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## 1 INTRODUCTION

### 1.1 Purpose of the Planning Statement

- 1 This Planning Statement (the Statement) has been prepared by Vattenfall Wind Power Ltd (Vattenfall) in support of the Clashindarroch Wind Farm planning application. The planning application is submitted under the Town and Country Planning (Scotland) Act 1997.
- 2 The relevant planning authority for determining the application is Aberdeenshire Council. Decisions must be made in accordance with the Development Plan unless other material considerations indicate otherwise.
- 3 This Statement does not form part of the Environmental Statement (ES) but should be read alongside the ES.

### 1.2 Applicant

- 4 Vattenfall is the largest Nordic wind power generator, and one of the biggest in Europe. We are currently generating 42 % of Nordic wind energy. The parent company of the Vattenfall group, Vattenfall AB, is a Swedish public limited liability company with its head offices in Stockholm, Sweden.
- 5 Vattenfall's primary strategic focus is making electricity clean. Our vision is to become climate neutral by eliminating the emission of greenhouse gases from our operations by 2050.  
*'It is our task and our responsibility to work towards developing energy solutions that accord with sustainable development in society. It is not enough just to consider the environmental aspects of each individual energy solution. An energy system must contribute to sustainable development in society, not only from an environmental perspective, but also from social and economic perspectives. It must be able to meet today's needs without jeopardising the ability for future generations to meet theirs.'* Lars G Josefsson, CEO.
- 6 Vattenfall took over AMEC's UK wind energy developments business in October 2008 and with it the Clashindarroch Wind Farm proposal.

### 1.3 Background and Planning History

- 7 An application for a development consisting of 47 wind turbines with a total site capacity of 82.25 megawatts (MW) was submitted to the Scottish Government in July 2003 under Section 36 of the Electricity Act 1989. The application site was located primarily within the Aberdeenshire Council administrative boundary, however a small area of the application site fell within the Moray Council area.
- 8 Although Aberdeenshire Council did not object to the Section 36 application, Moray Council considered that the development, although substantially located within Aberdeenshire (indeed all physical infrastructure was to be located within the Aberdeenshire Council area) would significantly affect the Deveron Valley Area of Great Landscape Value and the setting of the category A listed Beldorney Castle. As a result the Moray Council objected to

the application and the Scottish Government was therefore obliged to call a Public Local Inquiry (PLI) into the development under the terms of the Electricity Act.

- 9 The scheme was redesigned during the lead up to the PLI, reducing the wind turbine numbers in the scheme from 47 to 40 wind turbines and increasing their height from 100 m to 107 m to blade tip, thereby approximately maintaining the site capacity of 80 MW. The intention in the reduction in wind turbine numbers was to mitigate the potential significant visual effects on the Deveron Valley, focusing on the AGLV and the setting of Beldorney Castle. During the PLI the number of wind turbines was further reduced to 37.
- 10 The reporter made recommendation on the application in December 2006.
- 11 Her report noted that in her opinion there was the potential for significant adverse landscape and visual effects. It was felt that impacts on residents in the Deveron Valley were underestimated and their amenity could be affected by the development. It was also felt that there would be significant effects on the settings of the Category A listed Beldorney Castle and scheduled monuments at Walla'kirk graveyard as well as the Hill Fort at Tap o' Noth.
- 12 There was considered to be insufficient information in the ES about borrow pits and their effects. As a result it was not felt there could be confidence that stone could be extracted from the site, in which case there was the potential for severe impact on the road network during construction.
- 13 The reporter considered that construction noise had the potential to significantly affect the amenity of residential properties. It was also considered unclear what the impact of the proposal on tourism businesses in the area might be.
- 14 As a result of all these concerns the reporter considered the application did not meet the terms of the development plan and there was no material consideration which could outweigh that judgement. The reporter therefore recommended refusal of the application because of potential unacceptable impacts of the proposal on the landscape and visual effects on residential amenity on properties in the Deveron Valley. The Scottish Ministers accepted the recommendation and refused Section 36 consent for the application in September 2007.

#### **1.4 Proposed Development**

- 15 In light of the Inquiry Reporter's comments, the proposal has been scaled down from the refused proposal of 37 wind turbines to 18 wind turbines, and the layout has been revised to remove the most visible wind turbines to the Upper Deveron Area, creating a simpler, cohesive and balanced wind farm design.
- 16 The proposed wind farm is designed to have an operational life of 20 years. It is described in detail in Chapter 4 Description of the Proposal (Volume 2) of the ES and a summary of the key elements of the proposal is set out in the following table.

<b>TABLE 1.1 Clashindarroch Wind Farm Proposal: Summary of Key Elements</b>	
<b>Infrastructure</b>	<b>Summary description</b>
18 wind turbines	Wind turbines of a nominal power output of up to 2.75 MW, with a height to tip of up to 110 m
18 wind turbine hardstandings	20 m x 45 m area for crane and component delivery vehicles at each wind turbine required for wind turbine erection, foundation construction and maintenance operations
18 wind turbine foundations	Reinforced concrete foundations typically 15 m x 15 m, and 2 m deep buried beneath the ground
1 permanent wind monitoring mast	Maximum 70 m monitoring mast fitted with anemometry and monitoring equipment at various intervals
1 electricity substation compound	Typically 90 m x 60 m compound containing 33 kV / 275 kV transformer and other electrical equipment*
1 control building / switchroom	Typically 14 m x 5 m compound consisting of a store/workshop, control room, switchroom and kitchen mess room (within a 18 m x 18 m footprint)
30.5 km of site and access roads (15.1 km new, 15.4 km upgraded)	Site roads on average 5 m in width construction using a variety of techniques appropriate to on-site environmental and technical conditions
2 temporary site compounds	TC1 would have an area of up to 2,500 m <sup>2</sup> . TC2 would be within an area of up to 100 m x 60 m. The compounds would comprise concrete batching plant, temporary site accommodation, permanent welfare facilities of typically 14 m x 5 m (18 m x 18 m footprint), parking and bunded storage area
6 potential borrow pits	Sources of stone for the construction of roads and wind turbine foundations

\* please note that this is an outline description and finishes to the substation would be subject to approval by the Local Planning Authority prior to construction

## 1.5 Application Site

- 17 The application site is located within Clashindarroch Forest, approximately 6 km to the south-west of the settlement of Huntly, Aberdeenshire. The entire site is located within the Aberdeenshire Council administrative boundary.
- 18 The area of the site extends to 2,092 ha, with the proposed wind turbines located within the southern part of the site. The red line application boundary is substantially larger than that of the wind turbine envelope. Access to the site would be taken from the A920 and an access track shall be constructed, through the site to the southern area. Approximately 50 % of the access track would be located on the 'footprint' of existing forestry tracks.
- 19 The area within which the proposed wind farm is situated is broadly forested upland which is flanked by roads and river valleys. To the north and west of the site lies the Upper Deveron Valley, designated as an Area of Landscape Significance, a local landscape designation.
- 20 To the west of the site are the villages of Tomnaven and Inverharroch, located within the Deveron Valley. To the south of the application site is the village of Elrick and to the west of the application site the A97 runs approximately parallel with the site boundary.
- 21 For a fuller site description, please refer to Chapter 4 (Volume 2) of the ES.

## **1.6 Environmental Impact Assessment**

- 22 The requirements for undertaking an Environmental Impact Assessment (EIA) of a wind farm development are set out in Council Directive 85/337/EEC, as amended by Council Directive No.97/11/EC and Article 3 of Council Directive 2003/35/EC. The Directive is applied in Scotland through The Environmental Impact Assessment (Scotland) Regulations 1999 (the Regulations) (as amended).
- 23 Under the Regulations the proposal constitutes Schedule 2 Development by virtue of scale and location and therefore requires an EIA. The methodology and results of the EIA are presented in the ES which demonstrates how all potential on and off-site effects have been mitigated or minimised.
- 24 The ES finds the proposal to be appropriate under the terms of the Regulations and this Planning Statement concludes that the proposal is in compliance with the Aberdeenshire Development Plan. Vattenfall therefore respectfully submits the planning application for the consideration of Aberdeenshire Council.

## 2 CLIMATE CHANGE AND ENERGY POLICY

### 2.1 Climate Change

25 In June 2008 the Scottish Government published a consultation paper entitled *Adapting our Ways: Managing Scotland's Climate Risk* which will be used to inform Scotland's Climate Change Adaptation Framework. The paper acknowledges that *'climate change is one of the most serious threats facing Scotland and the world today'* and that *'It has the potential to impact significantly upon everyone living and working in Scotland'*.

26 The consultation paper explains that Scotland is already experiencing the impacts of a changing climate.

*'Records show that since 1961, temperatures have risen in every season and in all parts of Scotland. Heavy rainfall events have increased significantly in winter, particularly in northern and western regions where winter rainfall has increased by almost 60 per cent<sup>1</sup>. Future climate scenarios suggest this trend is likely to continue. Over the coming decades Scotland is likely to see changes in seasonal rainfall patterns, with wetter winters and autumns, and warmer temperatures throughout the year<sup>2</sup>'.*

*'In Scotland, as across the UK, extreme weather events have led to landslides and flooding. Currently, an estimated 100,000 properties are considered to be in areas of flood risk in Scotland.'*

27 The following table, produced by the Scottish Environment Protection Agency (SEPA) in 2006, summarises the climate change implications for the Scottish environment, biodiversity and human health.

<b>Aspect</b>	<b>Implications</b>
Water resources	More frequent and severe river flooding, affecting 77,000 properties Increased likelihood of summer droughts leading to river water quality problems and disruption of water supply Limitation to abstraction practices
Biodiversity	Changes in abundance and distribution of species and length of growing season Higher temperatures less favourable for native species High intensity rainfall causing destruction to river habitat Increased erosion and siltation with consequences for fish spawning Disruption to food chain with potential catastrophic loss of species (eg island breeding sea bird populations)
Marine	More frequent and coastal flooding affecting 93,000 properties Higher sea level, increased wave height leading to coastal erosion and loss of habitat Loss of traditional commercial fishery

<sup>1</sup> SNIFFER, A Handbook of Climate Trends across Scotland 2006

<sup>2</sup> The UK Climate Impacts Programme Scenarios 2002

Land surface	Drying out of soils combined with higher intensity storm events causing landslides, with potential disruption of transport links Accelerated decomposition of peaty soils resulting in increased emissions of carbon dioxide and methane, fuelling further climate change Increased soil loss through water and wind erosion Changes to agricultural practice and crops (eg longer growing season)
Human health	Increased flood-related stress, illness and economic costs Increased respiratory illness and heat-related distress Fewer cold-related deaths
Water quality	Periods of reduced river flow providing less dilution for discharges with increased sewage treatment costs Increased treatment costs to provide water supplies Increased run-off impacting on bathing water quality
Air quality	Local and regional ozone air quality goals probably more difficult to achieve in the future An increase in summertime photochemical smog, linked to increasing temperatures and small reductions in cloud cover Likely that the frequency of wintertime air quality pollution events will reduce
Nutrient enrichment	Enhanced plant/algal growth due to increased temperature Increase run-off increasing nutrient loading in water
Weather	The weather will become more erratic and therefore less predictable, with a greater likelihood of extreme events.

- 28 The consultation paper reminds us that climate change is a global issue and that Scotland has responsibilities beyond its borders and will also be affected by the global effects of climate change.

*'The Scottish Government recognises the need for international action to address the impact of climate change in vulnerable developing countries. Scotland must also address the indirect impacts on Scotland as a result of changes that will take place beyond its borders. In an increasingly globalised world, these changes will affect patterns of migration and tourism; prices for food and industrial commodities; and the spread of vector-borne diseases.'*

## 2.2 Energy Policy

### 2.2.1 United Kingdom Energy Policy

- 29 In July 2006 the UK Government published the 'The Energy Challenge', its second Energy Review in three years. This identified a number of areas where the policy and regulatory framework governing energy markets needs to be strengthened.
- 30 The Energy Review expressed concern with the slow pace of renewable energy development, identifying the planning process as one of the blockages. The Review recognised that *'it has been difficult for decision-makers to give sufficient weight when balancing the clear national need for*

*more energy capacity against local opinions. The wider benefits to society and the economy as a whole are not always visible to the specific locality and local opposition can therefore be strong’.*

- 31 In order to clarify the relative significance of Government policies and the balance of priorities the ‘Renewables Statement of Need’ was published as an annex to the Energy Review. The statement constitutes a material consideration in the planning process.
- 32 The Energy White Paper ‘Meeting the Energy Challenge’, published in 2007, sets out the UK Government’s international and domestic energy strategy, and how the Government is implementing the measures identified in the Energy Review and as well as those announced since 2006.
- 33 The Climate Change Act 2008 created a new legal framework for the UK to achieve, through domestic and international action, at least an 80 % reduction in carbon dioxide emissions by 2050 and at least 26 % by 2020, against a 1990 baseline.

