

REPORT TO INFRASTRUCTURE SERVICES COMMITTEE – 17 JUNE 2021

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

1. Reason for Report/Summary

- 1.1 To consider and respond to Moray Council on the current consultation on Garbet Wind Farm, 5.5km south east of Dufftown, Moray. Full Planning Permission is sought for the installation and operation of a wind farm comprising of 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.

2. Recommendations

The Committee is recommended to:

- 2.1 **Note and consider the view provided by Marr Area Committee to express concerns to Infrastructure Services Committee regarding the proposal (Moray ref. 21/00020/EIA Link to application: <https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=QMRCWHBGJOG00>) for the reasons as detailed within paragraph 4.21 and Appendix 2;**
- 2.2 **Note and consider the contents of the Report and the responses provided by consultees and the holding objections from Infrastructure Services (Archaeology) and Infrastructure Services (Environment); and**
- 2.3 **Agree a formal consultation response for submission to Moray Council on the proposed development as detailed within paragraph 4.23.**

3. Purpose and Decision-Making Route

- 3.1 Full Planning Permission is sought for the installation and operation of a wind farm comprising of 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, the local Planning Authority that must take the decision on the planning application.

- 3.2 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). A copy of the Location and Site Plan are attached as **Appendix 1A, 1B and 2**.
- 3.3 Due to the location of the application site adjacent to and immediately outwith the Aberdeenshire administrative boundary, Aberdeenshire Council has been consulted on the planning application by Moray Council.
- 3.4 Officers from Aberdeenshire Council Planning and Environment Service have participated in pre-application processes on the proposal and were consulted on the scope of the Environmental Impact Assessment.
- 3.5 A formal consultation was received on 18 March 2021 with a deadline of 17 April 2021 for response. An extension for responding to the consultation was agreed with Moray Council and a holding response was issued on 16 April 2021 advising that a formal, detailed response would be submitted on receipt of further information from the developer and conclusion of appropriate internal review processes.
- 3.6 In this instance the application will be determined by another Authority, meaning that Aberdeenshire Council has a limited role. The Council 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.

4 Discussion

- 4.1 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
- 4.2 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.
- 4.3 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.

- 4.4 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.
- 4.5 No other significant impacts in relation to factors of interest to Aberdeenshire are highlighted within the submission. The Planning and Environment Service has sought comments from a number of consultees to provide some assessment of the proposal as it might affect Aberdeenshire's interests. The main issues highlighted from consultees are outlined as follows.

Cultural Heritage and Archaeology

- 4.6 Potential impacts upon the A Listed Beldorney Castle were identified with further information sought. However, at the time of writing this Report, sufficient information has not been provided and as such it is not possible to confidently say the application would not have a negative impact on the setting of Beldorney Castle.
- 4.7 Furthermore, the Council's Archaeology Service 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 were requested.
- 4.8 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).
- 4.9 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.

- 4.10 Finally, the Archaeology Service reiterated the significant concerns over the potential cumulative impact on the historic environment of both Moray and Aberdeenshire resulting from the increase in existing/operational, applied for, and proposed turbine developments in this corridor, especially given the large scale of turbines proposed.

Landscape

- 4.11 Further to the concerns raised by the Archaeology Service with regard to specific landscape and visual impacts upon cultural heritage features, the Council's Environment Team offered detailed comments, raising concerns with the proposed impacts upon Aberdeenshire, commenting that from an Aberdeenshire perspective and based on the landscape and 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. There is a very high potential of the proposed development, if it progresses, having a profound impact upon the conservation of the perceived valued landscape character, in relation to landscape and visual issues, of this part of west Aberdeenshire.
- 4.12 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 is 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. There is particular concern regarding proposed impacts from viewpoints along the A920 main road, from Cairborrow and Bodilare where views of the open, unspoilt valley would experience a significant magnitude of change by virtue of the introduction of the proposed development.
- 4.13 The Garbet Wind Farm 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 (LCT) 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 energy development.

