

WRITTEN SUBMISSION

IN RESPECT OF LANDSCAPE AND VISUAL ISSUES (INCLUDING CUMULATIVE IMPACT)

On behalf of

THE MORAY COUNCIL

IN RELATION TO A PUBLIC LOCAL INQUIRY INTO APPLICATION UNDER SECTION 36
OF THE 1989 ELECTRICITY ACT TO CONSTRUCT AND OPERATE A 59 TURBINE
WINDFARM
(DORENELL WINDFARM)

By

INFINERGY ON LAND AT GLENFIDDICH ESTATE NEAR DUFFTOWN

Council Reference 08/01200/S36

The following statement sets out the Council's position in terms of landscape and visual issues (including cumulative impact). The content of the submission covers the Proposal, Policy Context, Areas of Great Landscape Value, Impact on Landscape Character, Visual Impact, Visual Appearance and Cumulative Impact and Conclusions.

The proposal

The proposal is for the erection of 59 turbines and two permanent wind monitoring masts supported by new infrastructure. The turbines will have a maximum tip height of 126 metres on towers to 85 metres. The monitoring masts are also 85 metres.

The majority of the proposed turbines are situated below the 600-metre contour line, although 11 are shown at or above this level with the highest at the 550 metre contour. This would give an overall hub height for the highest turbine of 735 metres and an overall tip height of 776 metres projecting 21 metres above the highest point of Cook's Cairn.

Supporting infrastructure includes the erection of one electrical sub station, one control and maintenance building, upgrading of existing tracks and the formation of new ones. Of the tracks to be upgraded, 2.2 kilometres lie outwith the site boundary on Forestry Commission land, and 5.3 kilometres lie within the site boundary. A total of 34.8 kilometres new, 5 metres wide tracks are required within the site.

One temporary compound (measuring 150 metres by 75 metres) is proposed to the west of the site, and one borrow pit is proposed at the northern end of the site.

A new access junction is proposed with the A941 and a new access track proposed into the site for construction traffic and delivery of turbine sections. Existing forestry tracks from the A941 are to be upgraded and used thereafter for maintenance and service vehicles.

Such details as are supplied of road, drainage and base construction are indicative rather than prescriptive. Had the proposal been submitted as a Planning Application to the Local Authority it is likely to have been refused due to the lack of this detailed information.

The site

The application site extends to around 2144 hectares and encompasses the hill with 3 named summits; Scout Hill, Carn Allt a' Chlaiginn and Cook's Cairn. The Hill of Dorenell is a lesser summit of the last of these. The highest point of the overall hill is Cook's Cairn at 755 metres.

To the East the Blackwater, a tributary of the Deveron bounds the site with Round Hill and the Cabrach beyond.

To the South lie the Ladder Hills and the boundary of the Cairngorms National Park, which is some 2.2 kilometres from the site boundary.

To the west the site is bounded by the River Fiddich and Corryhabbie Hill.

To the North the site is bounded by Forestry Plantations on low hills, with the A941 Dufftown/Rhynie Road beyond.

There are no inhabited properties on the site the only significant property being the abandoned Blackwater Lodge. The Council can confirm that one public Right of Way runs to the North of the Site from Glenlivet to Glenfiddich. Another from Glenlivet to Cabrach also traverses the site.

Policies

Policy 2 Environment and Resources

The Moray Structure Plan 2007 policies aim to promote renewable energy proposals in appropriate locations and balance this with safeguarding the environment.

- a) Protecting the wider natural environment and local biodiversity from inappropriate development and promote opportunities for environmental enhancement and restoration where possible;
- l) Promoting opportunities for the sensitive development of renewable energy and promoting renewable energy in new development.

Policy ER1 Renewable Energy Proposals

The Moray Local Plan 2008 supports renewable energy proposals where these satisfy a number of criteria including requirements to,

- Be compatible with policies to safeguard the natural and built environment
- Not result in an unacceptable cumulative impact.

