

**Hill of Fare Windfarm Information Group
(HOFWIG)**

ADDENDUM to HOFWIG Objection document

April 2024

UPDATED July 2024

Contents

<u>Chapter</u>	<u>Page</u>
1. Introduction	2
2. Landscape and Visual Impact Assessment Report Summary	3
3. Energy and Planning Statement Summary	4
4. Biodiversity Net Gain Objections	8
5. Effectiveness of Biodiversity Offsetting	10
6. Ornithology (Chapter 9 of EIAR)	11
7. Forestry (Chapter 14 of EIAR)	13

Figures

Figure 3.1: UK electricity generation capacity & average demand 2030 with grid limits

Figure 3.2: Renewable energy curtailment

Figure 3.3: Scotland's historical emissions by sector (1990-2021)

Tables

Table 3.1: Scotland's wind power

1. INTRODUCTION

The Hill of Fare Windfarm Information Group (HOFWIG) was formed in October 2022 in response to a proposal by the developer RES and the Dunecht Estate to build a windfarm consisting of 18 turbines, each 250m tall, on the Hill of Fare, Aberdeenshire [ECU00004592 and APP/2023/2196].

The group, which brings a wide range of professional expertise, consists of members of the local communities around the Hill of Fare, including Midmar, Torphins, Echt, Hirn and Banchory.

HOFWIG submitted an Objection Document to the Energy Consents Unit (ECU) and local Councillors in late January 2024. This can be viewed [here](#).

The number of objections submitted to the ECU up to 27th January 2024 numbered 1,124, with 25 in support, or 98% against the proposal. Analysis of the ECU [website](#) now puts this figure at closer to 1,500. Many of these objections have yet to be made public.

HOFWIG engaged the services of three professionals to assess the proposal: a Lawyer (John Campbell KC), a Planner (Dr Chris Ford) and a Landscape Architect (Kelda Platt of Munro Landscape). As a result, two reports have been submitted to the ECU and to Aberdeenshire Council's Planning Department, namely:

- Landscape and Visual Impact Assessment report by Munro Landscape summarised in Chapter 2.
- Energy and Planning Statement by Dr C Ford summarised in Chapter 3.

The professional reports confirm that the proposed windfarm has unacceptable impacts on the local and wider landscape, and that on Scottish planning policy alone, the application should be refused. When the wider position of UK Government energy policy and circumstances of the energy system in Britain are considered, **the case against the proposal is overwhelming**. This Committee should recommend refusal.

HOFWIG have continued to research and analyse the implications of the proposed windfarm as described in the developer's Environmental Impact Assessment Report ([EIAR](#)).

Issues concerning their Ornithology and Forestry assessment have been identified in relation to the Scottish Government's National Planning Framework 4 ([NPF4](#)) and Aberdeenshire's 2023 guidance on Securing Positive Effects for Biodiversity in New Development ([Planning advice PA2023-10](#)). This Addendum to HOFWIG's Objection presents a synopsis of the evidence, summarised in Chapter 3.

Our latest analysis, together with our previous assessment of the Ecology Chapter of the developer's EIAR, demonstrate that the ecological, ornithological and forestry baseline assessments done by RES are poor and have many omissions. Consequently, the biodiversity impacts required by the Scottish Government's NPF4 due to the nature crisis cannot be assessed, and the biodiversity gains required by Aberdeenshire Council's PA2023-10 cannot be guaranteed.

HOFWIG encourages planners, our elected representatives in Aberdeenshire Council, and the Scottish Government's ECU to read this additional analysis and take it into account.

Hill of Fare Windfarm Information Group

April 2024, updated July 2024

info@hilloffare.org

www.hilloffare.org

www.naefare.com

2. LANDSCAPE AND VISUAL IMPACT ASSESSMENT REPORT SUMMARY

Munro Landscape has carried out a review of the developer's (RES) Landscape and Visual Impact Assessment (LVIA).

