

Highland wide Local Development Plan - Main Issues Report Consultation Summary and Actions Sheet

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|--------------------------|--|
| Reference Number: | HWLDP-MIR-113 |
| Organisation/Individual: | Jones Lang LaSalle – Wind Energy Glencaulvie Limited |

Action:

| | |
|---------------------------------------|--|
| Immediate Response Required | |
| Meeting required with Respondent | |
| Issue for Area Local Development Plan | |
| Further Information Required | |
| Other (Please Specify) | |

If no box ticked - issues raised will be dealt with in preparation of the Proposed Plan.

Issues Raised in Response:

| | | | |
|--------------------------------------|--|--|---|
| Purpose of Main Issues Report | | Previously used Land | |
| NPF2 for Scotland | | Wild Land | X |
| Vision for the Highlands | | Water Environment | |
| Inverness and A96 | | Renewable Energy | X |
| The A96 Corridor | | Flooding | |
| Phasing of Development | | Waste Management | |
| Developer Contributions | | Air Quality | |
| East Inverness | | Sustainable Design | |
| Nairn | | Business and Industrial Land | |
| Tornagrain | | Accessibility and Transport | |
| Smaller Settlements in A96 | | Agricultural Land | |
| Caithness and North Sutherland | | Subdivision of Existing Crofts | |
| Easter Ross and Nigg | | Allocation of Inbye Land | |
| Development of Local Centres | | New Crofting Township | |
| Wider Countryside and Fragile Areas | | Small Scale New Crofts | |
| Population and Housing | | Coastal Development | |
| Housing in the Countryside | | Forestry and Woodland | |
| Affordable Housing | | Minerals | |
| Planning for an Ageing Population | | Open Space and Physical Activity | |
| Gypsies/Travellers | | Access to the Outdoors | |
| Retailing | | Comments on Consultation Process (+ve) | |
| Developer Contributions | | Comments on Consultation Process (-ve) | |
| Natural, Built and Cultural Heritage | | | |

Key:

| | | | |
|------------|------------------|----------------|--------------|
| Background | Spatial Strategy | Policy Options | Consultation |
|------------|------------------|----------------|--------------|

Notes:

Recognised the MIR was published prior to SPP Consultation charges but should take this into account in Proposed Plan
 Support for alternative Wild Land option
 Renewable generators should be looked at in light of the GridCode legislation

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|----------------------------|---------|
| Action Sheet Completed by: | SH |
| Date: | 9/12/09 |



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| H.C. PLANNING AND DEVELOPMENT SERVICE | | |
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9 November 2009

By email and Post

Dear Sirs

**Representation to the Highland Council Main Issues Report Consultation
Wind Energy (Glencalvie) Limited**

Jones Lang LaSalle represents Wind Energy (Glencalvie) Limited (WEGL) and is pleased to enclose this representation to The Highland Council (THC) Main Issues Report (MIR) consultation. This representation to the MIR relates to aspects of the MIR with regard to sustainable development, climate change and renewable energy developments. In terms of the structure of this representation, a summary description of WEGL and its interests is provided, followed by specific information and recommendations relevant to compiling the draft Local Development Plan (LDP).

Wind Energy (Glencalvie) Limited

The Wind Energy group of companies ("Wind Energy" or "WE") is dedicated to the sensitive development of wind farms in Scotland. The Wind Energy projects are majority-owned by subsidiaries of AES Corporation, one of the world's largest power companies, which is committed to addressing global warming and reducing carbon emissions.

Wind Energy currently has six sites under development, a number of which are in the THC geographical area. Wind Energy (Glencalvie) Limited is developing the Glenmorie wind farm in Easter Ross. Construction of the group's North Rhins wind farm in Dumfries and Galloway has recently been completed.

Wind Energy began its search for potential wind farm sites in 2002. Work has included detailed assessments of planning and environmental constraints, environmental and technical studies and meetings with key consultees to assess the suitability of the site for a wind farm development. Community involvement and consultation is an essential element of the project development process. As a responsible developer, Wind Energy is committed to involving the local community throughout this process.



