

Comments:

- MEMBERS WILL HAVE VISITED THE SITE.
- Application is a Major development (Electricity generation exceeding 20 MW).
- Advertised by the Energy Consents and Deployment Unit (ECU) of the Scottish Government.

Procedure:

- If it is decided that the Committee wish to formally object to this proposal, as is recommended, then this report, with the reasons for objection, is forwarded to the ECU. It should be noted that this would automatically trigger the requirement for a Public Local Inquiry, at which the Council will be called upon to present evidence.
- If not objecting to the proposal, then this report together with any recommended conditions and legal agreements would form this Council's response as a consultee to the S36 application.

1. The Proposal

- Section36 application to the Scottish Government for the development of a wind farm at Dorenell (also referred to as Scout Hill).
- The proposal is for the development of 59 no. wind turbines and two permanent wind monitoring masts supported by new infrastructure. The turbines proposed will have a maximum tip height of 126m on towers to 85m, and the monitoring masts will also be to a height of 85m. Total output is indicated as 177MW.
- The majority of the proposed turbines are situated below the 600m contour line, although 11 are shown at or above this with the highest at the 650m contour. This would give an overall hub height for the highest turbine of 735m and an overall tip height of 776m, projecting 21m above the highest point of Cook's Cairn.
- Supporting infrastructure includes the erection of one electrical substation, one control and maintenance building, upgrading of existing tracks and the formation of new ones. Of the tracks to be upgraded, 2.2km lie outwith the site boundary on Forestry Commission land, and 5.3km lie within the site boundary. A total of 34.8km new 5m wide tracks are required within the site.
- One temporary site construction compound (measuring 150 x 75m) is proposed to the west of the site, and one borrow pit

is proposed at the northern end of the site close to the point where the new access track enters that site.

- New access junction proposed with the A941 and a new access track proposed into the site for construction traffic and delivery of turbine sections. Existing forestry track from the A 941 to be upgraded and used thereafter for maintenance and service vehicles.

2. The Site

- The application site extends to around 2,144 hectares (5,300 acres in area), and encompasses the hill with three 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 with the Cairngorms National Park Authority, which is just over 2km 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 site is principally managed for red deer and grouse, and the predominant ground cover is wet heath and blanket bog.

3. Planning History

- 3.1 Applications for the erection of two wind monitoring masts were approved by the Environmental Services Committee on the 25th of October, 2006, for 18 months from the date of consent with conditions that the masts be removed and the sites restored thereafter.
- 3.2 The current proposal is one of several wind farm developments considered by the Council. The wind farm proposal at Aultmore, near Keith was refused, and one at Drummuir to the west of Keith, although refused by the Council, was subsequently approved at appeal, and is shortly to commence construction.

- 3.3 Three other Section 36 applications for wind farm development at Paul's Hill, Berryburn and Rothes Glen (previously known as Cairn Uish) have received the support of this Council and in the case of the latter development, a Section 36 application for an extension to the Rothes Glen scheme was also recently supported. Development of a wind farm at Clashindarroch on the border between Moray and the Aberdeenshire Council areas was supported by this Authority following an amendment to the scheme.
- 3.4 Elsewhere within the Moray Council area, planning permissions have been given to a smaller scale wind turbine development at Findhorn, and to individual turbines at Balnamoon and Myreton, both in the Grange area to the north of Keith. The site at Myreton is currently the subject of another application for the development of another two wind turbines, with other similar scale proposals pending elsewhere.

4. Advertisement

As required by S36 of the Electricity Act 1989 the details of this application were published in the Edinburgh Gazette, The Herald, and the Northern Scot.

In view of the above consultation and publicity requirements, the Council need only respond in their capacity as a consultee.

5. The Policy Considerations

The relevant policy documents are SPP6, PAN45 and its subsequent 2009 Annex, and at local level, the Moray Structure Plan, Local Plan, and the 2005 Wind Energy (Supplementary Planning Guidance) which identified preferred areas for wind farms in Moray.

The Council was one of the first in Scotland to develop Wind Farm Policy Guidance; it sets out broad preferred search areas for wind farms, which are supported by criteria based policies in the Moray Local Plan 2008 to determine wind farm proposals. The site of the Dorenell Wind Farm is not within a preferred search zone, because of the landscape and scenic qualities of the whole Glenfiddich/Cabrach area, designated as AGLV.

