

THE HIGHLAND COUNCIL

PLANNING, ENVIRONMENT AND DEVELOPMENT COMMITTEE – 18 JANUARY 2012

Agenda Item	11
Report No	PED 9/12

PLANNING POLICY AND GUIDANCE FOR ONSHORE WIND ENERGY

Report by Director of Planning and Development

Summary

This is an interim report on the results of consultation on the Council's draft Onshore Wind Energy Supplementary Guidance. It identifies key issues raised in consultation responses and outlines a number of key areas of work that officers are engaged in, responding to issues raised and where appropriate drafting revisions to the Guidance. The full recommended response to issues and revised Guidance will be brought to Committee in March 2012 for consideration prior to further consultation.

The work outlined in this report contributes to our commitments within 'Strengthening the Highlands' regarding the production of development plans, promotion of the energy sector and encouraging installed capacity of renewable energy. It must strike a balance where necessary with our other commitments. It is also of relevance to our commitments in respect of community benefit and community control and ownership of renewable energy projects. The work therefore contributes to the Single Outcome Agreement local outcomes.

1. Background

- 1.1 The Committee considered draft Supplementary Guidance for Onshore Wind Energy Development at its meeting on 17 November 2010 and this was subsequently published for a public consultation exercise from April to June 2011.
- 1.2 Comments were received on the Draft Onshore Wind Energy Supplementary Guidance from 139 parties, whose names are listed in Appendix 1. A copy of the comments has been placed in the Members' Library. Many of the submissions cover a wide range of aspects of the guidance and/or comment in significant depth on the issues. Key issues raised in the comments have been summarised under issue headings, broadly following the sections of the draft guidance and are identified in Appendix 2; a number of the issues are discussed in this report. Officers have been preparing fuller summaries of the comments and draft Council responses; once completed, those together with recommended revisions to the guidance will be brought to Committee in March 2012 for full consideration. The intention is that revised guidance will then go on public consultation together with the Environmental Report.

- 1.3 Members will also recall that, at its meeting on 21 September 2011, the Committee considered Draft Supplementary Guidance for Small Scale Wind Turbine Proposals and agreed that, subject to some minor amendment, the draft be consulted upon alongside further consultation on the Onshore Wind Energy Supplementary Guidance once that guidance has been considered further by Committee.

2. Highland wide Local Development Plan – Policy Context

- 2.1 The Guidance supplements the Highland wide Local Development Plan (HwLDP). Members will recall that Policy 68 Renewable Energy Developments in the Proposed Plan attracted a substantial number and range of representations. The Report of Examination for the HwLDP was received by the Council on 20 December 2011 and is subject of a separate report to Committee. The Reporters have considered the issues raised in outstanding representations and their recommendations are binding. Those in respect of Policy 68 Renewable Energy Developments are particularly relevant to how the Council responds to certain comments on the Draft Guidance and takes forward development of it. The Reporters recommendations on certain other policies are also relevant – the Guidance crosses a wide range of planning considerations and a number of HwLDP policies will therefore be relevant to consideration of applications for wind energy development.

- 2.2 In respect of Policy 68, the Reporters have broadly backed our approach in terms of having a single policy for all types of renewables developments, to be supplemented by guidance on specific renewables technologies where necessary. The key modifications made to Policy 68 itself are:

- Addition, as a stated material consideration, of significant demonstrated benefits of proposals including where they would make effective use of existing and proposed infrastructure or facilities;
- Clarification of the operation of the policy, in terms of the overall policy test and assessing the ‘planning balance’ of considerations;
- Deletion of the Public Health and Safety bullet point (on the basis that those matters that are a relevant concern of planning are already addressed elsewhere in the Policy, whilst remaining matters are dealt with by other legislation);
- Altering the assessment of impact on landscape character to that of the surrounding area, rather than of the Highlands as a whole;
- Altering the reference “community amenity” to “amenity” for clarity;
- Deletion of the specific Film Industry consideration (on the basis that whilst it may be a material consideration in respect of specific proposals, it does not lend itself to application as a strategic policy consideration in respect of renewables developments in general);
- Updating and clarifying of the reference to legal agreements relating to removal of development and equipment and restoration of sites, including allowing for exception to not require that where fresh consent is secured to extend the life of the project;
- The addition of a description of the intended scope and purpose of the Onshore Wind Energy Supplementary Guidance.

3. Further Development of the Guidance

3.1 Whilst Appendix 2 highlights a wider range of issues raised in comments received on the Draft Guidance which the Council will need to consider, this section of the report focuses on explaining a number of key matters that officers are working through in dealing with the comments and in developing the Guidance further.

3.2 Wind Energy Development Categories (Typology)

3.2.1 The Draft Guidance set out (in a table on page 13) Wind Energy Development Categories (i.e. a typology). This sought to define a number of different scales of development, by reference to several criteria indicators of scale including capacity, height, number and rotor diameter. By doing so it enables the Council to provide particular spatial or other guidance for particular scales of development (as in the landscape and visual pilot area work in Appendix 1 of the Draft Guidance) and to direct developers of particular scales of scheme to the parts of the document most likely to be relevant.

3.2.2 In responding to comments about the typology table we intend to:

- retain the table, but clarify it and the accompanying explanatory text in respect of how the table is to be used, including in respect of proposed extensions to windfarms;
- simplify the table if possible, whilst retaining its usefulness;
- revise some of the parameters of the categories and add a 'very large' category (say, 45+ turbines);
- develop the criteria and parameters in the table so that the table would provide more appropriate context for dealing with a wider range of wind turbine types (responding to the possibility of a greater variety in the market), for example to include vertical axis wind turbine installations.

3.3 Methodology for preparing the Spatial Framework

3.3.1 The spatial framework contained in the Draft Supplementary Guidance was prepared following the methodology set out in PAN45 Annex 2. However, the Scottish Government has reviewed PAN45 and its Annex 2 and it published replacement national guidance and advice (including a Specific Advice Sheet "Process for preparing spatial frameworks for wind farms") shortly before the Council started consultation on the Draft Supplementary Guidance. It includes a revised methodology for preparing the spatial framework. It is therefore necessary to consider the implications of these changes for the Supplementary Guidance document. The former and current approaches are summarised in Appendix 3.

