

TAYplan Strategic Development Plan Authority

Summary of Unresolved Issues (Schedule 4)

Issue number 21: Energy and Waste/Resources Management Infrastructure (Policy 6c)

Contents

| |
|--|
| 1. Summary of Unresolved Issues |
| 2. Copy of actual representations pertinent to this issue (<i>Personal details have been redacted. Full details have been provided to the DPEA separately.</i>) <ul style="list-style-type: none">• All representations include any attachments submitted by the respondent.• Where representations were submitted in hard copy or by email these were entered into TAYplan's online system and all material originally submitted has been attached and appears here with the representation. |
| 3. Library of documents <ul style="list-style-type: none">• All documents and extracts referred to in the representation and/or the Schedule 4 are either contained in the library attached to this Schedule or where over 50 pages within the Core Library (separate folders). |

1. Summary of Unresolved Issues

| | | |
|--|--|--|
| Issue: | | |
| Issue number 21: Policy 6: Energy and Waste/Resources Management Infrastructure - Policy 6c | | |
| Development plan reference: | Page 19: Policy 6C Energy and Waste/ Resource Management Infrastructure | Reporter: [Note: For DPEA use only.] |
| Body or person(s) submitting a representation raising the issue and representation references | | |
| Seeking a change | | |
| ID Number | Person/Organisation | Representation Reference |
| 545071 | Binn Eco Park | PLAN137 |
| 329236 | Forth Ports PLC | PLAN706 |
| 441086 | Jones Lang LaSalle for Scottish and Southern Energy and its Group Companies | PLAN909 |
| 443918 | Scottish Government | PLAN670 |
| 344848 | Scottish Natural Heritage | PLAN410 |
| 548142 | Seagreen Wind Energy Limited | PLAN524 |
| 548142 | Seagreen Wind Energy Limited | PLAN526 |
| 331662 | SportScotland | PLAN145 |
| Support as written | | |
| ID Number | Person/Organisation | Representation Reference |
| 376787 | Abernethy & District Community Council | PLAN116 |
| 442031 | Scottish Environmental Protection Agency | PLAN182 |
| 344848 | Scottish Natural Heritage | PLAN429 |
| Provision of the development plan to which the issue relates: | To set a framework to reduce resource consumption through provision of energy and waste/ resource management infrastructure. | |
| Planning Authority's summary of the representation(s): | | |
| SUMMARY OF REPRESENTATIONS SEEKING A CHANGE | | |
| <u>AREA OF SEARCH, ALLOCATED SITES AND DECISIONS ON DEVELOPMENT PROPOSALS (Policy 6 Part C)</u> | | |
| a) Land take requirements (First policy criterion) | | |
| <i>Jones Lang LaSalle for Scottish and Southern Energy and its Group Companies (441086)</i> seek a change as consider that there should be further recognition that land-take requirements cannot be wholly specified until detailed design has been completed. Specific reference is made to grid connection for renewable energy where the contractual | | |

arrangements between the energy generator and licence holder, the timescales for the licence holder determining the nature of the grid connection and the land-take requirements for the grid connection are often not able to be fully set out at the application stage. It is recommended that this should be specifically recognised, along with further expansion of the term 'safety exclusion zones'.

b) Proximity to resources (Third policy criterion)

Jones Lang LaSalle for Scottish and Southern Energy and its Group Companies (441086) seek a change as consider that the policy criterion does not appropriately address matters such as resource availability, land ownership constraints and the specific locational requirements. They do not consider project viability matters to be a determining factor at the planning application stage and seek recognition that close proximity to resources does not automatically translate to a more sustainable development, depending more on how sustainable the use of a particular resource would be. A further change is sought to the reference to grid connections, seeking further consideration of how such grid connections are often not progressed by the application, but by the transmission or distribution licence holder.

Seagreen Wind Energy Limited (548142) PLAN524 seek a change as consider that further reference should be made to land ownership constraints and the specific location requirements for particular technologies, such as onshore grid electricity infrastructure associated with offshore wind developments.

Drawing specifically on ports, **Forth Ports PLC (329236)** seek a change to focusing solely on the locally proximal resources.

c) Sensitivity of landscapes (Fifth policy criterion)

Jones Lang LaSalle for Scottish and Southern Energy and its Group Companies (441086) and **Seagreen Wind Energy Limited (548142) PLAN 526** seek a change to expand upon the reference to 'other work', specifically in relation to landscape character assessments as these can only be viewed as providing a strategic overview. It is recommended that the policy should recognise that the detailed environmental impact assessment process would provide greater area specific information.