### **2.2.2 The Position in Scotland**

- 34 The UK Government is responsible for setting the direction of energy policy in the UK as a whole but the Scottish Parliament has devolved authority over matters of policy implementation in Scotland.
- 35 Scotland already has a renewable energy legacy of over 50 years of hydro-electricity generation. At the beginning of this decade 11 % of Scotland’s energy demand was being met by hydro-electric power.
- 36 The Renewables (Scotland) Order 2002 formalised the objectives of the Scottish Climate Change Programme to see the renewable share of electricity generation rise to 18 % by 2010. The Scottish Government went further by setting a target of 40 % of Scotland’s electricity demand to be met from renewables by 2020.
- 37 In 2005, the Scottish Executive published a report by the Forum for Renewable Energy Development in Scotland (FREDS) entitled ‘Scotland’s Renewable Energy Potential: Realising the 2020 target’. It stated that by the end of April 2005 about 2.8 GW of renewable development was operating or consented in Scotland, and it estimated that a further 3.4 GW was needed to reach the 2020 target of 6 GW.
- 38 It also noted that this figure needs to be reviewed on a regular basis and if it appears that further renewable build is possible and desirable then that should be encouraged. A key conclusion, set out at paragraph 37, is that:

*‘Unlike the position in England and Wales, Scotland has already achieved the number of consents which would, if all implemented, equate to the target figure of 18 % of the total Scottish electricity consumption by 2010. That has been achieved through the construction of about 568 MW of onshore wind energy installed capacity to date, with a further 523 MW under construction onshore as at April 2006, and with consents under the Electricity Act or the Planning Act providing a further 1155 MW.’*

*However, the overall UK target of 10 % by 2010 remains to be met as our commitment to the European targets and as part of the global dimension to the problem of climate change. In any event, Scottish Executive are already looking towards the 2020 figures for Scotland cited above and ...they are confident of meeting the target ahead of schedule.'*

- 39 In December 2008, the Scottish Government introduced the Scottish Climate Change Bill which includes the setting of a mandatory target of cutting greenhouse gas emissions by 80 % by 2050. Onshore wind energy generation will be an essential element in achieving this target.

### **2.2.3 Key Themes Emerging in Scotland**

- 40 The 'dominant theme' emerging from national planning and energy policy is that renewables should be harnessed wherever they are viable and environmentally acceptable. This is the starting point for decision makers when considering a renewable energy proposal. What national policy also makes clear is that:
- the bulk of the new renewable generating capacity is expected to be in the form of wind energy, both onshore and offshore. It is the only renewable technology able to make a significant contribution towards the 2020 targets
  - wind resource technology is mature and reliable, and while alternatives (wave and tidal) have significant potential, they are still at the developmental stage and are only likely to contribute from 2010 onwards
  - the Government's 'Renewables Statement of Need' is an unequivocal calling upon decision makers to recognise the important role that renewable energy will play in ensuring the UK meets its climate change commitments and domestic energy needs

### **3 PLANNING POLICY FRAMEWORK**

#### **3.1 Town and Country Planning Act (Scotland) 1997**

41 The application has been submitted under the Town and Country Planning (Scotland) Act 1997 (the 1997 Act). The Act requires that decisions must be made in accordance with the development plan unless other material considerations indicate otherwise.

#### **3.2 Planning etc (Scotland) Act 2006**

42 The 1997 Act is soon to be amended by the Planning etc (Scotland) 2006 Act. The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 (SSI 2008/432) will put in place the regulatory framework required to allow the development management provisions in Part 3 of the 1997 Act as amended by the Planning etc Scotland Act 2006 to be commenced. These Regulations will come into force in full on 3 August 2009

#### **3.3 Environmental Impact Assessment (Scotland) Regulations 1999 (as amended)**

43 The requirements for undertaking an Environmental Impact Assessment (EIA) of a wind farm development are set out in Council Directive 85/337/EEC, as amended by Council Directive No.97/11/EC and Article 3 of Council Directive 2003/35/EC. The Directive is applied in Scotland through The Environmental Impact Assessment (Scotland) Regulations 1999, as amended by the EIA (Scotland) Amendments Regulations 2007.

44 Schedule 2 of the Regulations sets out the form and thresholds of development which may require EIA. Section 3(i) relates to installations for the harnessing of wind power for energy production (wind farms) and states that developments involving the installation of more than 2 wind turbines or where the hub height of any wind turbine or height of any other structure exceeds 15 metres may require EIA. By virtue of scale and location of the proposed development it is considered that the development is likely to have significant effects on the environment therefore requires an EIA. Section 1.6 of the Chapter 1 (Volume 2) of the ES, outlines Vattenfall's approach to EIA.

#### **3.4 National Planning Guidance**

45 Currently national Scottish Planning Policy is contained within a series of National Planning Policy Guidelines (NPPG) and Scottish Planning Policies (SPP). This series is however being consolidated into one document to be entitled 'Scottish Planning Policy' (SPP). When published, SPP will be structured in three parts;

- Part One - The purpose of planning and core principles for the system's operation
- Part Two - The objectives for development planning, development management and enforcement
- Part Three - Thematic Policies ie the national policies which will guide development

- 46 Parts 1 & 2 of SPP were published in October 2008 and replace Scottish Planning Policy (SPP) 1 – The Planning System. At the time of writing this Planning Statement the Scottish Government were still working on Part 3 – Thematic Policies. It is unlikely that the overall policy direction of Part 3 of the SPP will change dramatically from the current policy position contained within the existing NPPGs and SPPs.
- 47 Until the full SPP is published, the existing thematic policy series contained within the NPPGs and SPPs series will remain relevant. This series provides statements of Scottish Government policy on nationally important land use and other planning matters, supported where appropriate by a locational framework. NPPGs and SPPs identify key priorities for the planning system and may, so far as relevant, be material considerations to be taken into account in development plan preparation and in development management decisions.
- 48 In addition to Parts 1 & 2 of SPP, the following NPPGs and SPPs are relevant to the Clashindarroch Wind Farm proposal.
- SPP2 Economic Development (2002)
  - SPP6 Renewable Energy (2007)
  - NPPG14 Natural Heritage (1999)
  - SPP15 Planning for Rural Development (2005)
  - SPP17 Planning for Transport (2005)
  - SPP23 Planning for the Historic Environment (2008)
- 49 Planning Advice Notes (PAN) provide advice on good practice and other relevant information supporting the policies within NPPGs and SPPs. A list of relevant PANs is provided below.
- PAN 42 (January 1994) Archaeology – The Planning System and Scheduled Monument Procedures.
  - PAN 45 (revised January 2002) Renewable Energy Technologies.
  - PAN 51 (Revised 2006) Planning and Environmental Protection.
  - PAN 56 (April 1999) Planning and Noise.
  - PAN 58 (September 1999) Environmental Impact Assessment.
  - PAN 60 (updated January 2008) Planning for Natural Heritage.
  - PAN 68 (August 2003) Design Statements.
  - PAN 69 (August 2006) Flooding
  - PAN 73 (February 2005) Rural Diversification
  - PAN 81 (2007) Community Engagement

### **3.4.1 SPP6 Renewable Energy**

- 50 SPP6 Renewable Energy is the planning policy guidance most relevant to the proposal. SPP6 unequivocally states that *'tackling climate change should be seen as the principle challenge of sustainable development'*.
- 51 The intention of SPP6 is to facilitate achievement of the Scottish Government's 2020 target of generating 40 % (6 GW) of Scotland's electricity demand from renewable sources by 2020. Scottish Ministers reaffirmed the target in the 2005 FREDS report 'Scotland's Renewable Energy Potential: Realising the 2020 target' and confirmed that this figure should not be regarded as a cap on development. Furthermore, the Government's

expectation is that sufficient developments should be consented, at minimum, to enable achievement of the 2020 target several years ahead of schedule.

- 52 SPP6 recognises that during the lifetime of the SPP *'onshore wind power is likely to make the most substantial contribution towards meeting renewable targets.'* Annex A of the SPP sets out the considerations that should be taken into account when drawing up a spatial framework for the consideration of wind farms over 20 MW. However the SPP states clearly that *'this framework should not be used to put in place a sequential approach to determining applications'*.
- 53 SPP6 also provides the freshest thinking of Scottish Ministers with regard to the need for an over-riding public interest. It states *'tackling climate change should be seen as the principle challenge of sustainable development'*. It recognises that there is no bigger challenge that faces us than climate change and the need for action is urgent.
- 54 SPP6 recognises the more competitive positions of wind farm technology in comparison to other types of renewable technology. This is particularly relevant in Scotland, which has the best wind resource in Europe. Recognition of all types of renewable energy is encouraged, particularly for the long term, however it is stated that in all instances:

*'...applications should be assessed in relation to criteria based policies to provide clarity on the issues that must be addressed to enable development to take place.'*

*And importantly;*

*'Spatial policies should not be used to restrict development on sites where the technology can operate efficiently and environmental and other impacts can be addressed.'*

- 55 In conclusion, SPP6 is highly supportive of the principle of the proposed development, subject to consideration of the development's location and form.

### **3.4.2 PAN 45: Renewable Energy Technologies**

- 56 PAN45, revised in January 2002, accompanies SPP6 and provides information on renewable energy technologies and advice for handling these as planning issues in development plans and planning applications. Paragraphs 36 to 93 of PAN45 describe wind power technology and issues related to the production of electricity using wind power which need to be addressed by both developers and planning departments. These include:

- safety
- electromagnetic interference
- noise
- shadow flicker
- siting in the landscape
- birds and habitats
- cumulative effects
- decommissioning, re-equipping and replacement

- requirements for undertaking Environmental Impact Assessments of wind energy proposals.

57 PAN45 emphasises the need for a pragmatic approach to assessing the acceptability of wind farm proposals: *'there are few landscapes where a wind farm will not be a new distinctive feature. However, society at large has to accept wind turbines as a feature of the Scottish landscape for the foreseeable future'*.

### 3.5 The Development Plan

58 Section 25 of the Town and County Planning (Scotland) Act 1997 requires decision makers to have regard to the development plan in the determination of planning applications. A decision must accord with the development plan unless material considerations indicate otherwise.

59 The development plan for the proposal area comprises the North East Scotland Together (NEST) Aberdeen and Aberdeenshire Structure Plan (2001), which deals with broad strategic issues, and the Aberdeenshire Local Plan (2006), which provides the necessary degree of detail to control and promote development at the local level.

#### 3.5.1 Relevance of Development Plan Policy

60 Both the Structure Plan and Local Plan contain renewable energy policies that were designed to be consistent with NPPG6: Renewable Energy Developments (2000). Aberdeenshire aim to guide development through a sequential exploration of planning policy and non-statutory supplementary planning guidance (SPG) on the Use of Wind Energy in Aberdeenshire (2005).

61 However the advice contained within NPPG6 has been replaced by the more up-to-date advice of SPP6: Renewable Energy (2007) and this has implications for the relevance of development plan policy.

62 NPPG6 noted that the Scottish Ministers **'wish(ed) to see the planning system play its full part by making provision for such developments'** whereas SPP6 notes that Scottish Ministers now **'expect planning authorities to make positive provision for renewable energy development'**. By this statement the Scottish Ministers expect planning authorities to take a lead in providing for wind farm development.

63 SPP6 advocates that *'Development plans should set out a spatial policy framework, supported by broad criteria, for the consideration of wind farm proposals over 20 MW.'* However it goes on to say that *'This framework should not be used to put in place a sequential approach to determining applications'*.

64 While this chapter presents an assessment of the extent to which the Clashindarroch proposal complies with the Development Plan and SPG, the influence of newly adopted SPP6 should be recognised as a material consideration in the final assessment of acceptability of the proposal.

### 3.5.2 Dominant Theme of Development Plan

- 65 This is a proposal to generate renewable energy. Therefore, the policies of prime planning importance in the development plan are those concerned with renewable energy, namely:
- Approved NEST Joint Structure Plan 2001 – 2016 - Policy 5 Renewable Energy Facilities and Policy 26 Four Tier Policy Areas for Minerals, Landfill, Land Raise and Wind Farm Proposals
  - Adopted Aberdeenshire Local Plan 2006 - Infrastructure Policy Inf/7 Renewable Energy Facilities – Wind Energy
- 66 These policies constitute a ‘dominant theme’ in the development plan and should be given primary consideration in the determination process.

### 3.5.3 Relevant Development Plan Policies

- 67 Through its planning function, Aberdeenshire Council seeks to influence the location and quality of development in ways that comply with its objectives, policies and plans. The Council enables the development process, safeguards the quality of the environment, and mediates between conflicting land uses or development proposals.
- 68 Table 3.1 below lists the key development plan policies relevant to the proposed wind farm development including those constituting the dominant theme.

<b>Policy Areas</b>	<b>North East Scotland Together - Approved Aberdeenshire Structure plan 2001-2016</b>	<b>Aberdeenshire Local Plan - Adopted June 2006</b>	<b>Relevant Section of Environmental Statement</b>
Sustainable Development		Policy Gen\1	Chapters 13, 16, 17 & 22
Renewable Energy	Policy 5 Policy 26	Policy Inf\7	Chapters 6-22
Landscape Protection	Policy 19	Policy Env\5B Policy Env\21 Policy Gen\2	Chapter 9
Nature Conservation	Policy 19	Policy Env\2 Policy Env\3 Policy Env\4	Chapters 11, 12 & 15
Archaeology & Cultural Heritage	Policy 20	Policy Env\19 Policy Env\20	Chapter 10
Access & Recreation		Policy Env\22	Chapter 17
Economic Development	Policy 3	Policy Gen\3	Chapter 17
Hydrology & Private Water Supplies		Policy Env\16	Chapter 14
Transport & Traffic		Policy Inf\1 Policy Inf\2	Chapter 7
Nuisance		Policy Gen\6	Chapters 18, 19 & 21
Forestry	Policy 23	Policy Env\8	Chapters 8, 9, 12, 13

		Policy Env\9	& 17
Aviation		Policy Inf\11	Chapter 20

69 These policy areas are considered in relation development plan policy and material considerations in Section 4 below.

### 3.6 Other Material Considerations

70 The development plan should guide, rather than dictate, the decision making process. The plan should provide a context within which an assessment of overall acceptability can be made having regard to the 'dominant theme' of renewable energy policy and other material considerations which can include:

- government statements, policies and planning advice notes
- neighbouring development plans
- emerging development plans
- supplementary planning guidance for wind energy proposals
- views of statutory consultees and other stakeholders
- wider benefits of proposals
- recent appeal determinations relating to wind farm developments
- community involvement and public attitude surveys

71 These material considerations are considered in more detail below.

#### 3.6.1 Renewables Statement of Need

72 The Renewables Statement of Need, published as Annex D to the Energy Challenge 2006, reconfirms the UK Government policy context for planning and consent decisions on renewable generation projects.