3.3.2 The methodology has been changed from a four-stage approach to a three-stage approach. The primary change brought about by this is essentially that the former Stage 3 "Refine remaining areas of no significant constraints" has been deleted. The matters that the Council mapped on Map 3 (Stage 3) in the Draft Guidance, and which were therefore excluded from the Broad Areas of Search for large windfarms, were:

- in respect of “Other natural heritage interests”, the areas identified within the Monadhliath and Caithness pilot areas as ‘Type 3’ areas on the basis of certain landscape and visual considerations (as shown in Appendix 1 of the Draft Supplementary Guidance);
- in respect of “Project viability”, areas distant from A and B roads and/or of steep slope.

3.3.3 In order to adjust the Supplementary Guidance in line with the new national advice, these matters if not qualifying to be ‘elevated’ to Stage 1 or 2 will no longer be used to refine/define the areas of search. If they are to be included in mapped form in the guidance (but not at Stage 1 or 2) then that would be as additional useful information to help flag to users of the document further potential constraints to (or opportunities for) onshore wind energy development in Highland. It would be appropriate to present such maps in a separate section of the guidance from the spatial framework, possibly in Appendices and it would be appropriate to likewise relocate information from Map 4b in the Draft Guidance which sought to highlight potential of most viable areas of opportunity within the Broad Areas of Search.

3.3.4 Potentially the most significant implication of this for the Council’s Guidance is in respect of the ‘Type 3’ Landscape and Visual Areas referred to above. These include, for example, the settled areas of the Caithness coast and also areas adjacent the National Park. In further developing the landscape and visual part of the guidance, and giving consideration to comments received, we are therefore examining whether or not it would be appropriate and justifiable for these areas, in whole or in part, to continue to be identified within the spatial framework, now at Stage 1 or 2, which would maximise their effect as constraint considerations.

3.3.5 There are a number of other, more detailed differences between the Scottish Government’s former and current advised methodologies for preparation of the spatial framework, and officers are taking those into account in the consideration of representations and drafting of changes. For example, whereas the former approach included in Stage 1 “areas where the limits of cumulative impact have been reached”, the current advice refers to “where the cumulative impact of existing and consented wind farms limit further development”. The further advice provided by Scottish Government in their specific advice sheet with respect to cumulative effects is therefore of interest and officers are examining this carefully, particularly within our work on the landscape and visual issues for the guidance. Current Scottish Government advice appears to provide some support for our approach within our draft spatial framework of seeking to manage development within sub-areas, between sub-areas and across the wider area.

3.4 Policies relating to the Spatial Framework

3.4.1 In response to representations received, it would be appropriate to include an overarching policy statement in respect of each of the Stages. The Draft Guidance already contains a policy statement for Stage 1 “Areas to be Afforded Significant Protection”. That reflects the unlikelihood of large

windfarms being able to be accommodated in such areas and the stringent tests against which proposals will be judged. Policy statements are therefore required for Stage 2 “Areas with Potential Constraints” and for Stage 3 “Areas of Search”. Such policy statements would essentially be founded upon the wording in the Scottish Government methodology, that for Stage 2 areas “proposals will be considered on their individual merits against identified criteria” and that for Stage 3 areas “appropriate proposals are likely to be supported subject to detailed consideration against identified criteria”. The Guidance also needs to be clear that proposals in one area may impact on features and interests in another area and will be subject of the relevant policy tests to that extent. In forming the policy statements, the Council must avoid creating a sequential test in respect of the spatial framework, as such a test would not accord with national planning policy.

3.4.2 The Guidance would also benefit from the addition of a policy statement that with respect to the landscape and visual sub-area guidance, proposals will be assessed in terms of their compliance or otherwise with that part of the spatial framework, including:

- the stated purpose and reasons for the identification of the sub-area in which it is located;
- any consequences that the development would have for the effectiveness of the spatial framework in managing the landscape and visual impacts of windfarm development across the wider area, including maintaining capacity for wind energy development in identified areas of search.

3.5 Spatial Framework - Landscape and Visual Guidance

3.5.1 The part of the Draft Supplementary Guidance setting out elements of the proposed spatial framework relating to landscape and visual considerations for the two ‘pilot areas’ – Monadhliath and Caithness – attracted a considerable amount of comment, covering the methodology used, the policy/guidance outputs in general and specific points about particular sub-areas. Tied in with this is the question as to whether the Council’s approach includes buffer zones used in a way advised against by Scottish Government.

3.5.2 In respect of the buffer zone issue, in the “Background Paper to the Highland Council’s Draft Onshore Wind Energy Supplementary Guidance, April 2011” we said:

“Scottish Planning Policy states that planning authorities should not impose additional zones of protection around areas designated for their landscape or natural heritage value. The Council’s position is that it would be inappropriate to apply blanket, indiscriminate buffers around such features. However, the Council also considers that it can, through the spatial framework, have regard to specific potential impacts from windfarm development on such features in the identification of sub-areas of the landscape that warrant specific guidance and a steer to wind energy development. This is consistent with delivering aims of Scottish Planning Policy.”

- 3.5.3 In response to issues raised in the comments received, Council officers in consultation with SNH are therefore in the process of working through and reviewing the methodology and pilot area work to:
- set it in the context of the new Scottish Government methodology for preparing spatial frameworks, as referred to above;
 - document more clearly and rigorously the methodology and the links to evidence that it is founded on, to ensure robustness;
 - consequently adjust the policy/guidance outputs if necessary.

3.5.4 It is important to remember that this work is strategic in its nature and that the spatial framework, whilst seeking to steer developers, will not contain a sequential approach and will not prevent a proposal being made in any location which will need to be considered on its merits, having regard to planning constraints.

- 3.5.5 Through this work, officers are seeking to take into account:
- the matters raised elsewhere in this paper about the consequences of the changed Scottish Government methodology; and
 - the questions about the use of 'buffer zones', raised above.
- In doing so, officers are seeking to ensure that there is clear rationale for inclusion of each planning consideration in the spatial framework, for example that it is clearly rooted in the list of matters that the Scottish Government methodology indicates as being suitable for consideration under a particular stage of the methodology.

3.6 Wild land

3.6.1 A number of parties have commented that the Council needs to reflect national policy in respect of wild land and take full account of it as a consideration in its Guidance. Some parties consider that it should be included in the spatial framework, with various opinions about its importance as a constraint, whilst others consider that it should not be used to reduce the areas of search for large windfarms.