SportScotland (331662) seek a change to remain consistent with the requirements of Scottish Planning Policy in ensuring consideration of the impacts on outdoor sport and recreation interests in the text. **Scottish Natural Heritage (344848)** also seek a change to clarify that areas of search take into account recreational access in considering the sensitivity of landscapes, in terms of the value for residents, and visitors.

d) New grid connections and distribution (Sixth policy criterion)

Jones Lang LaSalle for Scottish and Southern Energy and its Group Companies (441086) seek a change to provide reference to Scottish and Southern Energy's transmission and distribution licence holder obligations.

e) Cumulative Impacts (Seventh policy criterion)

Binn Eco Park (545071) seek a change as do not consider impacts to always be cumulative providing the example of waste infrastructure meaning a significant reduction in landfill and the effects of waste reduction, waste to recycling and energy recovery reducing the cumulative impacts of emissions.

f) Additional Policy Criterion

The **Scottish Government (443918)** seek a change that, in compliance with the National Planning Framework 2 (National Development 10 and 11), an additional policy criterion should be added after the second criterion of Policy 6 (Part C) to highlight the need for Local Development Plans and development decisions to take account of the National Planning Framework and the associated Action Programme. The **Scottish Government (443918)** specifically state that recognition should be given to the strategic signification of National Development 11.

SUMMARY OF REPRESENTATIONS SUPPORTING AS WRITTEN

The **Scottish Environmental Protection Agency (442031)** support the supporting text on page 18.

Abernethy and District Community Council (376787) support Policy 6 (Part C). **Scottish Natural Heritage (344848)** also show support for Policy 6 (Part C) bullet points 3-8. **Scottish Natural Heritage (344848)** state specific support for the provision, within the Strategic Development Plan, of the series of locational considerations to ensure consistency between the Local Development Plan and the appropriate application of Government policy contained in Scottish Planning Policy and the associated Planning Advice Note 45.

Modifications sought by those submitting representations:

NOTE TO REPORTER 1: The text in italics in this section has been lifted directly from the each individual/organisation's representation with minor typographical errors corrected.

AREA OF SEARCH, ALLOCATED SITES AND DECISIONS ON DEVELOPMENT PROPOSALS (Policy 6 Part C)

a) Land take requirements (First policy criterion)

Jones Lang LaSalle for Scottish and Southern Energy and its Group Companies (441086)

- *'It should be recognised within the policy or the supporting policy text, that quite often such requirements cannot be wholly specified until detailed design has been completed.'*
- *'It is recommended that this should be specifically recognised in revised policy drafting or the supporting policy text. In terms of the reference to statutory safety exclusion zones, it is recommended that this term is further expanded upon as for a number of renewables technologies, as well as transmission and distribution infrastructure, there are no statutory safety exclusions zones.'*

b) Proximity to resources (Third policy criterion)

Jones Lang LaSalle for Scottish and Southern Energy and its Group Companies (441086)

- *'It is recommended that this policy criterion should either be removed or significantly amended as for reasons set out below it would be inappropriate for this to be applied in the assessment of development proposals and to result in being one of the determining factors.'*
- *'If the intention of this part of the policy is to ensure development is sustainable and maximises the use of resources, it should be noted that close proximity to resources does not automatically translate to a more sustainable development.'*

- *'With respect to the woodland for biomass, matters such as forestry replanting programmes, the organic carbon content of the soil, the method of harvesting and transport etc. would all require to be considered in order to gain an understanding of how sustainable the use of a particular resource would be.'*
- *'With regards to the reference to grid connections, the point made regarding the grid connection above and how such grid connections are often not progressed by the applicant, but by the transmission or distribution licence holder, should be taken into account in redrafting of their policy criterion.'*

Seagreen Wind Energy Limited (548142) PLAN524

- *'Seagreen recommends that this policy criterion should be amended as it is considered that this policy criterion does not appropriately address matters such as land ownership constraints and the specific location requirements for particular technologies including those required for onshore grid electricity infrastructure associated with offshore wind developments.'*

Forth Ports PLC (329236)

- *'Bullet point 3 should be amended to indicate the overall availability of resources, rather than focusing on geographical proximity.'*

c) Sensitivity of landscapes (Fifth policy criterion)

Jones Lang LaSalle for Scottish and Southern Energy and its Group Companies (441086) and Seagreen Wind Energy Limited (548142) PLAN526

- *'It is recommended that the term "other work" is expanded upon in order to ensure clarity within the policy.'*
- *'It is recommended that the policy recognises, in particular, that the detailed environmental impact assessment process for a particular project could provide a detailed analysis of landscape characteristics and capacity for that particular area.'*

SportScotland (331662)

- *'Outdoor sport and recreation interests should be added to the list detailed in bullet 5.'*

Scottish Natural Heritage (344848)

- *'5th bullet: Insert "and recreational access" after "tourism".'*

d) New grid connections and distribution (Sixth policy criterion)

Jones Lang LaSalle for Scottish and Southern Energy and its Group Companies (441086)

- *'It is recommended that the supporting policy text recognises the constraints that these licence obligations would place on the delivery of transmission and distribution infrastructure and that the SDP specifically requires LDPs to also take these matters into account.'*

e) Cumulative Impacts (Seventh policy criterion)

Binn Eco Park (545071)

- *'Policy 6: Energy and Waste/Resource Management Infrastructure. 7th Bullet commencing. "Cumulative impacts..." Change first sentence to: "The relative impacts of the scale and massing of multiple developments (whether increasing or decreasing), including existing infrastructure;".'*

f) Additional Policy Criterion

Scottish Government (443918)

- 'At Policy 6, Part C, after second bullet point, insert an additional bullet point: - Consistency with the National Planning Framework and its Action Programme.'

