

24/00532/APP  
10th April 2024

Installation and operation of 1x wind turbine (up to 200m to blade tip) with associated infrastructure for a period of 35 years in association with ref 23/01165/APP (PPA-300-2066) at Garbet Windfarm Site 5.5km Southeast Of Dufftown Moray  
for Energiekontor

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**Comments:**

- A Site visit has been carried out.
- The application was advertised for Neighbour Notification and under the Environmental Impact Assessment Regulations.
- No representations have been received.

**Procedure:**

- None

**Recommendation**

Grant Planning Permission - Subject to the following:

**Conditions/Reasons**

**Length of planning permission**

1. Unless otherwise agreed in writing with the planning authority, the permission hereby granted shall endure for a period no longer than 35 years from the date of final commissioning, after which the development shall cease to export electricity to the national grid and shall be decommissioned in accordance with the details otherwise approved elsewhere within this planning permission. The date of final commissioning shall be as informed to the planning authority in writing or 18 months from the date of this planning permission, whichever is the sooner. The date of final commissioning must coincide with the associated wind energy development approved under planning reference 23/01165/APP on the 16 February 2024. Similarly, the date of decommissioning required under condition 27 of planning reference 23/01165/APP, must see the approved turbine comply with the requirements of condition 27 also and cease to operate, be decommissioned and site restored at the same time as the other 7 adjacent turbines.

**Reason:** To avoid uncertainty and ensure that the permission is implemented within a reasonable period, and to allow the planning authority to monitor compliance with the other conditions imposed. The commissioning of the turbine to concur with the associated development ensures consistent management and decommissioning of the development alongside the consented scheme.

2. The turbine selected must be of the same make, colour, rotor length and overall height as the turbines utilised in the associated wind energy development approved under condition 4 of planning reference 23/01165/APP on the 16 February 2024.

**Reason:** In order to ensure that the turbine hereby approved matches visually with the turbines approved under the associated mean wind farm consent. This will ensure that there is visual consistency between the turbines erected avoiding any unnecessary detrimental impact arising from the choice of turbine.

#### **Expiry of planning permission**

3. This planning permission will lapse on the expiration of a period of five years from the date of this planning permission unless the development has been started within that period.

**Reason:** To apply a reasonable time limit for the implementation of the planning permission.

#### **Micro-siting**

4. The wind turbine, areas of hardstanding and track shall be constructed in the locations shown in the approved Location Layout. The location of the wind turbine, hardstanding and track may be varied (micro-sited) within the site subject to the following, unless otherwise approved in advance in writing by the planning authority:
  - a) no wind turbine, track, hardstanding or other ancillary infrastructure shall be moved more than 100 metres from the position shown within the Location Layout. If any micro-siting is sought, it must first of all be approved in writing by the planning authority (in consultation with the Ministry of Defence - Safeguarding).
  - b) all micro-siting permissible under this condition must be approved in advance in writing by the ECoW appointed in accordance with condition 10 of 23/01165/APP granted consent by Moray council on the 16 February 2024.
  - c) all micro-siting permissible under this condition must be approved in advance in writing by the ECoW appointed in accordance with condition 10 of planning permission 23/01165/APP approved on 16 February 2024.
  - d) for any micro-siting of the turbine which results in an increase in altitude of more than 5m from the approved position, a prior request for approval in writing must be made to the planning authority (in consultation with the Ministry of Defence, Safeguarding). Such a request must be accompanied by an updated and comparative ZTV plan and wireline montages as required by the planning authority. No such micro-siting can take place without the written approval of the planning authority.
  - e) no later than two months after the date of final commissioning, an updated site plan shall be submitted to the planning authority showing the final

position of all wind turbines, anemometry masts, areas of hardstanding, tracks and associated infrastructure forming part of the development. The plan must also specify areas where micro-siting has taken place and, for each instance, be accompanied by the ECoW or the planning authority's written approval, as applicable.

**Reason:** To ensure that micro-siting decisions take account of environmental impacts and local ground conditions, including existing infrastructure.

5. Unless otherwise agreed in writing with the Council as Planning Authority prior to development commencing, the development must accord with conditions 3, 7-18, 21, 24, 28- 31 of planning approval 23/01165/APP granted consent by Moray council on the 16 February 2024. Reference to the approved EIA Report within these conditions however refers to submitted EIA Report where it differs from the EIA Report approved under appeal decision PPA-300-2066.

**Reason:** To ensure the turbine approved is installed, operated and managed in line with the other surrounding turbines previously approved.

#### **Aviation Lighting**

6. Prior to commencing construction of any wind turbine generators, or deploying any construction equipment or temporal structure(s) 50 metres or more in height (above ground level) the undertaker must submit an aviation lighting scheme for the approval of the Moray Council in conjunction with the Ministry of Defence defining how the development will be lit throughout its life to maintain civil and military aviation safety requirements as determined necessary for aviation safety by the Ministry of Defence.

This should set out:

- a) details of any construction equipment and temporal structures with a total height of 50 metres or greater (above ground level) that will be deployed during the construction of wind turbine generators and details of any aviation warning lighting that they will be fitted with; and
- b) the locations and heights of all wind turbine generators and any anemometry mast featured in the development identifying those that will be fitted with aviation warning lighting identifying the position of the lights on the wind turbine generators; the type(s) of lights that will be fitted and the performance specification(s) of the lighting type(s) to be used.

Thereafter, the undertaker must exhibit such lights as detailed in the approved aviation lighting scheme. The lighting installed will remain operational for the lifetime of the development.

**Reason:** To maintain aviation safety.

### **Aviation Charting and Safety Management**

7. The undertaker must notify the Ministry of Defence, at least 14 days prior to the commencement of the works, in writing of the following information:
- a) the date of the commencement of the erection of wind turbine generator;
  - b) the maximum height of any construction equipment to be used in the erection of the wind turbine;
  - c) the date the wind turbine generator is brought into use;
  - d) the latitude and longitude and maximum heights of the wind turbine generator, and any anemometer mast(s).

