

Issue 68		Renewable Energy Developments	
Development plan reference:		Policy 68 (para. 22.2, Pages 115)	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number)			
Coriolis Energy LLP (1), The Mountaineering Council of Scotland (MCS) (2), Brenda Herrick (5), Royal Society for the Protection of Birds Scotland (RSPB) (78), Laid Grazings Committee (83), Kingussie & Vicinity Community Council (93), Scottish Natural Heritage (SNH) (118), Angus McNicol for the Trustees of the Cawdor Marriage Settlement Trust (124), Elizabeth Budge (148), Terence O'Rourke Ltd (Renewable energy client-base) (164), Professor Per Bullough (167), Highlands & Islands Green Party (HIGP) (533), Scottish Council for Development and Industry (SCDI) (180), Stop Highland Windfarms Campaign (213), John Waring (250), Eveline Waring (253), Nigg & Shandwick Community Council (254), Caithness Windfarm Information Forum (261), Jones Lang LaSalle for Scottish and Southern Energy Plc and its Group Companies (SSE) (268), Scottish Renewables (270), Caithness Chamber of Commerce (274), Sportscotland (320), Scottish Environment Protection Agency (SEPA) (326), Denise Brown (401), Moray Council (403), Dundas & Wilson for Druim Ba Sustainable Energy Ltd (412), Graham & Sibbald for Reay Forest Estate (413), Graham & Sibbald for Kim Fraser (414), SLR for RWE Npower Renewables Limited (419), Graham & Sibbald for Strathbran Estate (428), The Dowager Countess Cawdor (434), Thurso & Wick Trade Union Council (437), RES Ltd (442), CASA Planning and Environment Ltd for Cube Engineering (449), Jones Lang LaSalle for Spittal Hill Windfarms Ltd (450), Lochaber Partnership (452), M Gilvray (453), Jones Lang LaSalle for PI Renewables (454), Jones Lang LaSalle (via Biggart Baillie LLP) for Nanclach Ltd (457), Jones Lang LaSalle for Wind Energy Glenmorrie Ltd (462), Strutt & Parker LLP for AWG Laing (480), Strutt & Parker LLP for General & Mrs Balfour (481), Friends of the Earth Scotland (486), Highland Film Commission (491), Graham & Sibbald for Pitmain Estate (494)			
Provision of the development plan to which the issue relates:		Renewable Energy Developments General Policy	
Council's summary of the representation(s):			
<u>Renewable Energy Technologies</u>			
Welcome recognition of the opportunities available from marine and offshore renewable energy. Request the inclusion in the revised Plan of a more specific commitment to produce Supplementary Guidance specific to marine energy and its onshore economic impacts, as this will significantly help to develop onshore infrastructure. (274, 437)			
Question the continued appearance in the Plan of a site at Murkle Bay – since the 1970's this site has been identified in connection with potential oil and gas industry opportunities. The Forss site is now a Business Park. Supplementary Guidance might be a useful way of updating these apparent anomalies. (437)			

SEPA support the Plan approach to see waste as a resource and as a source of energy and heat production as part of the overall strategy to reduce waste and increase recycling. SEPA recommend that reference is made to SEPA's Thermal Treatment of Waste Guidelines 2009 as this is a material planning consideration and requires proposals for Energy from Waste facilities (which are included under the HwLDP terminology for Renewable Energy Development) to provide specific information. (326)

The issue of wind farms less than 20MW in capacity has not been adequately dealt with – even a 20MW wind farm is an enormous installation to have in any environmentally sensitive landscape. These developments should not be viewed as being small and 20MW is too high a threshold for protected areas. (167)

Supports the Council's support for and definition of micro-regeneration, but a policy is required to deal with the imminent wave of applications for wind turbines fostered by the introduction of Feed-in Tariffs. A proliferation of such devices has the potential to create landscape disharmony. (213)

The map on p.13 shows a line right along the north coast of 'Potential Offshore Energy – Laid Grazings Committee have no problem with this as long as it is over the horizon and out of sight or under the sea. Anything visible or on land must be approached with the very greatest sensitivity and Laid Grazings Committee would not support this. (83)

The Sustainable Development & Climate Change policy section presents an understanding of the different range and scale of renewable energy technologies that are helping to shift society towards a low carbon framework. It recognises the huge opportunities that exist for the Highland area and for its communities to benefit in a number of ways environmentally, economically and socially by embracing and supporting renewable energy development, be it a large scheme or micro-generation. (1)

Grid Issues

With respect to the electricity network (referred in within paragraph 22.1.2) it is recommended that the LDP also recognises that transmission and distribution network upgrades will also be required to the west and north, in addition to the south and east as referred to within the LDP. (268)

The report Our Electricity Transmission Network: A Vision for 2020 by the Electricity Networks Strategy Group identifies a possible HVDC cable between Mybster, Caithness and the Blackhillock in Moray, and SCDI would suggest that the spatial strategy might also include this reinforcement. (180)

The Lochaber Partnership would wish to see new Actions included in the Programme. Highland Council and others must work to achieve the upgrade of mainland power lines to allow these renewable energy developments to progress as well as a west and east coast subsea inter-connector. (452)

Community Benefit and Economic Effects

In relation to 22.1.6 The Highland Council's Position on Renewable Energy Developments and 'Community Benefit' and also related text 22.1.7, support the Council in seeking benefits from renewable energy developments, however oppose the local authority entering into prescribed arrangements which removes benefits and decisions from local community level. Benefits that can be derived from windfarms have limitations and the preparation of a report on potential economic spin-offs which would duplicate assessments that form part of the EIA for all Schedule 2 developments. The section on community benefits further refers to "economic spin offs for local business" and states that matters arising from proposals will be a material consideration "when the Council determines the application"; this position is not consistent with national planning policy and advice. (268, 442, 450, 457, 462)

It should be noted that any community benefit delivered through renewable energy projects, secured through the planning process (para. 22.1.7), will require to be intrinsically linked to the effects of the development and proportionate to them (see Circular 1/2010 'Planning Agreements'). It should be recognised that any benefits proposed that cannot be considered intrinsically linked to the effects of the development or proportionate to it, would be at the discretion of the developer and would be agreed directly with community representatives rather than THC. It is generally welcomed that the policy refers to the contribution that proposed developments would make towards meeting renewable energy generation targets as a primary policy consideration. The same applies with respect to the benefits or otherwise a proposal may have on the local or national economy. (268)

Concern with the statement in paragraph 22.1.6 in relation to community benefits. There appears to be no relationship between the benefits proposed and the communities within the area of a development in the way identified within Scottish Planning Policy ('SPP') paragraphs 186 and 234. The HWLDP is therefore inconsistent with SPP in this regard and therefore object to this part of the HWLDP. (124)

The section on community benefit is ambiguous (22.1.7). More clarity required on how direct & indirect economic & social benefits will be assessed within planning application process. Should also distinguish between financial benefits secured under planning agreements and those that are not. Should clarify where Council has role in negotiations and how this relates to decision-making responsibilities. Foregoing should clarify what are considered material considerations. Standard practice is for economic benefits to be reported in environmental statement, so it is unclear as to why an additional document has to be agreed with the Council prior to submission. (164)

Paragraph 22.1.7 should make clearer the treatment of economic and social benefits arising from the renewable energy development and indirect benefits and how this relates to the planning decision. (270)

The statement regarding community benefit has no basis in national policy or

advice and has no relationship with planning therefore should be removed from the plan. (454)

Highland Council should pursue a planning policy, similar to that for affordable housing, where a planning permission is granted for e.g. 5 turbines, then the community automatically receives the profit from one of them. Otherwise the potential for real community benefit will remain unrealised. (452)

Support for bullet point 2 of policy with respect to the benefits or otherwise of renewable energy developments on the economy subject to the removal of requirement for economic benefit spin off reports. (450, 454, 457, 462)

Text should be added to ensure that community benefits are ring fenced for investment in the community council area in which the renewable energy development is situated in order to ensure compliance with SPP and it would make the Plan effective and implementable. (480, 481)

It is unclear from the Highland Council's position on 'Community Benefit' in the Proposed Plan whether it is seeking to create, through planning, a new Highland-wide mechanism which replaces or supplements existing discretionary community agreements. If so, SCDI believes that this proposal should be subject to specific consultation with developers and communities, taking into consideration policies resulting from the Scottish Government's consultation. It is vital that any mechanism to benefit the local community and contribute to the Highlands' well-being, does not disincentivise investment or make it harder to achieve green energy targets. (180)

In 22.1.7 Highland Council sets out its position on Renewable Energy Developments and 'Community Benefit'. It stipulates that, *'the Council will expect developments to benefit the local community and contribute to the wellbeing of the Highlands, whilst recognising wider national interests'*. Coriolis support this policy statement and look forward to working with the Council on projects that can deliver tangible benefits to the host communities of renewable energy developments. Do not support any policy which allows community benefit funds to be used for any form of services or infrastructure that is not connected to host communities and/or local energy and environmental projects. Similarly, in 22.1.7 it sets out that the, *'information on the scale and nature of any potential economic spin-offs for local businesses, employment opportunities, etc. arising from the proposals will be a material consideration when the Council determines the application.'* Coriolis support this policy stance and the suggestion that a report providing such information should be agreed with the planning authority before determination of the planning application. (1)