Summary of responses (including reasons) by Planning Authority:

RESPONSE TO REPRESENTATIONS SEEKING A CHANGE

AREA OF SEARCH, ALLOCATED SITES AND DECISIONS ON DEVELOPMENT PROPOSALS (Policy 6 Part C)

a) Land take requirements (First policy criterion)

Jones Lang LaSalle for Scottish and Southern Energy and its Group Companies (441086)

Safety exclusion zones relate to the Health and Safety Executive. Development proposals require to set out what land is required for that development in order that it can be fully assessed. The policy criterion is clear and does not require to be changed.

b) Proximity to resources (Third policy criterion)

Jones Lang LaSalle for Scottish and Southern Energy and its Group Companies (441086)* and *Seagreen Wind Energy Limited (548142) PLAN524

TAYplan does not consider there to be a requirement for this level of detail in a strategic policy document and considers that such specific aspects can be appropriately dealt with at Local Development Plan level and/or planning application stage. The Policy takes account of all legislative requirements and expanding on these further is not conducive of the production of a concise, strategically focused and land-use policy document. Land ownership constraints should not result in a change to a policy that is focused on guiding development to locations that are aligned to the Plan's vision, objectives and strategy.

Forth Ports PLC (329236)

TAYplan considers that there is not a need to define 'proximity'. Reference made in the text to the 'proximity principle' is focused on reducing the need to move materials (in this instance, unnecessarily across long distances). On page 17, paragraph 7.7 of TAYplan's Topic Paper 3: Resources and Climate Change, it states, in more detail, the meaning of the term 'proximity' (022/SL/Doc12). Paragraph 213 on page 45 of Scottish Planning Policy (2010) (022/SL/Doc13) states that: 'The proximity principle requires waste to be dealt with as close as possible to where it is produced'. The Policy is therefore focused on helping the Scottish Government achieve the target set out in the Climate Change Act.

c) Sensitivity of landscapes (Fifth policy criterion)

Jones Lang LaSalle for Scottish and Southern Energy and its Group Companies (441086)* and *Seagreen Wind Energy Limited (548142) PLAN526

The level of detail provided in Policy 6 is appropriate for a strategic planning policy document. Further detail on area specific environment and landscape assessments is an issue which will be considered within Local Development Plans and/or at planning application stage. **Scottish Natural Heritage (344848)** also show specific support for this policy criterion.

SportScotland (331662) and Scottish Natural Heritage (344848)

Policy 2 brings out further information on access in general and more specifically on integrating networks in Part F of the Policy. There is not need to replicate this information within this policy.

d) New grid connections and distribution (Sixth policy criterion)

Jones Lang LaSalle for Scottish and Southern Energy and its Group Companies (441086)

The Strategic Development Plan addresses strategic and cross boundary issues which this very specific issue is not.

e) Cumulative Impacts (Seventh policy criterion)

Binn Eco Park (545071)

Scottish Planning Policy (2010) (022/SL/Doc14), paragraph 222 on page 46, states cumulative impacts of 'additional landfill, including consideration of site design, increases in road traffic, period and intensity of disturbance to settlements and the length of time and level of landscape impact'. The policy accords with Scottish Planning Policy in considering likely cumulative impacts for all energy and waste/resource management infrastructure.

f) Additional Policy Criterion

Scottish Government (443918)

Actions specifically related to the TAYplan area from the National Planning Framework and associated Action Programme are covered within TAYplan's Action Programme (October, 2011), detailing local Authorities as specific lead partner(s)/ person responsible in delivering each action, where appropriate. In addition, to deliver a concise and visionary Plan (Circular 1/2009: Development Planning (022/SL/Doc15), paragraph 14, page 4), policies should not repeat national policy. Local Development Plans are also required to take account of the National Planning Framework 2 (CL/Doc1) and therefore this does not require to be repeated. Such a change could have implications throughout the Plan were the same approach to be taken. This issue is considered contrary to the Scottish Government's own advice on taking into account the National Planning Framework (Planning etc. (Scotland) Act 2006) (022/SL/Doc16) (paragraph part 2, 8(1a), page 7), but not repeating national policy.

RESPONSE TO REPRESENTATIONS SUPPORTING AS WRITTEN

TAYplan welcomes the support for these issues.

CONCLUSION

This Policy is consistent with Scottish Planning Policy. TAYplan considers that all of the issues raised do not warrant any change to the Proposed Strategic Development Plan (June, 2011) and propose that the elements dealt with in this Schedule 4 Summary of Unresolved Issues remain as written and unchanged.

Reporter's conclusions:

[Note: For DPEA use only.]

Reporter's recommendations:

[Note: For DPEA use only.]

2. Copy of representations pertinent to this issue

3. Library of documents and extracts (less than 50 pages) referred to within representations and/or this Schedule