73 It states: *'New renewable projects may not always appear to convey any particular local benefit, but they provide crucial national benefits. Individual renewable projects are part of a growing proportion of low-carbon generation that provides benefits shared by all communities both through reduced emissions and more diverse supplies of energy, which helps the reliability of our supplies. This factor is a material consideration to which all participants in the planning system should give significant weight when considering renewable proposals. These benefits are not always immediately visible to the specific locality in which the project is sited. However, the benefits to society and the wider economy as a whole are significant and this must be reflected in the weight given to these considerations by decision makers in reaching their decisions.'*

#### 3.6.2 National Planning Framework

74 The first National Planning Framework was published in April 2004. It set out a strategy for Scotland's development to 2025, providing a national context for development plans and planning decisions. The Framework was designed to ensure that sustainable development is at the heart of all policy making. It expects significant expansion of wind energy development over the coming years in response to the target setting of the Scottish Government.

- 75 National Planning Framework 2 (NPF2) has been published as a discussion draft and is due to be finalised later in 2009. NFP2 takes forward the spatial aspects of the Scottish Government's policy commitments on sustainable economic growth and climate change. With specific reference to wind energy development NPF2 states: *'The Government wants to see the approach to wind farm siting set out in SPP6 put in practice urgently and has asked local authorities to engage with communities and other parties with a view to preparing supplementary planning guidance. That guidance should provide greater clarity for developers and local communities and help to speed up the decision making process.'*
- 76 The Planning etc (Scotland) Act 2006 put the Framework on a statutory footing and requires planning authorities to take the Framework into account in preparing development plans and it will be a material consideration in determining planning applications.

### **3.6.3 Neighbouring Plan: Moray Development Plan**

- 77 As the proposal abuts the boundary between Moray and Aberdeenshire, the relevant policies of the adopted Moray development plan should be regarded as a material consideration to the planning decision. The Moray development plan comprises the Moray structure Plan 2007 and the Moray Local Plan 2008. Relevant policies of the Moray development plan are briefly considered within our assessment of the development in Section 4 below.

### **3.6.4 Emerging Plan: Aberdeen City and Aberdeenshire Finalised Structure Plan**

- 78 In February 2009 the Aberdeen City and Shire Strategic Development Planning Authority submitted the Finalised Structure Plan for approval by Scottish Ministers. As this is not the approved Structure Plan, it does not form part of the development plan. However, as the emerging development plan, it represents the authorities' freshest thinking on sustainable development and constitutes a material consideration to the planning decision.
- 79 As a result of the plan's stage in the preparation and approval process, the emerging plan should be afforded a reasonable degree of material weight in the decision making process as it sets a more comprehensive and up-to-date policy position in comparison to the approved Plan. The Aberdeen City and Shire Strategic Development Planning Authority anticipate that the plan will be approved by the Scottish Ministers by the end of 2009.

### **3.6.5 Supplementary Planning Guidance for Wind Energy Proposals**

- 80 Aberdeenshire Council published Supplementary Planning Guidance for Wind Energy Proposals (SPG) in August 2005. The SPG details the planning policies under which an application would be considered, provides good practice advice on issues relevant to wind farm developments and sets out what information Aberdeenshire Council expect to be provided in support of a planning application for wind energy development.

- 81 In January 2009, in response to SPP6, Aberdeenshire Council published additional SPG on Broad Areas of Search for Wind Farms as an Addendum to the guidance for developers. The Clashindarroch site does not fall within one of the broad areas of search identified. However, the SPG states;

*'This does not mean that no other sites are suitable for wind farms over 20 MW. The broad areas of search only highlight those areas that are relatively free from planning and environmental constraints'*

- 82 This Planning Statement has therefore been prepared to explain why the site should be considered acceptable and in line with the Development Plan and national guidance.

### **3.6.6 Views of Statutory Consultees and Other Stakeholders**

- 83 Chapter 1 (Volume 2) of the ES records the responses received from statutory and non-statutory consultees to the developer's 'Request for an Environmental Impact Assessment Scoping Opinion' (May 2008) (Appendix 1C (Volume 5). Table 1.4 in Chapter 1 (Volume 2) summarises the Vattenfall response by topic.
- 84 Copies of scoping responses from these consultees and are presented in Appendix 1D (Volume 5) of the ES.

### **3.6.7 The Wider Benefits of the Proposal**

- 85 SPP6 formally requires that wider benefits at the national and local level are material considerations. It defines the benefits as being:
- social benefits
    - all communities can make a contribution to the nation's energy needs
    - the rights of everyone to adequate and affordable heating
  - environmental benefits
    - reduced emissions
    - non-polluting construction, operation and decommissioning
    - habitat enhancement and restoration of lost biodiversity
    - environmental protection and stabilisation of Climate Change
    - the prudent use of natural resources
  - economic benefits
    - job creation
    - the diversification of the rural economy
    - community benefits package
    - marketing and educational opportunities

### **3.6.8 Recent Appeal Determinations**

- 86 In addition to the raft of national planning advice and policy, those statements handed down by Scottish Ministers and Inquiry Reporters in the form of 'planning case law' also need to be considered. Appeal determinations represent the freshest thinking on the approach to be taken by local planning authorities when considering the effect of a proposal.

### **3.6.9 Public Attitude Surveys**

- 87 Public attitudes to wind farms have been widely documented and consistently demonstrate that 70 – 80 % of the general public are in favour of wind energy. A broad theme emerging is that direct experience of a wind farm serves to promote a more positive attitude to the industry.

## **4 ASSESSMENT OF KEY POLICY AREAS**

- 88 This section of the Planning Statement assesses the extent to which the Clashindarroch Wind Farm proposal accords with the policies of the Aberdeenshire development plan taking account of any other material considerations.
- 89 The key policy areas of the development plan, identified in Table 3.1 above are each considered in turn. Important aspects of development plan policy are highlighted and other material considerations are noted. The compatibility of the proposal, in relation to the development plan and as influenced by material considerations, is then assessed.

### **4.1 Sustainable Development**

#### ***4.1.1 Development Plan***

##### ***4.1.1.1 Structure Plan***

- 90 The approved NEST Aberdeen and Aberdeenshire Structure Plan recognises the role that the planning system can play in the pursuit of wider strategic goals, and the pursuit of the Brundtland definition of sustainable development 'meeting the needs of the present but without compromising the needs of future generations', is a key theme throughout the document.

##### ***4.1.1.2 Local Plan***

- 91 Policy Gen\1 sets out the Sustainability Principles of the Aberdeenshire Local Plan. The aim of the policy is to ensure that all new development is as sustainable as possible and that developers give increasing consideration to sustainability aspirations in their proposals.

#### ***4.1.2 Other Material Considerations***

##### ***4.1.2.1 The National Planning Framework***

- 92 Scottish Ministers have designed the Framework to ensure that sustainable development is at the heart of all policy making. This includes significant expansion of wind energy development over the coming years in response to the target setting of the Scottish Government. NPF2 Discussion Draft continues this national policy approach.

##### ***4.1.2.2 Scottish Planning Policy: Parts 1 and 2***

- 93 This sets out the key priorities for the planning system in Scotland and, states that a '*properly functioning planning system is essential to achieving its (Scottish Government) central purpose of increasing sustainable economic growth.*'

#### 4.1.2.3 SPP6: Renewable Energy

94 The most recent pronouncement from Scottish Ministers came in the publication of SPP6: Renewable Energy in March 2007. It states that:

*'the forthcoming Planning etc (Scotland) Act will confirm that the need to tackle climate change should be seen as the principle challenge of sustainable development (para 3)*

*The Scottish Ministers commitment to increasing the amount of electricity generated from renewable energy sources is a vital part of the response to sustainable development and climate change imperatives (para 4).'*

#### 4.1.2.4 Emerging Structure Plan

95 The Finalised Structure Plan (2009) has a Sustainable Development and Climate Change objective which aims to *'increase the supply of energy from renewable resources'* and formalises this in the target *'For the city region's electricity needs to be met from renewable resources by 2020'*.

#### 4.1.2.5 SPG on Wind Energy

96 The SPG does not make specific comments about sustainable development but the provision of SPG on wind energy development is, in itself, a tool for ensuring sustainable development.

#### 4.1.2.6 Sustainability Charter

97 Aberdeenshire Council launched a new Sustainability Charter in September 2008. The charter sets out an Action Programme to 2012 based on the Council's principles of sustainability:

- Responsible use of natural, built and community resources *'We will minimise the use of non-renewable resources like fossil fuels, and use renewable energies within their limits through responsible energy management to reduce waste. All resources will be used as efficiently as possible.'*
- The need to care for both present and future generations *'We will ensure that long-term and global impacts like greenhouse gases and loss of species have greater weighting than short-term, local effects. Where there is a potential threat to the environment or to communities, the precautionary principle will apply.'*
- Achieving a Sustainable Aberdeenshire *'The council will support policies to promote social cohesion and a sustainable economy, operating within environmental limits.'*
- Evidence Based Decision Making *'In accordance with the principles of good governance, we will use sound science to inform our actions. While our decisions making process will be evidence based.'*

### **4.1.3 Assessment of Compatibility**

#### **4.1.3.1 Renewable Energy Generation**

- 98 Renewable energy generation proposals should be considered 'sustainable' in principle on the grounds that:
- energy from wind turbines replaces the production of harmful greenhouse gases from the more conventional fossil fuel burning power stations we currently rely upon
  - wind turbines do not produce harmful emissions or unwanted by-products. The Danish Wind Turbine Manufacturer's Association calculated that a typical wind farm repays its 'energy debt' (accrued during the manufacture and installation process) in 3 to 5 months from the point of first generation. A performance unmatched by any fossil fuel dependent form of energy generation or nuclear
  - wind turbines have a very small physical footprint compared to the more traditional power stations. This means they do not sterilise land or blight the use of surrounding land
- 99 The Clashindarroch Wind Farm would displace the emissions produced by more conventional fossil fuel burning power stations. A carbon balance assessment has been carried and presented in Chapter 13 (Volume 2) of the ES (and see Carbon Balance section of this Statement). Based on the methodology by Nayak *et al.* 2008, a conservative prediction of the carbon losses and gains over the lifetime of the proposed wind farm would be estimated to result in a net carbon dioxide emission of 140,620 tCO<sub>2</sub> eq.
- 100 This displacement would make a significant contribution to Government CO<sub>2</sub> reduction targets. However it is also important to consider the manner in which the project is undertaken in order to ensure that it fully meets the sustainability objectives of the development plan. Vattenfall are keenly aware of the social, economic and environmental responsibilities of wind farm development and aim to be at the forefront of best practice in the planning, construction, operation and decommissioning of all our wind farm sites.
- 101 The principal mechanisms employed to ensure the development is undertaken in a locally sustainable way are:
- an Environmental Management Plan (described in Chapter 22 (Volume 2) of the ES)
  - a Community Engagement Strategy for the lifetime of the development (Appendix A to Pre-Application Consultation Report)
  - a Local Procurement Policy (described in Chapter 17 (Volume 2) of the ES)

#### **4.1.3.2 Peat Stability**

- 102 Chapter 16 (Volume 2) of the ES considers the stability of peat on the wind farm site and assesses the potential impacts of wind farm construction on peat stability. A substantial amount of work on the peat stability of the Clashindarroch site had already been undertaken for the previous proposal. This was therefore reviewed and reappraised in relation to the current proposed infrastructure and the report concluded that:

- the wind farm is located in an area of Low to Very Low risk of peat instability
  - parametric stability analyses have established that factors of safety against peat failure are generally above normally accepted values
  - the combination of conditions leading to peat instability is extremely unlikely
- 103 Measures would be taken to minimise the risk of potential peat slides: through implementation of mitigation measures and programme of monitoring and the establishment and maintenance of a geotechnical risk register. Provisions for these would be set out within a Construction Method Statement and Environmental Management Plan (EMP).
- 104 The ES demonstrates that the proposal would have no significant effect on peat stability.

#### 4.1.3.3 Carbon Balance

- 105 Chapter 13 (Volume 2) of the ES assesses the carbon balance of the proposal using a methodology from a recent report to the Scottish Government (Nayak *et al.* 2008) that assesses the carbon balance of wind farms on peat lands. The aim of this carbon balance assessment is to determine the carbon losses and savings in response to the wind farm development during its installation, operational life and restoration of the site after the wind farm ceases to operate, and to compare these effects with the carbon emissions savings arising from replacing non-renewable energy generation.
- 106 A conservative prediction of the carbon losses and gains over the lifetime of the proposed wind farm would result in a net carbon dioxide emission of 140,620 tCO<sub>2</sub> eq. The carbon emissions saved over the whole lifespan of the wind farm compared with electricity produced using fossil fuels as a result of the proposal are likely to be considerable. This is equivalent to the payback time for the proposed wind farm of 1.9 years (23 months) by coal-fuelled power generation or 2.7 years (33 months) by fossil fuel-mix power generation. In other words, Clashindarroch Wind Farm would be estimated to pay for itself in terms of carbon emissions early on in its operation phase assuming it displaces fossil fuel generated energy. It is viewed as having no significant adverse effect on the carbon balance.