The Ministry of Defence must be notified of any changes to the information supplied in accordance with these requirements and of the completion of the construction of the development.

**Reason:** To maintain aviation safety.

### **Reason(s) for Decision**

The Council's reason(s) for making this decision are:-

The proposal accords with the relevant policies of the National Planning Framework 4 and those of the Moray Local Development Plan 2020. The proposed development will sit amongst and within the consented windfarm and is acceptable and there are no material considerations that would indicate otherwise.

### **List of Informatives:**

THE TRANSPORTATION MANAGER, DIRECT SERVICES has commented that:-

Prior to the commencement of deliveries or any construction work, a Wear and Tear agreement will be required to be approved between the developer and the roads Authority. The scope of the Wear and Tear Agreement must be agreed with the Roads Authority and must include a condition survey of the network undertaken jointly by the developer and a representative from the Roads Authority. The survey must include the full extent of the agreed construction traffic route(s) (within Moray) between the site and the 'A' class road network. In addition, the wear and tear agreement shall also include condition surveys of all roads identified as 'unsuitable' which must be agreed with the Roads Authority.

The Construction Traffic Management Plan must cover the duration of the development, include methods of dealing with large and abnormal delivery vehicles. The plan shall also include, the methods of marshalling and manoeuvring at junctions on the public road network and any temporary traffic waiting restriction requirements and all modifications to the road network and traffic management arrangements. Routes for deliveries to and from the site and routes which must not be used by development traffic (construction or staff) to access the site. A programme of monitoring for all routes identified within the CTMP during construction will be required.

It is not acceptable to overrun central refuge/splitter islands, they are not constructed to take vehicle loadings. Proposals submitted must show how this will be managed during deliveries. It is also not appropriate to remove signing for the duration of the abnormal loads therefore confirmation of how signs will be managed during the delivery phase needs to be agreed.

Some of the side tracks which join the public road may appear to be part of the public road as they have a thin layer of tar on them. It is unlikely that there is suitable road construction under any of them and where they are being utilised each location should be assessed and reconstructed if necessary.

Prior to completion of the development, all areas of temporary over-run must be reinstated to an appropriate standard. Example 300mm thick dressed topsoil and reseeded appropriate for the surroundings.

Additional details for all areas of road widening and new passing places must also include drainage details to accommodate the additional road surface area.

Transport Scotland must be consulted with respect to all deliveries proposed via the Trunk Road.

The neighbouring Local Authorities, through which the delivery route may pass, Highland/Aberdeenshire/Aberdeen City, must be consulted as appropriate.

Planning consent does not carry with it the right to construct a new road or any part of a road. In accordance with Section 21 of the Roads (Scotland) Act 1984 Construction Consent for new roads (includes passing places, modified junctions and footpaths) that will form part of the public road will be required. Advice on this matter can be obtained by emailing [transport.develop@moray.gov.uk](mailto:transport.develop@moray.gov.uk) and reference to the following pages on the Council website.

Checklist: <http://www.moray.gov.uk/downloads/file68812.pdf>

RCC: [http://www.moray.gov.uk/moray\\_standard/page\\_65638.html](http://www.moray.gov.uk/moray_standard/page_65638.html)

Specification <http://www.moray.gov.uk/downloads/file68813.pdf>

The applicant is obliged to apply for a road opening permit in accordance with Section 56 of the Roads (Scotland) Act 1984. Advice on this matter can be obtained by emailing [roads.permits@moray.gov.uk](mailto:roads.permits@moray.gov.uk) and reference to the following page on the Council web site.

Road Opening: [http://www.moray.gov.uk/moray\\_standard/page\\_79860.html](http://www.moray.gov.uk/moray_standard/page_79860.html)

Public utility apparatus may be affected by this proposal. Contact the appropriate utility service in respect of any necessary utility service alterations which have to be carried out at the expense of the developer.

No building materials/scaffolding/builder's skip shall obstruct the public road (including footpaths) without permission from the Roads Authority.

If required, street furniture will need to be repositioned at the expense of the developer. In addition, any existing roadside ditch may require a pipe or culvert. Advice on these matters can be obtained by emailing [road.maint@moray.gov.uk](mailto:road.maint@moray.gov.uk)

The applicants shall be responsible for any necessary diversion of any utilities or drainage present at the locations where works are to be undertaken.

The applicants shall meet all costs of improvements to the road infrastructure, which are required as a result of the development.

The applicants shall meet all costs of removal and re-erection of road signage, which are required as a result of the delivery of the abnormal loads.

The applicants shall meet all costs of diverting any footpath or cycleway during the construction period, including signage.

The applicants shall free and relieve the Roads Authority from any claims arising out of his operations on the road or extension to the road.

No retaining structures or embankments shall be constructed along the edge of the road, whether retaining the public road or ground adjoining the public road without prior consultation and agreement of the Roads Authority.

Bridges and Structures - The developer must contact the Senior Engineer for Bridges and Structures to discuss the proposals via [structures@moray.gov.uk](mailto:structures@moray.gov.uk)

Traffic Management Plan - The developer must contact the Senior Engineer Transportation discuss the proposals via [transport.develop@moray.gov.uk](mailto:transport.develop@moray.gov.uk)

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT		
Reference No.	Version No.	Title/Description
		Location plan
		Elevation
		Turbine foundation
		Track cross section
		Crane hardstanding
		Cable trench design



