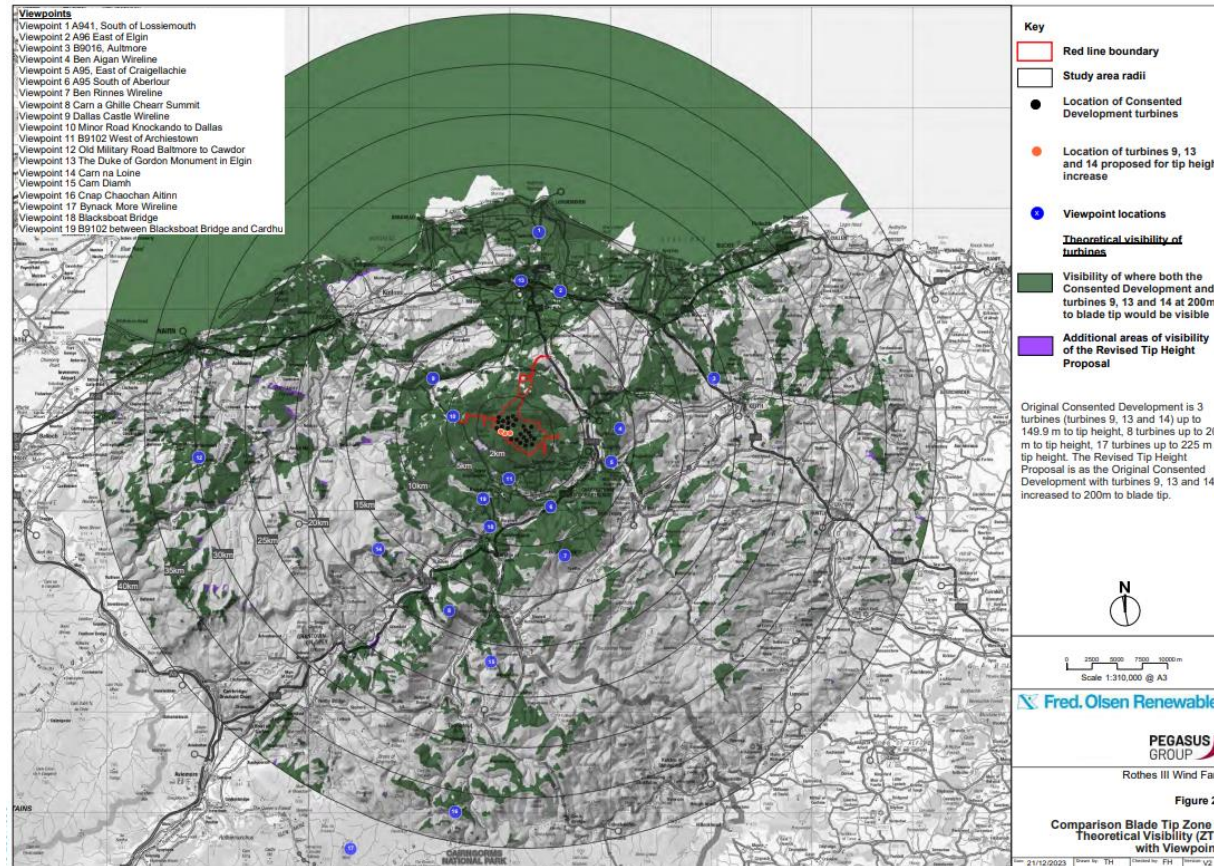
Map showing windfarm location



This map 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.



Map showing Zone of Theoretical Visibility (ZTV)



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Purpose of report

1. The purpose of this report is to inform the committee decision and subsequent consultation response to the Scottish Government Energy Consents & Deployment Unit (ECDU) on an application submitted under Section 36 of the Electricity Act 1989 for a proposed wind farm located to the northeast 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 a series of supporting information including a Planning and Environmental Report, Landscape and Visual Impact Assessment, an Environmental Noise Impact Assessment, Ornithology and Ecology Appraisal and Cultural Heritage Assessment.
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 (Scottish Ministers) with advice from statutory consultees.