In summary:

- Actual receptors are not properly identified.
- The Residential Visual Amenity Assessment is deficient.
- Further clarity and reasoning are needed in the analysis of potential effects upon the Dee Valley SLA
- Additional viewpoints are needed to provide adequate coverage
- Significant effects are seriously downplayed, especially in relation to residential amenity.

All the following are judged to be **unacceptable impacts** upon local and wider landscape:

- Effects upon residential amenity
- Effects upon the visitor experience
- Effects upon designated resources, in particular the Dee Valley SLA
- Non-compliance with Aberdeenshire's planning policy and design guidance
- The level of adverse effects required to properly judge impacts on both landscape character and visual amenity.

3. SUMMARY POLICY AND PLANNING CONTEXT

The following is a synopsis of the Energy and Planning Context prepared by an expert.

Energy and planning policy context

Energy policy is a Reserved Matter so the Scottish Government must adhere to UK policy, which advocates mainly offshore wind with no targets for onshore wind.

- There is already almost double the amount of new renewable generation with contracts to connect to power networks in the UK than is needed to get to net zero. Only half of existing 'pipeline' renewable projects are needed for UK to achieve net zero.
- Scotland can already meet its 2030 onshore (and offshore) wind targets with its current operating capacity and windfarms under construction or consented and awaiting construction (Table 3.1).

Scotland's Wind Power		
(All data in GW as of Sept 2023)	Onshore	Offshore
Operational	9.4	2.6
Under/Awaiting Construction + Planning	12.7	8.3
TOTAL	22.1	10.9
2030 Target	20	8-11

Table 3.1: Scotland's wind power (all data from gov.scot Scottish Energy Statistics Hub)

- Scotland's current renewables production is about three times the average electricity consumption of ca. 3.6 GW.
- Consumption is expected to increase to 5 GW by 2030 and 7 GW in the 2040's as we decarbonise heating in buildings and transport. Even without any further wind consents, Scotland has a long-term future excess wind energy generation of more than seven times its predicted consumption.
- The National Grid is the greatest challenge in delivering net zero. There is a substantial geographic imbalance in the energy system with excess generation in the northern half of Britain whilst highest demand is in the south (see Fig 3.1).



Figure 3.1: UK electricity generation capacity & average demand 2030 with grid limits (pers. comm. J. Briggs, 2024)

- The lack of transmission capacity means that when the wind blows, many windfarms must be shut down or ‘curtailed.’ Developers are paid ‘constraints payments.’ These are met by all UK consumers in their utility bills. About 80% of constraints payments are made to Scottish windfarm (see Fig 3.2). To date over £1.5 billion has been paid, the last year accounting for over £250 million.

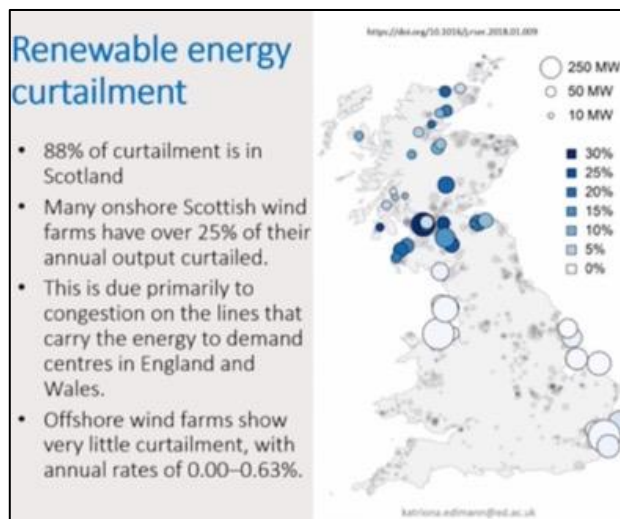


Figure 3.2: Renewable energy curtailment (pers. comm. A. Chesterman, 2024)

- Not only does wind generation in Scotland far exceed consumption, but it also surpasses existing and future planned export capacity. To export the excess Scottish wind capacity would require more than 20 new transmission circuits, a huge increase on the current 3 (i.e., many more pylons).
- There are alternatives to Scottish wind energy for the demand in southern Britain – plenty of sea areas only 100-150km from demand centres, rather than the 500-1,000km from Scottish

windfarms. This is where the UK Government is focusing policy and investment (i.e., local offshore).