## PLANNING APPLICATION COMMITTEE SITE PLAN

**Planning Application Ref Number:**  
**24/00532/APP**

**Site Address:**  
**Garbet Windfarm**  
**Site 5.5km Southeast Of Dufftown**

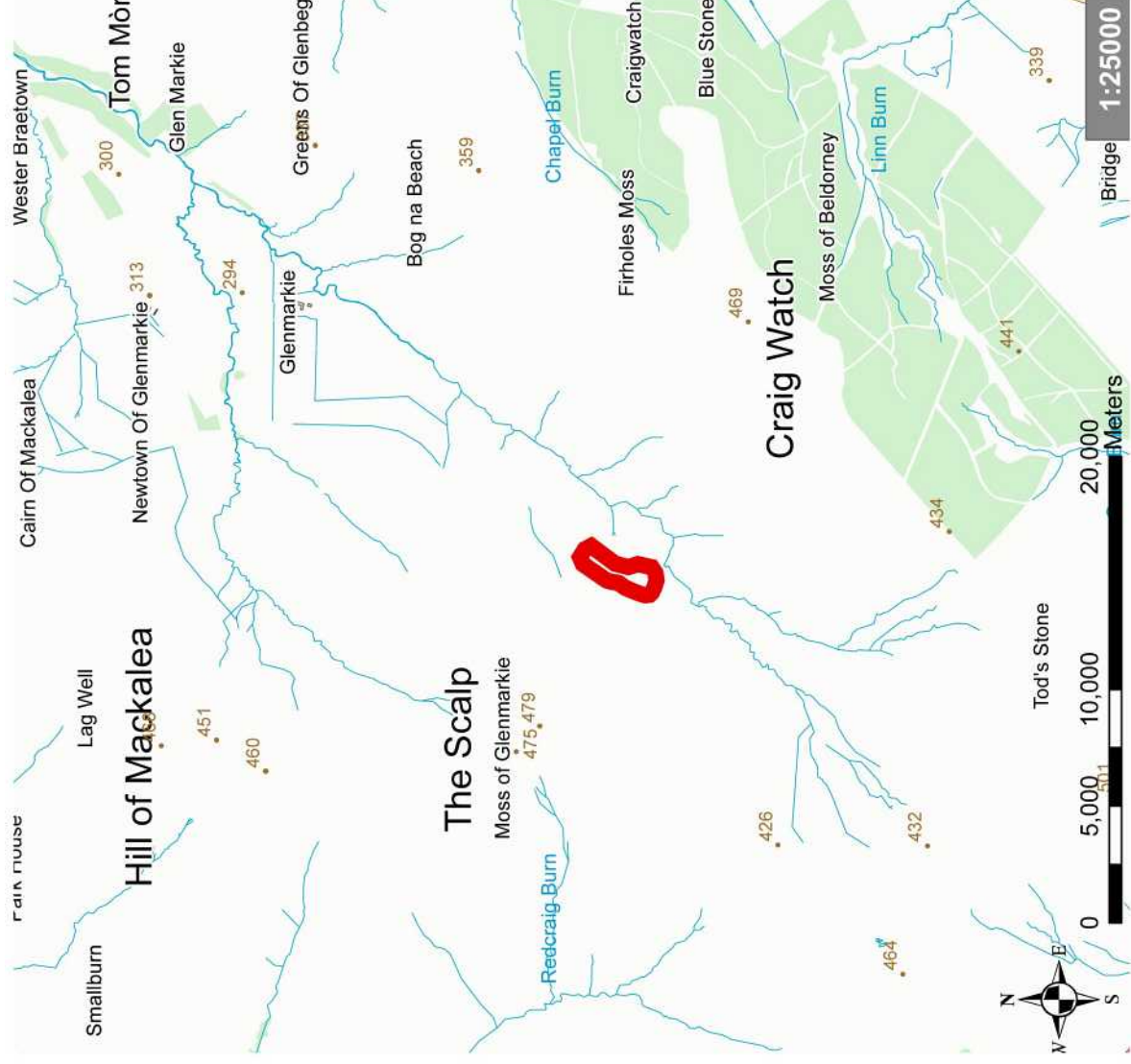
**Applicant Name:**  
**Energiekontor**

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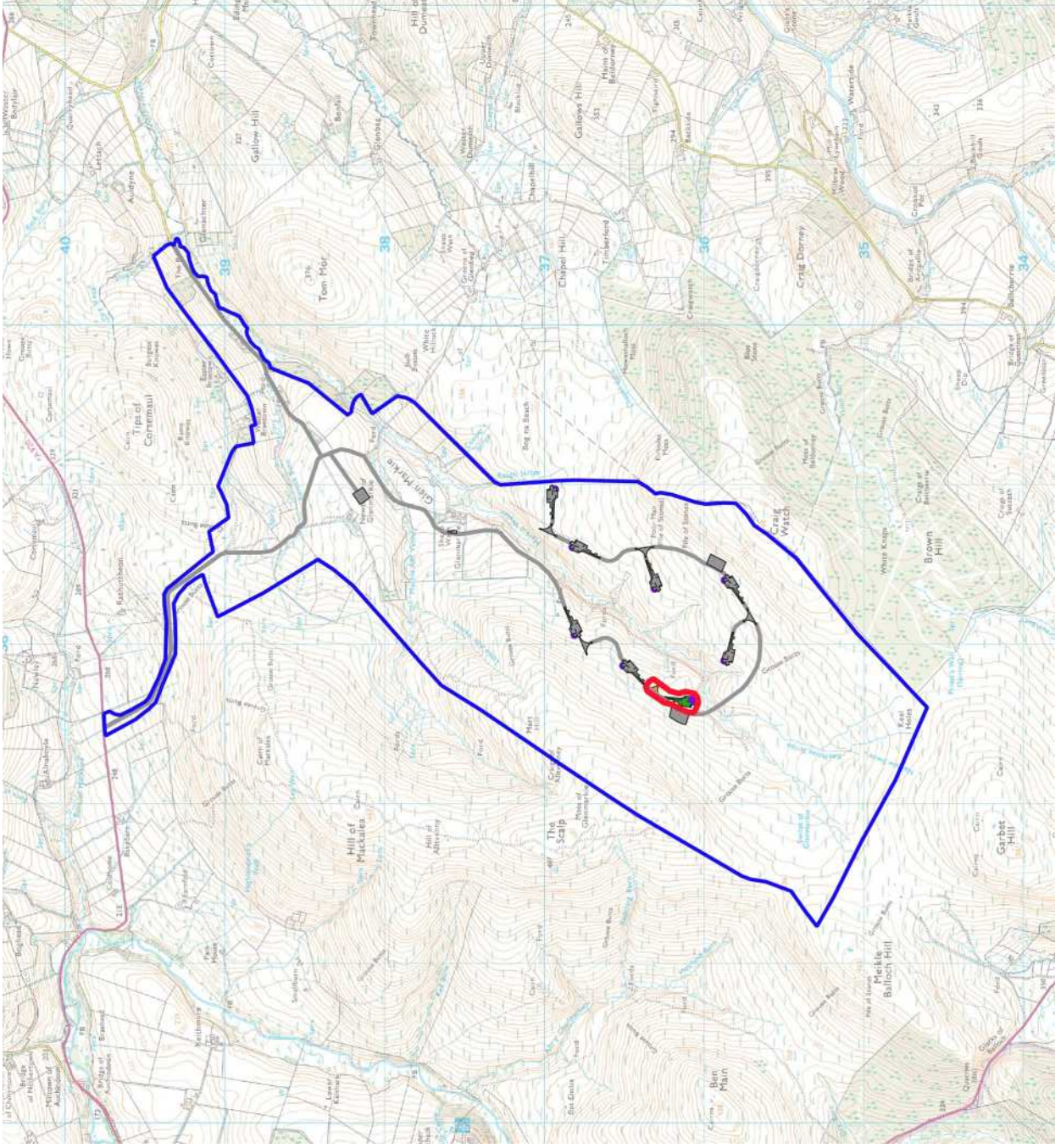
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## Location Plan