3.6.2 However, mapped boundaries for wild land are not yet available although we understand they will become so during the lifetime of the HwLDP and of the Onshore Wind Energy Supplementary Guidance, as a consequence of work that SNH are currently undertaking. HwLDP Policy 58 Natural, Built and Cultural Heritage clearly identifies wild land as a local/regionally important constraint feature for consideration. The HwLDP Appendix 6.2 identifies that the Council will produce Wild Areas Supplementary Guidance (which we will consult on) but that, prior to wild land being identified, proposals that may have an adverse impact on the wild land resource should undergo an assessment process. To produce this assessment, applicants will need to refer to SNH: Assessing the Impacts on Wild Land interim guidance note.

3.6.3 Wild land represents a local/regionally important feature and therefore, once the mapped areas are available and have been confirmed for use, it should be accommodated within the spatial framework as a Stage 2 constraint. It is not

considered suitable to use the previously published SNH 'search areas for wild land' as a spatial constraint in the meantime. SNH is clearly making progress on the mapping, now having new mapping for 'wildness' available, and once boundaries of areas of wildness (wild land) are identified from this preparatory mapping this will supersede the search areas. Also they are 'search' areas so their scope is wider than that of a 'feature'. However, in the meantime the 'search areas for wild land' could be provided as an appendix to the Onshore Wind Energy Supplementary Guidance and be used to say where a wild land assessment will for now be required.

- 3.6.4 With regard to the likely timescales for the production of 'wild land' mapping, it is understood that SNH hope to make at least a draft of this available from the end of March 2012.

3.7 Communities and Residential Amenity

- 3.7.1 A number of comments were received about the level of safeguarding that should be afforded to communities and how protective this would be of residential amenity. As part of this there are questions about to which settlements has the 2km separation distance been applied under Stage 2 in the Draft Guidance (i.e. encouraging large windfarms to be located at least 2km from settlements), and suggestions that this is not inclusive enough of dispersed rural settlement. There are also suggestions that there should be firmer policies excluding windfarms from areas where people live.

- 3.7.2 In the Draft Guidance, the 2km separation distance has been applied to settlement development areas identified in the Local Plans. It is appropriate to remember that this is part of a strategic, spatial steer for large windfarm development in accordance with national policy and advice. Proposals will be considered not only in the light of the Council's guidance but also the HwLDP policies. Impacts on the amenity of individual residential properties will be a consideration, irrespective of location relative to settlement development areas. Policy 68 provides an overall policy test and for assessing the 'planning balance' of considerations. The Draft Guidance does also include an expectation that wind energy developments will be located at least a minimum distance equivalent to 10 times the blade diameter from any regularly occupied buildings not associated with the development. However in respect of residential amenity specifically, the Council may wish to consider including in the guidance a statement of a 'bottom line' that development that is judged to have significant long-term detrimental impacts will not be supported. But the emphasis of the Council's guidance is to encourage good planning and achieve a level of residential amenity significantly better than one suffering from significant long-term detrimental impacts.

4. **Next Steps**

- 4.1 The main next steps are:
- to complete work in consultation with SNH with respect to the landscape and visual considerations in the pilot areas of Monadhliath and Caithness;
 - to complete the full summary of issues raised, the recommended response

- to issues and the Environmental Report, having regard to what information is available to the Council at that time about constraints to development;
- to complete drafting of the recommended revisions to the Supplementary Guidance accordingly;
 - to set out the intended arrangements for and timing of public consultation on the revised Guidance and associated Environmental Report.

5. Gaelic Language

- 5.1 Gaelic headings and sub-headings were included in the Consultation Draft and will be updated for the Revised Draft before being published for consultation.

6. Legal and Risk Implications

- 6.1 The Supplementary Guidance, once finalised, will be submitted to statutory adoption stages whereby it will gain 'development plan' status. This will place it on a stronger footing than that which has been accorded to the non-statutory guidance in HRES. In the meantime, revised draft guidance when available after March PED Committee will be capable of being used as a material consideration and will, in general, carry greater weight than did the first draft as it will have responded to comments received and to the results of the examination of the HwLDP.

7. Resource Implications

- 7.1 Preparation of the guidance is budgeted for. Its progression is dependent upon input from a number of officers from across the authority and is assisted by input from external consultee organisations, particularly Scottish Natural Heritage, with whom we liaise. The timetable for progression must therefore take account of other work programme priorities.

8. Equality and Climate Change Implications

- 8.1 An Equality Impact Assessment Screening has been drafted for the Supplementary Guidance and will be revisited and firmed up as the Guidance is revised. The Strategic Environmental Assessment Consultation Authorities have been consulted on an SEA Scoping Report and officers are currently preparing the Environmental Report which will inform the revised draft of the Guidance. Habitats Regulations Appraisal will also be undertaken in respect of the Guidance.

9. Conclusions

- 9.1 Progression of the Onshore Wind Energy Supplementary Guidance remains a high priority. Clarity now available about the content of parent policies in the Highland wide Local Development Plan, following the Council's recent receipt of the Report of Examination, will assist our conclusion of consideration of comments on the Draft Supplementary Guidance and the preparation of any revisions to the Guidance.

Recommendation

That Committee agrees:

- that any comments of Committee on the contents of this report or on the intended next steps be taken into consideration by officers in preparing a further report for Committee consideration at its meeting in March 2012;
- that the further report provides the full summary of issues raised, recommended response to issues and revised Supplementary Guidance, together with the intended arrangements for and timing of public consultation on the revised Guidance and associated Environmental Report.

