

The Highland Council
Planning, Development and Infrastructure Committee
17 August 2016

Agenda Item	10
Report No	PDI 44/16

Onshore Wind Energy Supplementary Guidance – Review

Report by Director of Development and Infrastructure

Summary

This report presents the Onshore Wind Energy Supplementary Guidance (SG) for adoption. The SG aims to provide an effective framework for guiding wind energy development in Highland. This is the result of a review of the Onshore Wind Energy Interim SG (2012), Small Scale Wind Turbine Proposals Interim SG (2012) and the current pattern of wind energy development in Highland, taking account of stakeholders' views gathered following the publication of the Draft Supplementary Guidance last year.

The SG has been brought into line with Scottish Planning Policy (2014), and incorporates current best practice for assessing and managing wind energy development.

Committee is asked to agree that, upon completion of the necessary procedures, the SG be statutorily adopted as Supplementary Guidance to the Highland-wide Local Development Plan (2012).

1. Background

- 1.1 Following approval by this Committee at its meeting on 19 August 2015, the Draft Onshore Wind Energy Supplementary Guidance (Draft SG) was published. Consultation ran from 25 September 2015 to the extended deadline of 29 January 2016, alongside consultation on the Highland-wide Local Development Plan Main Issues Report. Seventy organisations or individuals submitted comments on the Draft SG, raising 632 comments.
- 1.2 A list of respondents, together with a summary of comments received and our recommended Council response by issue is in **Appendix 1** (which is not in the papers but is available on the Council's website http://www.highland.gov.uk/downloads/file/16408/draft_onshore_wind_sg_appendix_1_160817_pdi_committee) and in the Members' Library). The SG for Committee's consideration is in **Appendix 2** which is in the papers. This includes a Spatial Framework, which applies the national methodology for identifying strategic opportunities for wind energy development, as required by SPP.

1.3 It is also worth highlighting that the SG:

- includes SNH's finalised map of carbon rich soil, deep peat and priority peatland habitats (CPP map); and
- directs applicants to the Wild Land section of SNH's website. This is because the full descriptions of Wild Land Areas and updated wild land assessment guidance from Scottish Government are due to be published this year, with the wild land guidance to be subject to consultation in the summer. These will provide a fuller explanation of how to assess development that impacts upon wild land areas but no further detail is required in the Supplementary Guidance.

1.4 Members may recall that the Scottish Parliament's Public Petitions Committee considered petition [PE01564: Save Loch Ness and the Great Glen](#). The petition called on the Scottish Parliament to urge the Scottish Government to take steps to designate the Loch Ness and Great Glen as a National Scenic Area; to recommend a priority application is made to UNESCO for the area to be afforded World Heritage protection; and to take appropriate steps to discourage further wind turbine developments and support the restoration of sites damaged by wind turbines. The Council and a number of other parties were asked for, and provided, information. On 22 September 2015, having considered the information, the Public Petitions Committee agreed to close the petition on the basis that the local authority is actively updating its development plans in line with national guidance.

2. Highlights of Comments Received on the Draft SG and Recommended Council Response

2.1 Structure of the SG

In response to concerns about the structure of the document – that it was over-complicated to use – a number of changes have been made. The document content has been re-ordered to follow a more logical order for the user. Enhanced content providing an overview of the process and promoting pre-application advice services has been provided at the start. Parts of the SG relating to landscape and visual considerations have been grouped together. The SG is also split into two parts: Part 1 includes everything up to and including the section on Repowering and Part 2 includes the Strategic Capacity work. This will facilitate the future addition of content for other study areas in Part 2 of the document.

2.2 Status of the SG and Location and Status of the Spatial Framework

2.2.1 Concerns were raised that the Draft SG and the Spatial Framework had been given status as material considerations for planning decisions without an adequate basis. However, the Council has been reasonable in this approach because:

- it was agreed by PDI Committee on 19 August 2015 that the Draft SG be a material consideration in the determination of planning applications;

- a Consultation Paper on the main issues and content of the Draft SG and Draft Spatial Framework was consulted on from March until May 2015 and informed the preparation of the Draft SG; and
- the Draft Spatial Framework set out in the previous Draft SG reflected the Spatial Framework constraints set out in Table 1 of SPP.

2.2.2 The intention now is that, subject to Committee consideration, the SG will be adopted as Supplementary Guidance to the Highland-wide Local Development Plan (2012), with particular reference to Policy 67 Renewable Energy Developments. Upon adoption, it will be part of the Development Plan and will be accorded such weight in the development management process.