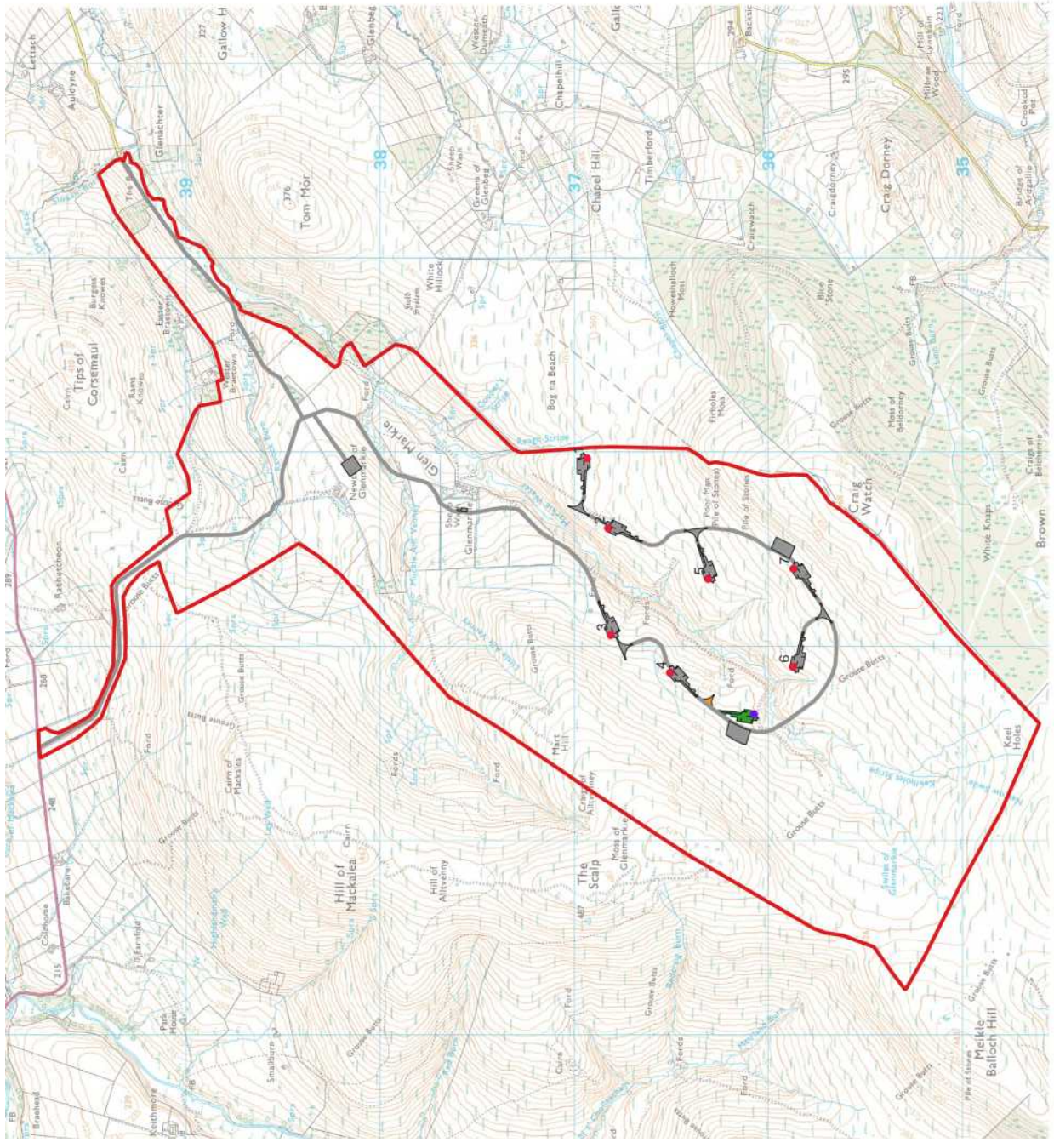


# Site Location





# Site plan

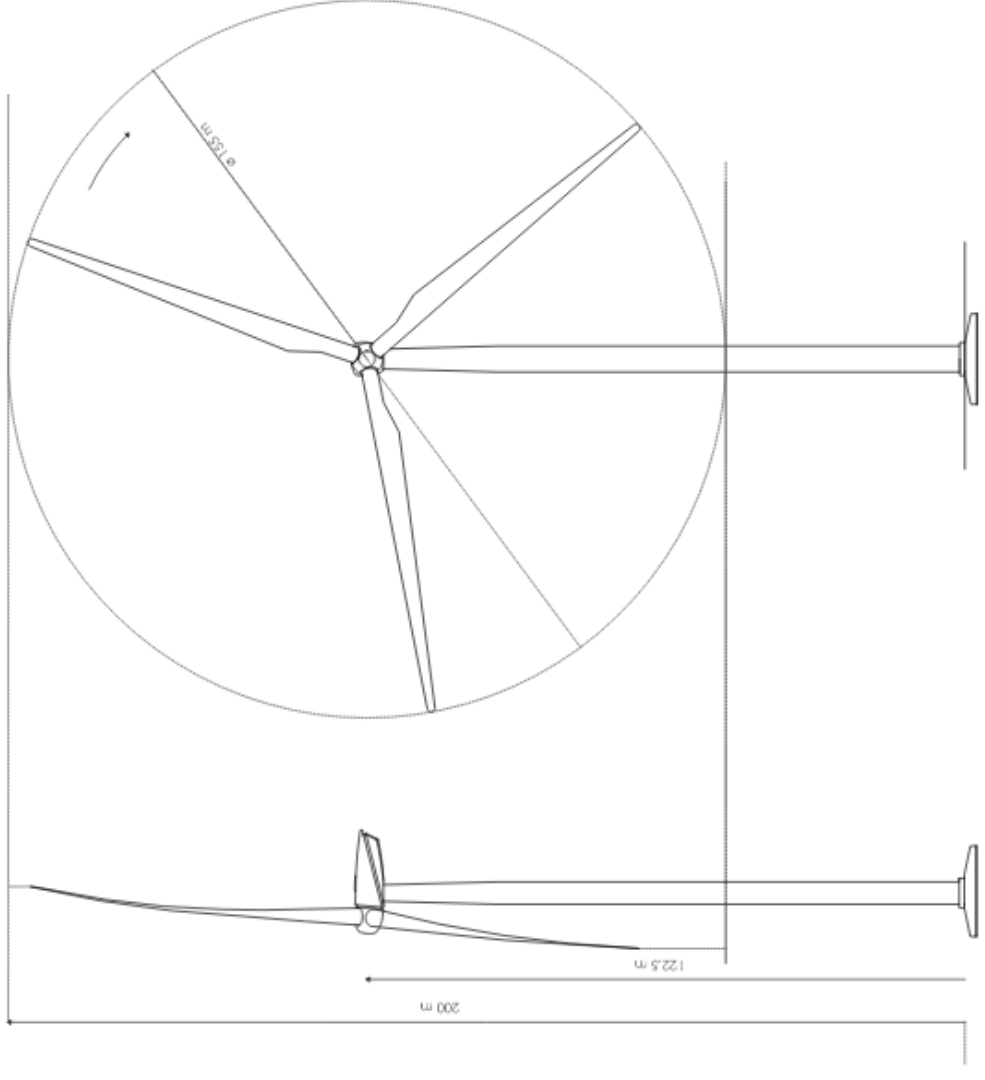


- Key:**
- Red line boundary
  - Consented Wind Farm
  - Consented Wind Turbine Locations
  - Consented Wind Farm Infrastructure
  - Garbet West Wind Turbine**
  - Proposed Garbet West Wind Turbine
  - Proposed New Crane Pad
  - Proposed New Turning Head



0 0.10.2 km

# Turbine elevation



## PLANNING APPLICATION: 24/00532/APP

*In the event that a recommendation on this planning application is overturned the Committee is reminded of the advice contained on the front page of the agenda for Reports on Applications*

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### 1. THE PROPOSAL

- Installation and operation of 1x wind turbine (up to 200m to blade tip) with associated infrastructure for a period of 35 years in association with ref 23/01165/APP (previously approved under Directorate for Planning and Environmental Appeals reference PPA-300-2066).
- The turbine would sit amongst the already consented seven 200m high wind turbines and be served by a spur off the approved track and connect into the approved substation. The rotor diameter will be a maximum of 155m.
- A further turbine foundation, track spur, crane pad and cable trench tying into the approved track will be required.

### 2. THE SITE

- The site occupies an area of moorland and upland heathland, used for grazing and is close to several derelict farms.
- The rural settlement of Haugh of Glass lies 4km to the east.
- The Markie Water flows through the site in a north-easterly direction prior to joining the River Deveron. There are a couple other minor watercourses, tributaries of the Markie Water, which also flow through the wider site of the wider windfarm, with the proposed turbines sitting with this.
