

Issue:	025: Energy, Waste and Resources: Wind Energy	
Development plan reference:	Policy 7 Energy, Waste and Resources and Maps 7A and 7B, Pages 40 to 45	Reporter: [DPEA Use only]
Body or person(s) submitting a representation raising the issue representation reference:		
Seeking a change Cairngorms National Park Authority (910266) Colliers International for The Gleneagles Hotel (909368) James Watt (610383) Mountaineering Council of Scotland (904595) Patrick Ford (910331) RSPB Scotland (910180) Scottish Government (910172)	Supporting as written Defence Infrastructure Organisation (MoD) (905923) Mountaineering Council of Scotland (904595) RES UK & Ireland (760515) Scottish Natural Heritage (869435)	
Provision of the development plan to which the issue relates:		
This policy covers all forms of infrastructure relating to energy, waste and liquid/solid/gas minerals in any place and of any type and scale within the TAYplan area. This specific issue relates directly to Wind Energy.		
Planning Authority's summary of the representation(s):		
<p>Summary of Representations Seeking a change</p> <p>James Watt (610383) PLAN2015_14 considers the extreme north-west section of Map 7B (Doc80) to be wild land and that this should therefore not be a search area for windfarms.</p> <p>Patrick Ford (910331) PLAN2015_535 considers there to be a requirement for absolute protection from Wind Energy development along the sky-line formed by the Highland Boundary Fault lying within the TAYplan area. The respondent considers that this sky-line, associated with the Angus Glens, is visible to all visitors from the A90. They consider that this is a 'unique visual asset for TAYplan and deserves more robust protection'. The respondent would like to see a region-wide study carried out in 2017 with this as its principal aim.</p> <p>Scottish Government (910172) PLAN2015_330 considers Map 7A (Doc80) not to reflect the current situation regarding offshore wind sites in territorial waters. They propose an amendment to reflect the National Marine Plan (2015) (Doc59). This is because it includes decisions on terrestrial planning applications and enforcement action which affect the UK marine area. Public authorities, when making decisions which are capable of affecting the marine area which are not authorisation or enforcement decisions, must have regard to National and regional marine plans. This applies to the preparation and adoption of terrestrial development plans.</p> <p>Colliers International for The Gleneagles Hotel (909368) PLAN2015_505 is concerned with the cumulative impacts of wind energy schemes and feels it is 'vital that TAYplan addresses this issue urgently'. They suggest there are areas where capacity no longer exists for new or repowered turbines, likely to be larger in size and scale, to be erected. They cite text on page 45 (Doc80) to reflect this and suggest that this indicates that because of the particular character of the landscape and the cumulative impacts of existing onshore wind energy development, there is limited scope for further new wind farm proposals within the TAYplan area.</p> <p>The respondent considers that the cumulative impacts of wind energy schemes having previously been tested and assessed through the planning system as being unacceptable are not adequately reflected in this Plan. They consider these to include impacts on areas of Perthshire, key tourist routes and destinations, and that cross-boundary locations are of serious concern. Given the length of the plan period, they consider that TAYplan must ensure this issue is addressed urgently. While the</p>		

Proposed Plan seeks to ensure a consistent approach by constituent authorities in their approach to landscape, cumulative and cross-boundary impacts in the development management process, in its current form the respondent does not consider that the proposed policy really achieves this or offers adequate direction to Local Development Plan Authorities to ensure this is the case. The respondent notes that TAYplan will coordinate preparation of a region-wide study in 2017 on cross-boundary constraints and opportunities. This will be based on updating the existing landscape capacity studies, but working to a consistent wind energy typology. The respondent would welcome further detail from TAYplan about this and encourage TAYplan to engage with both the onshore wind energy industry and key stakeholders across the TAYplan area.

The respondent supports Policy 7D (Doc80), however, they urge TAYplan to 'consider and indeed take real cognisance of those areas where unsuccessful planning applications and appeal decisions have centred on issues of cumulative landscape and visual impact'. To guide the development industry, they also propose that emerging planning policy should include some reference to this.

RSPB Scotland (910180) PLAN2015_356 supports the inclusion of environmental considerations when siting energy, waste and resource management infrastructure. They further recommend a broader range of considerations when looking at cumulative impacts of wind energy. These include: natural heritage, impacts on deep peat, peat land habitats and carbon soils as well as hydrology, the water environment and flood risk. They are also concerned with what information has been used to make up Map 7b and recommend that reference is made to Royal Society of the Protection of Birds bird sensitivity map (025/Extract/1). The proposed study should include protected and sensitive areas are based on biodiversity and not just landscape.

