

## REPORT TO MARR AREA COMMITTEE – 25 MAY 2021

### CONSULTATION REQUEST FROM MORAY COUNCIL - GARBET WIND FARM, 5.5KM SOUTH EAST OF DUFFTOWN, MORAY, (ABERDEENSHIRE MARR BORDER)

#### 1. Recommendations

The Committee is recommended to:

- 1.1 Note the contents of this report;
- 1.2 Provide a view to Infrastructure Services Committee on the proposed development (Moray ref. 21/00020/EIA); and
- 1.3 Request that Aberdeenshire Council be consulted on any relevant additional information or addendums to the Environmental Impact Assessment Report or further appeal processes if relevant in order that the Council can fully consider any changes to the proposal and assess impacts upon Aberdeenshire.

#### 2. Background / Discussion

##### Background

- 2.1 Full planning permission is sought for the installation and operation of a wind farm comprising 7 turbines (up to 190m tall to blade tip) with a generating capacity of up to 46.2MW an electricity storage facility with a maximum capacity of 3MW and associated infrastructure located within the Moray Council Area, that local planning authority must take the decision on the planning application. The site is located west of the Aberdeenshire boundary, with the northern part of the site lying between the Tips of Corsemaul and Tom Mor hills/summits with the site boundary then following the line of the border down to Craig Watch (Aberdeenshire) and stopping just north of Garbet Hill (Moray).
- 2.2 Due to the location of the application adjacent to and immediately outwith the Aberdeenshire boundary, Aberdeenshire Council have been consulted on the planning application by Moray Council. Officers from Aberdeenshire Council Planning service have participated in pre-application processes on the proposal and were consulted on the scope of the environmental impact assessment. A formal consultation was received on 18 March 2021 with a deadline of 17 April 2021 for a response – an extension of time was agreed with Moray Council and a holding response was issued on 16 April 2021 seeking further information from the developer and outlining that a formal detailed response would be offered after the receipt of this information and conclusion of appropriate internal review processes. As the application will be determined by another authority, Aberdeenshire Council has a limited role in this case, it cannot accept formal representations and is not party to

discussions with the agent or in receipt of all / updated information regarding the application. Aberdeenshire Council is purely a consultee on the proposal.

- 2.3 The application is supported by an Environmental Impact Assessment Report (EIA Report), including chapters and studies covering a range of issues but specifically including:
- Landscape and Visual Impact Assessment
  - Cultural Heritage and Archaeology
  - Ornithology
  - Ecology
  - Noise
  - Traffic and Transportation
- 2.4 The EIA Report outlines that the proposal would comprise of 7 wind turbines up to 190m tall to blade tip and 112.5m tall to hub height as well as onsite infrastructure including substation, access tracks, borrow pits and construction compound. The red line site boundary runs alongside the local authority boundary. Access to the site would be via the A920 (Huntly -Dufftown Road) just to the west of Glass.
- 2.5 While the development site is entirely within the Moray Council area and would be determined by that Planning Authority in line with national and local policy, impacts of the scheme are likely to be experienced within Aberdeenshire. The main anticipated impacts upon Aberdeenshire are considered to be in relation to Landscape and Visual, Noise, Natural Heritage, Cultural Heritage, Archaeology and Transport. All of these issues have the potential to give rise to issues across the border between the Local Authority areas.
- 2.6 The submitted EIA Report highlights anticipated significant Landscape and Visual impacts, including cumulative impacts upon Aberdeenshire would be experienced. The submission ultimately concludes that these impacts would not be significantly adverse.
- 2.7 No other significant impacts in relation to factors of interest to Aberdeenshire are highlighted within the submission.

### Consultations

- 2.8 The Planning Service has sought comments from a number of consultees to provide some assessment of the proposal as it might affect Aberdeenshire's interests.
- 2.9 **Infrastructure Services (Environment Team – Natural Heritage)** advised that the service was content that there are no likely significant effects on ecological or ornithological receptors in Aberdeenshire. With regard to the water environment the site is out with Aberdeenshire but is part of the Deveron catchment and thus drains into Aberdeenshire. A key environment risk is impacts to the water environment, particularly during construction and decommissioning. These risks have been assessed and mitigation proposed – the service is content with this process. It is noted that the site will require a

Construction Site Licence from SEPA and a Construction Environment Management Plan will be produced and approved by regulators. The service is content that appropriate measures and monitoring measures are in place so as to protect the water environment. No further comments or requirements.