Fully support the Council's stance on renewable energy and community benefit (22.1.6 – 22.1.7), and also renewable energy development proposals in general. (93)

With regard to the Council's Position on Renewable Energy Developments and Community Benefit (para. 22.1.7), the MCS greatly welcomes this separation of "community benefit" arrangements" and the "planning

application decision process.” On a number of Environmental Statements (ES) MCS have observed either details of these “benefits,” or references to them, and consider this inappropriate. The ES is a document on which to make planning decisions based on impact. They should not be used as documents of persuasion. (2)

Policy Stance

The Proposed Plan policy reflects changes in national policy guidance and targets but further policy modifications are required. The expansion of renewable energy technologies across Scotland is necessary in order to sustain the Scottish Governments' efforts to tackle climate change. The Highland wide LDP needs to ensure that its policy structure is aligned to the key aims of the National Planning Framework. The LDP must provide a positive policy framework for renewable energy developments in order to facilitate sustainable economic growth of the Highlands. This is required not only in the context of national planning guidance but also in the context of the Council's duties and obligations under the Climate Change (Scotland) Act 2009. The LDP in its final format should set out within the 'Introduction and Context' that it is a legal requirement to implement the policies of the Climate Change (Scotland) Act 2009 within the Highland wide LDP. (1)

The most significant threat to the environment is climate change and one of the key ways to tackle climate change is to expand renewable energy generation in order to decrease the rate at which toxic gases, released through fossil fuel power generation, into the atmosphere. The LDP must embrace this statement within the Highland vision. The Highlands of Scotland has some of the best onshore wind speeds in Europe and this must be recognised by LDP policy. (1)

Paragraph 184, Policy 68 amended to reflect the vision within the HWLDP and SPP, to state that the Highland Council will both encourage and support the development of renewable energy. (124)

Generally supportive of the proposed plan, although more positive wording in respect of the benefits (for Highland communities and towards inter/national targets/obligations) of onshore renewables such as wind farms should be included. (164)

SCDI welcomes the identification of renewable energy as a key sector in the Council's support for a Competitive, Sustainable and Adaptable Highland Economy. The statement that it will produce “clear guidance on where renewable energy developments should and should not be located” is also welcome and consistent with Scottish Planning Policy on spatial frameworks. This positive encouragement for the development of both mature and newer renewable energy technologies should also be clearly stated in Policy 68. (180)

Support the aim of the plan but needs more positive wording in respect of the benefits renewables can bring to Highland, especially regarding the

contribution that Highland can make to Scotland's targets. (270)

Would wish to see more positive support from this policy for green energy production. (434)

Policy 68 should more explicitly reflect the content of the vision para. 4.2.1 Bullet 1 "ensuring that development of renewable energy resources are managed effectively with clear guidance on where renewable energy developments should and should not be located" and reference in para. 4.2.2 to "encourage" and "create" energy development opportunities. (450, 457, 462)

Support bullet point 1 in the policy but should be consistent with vision to say the Council encourage and support the development of a wide range of renewable energy technologies. (450, 454, 457, 462)

Object to the proposed policy and supporting text. Concerned that Supplementary Guidance will be key determinant for future applications without the SG being subject to PLI and hence Policy 68 needs more balanced approach. Feel that the supporting text to the policy appears as a very "pro-development" statement, it is felt that a greater degree of balance should be introduced to reflect the need to protect key landscapes and natural heritage interests from the adverse effects of commercial scale windfarms. This would offer a better reflection of the provisions of the new SPP and the decision making process. (413, 414, 428, 494)

Question the notion that the climate change mitigation effects of windfarm in the Highlands will far outweigh any damage to landscape and environmentally sensitive areas. This is absurd – climate change is a global phenomenon not a local one. Any emissions savings locally within the Highlands will be so diluted on a global scale that they will lead to no measurable decrease in global greenhouse gas concentrations. On this basis there can be no justification for harming Highland's sensitive landscapes through inappropriate wind installations of anything greater than a few kW in capacity, especially in its few remaining wild land areas. (167)

Further onshore windfarm development will not equate to the erosion of the natural environment in terms of ecology and landscape. Huge parts of the Highland landscape are protected by international and national legislation and Coriolis has steered away from these sensitive areas. Equally, the expansion of onshore windfarms across the Highland area does not mean that tourism will be negatively impacted on. Over the past few years visitor numbers to the Highland area have steadily increased (Visit Scotland figures, Glasgow Herald Press Release, 30th July 2010) and this is with a number of onshore windfarm developments already in situ. The visual impact of onshore windfarm development is perhaps the biggest issue raised by objectors but changes in landscape and views are required in order to meet national energy targets and fight climate change. The introduction of windfarms into the landscape is an emotive and subjective issue. The LDP must recognise that in Scotland a recent resident survey concluded that the vast majority of people (78%) support the expansion of onshore windfarm development across the country

(YouGov poll, Scottish Renewables, October 2010). (1)

Welcome the recognition of the benefits of renewable energy however this policy implies that the Council's decision will be based solely on the environmental impacts of the development – does not require any balancing act to be carried out in weighing the benefits against the environmental effects. (449)

The Highlands have some of the most compelling, best-known natural and cultural tourism assets in the world. These must be considered when the Council assesses individual applications and cumulative impacts in an area. (180)

Prime consideration to the siting of onshore wind farms should be:

- the visual effect they have on the area
- the proximity to housing (no house within 2km)
- the likely effect on the health and well-being of those living nearby
- the likely effect on the wildlife of the areas or those passing through
- the likely effect on tourism and heritage
- the response of the community

If any of these are negative the wind farm should be rejected and the land designated so that no other wind farm applications are allowed in the future. (250, 253)

This does not fully reflect the statement in Highland renewable energy strategy May 2006 that *'in principle, energy production should be as close as possible to energy demand'*. Priorities for renewables should be based on where/how power can be efficiently delivered nationally with the lowest Carbon Footprint. (453)

Renewable energy projects need to be considered on a case by case basis and considered through planning application assessment. Coriolis Energy wishes to emphasise that onshore windfarm proposals should be determined on site specific assessments to establish the appropriate development that can be accommodated in a specific area. The spatial strategy for renewable energy developments within the LDP needs to be in line with the, soon to be, updated Highland Council Supplementary Guidance (SG) for onshore wind development. Within the SG document 'broad areas of search' for onshore windfarm development need to be identified in partnership with development companies and local communities. Highland Council needs to understand the technical constraints faced by developers and appreciate the different preferences of individual communities. Coriolis finds that, though required by SPP, the detailed identification of 'broad areas of search' is not necessarily the best policy structure for regulating renewable energy development and feel that Highland Council should focus on detailing the exact areas where development will not be supported. Support the commitment by the Council to renew their SG for onshore wind energy development. This policy guidance must correlate with the national guidance as detailed within SPP and PAN 45 Annex 2. It should not be ambiguous or leave the reader unclear as to the meaning and direction of policy. In line with SPP guidance it should set out to *'optimise renewable energy potential'*. SPP details, in paragraph 187, that

'planning authorities should support the development of wind farms in locations where the technology can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed'. It is clear that the Council SG for Onshore Wind Energy will, *'seek to steer proposals, especially those for larger windfarms, away from the most constrained areas'*, as set out in SPP. The Council must concentrate on clearly identifying the areas that will be afforded protection in terms of landscape, ecology and community amenity. The LDP and SG will set out the areas of the Highlands that require protection in terms of landscape, ecology, community amenity and cumulative impact. Once these issues are taken on board by developers in site assessment, along with the key investment issues of grid connection and accessibility it will prove very difficult to progress forward development opportunities if the SG is unresponsive to project specific identification and assessment. In areas which are not afforded significant protection or identified as a 'broad area of search' wind energy proposals should be considered on their individual merits and not constrained by spatial policy. LDP and SG policy should not set out to be prescriptive in terms of identifying suitable areas for onshore windfarm development. All onshore windfarm developments of scale require detailed environmental impact assessment to clarify whether the site is suitable in ecological, ornithological, hydrological, geological terms, etc. Highland Council or council appointed consultant 'desk-top' studies are not a suitable alternative for determining appropriate sites for onshore wind energy development. Wind energy developments should be assessed against criteria based policy that refers to the requirements of site specific EIA. Coriolis support the policy stance of 22.1.4 where it sets out that the SG will specify the criteria and information which will be assessed as part of determination of onshore wind projects, irrespective of size, in order that individual proposals are considered on their individual merits. (1)

Recent national policy updates, and the recognition that onshore wind can play a significant part in helping Scotland reduce carbon emissions and reliance on fossil fuel power generation, means that local authorities will need to consider additional locations for wind farm development within LDPs. Good access provision and grid connections mean that onshore windfarm sites are more likely to be built within the Inner Moray Firth than other sensitive parts of the Highlands. Further development of appropriately sited windfarms within the Inner Moray Firth corridor will help Highland Council secure the vision for this particular area by contributing to a stronger economic framework and job creation. (1)

