

THE HIGHLAND COUNCIL

POSITION STATEMENT ON THE HIGHLAND RENEWABLE ENERGY STRATEGY

DATE OF POSITION STATEMENT: 4 MARCH 2009

Why HRES was drafted in the first place

The Highland Renewable Energy Strategy and Planning Guidelines document (HRES) was prepared in order to provide guidance and direction for Council decisions and developers' plans, in a context of increasing recognition of the need to generate energy from renewables and to contribute to national targets. Indeed, HRES was (and still is) 'target' orientated, drawing from Government policy to maximise renewable energy production and reduce CO2 emissions. The Council was forward-thinking in preparing such a document when it did. HRES responded to increasing interest in the development of a range of renewable technologies in an area with significant untapped energy resource but also interests that could potentially be adversely affected by such development. One of the key aims of HRES was to ensure that advantages of renewable energy development would be realised with minimal effects. The provisions outlined in HRES were aligned with the requirements of the then prevailing National Planning Policy Guideline (NPPG) 6 and Planning Advice Note (PAN) 45.

What HRES contains and when it was released

HRES was approved as supplementary planning guidance (SPG) in support of the Development Plan by The Highland Council at its meeting on 4 May 2006. It is a non-statutory document that supplements the existing policies of The Highland Council, and specifically those in the Highland Structure Plan. It clarifies the approach that the Council takes to renewable energy, with the intention of helping to give direction and reduce uncertainty regarding issues associated with renewable energy developments in Highland. The strategy was informed by the results of a Renewable Energy Resource Assessment (RERA) for the Highland area. The RERA study was undertaken during 2004 to provide an objective estimate of the renewable energy potential available in the Highland area. HRES recognises that many of the actions arising from it will be carried out through the planning and associated Environmental Impact Assessment (EIA) processes, although its scope is not limited to that and the document has a wider role as an overarching Council strategy. The strategy part is supported by the planning guidelines part that gives further details on the types of development that are considered acceptable, and the recommended approaches to planning, implementing and operating them.

In respect of on-shore wind energy development, a major component of HRES comprises the identification on maps of 'prospective development zones' for wind farms and the inclusion of Council policy/strategy statements for these. This is provided for national and major onshore wind farms designed for meeting national/regional energy requirements (figure 6.2.4 and policy/strategy statements E.5 – E.7) and, separately, is provided for local scale onshore wind developments based upon individual turbines and small clusters for meeting regional/ local embedded energy demands (figure 6.2.7 and policy/strategy statements E.8 – E.10). In each case three zones are identified: 'preferred development areas', 'possible development areas' and 'presumption against development'. The framework of policy/strategy statements provides that even in the preferred development areas the detailed suitability of all prospective sites will need to be confirmed through the normal planning processes. The framework also includes a sequential approach element.

Release of SPP6 – compliance or otherwise of HRES with SPP6

Scottish Planning Policy 6 (SPP6) "Renewable Energy" issued in March 2007 sets out a specific methodology for planning for onshore wind energy developments which differs from the HRES approach and which all local planning authorities have been instructed to implement as a matter of urgency. SPP6 says that development plans should set out:

- a) Those broad areas of search where proposals are likely to be supported subject to specific proposals satisfactorily addressing all other material considerations;
- b) Those areas that can be afforded significant protection through spatial policies; and
- c) The criteria to be followed in the remainder of the plan area where the approach will be to consider applications on their merits, against clear criteria and mindful of the support given in SPP6 to the promotion of renewable energy developments.

SPP6 says that planning authorities should use the development plan process to support and encourage the continued growth of all renewable technologies. In particular, plans should set out a spatial framework for considering wind farm proposals over 20 megawatts following the approach set out in Annex A of the SPP. Increasingly, careful consideration must be given to the need to address cumulative impacts. The framework should not be used to put in place a sequential approach to determining applications. The extent to which considerations set out in Annex A are relevant to proposals below 20 megawatts will be dependent on the scale of development proposed, whilst recognising that the design and location of any development must reflect the scale and character of the landscape. Spatial policies should not be used to restrict development on sites where the technology can operate efficiently and environmental and other impacts can be addressed. In all instances, development plans should provide

clarity on the criteria that should be met to enable development to take place in a satisfactory manner. Plans should, however, use spatial policies to afford significant protection to areas designated for their national or international natural heritage value, green belts and those areas where further development would result in unacceptable cumulative impacts.

