

Nigg Awareness Group

Overview of our criticisms of the ES

Note: the material in this overview is primarily drawn from the expert materials in Sections 3 and 4 of our submission and the Brodies LLP objection letter in Section 2, to which reference should be made for a complete statement of our arguments. This overview is subject to change to the extent those materials are reviewed or expanded.

ES Ch 2 Site Selection and Design

The Developer's statements on *Site Selection* are inadequate as a site selection rationale. There is no description of the basis of the "extensive site search", or details of other sites considered and why they were ruled out. There are bullet points listing site attributes for Nigg, which are good initial points, but a glaring omission is that there was no apparent early discussion with the Planning Authorities. Some details of why this site is so important, compared with others, would have been valuable, e.g. details of wind speeds and direction.

The Developer has acknowledged (though not in the ES or other application documents) that the selection followed an approach from the landowners. Unsurprisingly therefore, both the way this part of the ES is written, and the so-called site selection process itself, appear opportunistic rather than strategic, with the justifications being retrofitted, rather than an integral part of development planning. This approach, coupled with our concerns on the objectivity and independence of the ES, contaminates much of the assessment in the ES generally.

ES Ch 3 Needs and Benefits

This considers the need for renewables globally and nationally. However there is no attempt to directly express the contribution from the wind farm in the same context (eg as a percentage of the UK renewables target of 2020). It states there will be a contribution to the Regional (i.e. Highland) emission reduction targets, but omits the level of contribution.

Wind power provides direct environmental benefits in terms of reducing carbon emissions, but those environmental benefits need to be weighed against potential dis-benefits. Expressing the benefit in terms of how many houses theoretically catered for is one method, but without a context of scale and significance, it is meaningless in terms of an assessment. As written, there is an underlying presumption in the ES that any adverse impacts resulting from wind power developments are justifiable on principle alone. There is no policy or other support for that presumption – if there were, the planning process would be redundant.

ES Ch 4 Planning Policy

This ES Chapter fails properly to assess the development against relevant local and national planning policies, ignoring conclusions in other ES Chapters, so that the planning merits of the case, properly assessed, support a refusal of the Application – see Brodies LLP critique of ES Chapter 4.

In the ES summary of planning guidance documents, there is no comment on the compliance of the Development with individual NPPGs or SPPs. For example, the Developer refers to the SPP1 objective of sustainable development. The corresponding policy objective in SPP1 of maintaining and enhancing natural heritage and the built environment is not mentioned.

The Developer notes SPP6 requires planning authorities to make positive provision for renewable energy developments through a range of actions. The Council already makes such positive provision in the Structure Plan. The number of wind energy schemes consented to by the Council illustrate the results of this positive provision.

As to references in SPP6, the Developer presents them wrongly as a test found in all the relevant policy guidance documents, when stating its conclusions at the end of ES Chapter 4, and in ES Chapter 15, *Conclusions*. This is misleading, and renders the *Conclusions* of the ES on relevant planning policies meaningless.

The Development Plan prohibits development with significant adverse effects on heritage, amenity, public health and safety interest. The Development will have a significant adverse impact on the Tarbat peninsula, the setting of the Hill of Nigg itself, and the setting of a number of Scheduled Ancient Monuments and other cultural assets, as set out in the expert critiques on Cultural Heritage. The Development will have a significant adverse impact on both individual and community amenity. Residential properties at Strath of Pitcalnie, Bayfield Loch and Wester Rarichie will all be in very close proximity to the Development and 37 houses will be within 1.5km of the site.

The ES assesses seven out of the 16 agreed viewpoints in ES Chapter 7 as being *significantly adversely affected*. In addition, the visual amenity of the Inner Moray Firth AGLV is *significantly adversely affected*, as are views from the Dornoch NSA, the Tarbat House Designed Landscape, and various roads and routes around the area. That none of these conclusions (with the exception of the impact on the AGLV) are mentioned in relation to PAN45, or anywhere else in ES Chapter 7 is very surprising, and shows no real assessment of planning policy has taken place.

The conclusions in the ES *Planning* Chapter and ES Chapter 15, on the development's consistency and compatibility with (a) government advice and statements of planning policy and (b) the Development Plan, misrepresent both the tests/standards in the former and the Development Plan policy, as well as the conclusions in the ES itself – see Brodies LLP critique of ES Chapter 4.

ES Ch 5 Project Description (Construction)

The whole topic of *Construction* is unsatisfactory as presented in the ES, primarily because there is (a) no cohesive overview of construction activities and impacts, and (b) a weak description of the controls that will be put in place. The ES would benefit from a stand-alone chapter on *Construction*.