Designation: Director of Planning and Development

Date: 10 January 2012

Author: David Cowie, Principal Planner (Tel: 2827),
Katie Briggs (2271), Julie-Ann Bain (2266)

Background Papers: Onshore Wind Energy Supplementary Guidance – Draft (April 2011) and related materials, including “Background Paper to the Highland Council’s Draft Onshore Wind Energy Supplementary Guidance, April 2011”, available at:
<http://www.highland.gov.uk/yourenvironment/planning/developmentplans/developmentplanpolicyguidance/windenergyspg.htm>

Comments received on Onshore Wind Energy Supplementary Guidance – Draft (April 2011), available in Members’ Library

Highland-wide Local Development Plan – Proposed Plan (2010), available at:
<http://www.highland.gov.uk/yourenvironment/planning/developmentplans/localplans/HWLDPPProposedPlan.htm>

Highland-wide Local Development Plan – Report of Examination (2011), available at:
<http://www.highland.gov.uk/yourenvironment/planning/developmentplans/localplans/HWLDPEExamination.htm>

Small Scale Wind Turbine Proposals Supplementary Guidance – Draft, as considered by PED Committee on 21 September 2011, available at:
<http://www.highland.gov.uk/yourenvironment/planning/ene>

[rgyplanning/](#)

Scottish Government's Specific Advice Sheet "Process for preparing spatial frameworks for wind farms" (2011), available at: <http://www.scotland.gov.uk/Topics/Built-Environment/planning/publications/pans>

APPENDIX 1:**LIST OF RESPONDENTS TO DRAFT ONSHORE WIND ENERGY SUPPLEMENTARY GUIDANCE (APRIL 2011)**

Ref. No.	First Name	Surname	Group or Company	On behalf of
1	G H	Smith		
2	Madeline	Macphail		
3	R	Hemmings		
4	Diane	Brawn		
5	David	Bell	Jones Lang LaSalle	Spittal Hill Wind Farm
6	David	Bell	Jones Lang LaSalle	Craggie Wind Farm
7	Ruth	Sutherland		
8	Per	Bullough		
9	James	Pollard		
10	Andy and Joni	Bluefield		
11	David	Bell	Jones Lang LaSalle	PI Renewables
12	Sylvia	Wallace		
13	Ioan	Richard		
14	Alison	Cumpsty		
15	Terry	Howell		
16	David	Bellamy		
17	W E R and Winona	Wall		
18	John	Forbes-Leith	Dunachton Estate	
19	Hilda	Hesling		
20	Jill	Kibble		
21	Pam	Williams		
22	Denise	Brown	Spittal Windfarm Opposition Group	
23	Ann	Jones		
24	Lucy	Forte	ABO Wind UK Ltd	
25	Steven	Turnbull	John Muir Trust	
26	David	Bell	Jones Lang LaSalle	West Coast Energy
27	Bridget	Gill		
28	Donald	Heinzelman		
29	William	Grant		
30	Harriet	Ellis		
31	Susan	Crosthwaite	Cosses Country House	
32	Nicky	Cockburn		
33	David	Bell	Jones Lang LaSalle	Infinergy and Nan Clach Ltd
34	Denise	Davis		
35	Duncan	Bryden	Strathdearn Community Council	

Ref. No.	First Name	Surname	Group or Company	On behalf of
36	Jamie	Williamson	Alvie and Dalraddy Estates	
37	Thomas	Rankin		
38	Mark	Harrison	Coal Authority	
39	John	Danby	TEC Services	
40	Steve	Carver	Wildland Research Institute: University of Leeds	
	Michael	Markieta		
41	George	Hogg	Scottish Natural Heritage	
42	Silvia	Earl		
43	Cerian	Macinnes	SEPA	
44	Stuart	Benn	RSPB Scotland	
45	Paul	Simonite		
46	N and P	Watson		
47	Mhairi	Mackenna		
48	Keith	Brogden	JRC Windfarms Team	
49	James	Stuart		
50	J	Reddaway		
51	Alison	Sangster		
52	L	Ward		
53	Paul	Aston	Proven Energy	
54	Andy	Miller	Icon Energy Planning	
55	Andrew	Stevenson	Historic Scotland	
56	Neil	Hornsby	Highlands and Islands Green Party	
57	Brian	Etheridge	Highland Raptor Study Group	
58	Basil	Dunlop	Grantown-on-Spey Community Council	
59	Allan	Macpherson-Fletcher	Balavil Estate	
60	G and L	Leet		
61	G and I	King		
62	Brian	Tilley	EON Climate and Renewables	
63	Robin	Ashby	Edderton Community Council	
64	Derek	Birkett		
65	Hugh	McNally et al	Denscot Evergreen Ltd	
66	Dave	Pierce		
67	David	Morris	Coriolis Energy	
68	John	Smith	Casa Planning and Environment	
69	C and C	Gilmour		
70	Anna	Grabis		
71	Andrew	Brown		

Ref. No.	First Name	Surname	Group or Company	On behalf of
72	Alan	Thompson		
73	Paul	Phillips		
74	R	McLarend		
75	James	Hotchkis		
76	J	Wilson		
77	Richard	Phillips		
78	Peter	Grant		
79	Tim and Gabriele	Pearson	Black Isle Projects Limited	
80	Karen	Hamilton	Brodies LLP	Nigg Awareness Group
81	Maxine	Fleming		
82	P	Thompson		
83	John	Anderson	Kincraig and Vicinity Community Council	
84	R V	Hewett		
85	Billy	Grant		
86	R and J	McIntyre		
87	Jamie	Munro		
88	Christopher	John		
89	Jeremy	Finnis	Dell Estate	
90	Pete	Campbell	Creich Community Council	
91	John	Grant		
92	William	Grant		
93	Laura Jean	Grant		
94	M	Erskine		
95	Jeannie	Munro	Save our Dava	
96	Hilda	Hesling	Inverness West Community Council	
97	Ian	Kelly	Graham and Sibbald	Various Clients
98	Floris	Greenlaw		
99	Brenda	Herrick	Caithness Windfarm Information Forum	
100	Simon	Tribe	Wind Harvest Limited	
101	Graeme	Kerr	RES Ltd	
102	Jennifer	Gascoigne	RWE Npower Renewables	
103	Jennifer	Gascoigne	RWE Npower Renewables	Allt Duine Wind farm
104	Angus	MacNicol	Cawdor Estates	Cawdor Marriage Settlement Trust
105	Alex	Schlike	Geddes Consulting	RDS Element Power
106	John	Edmonson	Ardross Community Council	
107	Adrian	French	Terence O'Rourke	Future Electric Limited
108	John	Mackay	Scotways	