- The UK government is in the process of reforming the electricity market to allow for Locational Marginal Pricing (LMP). This means that generators would only have rights to sell their electricity in the zone in which they are located. They would lose the right to be compensated when there is congestion across the power networks (i.e., no constraint payments). In Scotland, where there is considerable excess of generation over demand, electricity prices would fall substantially, and many windfarms could become uneconomic.

Scottish planning policy

The National Planning Framework 4 (NPF4) states that the nature crisis sits alongside the climate one. Given that Scotland has satiated its need for renewable energy, the impact on biodiversity is an important test for this proposal.

- NPF4 also explicitly recognises the coming contribution from offshore renewable energy and demonstrates at various levels that onshore wind has lost its importance in national policy.
- The main challenge for Scotland in addressing climate change is not “more of the same” renewable energy generation but converting heat and transport to be carbon free; developing a diversity of supply; and energy storage, particularly to meet energy consumption when the wind is not blowing (e.g., see Fig. 3.3).

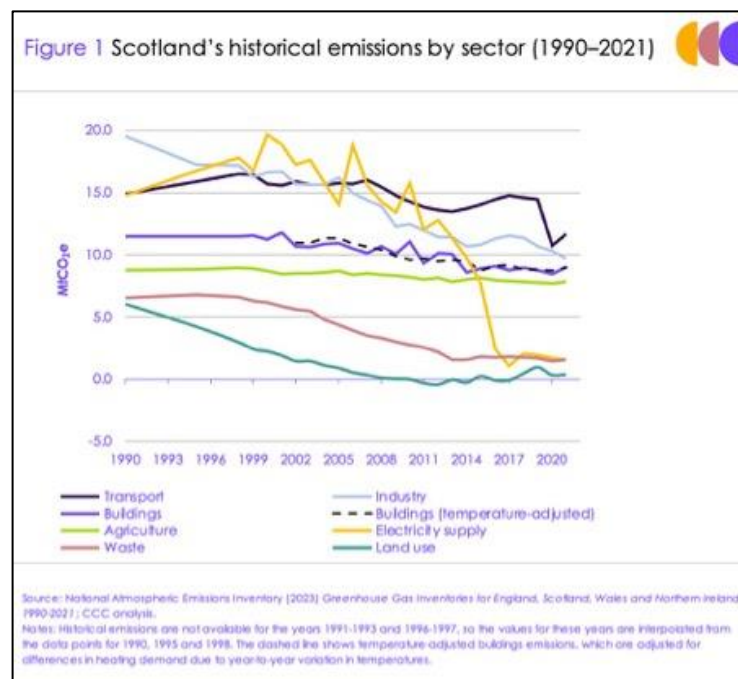


Figure 3.3 : Scotland’s historical emissions by sector (1990-2021) from

<https://www.theccc.org.uk/wp-content/uploads/2024/03/Progress-in-reducing-emissions-in-Scotland-2023-Report-to-Parliament.pdf>

- Amongst others, NPF4 Policies 11 (Energy), 3 (Biodiversity), 4 (Natural Places) and 5 (Soils) set out clear criteria against which suitability for renewable energy developments can be assessed.
- NPF4 Policy 11 distinguishes ‘windfarms including repowering, expanding and extending the life of existing windfarms.’ It is notable that NPF4 does not include windfarms on new virgin sites, in the working definition. It is quite likely that by now the industry has already found and developed the best windfarm sites and is now seeking to gain consents in less desirable locations. Hill of Fare

is an example. NPF4 is expressing the self-evident fact that further developments on existing windfarm sites is more likely to be acceptable than on virgin sites.