- 4.14 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 Wheedlemont Farm, Clashindarroch II and the Proposed Development. Members may recall that Aberdeenshire Council recently objected to the Clashindarroch II Wind Farm proposal (28 January 2021), which was submitted under Section 36 of the Electricity Act and is currently due to go to a Public Local Inquiry for a decision to be made.
- 4.15 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 and west Aberdeenshire area. The applicant's assessment of key viewpoints 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.
- 4.16 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.
- 4.17 At a regional level the cumulative effects of wind energy development are 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 form of justification is not supported, particularly given the potential for existing sites to be repowered in the future.

Planning Policy Context

- 4.18 The proposal sits 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. As this development falls outwith the Aberdeenshire Local Authority area it would not be directly subject to the policies within the ALDP.

- 4.19 There would be potential impacts upon Aberdeenshire from the proposed development and 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.
- 4.20 Scottish Planning Policy (SPP) is clear in paragraph 169 ([Scottish Planning Policy - gov.scot \(www.gov.scot\)](http://www.gov.scot)) 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 evaluating the impact of the proposed 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.

Comments from Marr Area Committee

- 4.21 On 25 May 2021, the Marr Area Committee agreed to forward comments to Infrastructure Services Committee expressing concerns regarding the cumulative impact of the development, which would add to and intensify the existing effects of large-scale wind energy development within the area from a landscape and visual impact perspective. The committee supported the concerns raised by officers highlighting an anticipated significant landscape and visual impact and concerns regarding the suitability of the Cultural Heritage and Archaeological assessment. The Committee **agreed:**
1. To note the contents of the Report;
 2. To provide the following comments to Infrastructure Services Committee on the proposed development (Moray ref. 21/00020/EIA):
 - (a) To express concerns regarding the cumulative impact of the development, which would add to and intensify the existing effects on the area, from a landscape and visual impact perspective;
 - (b) To support the concerns raised in the officer report, which highlighted an anticipated significant landscape and visual impact and concerns regarding the suitability of the Cultural Heritage and Archaeology Assessment; and
 3. To 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.

Conclusions

- 4.22 From the perspective of Aberdeenshire, the proposed Garbet Wind Farm would result in a significantly adverse impact 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 upon this part of Aberdeenshire. Taking cognisance of the above reasoning, the proposal would not fit within the wider Aberdeenshire and Moray landscape and in particular the area to the west of Huntly by virtue of the proposed landscape, visual and cumulative impacts proposed.

- 4.23 The concerns expressed by Officers are shared by the Marr Area Committee. Alongside concerns regarding landscape, visual and cumulative impacts there remain concerns in relation to outstanding matters concerning Archaeology and Built Heritage impacts. The Marr Area Committee considered these matters and raised concerns with regard to the proposed impacts upon Aberdeenshire. Considering all of the above, the concerns are of a scale and nature that the Planning Service would recommend that Infrastructure Services Committee object to the application. Other options open to Infrastructure Services Committee would be to raise “significant concerns” to the application, or alternatively to issue a response outlining “no objection” at this stage.

5. Council Priorities, Implications and Risk

- 5.1 This report helps deliver the Strategic Priority Health and Wellbeing within the Pillar Our People.
- 5.2 This report helps deliver the Strategic Priority Infrastructure Resilient Communities within the Pillar our Environment.
- 5.3 This report helps deliver the Strategic Priority Economy and Enterprise within the Pillar Our Economy.
- 5.4 The table below shows whether risks and implications apply if the recommendations are agreed.

Subject	Yes	No	N/A
Financial			✓▪
Staffing			✓▪
Equalities			✓▪
Fairer Scotland Duty			✓▪
Town Centre First			✓▪
Sustainability			✓▪
Children and Young People's Rights and Wellbeing			✓▪

- 5.5 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.