Site description and proposed development

3. The Site (consented Rothes III wind farm and site access) is located approximately 4km west of Rothes village. The operational Rothes I and II windfarms are located immediately northwest of the development site. The site falls within the administrative boundary of Moray Council, outside the National Park.
4. The consented, but not yet operational, Rothes III windfarm consists of 28 wind turbines, including three with a maximum tip height of 149.9m, eight with a maximum tip height of 200m and 17 turbines with a tip height of 225m.
5. The proposed development is to vary the consented scheme to increase the tip height of the three turbines (numbered 9, 13 and 14) of 149.9m to a



maximum tip height of 200m. These turbines will be the same model installed for all turbines of a tip height of 200m.

Relevant planning history

6. Rothes I windfarm became operational in 2005 and consists of 22 turbines with a maximum tip height of 100m.
7. Rothes II windfarm became operational in 2013 and comprises of 18 turbines, 15 turbines with a tip height of 125m and three with a tip height of 110m.
8. The Rothes III windfarm was consented on 21 October 2022 by Scottish Ministers. This scheme is considered to be an extension to the operational Rothes I and II windfarms.

Planning policy context

9. The proposed development is located wholly outwith the National Park and therefore the Cairngorms National Park Local Development Plan policies do not apply. However, an assessment of the proposal must be in accordance with National Planning Framework 4 (NPF4) and have regard to the National Park Partnership Plan (NPPP).

National policy

10. National Planning Framework 4 (NPF4) published 13 February 2023 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 NPF4 forms the national element of the statutory development plan, which also includes the relevant Local Development Plan. Decisions on planning applications (and Section 36 applications) are to be made in accordance with the development plan, and as such NPF4.
11. Policy relating specifically to National Parks and development management can be found in Policy 4: Natural Places and Policy 11: Energy. In general



terms Policy 4a) cites that development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported.

12. NPF4 Policy 4c) specifically applies to a National Park and states that “development proposals that will affect a National Park...will only be supported where:
 - I. the objectives of designation and the overall integrity of the area will not be compromised; or
 - II. 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”.

13. NPF4 Policy 4c) clarifies that the policy test applies where development proposals may affect a nationally designated landscape, and so can be applied to development proposals outwith the National Park boundary, but potentially affecting it. Of relevance to the generation of wind energy development nationally and therefore to the proposed development:
 - a) NPF4 National Development 3 ‘Strategic Renewable Electricity Generation and Transmission Infrastructure’ confirms that this class of national development supports renewable electricity generation, repowering and expansion of the electricity grid.
 - b) It incorporates three types of development, including on and offshore electricity generation, including electricity storage, from renewables exceeding 50 megawatts capacity.

14. The Rothes III Wind Farm proposal falls within a National Development 3.

15. NPF4 Policy 11 Energy further clarifies that:
 - b) “Development proposals for wind farms in National Parks...will not be supported: and
 - d) Development proposals that impact on international or national designations will be assessed in relation to Policy 4”.



Strategic policy

16. The Cairngorms National Park Partnership Plan (NPPP) 2022 – 2027 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 A4 and C2a.
18. Policy A4 seeks to conserve and enhance the SLQs. Policy C2a 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 in areas outside the National Park where they adversely affect its landscape character or special landscape qualities". If a proposal fails policy C2a, it would also be in conflict with policy A4, which seeks to conserve and enhance the SLQs.

Consultations

NatureScot advice

19. In accordance with the NatureScot / Cairngorms National Park Authority (CNPA) casework agreement, NatureScot have provided advice on the proposed variation. They have stated that the proposal will not impact on natural heritage interests of national interest. The mitigation measures to be



approved and implemented as part of the Consented Development remain appropriate.

Appraisal

20. The policies of NPF4 and the NPPP set out how proposals outwith the boundary of the National Park should be considered in terms of effects on the National Park. In the policy context of NPF4 and the NPPP, 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.
21. This scheme is considered to be an extension to the operational Rothes I and II windfarms. Rothes III windfarm has consent and the proposed increase in tip height of three of the approved turbines will not introduce significant impacts and as such the proposal is considered to comply with the relevant policies of NPF4 and the NPPP.
22. For these reasons, it is considered that CNPA should not object to the proposed wind farm development.

Recommendation

That members of the committee confirm that CNPA does not object to the application for the proposed variation to the Rothes III Wind Farm.