Ref. No.	First Name	Surname	Group or Company	On behalf of
109	Debbie	Harper	Scottish Power	
110	Alan	Coutts	Craggie Farm	
111	Brenda	Herrick		
112	Steven	Black	Jones Lang LaSalle	SSE Renewables Developments (UK) Limited
113	Ann	Faulds	Dundas and Wilson	European Forest Resources
114	John	Swanson	Clythe, Lybster and Swiney Estates	
115	Ro	Scott		
116	Steven	Black	Jones Lang LaSalle	
117	Earl	Cawdor		
118	Neal	Reid	Ridge Wind	
119	Don	McKee	Cairngorms National Park Authority	
120	Pamela	Clark		
121	Alan	Tubb		
122	Tom	Campbell	Your Energy Limited	
123	Anne	Thomas		
124	Graham	Vine	Nairn West Community Council	
125	Mike	Kingswood		
126	Pat	Wells	Stop Highland Windfarms Campaign	
127	Pat	Wells	Strathdearn Against Windfarm Development	
128	Sophie	Corbett	Scottish Government	
129	Donald	Scobbie		
130	Kathy	Williams		
131	Pauline	Dingwall		
132	Hebe	Carus	Mountaineering Council of Scotland	
133	Christine	Metcalfe		
134	Eveline	Waring	Nigg and Shandwick Community Council	
135	Will	Paton	Scottish Water	
136	Rosie	Vetter	Scottish Renewables	
137	Ray	Bainbridge		
138	Ian	Cowan	Kirkhill and Bunchrew Community Council	
139	Peter	Grant	Nigg Awareness Group	

**SUMMARY OF KEY ISSUES RAISED IN CONSULTATION RESPONSES* TO DRAFT
ONSHORE WIND ENERGY SUPPLEMENTARY GUIDANCE (APRIL 2011)**

* NB. As this interim report is focussing on methodology and overall policy considerations in principle, key issues from comments on the specific pilot areas and sub-areas are not detailed here but will be included within the next report to Committee in respect of the Guidance.

Methodology, Spatial Framework and Policy Wording (where it is not specific to a topic area) and Landscape and Visual Impact

Key Issues

General Approach

- Scottish Government expects the approach to preparing spatial frameworks for wind farms to be consistent with Scottish Planning Policy and Scottish Government's online renewables planning advice on wind farms.
- Suggestion from one party that as the four-stage approach for preparing the spatial framework is now inconsistent with SPP and related advice, in principle the first two stages of "sieving" are consistent with SPP but further criteria below this are not strategic in their nature and therefore are better suited to application-specific environmental assessment.
- Alternative view expressed that the Council should not automatically follow Scottish Government policy; concern that the current policy approach is not in the best interest of the Highlands.
- Feelings expressed by some that the Draft Guidance focuses too much on protection of the natural environment rather than promoting and facilitating development and/or is overly restrictive on development, whilst comment made by some others that the converse is true whilst further comments suggest that people are not afforded the same protection as wildlife.
- View expressed that the Supplementary Guidance is overly focused on the method of its preparation; further consideration should be given to its interpretation and application in practice.
- Objection to keeping the Highland Renewable Energy Strategy as an overarching strategy when it has been superseded by SPP and related advice.
- Comment that the Council needs to ensure that its renewable energy targets are refreshed and that its spatial strategy and policies necessary to deliver the local and national renewables targets are not compromised by other policy objectives. Suggestion that it would be prudent to give priority to areas with a realistic likelihood of connection to the grid network.
- Query as to why draft policies have not been included for Stage 2, 3 and 4 areas as well as Stage 1; calls for clarity on the level of safeguarding to be applied to areas identified at each stage of the methodology, explanation of how consideration should be given to the impact of proposals on the spatial framework for the wider area and recognition of the need to look at the overall planning balance in assessment of a proposal.
- Calls for greater buffer zones, and exclusion zones around the most important features.

Landscape and Visual Impact

- Some general support for the broad approach taken to develop landscape and visual guidance and that the method used in the pilot areas is a useful tool, but views also

expressed that the Guidance should not be adopted until the landscape and visual assessment work in the pilot areas is complete, particularly with regard to the identification of Type 1 areas where the limits of cumulative impact have been reached.

- Some have no objection to the process of developing landscape and visual guidance on a phased basis provided that the process for further phases is open to reasonable public consultation with transparent methodology that can be assessed; however some others feel that the Guidance should not be adopted until the landscape and visual guidance has been prepared for all areas of Highland.
- Concern expressed that the landscape and visual work is rendered unreliable as the wildness issue has not been addressed as part of it, although some comment that the steer of development towards relatively accessible locations may help to safeguard wild areas.
- View that insufficient account has been taken of tourism routes and gateways.
- Perception by some that by the Council having its own visualisation standards, it is burdening the developer, whilst there is some acknowledgement that Scottish Government is reviewing standards nationally.
- A range of concerns on the cumulative impact issues – that the areas that are at cumulative limit need to be illustrated and explained more clearly based on assessment of landscape capacity and cumulative assessment (with all relevant background material readily available), that a broad-brush approach to identifying areas at limit could miss opportunities for development such as extensions or clustering, that an alternative approach would be to not identify areas but rely on early engagement with SNH and Historic Scotland by developers, that there needs to be a closer reflection of landscape character types/areas and to flag potential impacts on designated areas (or on sub-areas) from development outwith, that there needs to be more consideration of sequential cumulative impacts along key routes and cumulative impacts with other development types and offshore wind energy proposals. Comment suggesting that revision of areas based on cumulative issues should be considered in a more strategic way rather than with a localised or specific focus.
- Comment that SPP requires the identification of the factors to be taken into account in assessing cumulative impact, as well as identifying any areas where the cumulative impact of existing and consented windfarms limits further development; and that no such factors are explicitly identified in the Draft Guidance.
- View expressed that whilst the definition of type 1 areas accords with the criteria given in SPP the ‘purpose’ and ‘reasons’ given for the identification of such areas within Appendix 1 does not justify their inclusion within such areas and relates instead to a multitude of other factors that, whilst they are landscape and visual factors, do not always relate to cumulative impacts.
- Concern with the inclusion of areas within the highest level of constraint category on the basis of cumulative visual impact; would prefer to see cumulative visual sensitivity included in the next level of constraint, Stage 2.
- Comments that the Draft Guidance does not follow on readily from the Macaulay Study, that it is not clear how the study has been used and that the typology of windfarm development referred to in the guidance does not fit with that referred to in the study, that the study is biased towards assessing as high landscape visual sensitivity where there are a large number of people and conversely wild areas as of low sensitivity which compounds the lack of wildness data, and that the study is a sensitivity study not a capacity study.
- Calls for the approach to be more sophisticated and take greater account of landscape scale, varying separation distances between clusters, separate consideration of key sensitivities and how these may combine, magnitude of change.