Under this policy, commercial wind energy proposals should be located within Preferred Search Areas, which have been identified in Wind Energy Supplementary Planning Guidance.

Policy E7 Areas of Great Landscape Value

Moray Local Plan 2008 states that developments, which would have an adverse impact upon AGLV's, will be refused unless

- They incorporate the highest standards for siting and design
- They will not have a significant adverse affect on the landscape character of the area
- They are in general accordance with the guidance in the Moray and Nairn Landscape Character Assessment.

Moray Development Plan Wind Energy Proposals in Moray, Supplementary Planning Guidance

The Council's approach to wind energy is set out in the Wind Energy Guidance approved in December 2005. It seeks to achieve the correct balance between promoting renewable energy while safeguarding the environment. This is reflected in paragraph 1.2 of the guidance, which states: -

"The Council consider that Moray's contribution should be achieved through a range of technologies which minimise impact upon the very high quality environment in Moray which must be conserved and enhanced"

The spatial framework set out within the Wind Energy Guidance has been largely successful in directing wind energy developments to the most suitable and least environmentally sensitive sites in achieving the critical balance between supporting renewable energy projects while safeguarding the very high quality environment of Moray.

The Wind Energy Guidance identifies significant Preferred Search Areas around the Dallas/Knockando moor area, as well as smaller preferred search areas at Drummuir and Aultmore. There is a clear pattern, which achieves a sense of order based on landscape and visual sensitivity.

The operational wind farms at Rothes, Paul's Hill and the consent at Berryburn form a cluster on the Dallas/Knockando moor consistent with the locational guidance. The other consented wind farm at Drummuir is also partly located within a Preferred Search Area.

The Wind Energy Guidance and Development Plan policies should be a key factor in the site identification process along with technical considerations. The applicant has been aware from the early stages of developing this project that the site was not located in a Preferred Search Area and would be contrary to the Council's strategy for wind farm proposals. While the site may meet technical requirements such as wind speeds, the site selection process does not appear to have considered Development Plan Policies in any depth.

To date the Council has supported or approved all large wind farm developments with the exception of Drummuir, which was granted consent on Appeal.

- In addition the Council has encouraged a wide variety of technologies including: -
- a gas collection system at Dallachy landfill site which generates electricity and supplies the National Grid, (1MW)
- the installation of Photovoltaic cells on the roofs of two schools,
- the testing of ground and air source heat pumps on Local Authority housing, and
- the use of biomass heating in conjunction with other community users (95kw).

The range and differing scale of the various renewable sources demonstrates a flexible and proactive approach to meeting ER1.

The operational output in the 35 km zone surrounding Dorenell is 159.8 MW with planning consents for an output of 48.95 MW. The output of applications currently undetermined is 26.66MW. This is shown in Table 1 which is to be found in a further section of the submission.

A smaller community cluster of wind generators (4 producing 750kw) is also operational at Findhorn. This is outwith the 35km zone round Dorenell.

Areas of Great Landscape Value (AGLV's)

The Moray Environment is internationally recognised both in terms of the range of natural heritage designations and the tourism attracted to the area, primarily for Moray's whisky heritage and to enjoy the great outdoors.

The Moray Local Plan designated AGLV's to recognise their high landscape quality and protect them from inappropriate development. AGLV's exclude built up areas within settlements and rural communities and have been designated for the straths of Avon, Spey, Fiddich, Findhorn, Pluscarden and the upper Lossie as well as the coastal stretches from Culbin to Lossiemouth and from Portessie to Cullen.

The aims of AGLV designation in Moray are: -

- To safeguard important landscapes and landscape features which are particularly valued and may have limited capacity for change
- To promote understanding and awareness of the character and special qualities of the landscape in Moray.
- To promote and safeguard some of the landscapes most valued for tourism and recreation.