With regard to any other material considerations it should be noted that these can also be positive considerations not simply limited to constraints and should include recognition of enabling material considerations. Suggest that this should include recognition of the potential for favourable and compatible energy development clusters. It is our opinion that without this amendment, policy 68 will not fully conform to SPP with regard to Sustainable Economic Growth, particularly in relation to paragraph 33 of SPP. (449)

Fully support the Council's stance on renewable energy and community benefit (22.1.6 – 22.1.7), and also renewable energy development proposals in general. (93)

The Highland Council propose to prepare supplementary guidance on Onshore Wind Energy. The Moray Council welcomes consultation on this document to ensure that guidance for onshore wind energy developments is consistent. The Moray Council supports the Highland Council's policy for renewable energy developments, particularly 'community-based' developments, and would welcome consultation on the forthcoming supplementary guidance for onshore wind energy to ensure that areas which the Moray Council identifies as suitable for onshore windfarms complements the Highland Council's strategy. It is also suggested that the possibilities for supplementary planning guidance on offshore renewables, specifically windfarms, is investigated. (403)

Sadly individual and community residential amenity is frequently ignored in the rush to build windfarms. Do not see how 22.1.1 can be reconciled with earlier statements on safeguarding amenity, nature, culture etc. The two are incompatible. (5)

Welcomes the Council's continuing commitment to renewable energy developments. (412)

Caithness Windfarm Information Forum welcomes the Highland Council's general approach to onshore wind farm and endorses Stop Highland Windfarms Campaign's submission to the consultation in which CWIF collaborated. (261)

In response to the Main Issues Report Sportscotland's main policy interests were commented upon and suggestions put forward to ensure that sporting interests are considered within the Local Development Plan, each were commented upon during the Main Issues Report consultation and have been considered within the Local Development Plan. Overall Sportscotland is satisfied that sports interests have been addressed throughout the Local Development Plan and therefore raise no objections. (320)

With reference to the Council's summary of representations on the earlier Main Issues Report (MIR) and the Council response:

- onshore wind is not making a huge contribution to renewable energy production and onshore windfarms should be actively discouraged;
- certain areas require significant protection e.g. due to cumulative impacts;
- the people living in the areas of significant protection should have the final say on whether renewable energy should be developed in their area;
- timely, open and accountable consultation with local communities is important;
- pleased to note that the incorrect depiction of the status of the Nigg Hill wind farm proposal in the MIR has been recognised. (148)

It is felt that although the Council mention a lot of considerations to be taken into account, there is the opportunity for the developer to overcome all this. Know the Scottish Government is in favour of wind turbines, but surely if the developer goes against the proposed Development Plans together with the

majority of a community against an application then the developer should be refused permission to go ahead without the need to take it to the Planning Committee, which is made up of Councillors who are gagged during the whole consultation process. It seems the detrimental effects and the communities concerns are easily ignored especially if the developer offers monetary benefits. (254)

Clarity

Should define the terms which were designed to protect amenity and natural heritage so that elected Members have clear guidance on what “significant” and “cumulative” mean and thereby what impact they judge to be reasonable for a community to accept or a landscape to be devalued by. (213)

In particular, CWIF urges that Members have clear Guidelines on the application of terminology when determining wind farm applications. The Baillie Windfarm Reporter acknowledged that there would be significant detrimental effect on amenity but ruled that generation targets took precedence. The Stroupster Windfarm reporter acknowledged that significant detrimental impact would be suffered by many people but, as he judged that it would not be "overbearing", he allowed the appeal. (261)

The policy lists a number of environmental receptors that it identifies will be considered in determining whether a development proposal can be found to be acceptable. There are a number of environmental receptors listed that are referred to in unclear terms that require further clarification or amendment. (268)

Although the policy lists relevant issues, it does not contain any tests or criteria to allow an Environmental Statement (ES) to be reviewed so that the Council's likely position on a windfarm could be objectively established. Raises questions as to how an application would fail – would it be on all issues, on half or just one? How are marginal failures to be addressed? Are all issues equal weight, or would a gross failure on one cause application to fail? How are attributes of wildness, remoteness, overlapping and local landscape designations near/on site fitted into the assessment? How is ecological potential of land to be assessed? The Council should consider publishing a pre-examination modification to fully set out the detail of the criteria and the tests so that all parties can properly assess matters for themselves. (413, 428)

The policy text should make clear that it applies to S36 applications as well as planning applications. (413, 414, 494, 428)

The proposed policy while raising most key issues it does not provide a transparent base for subsequent decision making. This may be clearer in the detail of the new version of HRES, however given there is no statutory right to PLI related rights for SPG there needs to be more detail in the “parent” policy. (414, 494, 428)

Surprised no reference to planning hierarchy/different procedures for local and major applications; no reference to spatial planning obligations which follow through into the Onshore Wind Energy SG; no mention of Council's approach to S36 consultation responses. (164)

The MCS welcomes the vision of renewable energy being managed through clear guidance on where developments should and should not be located and promotes front-loading decisions. Concerned that current guidance does not deliver clear guidance through the use of imprecise indications of places are preferred or less preferred, rather than where they may or may not be located. (2)

Targets and the Economy

In the policy itself, the two bullet points in the introductory paragraph regarding targets and the local/national economy is effectively meaningless in terms of setting out tests. Such aspects can also allow Reporters and Ministers to overrule any significant adverse effects and non-compliance with the LDP on the basis that schemes make a significant contribution to targets or benefit the economy. National Renewables Targets have not been subject to SEA and therefore should not have LDP policy status, as they strike at heart of the transparent, democratic planning system. The text should be deleted or significantly altered in line with the SPP. (413, 414, 428, 494)

The Council should not be considering the contribution of the development as a measure of acceptability. The government is clear that there are targets and not caps; it is also clear that every little helps and should be considered valuable. (419)

The Plan sets out the over-arching spatial planning policy for the entire Highland Council area and in this context it is vital that it correlates with the Highland Council's Single Outcome Agreement (SOA), to which it is 'corporately committed'. Of significant relevance to the final format of the LDP is the fact that in 2009 when the SOA was produced the installed capacity of renewables in the Highland Council area was 800MW, of which 100MW was attributed to Glendoe. Glendoe has not come on stream due to technical problems and is scheduled to start producing hydro-electricity in 2012. This leaves Highland Council somewhere in the region of 500-600MW short of achieving the target of 1,280MW of installed capacity by 2010. While some additional capacity has come on-stream during 2009/2010 Highland Council still falls significantly short of its own renewable energy target and this needs to be reflected in the policy framework for both the LDP and the Council's Onshore Wind Energy Spatial Strategy, due to be issued as a consultative draft in 2011. Coriolis supports the statement in 22.1.1 that, *'the Highland area has great potential for renewable energy production and to contribute towards meeting ambitious targets set internationally, nationally and regionally'*. Also support the proposals in 22.2.1 that the Council will consider the contribution of the proposed development towards meeting renewable energy generation targets and that the Council will take on board any mitigation proposed as part of development when considering the impact of

the proposals. (1)

At the forefront of our concerns are the requirements under UK and Scottish policy to increase the proportion of energy provision to be met by renewable sources. Have major concerns the HwLDP does not make sufficient and adequate provision to support meeting these ambitious national targets (in NPF2). (449)

It is generally welcomed that the policy refers to the contribution that proposed developments would make towards meeting renewable energy generation targets as a primary policy consideration. The same applies with respect to the benefits or otherwise a proposal may have on the local or national economy. (268)

Materiality and Weight of HRES and Supplementary Guidance

The 2006 guidance set out a sequential approach to the development of sites for onshore windfarm development in the Highlands. This planning policy guidance does not comply with SPP and for that reason reference to the existing Highland Renewable Energy Strategy (HRES) should only be used where it does not propose conflict with national planning policy. In the case of the Highland Council Baillie Wind Farm Appeal the reporter found, to which Highland Council subsequently agreed, that the policy guidance within the HRES was inconsistent with national planning policy. (1)

The plan should be clearer about the status/relationship of the Highland Renewable Energy Strategy with the local plan (and with emerging onshore renewables SPG). Proposed plan gives HRES a greater status (as a non-statutory document) than the SG when considering renewable energy development proposals. (164)

Placing such a reliance on SG which undergoes less rigorous examination and consultation unacceptably weakens the plan. (270)

The LDP should be clearer about the relationship both with the existing renewable energy strategy and the emerging onshore wind energy supplementary guidance. (270).