Policy for Areas to be Afforded Significant Protection

- Based on misconception, some think that the policy set out is to apply to all areas which are not identified as Broad Areas of Search, and disagree with that.
- Concern about confining the policy to large scale developments; in many instances the limit of cumulative impact applies equally to all wind energy developments.
- Objection to the use of the threshold of requiring a development not to have “overwhelming adverse cumulative impact” as this sets the requirement far in excess of proof of adverse impact that is stated in NPF2, SPP or indeed HwLDP.
- Suggestion that it is sufficient to refer to Policy 68 of HwLDP and thus inclusion of reference to overwhelming adverse cumulative impact should be deleted.
- Concerns that the policy for areas to be afforded significant protection gives too much weight towards reasons for refusal that may be irrelevant due to mitigating factors.
- Does not agree with policy test of meeting the requirements of Scottish Planning Policy.
- Concerned about national policies and that the broad policy is only for significant protection of the main heritage interests and not a strong limitation on development; strengthening sought.

Stage 1

- View expressed that communities and residential amenity should be included here.
- Objection to SSSIs being automatically included in the areas to be afforded significant protection, but suggestion that each development should be judged on the reason for the SSSI citation.

Stage 2

- In principle agreement expressed with the considerations used to inform the identification of the Stage 2 areas; however, based on misconception, do not agree with the approach as it appears that all Stage 2 mapped features have been accorded the same level of protection as Stage 1 constraints, which does not appear to follow the criteria led policy approach advocated in SPP and related advice.
- View expressed that there are a number of criteria within Stage 2 which it is considered should not be excluded from Broad Areas of Search; this stage is not clear as there is no clear distinction between areas to be sieved out from the Broad Areas of Search, and constraints and criteria which must be addressed when proposals come forward for consideration.
- Do not agree with the approach to the identification of other constraints and policy criteria; approach creates a negative framework as opposed to a positive one as required by national policy.
- The Council is applying buffer zones around already designated areas, which is explicitly prohibited by national policy.

Stage 3

- Comments that Stage 3 needs further work and consideration and that Broad Areas of Search should be further assessed for their possible impact on protected areas.
- Comment that the criteria considered in Stage 3, namely other natural heritage interests and project viability, need not be considerations for the Guidance; these areas should not be sieved out from the ‘Broad Areas of Search’ but dealt with on a site by site basis.
- Misconception that the Council is restricting opportunity on the basis of project viability and therefore concerns because the layer would be too precise to be mapped and would need to be based on economic commercial reality/individual site assessment.

- Concern that the Council is using just A+B roads rather than all public roads as an indicator and comment that the gradient should be 1 in 4 rather than 1 in 7.

Stage 4 Broad Areas of Search (BAOS)

- Suggestion that a 'health warning' should be included on the Maps to indicate that BAOS are subject to possible unmapped constraints and to overarching policies in the Highland-wide LDP.
- Comment that basic ground-truthing is required for BAOS.
- Objection to the Council identifying areas within 5km of a grid line as 'potentially having particular development advantage'; the existence of a line does not mean that there is spare capacity in it nor that it will be suitable, feasible or advantageous to connect to it. The inference is that if the Council identifies areas as 'potentially having particular development advantage', there may be less propensity to consent areas outwith these areas.
- Comment that Maps 4a and 4b leave some concerns with the fragmented data creating a fragmented pattern of search; suggested that the allocations of land for search areas may be better if they were less detailed.

Typology of Wind Energy Developments

Key Issues

- Suggested additions of new categories for MCS-accredited turbines and for very large windfarms, and clarification sought as to how windfarm extensions will be considered.
- Some comments agreeing with the categories as set out, but others suggesting changes to the criteria used and/or to the parameters of each category and saying that they do not currently fit with commercial reality of schemes.
- Clarity sought about how the table is supposed to be used and some calls for its simplification.
- Some misconceptions about the Council's reference to "community" and "commercial", leading to comments that the developer status should not be a consideration in how schemes are categorised.
- Comments that the categories should be justified based on evidence, and others that they should be brought in line with those in SNH guidance.

Development Guidelines - General

Key Issues

- Clarity sought as to under what circumstances or which locations the Development Guidelines would apply; the relationship with the spatial framework should be explained.
- Clarity sought as to the test in respect of impact on Special Landscape Areas.
- Comment that to ensure that wording remains consistent, the Supplementary Guidance must not precede the adoption of the HwLDP. The potential for mitigation needs to be acknowledged; the determining factor should be environmental acceptability rather than the presence or otherwise of significant effects.
- Comment that there could be debate on what constitutes a significant impact on the more subjective environmental attributes.
- Suggested addition of other infrastructure such as pylons and substations, and of borrow pit issues.

Natural Built and Cultural Heritage

Key Issues

- Some seek to remove Historic Garden and Designed Landscape from areas to be afforded significant protection

- Wild land is a big issue with very different views being expressed, from seeking inclusion of wild land as an area to be afforded significant protection/areas of other constraint and policy criteria/ to using SNH's Search Areas for Wild Land (SAWL) to ask for wild land assessment/ to seeking protection of wild land close to settlements for recreational purposes/to not including wild land mapping until it has been consulted on / to suggesting that wild land is not worthy of protection from windfarm development.
- Concern that areas of significant protection should not be given a blanket restriction.
- Concern that any areas identified by Habitats Regulations Appraisal (HRA) that have connectivity with Special Protection Areas (SPAs) should be excluded from the Broad Areas of Search (BAOS).
- Whether to remove listed buildings, sites and monuments record archaeological sites, war memorial, views over open water, amenity trees and woodland, and inventories long established woodland as stage 2 constraints. Also there was concern about the protection given to what were considered to be proposed AGLVs.
- There was also concern expressed about the need to protect designation interests, setting and views from and to the features/designations as well as the designated sites themselves but also concern about the council mapping buffers to designated features rather than protecting through policy.