This AGLV extends to almost 90,000 hectares extending from Fochabers in the North, through the wooded Spey and Avon River valleys, to the Corbetts and Munro's south of Tomintoul, down to Loch Avon. Approximately 40% of the geographical area of the AGLV is included within the boundaries of the Cairngorms National Park.

The Local Authorities of Aberdeenshire and Moray have taken similar approaches to landscape designations with Aberdeenshire having designated an Area of Landscape Significance (ALS) adjacent to the Moray boundary. Both AGLV and ALS designations extend into the National Park. The Council considers that in visual and landscape terms the landscape character reads as one. There are few man made intrusions and there is a positive rather than transitional relationship between the site and the National Park.

The Council would agree with the CNPA assertion that the application site is worthy of protection in its own right, but additional weight should be attached to the landscape character and quality of the application site because it is in the setting of the Park.

Impact on Landscape Character

In the applicants Supplementary Environmental Assessment clarification is provided that a substantial or moderate effect equates to a significant cumulative effect in terms of the EIA regulations.

Substantial is defined as “where the development will make an immediately apparent contribution to the cumulative situation and will result in the perception of a wind farm landscape.

Moderate is defined as where the development will make a notable contribution to the cumulative situation and its addition is readily apparent.

The applicants original Landscape and Visual Impact Assessment (LVIA) assessed the AGLV as having a medium sensitivity, with the addition of Dorenell wind farm

*“Giving rise to a medium magnitude of change and a **moderate** significant effect”*

In the Supplementary Environmental Information, the magnitude of the cumulative landscape impact of the proposed Dorenell wind farm during operation, (in addition to existing, consented and proposed wind farms) is judged by the applicants to be medium. The significance of the cumulative visual impact is judged to be **moderate**, within a 5km radius of the site. This relates chiefly to the addition of Dorenell in combination with Clashindarroch, which establishes wind farm development as a feature apparent from this AGLV.”

Para 2.22 of the supplementary Environmental Information states that eight landscape character types were assessed in the original Environmental Assessment, of these only the Moorland and Forest LCT was assessed as being likely to give rise to **moderate** direct and indirect **significant** cumulative effects.

The Environmental Assessment identifies Moorland and Forest Landscape Character Type as covering the site and the surrounding area to the north, south and east.

The original LVIA assessed the Moorland and Forest LCT as having a medium sensitivity and assessed the addition of Dorenell wind farm on its own as giving rise to

“a high magnitude of change and a substantial significant effect during both operation and construction.”

The original CLVIA assessed the Moorland and Forest LCT as undergoing

*“a medium magnitude of change and a **moderate** significant effect”* from adding Dorenell to existing and consented sites.

The simple upland plateau and hills LCT is extensive stretching from the western edge of the proposed wind farm south and west to the Cairngorm Mountains.

The original LVIA assessed this LCT as “*having a high sensitivity and assessed the addition of Dorenell wind farm as giving rise to a high magnitude of change during operation and construction and a **substantial significant effect***”.

The updated Environmental Information asserts that the magnitude of cumulative landscape impact of Dorenell during operation on the upland plateau and hills LCT is judged to be medium. The significance of the cumulative landscape impact is judged to be **moderate** within the area of Open Upland in an approximate radius from the site of 5km to south, east and north.

Notwithstanding these statements the Council is of the opinion that the impact of the proposal has been underestimated and not adequately represented within the material provided by the Appellant. The Council’s justification of this position is explained within the following paragraphs: -

Analysis of Landscape Impact

The Moray Local Plan Policy E7 criteria (b) and (c) state that development proposals will be refused unless they will not have a significant adverse effect on the landscape character of the area and they are in general accordance with the guidance in the Moray and Nairn Landscape Character Assessment.

The following points summarise the applicants Environmental Assessment findings in terms of effects upon the AGLV and landscape character:-

- AGLV- introduction of Dorenell will give rise to a medium magnitude of change and a moderate significant effect
- Moorland and Forest Landscape Character type- Dorenell on its own would result in a high magnitude of change and substantial significant effects.
- Simple upland plateau and hills Landscape Character type- high sensitivity and will give rise to a high magnitude of change and a substantial significant effect.