Paragraph 22.1.3 – The status between 2006 HRES, SPP and the draft Supplementary Guidance on Onshore Wind Energy is not clear and it should be clarified how these documents will be used in planning decisions. (412)

HRES is not in line with national policy in terms of its wind energy section therefore objection is made to its reference. (454)

The Policy should state “Renewable energy development proposals should be well related to the source of the primary renewable resources that are needed for their operation. The Council will also consider: the contribution of the proposed development towards meeting renewable energy generation targets; and any positive or negative effects it is likely to have on the local and

national economy; and will assess proposals against 1) other relevant policies of the Development Plan, including any relevant supplementary guidance adopted by the Council and where appropriate, the adopted On Shore Wind Energy Supplementary Guidance and 2) any other material considerations including the Highland Renewable Energy Strategy and Planning Guidelines". This drafting distinguishes between documents with development plan status and other material considerations not having that status. (412)

CWIF strongly recommends that Guidance for Onshore Wind Energy forms a statutory element of the Highland-wide Development Plan rather than Supplementary Guidance to ensure that it can stand scrutiny at Public Inquiries and is not eroded in the way The Highland Renewable Energy Strategy was. (261)

The supplementary guidance must be made statutory so it can withstand scrutiny and enable the Council to reject unsuitable proposals and successfully defends its position at Appeal. (401)

References of HRES are acknowledged given it is recognised that parts of HRES fail to comply with Government guidance and that these parts deleted and replaced with new Onshore Wind SPG. Reserve position until revised content is made clear and will respond to the forthcoming consultation. (268, 450, 457, 462)

The fact that the Onshore Wind Energy Supplementary Guidance and the Assessment and Landscape Sensitivity to Wind Turbine Development in the Highlands are not yet available is a major concern. (449)

The Highland Renewable Energy Strategy has a workable method but has a number of consented decisions in the areas mapped as "presumption against development". The HRES went through an external consultation; hence if the Onshore Wind Energy Supplementary Guidance is to replace parts of it, then the new guidance must also go through an external consultation process. Additionally, MCS would anticipate a strong interaction with the wild areas mapping work that will form part of another supplementary guidance document. Together the number of wind development applications, the importance of wild places in SPP and NPF2 and the current lack of proper mapping indicates that the detailed guidance for these two topics should be an integral part of the development plan. The time sequence may not permit this in this version of the development plan, but MCS would expect this information to be within the development plan in future and this supplementary guidance consulted upon. (2)

Significant Detriment

The reference to "significantly detrimental" in Policy 68 is imprecise, unclear and overly restrictive and should be replaced with "unacceptable impact", which would be consistent with Policy 58 and would allow for more balanced consideration. (180, 268, 434, 450, 454, 457, 462)

In respect of the introduction of the criteria for consideration in the assessment of a renewable energy development it is submitted that the word detrimental should be replaced with significant negative. (419)

The words 'significantly detrimental' should be removed from the policy as they are ambiguous. Whether impacts, taken in the round with positive factors, are unacceptable or not is the important factor. The phrase should therefore be replaced with the words 'have an unacceptable net impact'. (124)

Species, Habitats and Nature Conservation Sites

A consolidated approach between HC, RSPB and SNH is required to protect the bird species of the Caithness Lochs SPA. Currently RSPB and SNH have opposing views on the effects of windfarms on these species. (401)

Where an Appropriate Assessment is required, it should be based on data from a truly independent survey and assessment process and not developers' data. (401)

Public Health and Safety

Policy requires applicants to have regard to effects on public health and safety. Clarification is sought over why public health and safety is a material consideration when noise, shadow flicker, ice throw, etc. already covered in the policy. (164, 268, 270)

It is submitted that public health and safety is not an issue that should be included in the assessment of the acceptability of a proposed renewable energy development. It is planning principle that decisions should be made on planning matters. Public health and safety matters should be more properly achieved under other legislation or guidance. The same type of criteria is not applicable for other developments where health and safety is an important concern (e.g. industrial development). It is not clear why renewables should be a special case. (419, 450, 454, 457, 462)

Landscape and Visual Impacts

Would contend that in respect of bullet point 4 that no individual wind farm would have significant impact on a Highland scale. Refer instead to the effects on the landscape of both the site and the area assessed in the ZTV studies, and address interaction between visual impact and landscape assessment, including the use of viewpoints as part of the landscape assessment as well as visual impact assessment. Issues do not describe tests or criteria where an opinion of the Council's likely view can be formed. (413, 414, 428, 494)

Wording should be clarified to ensure effects on local landscape character are taken into account. (118)

The criteria framework against which wind energy proposals will be assessed should steer away from making conclusions on height and turbine size limits and should instead identify that Landscape and Visual Impact Assessment (LVIA) is required for wind energy proposals above certain thresholds. (1)

Policy 68 states as follows: "... the Council will support proposals where it is satisfied that they are located, sited and designed such that they will not be significantly detrimental, either individually or *cumulatively* with other developments (see Glossary), having regard in particular to any significant effects on the following: ...

- visual impact, and impact on the *landscape character* of the Highlands (the design and location of the proposal should reflect the scale and character of the landscape and seek to minimise landscape and visual impact, subject to any other considerations)".

The two sections of this statement, introductory and bullet point, do not follow from each other. The first states essentially that the council will support proposals that will not be significantly detrimental to the list that follows, including visual impact and landscape character. The bullet point is presented as part of a list of potential effects, but refers to seeking to minimise impacts. The other items on the bullet point list are simple listings of effects to be taken into consideration. The reference to minimising impact is therefore confusing in this context, and should be removed, as it is not a potential impact, and decisions on proposals should not be swayed by whether the proposal has minimised impacts but whether the residual impacts are acceptable or not. The MCS objects to the level of effort to minimise impacts being considered in planning decisions purportedly based on the social, economic and environmental impacts. (2)

It is recognised that the forthcoming SG aims to rectify concerns regarding the level of accordance Highland Council planning policy has with SPP on matters of landscape however this guidance will not be adopted until Spring 2011. In this respect the Plan should clearly identify the interim guidance relevant to matters of landscape importance for wind farm developments. Feel this is a highly significant omission without clarification given that relevant current proposals cannot consider the previous, highly criticised, Highland Renewable Energy Strategy (2006) as a basis for guidance. This is supported by precedence set in previous cases e.g. the wind farm application at Bardnaheigh Farm, Westfield (ref IEC/3/105/3) that found the strategy did not form a statutory consideration. (449)

Development pressure on the Georgemas to Wick corridor is a good example of the erosion of "cumulative impact" as a reason for protection of landscape. (261)

Safety and Amenity

No objection to the inclusion of the safety and amenity of any regularly occupied buildings and the grounds that they occupy within the criteria for consideration of renewable energy development. It is RWL NRL's view that shadow flicker is a standard subject to be addressed in the consideration of

an application for windfarms. The consideration of the issues has clearly defined parameters which should be used for assessment. It is not clear how the issue of shadow throw should be addressed. This should either be made clear in the supporting text or the reference should be removed. (419)

Community Amenity

The 7th bullet point the term “community amenity” is referred to as an assessment criterion this term is not referred to in national policy or guidance and introduces uncertainty with regard to its meaning in determination. Request this term is defined within the glossary and would suggest the use of “residential amenity” or “amenity”. (268, 450, 454, 457, 462)

In respect of community amenity at sensitive locations it is submitted that the criteria should refer to key visitor sites or attractions rather than recognised visitor sites. (419)

Core Paths and Other Established Public Accesses

The inclusion of the amenity of users of any core path or other established public access for walking, cycling or horse riding is understandable but should be quantified. It should be clear that it refers to a formal public access. The word relevant should be included between any and core so that a reasonable application of the criteria is used. (419)

With respect to the amenity of users of core paths and other established public routes for walking, cycling or horse riding, it would be appropriate for the policy to note that in some circumstances it would be possible for development proposals to include route diversions to such core paths or established walking, cycling or horse riding routes. While it is recognised that each core path or route diversion would require to be considered on the basis of the merits of each case, it would be appropriate to refer to this as a potential option to address potential amenity impacts associated with users of such routes. (268)

The amenity of users of core paths or other established locations of public access should be removed from the criteria to which the Council are to have regard in Policy 68. This does not identify the degree of usage which is material or the nature of the effect. It would be inappropriate and inconsistent with SPP Paragraph 187, for example, to refuse consent for a wind farm on the basis that a significant effect may occur to a small number of recreational users of a certain path. (124)

Film Industry

Policy requires applicants to have regard to effects on film industry interests. How is an applicant to identify future film interests and why without formal protection should these be given any significance in planning terms? While

recognised there will be areas of interest to the film industry it will be difficult to pinpoint what these areas are. Object to the inclusion of reference to the film industry as this is not referred to in any aspect of national policy or guidance and is considered unnecessary. (268, 270, 450, 454, 457, 462)

Reference to 'film industry interests' is vague. For example, if an area is a search area for a film production company is this relevant or does the proposal relate to areas commonly used for film production? This should be clarified. (124)

Pleased to see the requirements of the film industry as a consideration. (491)

Restoration and the Use of Conditions and Agreements

Last paragraph should make mention of conditions applying to the operation of the developments and not just its removal etc. (78)

With respect to the policy requirement for a legal agreement to be entered into to enable the development and associated equipment to be removed from the site and the site restored when the consent expires, in principle this is supported. However, it should be recognised that additional planning consents could be secured to extend the life of the project or to re-gear the renewable energy installation with new generation equipment. Accordingly, it would be appropriate for the policy to recognise that additional consents or extensions to any time limited consent period could be achieved for renewable energy installations. (268)