Other Species and Habitats Interests

Key Issues

- SNH think the Council should be using RSPB-SNH composite sensitivity map as part of the sieving process however RSPB understand why the Council has not so far.
- Comment that the second bullet point of paragraph 4.37 could cover all of Highland and hence is too broad and should be removed.
- Boundaries of designated sites do not do justice to important habitats.

Public Health and Safety

Key Issues

- With the right to roam policy it is impossible to guarantee the safety of the public from any windfarm.
- Views that making public health and safety a planning requirement places an additional burden on the developer and should not be included in the Supplementary Guidance. There is already appropriate health and safety legislation.

Community Amenity

Key Issues

- Confusion over what constitutes a settlement and comments that it is not inclusive enough.
- Issues with 2 km separation distance – some people think it is not big enough whilst others think it is too arbitrary.
- Noise emissions from wind turbines.

Safety and Amenity of Individuals and Individual Properties

Key Issues

- Views that not enough emphasis is placed on the issues related to noise and shadow flicker from wind farms.

Water Environment

Key Issues

- SEPA's interactive map at www.sepa.org.uk/water/river_basin_planning.aspx details the locations and status of waterbodies in terms of the Water Framework Directive

and there is a suggestion that the Council could consider how to use this to refine Broad Areas of Search (BAOS).

Safety of Airport, Defence and Emergency Services

Key Issues

- The Council should consider including in the stage 2 map the Highlands Restricted Area Tactical Training Area where military jets are allowed to fly at heights of 100m.
- Objections to the perceived blanket approach to aviation, particularly the 15km exclusion zones round Inverness and Wick airports.

Quantity and Quality of Public Access

Key Issues

- Due to the right of access some feel it is unreasonable to require a windfarm development not to have a significant adverse effect on the quantity and quality of public access in the immediate vicinity of the windfarm.
- There should be more focus on opportunities to improve path networks and access rather than focussing on mitigation.

Tourism, Recreation and Film Industry Interests

Key Issues

- Feeling that windfarms will destroy the special qualities of Highland that attracts visitors and this will have a detrimental impact on the local economy.
- Tourism and windfarms do not necessarily have to be incompatible land uses and in some cases can have potential positive economic effects on the local economy.
- View that reference to film industry interests should be deleted.
- View that mapping has not covered tourism and recreation interests.

Additional Guidance

Key Issues

- Questioning the need for this separate section, or the format it takes, which could be reworded as objectives to be achieved through good design; the links to the HwLDP policy are not clear.
- View that the issues dealt with are difficult to enforce, but if could be made legally binding then a compensation clause should be added for devaluation of properties.
- Suggest inclusion of reference to the impact of windfarm infrastructure on the environment.
- Concern that the guidance is referring to certain objectives that are more properly achieved under other legislation, rather than secured through planning.

Community Renewable Energy Developments

Key Issues

- Consider that domestic or community scale developments should be sized to the needs of the community.
- Clarification sought with respect to whether, where a community has a share of a larger scheme as a community share, only the community turbine(s) are considered to be a community scheme.

Design and Layout of Windfarms

Key Issues

- Comments that it is not clear what guidance is being offered and that in the absence of more thorough design and layout guidance then this section should be deleted; and that guidance is not required due to SNH advice available.
- Clarification sought as to whether the Council would seek demonstration of the consideration of alternatives to the proposal.

- Various suggested additions to the guidance, covering access tracks, effect of variation of rotor speed, avoidance of habitats and species, atmospheric conditions survey informing noise assessment.
- Comment that it would be useful to make reference to the different scales of windfarms and to consider different types of large windfarms.
- View that there should be more emphasis on mitigating impacts of development rather than maximising the profits of the developer.
- Objection to reference to operational efficiency, which is a commercial/ economic decision for the developer.

Forestry

Key Issues

- Some concerns about key-holing impacts in terms of wind blow and the landscape impact over the lifetime of the windfarm with regard to forest cycles.
- Asking for easier ways for developers to deliver the onerous mitigation required of them with regard to compensatory planting.
- Some pressure for good quality forestry/non-commercial woodland to be an area of significant protection.
- There is concern about the inclusion of designated woodland as a Stage 2 constraint.

Peat

Key Issues

- Concern that no independent check on carbon payback.
- Views that areas of deep peat should be classed as areas of constraint.

Impact on Infrastructure (including Electricity Transmission Cables and Lines and Gas Transmission Underground Pipelines)

Key Issues

- Debate on the appropriate setback distances for electricity cables/overhead lines and gas transmission pipelines.

Impacts of Other Proposed Developments on Existing or Consented Windfarms

Key Issues

- Views that this section should be excluded from the supplementary guidance.

Site Restoration

Key Issues

- Feeling that not enough information given as to what adequate restoration actually entails.
- Concerns from the windfarm industry that a 25 year bond is not currently commercially obtainable so more flexibility is required on security arrangements.

Mitigation

Key Issues

- Need to clarify who is responsible for monitoring and evaluating any mitigation.
- Comment that off-site measures should not be presented as mitigation.

Appendix 1: Pilot Areas – Monadhliath and Caithness

Key Issues

Pilot Areas - General

- Do not agree with the boundaries for several of the sub-areas.

- Suggestions made about the further work that should be carried out in the pilot areas, not only relating to Type 1 (Stage 1) areas but also to completing the policy coverage of these areas and establishing robust boundaries for the sub-areas.
- Comment that landscape and visual guidance has been given for areas which have extended beyond the areas that were considered through all stages of the fieldwork, but this is misleading as those parts have yet to be assessed in detail using the pilot study methodology.
- Leeds University comment that the Monadhliath area does not have the overlap with the minimum impact areas for windfarm development that they have identified through wildness work and should not be a target for further development, whilst scrutiny of these analyses/maps would indicate that Caithness shows the greatest overlap with the minimum impact areas.
- View expressed that the range of criteria employed to identify the upper cumulative development limits of the pilot areas have not been adequately considered from a strategic perspective.
- View expressed that the mapping is too simplistic in form and boundaries between type areas do not relate to typography, key landscape features or any form of sensitive receptor, therefore sub area boundaries appear arbitrary.
- Comment that the published Macaulay Study does not contain any figure illustrating overall landscape character sensitivity (a background paper shows the pilot areas) therefore concerned about the transparency of the process.
- Consider that the Council needs to set out criteria which the Council aims to achieve within a more carefully considered sub area and use this to assess applications on a criteria based approach.
- Comment that it is also important for the guidance to acknowledge where it can give strategic guidance and which matters need to be left to the individual assessment.
- Do not support the apparent inclusion of a constraint buffer, as this conflicts with SPP.
- Comment that field sheets were not developed into a presentable format, and important data required for verification, such as GPS co-ordinates, or viewpoint photography / viewing conditions, was absent.
- View expressed that insufficient viewpoint locations have been used in undertaking the work.
- View expressed that there appear to be inconsistencies of approach across the pilot areas.
- Comment that the spatial framework is at a scale and detail which makes it very indicative.
- View expressed that in reviewing the purpose of identifying the sub-area, those reasons provided about identifying the appropriate type of development/ potential for large development do not constitute reasons in themselves.
- Suggestion that the description of the sub-areas should identify further issues to be assessed – particularly the detailed extent of Wild Land.
- View expressed that there is a lack of transparency over what baseline was used in respect of windfarms in area.

