

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

Reference Number:	HWLDP-MIR-270
Organisation/Individual:	Scottish Renewables (Jenny Hogan)

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	x
NPF2 for Scotland	x
Vision for the Highlands	
Inverness and A96	
The A96 Corridor	
Phasing of Development	
Developer Contributions	
East Inverness	
Nairn	
Tornagrain	
Smaller Settlements in A96	
Caithness and North Sutherland	x
Easter Ross and Nigg	x
Development of Local Centres	
Wider Countryside and Fragile Areas	
Population and Housing	
Housing in the Countryside	
Affordable Housing	
Planning for an Ageing Population	
Gypsies/Travellers	
Retailing	
Developer Contributions	x
Natural, Built and Cultural Heritage	x

Previously used Land	
Wild Land	x
Water Environment	x
Renewable Energy	x
Flooding	
Waste Management	
Air Quality	
Sustainable Design	
Business and Industrial Land	
Accessibility and Transport	
Agricultural Land	
Subdivision of Existing Crofts	
Allocation of Inbye Land	
New Crofting Township	
Small Scale New Crofts	
Coastal Development	
Forestry and Woodland	
Minerals	
Open Space and Physical Activity	
Access to the Outdoors	
Comments on Consultation Process (+ve)	
Comments on Consultation Process (-ve)	

Key:

Background	Spatial Strategy	Policy Options	Consultation
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Notes:

<p>HWLDP should avoid blanket policies on where renewable energy development should/should not go Support proposals to support marine renewables Policies should not place unjustified constraint on renewable energy Urge against use of regional targets Electricity network could and should be mapped out related to NPF2</p>

Action Sheet Completed by:	SH
Date:	14/12/09

Director of Planning and Development
The Highland Council
Freepost SCO5568
Inverness, IV3 5BR

Email: [REDACTED]

9 November 2009

Dear Sir or Madam

**Highland wide Local Development Plan – Main Issues Report
Response from Scottish Renewables and BWEA**

Many thanks for the opportunity to comment on the above document. Scottish Renewables is the voice of the renewable energy industry in Scotland, representing over 270 member organisations who want to see renewables a success in Scotland. The British Wind Energy Association (BWEA) represents the UK wind, wave and tidal energy sectors with over 500 company members.¹

This industry is playing a crucial role in the Scottish Government's efforts to tackle climate change and increase Scotland's energy security, and must continue to do so in order to meet our carbon emissions reduction target of 80% by 2050 and 42% by 2020.

Scottish Renewables and BWEA broadly support the Main Issues Report as a means of outlining The Highland Council's general proposals for development, which will be followed by a more definite and detailed Proposed Plan in light of the consultation responses. However, we have a number of comments and concerns, and have raised these in turn under the relevant section headings. Key points are highlighted in bold throughout this response, and summarised as follows:

- The Local Development Plan (LDP) should avoid blanket policies on where renewable energy development "should or should not go", as this is inconsistent with national planning policy (SPP 6). Rather, in terms of wind energy, the LDP should give a general steer particularly towards areas best able to accommodate a greater degree of development
- We support the proposal for positive policies to support the growth of marine renewables in the Pentland Firth, and would ask for this to be extended to encompass all offshore and marine renewables opportunities around the Highland coastline
- We would urge that policies do not place unjustified constraints on renewable energy proposals, and would urge for caution on policies relating to Developer Contributions, Wild Land and the Water Environment in particular
- We are concerned about the use of regional targets for renewable energy, and would urge **caution on developing such policies to avoid unintended consequences which may unfairly jeopardise some projects**
- Avoid the use of wording that could lead to a blanket preclusion of development of renewables outwith broad areas of search.

¹ For more information please visit: www.scottishrenewables.com and www.bwea.com

Section 1: Purpose of the Main Issues Report

We are concerned that the stated purpose of the report to “*set out our general proposals for development in the area and in particular proposals as to where development should and should not occur*” may be applied in a prescriptive manner to renewable energy developments. While we recognise that the Scottish Planning Policy² guides LDPs to indicate where development should happen and where it should not, we wish to underline the specific case for renewable energy (as outlined in Scottish Planning Policy 6: Renewable Energy³ and PAN 45 Annex 2⁴). SPP 6 requires local planning authorities to outline relevant constraints to development, using a criteria-based approach, to help guide development towards areas best able to accommodate a greater degree of development. This does not, however, necessarily preclude development from areas identified as of highest constraint, where proposals can be shown to meet the identified broad criteria.

We would therefore suggest that the wording in this section simply be adjusted to clarify that the Plan’s intention is to “guide” or “steer” development to the most appropriate areas, which is in line with national policy (in both the SPP and SPP6), and not to “prescribe” or “dictate” (which would be contrary to both documents).