- The site lies within an enclosed glen that opens up to the north-east. The site lies within the Moray Landscape Sensitivity Study, Landscape Character type14 'Open Uplands with Settled Glens'.
- The windfarm site lies within the area designated where windfarm extensions and repowering may be possible. The proposed turbine location sits within this area with potential for extension and repowering.
- A key scenic approach into Moray along the A920 (Huntly to Dufftown Road) lies to the north-east of the windfarm development.
- A few occupied dwellings lie approximately 3km to the north east of the new turbine at Wester Braetown and Easter Braetown.
- An archaeological site at Craig Dorney (hillfort site), immediately southeast of the site, lies just outwith Moray and 2.5km from the proposed turbine.

### 3.

#### **HISTORY**

**23/01165/APP** – Section 42 to vary condition 3 and condition 20 of the original planning consent ref 21/00020/EIA, which sought to vary the turbine models and heights (now 200m) and micro-siting of the proposed windfarm. This was approved by Members in February 2024.

**21/00020/EIA** - Installation and operation of a windfarm comprising seven turbines with a generating capacity of up to 46.2MW an electricity storage facility with a maximum capacity of 3MW and associated infrastructure on land 5.5km south-west of Dufftown. This comprised of seven 190m high metre high turbines and following a refusal by the Planning and Regulatory Services Committee in November 2021. The development was subsequently approved at appeal by the Scottish Government in September 2022.