The MCS is aware of many ESs that present a plan for "restoration." In all cases the restoration plan is not to restore the area, but to remove some elements, cover up others and leave other significant impacts. Often, for wind farm developments, the plan will be for the turbine to be removed while the bases are left in place (sometimes re-covered with turf) and the tracks remain. Tracks have a profound impact on the landscape and visual amenity, especially in the case of wind farm tracks as they have a network pattern, are wide, well-graded to last for significant periods of time and often tens of kilometres in the case in large or remote wind farms. Hydro schemes can also have significant lengths of track associated with them. Restoration plans, conditions and S75s must plan for true restoration else they are end-of-operation partial mitigation plans. Full restoration should be required and an appropriate bond should form part of the conditions and S75 else future generations are inheriting landscapes that are impacted by infrastructure that has lost the public benefits for which it was accepted in exchange for. (2)

Extensions

The policy refers to proposals for extensions to existing renewable energy facilities, in that they will be assessed against the same criteria as other renewable energy development proposals. It is also the case that extensions to existing renewable energy installations can be more economically viable

and can also be more acceptable in broad environmental terms. The policy should recognise that in some cases there would be benefits to progressing extensions to existing renewable energy development sites. (268)

Other Issues and Considerations

The previous erroneous use of SNH's Search Areas of Wild Land (SAWL), also quoted in numerous applications, is not a sound basis for granting consent on the basis the development was not in a SAWL and therefore did not affect the wild characteristic of that particular area of Highland. The wild areas mapping work will hopefully go some way to resolving this problem. Paragraph 22.1.4 - In order to take constraints into consideration at the outset, the Council and developers will greatly benefit from the planned work on wild quality in the landscape. The Highland Renewable Energy Strategy and any updates must take into consideration the mapping work being undertaken on wild qualities as these constraints are not taken into consideration through use of existing designated sites. MCS would welcome a more proactive steering of proposals to least constrained areas, but this must include wild characteristics, not just designated sites, as this better reflects the NPF2 and SPP. (2)

Peat should be added to the list of significant effects that decisions should have regard to. (2)

Sites

Coriolis Energy has two potential windfarm sites in the Highland area and hope to be in a position to progress further opportunities through the LDP. The sites will help Highland Council meet its renewable energy targets in a way that does not adversely compromise local ecology/ornithology, community amenity or aviation. The two sites are Clach Liath, lying to the north of Dingwall, and Dell Estate located near Fort Augustus. LDP support in principle is sought for these two sites. (1)

Potential tidal schemes at Corran Narrows, Annat and Ballachulish should be included. (452)

Renewables in Developments

There appears to no mention of in any of the area sections of developers being required to include renewables in their proposals, either 'per house' or as central/community-based facilities (e.g. CHP). This policy does not really address this issue either (only its first bullet point might be relevant, then only vaguely). Regard this as a major failing (particularly coming so soon after the Housing Expo), and would be interested to hear from the Council about the scope to include statutory requirements for such provisions. (533)

Highland has the potential to export electricity. Energy efficiency is the most

cost effective way of reducing financial vulnerability and climate change. See pathways calculator at <http://2050-calculator-tool.decc.gov.uk> Climate change is unpredictable. Heating should be moving partly to biomass and partly to heat pumps with a thermal store. (486)

Modifications sought by those submitting representations:

Renewable Energy Technologies

Inclusion in the Plan of a more specific commitment to produce Supplementary Guidance specific to marine energy and its onshore economic impacts. (274, 437)

Update via Supplementary Guidance the anomalies in respect of Murkle Bay and Forss sites. (437)

Alter bullet point 1 in the policy to make it consistent with vision to say the Council encourages and supports the development of a wide range of renewable energy technologies. (454)

Include reference to SEPA's Thermal Treatment of Waste Guidelines 2009 as a material planning consideration. (326)

Include a policy to deal specifically with wind farms less than 20MW in capacity including cumulative impacts. (167, 213)

Clarify what is being referred to by "potential offshore renewable energy" in Figure 1. (83)

Grid Issues

Add in recognition that transmission and distribution network upgrades will also be required to the west and north. (268)

Inclusion in the spatial strategy of the possible grid reinforcement HVDC cable between Mybster, Caithness and the Blackhillock in Moray. (180)

Inclusion of additional action in the Action Programme associated with the Plan that The Highland Council and others must work to achieve the upgrade of mainland power lines to allow renewable energy developments to progress as well as a west and east coast subsea inter-connector. (452)

Community Benefit and Economic Effects

Clarify or amend the Plan to ensure that it is consistent with national planning policy and advice with regard to which types of community benefit may be treated as a material consideration in planning decisions and which may not, and which communities are involved relative to the development. Clarify

where the Council has a role in negotiations and how this relates to decision-making responsibilities. (124, 164, 268, 270, 442, 450, 457, 462)

Delete the statement regarding community benefit from the plan. (454)

Include a planning policy requiring that where a planning permission is granted for e.g. 5 turbines, then the community automatically receives the profit from one of them. (452)

Delete the requirement for economic benefit spin-off reports. (450, 454, 457, 462)

Addition of text to ensure that community benefits are ring fenced for investment in the community council area in which the renewable energy development is situated. (480, 481)

Policy Stance

Inclusion of a statement in the Plan's 'Introduction and Context' that it is a legal requirement to implement the policies of the Climate Change (Scotland) Act 2009 within the Highland wide LDP. (1)

Embrace by the Plan within the Highland vision of the threat to the environment from climate change and that one of the key ways to tackle it is to expand renewable energy generation; and recognition by Plan policy that the Highlands of Scotland has some of the best onshore wind speeds in Europe. (1)

Include more positive wording in policy 68 in respect of the benefits, for Highland communities and towards international/national targets/obligations, of developing a range of renewables including onshore wind farms, to reflect the support and encouragement given by the Council in the vision and elsewhere and by national policy. (124, 164, 180, 270, 434, 450, 454, 457, 462)

Include clear reference to the need to protect the key landscape and natural heritage assets from the adverse effects of commercial scale windfarms, to provide Policy 68 with a more balanced approach. (413, 414, 428, 494)

Ensure no harming of Highland's sensitive landscapes through inappropriate wind installations of anything greater than a few kilowatts (kW) in capacity, especially in its few remaining wild land areas. (167)

Recognition in the Plan that in Scotland a recent resident survey concluded that the vast majority of people (78%) support the expansion of onshore windfarm development across the country (YouGov poll, Scottish Renewables, October 2010). (1)

Amend to require a balancing act to be carried out in weighing the benefits of renewables development against the environmental effects. (449)

Include consideration of the Highlands having some of the most compelling, best-known natural and cultural tourism assets in the world when assessing individual applications and cumulative impacts in an area. (180)

Provide in the Plan that the prime consideration to the siting of onshore wind farms is:

- the visual effect they have on the area
- the proximity to housing (no house within 2km)
- the likely effect on the health and well-being of those living nearby
- the likely effect on the wildlife of the areas or those passing through
- the likely effect on tourism and heritage
- the response of the community

If any of these are negative the wind farm should be rejected and the land designated so that no other wind farm applications are allowed in the future. (250, 253)

Modify the Plan so that priorities for renewables are based on where/ how power can be efficiently delivered nationally with the lowest Carbon Footprint. (453)

Focus on detailing the exact areas where development will not be supported, and provision of a positive criteria-based policy framework for renewable energy developments determined on site specific assessments including Environmental Impact Assessment (EIA), rather than a focus on the detailed identification of 'broad areas of search' as a prescription of suitable areas to be identified in the LDP or Supplementary Guidance (SG). (1)

Recognition within the spatial strategy for the Inner Moray Firth area within the Plan that, in principle and subject to site specific assessment, the area can accommodate further onshore windfarm development, and further support that conclusion within Supplementary Guidance. (1)

Inclusion of the following amendment in Policy 68: "...and will assess proposals against other policies of the Development Plan, the Highland Renewable Energy Strategy & Planning Guidelines and where appropriate the On-shore Wind Energy Supplementary Guidance and have regard to any other material considerations, *including proposals able to demonstrate significant positive benefits by making effective use of existing and proposed infrastructure or facilities*". (449)

Clarity

Further clarify or amend various references in the policy to environmental receptors listed that are currently referred to in unclear terms, and define clearly the key terms and tests to be used in assessment and indicate how these come together and lead to the Council's overall position on a proposal. (213, 261, 268, 413, 428)

Publish a pre-examination modification to fully set out the detail of the criteria

and the tests so that all parties can properly assess matters for themselves. (413, 414, 428)

Clarify in the Plan that policy considerations are applicable equally to planning applications and to applications under Section 36 of the Electricity Act 1989. (164, 413, 414, 494, 428)

Add in reference to the planning application hierarchy and different procedures for local and major applications. (164)

Include more detail of the policy requirements in the LDP policy itself, rather than in the forthcoming Supplementary Guidance. (164, 414, 494, 428)