Pilot Area Work – Sub-Areas

NB. Comments were received specific to each pilot area and to particular sub-areas; as this interim report is focussing on methodology and overall policy considerations in principle, the key issues from comments on the specific areas and sub-areas are not detailed here but will be included within the next report to Committee in respect of the Guidance.

Appendix 2: Advice on Process

Key Issues

- View that the Council should not be involved in community benefit.
- Comment that developers need to engage with local communities early in the process.

General

Key Issues

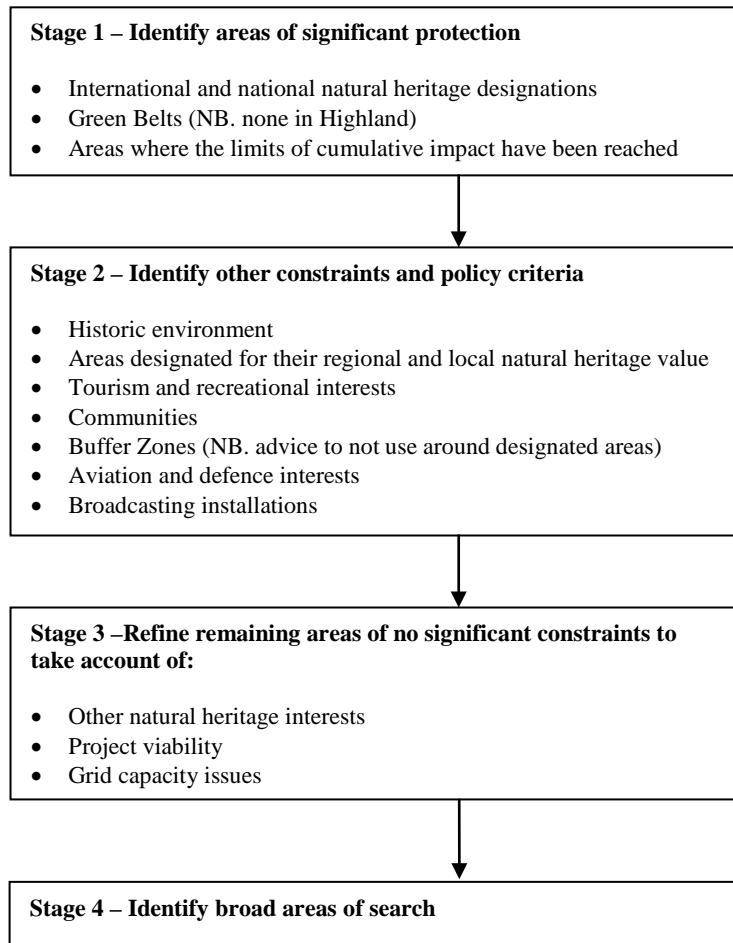
- Asking for GIS mapping layers to be made individually available.
- Seeking update to HRES targets as corresponding Scottish Government target at the time was for 40% of demand for Scottish electricity to be supplied from renewable sources by 2020 and it is now 100%.
- Debate over how frequently the guidance should be updated with arguments for regular updates, and some against this to give developer certainty and stability.

Mapping Clarity

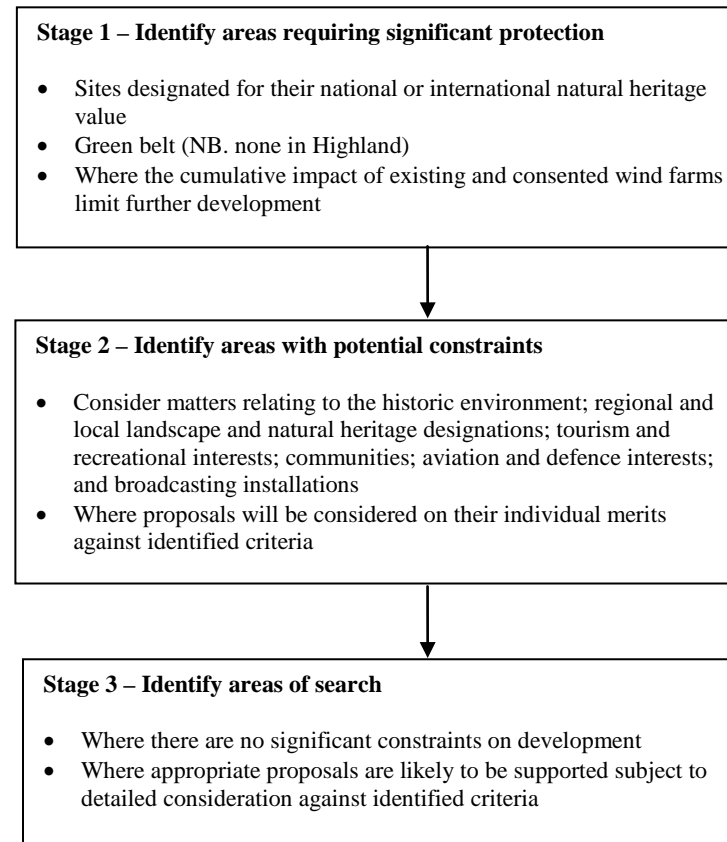
Key Issues

- Some comments suggest there to be discrepancies between Highland area maps and the pilot area maps.

Former PAN45 Annex 2:



Current Specific Advice Sheet (2011):



NB. Scottish Government continues to advise against the use of buffer zones around designated areas.