5.1 **Area of Great Landscape (AGLV E7)**

The Structure Plan identifies the application site as part of an extensive Area of Great Landscape Value; and states: -

*“While sound location, design and siting principles must be followed in all areas to ensure acceptable integration of development into the landscape, Moray contains a number of Areas of Great Landscape Value (AGLVs) and the Cairngorms National Scenic Areas. Within these designations **priority must be given to scenic quality** and any development proposals will require to incorporate best principles of siting and design.”*

In their submission the applicants make the following statement... “The proposals accord with all relevant adopted and emerging local plan policies and with the general thrust of the development plan; the exception is where the proposal is not located within the most recent preferred area of search for windfarm development due to being within one of Moray’s designated AGLV’s, and therefore a decision with respect to policy E7 of the development plan will be required.”

The following paragraph then quotes from SPP6 and concludes that *“its emphasis is clearly on protecting areas of national or international value”* before stating that the AGLV is a local designation. In conclusion the applicants state that the proposal will assist in meeting the Scottish Government’s targets of cutting emissions.

This could be said of any renewable energy application and the Authority must test the veracity of those claims by assessing the proposals against the Development Plan and any material circumstances.

5.2 **Road Access (T2)**

It is proposed to create a new site access for the delivery of turbine components, and to up-grade the existing access for general delivery purposes. The Transportation Manager has confirmed that in the event that the Committee is minded to support the application and recommend approval to ministers, then a number of planning conditions and one informative are suggested.

5.3 **Environmental Designations (E1, E2)**

The application has been the subject of consultation with both SEPA and Scottish Natural Heritage. Concerns were originally expressed in responses from both parties, but these have since been resolved in negotiation with the applicants, through application of conditions relating to construction, maintenance and decommissioning of the scheme. The RSPB have not objected to the proposal, but have expressed concerns about the impact of the development on certain species, a concern echoed by the Mountaineering Council of Scotland and by the Cairngorms National Park Authority. The potential for adverse impact on wildlife is also the subject of many of the representations received.

5.4 **National Parks and NSAs (E6)**

The proposal is outwith these designations, but the Cairngorms National Park has objected to the proposal (see para 5.7)

5.5 **Archaeology (BE1)**

The overall application site does not contain any known archaeological resources.

5.6 **Waterbodies (EP6)**

The potential impact on water quality, and in particular on salmon fisheries is the subject of objections.

SEPA, as the regulatory body charged with the protection of controlled waters, requested further information (but did not object) and has subsequently confirmed that it has no objection to the proposal, subject to conditions of planning permission. It is also confirmed that works involving watercourses will be subject to control under separate CAR legislation.

5.7 **Renewable Energy Proposals (ER1)**

This is the primary policy for determination of windfarms, and requires an assessment of potential environmental and economic impacts.

The Council has prepared guidance for wind farm development which includes the identification of “preferred areas of search”; i.e. with the greatest scope for investigating the feasibility of developing a wind farm while this status does not necessarily imply a presumption of consent, neither does it automatically

preclude approval of wind farms outwith preferred areas of search.

This site at Dorenell is not within a “preferred search area”; a consent for 59 turbines here will open up a completely new area to windfarms impact, and the proposal has to be assessed against its individual and its cumulative impacts.

(i) Visual Impact

National Policy on energy is articulated in SPP6 and PAN 45. However, the Structure Plan (which establishes this part of Moray as an AGLV and therefore a non-preferred area for wind farm development) is also endorsed and approved by the Scottish Government. Non site-specific policy statements should not have greater weight than an approved site specific policy. Rather national strategic, and local site-specific policies should be read in tandem, with any development proposals being required to incorporate best principles of siting and design.

Certainly this proposal would open further areas for wind farm development in Moray and many of the arguments advanced by the applicants could equally apply to large tracts of land elsewhere in Moray or indeed Scotland. The principal issue for Dorenell is its part in the cumulative visual impact of wind farms in the North East of Scotland.

The cumulative impact is illustrated in wireline diagrams submitted with the application details. These indicate not just the Dorenell scheme and other developed wind farms, but also those with consent (not yet developed) and those which are currently submitted applications. Also, the diagrams include wind farms which lie outwith Moray; for example those at Glens of Foudland on the A96 south of Huntly. The diagrams indicate that the impact of the Dorenell turbines from viewpoints beside public roads and/or at lower lying locations tends to be relatively well contained but this appears not to take account of the undoubted scarring effect of almost 35kms of new vehicular tracks cut into the hillsides, which will be more visible at close range. From higher ground the impact of the turbines becomes cumulatively greater. For example from the summits of both Ben Aigan and Ben Rinnes a total of ten wind farms would be visible (in the event that all were to be consented and developed). From the Cairngorm plateau a total of three wind farms would be visible in Moray.