**23/00144/APP** - Upgrade works to the existing access track running south of the A920 to Garbet windfarm, Site 5.5km Southeast of Dufftown, Moray. A alteration to the approved access track to the site has recently been approved, which would see the developers upgrade and use an existing hill track to the site, accessed via the A920 to the north. This application was approved under delegated power on 25.09.2023.

Off site:

**22/00913/S36** – Proposed wind energy comprising of up to 11 wind turbines, up 200m high at Craig Watch immediately south of Garbet windfarm. This Section 36 application is still under consideration by the Energy Consents Unit and Moray Council has yet to respond. Amendments have not yet been submitted, but it is anticipated that changes to the proposal are forthcoming.

**23/00047/S36** – Construct, operate and decommission a wind farm with a generating capacity in excess of 50MW consisting of up to 22 wind turbines. Approximately 3 km south of the site, a Section 36 application for an extension to Clashindarroch windfarm has been submitted to the Energy Consents Unit. Moray Council considered this application earlier in 2023 and did not object subject to recommending conditions to the energy consents unit.

Aberdeenshire Council, determined by Scottish Government (ECU Ref. ECU00002002) Clashindarroch II windfarm proposes to develop fourteen turbines, each with up to a 6MW capacity and with a tip height of 180m. The proposal was consented after a Public Inquiry and lies within Aberdeenshire adjacent to the existing Clashindarroch windfarm.

Aberdeenshire Council application - APP/2009/1380 Clashindarroch Windfarm – Eighteen turbines at 110m. The site is located immediately east of the currently proposed windfarm site and has been in operation since 2015.

#### 4. **POLICIES**

##### **National Planning Framework 4**

NPF3 - Biodiversity  
NPF5 - Soils  
NPF7 - Historic assets and places  
NPF11 - Energy  
NPF25 - Community wealth building  
NPF1 - Tackling the Climate  
NPF2 - Climate mitigation and adaptation

##### **Moray Local Development Plan 2020**

PP2 Sustainable Economic Growth  
PP3 Infrastructure and Services  
DP1 Development Principles  
DP9 Renewable Energy  
EP2 Biodiversity  
EP3 Special Landscape Areas  
EP7 Forestry Woodland and Trees  
EP10 Listed Buildings  
EP12 Management and Enhancement Water  
EP13 Foul Drainage  
EP16 Geodiversity and Soil Resources

#### 5. **ADVERTISEMENTS**

5.1 The application was advertised as an EIA development and for neighbour notification purposes.

#### 6. **CONSULTATIONS**

**MOD Safeguarding – Wind** - No objection subject to conditions. The turbine would fall below and outwith the low-flying zone and would also be subject to aviation mitigation by the previous approved scheme.

**Contaminated Land** - No objection.

**Environmental Health Manager** - Previous conditions regarding noise under the consented windfarm to be attached.

**Private Water Supplies** - No objection.

**Transportation Manager** - No objection, subject to the relevant conditions of Appeal Decision being re-iterated. Use of the alternative access onto the A920 to the north of the site approved under 23/00144/APP is also noted. Informative advice to be attached also.

**Atkins Global** - No objection.

**JRC - Windfarms** - No objection.

**National Air Traffic Systems Limited** - No objection.

**BAA Aerodrome Safeguarding** - No objection.

**Aberdeenshire Council (North)** - No objection.

**Scottish Environment Protection Agency** - No objection and note the proposed additional turbine should be subject of the same Peat Management Plan. Suggested content of the PMP is passed to the applicant for their information and the previously approved wind farm also contains a Peat Management Plan.

**Aberdeenshire Council Archaeology Service** - No objections.

**Strathbogie Community Council** - No response received.

## **7. OBJECTIONS-REPRESENTATIONS**

None received.

## **8. OBSERVATIONS**

8.1 Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the Development Plan i.e., the adopted National Planning Framework 4 (NPF4) and adopted Moray Local Development Plan 2020 (MLDP) unless material considerations indicate otherwise.

### **8.2 Background**

As the proposed turbine and consented windfarm are located immediately adjacent to the local authority boundary with Aberdeenshire, consultation has been undertaken with Aberdeenshire Council. Aberdeenshire Council previously significant concerns about the windfarm under planning application 21/00020/EIA, but this did not formally object. These concerns alongside the grounds for refusal by Moray Council were considered by the DPEA in arriving at their decision to approve the planning application. Of note, nor did Aberdeenshire Council object to the Section 42 variation and increase in turbine height considered under 23/01165/APP last year.

8.3 Of note, the approved windfarm was to take access primarily from road within Aberdeenshire to the east of the approved site. However, due to difficulties, the applicants subsequently applied for an alternative access route into the site from the north via the A920 to the north (see planning history 23/00144/APP above). This new access, which would serve as the delivery route for this planning application leads to the A920 within Moray.

### **8.4 Environmental Impact Assessment (EIA)**

Proposals for more than two wind turbines are 'schedule 2' developments for the purposes of the Town and Country Planning (Environmental Impact

Assessment) (Scotland) Regulations 2017. The original application (21/00020/EIA) was an EIA application. The applicant has volunteered and update the relevant sections of the EIA Report submitted with the original windfarm and as updated by the subsequent Section 42 application 23/01165/APP (see history Section).