- 2.10 **Infrastructure Services (Environment Team – Cultural Heritage)** originally sought further information of the potential impacts upon the A Listed Beldorney Castle. Additional information was submitted, but this did not expressly resolve the concerns raised. The Service advised that as the requisite information had not been supplied, they could not confidently say the application would not have a negative impact on the setting of Beldorney Castle.
- 2.11 **Infrastructure Services (Environment Team – Landscape)** offered detailed comments, raising concerns with the proposed impacts upon Aberdeenshire, commenting that from an Aberdeenshire perspective and based on the landscape & visual impact assessment (LVIA) information, the proposed development will be significant in the region's landscape and is predicted to further intensify the visual effects of commercial scale wind energy in the area of the proposed development. It is considered that if the perceived valued landscape character of the west Aberdeenshire area is to be adequately conserved then in relation to landscape and visual impact issues this proposed development should not be supported.
- 2.12 **Infrastructure Services (Environmental Health)** confirmed that there were no objections to the proposal, but did request that further dialogue takes place between the developer and the Service in terms of agreeing methodology in relation to noise and shadow flicker assessments, once finalised details of the application have been agreed.
- 2.13 **Infrastructure Services (Archaeology)** raised concerns within an initial response regarding the suitability of the Cultural Heritage and Archaeology assessment (Chapter 7 of the EIA Report, dated January 2021). Particular concerns centre around the apparent omission of sites of regional importance in the assessment including the hill fort at Craig Dorney as well as several sites of prehistoric nature within the vicinity. There is also a lack of information on the proposed transport route and any impacts upon assets as a result. The Service would therefore not consider the current Cultural Heritage and Archaeology chapter as meeting the requirements expected of such a document, and further information and updates was requested.

Further information was provided, however the service advised that having reviewed this information, concerns remain over the visual/setting impact of the proposed development on the remains of the hillfort at Craig Dorney (Aberdeenshire HER NJ43NW0016). It was also highlighted that there were concerns over visual impact on Tap O'Noth hillfort (Aberdeenshire HER NJ42NE0001). It was advised that consideration should be given to reducing the scale and amending the layout of turbines proposed in order to reduce these impacts. Further to this given the scale of the turbines proposed, it was also reiterated that potential impact on the historic environment along the transportation route to site is assessed in order that appropriate mitigation can be determined. Finally, the service reiterated the significant concerns over the

potential cumulative impact on the historic environment of both Moray and Aberdeenshire resulting for the increase in existing/operational, applied for and proposed turbine developments in this corridor, especially given the large scale of turbines proposed.

- 2.14 **Infrastructure Services (Roads Development)** had not offered any comments at the time of writing. A delayed response at this stage is not considered to be critical to the consideration to the consultation by committee at this stage.

#### Planning Policy Context

- 2.15 The proposal sites entirely within the Moray Council area and as such, Moray Council would assess and determine the application using their own development plan policies. From an Aberdeenshire Council perspective, the Aberdeenshire Local Development Plan (ALDP) is normally the primary policy document for assessing planning applications, however as this development falls outwith the Aberdeenshire Local Authority area it would not be directly subject to the policies within the ALDP.
- 2.16 There would be potential impacts upon Aberdeenshire from the proposed development however, as such the principles contained within ALDP Policy may be used to frame and guide any assessment with regard to these impacts – any concerns thereafter can be raised for Moray Council to consider under their own policies. In terms of directly applicable policy principles, reliance on Scottish Planning Policy which covers both Council areas is relevant.

#### Conclusions

- 2.17 The Planning Service has had a limited role in pre-application discussions and the environmental impact assessment scoping exercise, but appreciates the involvement and opportunity to formally comment on the application. Ultimately, it is not for Aberdeenshire Council to determine the planning application, its role is limited to that of consultee, although it would be expected that any material issues raised would be fully considered by Moray Council.
- 2.18 There are concerns with regard to the extent and nature of potential impacts upon Aberdeenshire, notably from a landscape and visual impact perspective. The proposed development is visually significant in that 190m high wind turbines have the potential to be seen in clear weather conditions over notable distances. Indeed, 100m high wind turbines are known to have the potential to be seen in clear weather conditions at distances of 35km or more. It's reasonable to assume that 190m height structures have the potential to be seen over greater distances. Some 7 x 190m high structures will have a direct visual effect on observers in this part of Aberdeenshire, and directly influence the perceived landscape character of the area concerned.
- 2.19 The Garbet windfarm area has an identified landscape sensitivity as indicated by the presence of two Special Landscape Areas close to the site, one on the Aberdeenshire side of the boundary (Deveron Valley) and the second several kilometres west of the site in the Moray area. Both these areas have the

potential to be significantly visually affected by the proposed development. The sensitivity of this landscape has an emphasis on the protection of the valley landscape and protection of views and vistas within this context. These have the potential to be negatively impacted by large scale wind development. The Landscape Character Type within this area is defined as LCT 22 – Moorland Plateaux which is part of the Grampian Outliers, which are described as being highly sensitive to development including wind.