#### 4.1.3.4 Decommissioning

- 107 The wind farm has been designed to have an operational life of 20 years. After this time the site could be reinstated and the visible infrastructure removed. The site access roads would remain in place in order to facilitate ongoing estate operations. An alternative course of action at the end of the operational lifetime of the wind farm could be to refurbish or renew the wind farm components to extend the life of the wind farm. This would be a new development, requiring a new consent application. More details on decommissioning are given in an Outline Decommissioning Method Statement, Appendix 22A (Volume 5) of the ES.
- 108 The ES demonstrates that there are unlikely to be any detrimental effects once generation has ceased. On the contrary, there are likely to be

environmental benefits due to removal of commercial forestry and restoration of semi-natural habitats.

#### 4.1.3.5 Conclusion

109 The proposal at Clashindarroch is consistent with the raft of sustainable development policy encapsulated within the National Planning Framework for Scotland, SPP6: Renewable Energy and the principles of the Aberdeenshire Sustainable Development Charter. The mechanisms adopted by Vattenfall to implement sustainable development in practice would ensure that the proposal meets national and local sustainability objectives and is in line with the development plan.

## **4.2 Renewable Energy**

### **4.2.1 The Development Plan**

#### 4.2.1.1 Structure Plan

110 Policy 5 and Policy 26 are the most relevant Structure Plan policies for the consideration of renewable energy development proposals. They constitute a 'dominant theme' in the development plan and should be given primary consideration in the determination process.

111 Structure Plan Policy 5: Renewable Energy Facilities states '*Proposals for renewable energy facilities shall be favourably considered subject to ecological, transportation, landscape and amenity considerations as set out in local plans. In addition, local plans shall outline the acceptable operating standards and restoration and aftercare requirements for new developments where appropriate. Wind farm proposals shall be based on a sequential exploration of tiered planning designations outlined in Policy 26.*'

112 Structure Plan Policy 26: Four Tier Areas for Minerals, Landfill, Land Raise and Wind Farm Proposals (abbreviated) states '*Proposals for mineral extraction, landfill, land raise and wind farm proposals must conform to a sequential exploration of tiered planning designations.*

- *Tier 1 – International Designations*
- *Tier 2 – National Designations*
- *Tier 3 – Local Designations*
- *Tier 4 – Other Preferred Areas'*

#### 4.2.1.2 Local Plan

113 Local Plan Infrastructure Policy Inf\7 Renewable Energy Facilities – Wind Energy sets the dominant theme of the plan with regard to wind energy proposals.

114 Policy Inf\7 aims to encourage the sensitive development of wind energy facilities. It states that wind energy developments will be approved, in principle, if located, sited, and designed in accordance with defined criteria.

The policy also reiterates the requirements of the Structure Plan for wind farm proposals to conform to a sequential exploration of Four Tier policy Areas.

- 115 The Four Tier Policy Areas defined in Appendix 12 of the Local Plan differ slightly from those defined in the Structure Plan. For example River and stream beds are defined in the Structure Plan as Tier 2 and in the Local Plan as Tier 1.

#### **4.2.2 Other Material Considerations**

##### **4.2.2.1 SPP6 and PAN45**

- 116 SPP6 and PAN45 promote renewable energy development on the grounds that it is clearly in the national public interest. This motive should carry considerable weight. SPP6, in particular, makes it clear that Scottish Ministers *'expect sufficient development to meet the 2020 target several years ahead of schedule'*.
- 117 SPP6 states that *'Development plans should set out a spatial framework, supported by broad criteria, for the consideration of wind farm proposals over 20 MW' but that 'This framework should not be used to put in place a sequential approach to determining applications.'* As a result, the tiering system contained within the Aberdeenshire Development Plan is considered to be out-dated and inconsistent with National Planning Policy. As a result, it is clear that lesser weight should be placed on this policy in the determination of the planning application.
- 118 SPP6 Annex A advises that development plan policies should be based on the principle that wind farms should be accommodated where the technology can operate efficiently and environmental and cumulative impacts can be addressed satisfactorily. It states that planning authorities should identify and protect areas designated for their international and national heritage value. As the level of protection afforded to areas designated for their regional or local value is less than that for international or national designations the locally or regionally designated areas should not unreasonably restrict the ability of the plan area to contribute to national renewables targets.
- 119 PAN45 urges decision makers to recognise that *'There are no landscapes into which a wind farm will not introduce a new and distinctive feature. Given Scottish Ministers' commitment to addressing the important issue of climate change and the contribution expected from renewable energy developments, particularly wind farms, it is important for society at large to accept them as a feature of many areas of Scotland for the foreseeable future.'*

##### **4.2.2.2 Emerging Development Plan**

- 120 The requirement for proposals for wind farms to conform to a sequential exploration of tiered planning designations has not been carried forward to the new Finalised Structure Plan.

#### 4.2.2.3 SPG on Wind Energy

- 121 Aberdeenshire Council produced Supplementary Planning Guidance (SPG) on the Use of Wind Energy in Aberdeenshire in 2005. It provides detailed guidance on what is required by Aberdeenshire Council in a planning application for wind energy development.
- 122 The SPG confirms that the renewable energy policies of the development plan form a 'dominant theme' for the consideration of wind farm developments. It states that renewable energy facilities will be favourably considered '*subject to ecological, transportation, landscape and amenity considerations, as set out in the local plan*'.
- 123 In January 2009, Aberdeenshire Council published additional SPG on Broad Areas of Search for Wind Farms as an Addendum to the guidance for developers. The Clashindarroch site does not fall within one of the broad areas of search identified. However this does not mean that the site is unacceptable and the assessment of acceptability below explains why the site should be considered acceptable and in line with the Development Plan and national guidance.

#### **4.2.3 Assessment of Compatibility**

- 124 Policy Inf7 Renewable Energy Facilities – Wind Energy outlines a number of criteria with which a wind farm proposal should comply, all of which are addressed in the relevant sections of the ES. It also requires proposals to conform to a sequential exploration of four tier policy areas. '*In all cases of wind farm development, where there is a significant impact the developer will be required to demonstrate why a site in a less sensitive area is impractical.*'

##### 4.2.3.1 Four Tier Policy

- 125 The Clashindarroch Wind Farm proposal has been assessed against Aberdeenshire's Four Tier policy with respect to wind energy, as defined in the adopted Local Plan, to establish its compliance with this policy. The assessment considers whether the proposal has a residual impact on the criterion concerned and whether that impact is significant in light of the EIA Regulations.
- 126 The criteria contained within Appendix 12 of the adopted Aberdeenshire Local Plan are presented in Tables 4.1, 4.2 and 4.3 below. In some cases the tiering criteria were found to encompass a range of receptors experiencing different residual impacts, making it difficult to summarise the overall impact significance. Where this is the case, it is indicated in the table that there is a range of residual impacts and professional judgement has been used to give an indication of the overall significance.

##### 4.2.3.2 Reporter's Comments

- 127 In the 'Report of Public Local Inquiry' for the previous Clashindarroch Wind Farm proposal, the Reporter notes that the tier boundaries are not geographic and that potential effects of developments are actually spread across all the tier designations. The reporter goes on to state that:

*'No matter which tier applies, the critical tests for each include assessments of the potential for significant harm, the extent to which that harm can be reduced and made acceptable, and whether an overriding need exists anyway.'*

- 128 The primary consideration should therefore be the potential for residual harm caused by the wind farm, following the implementation of mitigation measures.

#### 4.2.3.3 Tier 1

- 129 *'Wind farm developments that would have an adverse impact on international designations will not be permitted unless there is an imperative reason of overriding public interest for doing so and there is no alternative solution. Such alternatives must include taking account of locating the development in lower tier areas.'*

<b>Criteria</b>	<b>Residual Impact</b>	<b>Significance</b>
Special Protection Areas	No	N/A
Special Areas of Conservation	No	N/A
Ramsar Sites	No	N/A
Priority habitats and species, as defined in Annex 1 of Habitats Directive	No	N/A
River and stream beds	No	N/A

- 130 The proposed wind farm development is considered in relation to international designations in greater detail within Chapters 11 and 12 (Volume 2) of the ES. The assessment found there to be no residual impact on SPAs and SACs in the vicinity of the site. Chapter 14 (Volume 2) presents the assessment of potential impact on hydrology which found no residual impact on river & stream beds following mitigation. There are no Ramsar sites in the vicinity of the development and no priority habitats and species as defined in Annex 1 of the Habitats Directive were found.

#### 4.2.3.4 Tier 2

- 131 *'Wind farm developments will only be permitted in national designations where it can be demonstrated that the objectives of the designation and the overall integrity of the area will not be compromised, and that there is no alternative site for the development. Such alternatives must include taking account of locating the development in lower tier areas.'*

Criteria	Residual Impact	Significance
Lowland Raised Peat Bogs	No	N/A
National Scenic Areas	No	N/A
National Nature Reserves	No	N/A
Sites of Special Scientific Interest which are not SPA or SAC	No	N/A
Scheduled Ancient Monuments (& their settings)	Slight-moderate	Not significant
Historic Gardens & Designed Landscapes	No	N/A
Listed Buildings (& their settings)	Slight-moderate	Not significant
Prime Agricultural Land	No	N/A
Green Belt	No	N/A
Strategic Reserve Land	No	N/A
River and stream beds	No	N/A
Coastal sand and dune systems	No	N/A
UK Biodiversity Action Plan priority habitats and species	Slight adverse (some species) Slight beneficial (habitat creation)	Not significant

132 The assessment found no significant effects on any of the criteria in Tier 2. The impacts on Cultural Heritage, including Scheduled Monuments, Listed Buildings and their settings is considered further in Section 4.5 below and in detail in Chapters 9 & 10 (Volume 2) of the ES. Section 4.4 considers the impacts of the proposed development on the Natural Heritage and Chapters 11 & 12 (Volume 2) of the ES provides further detail. Whilst slight to slight-moderate impacts have been identified, these impacts are not likely to be significant.

#### 4.2.3.5 Tier 3

133 *'Wind farm development will only be permitted following careful consideration of its impact on Tier 3 designations. Where harmful effects are likely, it should be demonstrated that no suitable alternatives exist in Tier 4 areas.'*

Criteria	Residual Impact	Significance
Archaeological sites of regional significance	No	N/A
Archaeological sites appearing on the sites and monuments record	Minor to moderate	No
Sites of Interest to Natural Science	No	N/A
Local Nature Reserves	No	N/A
Settlements	No	N/A
Buffer zones extending 400 m from settlement boundaries	No	N/A
Pipeline wayleave routes carrying water, oil, gas and petrochemical products	No	N/A
Areas of Landscape Significance: Landscape	Negligible overall (varies from none to major/moderate)	Not significant
Areas of Landscape Significance: Visual	Minor to major/moderate (two viewpoints)	Mostly Not significant, but significant on two viewpoints
District Wildlife Sites	No	N/A

<b>Criteria</b>	<b>Residual Impact</b>	<b>Significance</b>
Local Biodiversity Action Plan priority habitats and species	Slight adverse (some species) Slight beneficial (habitat creation)	Not significant
Recreation areas and facilities	No	N/A

- 134 The Landscape and Visual Impact Assessment reported in Chapter 9 (Volume 2) of the ES concludes that, although there are limited areas where the development may have significant visual impact on views from Areas of Landscape Significance (ALS), the integrity of the designations would not be significantly adversely affected. The red line site boundary of the planning application partially overlaps the Upper Deveron Valley ALS boundary. Figure 9.5b (Volume 4) of the ES illustrates the Zone of Theoretical Visibility of the wind farm in the context of designated areas. The figure indicates that views of the wind farm would be available from the closest parts of the Upper Deveron Valley ALS and, due to this proximity, some of these would be significant. However, due to the topography of the area, the wind farm would not be visible from the majority of the Upper Deveron Valley ALS. The Landscape and Visual Impact Assessment considers that the wind farm would not detract from the quality or character of the ALS landscape overall.
- 135 The Archaeological Impact Assessment identified 12 archaeological features of local or lesser importance that may be directly affected from the tree felling or construction activities, and three features of local or lesser importance that may be indirectly affected from tree felling potentially changing their setting. Following proposed mitigation, the potential residual impacts are considered to be not significant. The risk of discovering unrecorded archaeological finds is considered to be low to negligible. If discoveries are made, the mitigation proposed would minimise any potential residual impacts to be considered as not significant.
- 136 Recreational use of the forest would be temporarily affected during the construction period but there would be no adverse impact during operation.

#### 4.2.3.6 Tier 4

- 137 Tier 4 areas are defined within Appendix 12 of the adopted Aberdeenshire Local Plan as 'areas not covered by designations included in Tiers 1 – 3'. Policy Inf/7 of the local plan states that wind farm development proposals within Tier 4 areas '*will be permitted where they respect the character and amenity of the surrounding area*'.