- NPF4 Policy 11 also states that ‘grid capacity should not constrain renewables energy development,’ however, in practical terms, the grid capacity does constrain renewables energy development. It is self-evident that not taking account of the limited grid capacity situation and the level of provision of wind energy in Scotland is illogical and legally unsound.
- The Onshore Wind Policy Statement (OWPS) reaffirms the decision criterion of ‘**the right development in the right place.**’

Local planning policy

- The Aberdeenshire Local Development Plan, along with supplementary planning advice related specifically to windfarms (Sept 2023), states it will not support windfarms that have a significant impact on the environment, landscape, dwellings, tourism, or recreational amenities.
- Landscape assessment for the Hill of Fare concludes the site as having ‘high’ sensitivity for even the lowest size of turbine (up to 50m). This is the highest grade of sensitivity for the lowest size of turbine.

Assessment of the proposal against policy

- **Landscape and visual impact** assessments on behalf of HOFWIG identified ‘unacceptable impacts’ on residential amenity, visitor experience, designated resources such as the Dee Valley SLA, together with non-compliance with planning policy and design guidance. Within the applicant’s own LVIA, adverse effects have been found for both landscape character and visual amenity.
- **Residential amenity** impacts are also significant. The area is rural but well populated. Given the topography, many residences around all points of the compass would experience adverse visual amenity, sometimes overbearing.
- **Shadow flicker** effects are assessed to be much more significant than the developer has assumed, potentially requiring all turbines to be switched off all day during sunny days in winter.
- **Carbon saving** calculations made by the developer are also flawed. The windfarm will not add to decarbonisation of the grid – it is already decarbonised in Scotland (see Fig. 1.1). It will not contribute to a reduction in greenhouse gas emissions or help meet renewable energy targets: it will simply add to the amount of wind energy curtailment and will not increase the use of renewable energy.

Conclusions

Since energy policy is a Reserved Matter, Ministers have a legal duty to take into account UK energy policy and the wider context of the energy market in Britain. Based on Scottish planning policy alone, the weighing of policies (NPF4, OWPS and Aberdeenshire’s LDP) goes against consent. The local environmental impacts on landscape, visual impact and residential amenity are significant adverse. Curtailment costs are huge and add to cost for consumers, and there are further local environmental impacts. There are no countervailing benefits.

On Scottish planning policy alone, the application should be refused. When the wider position of UK Government energy policy and circumstances of the energy system in Britain are considered, **the case against the proposal is overwhelming.** The Committee should recommend refusal.

4. BIODIVERSITY NET GAIN OBJECTIONS

Objections related to Biodiversity Net Gain with respect to Ornithology and Forestry are related to NPF4 Policies 1, 3, 6 and 11, as well as Aberdeenshire Council's own Planning Advice PA2023-10 'Securing positive effects for biodiversity in new development.' Objections with respect to Ecology have already been set out in the HOFWIG Objection document.

POLICY 1: Climate and nature crises

The National Spatial Strategy for Scotland 2045 states that "Policy 1 gives significant weight to the nature crisis to ensure that it is recognised as a priority in all plans and decisions".

POLICY 3: Biodiversity. (Contravenes policies 3b, 3b(i), 3b(iv), 3c, 3d)

Policy 3(b) requires "Development proposals for national or major development, or for development that requires an Environmental Impact Assessment, will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention."

Policy 3b(i) states that "The proposal must be based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development."

Policy 3b(iv) requires that "Significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks...Management arrangement for their long-term retention and monitoring should be included wherever appropriate."

Policy 3c requires "Appropriate measures to conserve, restore and enhance biodiversity."

Policy 3d: states that "Any potential adverse impacts...on biodiversity, nature networks and the natural environment will be minimised...This will take into account the need to reverse biodiversity loss..." Furthermore, Policy 3d requires the need to "Safeguard the ecosystem services that the natural environment provides..."

POLICY 6: Forestry, woodland, and trees (Contravenes policies 6b(i), 6b(iii), 6c)

Policy 6b(i) states that "Development proposals will not be supported where they result in any loss of ancient woodland ancient or veteran trees, or adverse impact on their ecological condition"

Policy 6b(iii) states that "Development proposals will not be supported where they result in fragmenting or severing woodland habitats unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy"

Policy 6c states that "Development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefit..."