2.2.3 No change has been made to the Community Separation Distance (CSD). Some sites in the Local Development Plan will apply the CSD to places where industry is the primary land use, rather than residential. The weight apportioned to the sensitivity of these areas to development may be less than that for settlements and this is set out in Section 2 of the SG.

2.3 Status and Programme of Landscape Sensitivity Studies

2.3.1 A number of respondents consider that the Landscape Sensitivity Studies should not be part of the SG. However, we are comfortable with them being part of the SG. They legitimately provide further guidance on issues covered by the Highland-wide Local Development Plan policies (particularly Policy 67) and, correctly, they are not being used to add constraints in to the Spatial Framework or to introduce a sequential test for proposals.

2.3.2 Outputs from the Loch Ness landscape sensitivity study were included in the Draft SG for public consultation. The SG now includes amendments to that study in response to comments received and to reflect amendments to the methodology, which is also now more fully explained. Working closely with, and with substantial contribution from SNH in terms of officer time and expertise, we have made progress with further studies covering:

- Caithness (from Borgue to John O'Groats to Reay, including parts of the Flow Country out towards Altnabreac Station); and
- Black Isle, Surrounding Hills and Moray Firth Coast (including Dava Moor) (from Nairn to Beaully, including Easter Ross and the Fearn Peninsula, and Cromarty, Beaully and Inner Moray Firths).

2.3.3 Considerable progress has been made with these studies, and we will publish the outputs for public consultation in autumn this year. Our intention is that the study outputs, with any post-consultation amendments, would then be adopted into the SG. The intention is to carry out further studies covering:

- East and Central Sutherland;
- North Coast; and
- Skye.

2.3.4 The programme for undertaking those is not yet certain but we will be looking to progress them during the course of 2017.

2.4 Approach to Identifying Strategic Capacity

2.4.1 In response to concerns raised about the Strategic Capacity section – that it does not follow best practice and is overly restrictive – the SG now sets out a detailed methodology, cites use of best practice, and is clear about what its purpose is:

- to support consistent decision-making by providing a clear and objective appraisal of pressure areas in Highland; and
- to provide clarity about where there is strategic capacity.

2.4.2 The approach involves a number of steps that are described in detail in the SG. Briefly, a Landscape and Visual sensitivity appraisal for the study area is undertaken, based on landscape character areas (LCA) derived from SNH's Landscape Character Assessment. This appraisal produces broad conclusions about potential for development for each LCA. Areas identified as having potential are then overlain onto the Group 3 spatial framework map (Areas with potential for wind farm development) and other considerations are then mapped: Special Landscape Areas, wind turbines (approved, under construction and constructed) and council tax addresses. Professional judgement is then made about potential capacity for development, taking into account the potential for cumulative impacts of identifying areas.

2.4.3 For the Loch Ness study area, no areas of strategic capacity were identified. This is due to a combination of the following:

- conclusions about development potential from the landscape and visual appraisal of the LCAs was that potential lay with extensions to existing schemes or clusters;
- existing schemes or clusters were largely constrained by Group 2 Spatial Framework features; and
- remaining capacity was in smaller parcels of land or closer to where people live (council tax addresses).

2.4.4 It is important to note that whilst the conclusions for the Loch Ness study area identify that there is no strategic capacity, there may still be opportunities for development proposals to be consented. However, at a strategic level, it is not possible to direct development to a particular location in the study area.

2.4.5 For the remaining study areas the same process will be undertaken, and the conclusions made subject to public consultation, as indicated above.

2.5 Highland Renewable Energy Strategy

2.5.1 The Highland Renewable Energy Strategy (HRES) has been a useful document since its publication in 2006, and its content has been a material consideration for decision making. However, given the document is now 10

years old its relevance to the modern policy context is becoming limited. It is therefore proposed to stop using the HRES document as a material consideration, with the exception of targets for renewable energy generation in Highland which project as far as 2050 (section 6) and are proposed to be carried forward for monitoring purposes.

3. Progress of Onshore Wind Energy Development in Highland

- 3.1 In spring this year we published an updated version of our map of wind energy developments, available via the usual link www.highland.gov.uk/windmap . It now contains information on wind energy schemes that are "In Planning", "Refused", "Approved", "Constructed" or "Under Construction" and "Constructed – Removed", as at 1 January 2016.
- 3.2 The 'windmap' shows that, at 1 January 2016, approved, under construction and constructed onshore wind energy schemes totalled 1991 MW. Preliminary monitoring figures indicate that consents since then, up to 5 July 2016, only total about 8 MW. In that period there have been a number of schemes refused and there are a number of substantial developments in the planning application or appeals systems or in the Section 36 applications system, for which decisions have yet to be made. Whilst there is therefore currently a 'dip' in additional consents being given, part of the recent period has been one in which Scottish Ministers have not been making and issuing decisions. In any case it may be noted that the total of onshore wind consents in Highland remain ahead of the HRES-derived 'export onshore wind' target for 2016 of 1240 MW.
- 3.4 In terms of offshore wind energy Members will be aware that in May this year, after reaching financial close, it was announced that the Beatrice Offshore Wind Ltd. (BOWL) project is to go ahead, developing 84 turbines generating 588 MW. The Moray Offshore Renewables Ltd. (MORL) project, though consented, does not as yet have a contract to supply electricity.