It is not clear what *pre-construction surveys* will be needed and what plant etc, nor is it clear if these are included in the six to nine month period that is anticipated.

Neither this Chapter nor (other than a brief overview) ES Chapter 11 *Noise*, considers construction noise at all. No construction impact assessment as such has been carried out, although aspects are dealt with in the topic chapters.

No mention is made of any wastes or of methods of disposal.

ES Ch 6 Cultural Heritage

The Hill of Nigg and the Tarbat peninsula form an area rich in secular and religious history and a natural and unspoiled setting for internationally important Pictish sculpture and artefacts – including the fine cross-slabs at Hilton, Shandwick, Nigg and Portmahomack, much prized, not just by experts, but by the communities living around them and important to cultural tourism.

The NTS says that “*overall, the impact of the proposed Hill of Nigg wind farm on cultural heritage was assessed not to be significant*”. That is not supported by the poor quality of the *Cultural Heritage* assessment and, in particular, (a) incomplete research (b) its failure to respect fully the scoping requirements set by Historic Scotland and the HCAU, all as detailed in the expert critiques by the Hendersons and Professor Carver and (c) significant cultural assets being ignored altogether.

The test under NPPG5 for Scheduled Ancient Monuments (SAMs) is not mentioned. Developments that would adversely affect SAMs (or their settings) should not be permitted, unless there are exceptional circumstances. The Group’s submission shows the impact of the development on cultural heritage, including SAMs (two of them *within* the site itself), will be significant and adverse and that *no exceptional circumstances* have been discussed, let alone established.

The settings of the Shandwick “Stone” and the Hilton of Cadboll Chapel, both SAMs, are mentioned, but no professional consideration of their setting appears in the ES. To say their settings “*have already been compromised by modern intervention and features*” is unsustainable, based on ignorance of the significance of the Hilton of Cadboll site, the art-historical importance of the Shandwick Cross-Slab and the reasons for its protective enclosure.

Insufficient attention is given to the impact on the setting of the Hill of Nigg, the area’s cultural assets, their historical environment or the impact on them of the development. The impact on both Fearn Abbey, a Category A listed 14th-century monastic church, and Nigg Old Church (also Category A listed and housing the famous Nigg Cross-Slab) or on their settings is not addressed. The impact on the archaeological work and discoveries at Tarbat and the development of the Tarbat peninsula as a prime destination for international cultural tourism (described by Prof Carver as a visitor destination comparable to Iona) is ignored.

ES Ch 7 Landscape and Visual Amenity (LVA)

The Hill of Nigg is set in a gentle, low-lying agricultural landscape, virtually unchanged for thousands of years. The southern slopes join the North Sutor, one of North East Scotland’s best-known landmarks and the gateway to the scenic Cromarty Firth. It is part of a designated Area of Great Landscape Value (AGLV), protected under the Development Plan for the area.

The profile of the landscape cannot absorb the impact of five 410ft tall turbines at the proposed locations. The base of the lowest turbine would be 160m and the highest 200m above sea level, giving a maximum height of 325m, around 1000ft. They would become the dominant feature of the area and industrialise the landscape. Due to the generally flat surrounding country, the turbines would be visible over a wide area. They would dominate the skyline of settlements at Balintore, Hilton and Shandwick as well as at Chapelhill, and Pitcalnie and the view for locals and visitors approaching the area from the A9. The development also will compound the existing

visual impact of the nearby wind turbines at Novar, Beinn Tharsuinn, Findhorn and Cairn Uish, all visible from the Hill of Nigg.

Concerns on the effectiveness of the ES photo-montages and the selection and assessment of viewpoints are detailed in the critique of ES Chapter 7 by Geoffrey Sinclair

The ES summarises impacts on visual amenity as *moderate adverse for the study area overall, and for the viewpoints within 5km as substantial adverse* during both construction and operational phases. Yet the NTS says only *“the proposed development will have a moderate adverse effect on the landscape resource of the study area. In terms of the assessment, this is not a significant effect”* and *“the proposed development will have a moderate adverse effect on the visual amenity of the study area.”* Note that the “study area” has a 35km radius. For the NTS to omit the findings within the 5km range is a serious omission.

The way the ES assessment has been done under-represents the adverse impacts.