Within the Moray and Nairn Landscape Character Assessment, the site is identified as being located within the Open Uplands Landscape Character Area.

The Assessment considers that this Landscape Character type is potentially sensitive to change largely due to its present open character, which provides a distinctive visual contrast when viewed from some prominent areas. In the remoter parts of this landscape, there is often a feeling of wildness. The Council considers that a wind farm will appear as an inappropriate man made intrusion in this landscape, with an adverse impact upon the open, remote and wild qualities of the area.

However, the Assessment does consider that wind farm development could be accommodated in the more accessible and obviously human influenced parts of this landscape, if the general openness of the landscape was not cluttered by a profusion of wind turbines, power lines and access roads. The landscape character assessment highlights the concerns raised by the potential proliferation of pylons, access tracks and, the need to avoid prominent hilltops and locations close to roads.

In the case of Dorenell, the proposed overhead power line connections, and 34.8 kilometres of 5 metre wide access tracks will add to the visual impact. The Assessment also considers that wind farm developments should be avoided on prominent hilltops, where they could intrude upon views to the coast or towards Ben Rinnes.

It is therefore considered that the proposed wind farm at Dorenell fails to meet criteria b) and c) of Policy E7 as it will have a significant adverse impact upon the landscape character of the site and the designated AGLV. Furthermore it would undermine the aims of the AGLV designation and set an unacceptable precedent.

The proposal is therefore also considered to be contrary to Policy ER1 Renewable Energy Proposals in terms of criteria a) in terms of the AGLV designation and criteria d) in terms of the impact upon landscape character.

Visual Impact

The applicant assessed thirteen viewpoints for cumulative effects, and three gave rise to **moderate** significant cumulative effects. No substantial cumulative effects were identified.

These three viewpoints (Ben Rinnes, Tap o'Noth and Little Gael Charn) were reassessed by the Appellant in the supplementary Environmental Assessment. As a result the rating of significance for VP18 Ben Rinnes has been increased from moderate to substantial to reflect the high magnitude of change

Ben Rinnes has been consistently chosen to assess cumulative impact of wind farms in Moray. It is a key recreational node within Speyside, offering panoramic views north to the Moray coast and south to the Cairngorms. The perception gained from the wireline diagrams provided by the applicant is one of an extended landscape with multiple wind farms in evidence.

Paragraph 2.111 of the supplementary Assessment states that *“the magnitude of cumulative visual impact of the proposed Dorenell wind farm during operation in addition to existing, consented and proposed wind farms is judged to be high and the significance of the cumulative impact is judged to be substantial.”*

This updated cumulative review therefore identifies a change from the original assessment of cumulative significance

Table 7 of the supplementary Assessment states that (from Ben Rinnes), Dorenell would contribute to a cumulative situation, and this might result in a significant cumulative effect due to;

- the prominence of Dorenell in this view
- the sense of encirclement it would create
- the contrast its dispersed layout would present next to the more concentrated developments

The revised ZTV doesn't show the full picture in terms of cumulative impact, choosing to show the effects of Dorenell with one other wind farm in each diagram. The following table shows operational, consented and undetermined wind turbine applications within a 35km of Dorenell.

Table 1: Existing and proposed wind farms other than Dorenell

Name	Approx Distance from Dorenell (Km)	Number of turbines	Height to blade tip (m)	Output	Status
Paul's Hill	21	28	104	64 MW	Operational
Roths 1	28	22	100	50 MW	Operational
Roths 2 (07/02800/S36)	28	18	125	45 MW	Consented
Balnemoon (04/02472/FUL)	29	1	70	800KW	Operational
Drummuir (02/02099/EIA)	14	21	100	42 MW	Under construction
Myreton (07/1102/FUL)	31	1	74,	750KW	Consented
Myreton (09/00247/FUL)	31	2	79 & 84	1.6 MW	Consented
Aultmore (07/02375/EIA)	29	13	110	26MW	Undetermined
Netherton (09/00763/FUL)	31	2	92.5	4.6 MW	Consented
Upper Drakemyres (10/00706/APP)	23	2	66.6	660KW	Undetermined

This table represents the situation as of October 2010.