Scottish Government says that planning authorities should revise their development plans to take account of the SPP, if necessary producing SPG to provide an interim basis for efficient and consistent decision making. Any non-statutory policies should be incorporated into development plans in due course.

It is concluded, therefore, that HRES does not fully comply with the approach now set out by the Scottish Government in SPP6. HRES, and in particular its policy/strategy statements and maps referred to above, is framed differently from the form now expected and is not based on as full a range of information as is now stipulated by the methodology in SPP6 Annex A. Certain aspects in which HRES does not fully comply with SPP6 were highlighted by a reporter in dealing with wind farm appeals in the Lairg area.

Decision of reporter in the Lairg area wind farm appeals and her comments on HRES

The Reporter who dealt with a public inquiry in summer 2007 (the Lairg area wind farm appeals) noted that HRES does not fully comply with SPP6 in respect of on-shore wind energy SPG. In particular, HRES sets out a sequential approach, does not reflect the 'presumption in favour' of wind energy development and did not take account of landscape character, sensitivity or capacity.

Where we are with review of HRES, timescales for release of revised HRES etc.

The Council's Planning, Environment & Development Committee at its meeting on 28 May 2008 agreed to the need to prepare new Supplementary Planning Guidance (SPG) for onshore Wind Energy development, which will supersede parts of the wind energy section of HRES, in order to:

- comply with SPP6 and in so doing provide a sound basis for decisions on individual onshore wind energy planning applications;
- help meet Highland and Scottish targets for renewable energy (in the context of wider UK and EU targets) and contribute towards sustainable development and tackling climate change, including reducing greenhouse gas emissions;
- and protect Highland's most valuable landscape and tourism assets.

In preparing the SPG, the Council will have regard to the advice recently published by the Scottish Government as Annex 2 to Planning Advice Note 45 (PAN45) "Renewable Energy Technologies".

Work is underway with the new SPG but preparation of it is taking longer than was originally anticipated. A major input is a landscape sensitivity and impact assessment study. This work has required the Council to appoint an external consultant, Macaulay Scientific Consulting Limited. The Cairngorms National Park Authority and Scottish Natural Heritage are funding partners with the Council for this study. Once the study is complete the results will then need to be analysed to inform the drafting of the SPG itself and Strategic Environmental Assessment (SEA) will be integral to its preparation. It is therefore anticipated that a report on draft SPG will be prepared for consideration by the Planning, Environment & Development Committee at its meeting in May 2009, with public consultation carried out thereafter. This will fit well with the progression of the Council's new Highland Local Development Plan, which is likewise timetabled for a report to Committee in May followed by public consultation on a Main Issues Report over the course of the summer.

Current weight that is applied to planning guidance contained in HRES when determining wind farm applications

HRES remains in force as the Council's SPG on these matters at this time and as a material consideration in making planning decisions. However, it remains 'target' orientated whereas following the approach now set out in SPP6 Annex A should provide more balanced locational guidance. The policy/strategy statements and mapping of HRES dealing with on-shore wind energy continue to carry weight, albeit limited weight given the need to additionally consider the more recent national policy in SPP6 and to have regard to considerations not taken into account by HRES. The new SPG will need to align the Council's approach with SPP6 and, when produced, will supersede the planning guidelines section of HRES and parts of the strategy in so far as they relate to on-shore wind energy. Additionally, the forthcoming Highland Local Development Plan will contain land-use planning policies which will replace the policies of the Highland Structure Plan. Similar standalone SPGs may be produced for certain other technologies in the future. The result will be that HRES will be the key Strategy document rather than providing detailed siting guidance. In due course this strategy will be updated.

HRES is therefore read together with the Development Plan and the more recent SPP6 when determining wind farm applications. Planning applications remain to be judged on their merits, having regard to the opportunities and constraints underlying the mapping and policy/strategy statements of HRES and to those other considerations indicated in Development Plan policies and SPP6.

Position Statement prepared by:

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