#### 4.2.3.7 Conclusion

- 138 As discussed above, the four sequential tiers relate to the sensitivity of the planning designations and can be summarised as:
- Tier 1 – International Designations
  - Tier 2 – National Designations
  - Tier 3 – Local Designations
  - Tier 4 – Other Preferred Areas

- 139 However, the Report of Public Local Inquiry for the previous Clashindarroch Wind Farm proposal made it clear that these tiers cannot be fixed geographically and the primary consideration should therefore be the potential for residual harm caused by the wind farm, following the implementation of mitigation measures.
- 140 The assessment of compatibility with the sequential tiering policy illustrates that the only significant effect on a planning designation area likely to be experienced as a result of the impact of the wind farm will be the significant visual impact of the development on two viewpoints contained within the Upper Deveron Valley ALS. These viewpoints are located relatively close to the proposed development and as displayed within Figure 9.5b (Volume 4), the integrity of the designations would not be compromised.
- 141 As a result, the Clashindarroch Wind Farm proposal falls predominantly within Tier 4, but has the potential to impact on Tier 3 designations to a certain degree.
- 142 The fact that the development has a limited significant impact (on two viewpoints) on a Tier 3 designation does not mean that it is unsuitable or should be refused. Policy Inf7 states that *'Wind farm development will only be permitted following careful consideration of its impact on Tier 3 designations. Where harmful effects are likely, it should be demonstrated that no suitable alternatives exist in Tier 4 areas.'*
- 143 Careful consideration has been given to the potential impact of the proposed development on Tier 3 ALS designations, and alternative positions for wind turbines within the site boundary have been explored. It is considered that an optimal layout which minimises the development's landscape and visual impact has been achieved.
- 144 SPP6 states that *'Development plans should set out a spatial framework, supported by broad criteria, for the consideration of wind farm proposals over 20 MW' but that 'This framework should not be used to put in place a sequential approach to determining applications.'* Annex A to SPP6 states that *'Development plan policies should be based on the principle that wind farms should be accommodated where the technology can operate efficiently and environmental and cumulative impacts can be addressed satisfactorily.'*
- 145 In light of the guidance of SPP6, the Policy Inf7 requirement to adopt a sequential approach to assessing wind energy developments, and consider alternative sites, is now effectively out of date. It is significant that the Finalised Structure Plan has not carried forward this policy approach.
- 146 It should also be noted that Areas of Landscape Significance are not national or international level designations. SPP6 states that the level of protection afforded to areas designated for their regional or local value should not be as high as for national or international level designations and should not unreasonably restrict the ability of the plan area to contribute to national targets.
- 147 PAN45 reminds decision makers that wind energy developments will, by their nature, be highly visible but are not necessarily unacceptable if appropriately located and well designed. Wind farms must be accepted by society as a feature of many areas of Scotland if renewable energy targets are to be met and the issue of climate change addressed.

- 148 In light of the above assessment, Vattenfall consider that the Clashindarroch proposal conforms to the development plan as influenced by other material considerations, with respect to renewable energy policies.

### **4.3 Landscape Protection**

#### **4.3.1 The Development Plan**

##### **4.3.1.1 Structure Plan**

- 149 Policy 19 of the approved Structure Plan document concerns 'Wildlife, Landscape and Landscape Resources' and seeks to protect areas of national, international, regional and local landscape and ecological importance, and encourages consultation with SNH. The relevant part of the policy states that:

*'Development will be sited and designed to avoid adverse impacts on the biodiversity of a site, including its environmental quality, ecological status and viability. All new development should take into consideration the character of the landscape in terms of scale, siting, form and design. Developers are encouraged to seek sites which would not entail the permanent loss of productive agricultural land.'*

##### **4.3.1.2 Local Plan**

- 150 Policy Env\5B of the adopted Aberdeenshire Local Plan also relates to 'Areas of Landscape Significance', stating that:

*'Development within or adjacent to an Area of Landscape Significance will not be permitted where its scale, location or design will detract from the quality or character of the landscape, either in part or as a whole. Where acceptable, in principle, development must conform to Appendix 1 and Appendix 5 (of the plan).'*

*In all cases the highest standards of design, in terms of location, scale, siting, aesthetics and landscaping, will be required within National Scenic Areas and Areas of Landscape Significance'.*

- 151 Policy Env\21 sets a presumption against the development of vehicle hill tracks in association with development which cannot be satisfactorily integrated into the landscape and or which are not designed to minimise environmental impact.
- 152 Policy Gen\2 relates to the layout, siting and design of new development. Although aimed primarily at built development, the principles of the policy also apply to wind energy development.

#### **4.3.2 Other Material Considerations**

- 153 SPP6 is the National Planning Policy of most relevance. It requires that developers demonstrate how environmental concerns have been 'minimised'.

Minimise does not mean mitigate entirely but the onus is on the developer to show that all reasonable steps have been taken to minimise an effect.

#### 4.3.2.1 PAN45

- 154 PAN45: Renewable Energy is more compelling and advises that wind turbines, by necessity, are highly visible and that it is unrealistic to seek to conceal them.
- 155 It states that visual effects will be dependent on the distance over which a wind farm may be viewed, whether the wind turbines can be viewed adjacent to other features, different weather conditions, the character of the development and the landscape and nature of the visibility. It provides a general guide to the effect which distance has on the perception of wind turbines in an open landscape.

<b>Distance of Viewer</b>	<b>Perception</b>
Up to 2 km	Likely to be a prominent feature
2 - 5 km	Relatively prominent
5 - 15 km	Only prominent in clear visibility - seen as part of the wider landscape
15 - 30 km	Only seen in very clear visibility - a minor element in the landscape.

#### 4.3.2.2 Neighbouring Development Plan

- 156 Policy E7 of the Moray Local Plan (2008) states that development proposals should not have a significant adverse impact on the landscape character of an Area of Great Landscape Value.

#### 4.3.2.3 Emerging Structure Plan

- 157 The Finalised Structure Plan (2009) includes the objective '*To make sure new development maintains and improves the region's important built, natural and cultural assets*'.

#### 4.3.2.4 SPG for Wind Energy

- 158 The SPG for Wind Energy requires a full landscape and visual impact assessment to be undertaken for a wind farm of the scale of the Clashindarroch proposal.

### **4.3.3 Assessment of Compatibility**

#### **4.3.3.1 Landscape Protection**

- 159 An assessment of the landscape and visual impact of the proposed wind farm is presented in Chapter 9 (Volume 2) of the ES. The assessment considers the potential impact of the wind turbines and ancillary structures, site access roads, borrow pits and felling proposals.
- 160 The proposed wind farm site is not within a landscape designation and is not valued for its natural, historic or cultural heritage. However, there are two Areas of Landscape Significance near the site in Aberdeenshire, to the north and south of the site, and an Area of Great Landscape Value immediately to the west of the site, in Moray (see Figure 9.5a, Volume 4 of the ES).
- 161 The assessment concludes that there would be no significant landscape effects on designated landscapes, although significant visual effects (experienced by people) would affect limited view points within the Upper Deveron Valley Areas of Landscape Significance (ALS) to the north and west and a limited part of an Area of Great Landscape Value (AGLV) to the south and west. The ES concludes that the Cairngorms National Park, Historic Gardens and Designed Landscapes and Conservation Areas within the study area, would not be significantly affected.

#### **4.3.3.2 Vehicle Hill Tracks**

- 162 Chapter 9 (Volume 2) of the ES sets out the developer's approach to design of vehicle access tracks in order to minimise their potential landscape impact. Chapter 22 (Volume 2) of the ES includes an Outline Construction Method Statement for site roads as part of a draft Environmental Management Plan (EMP). This draft EMP outlines how environmental issues would be incorporated into the site's construction, operation and decommissioning.

#### **4.3.3.3 Siting and Design**

- 163 Chapters 3 and 9 (Volume 2) of the ES, explain how the wind farm has been designed to ensure the development is appropriate in terms of siting, scale and layout and respects the character of the surrounding landscape. The approach demonstrates how the proposal conforms to Appendix 1 and Appendix 5 of the Local Plan.

#### **4.3.3.4 Conclusion**

- 164 Detailed attention has been given to landscape and visual effects during design of the wind farm. The number and layout of the wind turbines has been adjusted to reduce the potential impact on receptors in close proximity to the site, and achieve a balanced composition from views in the surrounding
- 165 The potential landscape and visual effects have been considered in detail in the ES and the development has been sensitively designed with due consideration of its potential landscape and visual effects. Although significant visual effects on viewpoints within the ALS and AGLV have been identified, the integrity of the designations would not be significantly adversely

affected and the wind farm would not detract from the quality or character of the landscape overall. The proposal is therefore considered to be in accordance with the landscape policies of the development plan.

#### **4.4 Nature Conservation**

##### **4.4.1 Development Plan**

###### **4.4.1.1 Structure Plan**

166 Policy 19 of the approved Structure Plan concerns wildlife, landscape and land resources and seeks to protect areas of national, international, regional and local landscape and ecological importance, and encourages consultation with SNH. It states that *'Where development is allowed which could affect any of the listed designated sites, including beyond their boundaries, appropriate measures shall be taken to conserve and enhance the site's ecological, geological or geomorphological interest.'*

###### **4.4.1.2 Local Plan**

167 Policies Env\1, Env\2, Env\3 and Env\4 aim to give adequate protection to nature conservation sites of international, national and local importance, and to the wider biodiversity of the area. Policy Env\4 states that *'Where possible, developers should incorporate existing habitats and identify suitable opportunities for creating and restoring habitats, wildlife corridors and enhancement schemes, using best practice.'* Policy Env\8 aims to protect important trees and woodlands.

##### **4.4.2 Other Material Considerations**

###### **4.4.2.1 NPPG14**

168 NPPG14: Natural Heritage and PAN60: Planning for Natural Heritage are relevant.

169 NPPG14 states that planning authorities should have full regard to natural heritage considerations in determining individual applications and advises that authorities should always consider whether environmental concerns could be adequately addressed by modifying the development proposal or attaching appropriate planning conditions.

170 PAN60 provides a development control checklist (paragraph 78) as a means of ensuring that decision-making in relation to natural heritage is approached in a structured and consistent way.

###### **4.4.2.2 Neighbouring Development Plan**

171 The Moray development plan aims to protect sites of nature conservation importance. No sites in Moray designated for their national or international

nature conservation value would be affected by the Clashindarroch Wind Farm proposal.

#### 4.4.2.3 Emerging Structure Plan

- 172 The finalised Structure Plan (2009) includes the objective *'To make sure new development maintains and improves the region's important built, natural and cultural assets'*.

#### 4.4.2.4 SPG on Wind Energy

- 173 The SPG requires that where there is potential for ecological impact, applicants should provide a robust analysis of potential impacts and identify scope for mitigation as appropriate. Chapters 11 and 12 (Volume 2) of the ES address the issues identified by the SPG.

### **4.4.3 Assessment of Compatibility**

#### 4.4.3.1 Ecology

- 174 Chapter 12 (Volume 2) of the ES provides a full assessment of the potential impact of the proposal on the habitats and species of the Clashindarroch area. It concludes that there would be no significant detrimental effect on any areas designated for their ecological interest.
- 175 High operational and environmental standards would be maintained during the working life of the project and appropriate site restoration would be carried out when operations cease.
- 176 Most of the proposal is located within existing stands of commercial forestry, parts of which would, therefore, have to be felled. The loss of these areas of commercial forestry presents significant opportunities for ecological benefit as a result of the subsequent management of the land following clearance as it is proposed to develop a network of more natural habitats. Appropriate native species would be used and the work would be guided by a Habitat Management Plan (HMP) as outlined in Chapter 12 (Volume 2) of the ES.
- 177 The area of Ancient Semi-Natural Woodland within the forest follows a stream and would be protected by the 50 m buffer applied to watercourses. There would therefore be no significant impact on this feature.
- 178 Potential impacts on protected species in the area were assessed as being neutral in general. Only the significance of potential impact on red squirrels was assessed as slight adverse and mitigation is proposed to ensure that these potential impacts are reduced to an absolute minimum and therefore not significant.

#### 4.4.3.2 Ornithology

- 179 Chapter 11 (Volume 2) of the ES provides an assessment of the likely effects of the wind farm on important bird populations during the construction, operation and decommissioning stages. It is concluded that, provided best

practice is followed to avoid disturbance to breeding birds, including exclusion zones, avoiding damage or destruction to their occupied nests, there would be no major or moderate impacts on any valued ornithological receptor. The possible loss of foraging habitat and displacement of breeding goshawk are considered to represent no more than minor impacts on the regional population when mitigation measures are considered.

- 180 Common gulls from the Tayside of Corsemaul and Tom Mor SPA pass through the wind farm polygon on a very infrequent basis and collision risk (estimated as one bird every 9 months at 95 % avoidance rate) is considered to be negligible compared to the population of the SPA. It is considered that the collision risk to greylag goose (estimated as one bird every 57 weeks at a 99 % avoidance rate) and goshawk (estimated as one bird every 6 years at 95 % avoidance) represents no more than a minor impact on the conservation status of each species when mitigation measures are accounted for.
- 181 For a number of raptor and wader species, such as hen harrier, merlin, short-eared owl and curlew, there would be gains in the creation of new open ground habitats. These must be weighed against an element of collision risk associated with exploitation of these new habitats. Taking into account the behavioural ecology of the species concerned, all of these positive impacts have been assessed as being of minor significance at most.

#### 4.4.3.3 Conclusion

- 182 The potential impact of the proposal has been considered in detail in relation to the nature conservation policies of the development plan and the proposal is found to be in accordance with the development plan in this respect.

## **4.5 Archaeology and Cultural Heritage**

### **4.5.1 Development Plan**

#### 4.5.1.1 Structure Plan

- 183 Policy 20 of approved Structure Plan requires local plans to contain policies to protect the built heritage and archaeology of the North East.

#### 4.5.1.2 Local Plan

- 184 Policy Env\19 of the adopted Local Plan aims to give archaeological sites and scheduled ancient monument strong protection from any development which could damage them.
- 185 Policy Env\20 aims to protect and enhance Historic Gardens and Designed Landscapes from development that would damage their special character.