The Cairngorm National Park Authority has expressed concern regarding the proliferation of wind farm proposals in the vicinity

of the Park's boundary, and their potential cumulative impacts on the Park's wild land value in its central mountainous area.

The Park Authority maintain that Government should not approve this proposal without considering the precedent created by this proposal and a clear assessment of the cumulative impact of this and other developments on the National Park.

The applicants assert that the development would be visible from only 5.4% of the total Park area, but the topography is such that this would be from the Cairngorm Plateau where the wilderness aspect is paramount. The designation of a National Park requires that it be given maximum protection, but authorities should take great care with developments just outwith the Park boundaries.

(ii) Tourism and Recreation Impact

In the applicants "Environmental Assessment" the section on Tourism and Recreation points out that Dorenell lies within an area which attracts on a regular basis over 1 million visitors, who make a considerable contribution to the economic well-being of the area. Specific attention is drawn to Glenlivet Estate which has been developed to encourage public access; the National Park; the high peaks of various mountains, and the Castle and Whisky Trails.

The information submitted in support of the application details a series of small-scale access and tourist initiatives including visitor car parks, wardens, way markers, interpretation panels, promotional material and a visitor centre. Of tourism businesses polled, 16 were supportive, 15 were neutral, and 12 were opposed to the development, demonstrating a division in opinion as to the benefits to the local tourist industry.

While it is argued that the impact of the development has been reduced by careful arrangement of individual turbines the applicants accept that the windfarm will impact directly on the quality of "walking experience" in the Grampians and Cairngorms, where walkers are in sight of the turbines.

It is also argued, by the applicant that such is the quality of tourism attractions in the Glenfiddich, Cabrach and Glenlivet areas that the wind farm would not reduce visitor numbers, although that view has to be taken in the context that 42% of tourists and visitors surveyed felt negative in relation to the potential impacts on scenery and natural environment, essentially reducing the quality of their visit. Nevertheless, the

applicants propose to make more provision for walkers through access initiatives and way marking.

An opposing view is taken by the operators of highly successful visitor centres at Glenfiddich Distillery and Walkers of Aberlour, who argue that in an increasingly competitive tourist market, Moray depends on the quality image of its whisky distilling, food production and rural scenery. They contend that development of the Dorenell wind farm on the edge of the Cairngorm National Park would adversely affect not only the wilderness environment of the Cairngorm National Park but also the Speyside area of Moray as a quality tourist destination.

(iii) Flora, Fauna, Wildlife, Peatland and Salmon fisheries Impact.

The Council has received a considerable volume of information from the applicants and objectors, some of it contradictory, regarding flora, fauna, wildlife, destruction of peatland, and salmon fisheries.

It is for the Energy Division to consider all the evidence, but it is asserted that their deliberations would be more transparent by a Public inquiry into these complex issues.

(iv) Overall Economic Development Impact

Aside from the effect on tourism, the proposal would represent a major capital investment (£185 million) with it being estimated that some £65 million would accrue to Scottish firms. The applicants would contribute an annual Community Fund (publicly stated as £354,000 per annum). Jobs would be created during construction and in the longer term by the visitor centre and wardens.

The extent of investment is not always a gauge of the beneficial impact of any development on an area. Construction jobs are temporary. Of greater benefit to Moray would be the increased job prospects of those employed locally but the small numbers involved could be off-set if there is an adverse impact on tourism.

Also, the proposed Community Fund seems modest compared to the investment scale of the development and it is suggested that given the increased efficiency and output of turbines now available this should be significantly increased from the current £2000 per megawatt/year, and that, given the impact of the wind farm on swathes of Moray that it would be more

appropriate if the beneficiaries could include all areas within the AGLV designation.

5.8 Development requirements (IMP1)

Policy IMP1 of the development plan is designed to ensure that new development meets a number of criteria to help it blend in with its environs. In this respect the standard white finish of the towers should not be mandatory, but various shades of colour considered.

5.9 Development Impact Assessments (IMP2)

A full Environmental Impact Assessment was submitted in support of this application, and has been the subject of scrutiny by this Service and other parties. All further information required or requested relating to the proposal has been submitted by the applicants, and no further information is sought.