Section 2: National Planning Framework 2 for Scotland and the Highlands

We welcome the recognition in this section of the national developments set out in NPF2, including energy improvements, such as the opportunities in the Pentland Firth for tidal energy, and developing opportunities in the Cromarty Firth (including the Nigg yard). A number of other key opportunities for Scotland are identified and mapped out in NPF2, including those illustrated in the map on page 3 of the Main Issues Report:

- Necessary reinforcements to the electricity network infrastructure to support Scotland’s renewable energy ambitions and delivery of targets;
- marine and offshore renewables development, including the Moray Firth and the north and west coasts of the Scottish Highlands and islands, where huge opportunities for the deployment of offshore wind, wave and tidal energy exist.

Section 3. The Vision for the Highlands

For the same reasons as outlined in our response to Section 1, we are concerned by the first bullet point under the heading ‘Safeguarding our Environment’, which states, “*To ensure that development of renewable energy resources are managed effectively with clear guidance on where renewable energy developments should be located*”. Particularly as this relates specifically to renewables, we would advise that this be rephrased to reflect the direction within SPP 6 to guide developments on broad criteria to be considered, and steer larger wind developments towards areas best able to accommodate a greater degree of development.

Within the broad framework established by the strategic plan, it will be for renewable energy developers to identify the best locations for developments within identified constraints, taking into account energy resource, grid accessibility, commercial factors and of course planning policy and related considerations. The Highland Council’s LDP should follow SPP 6, as explained previously, by highlighting relevant constraints and indicating broad areas of search, assessing each application on its merits against broad criteria. As SPP 6 states, “*Such areas should provide a steer to developers on acceptable locations but their existence should not be used to rule out development elsewhere if it can be accommodated in a manner consistent with the approach set*

² Scottish Government (2008), Scottish Planning Policy. www.scotland.gov.uk/Publications/2008/10/28115149/0

³ Scottish Government (2007), Scottish Planning Policy 6: Renewable Energy
www.scotland.gov.uk/Publications/2007/03/22084213/0

⁴ Scottish Government (2008) Planning Advice Note (PAN 45): Annex 2: Spatial Frameworks and Supplementary Planning Guidance for Wind Farms. www.scotland.gov.uk/Publications/2008/11/12125039/13

out in this SPP". It should not dictate where developments should or should not go, as this would go against national planning policy.

We feel it should be recognised by The Highland Council in its LDP that renewable energy not only contributes to the local authority's action on climate change and carbon emissions reduction, but also has the potential to make a huge contribution to achieving the stated vision of making the Highlands' economy more competitive and sustainable. Indeed, Highlands & Islands Enterprise recognises "Energy" including renewables as a key sector in the growth of the Highland economy⁵.

Renewable energy, both onshore and offshore, has the potential to support local jobs and businesses and deliver huge economic benefit to an area through, for example, investment in port infrastructure, use of port services and vessels, establishment of manufacturing capacity and assembly, etc. The Highland Council should seize this opportunity to inject a major economic boost to the area.

Caithness and north Sutherland

Scottish Renewables and BWEA welcome the statement in relation to the marine energy opportunities in the Pentland Firth that the LDP "*must enable and support the delivery of on-shore facilities, services and sites to ensure that this important inward investment opportunity is capable of being delivered*", and that this is identified as a main issue for this area. **We therefore support the point within the Preferred Option to "put in place policies which support the growth of marine renewables in the Pentland Firth and the facilities and industry required to support them"**.

We would, however, suggest that such **policies are included in the LDP relating not just to the Pentland Firth, but any areas around the Highland coastline where key opportunities for offshore and marine renewables have been identified** (including those illustrated by the NPF2).

Easter Ross and Nigg

Scottish Renewables and BWEA **strongly support the point in the Preferred Option to "identify the Nigg Yard as a strategic development site for the Highlands"**. We would highlight the great potential that this facility could hold in servicing Scotland's marine and offshore renewables industries, and welcome the collaboration between The Highland Council and Highlands & Islands Enterprise to maximise the site's strategic development potential and employment opportunities.

Section 5. Policy Options for the Highland wind Local Development Plan

Sustainable Highland Communities: Housing in the Countryside

Scottish Renewables and BWEA feel it is important that this section recognise the impact that policies which encourage housing in the countryside can have on other legitimate land uses such as renewable energy projects. Any policies supporting development of housing in the countryside should include a criterion which ensures that other land uses including renewable energy projects are not sterilised by the development of houses in rural locations.

Developer Contributions

The stated Preferred Option in the Main Issues Report (p43) is to:

- *seek proportionate developer contributions where an additional pressure would be put on existing facilities in a community as a result of new development;*
- *and bring forward a consistent, transparent method of collecting and recording these contributions across Highland.*

Scottish Renewables and BWEA would ask The Highland Council to clarify whether or not this section relates primarily to addressing the effects of urban development on local services and

⁵ Highlands and Islands Enterprise (2009), 'Key Industries' - www.hie.co.uk/sectors.html

facilities, and that it will not be applied to projects which make voluntary contributions to local community funds (such as renewable energy projects). If renewables projects are included in this proposed policy, we would strongly argue that the Council instead provide the necessary support to enable developer contributions to be negotiated and secured, rather than pursuing the Preferred Option (in relation to renewables projects).