Mountaineering Council of Scotland (904595) PLAN2015_1 considers there to be little merit in the proposed actions and believe them to be overly pre-occupied with cross-boundary concerns.

Cairngorms National Park Authority (910266) PLAN2015_388 considers there to be increasing development interest around the National Park boundary. They believe that there is the potential for wind farms to significantly affect the landscape setting of the National Park as well as Wild Land both inside and outside of the National Park boundary. They consider that the definition of Energy proposals of strategic significance (p.45 - Doc80) should include not only wind farm proposals within or adjacent to Group 1 and 2 areas, but also proposals that have the potential to impact on the setting or aims of Group 1 areas.

Summary of Supporting Representations

Defence Infrastructure Organisation (MoD) (905923) PLAN2015_13 has no issue in principle with Policy 7 (Doc80), but they have concerns that wind turbines can cause obstructions to 'protected critical airspace' and can cause 'interference to aviation safety and defence interests'. The Ministry of Defence therefore needs to review all applications for turbines of 11 metres or greater in height.

Scottish Natural Heritage (869435) PLAN2015_189 considers Policy 7 (Doc80) to be a robust approach to delivering renewable energy to appropriate locations. They suggest that additional supplementary planning guidance through the Local Development Plans would be helpful to provide more detail about specific regional issues/features, including key transport corridors and landscape features.

RES UK & Ireland (760515) PLAN2015_458 is supportive of the whole wording of the Policy and associated maps. In particular, they are supportive that TAYplan have followed Scottish Planning Policy (2014) Paragraph 163 (Doc84) in creating a spatial framework that is consistent with following the Group categories in Scottish Planning

Policy (2014) Table 1 (Doc84). They also support that TAYplan recognises its role in co-ordinating activity for identifying strategic capacity for onshore wind farms as per Scottish Planning Policy (2014) Paragraph 162 (Doc84).

Mountaineering Council of Scotland (904595) PLAN2015_1 supports the views in Policy 7, page 45 paragraph 2 'that landscape capacity and cumulative impacts mean there is limited scope for further new wind farm proposals' (Doc80).

Modifications sought by those submitting representations:

James Watt (610383) PLAN2015_14 proposes that the wild land in the extreme north-west section of Map 7B (Doc80) identified as group 2 'Areas of significant protection' should be changed to be in group 1 'Areas where windfarms will not be acceptable'.

Patrick Ford (910331) PLAN2015_535 proposes 'absolute protection from Wind Energy developments along the sky-line formed by the Highland Boundary Fault lying within the TAYplan area.'

Scottish Government (910172) PLAN2015_330 proposes that Map 7a should be amended to reflect the current offshore wind sites in territorial waters contained in Chapter 11 Map 9 of the National Marine Plan (Doc59).

Colliers International for The Gleneagles Hotel (909368) PLAN2015_505 implies changes so that 'cumulative impacts of wind energy schemes having previously been tested and assessed through the planning system as being unacceptable' are added to the Plan.

RSPB Scotland (910180) PLAN2015_356 proposes the insertion of the following text at the end of Policy 7D vii: 'a broad range of issues should be considered and, in addition to communities, landscape and visual impact, these should include natural heritage, deep peat, peat land habitats and carbon soils as well as impacts on hydrology, the water environment and flood risk'. (Doc80).

Mountaineering Council of Scotland (904595) PLAN2015_1 supports the view expressed in paragraph 2 on p.45 (Doc80) (beginning Landscape capacity studies ...) that landscape capacity and cumulative impacts mean there is limited scope for further new wind farm proposals. However, they propose deletion of the other actions proposed.

Cairngorms National Park Authority (910266) PLAN2015_388 proposes changes as follows:

- Policy 7 (Doc80) should clarify that Group 1 areas include National Parks.
- The definition of Energy proposals of strategic significance (page 45 - Doc80) should include not only wind farm proposals within or adjacent to Group 1 and 2 areas, but also proposals that have the potential to impact on the setting or aims of Group 1 areas.

Summary of responses (including reasons) by Planning Authority:

Context

Scotland's headline target is to meet the equivalent of 100% of Scotland's electricity demand from renewable sources by 2020 and to generate 11% of heat from renewable sources by 2020 (Doc1). The Climate Change (Scotland) Act 2009 (Doc26), along with a number of other key Scottish Government publications, such as the 2020 Route map for Renewable Energy in Scotland (Doc1), all aim to ensure that Scotland transitions into a low carbon economy and place, becoming far less reliant on fossil fuels.

