

GS/JMT/THCWESG/IK

The Highland Council – Planning

PLANNING FOR ONSHORE WIND ENERGY

DRAFT SUPPLEMENTARY GUIDANCE – INITIAL CONSULTATION

RESPONSE SUBMISSION

ON BEHALF OF THE JOHN MUIR TRUST

Submitted: 19th January 2015 – by Email only

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Background

1. This submission, on behalf of the John Muir Trust, is in response to the Highland Council's consultation document titled "Planning for Onshore Wind Energy". The Trust is grateful for the short time extension that was granted to allow this submission to be made.
2. The John Muir Trust is the leading wild land conservation charity in the United Kingdom. Based in Pitlochry, the Trust works with people and communities to conserve, campaign and inspire. The Trust is a membership organisation that seeks to ensure that Wild Land is protected and enhanced and that wild places are valued by and for everyone. It does this by owning and managing land to protect and enhance Wild Land; engaging with people throughout the UK to help them discover, explore and conserve wild places through the John Muir Award; and through working with decision-makers and others to achieve public policies which will help protect and enhance wild areas.
3. The Council document appears to address two matters – the start of preparing new Supplementary Guidance (and a spatial framework) alongside seeking comments on the Cumulative Landscape and Visual Assessment for Caithness (the CLVA study). The Trust is submitting a single response to cover both aspects and the approach has been to set out some general points followed by answers to the six questions listed on the consultation document.
4. The submission has been prepared by Ian Kelly MRTPI, Head of Planning at Graham and Sibbald, and a chartered town planner with thirty seven years' experience in the public and private sectors, mainly in Scotland but also involving work south of the Border, and in Europe, mainly in Scandinavia. His relevant project work has included more than twenty major wind farm cases at various stages in the s36 consent/deemed planning permission process, and a greater number of wind farm planning applications. More recently a significant part of his workload has been the assessment of individual wind turbine and run of stream hydro proposals.

5. In addition to the above project based experience Ian Kelly was a member of the Energy Minister's Short Term Working Group (STWG) addressing means of improving the assessment/consenting process for on shore wind farms. He also sat on a sub group of that STWG looking at the s.36 and general Public Inquiry procedures for wind farm Inquiries. Finally, having contributed significantly to the project concept and then the project brief, he is a member of the Steering Group on a 14 month Scottish Government funded research study undertaking a comparative examination of the predicted and the actual visual and noise impacts of a representative sample of wind farms in Scotland.
6. All communication in respect of the submission should be via the agent for the Trust – Ian Kelly MRTPI – preferably by email.

General Commentary

7. It is unclear why the two aspects of the preparation of new guidance and the CLVA have been taken together. In addition, given the critical importance of the proposed new supplementary guidance and spatial framework – dealing with the biggest single force for change in the Highland landscape – it is considered that there could have been much wider publicity for the initial consultation process. Neither the Trust nor any wind farm activists that it contacted in the Highlands were aware of the consultation exercise.
8. There is, of course, a long history to the current situation. Wind farms have been a feature of the Scottish Planning system for some 15 years now. The degree of understanding of their scheme specific and cumulative landscape and visual effects has developed significantly over that period, especially in recent years. Although it is frustrating for those who were involved as objectors it is interesting to see that, in some recent Highland wind farm consultation responses, SNH has effectively admitted that some of the past advice was wrong and/or weak and that wind farms have been consented that now compromise the landscape resource in Scotland.
9. The Highland Council first attempted to provide a spatial strategy was through HRES1 in 2006, prior to that relying on the Structure Plan policies. The HRES1

document was abandoned by the Council after the very first wind farm Inquiry in which its contents were tested. However, in retrospect the basic premise of HRES1, that much of the Highland Council's area is an unsuitable location for large scale wind farms, was probably correct.

10. Since then the Council has produced various versions of HRES2. There was an interesting interim version with some detailed pilot areas guidance. That too was abandoned by the Council. The current version being used by the Council is basically just a mapping of national level constraints combined with other constraint areas around towns and everywhere else is a "search area" including the newly mapped Wild Land areas. The latest interim HRES2 is simply not a proper spatial planning document of any sort as it has not been informed by research, analysis and fieldwork. Yet, many wind farm applicants are keen to stress that their application site is in a "search area" as if that actually meant something.
11. Therefore, after some 15 years of wind farm activity, the largest Council in Scotland (by geographic area) still does not have a proper spatial strategy for wind farms. The outcome of this is that, in 2015, the Highlands of Scotland has a totally unplanned distribution of wind farms resulting, not from spatial planning of any sort, but from a series of individual decisions many of which were contrary to what the Council itself initially decided. Over the same period of time the Council has had a very mixed record at appeal and Inquiry stages. In the view of the Trust there can be no doubt that the continuing absence of any up to date wind farm landscape capacity study and associated spatial guidance has resulted in the landscape resource of the Highlands being compromised. With an extensive further range of wind farm proposals either with the Council at present, or at appeal/Inquiry, or at scoping, the continuing absence of new guidance, and especially a robust spatial framework, is considered to be an unsatisfactory and potentially dangerous situation.
12. It is against that background that it was hoped that the Caithness CLVA would be a genuine effort at effective spatial planning recognising the need to take into account both landscape capacity and cumulative impact in the light of considerable development pressure in a limited geographic area. Sadly it did not do that and the

study itself makes it clear that it is not a landscape capacity study. The Council itself is now saying that the CLVA is neither policy nor guidance but is “advice to the Council by its consultant”. However, that advice is from a consultancy that is very often acting for wind farm applicants.