Wild Land

Scottish Renewables and BWEA are concerned about the Preferred Option to:

- *identify areas of wild land and include these as a development constraint within our Proposed Plan;*
- *and put in place a policy to assess planning applications which come forward in these areas which will take into account the level of impact, the degree of wildness of the area and any proposed mitigation.*

We understand the purpose of this section is to align with the policies on wild land within NPPG 14: Natural Heritage, however we would urge caution in the development of such policies to avoid precluding the development of infrastructure in relation to renewable energy developments (both onshore and offshore projects), which are often best suited to remote, isolated areas (perceived as 'wild' in many cases), where the renewable energy resources tends to be strongest.

That said, our concerns about wild land are less about the wild land itself (which in reality is likely to see very little development pressure) but about the buffer effect which is explicit in such protection; this would have an entirely disproportionate sterilisation effect well outside the identified wild land area. We would therefore urge the Council to ensure that any Wild Land policies to do not result in a buffer effect on surrounding areas.

Water Environment

The report states the Preferred Option to:

- *clearly indicate the quality and status of water bodies in the Local Development Plan;*
- *ensure the water environment will be an important consideration in making decisions on planning applications; and*
- *not support development that is shown to have a negative impact if there are no acceptable plans in place to reduce that impact.*

In order to align with national planning policy, The Highland Council LDP **should not include a policy to preclude development** unless developments are expected to have an **unacceptable, significant, adverse impact** on the water environment (as highlighted in the Environmental Statement of the project), where no acceptable plans are in place to reduce that impact. As SEPA is charged with the licensing of all *water environment* activities it is the appropriate authority, and holds the relevant expertise, to consider the *water environment* for planning applications. Scottish Renewables and BWEA would therefore support the Alternative Option, thus avoiding unnecessary duplication between planning and the Controlled Activities Regulations for water environment considerations. We support, however, that *social and economic* impacts of such developments are most appropriately considered by the local authority.

Sustainable Development and Climate Change

Renewable Energy

Scottish Renewables and BWEA welcome the support given to renewable energy within this section. It notes that the Council is reviewing its Renewable Energy Strategy; in order to comply with SPP 6 this should include the involvement of stakeholders, including industry representatives, in the process, and so we welcome and encourage consultation from the Council. The report states the Preferred Option to:

- *set out updated targets for energy developments of different types – these targets will be a guide, and not a “ceiling”;*
- *identify broad areas of search where different types of renewable energy technology developments, especially larger on-shore wind and the location of land based supporting development for marine renewables, could take place. This will be included within supplementary guidance;*
- *identify areas to be given protection from these types of development and this will also be included within this supplementary guidance;*
- *set out criteria for consideration of proposals in the rest of the Highland area for these types of development and this will also be included within this supplementary guidance;*
- *identify the opportunities and potential locations for any supporting infrastructure relating to manufacturing, assembly, servicing and maintenance; and*
- *support smaller developments for micro-renewables.*

Scottish Renewables is nervous about the consequence of setting a regional target for renewable energy technologies. If an ambitious target is set, this could help ensure the planning authority is focussed and motivated towards maximising this opportunity within the Highlands. However, even if it is not intended as a ‘ceiling’, we believe that it could still be viewed as such if the target is met, meaning good renewables projects may not be supported simply because the target has been reached. SPP 6 does not call on local planning authorities to set local targets on renewables, so we would suggest avoiding this risky approach.

The wording of the second bullet point should be changed from “...*could take place*” to something like, “...would be least constrained, in relation to the broad criteria for consideration”. Renewables developments potentially *could* take place anywhere in the Highland region. Developers are best placed to make this assessment, based on the range of constraints that exist, and the broad criteria identified in the LDP. **There should not be a blanket ban placed on development outwith broad areas of search.** Scottish Renewables and BWEA would suggest revisiting SPP 6 and PAN 45 (Annex A) to help guide the wording of this policy.

The final bullet point should make clear that the plan will support “smaller” renewable energy projects as well as “micro-renewables” and not suggest that the two are the same.

We strongly object to the stated Alternative Option to “...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”. The development of the grid is long-term and the Council will not be in a position to decide where it will or will not be whilst projects are in the early stages of development. As SPP 6 states, “*Grid constraints should not, therefore, be used to exclude the identification or safeguarding of appropriate broad areas of search where renewable energy potential exists and there is likely to be developer interest in bringing forward proposals*” and, in relation to development management, it states that grid capacity “*should not be the sole determining factor, particularly where upgrade or installation of the grid is required to enable development in those areas where considerable renewable energy potential exists*”. To some extent the grid will go where the projects go and the industry must be left with the flexibility to consider grid capacity when considering project proposals and to make its own decisions.

If you would like any clarification on the points above please get in touch.

Yours sincerely

David Cameron
Chief Technical Officer, Scottish Renewables

Chris Tomlinson
Director of Programme Strategy, BWEA