ES Chapter 7 relies repeatedly on the presence of the Nigg Oil Terminal and Fabrication Yard as a reason for reducing the significance of the development’s impact on the landscape, a fallacy repeated in the NTS, which describes these features as “near” to the development (actually nearly 5km away) and omits to say that, in marked contrast to the turbine sites, they are at sea level, and invisible from most of the Hill of Nigg and the Fearn/Tarbat peninsula.

The issues of inter-visibility with, and the cumulative effects of, the proposed development with existing turbines at Novar and Beinn Tharsuinn are not addressed at all in the NTS.

ES Ch 8 Ecology

There is a limited amount of baseline data on bats, with none relating to bats outside the site boundary. The sensitivity of bats to wind farms, whether foraging or commuting is an increasing issue. The surveys were the minimum requirements for best practice and were only carried out within the site boundary. This was discussed in the Appendix, but nevertheless this should have been done to better identify commuting routes in and out of the area, and especially as the pipistrelle species detected are of “high value”.

The impact assessment sections do not clearly draw a distinction between construction phase and operational phase impacts.

There is no consideration of “cumulative” impacts as such within the locality/region, with particular reference to habitat fragmentation. The last remaining fragments of dry heath are within and immediately adjacent to the site. Assessment of the importance of habitat diversity within the area and inter connectivity would have been useful.

ES Ch 9 Ornithology

The assessment is based on only one year of surveys, covering only one winter period: inadequate for an area in the immediate hinterland to the Cromarty Firth SSSI/SPA/Ramsar site designated for its over-wintering waders and wildfowl, and which SNH have indicated might be subject to significant impacts.. The ES states that surveys are to continue for a further six to seven months up to May 2008. The fact that surveys are continuing implies that there is some doubt over the sufficiency of data and/or outcomes.

Another key aspect is that the survey vantage points on the hilltop are within the study site itself. There is a serious concern that this will have interfered with flight paths and so compromised the data gathered.

The *Cumulative Impacts* section is completely inadequate. The high priority species are listed, but only the cumulative effects of other wind farms are mentioned, and then not in a sufficiently wide study to cater for cumulative impact on migratory routes within the Highlands/Moray. No other developments or sources of major direct or indirect impact on the priority species were considered.

Importantly, due to the data shortage, the *Conclusions* are therefore misleading in that there is no mention of the data limitations described above. Nor are the adverse impacts identified for some species (pink footed goose, crossbill, Scottish crossbill, golden plover, sand martin). A serious omission for the reader/decision maker is a summary table of effects in the *Conclusions* section.

It is common local knowledge that over the period from October to April, a very large number of migratory pink-footed and greylag geese and whooper swans settle on and around and fly over and along the Hill of Nigg. The relative absence of geese on the Rarichie end of the hill in the spring of 2007 (according to the ornithological survey data) is misleading. We have photographic evidence from Spring 2008 which is included in Section 5 (local residents' comments on the ES) of the NAG overall objection package. It is expected that this evidence will be reflected in the October to May surveys still to be reported by the Developer.

In that context, the collision risk assessments already completed will need to be revised.

ES Ch 10 Hydrology and Hydrogeology

A key issue here is the lack of winter site information. The site survey was carried out on warm, dry, spring days. An assessment during or just after wet weather would have been desirable – especially as it is probable that a six to nine month construction period will include the wetter months.

The issue of flooding and large amounts of water and debris coming off the hill during heavy rain was not explored fully. Again local knowledge indicates that surface water run-off from the hill during the winter months can cause problems for residents.

The potential risks to the site and the receiving environment are totally dependant on the quality of the appointed contractors, and the quality of the developer's and contractor's site management personnel. Inexperienced contractors with inadequate equipment could result in complete failure of the required mitigation measures.

ES Ch 11 Noise

This Chapter fails to present baseline conditions, i.e. background noise measurements at three closest residences (except in almost illegible figures). Instead the “*dedicated reader*” has to request the data. This is a serious omission: it could readily have been included in the Technical Appendices.

Another serious omission is that no impact assessment as such has been carried out for this Chapter, as was done with others. i.e. no assessment of significance of predicted change due to the wind turbines compared with the *baseline conditions*.

The findings of the *Noise* chapter can only be judged on the background data as graphically presented. The Figures show that the predicted turbine noise levels at the nearest residences mostly do *not exceed the guidance limits*. However the figures also clearly show that the predicted turbine noise levels *do exceed the current background levels* of 20- 40 dB(A) for much of the time. This exceedance is barely mentioned in the so-called “impact assessment” paragraphs, let alone discussed – potentially misleading.