- 8.5 The applicant has however provided an updated EIA Report in support of the application which reviewed those matters affected by the revised tracks, turbine positions and turbine heights. The EIA Report covers a range of issues related to soils, peat, Groundwater Dependent Terrestrial Ecosystems, other habitat and water environments such as water courses.
- 8.6 **Relationship of proposal to national renewable energy policy/guidance**  
National Planning Framework 4 (NPF4) which was adopted in 2023 nationally effectively becomes the top tier development plan for use by all planning authorities or bodies making planning related decisions.
- 8.7 The Climate Change (Scotland) Act 2009 places a duty on public bodies to act sustainability and meet emissions targets including a requirement to achieve at least an 80% reduction in greenhouse gas emissions by 2050 (over 1990 levels). They are The Scottish Government's Programme for Scotland 2020-21, The Environment Strategy for Scotland, February 2020, Climate Change (Emissions Reductions Targets) (Scotland) Act 2019, Scottish Government Climate Change Plan (2018), Scottish Government Onshore Wind Policy Statement 2017 and Scottish Energy Strategy (2017). These generally stress the need to reduce carbon emissions (for which wind energy will clearly play a part) but do qualify this with the need to protect landscapes, built and natural heritage, residents and other interests.
- 8.8 The applicant's submissions regard national policy as being significant and supportive of this proposal where this development, as a proven technology providing a source of safe and locally produced renewable energy for many years, will make a significant contribution towards renewable energy production at the national and local level. Whilst it is noted that some targets have been met for renewable energy production it is noted that the Scottish Governments guidance in pursuit of renewables has not diminish support for renewable energy proposals.
- 8.9 The applicants have submitted a planning statement addressing NPF4 policy 11 Energy. It is clear that in tackling climate change a key aim of NPF4 is to support renewable energy proposals that reduce greenhouse gas and reduce carbon emissions. It therefore refers to policy 2 climate Change Mitigation and Adaption that 'significant weight' will be given to tackling climate change, and onshore wind is a part of that solution.
- 8.10 National legislation is increasingly supportive of onshore wind development but does within NPF4 policy 11 seek to state some caveats. Policy 11 energy lists impacts which need to be addressed such as cumulative impacts, significant landscape and visual impacts and impacts on historic environment to name several of the thirteen impacts identified. These particular matters will be addressed below.

- 8.11 **Climate Change and Principle of Renewable Energy Proposal (NPF4 Policy 1, 2, 11 and DP9)**  
NPF4 Policy 1 'Tackling The Climate And Nature Crises' states that significant weight must be attached to the global climate and nature crisis. It aims seeks to reduce emissions and supports development that addresses these goals. Development of renewable energy is one such development and therefore significant weight must be attached to its contribution toward emissions reductions. Similarly, Policy 2 'Climate Change and adaptation' seeks to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change. This can directly be linked to other wider objectives of NPF4 in creating sustainable places and the production and transmission of clean energy is part of the spatial strategy or the north of Scotland.
- 8.12 Policy 11 'Energy' states that project design and mitigation will demonstrate how the various impacts are addressed and these are listed in section e) of the policy. One within section e) being significant landscape and visual impacts, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/ or appropriate design mitigation has been applied, they will generally be considered to be acceptable. This goes beyond the comparable MLDP policy DP9 by implying that under certain circumstances, even significant landscape impacts are to be accepted. Policy 11 Energy states that local landscape and visual impact are to be expected, and this must therefore be born in mind for the A920 and Glen Markie area north of the proposed and cumulatively with the rest of the consented windfarm.
- 8.13 MLDP Policy DP9 Renewable Energy (informed by Moray Councils – Moray Wind Energy Landscape Sensitivity Study 2023) states that all renewable energy proposals will be considered favourably where they meet criteria identified in policy. DP9a)i) where proposals should be compliant with policies to safeguard and enhance the built and natural environment, while DP9a)iii) gives a list of impacts that must be avoided to prevent an overall unacceptable significant adverse impact occurring. The Moray Councils Wind Energy Landscape Sensitivity Study states that this particular landscape (Open Uplands with Settled Glens) would be highly sensitive to larger wind turbines of as scale such as those now sought. Weight must however be attached to the consented Garbet windfarm which would alter the sensitivity caused by this further turbine.
- 8.14 **Impact of additional wind turbine (Policy 11 and DP9)**  
The proposed additional turbine would site within the consented grouping of seven turbines and would sit slightly below the over altitude of several of the adjoining turbines. Importantly it would not extend the width or vertical view of the proposal.
- 8.15 Within the supplementary Landscape and Visual Impact Assessment one of the key viewpoints from which the turbine would be visible from the public road, is Viewpoint 4 from the A920 looking south when travelling westbound. As you leave Aberdeenshire and enter Moray, the current grouping of seven turbines, would see an infill between of a gap between the two north-western most turbines and the remainder of the group. Given the consented scheme as a



material consideration, the additional turbine would not detrimentally alter or exacerbate the view from the A920. As with the original scheme, and the conclusions of the Scottish Government Reporter who consented the wider windfarm in 2022, the other views of the proposed additional turbine will be visually contained by immediate hills to the north, west and south. Other than walkers on the nearby or other local summits who may note the additional turbine, the proposed addition would not depart from Policy 11, where its visual impact would be confined to views in the locality of Glenmarkie and short section of the A920.

- 8.16 This additional turbine would need to be lit, resulting in a further aviation light in the otherwise dark skyline, but would still amongst the other lit turbines already consented, so this additional turbine would not overly change to night sky when taking into consideration the consented scheme. Of note the previous condition attached to 23/01165/APP pursuing a reduced lighting scheme (in consultation with the Ministry of Defence Windfarm Safeguarding and the Civil Aviation Authority) for the additional turbine will be re-iterated.
- 8.17 **Impact on natural environment (EP1, EP2 and EP12)**  
In EP1 Natural Heritage Designations there are no international, national or local environmental designations present. A number of Groundwater Dependent Terrestrial Ecosystems (GWDTE's) were noted in the wider area, areas of bog as well as other habitats such as riparian woodland along the small water courses running through the site. Policy EP12 Management and Enhancement of the Water Environment, and EP2 Biodiversity seeks to ensure proposals do not have an adverse effect on protected species. The proposed turbine, its track and other infrastructure have sought to avoid deep peat, and land subject to any other environmental designations and is an acceptable distance from water courses.
- 8.18 The submitted EIA report, which supplements the previously approved supporting EIA Report for 21/00020/EIA) and as update 23/01165/APP is designed to tie the development into much of the mitigation proposed for the wider development. Conditions covering the necessary mitigation and good practice will be attached or repeated from the overall windfarm consent.
- 8.19 **Impact on soil resources/minerals (NPF4 Policy 5 and EP16)**  
Policy 5 does state that while generally carbon rich soils should be avoided by development, c) ii. within the policy states generation of energy from renewable sources that optimises the contribution of the area to greenhouse gas emissions reductions targets may be accepted in peatland.
- 8.20 Policy EP16 Geodiversity and Soil Resources states that for large scale (over 20MW) renewable energy proposals, development will only be permitted where it has been demonstrated that unnecessary disturbance of soils, geological interests, peat and any associated vegetation is avoided.
- 8.21 Revised ground assessments have been undertaken for the position of the proposed crane pad, track extension, turbine base and cable trench. The additional turbine will not be located in a position of deep peat or peat liable to slippage. It is noted that conditions are carried forward from the main consent that require a finalised Habitat Management Plan, and Peat Management

Plans, inclusive of the Peat slide risk assessment. It is recommended that this turbine comply with the relevant conditions of the adjoining windfarm to achieve a coherent approach.