5.10 Developer Contributions (IMP3)

In the event that the project is approved by the Scottish Government, the Council requests that it be involved, with the Scottish Government, in negotiating appropriate local developer contributions. These Developer Contributions would include

- The scale and use of a Community Fund

6. OBJECTIONS/REPRESENTATIONS

A summary of the representations received has been forwarded from the Scottish Government.

At the time of writing, a total of 543 objections have been submitted, as well as 162 notes of support for the proposal which are of a more general nature, but centre on the need to generate 'green' energy. The main themes of the objections are as follows:

- **Impact on tourism**
- **Impact on salmon fishery**
- **Impact on wildlife**
- **Impact on property values**
- **Health and safety**
- **Destruction of peatland**
- **Visual impact**
- **Cumulative impact**
- **Amenity**

Comment: The comments and objections can be grouped into two basic categories: Environment and Economy. Inevitably there is a degree of overlap between these two as, for example, the salmon fishery is directly related to the environment, but is also a significant contributor to the local economy, and tourism is in many instances dependent on wildlife interests and scenic quality.

In economic terms, the development has the potential to impact in both positive and negative ways. Positively, there stands to be a short term increase in employment during the construction phase with 'spin off' benefits to local businesses, and in the longer term, permanent jobs linked with the site. The development would also result in a Community Fund being available for the local economic benefit. Negatively, there is impact on angling and wildlife tourism, and on the attractiveness of the wider area (including the National Park) to visitors, especially walkers on the high land.

Specific environmental concerns are expressed on the destruction of peatland; (a matter addressed by SNH), the cumulative impact of multiple wind farm developments; and the general amenity of the scheme.

All of the above matters are addressed in this, in response to this Council's policy position. It will be for the Scottish Government to determine the case for these objections and representation.

7. CONSULTATIONS IN PREPARATION OF THIS REPORT

Environmental Health: No objections to the proposal, subject to 8 recommended conditions and 1 informative relating to noise, vibration, construction works, and turbine details.

Environmental Health (Contaminated Land): No objections, subject to a recommended condition.

SEPA: In the initial consultation response of June 2008, SEPA requested the submission of further information (to which the applicants have responded) on the proposed construction compound, borrow pits, access tracks and water crossings, SEPA contend these matters can be covered by conditions of planning permission. (In the case of proposed water crossings, it is noted that this will be covered by CAR regulations, and that no planning conditions are required).

Regional Archaeologist: No response received.

Scottish Natural Heritage: SNH originally objected to the application because of concerns over the impact on the River Spey Special Area of Conservation, and reserved its position owing to concerns over impacts on golden plover, golden eagle, and on European Protected Species; otters, bats, Scottish wildcat and the yellow marsh saxifrage.

Following the submission of further information and direct discussions with the applicants, SNH has withdrawn its objection, on the basis of a commitment to implement all mitigation and philosophies presented within the Environmental Statement.

SNH also confirms that sufficient information has been provided by the applicants with respect to impact on European Protected Species, and that as a result of this, SNH's overall position is that they do not object to the proposal. SNH do, however, recommend that conditions are attached to any consent granted for the scheme relating to the construction, operation and decommissioning of the project.

Transportation Manager: No objections, subject to recommended conditions of planning consent, and to informative notes.

Aberdeenshire Council: Aberdeenshire were consulted the Energy Consents and Deployment Unit of the Scottish Government and are to provide an 'opinion' on the application.

Cairngorms National Park Authority: The Cairngorms National Park Authority Planning Committee strongly object to the proposal on the grounds of visual and cumulative impact and its potential impact on the golden eagle population.

Civil Aviation Authority: No specific objection to the proposal, but note the potential need for "aviation obstruction lighting" and the provision of details to the Defence Geographic Centre.

Health and Safety Executive: No comments.

National Air Traffic Systems: Object to the proposal, although it is noted that mitigation measures may satisfy objections.

RSPB: The application presents a significant conservation problem to golden eagles and to a lesser degree other moorland species. They are seeking adjustments to the number and layout of the turbines.

Crown Estate: No comment.

Defence Estates: No objection, although it is noted that in the event of consent being granted, they must be informed of construction start and finish times, maximum height of any construction equipment, and the latitude and longitude of every turbine.

The Mountaineering Council of Scotland: Objects to the development on the grounds of impact on landscape, biodiversity, and possibly access, subject to further information.