5.6 There are no staffing and financial implications.

6. Scheme of Governance

6.1 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this Report, their comments are incorporated within the Report and are satisfied that the Report complies with the Scheme of Governance and relevant legislation

6.2 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 and has determined not to use his delegation in respect of this matter, in recognition of the significance of the proposal, which will be determined by the neighbouring Planning Authority.

6.3 Therefore, it was considered appropriate that Marr Area Committee was afforded the opportunity to provide a view on the proposal under Section B.1.2 of the List of Committee Powers in Part 2A of the Scheme of Governance as it relates to a matter which affects the Marr area, prior to Infrastructure Services Committee confirming the Council stance with regard to the consultation under Section F.1.1c as the policy Committee with remit for Planning matters. This has been the accepted route for all cross border or large-scale wind energy developments which Aberdeenshire Council are consulted on.

Alan Wood

Director of Infrastructure Services

Report by: Mairi Stewart, Service Manager, Planning & Environment

Date: 26 May 2021

List of Appendices:

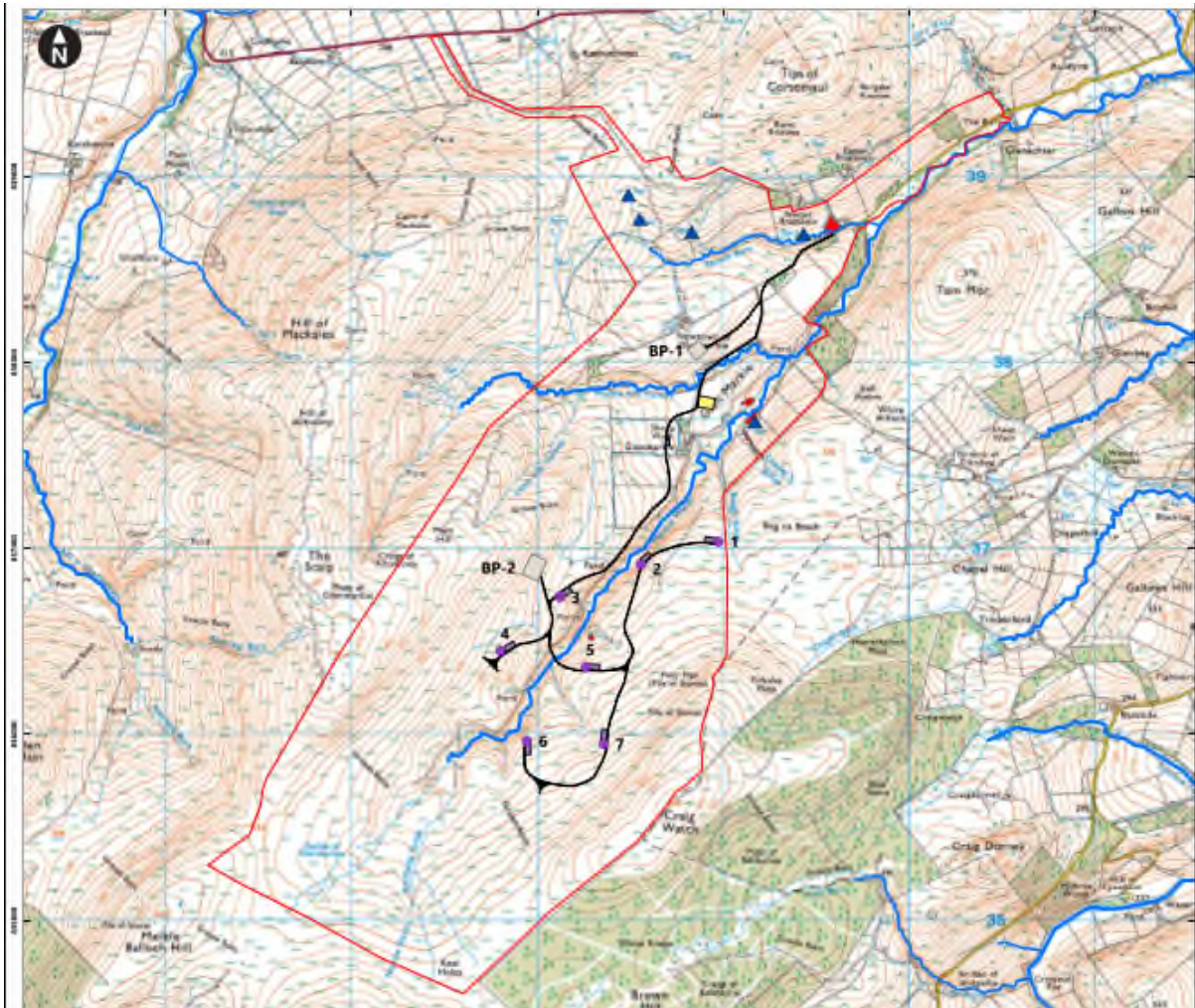
Appendix 1a – Location Plan

Appendix 1b – Site Plan

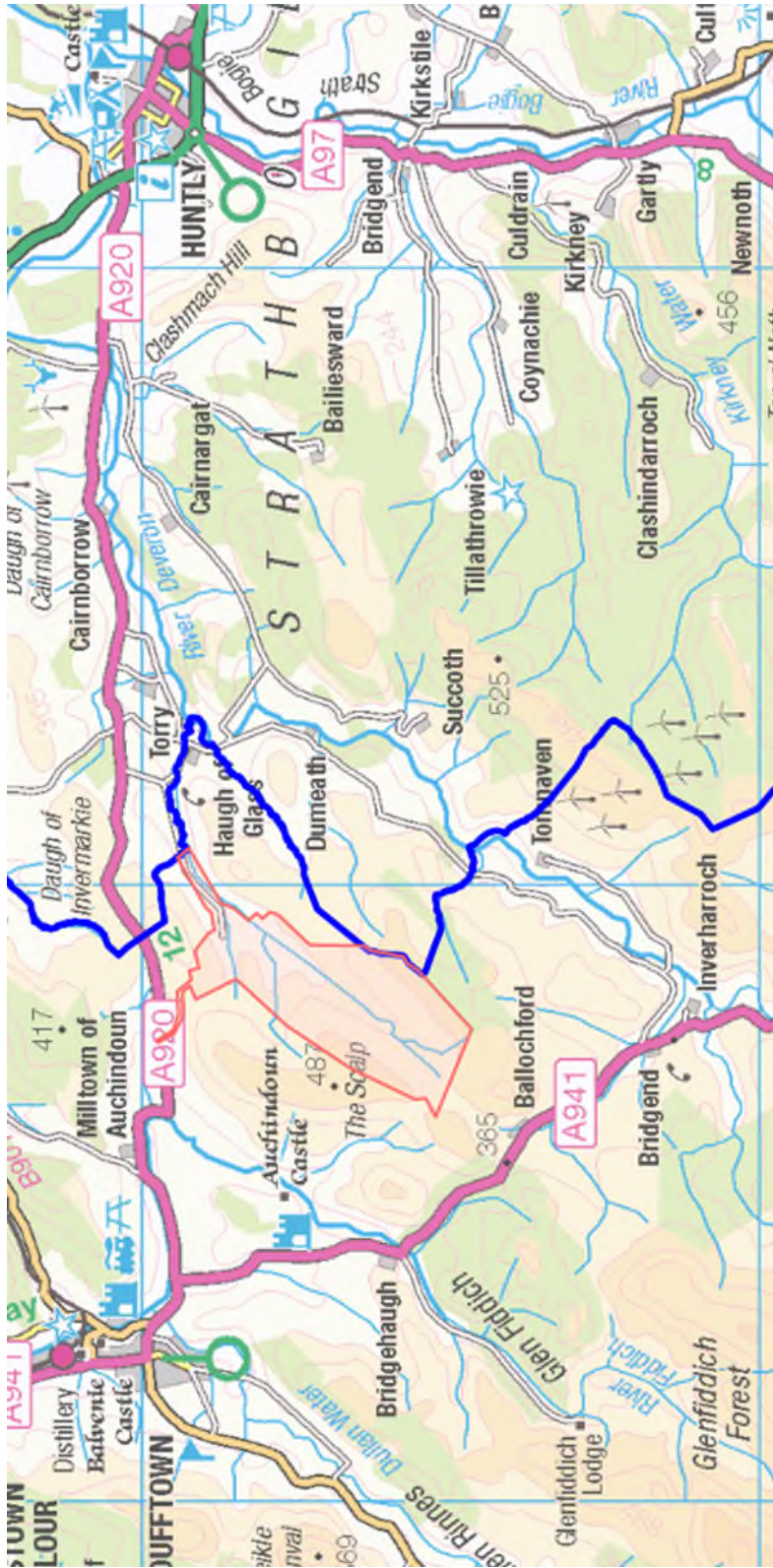
Appendix 2 – Marr Area Committee draft minute