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The Main Issues Report: Renewable Energy Development

The MIR sets out the main planning issues envisaged during the lifetime of the new Local Development Plan (LDP) in terms of sustainable development and climate change on pages 49 *et seq.*

The introductory text to the section of the MIR entitled 'Sustainable Development and Climate Change' refers to Scottish Government targets in relation to greenhouse gas emissions and electricity generation from renewable sources. We note that the MIR was drafted prior to the publication of 'Scottish Planning Policy - Proposed Policy Changes Consultation' which was issued by the Scottish Government in September 2009. This consultation document places policy requirements upon Planning Authorities to prepare Development Plans and discharge their functions in accordance with the principles of the Climate Change (Scotland) Act 2009. The Act and the consultation document are particularly relevant in that they require Development Plans to take climate change action and mitigation into account as well as focussing on planning for national outcomes (such as greenhouse gas reduction targets). It will be important for the draft LDP to take into account the requirements of the emerging national planning policy and the Climate Change Act.

We consider that there would be benefits in setting out more detailed background text to the issue of sustainable development and climate change and that this should also make reference to two key UK policy developments, namely: The UK Renewable Energy Strategy (UKRES) (July 2009) and The UK Low Carbon Transition Plan, (LCTP) White Paper (July 2009), both of which were issued by the Department of Energy and Climate Change (DECC) in July 2009.

The UKRES sets out the means by which the UK can meet the legally binding target of 15% of energy consumption from renewable sources by 2020. This will mean a 7-fold increase in the UK's share of renewables in little more than a decade. In the UKRES, a 'lead scenario' is presented which suggests that more than 30% of electricity should be generated from renewables by 2020. The majority of this is expected to come from wind power, both on and offshore. The UKRES makes the point that the Strategy is expected to deliver significant environmental benefits, in particular by contributing to global action against climate change.

In parallel with the UKRES, the UK Government published the UK Low Carbon Transition Plan, (LCTP) as a White Paper: this contemplates the potential for yet more challenging EU targets arising out of the forthcoming UN Climate Change Conference to be held in Copenhagen this December. The White Paper does however, seek to ensure that the UK will generate 40% of electricity from low carbon sources by 2020, with policies to produce approximately 30% of UK electricity from renewables by 2020 (in line with the UKRES), by substantially increasing the requirement for electricity suppliers to sell renewable electricity. The 30% target seeks to ensure the UK achieves 15% of ALL energy consumed from renewables sources by 2020.

Renewable energy generation targets are not therefore only to be considered on a Scottish basis: there is a UK context and an EU context that should be referenced. Significant weight therefore should be given to establishing a positive and enabling policy framework to plan for renewable energy development and



supporting infrastructure which can help attain Scottish, UK and EU renewable energy targets. If Highland targets are to be set, they should be referred to as installed capacity and should be *minima* targets, uncapped, in line with SPP 6.

With regard to onshore wind farm development, the MIR provides a geographical illustration of the land areas within the THC area that will be given significant protection from development of wind farms over 20 megawatts (MW) (diagram on page 50). These areas generally reflect international and national natural heritage designations, and the approach is generally consistent with the advice contained within SPP 6. However, we recommend that the draft LDP should recognise that while these areas should be afforded protection from wind farms over 20MW, all proposed renewable energy developments require to be considered on their own merits. We note that use of wind farm capacity may not be an appropriate metric here, since while targets for generation are appropriate, generating capacity and its impact are not a highly emphasized when planning applications for wind farms are considered. Wind turbines have different capacities and dimensions, which are the factors given the most weight when wind farm applications are considered. Turbine dimensions and their number should be considered as well as capacity. Environmental acceptability should be tested on a case by case basis, in line with paragraph 3 of Annex A to SPP 6 which states that "*Development plan policies should be based on the principle that wind farms should be accommodated where the technology can operate efficiently and environmental and cumulative impacts can be addressed satisfactorily*". A criteria based approach for the consideration of proposals 'in the rest of the Highland area' is supported.