POLICY 11: Energy. (Contravenes policy 11e(ix))

Policy 11e(ix) states that "Project design and mitigation will demonstrate how the following impacts are addressed ...biodiversity "

Aberdeenshire's guidance PA2023-10 requires:

Clear and transparent calculation of the biodiversity losses and gains, resulting from a development with the requirement to show that positive effects for biodiversity are being delivered.

Summary of objections

We object to the proposal on the basis that:

- The biodiversity offsets proposed are unlikely to be effective and could result in biodiversity loss.
- The EIA ornithological report contains important omissions.
- The development is within foraging range from important sites for greylag and pink-footed geese and poses a significant threat to the birds over-wintering at important sites nearby.
- The viewsheds for flight activity do not cover all the turbine positions, and the cumulative impacts of nearby windfarms have not been assessed. The collision risk assessment is demonstrably inaccurate.
- The impact on red kites is significant.
- The development results in the removal of Ancient Woodland which could be avoided.
- No detailed biodiversity assessment of the woodland removal or compensatory planting has been made.
- Dunecht Estate may be in breach of Scottish Forestry Felling Permissions.

5. EFFECTIVENESS OF BIODIVERSITY OFFSETTING

The nature crisis has arisen because of the catastrophic loss of biodiversity over the past few decades. This is thought to be occurring due to climate change, but also because of habitat loss due to increasing human activity.

'Biodiversity gain' aims to mitigate the nature crisis and is an important part of development proposals. It is required by law in UK, with a 10% gain expected in all developments. It is now common practice to offer 'biodiversity offsets' to achieve 'gains' of biodiversity, ecosystem functions and services due to development, where the gains cannot be realised within the site.

Recent academic papers however indicate that biodiversity offsetting projects are not effective, and generally do not fulfil their promise to resolve the trade-off between development and conservation. This is because biodiversity offset projects are often underpinned by poor science including assessment, planning, implementation, and monitoring, and so are not delivering the intended benefits (see e.g., references listed below). Losses could be mitigated by better implementation, on-ground management including long-term monitoring, timely reporting, compliance and measuring ecological outcomes.

Most importantly, Weissberger et al. 2019 make the point that biodiversity gains can only be achieved through ecological restoration of **degraded sites**: the restored ecosystem should not only equal the original or reference ecosystem, but the original state of degradation of the ecosystem used for offsetting should be of the same level as the impacted ecosystem *after* development. Offsetting to areas that are not degraded risks biodiversity losses overall, not gains.

References:

Bezombes, L., Kerbiriou, C., Spiegelberger, T., 2019, *Do biodiversity offsets achieve No Net Loss? An evaluation of offsets in a French department*, Biological Conservation, Vol 231, pp 24-29

Coralie, C., Guillaume, O., Claude, N., 2015, *Tracking the origins and development of biodiversity offsetting in academic research and its implications for conservation: a review*. Biological Conservation, Vol 192, pp 492-503

Droste, N., Olsson, J. A., Hanson, H., Knaggard, A., Lima, G., Lundmark, L., Thoni, T., Zelli, F., 2022, *A global overview of biodiversity offsetting guidance*, Journal of Environmental Management, Vol. 316, 115231

Guillet, F., and Semal, L., 2018, *Policy flaws of biodiversity offsetting as a conservation strategy*, Biological Conservation, Vol 221, pp 86-90

Joseffson, J., Widenfalk, L. A., Blicharska, M., Hedblom, M., Part, T., Ranius, T., Ockinger, E., 2021, *Compensating for lost nature values through biodiversity offsetting – where is the evidence?* Biological Conservation, Vol 257, 109117

Mareno-Mateos, D., Maris, V., Bechet, A., and Curran, M., 2015, *The true loss caused by biodiversity offsets*, Biological Conservation, Vol. 192, pp 552-559