## **4.5.2 Other Material Considerations**

### **4.5.2.1 SPP23 and PAN42**

186 SPP23: Planning and the Historic Environment and the associated PAN42 are relevant, as is the Memorandum of Guidance on Listed Buildings and Conservation Areas produced by Historic Scotland.

### **4.5.2.2 Neighbouring Development Plan**

187 The Moray development plan aims to safeguard listed buildings, ancient monuments, archaeology and designed landscapes.

### **4.5.2.3 Emerging Structure Plan**

188 The Finalised Structure Plan (2009) includes the objective '*To make sure new development maintains and improves the region's important built, natural and cultural assets*'.

### **4.5.2.4 SPG on Wind Energy**

189 The SPG requires a full assessment of any known or potential impacts on scheduled ancient monuments, archaeological sites, listed buildings or conservation areas in terms of their setting, noise, visual impacts, loss of artefacts and traffic impact.

## **4.5.3 Assessment of Compatibility**

190 Chapter 10, Volume 2 of the ES provides an assessment of the potential impact of the Clashindarroch Wind Farm proposal on the settings of Listed Buildings and Scheduled Monuments up to a 7 km radius of the proposed development in agreement with Historic Scotland's scoping response. Particular attention was given to Beldorney Castle Category A Listed Building and Tap o' Noth Scheduled Monument, as specified in the Historic Scotland response to the developer's scoping request but the assessment also considered the potential impact upon the setting of other sites and properties.

191 The Cultural Heritage assessment concludes that the only Listed Buildings whose setting would be impacted upon by the proposed wind farm are those located in the Cabrach Parish. The proposal would have a slight to moderate impact on the Bridge over Allt Deveron (Category C(S) Listed), Bridge over Milltown Burn (Category C (S) Listed) and a slight to moderate impact on Deveron House (Category C(S) Listed, Group Category B) and Cabrach Parish Church (Category B Listed, Group Category B).

192 Previous concerns regarding Beldorney Castle have been addressed by reducing the footprint of the wind turbine envelope and removing or relocating all of the wind turbines that were in direct line of sight of the castle. Whilst the tip of a single wind turbine is visible in longer views towards the castle from the north-west this would have a negligible impact upon the essential setting of the castle.

- 193 The Tap o' Noth, due to the prominent position within the landscape which defined its essential purpose, would be in direct line of sight of the proposed development. The site is already in direct line of sight of wind farms located at Glens of Foudland and Dummuies. Whilst in terms of visual impact it is a matter of fact that the proposed development would be visible at varying distances from the hill top, the potential impact of these developments on what comprises the essential setting of Tap o' Noth would be slight to moderate.
- 194 The assessment recorded 41 archaeological features (and associated 30 m buffer) within the application boundary, and a further 116 records within 1 km. Wherever possible, archaeological features would be preserved *in situ*, and other mitigation measures are proposed as part of the development in agreement with Aberdeenshire Council. The Archaeological Impact Assessment identified 12 archaeological features of local or lesser importance that may be directly affected from the tree felling or construction activities, and three features of local or lesser importance that may be indirectly affected from tree felling potentially changing their setting. Following proposed mitigation, the potential residual impacts are considered to be not significant.
- 195 The risk of discovering unrecorded archaeological finds is considered to be low to negligible. If discoveries are made, the mitigation proposed would minimise any potential residual impacts to be considered as not significant.

#### 4.5.3.1 Conclusion

- 196 The potential impacts of the Clashindarroch Wind Farm proposal on the archaeological and cultural heritage of the area are considered to be not significant and the proposal is considered to be in compliance with the Development Plan in this respect.

## **4.6 Access and Recreation**

### **4.6.1 Development Plan**

#### 4.6.1.1 Structure Plan

- 197 Policy 17 of the approved Structure Plan aims to encourage and protect responsible access to the countryside by promoting and protecting a network of routes and facilities throughout the North East.

#### 4.6.1.2 Local Plan

- 198 Policy Env\22 aims to ensure that existing public access is protected and future development does not restrict future opportunities for the extension of the public access network.

## **4.6.2 Other Material Considerations**

### **4.6.2.1 SPG on Wind Energy**

199 The SPG requires developers to provide information on any potential implications of the proposed development on countryside access and recreation facilities. It also requires visual impact and noise assessments from popular recreational routes and visitor attractions within 1 km of the development.

### **4.6.2.2 Aberdeenshire Draft Core Paths Plan Consultation**

200 The Aberdeenshire Core Paths Plan is prepared to provide a framework of paths within the Aberdeenshire council administrative area. The plan is currently at an early stage and has gone through an informal consultation process. No core paths are located within the site boundary.

## **4.6.3 Assessment of Compatibility**

201 Chapter 17, Volume 2 of the ES describes the nature of existing public access to the Clashindarroch Wind Farm site and considers the impact of the proposed development on forest users. There are no formal public rights of way in Clashindarroch Forest but there is an extensive network of FCS forest tracks.

202 The forest is used for a range of formal and informal recreational activities including walking, running, mountain biking, orienteering, cross-country skiing and horse riding. It is also used to host the forest stage of certain car rallies. Visitor numbers to Clashindarroch Forest outside of special events is not high, estimated by the FCS at only around 14,000 per year.

203 The Huntly Nordic & Outdoor Centre operates a set of trails extending to over 20 km through the forest, by arrangement with Forest Enterprise. The trails are clearly waymarked, starting from close to a car park on the A941 extending north towards the site of the proposed Clashindarroch Wind Farm but stopping short of the wind farm site. The established tree cover around these ski trails would substantially limit the visual impact of the proposed wind turbines.

204 Horse riders regularly use the extensive network of forest trails in Clashindarroch, including part of the wind farm site.

205 It is during the construction phase that the development is likely to affect horse riders. To ensure that impacts are minimised throughout the construction phase, a Traffic Management Plan (TMP) would be produced in accordance with SEPA and industry best practice and it would form part of the Environmental Management Plan (EMP) discussed in the ES at Chapter 22 (Volume 2) of the ES. The TMP would be formally agreed with both Aberdeenshire and Moray Councils and would ensure that measures are in place to minimise impacts on recreational users of the forest.

206 It would be important to keep Corrylair Farm Trekking and Riding Centre fully informed of traffic movements to minimise potential impact. The EMP would

include Community Liaison measures to provide information on phasing of construction work and associated traffic movements.

#### 4.6.3.1 Conclusion

- 207 The development of the Clashindarroch Wind Farm proposal would have a temporary impact on informal recreational activity and enjoyment of the site area during the construction phase. However it would not reduce existing public access infrastructure and would not restrict future opportunities for the extension of the public access network. In fact it would add to the recreational resource through the provision of additional tracks through the forest. When the development is completed access by the developer for monitoring and maintenance would normally be limited to occasional visits by four wheel drive vehicles.
- 208 The Clashindarroch Wind Farm proposal is considered to adhere to access and recreation policy.

### **4.7 Economic Development**

#### ***4.7.1 The Development Plan***

##### 4.7.1.1 Structure Plan

- 209 Policy 3 of the approved Structure Plan relates to opportunities for economic development outwith existing industrial areas. The policy recognises that wind farms require specific locations for operational reasons but all developments outwith zoned areas should be tested against the criteria set out in Policy 3.

##### 4.7.1.2 Local Plan

- 210 Policy Gen\3 of the adopted Local Plan aims to ensure that the burden of additional infrastructure and services required as a result of the development proceeding does not all fall on the public purse.

#### ***4.7.2 Other Material Considerations***

##### 4.7.2.1 SPP2 Economic Development

- 211 SPP2 states that the planning system should provide strong support for economic development, both new and expanding businesses, where it is consistent with other national and local policies, in particular the promotion of social justice and sustainable development.

##### 4.7.2.2 SPP15 Rural Development

- 212 While recognising and valuing the enormous diversity of rural Scotland, SPP15 encourages rural communities to adopt a more welcoming attitude

towards 'appropriate' development. The key theme is that the planning system can support this new approach.

- 213 It encourages local planning authorities to embrace diversification. In less populated areas there should be greater scope for more innovative planning policies. Scottish Ministers see renewable energy as a beneficiary of diversification.

#### 4.7.2.3 SPP6 Renewable Energy

- 214 The Scottish Ministers believe that a 'thriving' renewable industry has the potential to enhance Scotland's manufacturing capacity and export opportunity. Ministers expect local planning authorities to take full account of the wider benefits of renewable proposals, which lays a much greater emphasis on these matters than previous guidance allowed.

#### 4.7.2.4 Emerging Structure Plan

- 215 The Economic Growth objective of the Finalised Structure Plan (2009) aims *'To provide opportunities which encourage economic development and create new employment in a range of areas that are both appropriate for and attractive to the needs of different industries, while at the same time improving the essential strategic infrastructure necessary to allow the economy to grow over the long term.'*

#### 4.7.2.5 SPG on Wind Energy

- 216 The SPG on Wind Energy does not specifically address the contribution of wind energy to economic development. However the introduction to Part 2, which provides guidance to planning officers assessing wind energy developments, reminds assessors that Aberdeenshire Council adopted a 'Renewable Energy Strategy' in December 2004. The SPG is therefore based upon a presumption in favour of encouraging provision of electricity from renewable sources and contributing to the Government's target to reduce carbon emissions by 60 % by 2050.

### **4.7.3 Assessment of Compatibility**

- 217 Chapter 17 of the ES presents an assessment of the socio-economic and tourism effects of the proposal and concludes that there would be a positive benefit to the local economy over the life of the proposal.
- 218 Short-term benefits would accrue by virtue of the jobs created and capital invested during the construction phase. This would be injected into the local economy so triggering a secondary wave of expenditure in local support services which also benefit, 'multiplying' the overall positive effect.
- 219 Vattenfall would implement a Local Procurement Policy during construction which is designed to retain employment, expenditure and capital investment in the local economy. It does this by:

- employing a cascade approach to awarding contracts so that only if contracts cannot be met in Aberdeenshire would the search widen to Scotland, the UK and then Europe
  - working in partnership with local firms to remove barriers to their eligibility criteria, such as health and safety accreditation or issues of staff retraining
  - working with Scottish Enterprise to create a 'local supply chain' ready for the day when contracts can be awarded
- 220 Medium-term benefits would accrue locally by virtue of the injection of expenditure made possible by landowner rent and royalty payments and the annual Community Benefit Payment. At £2,000 per installed MW per year the annual payment during the operational phase of the wind farm would be between £72,000 and £99,000, depending on the capacity of the wind turbines installed.
- 221 Nationally, over the medium-term, with a growing demand for wind turbines Ministers expect to see Scotland's indigenous manufacturing industries rising to meet the domestic need. Scotland would then be in a position to compete on the global stage opening up export market opportunities.
- 222 A 2004 report jointly commissioned by the Scottish Executive, Scottish Enterprise and the Department of Trade and Industry, estimates that between the years 2003 and 2020, the renewable sector could sustain between 17,000 and 35,000 jobs in the UK.
- 223 Long-term benefits would accrue at all levels if renewable technologies are allowed to contribute in stabilising the climate, securing future energy supplies and therefore ensuring energy accessibility and affordability.
- 224 Tourism would not be significantly affected by the proposal. The application site and its surroundings are not recognised as an attraction and therefore any effect would only be negligible. Most tourism and recreational businesses in the area feel they would not be affected by the proposed development. Those visitors most sensitive to the proposed development were found to be day visitors from the North East.
- 225 Planning policies at the national and local level support rural diversification. Quite separately, they also want to promote the future prospects of Scotland's manufacturing industry. These apparent diverse and unrelated needs can be satisfied by the renewable energy industry.
- 226 Wind energy development would give much needed support to those companies that have maintained an investment in the industrial infrastructure of Scotland while, on an entirely different level, it would also help diversify the rural economy by providing a guaranteed income to both landowner and the community alike, enabling local initiative and enterprise to thrive.

#### 4.7.3.1 Conclusion

- 227 The Clashindarroch proposal has been assessed against all relevant criteria of Structure Plan Policy 3 as part of the EIA process and the ES demonstrates that all relevant criteria have been met.
- 228 The proposal is found to be in line with the development plan and SPP6.

## **4.8 Hydrology, Private Water Supplies and Fisheries**

### **4.8.1 Development Plan**

#### **4.8.1.1 Local Plan**

- 229 Policy Env\16 aims to ensure that discharges or impacts from developments do not contaminate water bodies or affect their ecological status, thus supporting the EC Water Framework Directive.
- 230 Policy Inf\4B concerns the management of surface water drainage in order to avoid flooding or pollution incidents.

### **4.8.2 Other Material Considerations**

#### **4.8.2.1 NPPG 14 Natural Heritage**

- 231 NPPG14 requires planning authorities to safeguard the natural heritage value of lochs, ponds, watercourses and wetlands within the context of a wider framework of water catchment management.

#### **4.8.2.2 Neighbouring Development Plan**

- 232 The proposed development is located adjacent to the boundary of the Moray administrative area and the watercourses potentially affected by the proposal would run through both Council areas. Moray development plan policies are Policy EP5 which is concerned with surface water drainage and Policy EP6, concerned with the potential impacts on water bodies.

#### **4.8.2.3 SPG on Wind Energy**

- 233 The SPG requires developers to provide a robust analysis of potential hydrological impacts and the potential effects of drainage from wind turbines and other ancillary equipment.