Visual appearance and Cumulative Impact

The remote and wild area of the location, visual appearance and perceived cumulative impact has led to objections being submitted by Aberdeenshire Council, the Cairngorms National Park Authority and Moray Council. This is indicative of the scale of the proposal, which will have a visual impact far beyond the Moray boundary.

In the case of Dorenell the information on visual impact submitted by the Appellant raised as many questions as it sought to answer. The subsequent submission contained fundamental flaws, which the Council has brought to the Reporters

attention elsewhere. In addition the submission while showing Dorenell in relation to other individual wind farms failed to show the cumulative position. This is a piecemeal approach resulting in the wire diagrams being at best incomplete and at worst totally misleading.

The site will be seen from a series of high tops throughout and beyond Moray and will have a profound effect on the landscape character of the general area. Even the supplementary environmental information with all its faults, recognises in text the impact on the panoramic view from Bennachie (7), Morven (10), Ben Rinnes (18) and Tap O' Noth (6) will be significant. Aberdeenshire Council's Environment Planner with a remit for landscape shares the concern of the Moray Council, as does the Cairngorm National Park Authority.

Table 1 depicts the larger wind farm developments implemented, consented or proposed in Moray. To this must be added those in Aberdeenshire such as Kildrummy and Clashindarroch. The evidence submitted by Aberdeenshire Council highlights the profound impact of the combined visual effect from various key receptors within Aberdeenshire such as The Buck, Tap o'Noth, and Clashmach Hill.

The supplementary information submitted by the applicant concludes that with the extension of Clashindarroch that the two sites (Clashindarroch and Dorenell) will read as one. Interestingly the report also accepts that if it were otherwise the appearance of Dorenell would be "incongruous".

The Cairngorms National Park Authority refers to the adverse visual impact of the proposed development from the Ladder Hills and Cromdale Hills. The Moray Council would agree that the effects would be significant on the Park Area, which is of National importance.

Even though it is considered that the wireline diagrams underestimate the extent of impact, the evidence submitted by the applicants is one of an extended landscape with multiple wind farms in evidence. Paragraph 2.111 of the supplementary assessment states that "*the magnitude of cumulative visual impact of the proposed Dorenell wind farm during operation in addition to existing consented and proposed wind farms is judged to be high and the significance of the cumulative impact is judged to be substantial.*"

It is also noted that the significance of the view from Ben Rinnes is discounted since it will be more natural for people to look the other way! This astonishing assertion is rejected. A first reaction on gaining any peak is to view a 360-degree panorama. In so doing it is contended that the impact of wind turbines on the landscape would be obtrusive. The proposed turbines at Dorenell would sit at a height of 126 meters and be particularly prominent.

Conclusions

Moray Council has identified significant opportunities for wind energy proposals through its Wind Energy Guidance. This aims to achieve a sensitive balance between safeguarding Moray's high quality environment with promoting opportunities for

wind energy development in the right locations. This has been a successful strategy and when those wind farms with consent become operational, Moray will be an exporter of wind generated energy.

The proposed wind farm at Dorenell is not consistent with the Council's Wind Energy Guidance. It is not located within a Preferred search area and is considered to have an unacceptable adverse impact upon a designated Area of Great Landscape Value and adversely affect the landscape character of the area. The proposal would be contrary to the aims of AGLV designation and set an unacceptable precedent.

The format of the EIA is flawed and leads to it underestimating the impact of the proposed development. The scale and location of the proposal combined with existing and consented wind farms will result in an unacceptable cumulative impact visible from visual receptors in Moray, Aberdeenshire and from within the boundaries of the Cairngorm National Park.