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Our Ref: HWLDP-EX1:17  
Your Ref: LDP-270-3  
Date: 18 October, 2011

Dear Ms Smith,

**HIGHLAND WIDE LOCAL PLAN - REQUEST FOR FURTHER INFORMATION – ISSUE 68  
RENEWABLE ENERGY DEVELOPMENTS**

In reference to the reporters request for further information regarding the above issue the Council offer the following response;

**Supplementary guidance**

It is not the Council's intention to re-adopt the Highland Renewable Energy Strategy and Planning Guidelines (2006) as statutory supplementary guidance. Therefore the main principles of the strategy and guidelines do not require to be stated within the policy. However, it is intended that parts of the strategy and guidelines will remain relevant and will continue as non-statutory supplementary planning guidance, subject if necessary to the Council clarifying which parts of the strategy and guidelines document this will apply to and what the up-to-date development plan context is. Given that it is not currently part of the development plan and it is not intended to make it so, the finalisation of the Plan is not dependent upon providing such clarification.

**Renewable energy technologies**

For the avoidance of doubt, it is not the Council's intention to adopt the North Highland Vision itself as supplementary guidance. With respect to preparation of any necessary associated Supplementary Guidance, the Council has already provided the Reporters with further information in respect of this in the context of Policy 42 Business and Industrial Land (see Council's letter dated 14 September 2011). In respect of Policy 68 and its supporting text, no further reference is required beyond that already commended to the Reporter in the Schedule 4.

**Community benefit and economic effects**

The Council is of the view that the content of paragraph 22.1.7 of the Plan is correctly placed within the document, because it is providing clarity in respect of different types of benefit to the community. Furthermore, whilst the Environmental Statement may well provide sufficient information about the socio-economic effects of the development, there is a lack of specific national guidelines or requirements in respect of the assessment of socio-economics within Environmental Impact Assessment, the socio-economic content of Environmental Statements can be variable in its detail and completeness, it may include coverage of certain aspects of community benefit that are not material considerations and it generally will not contain commercially sensitive information.

However, the Council now considers that paragraph 22.1.7 would benefit from clarification and it is therefore suggested that it be reworded as follows:

*“The Council will expect developments to benefit the local community and contribute to the wellbeing of the Highlands, whilst recognising wider national interests. The Council will seek to enter into agreements with developers as appropriate on behalf of local communities for environmental and socio-economic purposes. ‘Community benefit’ arrangements unrelated to the implementation of the renewable energy development itself and which do not meet the tests set out in Circular 1/2010 Planning Agreements will not be taken into account in the Development Management process. However, anticipated socio-economic impacts that are related to the implementation of the renewable energy development itself will be a material consideration when the Council determines the application. This information may be presented in any Environmental Statement prepared in respect of the development but developers may consider it to be beneficial to provide the planning authority with an additional, short report which may contain, for example, commercially sensitive information which is being relied upon to evidence economic impacts of the proposed development. Arrangements for preparation of any such additional report should be agreed beforehand with the Local Planning Authority.”*

The Council invites the Reporters to consider whether this rewording of paragraph 22.1.7, particularly its reference to Circular 1/2010, is appropriate and sufficient, bearing in mind the provisions of Section 75 of the Town and Country Planning (Scotland) Act 1997 as now amended by the Planning etc (Scotland) Act 2006 and particularly the range of types of ‘agreement’ and ‘obligation’ now referred to in Section 75 and how they might be used in respect of a renewable energy scheme.

#### **Significant detriment/ balance and weight**

In Policy 68 the ‘significant detriment’ test applies to the overall assessment of the proposal. It is not in respect of each individual interest listed in the policy. Regard will be had in particular to any significant effects on the interests listed. The policy therefore enables the Council to weigh up not only the significance of the effect on the particular interest but also the significance of that overall, alongside any other significant effects and considerations, including good fit with policies and neutral or positive effects.

Bearing this in mind, it should be noted that Policy 68 will be applicable to the consideration of all renewable energy developments which require an application for planning permission (or an application under the Electricity Act 1989). It therefore applies to various resources/ technologies and scales of scheme. The relative significance of any particular consideration listed in the policy in the decision-making process may vary with and depend upon the type and scale of scheme proposed. Therefore the Council considers that it would be impractical to reword Policy 68 to express the level of weight to be applied to the relevant factors, given that the appropriate level of weight may vary with type and scale of scheme. Rather, the appropriate level of weight to be applied will be determined having regard to the circumstances of the particular proposal and with reference to the development plan as a whole and any material considerations. In this respect it may be noted that the preparation of the Onshore Wind Energy Supplementary Guidance provides opportunity to develop guidance about the balancing of considerations in respect of each scale of wind energy development.