Targets and the Economy

Delete or significantly alter the first 2 bullet points of the policy, regarding targets and the local/national economy, to reflect Scottish Planning Policy (SPP) and remove LDP policy status from national renewable energy targets. (413, 414, 428, 494)

Amend or remove the policy consideration regarding the contribution of the development, to reflect the fact that the Government has set targets for renewables and not caps. (419)

Reflect in the policy framework for both the LDP and the Council's forthcoming Onshore Wind Energy Supplementary Guidance that the Council is falling short of its own renewable energy target and that there needs to be sufficient and adequate provision in those documents to support meeting the ambitious national targets. (1, 449)

Materiality and Weight of HRES and Supplementary Guidance

Clarify paragraph 22.1.3 with regard to the status between the Plan, HRES, SPP and the (draft) Supplementary Guidance on Onshore Wind Energy and how these documents will be used in planning decisions; or remove reference to HRES. (1, 164, 270, 412, 454)

Reword the first part of the policy as follows: "Renewable energy development proposals should be well related to the source of the primary renewable resources that are needed for their operation. The Council will also consider: the contribution of the proposed development towards meeting renewable energy generation targets; and any positive or negative effects it is likely to have on the local and national economy; and will assess proposals against 1) *other relevant policies of the Development Plan, including any relevant supplementary guidance adopted by the Council and where appropriate, the adopted On Shore Wind Energy Supplementary Guidance* and 2) *any other material considerations including the Highland Renewable Energy Strategy and Planning Guidelines*". (412)

Put the forthcoming Onshore Wind Energy guidance on a statutory footing to ensure that it can stand scrutiny at Public Inquiries. (261, 401)

Significant Detriment

Amend the third para. of Policy 68 from “significantly detrimental” to read “unacceptable impact” (NB. some consequential minor rewording would be necessary to fit). (180, 268, 434, 450, 454, 457, 462)

Amend the third para. of Policy 68 from “significantly detrimental” to read “significantly negative”. (419)

Amend the third para. of Policy 68 from “significantly detrimental” to read “have an unacceptable net impact” (NB. some consequential minor rewording would be necessary to fit). (124)

Species, Habitats and Nature Conservation Sites

Promote in the Plan a consolidated approach between the Council, RSPB and SNH to protect the bird species of the Caithness Lochs SPA. (assumed) (401)

Public Health and Safety

Clarify why public health and safety is a material consideration when noise, shadow flicker, ice throw, etc. are already covered in the policy. (164, 268, 270)

Remove requirement from policy that renewable energy developments be assessed against public health and safety considerations. (419, 450, 454, 457, 462)

Landscape and Visual Impacts

Refer in the sixth bullet point in the policy to the effects on the landscape of both the site and the area assessed in the Zone of Theoretical Visibility (ZTV) studies, rather than refer to the effects on the landscape character of the Highlands, and address interaction between visual impact and landscape assessment, including the use of viewpoints as part of the landscape assessment as well as visual impact assessment. (413, 414, 428, 494)

Modify the sixth bullet point in the policy so it reads, “visual impact, and impact on landscape character (the design and location of the proposal...”. (118)

Steer the criteria framework against which wind energy proposals will be assessed, away from making conclusions on height and turbine size limits and instead identify that Landscape and Visual Impact Assessment (LVIA) is

required for wind energy proposals above certain thresholds. (1)

Remove the reference made in the policy to “minimising landscape and visual impact”. (2)

Clearly identify in the Plan the interim guidance relevant to matters of landscape importance for wind farm developments, in advance of the forthcoming Supplementary Guidance. (449)

Safety and Amenity

Clarify in the supporting text how the issue of shadow throw should be addressed, or otherwise remove the reference to it. (419)

Community Amenity

A definition of “community amenity” should be included within the glossary- a more appropriate term would be “residential amenity” or “amenity”. (268, 450, 454, 457, 462)

The criteria for community amenity at sensitive locations should refer to key visitor sites or attractions rather than recognised visitor sites. (419)

Core Paths and Other Established Public Accesses

The amenity of users of any core path or other established public access for walking, cycling or horse riding should be quantified. It should be made clear that it refers to a formal public access. The word “relevant” should be included between “any” and “core”. (419)

Include in the policy recognition that in some circumstances it would be possible for development proposals to include route diversions to such core paths or established walking, cycling or horse riding routes. (268)

Remove from the policy the criteria regarding the amenity of users of core paths or other established locations of public access. (124)

Film Industry

Delete reference to consideration of film industry interests from policy. (268, 270, 450, 454, 457, 462)

Clarify the reference to film industry interests in the policy. (124)

Restoration and the Use of Conditions and Agreements

Include in last paragraph of policy mention of conditions also being used in respect of the operation of the developments. (78)

Include in the policy recognition that additional consents or extensions to any time limited consent period could be achieved for renewable energy installations. (268)

The policy should be clarified to indicate that full restoration will be required, not just end-of-operation partial mitigation. (2)

Extensions

Inclusion in the policy of recognition that in some cases there would be benefits to progressing extensions to existing renewable energy development sites. (268)

Other Issues and Considerations

Inclusion of wild land characteristics within a proactive steering of renewable energy proposals to least constrained areas. (2)

Add peat to the list in the policy of significant effects that decisions should have regard to. (2)

Sites

Support in principle within the Plan for windfarms at sites at Clach Liath, lying to the north of Dingwall, and Dell Estate located near Fort Augustus. (1)

Include in the Plan potential tidal schemes at Corran Narrows, Annat and Ballachulish. (452)

Renewables in Developments

Inclusion of policy requiring developers to include renewables in their proposals, either 'per house' or as central/community-based facilities (e.g. CHP). (533)

Summary of responses (including reasons) by Planning Authority:

Renewable Energy Technologies

Representations in support of these aspects of the Plan are noted and welcomed.

As also indicated in the Council's response to representations on the

Caithness & Sutherland Vision and Spatial Strategy (Issue 82), the Council is working with the Princes Foundation for the Built Environment and HIE on a North Highland Vision for marine renewables. It is focussing on the potential infrastructure and support industry requirements for this very important sector and will lead to the preparation of any necessary associated Supplementary Guidance as referred to in the final paragraph of Policy 42 Business and Industrial Land. It is not necessary to provide further amendment of the policy framework in the Plan, but it would be helpful to include reference to this work in the supporting text to Policy 68 Renewable Energy Developments and this is commended below.

Preparation of the North Highland Vision and associated Supplementary Guidance will provide opportunity to clarify any role that Murkle Bay may have in supporting the marine renewables industry, and to reflect the status of Forss. The Council therefore suggests that both sites remain referred to in this Plan under Policy 42 Business and Industrial Land without change.

Policy 68 and other general policies of the Plan, together with marine planning work being undertaken by Marine Scotland for the area, will provide a basis for assessing and coming to an opinion on marine renewables proposals themselves.

It is not necessary to add the Council's encouragement and support for a wide range of renewables further into Policy 68; it is already a positive and supportive policy as framed, and is set in the context of the [Highland Renewable Energy Strategy \(HRES\)](#) and the Vision of the Plan which recognizes the significance to the area of the energy sector and refers specifically to renewables.

In response to SEPA, paragraph 22.1.5 indicates that the Plan's Waste Management policies provide for energy (and heat) from waste. The Council does not consider it necessary to add in cross-reference to SEPA's Thermal Treatment of Waste Guidelines 2009; however, if the Reporter is minded to recommend that they are then the Council would be agreeable to the inclusion of a brief cross-reference either in paragraph 22.1.5 or paragraph 22.5.1, or alternatively the Reporter may consider that addition of a reference to the national waste management plan (of which the SEPA Guidelines are part) as referred to under Issue 71 dealing with Policy 71 Waste Management Facilities would be appropriate.

The Council is of the view that there is a sufficient policy framework in the Plan for wind energy proposals less than 20MW in capacity. The [Onshore Wind Energy Supplementary Guidance](#) which has recently (April 2011) been published by the Council as a draft for consultation covers all scales of development and within that the Council is developing any specific guidance necessary for each scale 'category' of development, including on landscape issues.

Apart from the commended change to reference the North Highland Vision and associated Supplementary Guidance, no other changes to the Plan are necessary in response to representations on these matters.

Grid Issues

It is agreed that the Plan would usefully point out that additional infrastructure will need to be developed, for both transmission and distribution, and this is commended under Issue 70 regarding Policy 70 Electricity Transmission Infrastructure.

The Council agrees to inclusion of the proposed HVDC cable from Caithness to Moray in the map (figure 1) in the Plan. Preparation of this scheme is moving forward. This is commended within Issue 82 on the Caithness and Sutherland Vision and Spatial Strategy.

The Council is already working with others on grid issues. However, whilst the Council can assist delivery through timely advice and coordination, the Council does not deliver the grid itself and it is suggested that this will not therefore be for the Action Programme on this Plan.

Community Benefit and Economic Effects

Representations in support or otherwise of these aspects of the Plan are noted.