SPP 6 advises that Planning Authorities require to set out those 'broad areas of search' where wind farms over 20MW are likely to be supported subject to satisfactorily addressing other material considerations. Such areas of search will have a bearing on the spatial strategy of the plan. As such, we recommend that it would be appropriate for such a diagram to be prepared and included within the draft LDP: not only in forthcoming Supplementary Guidance (SG). Such an approach would be consistent with the Town and Country Planning (Development Planning) (Scotland) Regulations 2008 and the advice contained within Circular 1/2009 'Development Planning' with regard to the scope of SG and LDPs.

To inform suitable locations for 'broad areas of search', it would be appropriate for THC to carry out consultations with renewable energy developers. In addition to taking into account the presence of constraints such as natural heritage designations and cumulative impacts: matters to be considered would be whether there is a sufficient wind resource (a better wind resource would enable the same or better production with fewer turbines and thus, less impact), where suitable access and potential technical solutions could be satisfactorily implemented to address, for example, aviation and radar constraints. Current regulations under which the UK grid operates do not consider current grid capacity, rather they are based on the lowest cost options for rate payers for additional capacity to be made available. Accommodation of the UK grid code, along with ongoing grid code amendments and incorporation of EU objectives should be considered.

The MIR also proposes to designate areas within THC as 'Wild Land', which would become a non statutory development constraint. WEGL supports the alternative option in this regard as follows. It is considered that wild land designations could present significant constraints to renewable energy development. There



are already a significant number of existing national and international designations within THC that seek to protect areas of land for their natural heritage value. We suggest that these designations are adequate and provide an appropriate mechanism for such designations. There is a significant national and international obligation to increase renewable energy production and to reduce greenhouse gas emissions. As such we consider that there could be a significant conflict with allocating extensive restrictive wild land designations with positive policy support for renewable energy developments (SPP 6 requires Councils to plan positively for renewable energy development, including wind farms over 20MW and does not identify wild land as a policy constraint). WEGL therefore supports the alternative development option in this respect, so as to avoid further major and onerous constraints on renewable energy development.

Overall, the 'Preferred Option' as set out in the MIR at page 52 with regard to 'Sustainable Development and Climate Change' is supported, with the caveats referred to above. The MIR sets out an 'alternative' to this preferred option. The alternative proposes "*we could only allow renewable energy developments to take place where there is capacity in the national grid to take the additional electrical load and only allow more developments as grid reinforcement works proceed geographically.*" This provision appears to be aimed at restricting renewable energy developments to places where transmission capacity has been provided. As such, it appears to be discriminatory in favour of conventional sources of generation, by their omission from this provision. Additionally, the provision is inconsistent with existing grid code legislation, which provides for grid capacity to be provided to generators who demonstrate their commitment to proceed with generating projects in accordance with the Customer Use of System Code ("CUSC"). We also note that capacity on a given transmission line is a function of current use of that capacity, which can change quite rapidly. EU legislation provides for priority of access by renewable generators to the grid system, such that current users may be constrained off to allow for renewable generators to make deliveries. Therefore, and in light of grid code legislation that provides for the UK grid owner / operators to provide for capacity to generators (not just renewable generators), this provision is likely to be unworkable or unenforceable.

The reality is that without new transmission developments there would be little or no capacity in the national grid to allow any generation developments to take place. Under current arrangements the provision of additional grid capacity is not undertaken on a speculative basis, but only on the strength of the commitment from proposed energy generating developments. In this regard the statement on page 52 is unrealistic. Considering the long lead in times for both electricity transmission infrastructure development and renewable energy development, to only permit renewable energy developments as "*grid reinforcement works proceed geographically*" would considerably frustrate the development process and restrict the contribution of THC to achieving national renewable energy generation and greenhouse gas reduction targets.

Conclusions

On behalf of Wind Energy (Glencalvie) Limited, this representation is submitted as a positive contribution to the THC LDP preparation. A number of planning policy issues have been identified above that we recommend be addressed in the preparation of the draft LDP and reflected in the emerging land use



**JONES LANG
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planning policy framework. I trust you find this representation helpful and if you require any further information on the points raised, please do not hesitate to contact me.

I would be grateful if you could please acknowledge receipt of this representation.

Yours sincerely

For Jones Lang LaSalle



David C. Bell

Director

cc Harriet Evans, Development Director: Wind Energy (Glencalvie) Limited