May, J., Hobbs, R. J., Valentine, L. E., 2016, *Are offsets effective? An evaluation of recent environmental offsets in Western Australia*, Biological Conservation, Vol 206, pp 249-257

Spash, C., 2015, *Bulldozing biodiversity: the economics of offsets and trading-in Nature*, Biological Conservation, Vol. 192, pp 541-551

Spash, C., 2022, *Conservation in conflict: corporations, capitalism and sustainable development*, Biological Conservation, Vol. 269, 109528

Weissberger, M., Roturier, S., Julliard, R., Guillet, F., 2019, *Biodiversity offsetting: certainty of net loss, but uncertainty of the net gain*, Biological Conservation, Vol 237, pp 200-208

6. ORNITHOLOGY (Chapter 9 of the EIAR)

The EIA ornithological report contains important omissions

There are some important omissions and erroneous conclusions which indicate that the existing bird populations on the Hill of Fare are not understood adequately. This means that biodiversity impact cannot be assessed, and biodiversity gain cannot be guaranteed.

A total of 54 bird species were recorded within or adjacent to the development site during surveys over two seasons (Technical Appendix 9.1). Many common birds (e.g., blackbirds, sparrows, tits, finches) are missing from the site survey data.

The latest Birds of Conservation Concern (BoCC) BoCC5 [report](#) provides evidence that many of UK's bird populations are in trouble. At 70 species, the "Red" list is now longer than ever, almost doubling since 1996. There is no improvement in the overall status of species associated with farmland and upland areas; indeed, more species have been "Red-listed" in these habitats. There is also concern expressed over the status of wintering wildfowl and wader populations.

Of the 54 bird species recorded on the proposed windfarm site, many are on the BoCC5 lists: 8 are on the "Red" list, and 15 on the "Amber" list. The EIAR however only targets 8 species to record flight activity and assess collision risk, and all species except for the Red Kite are scoped out.

This large windfarm is going to adversely affect most, if not all, birds, either by collision or displacement of habitats. We conclude that given the crisis of declining bird populations in UK it is imperative that at least all birds on the BoCC5 "Red" and "Amber" lists are included in the ornithological assessment.

The development is within foraging range from important sites for greylag and pink-footed geese and poses a significant threat to the birds over-wintering at important sites nearby.

The proposed windfarm lies 8.4km to the SW of the Loch of Skene, (an SPA and Ramsar site). It is an internationally important site for over wintering greylag and pink-footed geese. It is also 19.9km to the East of the Muir of Dinnet SSSI.

According to NatureScot's guidance, 20km is the foraging range of the greylag goose and the pink-footed goose. The development is therefore within range of both the Loch of Skene and the Muir of Dinnet.

The EIAR mysteriously concludes that there is '*no connectivity within foraging range of the greylag goose considering the upland nature of the site and the limited greylag goose flight activity recorded.*' 20 greylag geese were recorded over the short snapshot survey times listed, but that no mention is made of the 950 pink-footed geese recorded.

Anecdotally, thousands of geese are observed by local communities flying over the Hill of Fare in the Spring and Autumn, often after sunset. These would not have been logged during the surveys carried out on behalf of RES.

We conclude that the proposed development poses a significant threat to the birds over wintering at these important sites.

The viewsheds for flight activity do not cover all the turbine positions, and the cumulative impacts of nearby windfarms have not been assessed. The collision risk assessment is demonstrably inaccurate.

The report states that the vantage points for flight recording were chosen with the aim of coverage of all proposed turbine locations, and that no turbine was more than 2km away. However, two turbines, T5 and T10, were not covered by any of the viewsheds.

According to Table 2.1 in the EIAR, there are 13 other onshore wind developments in operation or consented/under construction within 20km of the proposed development. Potential cumulative impacts on ornithology have not been assessed.

We conclude that the collision risk assessment is inaccurate.

The impact on red kites is significant

The EIAR predicts an approximately 25% drop in red kite numbers over a generation due to collision with turbines, and displacement. This is unacceptable for these protected birds and cannot be described as 'not significant residual effects.'