Appendix 1A

Site Plan



Site Location Plan



Appendix 2

ABERDEENSHIRE COUNCIL

MARR AREA COMMITTEE

SKYPE MEETING, 25 MAY 2021

- Present:** Councillor J Latham (Chair), R Withey (Vice-Chair), P Argyle, R Bruce, E Durno, P Gibb (Items 1 to 9B), M Ingleby, G Petrie and A Ross (Items 1 to 9B).
- In attendance:** Station Commander C Westwood, Scottish Fire & Rescue Service
- Apologies:** Councillor G Blackett
- Officers:** J Clark, Area Manager (Marr); L Cowie, Principal Solicitor; L Gravener, Strategic Policy Leader, Customer and Digital Services; S Murison, Senior Planner; N Mair, Senior Planner; K Fraser, Engineer, Transportation; Alasdair Macdonald, Roads Development and Transportation Principal Engineer; John Gahagan, Estates Manager, Property & Facilities; and A McLeod, Area Committee Officer.

APPENDIX A

PLANNING APPLICATIONS

9(C) ENQ/2021/0466 Consultation Request from Moray Council – Garbet Wind Farm, 5.5km south east of Dufftown, Moray (Aberdeenshire Marr Border)

There had been submitted a report dated 12 May, 2021 by the Director of Infrastructure Services, which sought the views of the Committee, for submission to the Infrastructure Services Committee, on a consultation request from Moray Council for a proposed development at Garbet Wind Farm, 5.5km south east of Dufftown, Moray, seeking full planning permission 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.

The Senior Planner (S Murison) introduced the report and confirmed that due to the location of the application adjacent to and immediately outwith the Aberdeenshire boundary, Aberdeenshire Council had been consulted on the planning application by

Moray Council. He indicated that the Planning Service had sought comments from a number of consultees to provide some assessment of the proposal as it might affect Aberdeenshire's interests and highlighted a number of issues which had been raised in relation to environmental risks, potential impacts upon an A Listed building, landscape and visual impact issues and concerns around potential archaeological impacts.

He highlighted the concerns with regard to the extent and nature of potential impacts upon Aberdeenshire, notably from a landscape and visual impact perspective. The proposed development would be visually significant in that 190m high wind turbines have the potential to be seen in clear weather conditions over notable distances and seven of the structures would have a direct visual effect on observers in this part of Aberdeenshire and would directly influence the perceived landscape character of the area concerned.

After consideration, the Committee **agreed:**

1. To note the contents of the report;
2. To provide the following comments to Infrastructure Services Committee on the proposed development (Moray ref. 21/00020/EIA) –
 - (a) To express concerns regarding the cumulative impact of the development, which would add to and intensify the existing effects on the area, from a landscape and visual impact perspective;
 - (b) To support the concerns raised in the officer report, which highlighted an anticipated significant landscape and visual impact and concerns regarding the suitability of the Cultural Heritage and Archaeology Assessment; and
3. To 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.