### **4.8.3 Assessment of Compatibility**

- 234 The EIA considered the potential effects of the proposal at all stages of the development process on the hydrological and hydrogeological regimes of the area and the resultant implications for groundwater, aquifers and local water supplies. The methodology, conclusions and proposals for mitigation are presented in Chapter 14 (Volume 2) of the ES.
- 235 This review has established that, with appropriate site procedures and mitigation measures, there would be no material impact on surface watercourses, and local water supplies sourced from those watercourses, that may be potentially affected by run-off, sedimentation and drainage from the wind farm.
- 236 In addition, it has been established that the development would have no material impacts upon the hydrogeology of the area, which includes a

consideration of groundwater, aquifers and local water supplies. The impact of the development would be kept under review by a comprehensive environmental surface water monitoring schedule, based on a comparison of data during development with a baseline data set.

- 237 The River Bogie and Deveron catchment support good populations of migratory salmonids and other fish species of conservation value. The rivers also provide an important recreational angling resource. Chapter 15 (Volume 2) of the ES therefore considers the potential impact of the proposal on fish populations and fisheries, which mostly relate to the tree-felling and construction phases.
- 238 Many of potential impacts of the construction, operation and decommissioning phases of the scheme on fish populations and habitat quality have been addressed through the design features and layout of the development. This approach has been supplemented by the development of a mitigation package using the most up-to-date techniques for the protection of watercourses. For example, the impacts of clear felling on local watercourses (which would occur regardless of the scheme albeit under a different timescale) would be minimised by mitigation measures which would be pursued according to Forestry Commission guidelines.
- 239 The ES concludes that no significant adverse residual impacts are anticipated on fish populations and fisheries. Furthermore, there may be some beneficial impacts on the fish habitats from the reduction in potentially adverse commercial forestry practices.

#### 4.8.3.1 Conclusion

- 240 The ES demonstrates that effects from the construction, operation and decommissioning of the proposed wind farm can be mitigated to an acceptable standard in line with SPG. It is therefore considered that, with appropriate mitigation measures, the development application is in accordance with hydrology, private water supplies and fisheries policy.

## **4.9 Traffic and Transport**

### **4.9.1 Development Plan**

#### 4.9.1.1 Local Plan

- 241 Policy Inf1 aims to ensure that new accesses and those of which intensified use will be made are safe, convenient, resource efficient and well designed. Part (d) is of specific relevance to the proposal. The policy states: *'A new road or other access will be approved, in principle, if: (d) where required, a Transport Assessment shows that the development and any mitigation measures proposed will not have significant transport impacts on existing transport infrastructure or services.'*
- 242 Policy Inf2 aims to ensure that all new development can be satisfactorily accessed by a variety of modes of transport. Parts (d) and (e) are relevant to this proposal. The policy states: *'Development will be approved, in principle,*

*if (d) developer contributions are provided where required to mitigate development impact; AND (e) it can be safely and conveniently accessed by service, delivery and other goods vehicles, as appropriate to the development.'*

#### **4.9.2 Other Material Considerations**

##### **4.9.2.1 SPP17 Planning for Transport**

243 SPP17 Planning for Transport requires development likely to affect strategic roads should be managed so as not to adversely impact on safe and efficient flow.

##### **4.9.2.2 Neighbouring Development Plan**

244 Moray development plan Policy S/IMP2 and Policy L/T9 are relevant to the proposal. Developers are required to produce transport assessments where developments are likely to generate significant offsite traffic and transport impacts. They are also required to enter into a formal agreement with the Council and fund any necessary road improvements to facilitate development related transport requirements.

#### **4.9.3 Assessment of Compatibility**

- 245 Chapter 7 (Volume 2) of the ES provides a detailed assessment of the potential traffic and transport impacts of the proposed development. A traffic impact assessment was carried out based on IEA guidelines in relation to background traffic counts.
- 246 The proposed transport routes for transportation required by the development were identified and assessed. The main traffic and transport impacts would be due to the movements of commercial HGVs to and from the site during the construction phase of the development, with the highest traffic levels predicted to occur during the fourth month of construction.
- 247 The estimated percentage increase in construction traffic on the A96 did not exceed the 30 % increase guideline threshold level for overall and HGV traffic flows and therefore required no further assessment.
- 248 On the A920 overall traffic flows were predicted to increase by 6 % and HGV traffic flows by 44 %. As this exceeds the 30 % threshold, a detailed route evaluation was undertaken in accordance with IEA guidelines. The detailed evaluation concluded that the effects of the increase in traffic along the A920 would be acceptable considering the temporary nature of the works, the low number of receptors and the low level of traffic. Therefore, the associated potential minor impacts, such as on the operation of nearby highways, delays to other road users, disturbance and impacts on safety, would also be acceptable.
- 249 Implementation of construction phase mitigation (such as a Traffic Management Plan) would further reduce any potential impacts on traffic to no significant residual impact. These propose mitigation measures are

described further in Chapter 7 (Volume 2) of the ES and OCMS 11, Appendix 22A, (Volume 5) of the ES.

- 250 The operation phase is considered to have no significant effect on traffic and the decommissioning phase would have similar impacts to the construction phase at worst, and is therefore considered to have no significant effect.

#### *4.9.3.1 Conclusion*

- 251 The ES demonstrates that the proposal accords with the development plan and relevant material considerations with respect to traffic and transportation.

### **4.10 Nuisance**

#### ***4.10.1 Development Plan***

##### *4.10.1.1 Local Plan*

- 252 Policy Gen\6 aims to ensure the public and environment are protected from new and existing development which could cause pollution or be a nuisance or a hazard.

#### ***4.10.2 Other Material Considerations***

##### *4.10.2.1 PAN51 Planning, Environmental Protection and Regulation*

- 253 PAN51 states that noise and nuisance may be material considerations to a development proposal. However it clarifies that this does not mean that all planning applications likely to result in noise or nuisance should be refused but it may mean that conditions have to be applied to mitigate any adverse effects.

##### *4.10.2.2 PAN56 Planning and Noise*

- 254 PAN56 provides advice on considering noise in development control and gives more specific advice on noise from wind farms. It outlines ways of mitigating the adverse impact of noise and provides guidance on the use of planning conditions relating to noise.

##### *4.10.2.3 Neighbouring Development Plan*

- 255 Local Plan Policy EP8 aims to ensure that new developments do not create pollution including noise pollution.

##### *4.10.2.4 SPG on Wind Energy*

- 256 The SPG provides detailed guidance on general design principles including public safety, noise, shadow throw and shadow flicker.

### ***4.10.3 Assessment of Compatibility***

#### ***4.10.3.1 Noise***

- 257 Chapter 18 (Volume 2) of the ES describes in detail how EIA studies on noise from the proposed wind turbines were undertaken.
- 258 Baseline noise levels were measured at locations representative of the nearest un-involved residential properties in the area and worst case wind turbine noise levels at these locations were predicted based on sound power level data for Vestas V80-2.0 MW wind turbines which are provided by the manufacturer.
- 259 The assessment has been carried out by comparing the predicted noise levels with noise limits described in ETSU-R-97, *Assessment and Rating of Noise from Wind Farms*, the published recommendations of the Working Group on Noise from Wind Turbines, as referred to in PAN45, *Renewable Energy Technologies*.
- 260 The assessment shows that the predicted noise levels at the nearest residential locations to the site meet the night time limit under all conditions.
- 261 The assessment also shows that these predicted noise levels meet the lower daytime noise limit under all conditions.
- 262 A warranty would be sought from the manufacturers of the wind turbine for this site so that the noise output would not require a tonal noise correction under the ETSU-R-97 scheme.

#### ***4.10.3.2 Shadow Throw and Shadow Flicker***

- 263 The results of shadow flicker modelling predicted no houses with more than 30 hours of potential shadow flicker in a year. The highest number of hours in a year predicted was 15.5 hours for Bogancloch Lodge on either a west facing or north-west window. According to established industry guidelines, this does not constitute a significant effect on residential amenity.

#### ***4.10.3.3 Dust***

- 264 The construction of the wind farm may give rise to emissions of dust. It is not possible to completely eliminate the emissions of dust from any construction site, but the use of best management practices would minimise the risk of dust impacts during construction. Wind farm operation generates no emissions to air therefore local air quality would not be adversely affected once the project is operational.
- 265 The ES demonstrates that the proposal would not create any unacceptable nuisance, in relation to dust, that cannot be successfully mitigated. The proposal is therefore in accordance with the provisions of the development plan in this respect.

#### 4.10.3.4 Public Safety

- 266 Chapter 21 (Volume 2) of the ES provides information about on the developer's health and safety policies and describes how potential safety issues regarding the construction, operation and decommissioning of the Clashindarroch Wind Farm would be managed.
- 267 At no time during the construction or operation of the wind turbines would public safety be compromised. During the construction, operation and decommissioning of the wind farm, all the relevant statutory requirements would be adhered to. Public access to potentially hazardous areas would be restricted. A Traffic Management Plan would cover all aspects of safety for pedestrians and other road users, stipulating the safety measures to be put in place to deal with the movement of construction vehicles both on-site and through local areas.
- 268 The wind turbine industry has a good safety record. The industry has prepared health and safety guidelines in conjunction with the Health and Safety Executive, Health & Safety in the Wind Energy Industry Guidelines (British Wind Energy Association 2005, Amended 2008) and the developer would implement these guidelines and other best practice on the site.

#### 4.10.3.5 Conclusion

- 269 The development plan seeks to protect people and the environment from construction and operation related nuisances such as noise, dust, and shadow flicker. Studies undertaken and reported within the ES with regard to these conditions conclude that the development would not create a significant environmental impact in relation to these issues. As a result, the proposal does not conflict with the requirements of the Development Plan with respect to the above nuisance policies.

### 4.11 Forestry

#### 4.11.1 *Development Plan*

##### 4.11.1.1 Structure Plan

- 270 Policy 23 of the Approved Structure Plan relates to the Indicative Forestry Strategy (IFS) which guides the management of FCS holdings. Felling plans associated with the proposed wind farm should be in line with the objectives of the IFS.

##### 4.11.1.2 Local Plan

- 271 Policy Env\8 of the Local Plan aims to protect trees and woodlands that are important for ecological, recreational, historical, shelter or landscape value.
- 272 Policy Env\9 is concerned with the management, enhancement and creation of forests and woodlands.

### **4.11.2 Other Material Considerations**

#### **4.11.2.1 Scottish Forestry Strategy**

- 273 The government published the Scottish Forestry Strategy in October 2006. The strategy sets out a long term vision for Scotland's forestry industry and proposes seven key themes to help achieve the vision:
- using forestry, and adapting forestry practices, to help reduce the impact of climate change and help Scotland adapt to its changing climate
  - getting the most from Scotland's increasing and sustainable timber resource
  - strengthening forestry through business development to underpin sustainable forest management and support economic growth and employment across Scotland
  - improving the quality of life and well-being of people by supporting community development across Scotland
  - making access to, and enjoyment of, woodlands easier for everyone - to help improve physical and mental health in Scotland
  - protecting the environmental quality of our natural resources (water, soil and air), contributing to and improving our scenery, and helping to make the most of our unique historic environment
  - helping to restore, maintain and enhance Scotland's biodiversity, and increasing awareness and enjoyment of it

#### **4.11.2.2 SPG on Wind Energy**

- 274 Where a wind energy development will result in felling and reshaping an existing woodland, the SPG requires the developer to submit a forest design plan, in accordance with Forestry Commission Scotland (FCS) guidelines, as part of the application.

### **4.11.3 Assessment of Compatibility**

- 275 Chapter 8 (Volume 2) of the ES addresses the potential impact of the proposed wind farm on forestry. Chapter 9 (Volume 2) of the ES includes an assessment of the potential landscape and visual impact of the felling proposals. Chapter 12 (Volume 2) of the ES addresses the ecological impacts of the felling plans associated with construction of the wind farm. Chapter 17 (Volume 2) of the ES considers the needs of recreational users of the forest.
- 276 Clashindarroch Forest is one of the largest and most productive FCS forests in the North of Scotland. All felling and restocking proposals, as set out in the FCS Forest Design Plan, conform to recognised forest design principles and meet the requirements of the UK Forestry Standard and the UK Woodland Assurance Standard.
- 277 Construction of the wind farm would necessitate an alteration to the felling programme which has been agreed in principle with FCS. An indicative felling plan for the wind farm is shown in Figure 8.2 (Volume 3) of the ES. If the wind farm is consented, FCS would amend the FDP to incorporate the

felling required to accommodate the wind farm and the consequent adjustments to the felling programme in the rest of the forest.

- 278 The area of felling proposed to accommodate the wind farm is much reduced from the original proposal and is not considered to have an impact on the snowholding capacity of the forest or the ski trails.
- 279 There is still potential for impact on forest-linked recreational facilities such as pony trekking, cycling and walking. This would require careful management of construction activities to ensure the safety of forest users and minimise potential inconvenience. Construction traffic would be carefully controlled via a Traffic Management Plan to be approved by Aberdeenshire and Moray Councils.

#### **4.11.3.1 Conclusion**

- 280 Clashindarroch is a commercial coniferous forest with limited ecological and recreational value. The construction of the proposed wind farm would have a temporary impact on informal recreational use of the forest but overall the proposal does not conflict with national and local forestry policy.

### **4.12 Aviation, Defence and Electromagnetic Interference**

#### **4.12.1 *Development Plan***

##### **4.12.1.1 Local Plan**

- 281 Policy Inf7 aims to ensure that wind farm developments will not adversely affect radar or air traffic control systems, aviation safety, and radio or television reception.
- 282 Policy Inf11 aims to prevent unnecessary dangers to low-flying aircraft and to safeguard presently unused airfields from development which may prejudice their future re-use for air traffic.