The approved TAYplan (2012) already stresses the need to reduce consumption of resources and energy in Policies 2, 3, and 6 (Doc16). All three relate to energy, waste and resources, requiring low and zero carbon energy generation technologies in

electricity and heat production. Nonetheless, it was considered that the emphasis could be strengthened in terms of assessing and identifying opportunities. Scottish Planning Policy (2014) paragraph 162 (Doc84) states that 'both strategic and local development planning authorities...should identify where there is strategic capacity for wind farms'. It stresses the need for Strategic Development Plans to lead in cross-boundary constraints and opportunities and coordinate activities and actions between constituent planning authorities.

Scottish Planning Policy (2014) Table 1 (Doc84) provides a Spatial Framework template as a guide for onshore wind farm capacity in a consistent manner. It identifies criteria where windfarms will not be acceptable (Group 1), those that have significant protection (Group 2) and where there is potential for wind farms. It does not address landscape capacity or cumulative impacts. The spatial framework will be complemented by a 'more detailed and exacting development management process' described in Scottish Planning Policy (2014) paragraph 163 (Doc84) to consider and determine the cumulative, landscape and visual impacts of wind farm proposals.

Currently, the landscape capacity studies undertaken by the constituent Councils have only recently been completed or are nearing completion. This means that developing a methodological or typological assessment at this stage of the Plan preparation is not considered necessary. Nonetheless, TAYplan has set out an action to consider further research in 2017 to look at a consistent approach by constituent authorities (See Proposed Action Programme, page 56 – Doc76). This will consider any updates to the existing landscape capacity studies that have been undertaken by individual authorities and work on a consistent wind energy typology.

TAYplan dedicated considerable time to examining its future approach energy including wind power in the TAYplan Main Issues Report (2014) pages 36 to 42 (Doc56). Scottish Planning Policy (2014) (Doc84) was published in the final week of the Main Issues consultation. Further discussions were held in autumn 2014 including a workshop to consider how best to implement the requirements of Scottish Planning Policy (2014) (Doc84). This work is documented in Topic Paper 3: Assets, Resources and Infrastructure (2015) pages 8 to 17 (Doc105).

Authority's Responses To Proposed Changes

James Watt (610383) PLAN2015_14

Wild land is not in the Group 1 criteria set out in Scottish Planning Policy (2014) Table 1 Spatial Framework (Doc84). The criteria for 'Group 1: Areas where windfarms will not be acceptable' is very specific and only includes National Parks and National Scenic Areas. 'Group 2: Areas of significant protection' specifically covers areas of wild land. The proposed change would therefore contradict Scottish Planning Policy (2014). The approach which is set out within the Proposed Plan is consistent with Scottish Planning Policy (2014) (Doc84) TAYplan do not consider this change to be appropriate.

Patrick Ford (910331) PLAN2015_535

The Highland Boundary Fault is not a designation in planning terms and therefore is not used as criteria in Scottish Planning Policy (2014) Table 1 Spatial Framework (Doc84). Only National Parks and National Scenic Areas are in 'Group 1: Areas where windfarms will not be acceptable'. The proposed change would therefore contradict Scottish Planning Policy (2014) (Doc84). There may be some Group 1 or Group 2 areas which also cover the Highland Boundary Fault.

TAYplan explored the option of defining the Highland Boundary Fault as a regionally important cross-boundary feature at Main Issues Report stage (pages 36 to 42 – Doc56). However, further consideration revealed that the individual impacts of specific proposals could vary dependent on where along the Fault they were and how close they are to it. This meant that it may not be appropriate to consider the Fault as a single

entity when making such decisions.

Whilst TAYplan recognises that the Highland Boundary Fault is an important landscape feature, it is considered that through more detailed Local Development Plan policies and any related Supplementary Guidance, the potential impact of any proposals would take into account the range of landscape features, and other considerations, that are apparent along the length of the Highland Boundary Fault. TAYplan does not consider this change appropriate.

Scottish Government (910172) PLAN2015_330

Proposed Plan Map 7a (Doc80) reflects the current position at the time of publication. Whilst the suggested change proposed by the respondent may provide some clarity with regard to the National Marine Plan (2015) (Doc59), TAYplan does not consider that the suggested changes to Map 7a are significant enough that it requires a modification to the Proposed Plan. However, making these modifications would not necessarily affect the strategy but they may not be visible on Map 7a (Doc80) depending on their size and distance from the coastline.