Using only a comparison of predicted noise with the ETSU limits under-represents the potential impacts on residents at the sensitive locations. With a full impact assessment, this could have been addressed. Mitigation is not discussed in normal ES terms either. Some points are spread within the text, but they seem to be retrospective rather than preventative - a high-risk approach as far as neighbours are concerned. For those who live and work nearest and in direct line of sight of the proposed wind farm, the *Noise* chapter currently leaves a considerable amount of doubt.

There is only an overview of construction phase noise and no attempt is made to provide an indication of noise levels from different plant types.

ES Ch 12 Socio-economics

This chapter overall is inadequate. A reasonable attempt has been made to acquire baseline data, but there is no impact assessment as such for the sub-topics it tries to address:

- *Local visitor attractions and tourism* issues;
- Impact of the proposal on the *local economy*; and
- *Existing land-uses* at and close to the site.

Although this chapter cross-refers to others that might be relevant, there is no attempt to bring together the findings from other chapters and apply them. For example, the *Tourism* discussion back-refers to ES Chapter 7 *Landscape and Visual Amenity*, but ignores findings that the impacts on visual amenity are summarised as being *moderate adverse* for the study area overall, and as *substantial adverse* for the viewpoints within 5km.

The assessment of effects on *Tourism* is a summary of surveys done *elsewhere in the UK*. The surveys quoted are too old, mostly dating from around 2002/3, which limits their relevance to a development proposed for 2010. There is no consideration of the impact on current local tourist attractions, which clearly indicate that most current tourist pursuits are related to the ecology and peaceful reflective nature of the area. There is no balanced discussion of what may be lost in the way of current tourism benefits to this locality as the cumulative effects of wind farms increases overall in the Highlands.

The summary section defies description. There are only two paragraphs. 12.7.1 bears little resemblance to what was actually discussed in the Chapter, and 12.7.2 attempts to describe impacts and significance. The very last sentence states: “*Any other potential socio-economic effects will be at a local level, and would be projected to be minor, short term and thus not significant.*” Without clear definitions of those terms in the Chapter, that is completely meaningless and misleading.

A summary of the economic aspects is carried into the “*Benefits*” section of the NTS: its last paragraph expresses the monetary benefit *over the life of the turbines* as one sum, which bundles together the business rates along with the community fund. These sums should be dis-aggregated (a) into annual amounts and (b) into separate constituents (ie rates or other).

The real long-term local benefits from the development in terms of employment are minimal. That local contractors can tender does not confer an economic benefit. Much of the high-value technical work is likely to be awarded to non-local specialist manufacturers. The power generated goes to the National Grid; consumers effectively fund the substantial subsidies gained by the developer through renewable obligation certificates.

ES Ch 13 Transport

The data used in this Chapter is old and its significance is not well described.

The whole assessment is based on the data from The Highland Council, namely “Annual Average Daily Flows figures (growthed to 2007) were available for the A9(T) with Average Daily Flows measured in April 2001 available for the B9175.”

In 2001, the B9175 would have had higher road volumes, as the Nigg Yard was still being used. Therefore the expected increase in traffic will be a higher percentage than the stated 3.2% for general traffic and 8.2% for HGVs.

For the purposes of mitigation in the form of the Transport Plan, a much more thorough appraisal, seeking local residents’ concerns, will be required. Due to the considerable potential for noise, dust, mud and pollution, an example Transport Plan (or contents list as minimum) could have been submitted as a Technical Appendix.

The NTS gives numbers of loads to the site during the construction period, but does not report the assessment and the short-term significant adverse impacts. This is a serious omission and misleading.

ES Ch 14 Infrastructure and Public Safety

Incomplete aspects are the potential effects on Inverness Airport radar and on television reception in the area. The airport radar issue *may* have been resolved as this was projected for “early in 2008”, but it clearly has caused concern and had not been resolved in the six months since the scoping response from HIAL. A main issue appeared to be whether there is direct line of sight to the development - which there will be at this location. More detail is required from the Developer.

Similarly, the issue of television reception has potential for substantial adverse effects for local residents, and is completely inadequately dealt with. An enquiry using the BBC Wind Farms Tool revealed approximately (a) 90 homes *without* alternative means of reception and (b) 580 homes *with* a potential alternative might be affected.

Conclusion

In light of the inadequacies and failings of the ES, all as summarised above, the Group invites the Council to refuse the accompanying application or decline to determine it pending receipt of further data/assessment results to supplement the ES.

The planning merits of the application discussed in the Brodies LLP objection letter and ES Chapter 4 critique separately support the refusal of the application.

Nigg Awareness Group

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