#### **4.12.2 *Other Material Considerations***

##### **4.12.2.1 Neighbouring Development Plan**

- 283 Policy ER1 states that renewable energy projects will be considered favourably where they do not interfere with aircraft activity.

##### **4.12.2.2 SPG on Wind Energy**

- 284 The SPG requires full consultation with the Ministry of Defence (MOD) and owners and/or operators of aerodromes within specified distances of the proposed development.

### ***4.12.3 Assessment of Compatibility***

- 285 Chapter 20, Volume 2 of the ES addresses the potential impact of the proposed wind farm on aviation, defence estates and electro-magnetic interference.
- 286 The assessment found that there are not likely to be any detrimental effects on communications links or infrastructure services as a result of the Clashindarroch Wind Farm proposal. If any problems are identified during construction, operation or decommissioning, it is likely that these could be resolved quickly and satisfactorily.

#### ***4.12.3.1 Conclusion***

- 287 The proposal is considered to be in line with the development plan with respect to these policies.

## 5 BALANCING CONSIDERATIONS

### 5.1 Wider Benefits of the Proposal

288 Scottish Planning Policy 6: Renewable Energy requires decision makers to take account of the environmental, social and economic benefits that will arise from a renewable energy project, both locally and nationally.

#### 5.1.1 *Social Benefits*

289 Climate change threatens long-term health, our quality of life as a society and the protection of our land and property. The social benefits that should be taken into consideration in determining the proposal include the following.

##### 5.1.1.1 Safety and Security of Energy Supply

290 Issues of national security are now a factor in the planning of future power generating installations. From 2006 we have become a net importer of gas for the first time in our history and are becoming increasingly dependent on politically unstable regimes for that supply. Any interruption in supply could expose the UK to power shortages and have serious implications for basic services, public buildings, workplaces and homes.

291 The issue of over-dependence can be addressed by diversification of our energy base and expansion of the renewables sector. Wind energy is a technology that can be exploited today. Many forms of renewable energy are still at their concept stage but wind energy is an economically viable and proven technology.

292 Wind power also offers a safe and clean means of energy generation which does not give concern about the potential for terrorist attack and does not incur costly clean up after decommissioning.

##### 5.1.1.2 Access to Affordable Energy - Tackling 'Fuel Poverty'

293 Increasing energy costs would have most impact on the most vulnerable groups in society such as the elderly and low income families.

294 It is our duty as a modern and advanced society to manage our energy supply to counter the threat of 'fuel poverty'. Diversification of our energy base through the promotion of renewable energy would help secure supplies and ensure affordability.

##### 5.1.1.3 Human Health

295 Public health depends on sufficient food, water, shelter, good social conditions and a suitable environment for controlling infectious diseases; all factors threatened by climate change.

296 Thirty thousand people died across Europe at the start of this decade due to an unpredicted heat wave. Any increase in the frequency or intensity of extreme weather events would pose similar threats, as seen with the severe

flooding in England in 2007. Renewable energy can contribute in stabilising climate change.

#### 5.1.1.4 Infrastructure, Industry, and Settlements

- 297 Climate change will affect human settlements. Infrastructure will become more vulnerable to flooding, fire, landslides and extreme weather events.
- 298 All of these events have occurred across Europe with increasing frequency and intensity since 2000, most notably the heat wave across Europe in 2003, the forest fires in Portugal in 2005 and the flooding events in the UK in 2007 and 2008. The results are loss of power, clean water and for some, their homes. Climate change is a contributory factor and renewable energy can help in its stabilisation.

### 5.1.2 **Environmental Benefits**

#### 5.1.2.1 Reduced Emissions

- 299 Energy from the wind is free of combustion, carbon and greenhouse gases. Other forms of renewables (biomass, waste/landfill gas fuelled power stations) rely on combustion to generate power undermining their ability to cut carbon. Wind energy displaces the need for coal-fired power stations. All things considered, of all the renewable energy technologies available to us today, wind has the greatest potential to reduce emissions.
- 300 The wind farm at Clashindarroch would save carbon emissions as indicated in the table below over its 20 year lifetime, based on a maximum potential installed capacity of 49.5 MW and a capacity factor of 30 %. More information about the carbon balance assessment based on Nayak *et al.* 2008 methodology is presented in Chapter 13 (Volume 2) of the ES.

	<b>Non-renewable source</b>		
	<b>Coal-fired generation</b>	<b>Grid-mix generation</b>	<b>Fossil fuel -mix generation</b>
Carbon dioxide saving			
Per year (tCO <sub>2</sub> yr <sup>-1</sup> )	111,874	55,937	78,962
Total operation (tCO <sub>2</sub> )	2,237,479	1,118,740	1,579,244

\* These results differ from those in the carbon balance assessment in Chapter 13 (Volume 2) of the ES because that is based on the minimum potential capacity of 36 MW with a capacity factor of 27 %.

#### 5.1.2.2 Green Power for Households

- 301 According to BWEA calculations for wind energy ([www.bwea.com/edu/calcs.html](http://www.bwea.com/edu/calcs.html)), a 49.5 MW wind farm would be anticipated to generate enough electricity to meet the domestic electricity requirements of approximately 27,670 households or 66,420 people.

#### 5.1.2.3 Non-Polluting Construction: The Energy Payback Equation.

- 302 While energy is required to produce, install, maintain and decommission wind turbines, this is rapidly recovered once they are operational. A detailed life cycle analysis by the Danish Wind Turbine Manufacturer's Association calculated that a typical wind farm repays its 'energy debt' within three to five months of operation. Larger wind turbines have a shorter payback time.

#### 5.1.2.4 Non-Polluting Operation: The Benign Nature of Wind Turbines.

- 303 The only significant 'off-site' operational effect of wind turbines is visual. In all other respects their effect is benign. Their operation requires very little maintenance and they generate no significant fumes, noise or shadow flicker provided the developer has been responsible in site selection and sensitive in site design.

#### 5.1.2.5 Non-Polluting Decommissioning: unlike any other form of generation.

- 304 Decommissioning involves dismantling the wind turbines and reinstating the land cover. A restoration plan would be prepared to provide details of the methods proposed to restore the site. Site roads would not be removed but would be allowed to grass over. The remainder of the site would be reinstated to an acceptable condition, to be agreed with the planning authority.
- 305 The decommissioning of a wind farm is minimal in terms of environmental impact, when compared with the decommissioning of a conventional coal fired power station or nuclear power station.

#### 5.1.2.6 Environmental Protection

- 306 The composition and distribution of plant and animal life would change as individual species respond to new conditions created by climate change. Habitats may degrade and fragment, and species that cannot adapt quickly enough may become extinct.
- 307 Only with a long-term concerted effort across many fronts (energy efficiency, reducing demand for energy, and increasing use of renewables) can we hope to have an effect on the rate of change and thus protect the landscapes, habitats and wildlife we value.

#### 5.1.2.7 Environmental Enhancement

- 308 The felling of commercial forestry required to construct the wind would have limited ecological impact but would present significant opportunities for environmental enhancement through the restoration of appropriate semi-natural habitats. This would be achieved through implementation of a Habitat Management Plan in line with Forestry Commission Scotland guidelines, and would benefit species of nature conservation value, such as salmonid fish.

### **5.1.3 Economic Benefits**

#### **5.1.3.1 Job Creation**

- 309 The economic benefit of the developing wind industry in Scotland is clearly illustrated by the recent investment by Vestas in the development of a manufacturing facility at Campbeltown. This £12 million project created 150 direct jobs and around 50 indirect jobs in what was an economic black-spot.
- 310 Vattenfall would implement a Local Procurement Policy for Clashindarroch that aims to retain as much of the capital contract and expenditure within the Aberdeenshire economy and community as possible. If this is not possible then this obligation extends to the rest of Scotland. Only once domestic markets have been exhausted would the search extend to include the UK and beyond. Vattenfall's supply chain activity associated with the consented Edinbane Wind Farm on Skye is already supporting employment in the Highlands and Islands.

#### **5.1.3.2 Economic Impact on Tourism**

- 311 In March 2008 the Scottish Government published a report on the Economic Impact of Wind Farms on Scottish Tourism. The research sought to replace myths about the impact of wind farms on tourism with reliable evidence. Among other aims, it set out to establish if meeting targets on renewables would significantly impact on the possibility of meeting tourism targets. The overall conclusion of the report was that *'the effects are so small that, provided planning and marketing are carried out effectively, there is no reason why the two are incompatible.'*

#### **5.1.3.3 Marketing and Educational Opportunities**

- 312 Marketing of the local area as forward-looking and 'green' has the potential to attract inward investment from related technologies or those firms attracted by a new image of the area.
- 313 The new development would provide an enhanced education resource for local schools, colleges and interest groups studying the technology. Education is key to the understanding of issues surrounding climate change, greenhouse gas emissions and the future for energy generation.

## **5.2 Local Community**

### **5.2.1 Local Opinion**

- 314 Virtually all wind energy proposals attract more letters of objection from surrounding residents than support. Many objections come forward as part of an orchestrated campaign of opposition. A recurring theme is a desire to protect private interests. It is however widely acknowledged that the planning system does not exist to protect the interests of one person or business against the activities of another, but should seek to protect the public interest'

### **5.2.2 Community Engagement**

- 315 Vattenfall is implementing a Community Engagement Strategy for the revised Clashindarroch Wind Farm proposal which sets out a staged approach to community engagement throughout the life of the proposed development.
- 316 There are three broad chronological phases in developing a wind farm during which community engagement takes place:
- Pre-Application
  - Post-Application
  - Post-Consent
- 317 The output of the first stage is the Pre-Application Consultation Report for the proposed wind farm, which accompanies this planning application. The report identifies local community stakeholders in the proposal and explains how Vattenfall has engaged with the community in the pre-application phase. It documents the feedback received during this process and the extent to which this has influenced the final scheme.

### **5.3 Recent Appeal Determinations**

- 318 In addition to the raft of national planning policy and advice, those statements handed down by Scottish Ministers and Inquiry Reporters in the form of 'planning case law' also need to be considered. Appeal determinations represent the freshest thinking on the approach to be taken by local planning authorities when considering the effect of a proposal. Some key themes emerging from recent public inquiry decisions are noted below.

#### **5.3.1 UK Government and Scottish Ministers National Guidance**

- 319 Significant weight has been given to NPPG6 and PAN45 and more recently the new SPP6 on Renewable Energy. The advice within PAN45 regarding the need for Scotland to accept wind farms as a feature of the landscape for the foreseeable future is accepted by the Directorate for Planning and Environmental Appeals and the Scottish Government's Energy Consents Unit.

#### **5.3.2 Site Selection**

- 320 Reporters confirm that the 2020 target will be met by many contributions from many projects, however small. This need for multiple sites across Scotland obviates the need to prove that sites brought forward are 'the best' available.

#### **5.3.3 Visual Impact**

- 321 The Green Knowes determination concluded it would not be reasonable to preclude the siting of a wind farm in an otherwise suitable location simply because it could be seen from a sensitive viewpoint, no matter how far away. (In this context the term sensitive viewpoint relates to settlements and areas designated for their landscape value.)

### **5.3.4 Targets**

- 322 Renewable energy and its associated benefit of reducing emissions makes a useful contribution to meeting both the Scottish and UK targets. The fact that current consented schemes could ensure the 2010 target for Scotland is met (if all are built) has not dissuaded Reporters from taking the approach (now endorsed in SPP6) to move on towards the next target figures for 2020 which Ministers expect to be met well ahead of schedule. It is well known that in the UK as a whole, the targets for 2010 are unlikely to be met.

### **5.3.5 Tourism**

- 323 There has been a failure on the part of objecting parties to produce clear evidence of any conflict with individual tourist activities or tourism in general. Reporters are yet to be convinced that wind farms have any lasting impact on tourism. If objections are to carry weight they must go beyond mere assertion or invective and be evidence based.

## 6 CONCLUSION

- 324 The preceding sections have offered an explanation of how this proposal fits with the policies contained within the Development Plan and other material considerations, in particular UK and Scottish Government renewable energy policies and the rationale behind them.
- 325 Key issues regarding applications for wind farm proposals include:
- the production of energy from renewable means
  - landscape sensitivity and visual impact
  - cultural heritage impacts
  - potential disturbance to local people and recreation activities.
- 326 Following implementation of the mitigation measures embedded in scheme design and described in the appropriate technical sections of the ES, it is predicted that the only significant adverse effects from the wind farm relate to visual impact of the proposed development on particular views from within the Upper Deveron Valley ALS. Positive impacts on the local economy and wider environmental considerations relating to climate change would be experienced as a result of the development.
- 327 Despite those significant effects identified within the ES, the proposed development is considered to accord with the policies and provisions of the development plan, for the reasons given in the preceding sections.
- 328 The scale, nature and design of the wind farm means that overall visual amenity would not be affected and the wind farm would not dominate views.
- 329 No significant effects have been identified in respect of Noise, Traffic and Transport, Ecology, Ornithology, Hydrology and Hydrogeology, Socio-Economics, Infrastructure, Telecommunications and Television.
- 330 Any negative effects from the wind farm must be weighed against the positive effects which would accrue from the development, including:
- the potential the wind farm brings for community benefit including the potential for local businesses to get involved with the wind farm development
  - the significant contribution that the proposed development makes toward national policy on tackling the effects of climate change by producing energy from a renewable and sustainable means
- 331 Given its conformity with the extensive range and spread of development plan policies and other material considerations, not least its contribution to national policy aspirations on the generation of energy by renewable means, it is respectfully suggested that the proposed wind farm is capable of being granted planning consent.

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