

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE - 22 AUGUST 2006

SCOTTISH PLANNING POLICY (SPP) 6: RENEWABLE ENERGY CONSULTATION DRAFT

Report by Executive Director of Development and Property Services

1. PURPOSE OF REPORT

- 1.1 To advise the Committee and obtain the Committee's views on a Scottish Executive publication entitled 'Scottish Planning Policy, SPP6: Renewable Energy: Consultation Draft'.

2. BACKGROUND INFORMATION

- 2.1 As part of its ongoing programme to update current national planning policy guidance, the Scottish Executive has produced consultation draft Scottish Planning Policy SPP6 on the subject of Renewable Energy. The SPP sets out the national planning policies for renewable energy developments and describes how the planning system should manage the process of encouraging, approving and implementing renewable energy proposals in the preparation of development plans and in the determination of planning applications. It also identifies issues that the Scottish Executive will take into account when considering renewable energy policies in local plans, in the determination of renewable energy planning appeals and call-ins and in dealing with electricity generation schemes under Section 36 of the Electricity Act 1989. Representations on the SPP are requested by 6 October 2006.

3. THE CONSULTATION DRAFT

- 3.1 The Scottish Ministers are fully committed to increasing the amount of energy generated from renewable energy sources and, in this regard, the SPP is designed:
- to support the continuing growth of renewable generation technologies, including micro-renewables, to enable Scotland to realise its considerable renewable energy potential;
 - to help ensure the delivery of renewable energy targets;
 - to facilitate the development of a viable renewables industry in Scotland;
- 3.2 The SPP also sets out the expectations of the Scottish Ministers that planning authorities should make positive provision for renewable energy developments by:
- supporting a diverse range of renewable energy technologies;
 - fully engaging with local communities at all stages of the planning process;
 - guiding development to appropriate locations; and
 - ensuring that environmental and social benefits are fully exploited. while at the same time:
 - meeting international and national statutory obligations to protect designated areas, species and habitats of natural heritage interest and the historic environment from inappropriate forms of development; and
 - minimising impacts on local natural heritage, communities, tourism, recreation and aviation interests.

3.3 The consultation document stipulates, in so far as development planning is concerned, that development policies should

- support the Scottish Ministers' commitment to renewable energy and provide positively for its development;
- establish a local contribution for renewable energy in the area;
- identify broad areas of search for onshore wind farms;
- indicate areas or sites where wind farm developments should be avoided;
- confirm that, in all other instances, proposals will be judged on their merits;
- guide developers on the broad criteria to be considered for all development proposals;
- include policies which support wider application of smaller scale renewable technologies such as community, household and microgeneration projects; and
- provide a clear development management framework.

3.4 With regard to development management and promotion, the SPP recommends

- that pre-application discussions take place between developers and affected local communities and that a report of consultation be submitted to the Council alongside the submission of any planning application;
- that applicants consider the cumulative impact that their proposals would have on an area;
- that developers undertake a risk assessment setting out how all health and safety risks will be addressed;
- that applications include details of the environmental, social and economic benefits that will arise from the project, both locally and nationally;
- that developers may wish to provide a statement of likely grid connections with their applications;
- that developers should show how any identified planning concerns can be mitigated or overcome;
- that planning authorities should include appropriate conditions for the decommissioning of renewable energy developments and the restoration of the sites concerned, requiring developers to lodge restoration bonds as appropriate.

3.5 The main provisions of the SPP are detailed in the Annex attached to this report, together with suggested detailed Council comments on each of the provisions made.

4. GENERAL COUNCIL OBSERVATIONS AND COMMENT ON THE SPP

4.1 The production of SPP6 is of particular importance to East Ayrshire which, over recent years, has been the subject of considerable and sustained pressure for new wind farm developments. The advice and guidance provided in the SPP is wide ranging and to be welcomed. Much of the information, advice and guidance contained in the document is already enshrined in both the existing approved and the emerging replacement Ayrshire Joint Structure Plans, the Adopted East Ayrshire Local Plan and the consultative draft version of the East Ayrshire Local Plan Alteration. Some provisions of the SPP are, however, not currently addressed in these documents and will require to be incorporated in the plans at an appropriate time, once the SPP has been finalised and agreed by the Scottish Ministers. In order to fully meet the provisions of the SPP, further amendments to the Alteration to the East Ayrshire Local Plan may be required, the main amendments possibly comprising the following:

- (i) encouraging and supporting the need for community participation in planning for renewable energy developments and particularly encouraging early, pre-application discussions between applicants and the local communities concerned;
- (ii) establishing appropriate buffer zones between communities and wind farm developments;
- (iii) addressing the issue of the relationship of new renewable energy proposals and existing grid capacity;
- (iv) assessing the capacities of identified preferred areas of search and the degree to which these local areas can contribute to meeting overall national requirements; and
- (v) encouraging and supporting micro-renewables proposals, subject to certain stated criteria being met.

4.2 The Executive proposes in the finalised SPP to specify in that large scale wind farm developments should be defined as all wind farm developments over 20 megawatts. Views are sought as to whether this is the most appropriate level and on what distances from communities would be acceptable for spatial policies in development plans. It is considered that a 20 megawatt wind farm development would equate to approximately 15 No., 1.3 MW turbines, and this number would be considered acceptable for definition purposes. However, the same megawatt capacity could be achieved by the development of a fewer number of larger turbines or, indeed, a larger number of smaller turbines) and there is therefore an issue regarding a definition for 'large scale' based simply on megawatt capacity.