- 8.22 **Impact on cultural heritage (NPF4 policy 7 and EP8 and EP10)**  
NPF4 Policy 7 Historic assets and places and MLDP EP8 Historic Environment seeks to protect historic and archaeological assets. Policy EP8 Historic Environment seeks to protect historic and archaeological assets. EP10 Listed Buildings states that development proposals will be refused where they would have a detrimental effect on the character, integrity or setting of a listed building. Structures such as windfarms have the potential to affect the setting of listed buildings and other cultural heritage assets some distance away.
- 8.23 The submitted Zone of Theoretical Visibility for heritage assets shows that the proposed turbine would have minimal impact upon the setting of heritage assets and would not be visible from assets such as Auchindoun Castle due to intervening landscape. As such there is no conflict with heritage interests or above policies.
- 8.24 **Access and traffic impacts (NPF4 policy 13 and DP1)**  
NPF4 policy 13 Policy Sustainable transport and Policy DP1 Development Principles (ii) and its associated appendix in the MLDP 2020 identifies the transportation requirement for development in Moray and seek to ensure that a safe and appropriate access is provided to new developments.
- 8.25 Further to the approval of an access to the windfarm via the minor public road to the east of Glenmarkie, leading to the Haugh of Glass U146H and C8H, the applicants subsequently obtained consent under planning application reference 23/00144/APP taking access onto the A920 to the north, via an upgraded hill track. This approval in addition to repeating the relevant conditions of the overall windfarm development (as requested by the Transportation Manager) would ensure compliance with the above policies. This revised access sees the proposed delivery of the currently sought and consented turbines avoiding several road side residences to the north within Glenmarkie.
- 8.26 **Aviation Issues (NPF4 Policy 11, DP9 and EP15)**  
NPF4 policy 11 Energy e) iv. requires wind energy proposals to mitigate impacts aviation and defence interests.
- 8.27 Policy DP9 seeks to ensure that renewable energy proposals avoid any impacts resulting from aviation and defence constraints including flight paths and aircraft radar. As the originally approved windfarm was subsequently amended with the turbines heights increased by 10m and some of the turbines repositioned, the planning consent under Section 42 of the Act 23/01165/APP came into conflict with the RAF radar system.
- 8.28 The applicant then, working with the Ministry of Defence – Safeguarding (MoD) team agreed the installation of a proven radar mitigation scheme, which ensure the windfarm would not be compromised by the development. Consultation with the MoD for the proposed additional turbine confirmed that the approved radar mitigation scheme could be installed to cover this turbine also. Conditions from the MoD are attached to the recommendation.

8.29 **Planning Obligations and community investment opportunities (NPF4 Policy 11, 25 and IMP3)**

NPF4 Policy 11 states that proposals will only be supported where they maximise net economic impact, including local and community socio economic benefits. Policy 25 states developments that contribute towards local/regional community wealth building strategies and are consistent with local economic priorities will be supported. While for new wind energy projects consideration is being given as to how net economic benefits might be realised.

8.30 No planning obligations contributions are due as such development would not have any impact on community facilities, schools etc. It has been deemed previously in the Scottish Planning System "Community Benefit Funds" from the development management system. The setting up of a Community Benefit Fund should not be a matter that influences the planning decision and would be arranged separate to the planning process in the event that permission is granted. This approach is highlighted in Annex A 'Defining a Material Consideration' of the Circular 3/2013: Development Management Procedures. The applicants have referred to contributing to a Community Benefit Fund in submissions, and it is noted that the seven turbines of Garbet windfarm were consented in 2022, prior to adoption of NPF4. This therefore predates the requirement NPF4 for community wealth building and maximise net economic impact, including local and community socio-economic benefits. For a single turbine, utilising already consented tracks, substations and infrastructure there is limited scope to pursue community benefit or other economic benefits in isolation from the rest of the development. In this instance, no additional action is being sought under these policies, and the turbine will be managed and operated in line with the rest of the previously wind energy development.

**Conclusions**

Various conditions of the consented windfarm such as decommissioning, environmental mitigation and operational matters including noise are addressed in the conditions repeated and bound to planning permission 23/01165/APP. The turbine will read as part of the already consented Garbet windfarm and will site wholly within the grouping of turbines if developed. This significant weight to be attached to supporting renewable energy development such as this under NPF4 justifies it approval.

**REASON(S) FOR DECISION**

The Council's reason(s) for making this decision are: -

The proposal accords with the relevant policies of the National Planning Framework 4 and those of the Moray Local Development Plan 2020. The proposed development will sit amongst and within the consented windfarm and is acceptable and there are no material considerations that would indicate otherwise.

### **EIA Reasoning for decision**

Moray Council's assessment of the information presented within the EIA Report and other environmental information in relation to this development is contained within the Report of Handling. It is considered that the development will not have any significant impacts on the environment. The various mitigation measures remain in place under the Scottish Government appeal decision in September 2022, with all conditions relating to mitigation repeated within this consent.

Moray Council is satisfied that other effects/issues can be addressed by way of mitigation.

A detailed description of the proposed mitigation is contained within the EIA Report and this Report of Handling.

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