The Council therefore suggests that rewording of Policy 68 in respect of this matter be limited to the beginning of the second paragraph of the policy, by insertion of the words “balancing with” and “overall”, to read:

*“Subject to balancing with these considerations and taking into account any mitigation measures to be included, the Council will support proposals where it is satisfied that they are located, sited and designed such that they will not be significantly detrimental overall, either individually or cumulatively with other developments (see Glossary), having regard in particular to any significant effects on the following:.....”*

The Reporters may consider there to be merit in also including an explanation, in the supporting text paragraphs preceding the policy, that:

- the relative significance of any particular consideration listed in Policy 68 in the decision-making process may vary with and depend upon the type and scale of scheme proposed; and
- that the appropriate level of weight to be applied will be determined having regard to the circumstances of the particular proposal and with reference to the development plan as a whole and any material considerations.

### **Film industry interests**

The Council reiterates its position that the specific reference to film industry interests as a consideration should remain in Policy 68. Whilst a key asset of the area to the film industry – its landscape – is also a key asset to the tourism and recreation industries, each is an industry in its own right. There is some cross-over between parts of the tourism industry and parts of the recreation industry, but the film industry is wholly separate. Highland experience is that the film industry brings consequential benefits to the tourism and recreation industries, in terms of branding and promotion to visitors based on film coverage and also in terms of film crew spending whilst staying in the area, particularly on accommodation and food and drink, which is often outwith the main tourist season and in fragile communities. There is also more general economic benefit to the community and this is additional to any income made by the landowner(s) hosting the filmshoot. Tourism Intelligence Scotland figures indicate that 20% of visitors to Scotland say that seeing Scotland on film or TV was important in their decision to book a Scottish holiday, Visit Britain indicate 36% of visitors agreed that films they had watched have influenced their choice of holiday destination. The Highland-wide vision in the Plan, at paragraph 4.2.3 (first bulletpoint) includes support for the creative industries, which includes the film industry. This is in accord with regional and national strategies supportive of the creative industries and reflects the growing nature of the industry. However, the reference to the film industry in Policy 68 is the only specific reference to that industry within the Plan's policies.

More information about the work of the Highland Council Film Unit (the Highland Film Commission) is available in a report to the Council's Planning, Environment & Development Committee meeting of 3 August 2011, item 19 on the agenda, which is available at:

<http://www.highland.gov.uk/yourcouncil/committees/strategiccommittees/planningenvironmentanddevelopmentcommittee/2011-08-03-ped-min.htm>

Film encompasses 'big film' production (involving film crews in the hundreds) and television production and advertising/ commercials production (smaller film crews), and includes both moving and still images. It is important that the Highlands can continue to contribute to the range and choice of film locations on offer in Scotland if the national aspirations for the creative industries are to be fully realised. This is particularly so in order to balance with other factors such as fuel costs. The film industry is highly competitive. If Scotland is unable to provide the landscapes sought by the film-maker, the film-maker will look elsewhere and Scotland's economy will thus lose out. Furthermore, just as Scotland is sometimes used for filming as a look-a-like for certain other parts of the world, so some other countries could offer to be look-a-like for Scotland.

For many types of filming, ready access for film crews and proximity to accommodation is important. Therefore, although there is some correlation between types of landscape that film-makers are looking for and what protected landscapes/ wild areas have to offer, many protected landscapes/ wild areas will be too remote and inaccessible for most film making. Also, whilst a particular benefit of the film industry is its negligible lasting footprint upon an area, its location and timing of filming in some areas can be constrained by species and habitats considerations, bearing in mind potential disturbance.

The Highland Film Unit now has 16 years of data on which to base advice about the potential impacts of proposed development on the film industry. This includes:

- locations that have been used for filming (can be mapped);
- film industry spend figures;
- types of landscape/ habitat that have been sought by film-makers e.g. a panoramic, aerial view of a primitive-looking landscape (not necessarily a 360 degree panorama).

The Council considers that Policy 68 does not require amendment on this matter. The Council will prepare further guidance on this consideration for development proposals through further development of its Onshore Wind Energy Supplementary Guidance.

I trust this response meets the requirement set out in the original request.

Yours sincerely

Brian MacKenzie  
Principal Planner  
Development Plans Team