Highlands and Islands Airports: The site lies outwith the safeguarded area for Inverness Airport. Provided that National Air Traffic Services have no issues, then HIA will not object to the proposal.

British Telecom: The proposal should not cause interference to BT's current and presently planned radio networks.

Association of Salmon Fishery Boards: No objection *per se*, but stress the need for consultation with the Spey and Deveron fishery boards.

OFCOM: No civil fixed links should be affected by the proposal.

8. CONCLUSION

- 8.1 The decision on whether or not to object to this proposed windfarm is finely balanced.
- 8.2 The location is remote, on the slopes of moorland hills. It has a wilderness quality, empty of human habitation, but a habitat for protected-species birds, and headwaters for valuable salmon rivers. It is not in itself a scenic area which attracts great numbers of visitors, but its hills and moors and valleys are part of the extensive landscape of Speyside, which has been protected by scenic and environmental designations for decades. It is classified by this Council as an "Area of Great Landscape Value", or AGLV.
- 8.3 The AGLV designation is the critical criterion which has excluded this whole area from "preferred search area" status in the Council's Wind Energy strategy. The strategy specifically directs wind farm proposals to more suited areas (notably the moors of Knockando/Rothes and Aultmore/Mulben) in order to protect Moray's more scenically, or environmentally, valuable areas. To permit a windfarm, especially of the scale of Dorenell, into this Glenfiddich area will open up a complete new area of Moray to windfarms and, moreover, breach an important defence of the policy.

- 8.4 The Wind Energy Strategy allows for objective consideration of proposals in "non-preferred" areas, accepting that some proposals may be accommodated without excessive adverse effect: that would be an exception. More commonly, it leads the consideration towards a "presumption against", and the case to permit has to persuasively over-ride the presumption to reject.
- 8.5 The Government encourages local authorities to accommodate land based windfarms wherever environmentally acceptable, and it bases this strategy on the need to divert the nation's reliance on fossil-fuel power generation, into sustainable renewables. In climate change terms, there is an urgent and compelling case for such a strategy, but the parallel objectives of environmental protection mean inevitable conflict, exemplified in Dorenell's case.
- 8.6 The Government's Environmental agencies, SEPA and SNH find in favour of the Dorenell proposals (subject to important stringent conditions which took several months of negotiation to be agreed); they will advise the Government to approve. SNH's position is largely founded on an 'acceptable visual impact', since the Glenfiddich area is not accorded national standard status for its scenic status, AGLV being a "local" scenic classification. They do not view Dorenell as a "new area" for windfarms (as Moray Council does, through its local strategy) but as similar to earlier approvals at Clashindarroch in Aberdeenshire, a few miles north.
- 8.7 The other main point of dispute between national and local perspectives, is that of "cumulative impact". In Moray, which is now accommodating extensive windfarms at Berryburn and Pauls Hill and Rothes; and has had a consent imposed on it, through the Appeal procedure, at Drummuir, there is justified opinion that Moray is already contributing well beyond its proportionate quota of megawatts to the national grid. Accommodating 59 more turbines at above the 2000 foot contour is bound to have a cumulative visual impact for wide vistas of Moray's landscape, and this point is at the heart of both local objections, visitor/tourist objections, and the objections of Cairngorms National Park Authority who feel that the presence of windfarms on the horizons of views from the high plateaus, diminish their special remote and unspoiled character. In other words, wind turbines are seen by many as intrusive: a few is acceptable, whole hillsides not. Add to that the raw-cut access tracks and the grid powerlines, and the total visual impact can be distinctly negative.

- 8.8 Not all are offended by windfarms, or deterred from visiting areas where windfarms operate. Infinergy's survey evidence demonstrates very divided opinion, and there are admittedly positives that can accrue from windfarms: the construction jobs, service contracts, local suppliers etc.; revitalisation and opening up of the estate; and the possibility of a substantial annual Community Fund payment.
- 8.9 On balance, the case made for opening up a new, non-preferred, area in Moray is not clear cut, and the Council would be best advised to both have its own policies and priorities tested against national priorities in an Inquiry setting, allowing for the objective assessment of those opposed, those in favour, and those undecided, to be aired publicly before the Government imposes its decision. In that way the, undoubted environmental impacts can be measured against the mitigating restrictions proposed and the economic and community benefits promised.
- 8.10 To achieve that end, the Council has to formally object, on the grounds that the Dorenell proposal conflicts with its own approved Strategy for windfarm locations.

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