The Council has been undertaking a [review of the Council's corporate non-planning community benefit policy and arrangements](#). The Plan is clear that community benefit matters are dealt with separately from planning matters. Nevertheless the Plan is correctly pointing out that community benefit discussions could provide a report on economic benefits of a renewable energy proposal that could legitimately be considered as a material consideration in planning. Such a report would of course need to be checked by someone independent of the decision-making on the planning matters of the case first, to ensure that it is fit-for-purpose. The Council remains of the view that these are reasonable arrangements that would comply with national policy and advice. The submission of such a report would not be a requirement but it could be of benefit to the developer to provide such information in support of their proposal. In the section below headed "Targets and the Economy" the Council justifies its consideration of economic effects of development- that such matters are material to the planning consideration- and explains that this can be important to enable a balancing of the effects of development.

With regard to the suggestion from one representor of a planning policy requiring a proportion of profit from a commercial energy scheme to go to the community, this would not be a legitimate planning policy.

With regard to the suggestion from another that community benefits be ring-fenced, that is a matter for the discussion on [the corporate community benefit policy](#) rather than for the Plan.

No changes should be made to the Plan in response to the representations on these matters.

Policy Stance

The Council is mindful of the principle as set out in [Scottish Planning Policy](#) (paragraph 187) that wind farms should be accommodated where the technology can operate efficiently and environmental and cumulative impacts can be addressed satisfactorily. Planning authorities are expected to provide a spatial framework and suitable development plan policies associated with it. However, assessment also involves assessment of the specific effects, positive and negative, of the individual proposal. The [Onshore Wind Energy Supplementary Guidance](#) which has recently (April 2011) been published by the Council as a draft for consultation, will assist in finding opportunities to accommodate such development. The Council considers that the Plan, including Policy 68 and its supporting text, is of suitable tone in terms of its support for renewable energy and setting a framework that enables consideration and balancing of positive and negative effects of proposals. It is not appropriate or necessary to add in to the Plan indication that the Inner Moray Firth area specifically can accommodate further windfarm development; the spatial framework to be included in the Supplementary Guidance is dealing with the identification of constraints and opportunities across Highland. Other points raised by representors have been noted. No changes to the Plan are required as a result of these matters.

On the matter of legal requirements under the Climate Change (Scotland) Act 2009, the Council has provided response under Issue 91 on Sustainable Development and Climate Change.

The Council understands the point made about opportunity for energy clusters and specifically opportunities for proposals to optimise provision and use of infrastructure, such as grid. Whilst grid constraints are not to be taken as sole reason for refusal, there are positive opportunities arising from presence of infrastructure including grid. This does fit with [Scottish Planning Policy](#) (paragraph 191), with sustainable development principles of the Plan and with reference in the [Onshore Wind Energy Supplementary Guidance](#) which has recently (April 2011) been published by the Council as a draft for consultation (see paragraph 4.24). The Council considers that this would suffice. However, if the Reporter considers that the Plan requires specific reference to this matter then the Council would be agreeable to inclusion of suitable reference in Policy 68 as set out below.

Clarity

The Council considers that Policy 68 and its supporting text is clear and contains sufficient detail on these matters, subject to the changes commended below and elsewhere in its response to representations. The test of 'Significant Detriment' is discussed below and will assist those assessing proposals and making decisions. In respect of onshore wind energy

development, the [Onshore Wind Energy Supplementary Guidance](#) which has recently (April 2011) been published by the Council as a draft for consultation expands explanation of the considerations and how matters will be assessed. The term 'cumulatively' is already defined in the glossary of the Plan. The balance between considerations cannot be fully set out in policy and guidance as the balance point will depend on the circumstances and details of the individual proposal. It should be noted that whilst the Supplementary Guidance will identify areas for significant protection in respect of large windfarm proposals, in accordance with the principles set out in [Scottish Planning Policy](#) (particularly at the start of paragraph 187) this will not prevent applications being made in any part of Highland and needing to be considered on their merits. The Council does not consider it necessary to set out in the Plan the hierarchy of planning applications; this is available elsewhere and applies across all types of development, not just renewables. It is not necessary to mention in the Plan that Policy 68 will also be relevant to Section 36 applications; the Council does though agree with that, has mentioned it in the [draft Supplementary Guidance](#) (paragraph 2.3) and would be agreeable if the Reporter wishes to include a reference in the Plan. Nevertheless, the Council is not specifically commending any changes to the Plan in response to matters covered under the section 'Clarity' in this Schedule on Issue 68.

Targets and the Economy

Support expressed by some for these considerations being included in Policy 68 is welcomed.

[Scottish Planning Policy](#) lists at paragraph 187 criteria that planning authorities are likely to include in their development plans, that will be considered in deciding applications for all windfarm developments. These include amongst others:

- "contribution of the development to renewable energy generation targets;
- effect on the local and national economy....."

The Council considers therefore that it is justified in including these within the policy and that they are included in an appropriate form.

The impacts of wind turbines need to be set against the contribution that they would make towards targets, as part of the process of balancing the considerations in decision-making. Indeed, doing so as part of the assessment can assist the planning officers and decision-makers to arrive at a decision one way or the other on a proposal.

It is unfortunate that Glendoe is not currently generating electricity. This compounds with the fact that windfarm connections in the Highlands are effectively being driven (but held up) by grid reinforcements yet to be delivered. However, compared to the Highland Renewable Energy Target for Export Onshore Wind for 2010 of 800 MW installed capacity, the total of operational and approved schemes as at October 2010 was 808 MW. Furthermore, there were pending applications accounting for an additional

922 MW.

The Council understands that Scottish Government's position as stated in [Scottish Planning Policy](#) (paragraph 182) is that national targets for renewable energy are not to be regarded as caps. The Council is mindful of renewable energy targets being stretching; this is clear from the [Highland Renewable Energy Strategy \(HRES\)](#) and the draft [Onshore Wind Energy Supplementary Guidance](#) (in section 1).

No changes to the Plan are necessary in response to representations on these matters.

Materiality and Weight of HRES and Supplementary Guidance

The [Highland Renewable Energy Strategy & Planning Guidelines \(2006\) \(HRES\)](#) is non-statutory supplementary planning guidance, whereas the [Onshore Wind Energy Supplementary Guidance](#) which has recently (April 2011) been published by the Council as a draft for consultation will be statutory Supplementary Guidance. The latter will therefore in general terms be on a firmer footing as a material consideration than the onshore wind energy part of the former currently is, because the new guidance will be more up-to-date, fit with current national policy and an up-to-date LDP and have 'development plan' status. In particular, it will not set out a 'sequential approach'.

Nevertheless it should be noted that HRES remains a material consideration not least because it provides an over-arching strategy and covers a wide range of renewable energy technologies (not just onshore wind).

The rewriting of the first part of the policy suggested by one representor, to distinguish between documents with development plan status and other material considerations not having that status, is not necessary. The Policy as currently in the Plan refers to HRES before referring to the Supplementary Guidance because HRES covers a wide range of technologies rather than just one. Furthermore the order in which it refers to them is not intended to imply relative importance or weight.

The Draft Supplementary Guidance is being consulted upon fully with the public. The [Landscape Study](#) that has been undertaken to inform it has been made available as a background paper to that consultation draft.

A response is provided in respect of 'wild land' issues in the section within this issue dealing with 'Other Issues and Considerations', below.

The [Draft Supplementary Guidance](#) includes (at section 2 and paragraphs 3.9 and 3.10) an explanation of the relationship of it to HRES as well as an explanation of the context provided by SPP and the LDP. However, the Council commends to the Reporter that a brief explanation of the relationship to HRES be included in paragraph 22.1.3 of the Plan, and this is commended below. Apart from that, no other changes to the Plan are necessary in

response to representations on these matters.

Significant Detriment

The term “significantly detrimental” should remain in the policy. This is the term that is used in Policy 29 Sustainable Design in the Plan and also in the current [Highland Structure Plan](#) in Policy E2 Wind Energy Developments (see Part Two: Economy). The term usefully indicates a test of whether development will result in ‘harm’ to the various resources, etc. in respect of which policy 68 requires assessment. In that way the term is more useful than the alternatives suggested by representors, which are less precise and merely suggestive of some degree of negative impact. This part of Policy 68 and its supporting text does not require any change.

Species, Habitats and Nature Conservation Sites

The points made are noted. The Council considers that these matters are best considered within the [Onshore Wind Energy Supplementary Guidance](#) which has recently (April 2011) been published by the Council as a draft for consultation. The representor (Denise Brown (401)), the RSPB and SNH have all been notified of the consultation on the draft guidance and the opportunity to comment on it.