7. **FORESTRY (Chapter 14 of the EIAR)**

The Woodland Trust [Compensation and Mitigation for Biodiversity Loss factsheet](#) states that planning policy and ecological best practice guidelines set out a 'mitigation hierarchy' to ensure that biodiversity is not adversely affected as a result of woodland loss due to development. The following steps should be followed to minimise biodiversity loss:

- **Avoid woodland loss**; use alternative sites, if possible, especially important for ancient woodland that is irreplaceable and cannot be mitigated or fully compensated for
- **Mitigate woodland loss**; impacts considered unavoidable should be mitigated
- **Compensate for woodland loss**; any remaining biodiversity loss should be compensated for

However, before this hierarchy comes into play, it is essential that sufficient information is gathered to assess the impact of woodland loss properly and completely on biodiversity due to development.

Ancient Woodland is the UK's richest land-based habitat, and home to a wide variety of species, many of which do not colonise new areas easily because they depend on the specific, stable conditions that Ancient Woodlands provide. Mitigation and compensation are almost impossible tasks in the case of these ancient trees.

Scottish Government's Control of Woodland Removal Policy 9 ([Implementation Guidance Control of Woodland Removal](#)) includes a strong presumption in favour of protecting Scotland's woodland resources and requires compensatory planting if this cannot be avoided. The compensatory planting area must exceed the area of woodland removed to compensate for the loss of environmental value.

The development results in the removal of Ancient Woodland which could be avoided

The Hill of Fare windfarm site covers ca. 1,380ha, and is largely unforested. The eastern section of the Hill of Fare is part of the Midmar Forest and is designated 'Ancient Woodland.' This area suffered badly in Storm Arwen in 2021 which resulted in some 14.46ha of forestry being felled or windblown. Were the windfarm not to proceed, these areas should be replanted with indigenous commercial forestry tree species.

The developer proposes that a further 12.56ha of woodland is removed, including Ancient Woodland. Given the size of the site, we would expect that removal of this Ancient Woodland could be avoided.

No detailed biodiversity assessment of the woodland removal or compensatory planting has been made

Overall, the Hill of Fare windfarm will result in a net loss of woodland of 27.02ha, or around 54,000 trees (assuming 2,000 trees/ha).

No detailed assessment of the woodland or its biodiversity has been included in the EIAR to support the decision to remove the woodland and replace it with the proposed compensatory planting. Without a baseline survey there is no way to assess the impact on biodiversity, and biodiversity gain cannot be assured. As discussed above, this type of offsetting is not effective and is likely to lead to biodiversity loss.

The developer is proposing 27.02ha of replanting with a 'total **potential** replanting' of 42.81ha as follows:

- 5.79ha of riparian planting along sections of embankments next to onsite waterways to provide shaded cover for fish species, not connected to the original wood

- 11.23ha (and **up to** 27.02ha) of compensatory planting in an area to the SW of the proposed battery substation, some distance away from the original wood

The proposed compensatory planting results in habitat fragmentation and reduced connectivity for wildlife. It is not certain that replacing trees in completely different environments is beneficial overall and may not offset the damage caused by large-scale woodland removal.

Dunecht Estate may be in breach of Scottish Forestry Felling Permissions

Two Felling Permissions (FPA-8626 and FPA-8672) have been issued by Scottish Forestry on the land in question covering a total area of 49.5ha, all of which area is required to be replanted as a condition of these permissions.

In addition to the area felled under the Felling Permissions a further two areas have been felled on the land owned by Dunecht estates on the Hill of Fare following Storm Arwen:

- 2.1ha felled under planning approval via the Electricity Act 1989, s.37 for the upgrading of electricity transmission infrastructure. This felling has been designed to widen the wayleave corridor to 80m to provide resilience against the risk of future damage.
- 23.1ha felled without approval from Scottish Forestry. The circumstances surrounding this felling are subject to an ongoing investigation.

HOFWIG

April 2024, updated July 2024