13. From the perspective of the Trust it had been hoped that the Council would be urgently tackling the whole question of landscape capacity, including cumulative effects, and preparing the associated draft supplementary guidance and spatial framework. It was hoped that the forward planning work would comprehensively address the most major force for change in the landscape with a view to assessing effects to date and then providing a robust and fully defensible framework for managing and controlling future landscape change. That would then be the basis for responding to wind farm, wind turbine and transmission line proposals with a robust, consistent and evidence based approach.
14. If the Council does decide to proceed in this proper, systematic way then the Trust would be very willing to have a detailed dialogue with the Council as that work progressed and would be happy to comment on the detail of the assessments and emerging guidance in a way that was consistent with and tied in with the assessments of individual proposals.

Responses to the Six Questions

15. Each of the questions is taken in turn below.
16. Question 1 – in considering the question of a minimum scale of development the Council needs to take into account that the existing pattern of wind farms, individual turbines, wind turbines, and small groupings of turbines (alongside transmission lines) has created a very complex set of landscape and visual effects. Therefore, the spatial framework cannot simply ignore a lower scale of development or else the planning will only be partial. One approach might be to develop specific locational guidance for smaller turbine groupings and individual turbines that is included as a specific part of the supplementary guidance and cross referenced in the spatial framework.

17. Question 2 – the Trust considers that all of the matters listed in Table 1 of SPP2 are of considerable importance although the Trust has a particular interest in Wild Land and peatlands. They should all be taken into account. However, the development of a new spatial framework needs to start off with an understanding of the existing landscape resource, the effects of wind farms to date on that resource, and the remaining landscape capacity. Taking account of the cumulative effects of exiting and permitted wind farms is an unavoidably essential part of that assessment process and so the approach of SPP in not addressing cumulative impact other than at development management level should be supplemented by the Council's supplementary guidance and a spatial framework considering cumulative impact.
18. Question 3 – the various factors set out in Policy 67 in the HWLDP, in combination with a spatial framework that takes full account of landscape capacity (as described above) should provide all of the necessary criteria for deciding on applications of all scales. However, it is considered that it would be helpful if the Council could assess how best to clarify the operation of the criteria based policy – are some criteria of more importance than others, does a breach of one of the criteria alone lead to rejection of a proposal and exactly what constitutes a breach of the criteria in each case. These are not easy aspects to address but to do so would provide greater policy clarity
19. Question 4 – given the exiting pattern of wind farm development in the Highlands it is probably too late to start thinking in terms of the simplistic approach of clusters and spaces. It is also a policy approach that is at danger from “rogue” decisions. For example there were two wind farm clusters in the Lammermuirs – one around Dun Law and one around Crystal Rig and with a gap between them. Then, on the recommendation of a Reporter the Fallago wind farm was consented filling the gap and totally destroying the space in the previous cluster and space approach. The Trust is of the view that the landscape capacity approach is a better way to guide future wind energy development
20. Question 5 – in the considered opinion of the Trust it is simply impossible to prepare a sound and robust spatial framework without taking cumulative effects into account.

Therefore, subject to the consideration of any comments from local groups the work that went into the CLVA should be taken forward into the work being undertaken for the new spatial framework

21. Question 6 – the Trust would defer to local interest in terms of detailed comment on the CLVA other than for areas or cases in, near to or affecting Wild Land.

The Next Stages

22. Therefore, in summary, the work to date has not been wasted. It can be used as helpful background material in moving forward although it is recommended that the degree of influence on future work is limited.
23. For the reasons set out earlier the Trust now considers it absolutely essential that the Council embarks on an urgent programme of work to address the key force for change in the landscape. In terms of supplementary guidance the basics are already there in Policy 67 in the HWLDP and that just needs to be clarified and expanded as suggested above.
24. Where the fundamental work is required is in developing the spatial framework. The view of the Trust is that Council must press on with that very urgently incorporating, as a minimum:
- a. An evaluation of the current landscape resource – drawing to an extent on the work to date
 - b. An evaluation of the scheme specific and cumulative effects of wind farm development (including transmission lines), and also taking account of the effects of consented but unbuilt schemes, on that landscape resource to identify where the landscape resource has already been compromised
 - c. The identification of landscape areas that should then be protected
 - d. The incorporation of that work into the Supplementary Guidance and a spatial framework developed in accordance with SPP2 but to include, as a relevant

and additional factor, the Council's consideration of cumulative impact in the way described above

25. It is considered that the above work could be completed in **six months** and would provide the Council with the robust evidence, guidance and policy base that is so clearly needed. The Trust would prefer that the work should be carried out by consultants who do not regularly work for wind farm applicants but accepts that the choice of consultant is a matter for the Council.
26. The Trust would very much welcome an early meeting with the Council to discuss both this submission and the Council's forward programme of work on the supplementary guidance and the spatial framework.

[END]