Public Health and Safety

Public health and safety is correctly included in the policy. The policy does also refer to a number of specific potential health and safety issues, such as noise and ice throw. These are commonly accepted by the renewable energy industry as matters for planning policy and guidance. It should be noted that the Health and Safety Executive and the Council’s Environmental Health Officers are consulted in respect of proposals as appropriate and these matters are also covered in Environmental Impact Assessment. Furthermore, the latest [Scottish Government advice on onshore wind turbines \(part of replacement for PAN45\)](#) does, for example (under Road Traffic Impacts on page 8), suggest that set-backs of turbines from roads and railways may be advisable. Whilst some such issues may ultimately be controlled through other legislation, particularly where the risk to public health and safety is great, good land use planning can encourage risk avoidance through siting and design and help in identifying and requiring certain types of mitigation. The [Onshore Wind Energy Supplementary Guidance](#) has recently (April 2011) been published by the Council as a draft for consultation and provides opportunity to further develop guidance on this matter. This part of Policy 68 and its supporting text does not require any change.

Landscape and Visual Impacts

The Council’s [Onshore Wind Energy Supplementary Guidance](#) has recently

(April 2011) been published by the Council as a draft for consultation. It will be further developed through engagement of interested parties and key organisations. A key aspect being addressed in its preparation is the need for clear guidance on landscape and visual issues and consideration of these issues in the spatial framework for windfarms to be included within it. This will include consideration of cumulative impacts and landscape cumulative limits for windfarm development. The framework derived from such strategic assessment, and indeed the strategic assessment itself, will be a consideration in respect of individual proposals but some sort of detailed assessment of individual proposals will also be required in most if not all cases. Landscape and visual impact, including cumulative impacts, are covered by Policy 68 already. The Guidance will be able to set out expectations for assessment; it is not necessary to detail this in the policy.

The bracketed text in this part of the policy which refers to seeking to minimise landscape and visual impact reflects the final part of paragraph 187 in [Scottish Planning Policy](#) and the Council, mindful of the fact that this key principle has to be balanced with other issues, has included the wording “subject to any other considerations”. The Plan takes a reasonable approach on this and does not require change on this particular matter.

The Council understands concerns expressed that the policy as written may suggest that in assessing impacts on landscape character, only impacts on the landscape character of the Highlands as a whole will be considered. The Council therefore commends to the Reporter the change to this part of policy 68 sought by SNH. Apart from that, no further changes are required to this part of Policy 68 and its supporting text.

Safety and Amenity

The matter of shadow throw and how this should be assessed can be addressed further in the Council’s supplementary guidance. It is not for the Plan to set out the detail of advice on each of these matters. This part of Policy 68 and its supporting text does not require any change.

Community Amenity

The Council has used the term ‘community amenity’ to ensure that regard is had to any impact of development on the wider community, specifically at various types of sensitive location beyond solely residential properties. The term ‘residential amenity’ would not be interchangeable with this. Furthermore, the Council is content with its reference in the policy to recognised visitor sites and can provide further advice on this in supplementary guidance. This part of Policy 68 provides sufficient definition/indication of what is intended to be covered and the Plan does not require any change in response.

Core Paths and Other Established Public Accesses

Inclusion of this consideration in the policy is appropriate and reflects Policy 78 Public Access and the fact that this issue can be particularly relevant to renewable energy developments across large tracts of land and affecting existing routes. The Council does not consider that insertion of the word 'relevant' as suggested in representation would add any clarity to the policy; such a change is therefore unnecessary. Only matters relevant to a particular case will be considered in the assessment of it. Nor does the Council consider that it is necessary or appropriate to attempt to refer in the Plan to specific types of mitigation for each of the considerations listed in the policy; the policy already refers in general terms, in the second paragraph, to taking into account any mitigation measures to be included. This part of Policy 68 and its supporting text does not require any change.

Film Industry

Whilst the planning system is not to be used to protect the financial interests of one business over that of another, the Council's intent here is to enable the consideration of impacts on the film industry at a generic level. Whilst the film industry does not have a fixed location in the Highlands, and its film location needs vary, an important part of Highland's 'film location offer' is dependent upon the availability of suitable landscapes. Whilst film makers do not always seek landscapes that are, for example, windfarm-free the impact of windfarms in the landscape of Highland is inevitably having a reducing effect on the choice of locations for certain types of film work and this may lead to negative impacts on the local and regional economy. Consideration of impacts on the film industry is therefore similar to the consideration of impacts on tourism and recreational interests and concerns in particular a dependence upon Highland's landscape resource. An important point is that there are often other factors limiting the choice of suitable locations for filming, which can include for example the logistics such as availability of sufficient accommodation nearby and access to the location. Further development of the draft [Supplementary Guidance on Onshore Wind Energy](#) will provide opportunity to further develop guidance on this matter, including the practicalities of what can be assessed or should be safeguarded. The Council will work with the Highland Film Commission on this (representor 491), which does hold information about locations used for filming. It may be noted that the [Renewable Energy Resource Assessment \(RERA\)](#) upon which the existing [Highland Renewable Energy Strategy \(HRES\)](#) is based already takes account of film locations as a potential constraint factor (see RERA Appendices). This part of Policy 68 and its supporting text does not require any change.

Restoration and the Use of Conditions and Agreements

The Council agrees with the sentiment contained in the modifications sought to this part of the policy. However, the Council considers that they would not add critical value to the policy tests and that this part of policy 68 and its supporting text should not therefore be changed, although these are matters

that the Council may wish to explain in the Onshore Wind Energy Supplementary Guidance.

Extensions

In the penultimate paragraph of the policy the Council explains that proposals for extensions will be assessed against the same criteria and material considerations as apply to proposals for new facilities. Whilst the Council acknowledges that in some cases there will indeed, as suggested by the representor, be benefits to progressing extensions, saying so in the policy would not add value to it. Rather, this is a matter for the Council to consider merits on a case by case basis and, in the matter of extensions to windfarms, in the development of the spatial framework to be included in the [Onshore Wind Energy Supplementary Guidance](#), particularly in considering landscape capacity and in defining areas for significant protection and broad areas of search. No change is required to this part of Policy 68 or its supporting text in response.

Other Issues and Considerations

On the matter of wild land characteristics, this stands to be considered in the context of Policy 58 Natural, Built and Cultural Heritage and the associated Appendix (6.2) of the Plan, which refers to the assessment that proposals should undergo until such time as wild land has been identified. As wild land has yet to be identified, it is not available at this time as a mapped constraint for consideration in the development of the spatial framework for windfarms that the Council is including in its [Onshore Wind Energy Supplementary Guidance](#).

With regard to peat, the Council considers that Policy 56 Peat and Soils provides sufficient LDP policy context for any further advice to be provided by the Council on this within its [Onshore Wind Energy Supplementary Guidance](#) (see paragraphs 4.77 to 4.80 and also 4.53).

No change is required to Policy 68 or its supporting text in response to either of these issues.

Sites

It is not the role of the LDP to provide support in principle for specific sites for windfarm development. At most it is the role of the LDP to set out a spatial framework in accordance with [Scottish Planning Policy](#) (paragraph 189) which may confirm that particular sites lie within areas of least constraint – broad areas of search. The Council is developing its spatial framework through the [Supplementary Guidance on Onshore Wind Energy](#) in the first instance and it is not therefore included with this Plan.

It is acknowledged that locations at Corran Narrows, Annat and Ballachulish

may have potential for tidal schemes; all three were identified in the [Highland Renewable Energy Strategy \(HRES\)](#) (page 19, paragraph 6.2.2.8) as “secondary development areas” for tidal power, after the “primary development areas” of North Stroma, North Skye, Duncansby Head and Kyle Rhea. This classification was derived on the basis of constraints and cost factors estimated in the resource assessment. It is interesting to note that since HRES was produced there has been developer interest in or near a number of the primary areas, through the Crown Estate leasing process. Secondary areas, or indeed any other areas, may come forward as proposals for consideration irrespective of whether they are in the Plan. Policy 68 does not identify specific locations for development. Further work by Marine Scotland and the Crown Estate may confirm or not the potential of such areas in due course and enable consideration again. However, at this time the Council is content that no change is required to the Plan in response to this representation.

Renewables in Developments

The points made are noted. The issue of lack of specific policy requiring low and zero carbon equipment in new developments is responded to by the Council under Issue 91 on Sustainable Development and Climate Change. No change is required though to Policy 68 or its supporting text in response.

Any further plan changes commended by the council

Inclusion of reference in the supporting text to Policy 68 to preparation of a North Highland Vision and associated supplementary guidance with a focus on the onshore implications of marine renewables.

If the Reporter considers that the Plan requires specific reference to this matter rather than relying on sustainable development principles of the Plan and reference in the Onshore Wind Energy Supplementary Guidance, then: - Inclusion of reference to opportunities for proposals to optimise provision and use of infrastructure, either as suggested by representor 449 at the end of the first paragraph of Policy 68 or alternatively in similar terms but as a new bulletpoint in the policy after the second bulletpoint.

At the end of para. 22.1.3, add: “Parts of the Strategy and Planning Guidelines document relating to onshore wind energy are not wholly compliant with the latest national policy and are being largely superseded by the Council’s new Supplementary Guidance for Onshore Wind Energy.”

Change the sixth bullet point in the policy so it reads, “visual impact, and impact on landscape character (the design and location of the proposal...”.

Reporter’s conclusions:

Added by Reporter at later date.

Reporter's recommendations:

Added by Reporter at later date.