4. Implications

- 4.1 **Resource**
We have resources to finalise, adopt and issue the SG. Our approach to an ongoing programme for the identification of strategic capacity, including undertaking landscape sensitivity studies, is taking into account resource pressures.
- 4.2 **Legal**
Planning law sets out requirements for development plans and development management. A distinction is made between documents forming part of the development plan (our adopted LDPs, adopted Local Plans as continued in force and adopted SG), and any other material considerations. LDPs and SG are prepared in accordance with legal requirements.
- 4.3 **Equalities**
Our Interim SG has previously been subject to Equalities Screening.

4.4 Climate Change/Carbon Clever

The SG will assist in identification of opportunities for renewable energy development, which will contribute towards Carbon Clever and responding to Climate Change. It will help consideration and balancing of positive and negative effects of development. A Strategic Environmental Assessment (SEA) Revised Environmental Report was prepared and consulted on alongside the Draft SG. Comments received have been taken into account in revising the SG and will further be taken into account in preparing the SEA Post-Adoption Statement. We have also been taking into account natura issues, including any mitigation for the SG, and will need to conclude and get sign-off of a record of that process – a Habitats Regulations Appraisal (HRA) record – before submitting the SG to Scottish Ministers as part of the adoption process. As part of finalising SEA and HRA we will need to consider any implications for the additional Natura sites recently proposed; however, we do not anticipate those raising need for any additional changes to the SG.

4.5 Risk

Each planning application must be considered on its own merits, and there would be a risk of challenge if any part of the Council's policy and guidance framework were used as a 'traffic-light' style indication of the acceptability, or otherwise, of particular developments without reference to the development plan as a whole and material considerations.

4.6 Gaelic

We will ensure that the SG complies with the Council's requirements for publications.

4.7 Rural

The SG covers the whole of the Highlands. The main pressures for wind energy development are in rural areas. The SG will assist in the identification of opportunities for renewable energy development and assist in the consideration of planning impacts.

Recommendation

The Committee is invited to:

- consider the comments received on the Draft Supplementary Guidance and agree the Council responses as set out in **Appendix 1**;
- agree to adopt the Onshore Wind Energy Supplementary Guidance as statutory Supplementary Guidance to the Highland-wide Local Development Plan (2012), as set out in **Appendix 2**, subject to finalisation of the Habitats Regulations Appraisal by officers, and any feedback from Scottish Ministers during the statutory process for adoption;
- agree for the SG to be used as a material consideration for planning decisions and advice with immediate effect;
- note the progress on further landscape sensitivity and strategic capacity work as set out in section 2 of this report; and
- agree for HRES to no longer be used as a material consideration with generation targets to be carried forward for monitoring purposes.

Designation: Director of Development and Infrastructure

Date: 27/7/2016

Authors: David Cowie (Principal Planner) 01463 702827 and Craig Baxter (Planner) 01463 702276

Background Papers:

On the Council's website at www.highland.gov.uk/onshorewind :

- Onshore Wind Energy Interim SG (March 2012)
- Small Scale Wind Turbine Proposals Interim SG (November 2012)
- Spatial Planning for Onshore Wind Energy in Highland - Consultation Paper (March 2015)

On the Council's development planning consultation portal at <http://consult.highland.gov.uk>:

- Onshore Wind Energy Draft SG (September 2015)
- Responses received to the Draft SG

Council's online interactive map of Wind Turbines: www.highland.gov.uk/windmap

On the Scottish Parliament's website:

- PE01564: Save Loch Ness and the Great Glen
<http://www.parliament.scot/gettinginvolved/petitions/PE01564>

On the Scottish Government's website www.scotland.gov.uk :

- National Planning Framework 3 (June 2014)
- Scottish Planning Policy (June 2014)
- Onshore Wind – Some questions answered (December 2014)

On SNH's website www.snh.gov.uk :

- Spatial Planning for Onshore Wind Turbines – natural heritage considerations (June 2015)
- Carbon Rich Soils, Deep Peat and Priority Peatland Habitat (CPP) – finalised map (June 2016)