- 2.20 Generally in relation to design best practice potential differences in turbine scale and speed of rotor rotation, are not visually desirable and this may be an issue when commercial scale wind turbines from separate sites are seen in combination. Some of the wireline model information supplied by the applicant indicates that this is a probability particularly for receptors nearer the proposed development site area. Cumulative impacts are anticipated to derive from Clashindarroch, Kildrummy, Upper Wheellemont Farm, Clashindarroch II and the Proposed Development
- 2.21 With regards to the cumulative assessment of the predicted effects of the application scheme in combination with other wind energy schemes in the area the addition of the Garbet project will generally intensify perceived wind energy development in the east Moray west Aberdeenshire area. The applicant's assessment of key view points in the area of the application site such as Tap O'Noth, The Buck, Oxen Craig and Ben Rinnes indicate that cumulative effects will be generally significant. These viewpoints are particularly sensitive as they have known recreational value, and from viewpoints such as these the general perception of the region by recreation users is established. There are also some uncertainties with regard to the potential cumulative impact as presented in the applicant's submission – specifically citing a number of viewpoints where cumulative impacts are anticipated as a result of nearby developments but “not” the proposed development. It is not clear why the proposal, when added to an existing or proposed cumulative impact within a shared viewpoint would not add to the adverse effect. At a regional level the cumulative effects of wind energy development is well established in the Moray/Aberdeenshire areas with a number of wind farms now built and approved. Furthermore, the potentially limited lifespan of neighbouring wind farms in comparison to the development is outlined in the context of seeking to demonstrate a limited cumulative impact – this stance is not agreed with, particularly given potential for existing sites to be repowered in the future, any use of existing proposed lifespans in this context is given limited weight.
- 2.22 From the perspective of Aberdeenshire the proposed Garbet wind farm will make a significant contribution to an area that when seen from key viewpoints in Aberdeenshire is already notably visually affected by commercial scale wind energy development. For these reasons there are significant concerns in relation to landscape and visual impact issues. Assessing the proposal and considering all of the above, it cannot be agreed that the proposal would be able to fit within the wider Aberdeenshire and Moray landscape by virtue of the proposed landscape, visual and cumulative impacts proposed.
- 2.23 Scottish Planning Policy (SPP) is clear in paragraph 169 that cumulative impacts of new wind energy proposals, including with regard to these impacts

upon landscape and visual considerations are key considerations for Planning Authorities in assessing applications. In considering these impacts upon Aberdeenshire from this development, there are concerns on the extent and magnitude of landscape, visual and cumulative impacts upon this part of Aberdeenshire, specifically the western Deveron Valley to the west of the settlements of Huntly and Rhynie.

- 2.24 There are no concerns with regard to any potential impacts from the scheme on natural heritage or ecological receptors within Aberdeenshire. Further information was sought with regard to Cultural Heritage impacts, specifically on Beldorney Castle. However clarity on this remains outstanding at the time of writing and so the potential impacts cannot be confirmed as being acceptable.
- 2.25 A number of concerns with regard to the submission were raised by the Council's Archaeology Service. At the time of writing these remain unresolved – concerns remain firstly with the visual impact upon designated features as well as impacts in terms of the cumulative impact and also the need to consider the transportation route with regard to potential impacts or alterations on assets or features including bridges or street furniture that may hold archaeological or cultural heritage importance.
- 2.26 This report recommends that the Marr Area Committee consider the details of the proposal along with consultee comments received and provide a view to Infrastructure Services Committee.
- 2.27 The Monitoring Officer within Business Services have been consulted in the preparation of this report had no comments to make and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

### **3. Scheme of Governance**

- 3.1 In the Scheme of Governance, List of Officer Powers Part 2B F.4.7 the Head of Planning and Environment has the delegated power to respond to consultations from other local authorities on planning applications. As required, the Head of Planning and Environment, has considered the General Provisions in Part 2B which sets out the limitations of Officer Powers.
- 3.2 Therefore, in recognition of the significance of the proposal, which will be determined by the neighbouring planning authority, it is considered appropriate that Marr Area Committee is afforded the opportunity to provide a view on the proposal, prior to Infrastructure Services Committee confirming the Council stance with regard to the consultation, as has been the accepted route for all cross border or large scale wind energy developments which Aberdeenshire Council are consulted on.

### **4. Equalities, Staffing and Financial Implications**

- 4.1 An equality impact assessment is not required because this report is to obtain a view of the committee for an external consultation response and therefore does not have a differential impact on any of the protected characteristics

4.2 There are no staffing and financial implications.

**Alan Wood**  
**Director of Infrastructure Services**

Report prepared by Stuart Murison (Senior Planner)  
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