



16/11/11

Morag Smith
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Dear Ms Smith

Issue 68 – Renewable Energy Developments

The MCofS welcomes the invitation to make further representation with respect to the Highland Council's (the Council) response to the Scottish Government request for further information on this issue.

Fundamental to our response is our belief that it is essential to consider the views of communities of interest, rather than solely communities of place, as referred to in the Christie Commission. We believe that taking the views of communities of interest into account is particularly important in the case of on-shore renewable energy developments, where there is considerable potential for significant impact across a wide area of land well beyond that in the immediate vicinity of any community of place. The importance of taking the views of communities of interest into account is further highlighted by the fact that there already exists a consideration of a minimal distance that is expected between settlements and such developments; therefore, communities of place are, to an extent, already protected.

On-shore renewable energy developments are generally proposed in areas of wildness and quiet recreation. Both the Scottish Planning Policy (SPP) and National Planning Framework 2 state that wildness is a consideration of national importance. The Council's area contains a disproportionate area of this resource in the Scottish context. The Council is therefore the steward of this resource of national importance. For this reason it is vital that the necessary consideration of these impacts be expressed in the Highland-Wide Local Development Plan, and any Supplementary Planning Guidance that is produced with reference to Issue 68.

Supplementary Planning Guidance

The modernised planning system was intended to promote clarity for both communities and potential developers regarding the processes and intentions of development plans. This was a primary reason for rationalising the SPP, and for the general reduction in the number of separate pieces of Supplementary Planning Guidance (SPG). Given this intention, we consider it potentially very confusing to both communities and developers if the Highland Renewable Energy Strategy and Planning Guidelines (2006) are not re-adopted. Should there be a requirement for a review of the strategy and guidelines we believe that it would be necessary to fully consult on proposed changes.

Another aim of the modernised planning system was to "front load" the planning system such that fewer conflicts arose at the application stage. This aim can only be achieved with a clear expression of where renewable developments are considered potentially acceptable and where they will not be

considered. For this aim to be achieved, it is necessary that the SPG is a statutory as was its predecessor, otherwise clarity and accountability is lost rather than gained.

We believe that it would not be satisfactory for the Council to be given a mandate to select parts of the existing SPG which they may then decide to reject or retain for a non-statutory SPG. The implications of the latter proposal, expressed in the Council's response to the Scottish Government request for further information, are that neither communities nor developers would be in full possession of facts which are necessary in order to ensure clarity regarding the implications of the LDP. While "the finalisation of the Plan is not dependent upon providing such clarification," regarding the SPG, a full understanding of the implications of the Plan is dependent on this clarification, and presumably this is the basis for a respondent's full engagement with the consultation. Without this clarification, the full implications of the LDP will not be clear, particularly to communities – both of place and interest. For these reasons, the MCofS considers the Council proposal unacceptable.

We believe that a statutory SPG is necessary to address Issue 68, and that it is imperative that the Council consults widely on which parts of the strategy and guidelines will be retained, and which rejected. Further, we believe that having a non-statutory SPG is confusing. This is particularly true for communities, which are generally inexperienced in planning matters and confused by the planning system. A non-statutory SPG will introduce doubt about its standing compared to a statutory SPG or the LDP itself.

We expect that the main principles of the strategy and guidelines are stated within the LDP, indicating the likely parts of the SPG that will apply in the future. Additionally, there should be full consultation on the SPG, whether or not it is to be statutory, as it will carry weight in directing future planning decisions, which dictate the impacts experienced by communities.

Community benefit and economic effects

The MCofS considers that the Council changes are an improvement and have no further evidence to offer on this topic.

Please do not hesitate to contact me to discuss these issues further.

Yours sincerely

Hebe Carus (Ms)
Access & Conservation Officer