**Colliers International for The Gleneagles Hotel (909368) PLAN2015_505,
RSPB Scotland (910180) PLAN2015_356 and
Cairngorms National Park Authority (910266) PLAN2015_388**

TAYplan has set out an action in the Proposed Action Programme (page 56) (Doc76) to consider a region-wide Energy Study in 2017 on cross-boundary constraints and opportunities. The scope of this study is still to be determined. In the meantime, the Proposed Plan has defined criteria which can be used when considering wind and other energy technologies in Local Development Plans and Development Management decisions within the TAYplan area.

This should ensure a consistent approach is being taken to cross-boundary and cumulative impacts affecting more than one authority. Therefore, TAYplan does not consider the proposed changes necessary.

Policy 7D v. (Doc80) emphasises the importance of sensitivity of landscapes and also the water environment, biodiversity, geo-diversity and habitats when considering Local Development Plans and development proposals. TAYplan therefore considers this meets with the respondents concerns and therefore does not agree that there is a requirement to change Policy 7 (Doc80).

Cairngorms National Park Authority (910266) PLAN2015_388

Map 7b (Doc80) incorporates all of the requisite designated areas sought by Scottish Planning Policy (2014) Table 1 (Doc84). Some of the Group 2 designations also cross the TAYplan boundary into the Cairngorms National Park, however, since this is a national park this areas is covered by a Group 1 designation as shown on Map 7b (Doc80). Map 7b also shows that the majority of areas surrounding the Cairngorms National Park that are within the TAYplan area are covered by Group 2 designations. However, Scottish Planning Policy (2014) paragraph 195 (Doc84) makes clear that buffer zones should not be established around areas designated for their natural heritage importance. TAYplan is therefore satisfied that the existing framework set out in Policy 7 (Doc80) and Scottish Planning Policy (2014) paragraphs 161 to 174 (Doc84) provides an appropriate framework for considering the landscape sensitivity of planning proposals, including for cross-boundary issues. TAYplan considers this to already reflect the respondent's concerns. Therefore, TAYplan does not consider the proposed changes necessary.

Mountaineering Council of Scotland (904595) PLAN2015_1

In terms of cross boundary concerns, TAYplan covers four local authorities within its area and therefore needs to reflect this in its objectives. The other proposed actions are integral to ensuring a consistent approach to landscape sensitivities. Therefore,

TAYplan does not consider the proposed changes necessary or appropriate.

Authority's Responses To Supporting Representations

Scottish Natural Heritage (869435) PLAN2015_189, RES UK & Ireland (760515) PLAN2015_458 and Mountaineering Council of Scotland (904595) PLAN2015_1
TAYplan welcomes this support.

Defence Infrastructure Organisation (MoD) (905923) PLAN2015_13

TAYplan welcomes this support as Policy 7D criteria i and iv (Doc80) specifically refer to 'statutory safety exclusion zones or buffer areas' and also 'radar installations' when Local Development Plans and development proposals are considering areas of search, sites and routes for energy, waste and resource management infrastructure. It will be for Local Planning Authorities to consult on all applications of wind turbines over the appropriate height.

CONCLUSIONS

Policy 7 provides a policy framework for the consideration of energy, waste and resource management infrastructure proposals to inform decision making and planning authorities. In terms of wind energy, the Proposed Plan has defined criteria which can be used when considering wind as well as other energy technologies in Local Development Plans and Development Management within the TAYplan area. This is taken directly from Scottish Planning Policy (2014) Table 1 Spatial Framework (Doc84).

Making some of the changes proposed would result in the Proposed Plan being inconsistent with Scottish Planning Policy (2014) (Doc84). Other proposed changes do not include any detailed proposals to explain or justify how these would operate in a way which better delivers the vision or offers greater operational clarity.

TAYplan is satisfied that Policy 7 reflects the requirements of Scottish Planning Policy (2014) (Doc84) and that other proposed changes are appropriately dealt with by the existing policy framework. TAYplan is therefore satisfied that the approach set out in the Proposed Plan remains appropriate. No further robust evidence has been provided to justify the proposed changes.

Although Scottish Government has proposed one change neither the Scottish Government nor any other government agency has raised any issues regarding the nature, content or intent of this Policy. TAYplan considers this to reflect contentment with Policy 7 as written.

TAYplan considers that all of the issues raised do not warrant any change to the Proposed Strategic Development Plan (May, 2015) (Doc80) and propose that the elements dealt with in this Schedule 4 Summary of Unresolved Issues remain as written and unchanged.

Reporter's conclusions:
DPEA use only
Reporter's recommendations:
DPEA use only