4.3 The Council welcomes the introduction of an appropriate buffer zone between communities and large scale wind farm developments and considers that this buffer zone should be a minimum of 3 Kilometres. This would better protect the amenity and settings of the communities than the 1.5 kilometer buffer suggested in the draft SPP. It is also considered that reduced separation distances should be introduced in relation to smaller wind farms with physically smaller turbines but, in no instances, should separation distances be less than 2 kilometres.

4.4 The SPP also proposes to require planning authorities to ensure that certain new developments include on-site renewable energy equipment which will reduce predicted annual CO2 emissions by a given percentage. Views are invited on the Executive adopting 10% as a minimum policy standard, on the developments to which it should apply, and the manner of its implementation. This matter is addressed in detail in point (xv) of the annex attached to this report but, in summary, it is considered that the proposal would be extremely impractical and complicated to implement, place an unjustified burden on limited Council resources and would be difficult to monitor and enforce.

4.5 Although supporting a diverse range of renewable energy technologies, the SPP is focussed principally on wind energy production and the development of wind farms. Some attention is given in the document to biomass and micro-renewables developments but the SPP gives little specific policy direction regarding these and other alternative renewable energy technologies. The Council is disappointed that more attention and consideration to renewable energy developments other than wind energy has not been provided in the document.

5. FINANCIAL IMPLICATIONS

5.1 There are no financial implications for the Council as a direct result of the consultation draft of the SPP.

6. LEGAL IMPLICATIONS

6.1 There are no legal implications for the Council as a direct result of the consultation draft of the SPP.

7. POLICY IMPLICATIONS

7.1 There are no direct policy implications for the Council as a direct result of the consultation draft of the SPP. However, once finally approved by the Scottish Ministers, some amendments to the renewable energy policies proposed in the emerging Alteration to the East Ayrshire Local Plan may be required to reflect the provisions of the document.

8. COMMUNITY PLAN IMPLICATIONS

8.1 There are no community plan implications for the Council as a direct result of the consultation draft of the SPP

9. RECOMMENDATIONS

9.1 It is recommended that the Committee agrees:

- (i) to note the contents of this report; and
- (ii) to authorise the Executive Director of Development and Property Services to submit a copy of this report to the Scottish Executive as representing the views of the Committee on the draft SPP.

James Lavery
Executive Director of Development and Property Services
JL/JL -
28 July 2006

LIST OF BACKGROUND PAPERS

1. Scottish Planning Policy SPP6: Renewable Energy: Consultation Draft

For further information on the contents of this report contact Karl Doroszenko, Policy and Projects Manager or John Lilley, Principal Planning Officer on 01563 576751 or 01563 576754 respectively.

Implementation Officer: Alan Neish

ANNEX 1

PROVISIONS OF SPP6 AND SUGGESTED COUNCIL COMMENTS ON THE ISSUES RAISED

The SPP contains a series of policy advice and guidance relating to a wide range of renewable energy considerations. These relate to both the development planning and development management processes and are summarised below, along with the Council's comments on the individual issues raised.

(i) The development plan process should set the framework for considering proposals for all renewable energy developments, particularly the identification of areas of search for onshore wind farm developments.

The Council would fully support this approach. The finalised version of the replacement Ayrshire Joint Structure Plan, currently lodged with the Scottish Ministers for approval, has identified an area of search for a large scale commercial wind farm and a search area for a co-fired Biomass Power plant within East Ayrshire. The emerging Alteration to the East Ayrshire Local Plan reflects these provisions and a wide range of detailed policies relating to both large scale and smaller wind farm / wind turbine developments have been formulated within the document to guide and inform future wind energy related developments.

(ii) Community participation is recognised in the SPP as being especially important in planning for renewable energy and planning authorities and developers are encouraged to work closely with local communities at all stages of the planning process.

The Council fully supports this view.

(iii) The SPP recognises that the establishment of Community Trust Funds, voluntarily provided by some commercial developers to communities in the vicinity of renewable energy developments, can provide long term environmental, social or economic benefits to the communities concerned. The Scottish Ministers give support and encouragement to such initiatives, provided that the establishment of the fund is offered entirely at the discretion of the developer.

The Council fully welcomes the support given to the establishment of Community Trust Funds and has introduced a policy relating to this issue in the Consultative Draft version of the Alteration to the East Ayrshire Local Plan. The Council is of the opinion, however, that contributions to such funds need not be entirely voluntary and could be made compulsory, provided that the principle of requiring compulsory contributions has been established within an adopted local plan as a policy or proposal which has undergone full and thorough examination during the plan preparation process. The Scottish Executive may wish to give further consideration to this particular view and revise the advice given in paragraph 13 of the SPP accordingly.

(iv) The SPP advocates that the scope for renewable energy developments to contribute to local or national economic development priorities should be a material consideration when considering policies and decisions, particularly when local impacts can be satisfactorily mitigated.

The Council fully supports this view.

(v) The SPP advocates that the development plan process should be used to guide developers to broad areas of search where wind farm proposals are likely to be considered appropriate. Plans should also identify those areas where wind farm developments should be avoided.

As stated in (i) above, the finalised version of the replacement Ayrshire Joint Structure Plan has identified both an area of search for a large scale commercial wind farm and a search area for a co-fired Biomass Power plant within East Ayrshire. The emerging Alteration to the East Ayrshire Local Plan reflects these provisions and detailed policies identify areas where wind farm developments should be avoided, in line with the SPP provisions.

(vi) Planning Authorities should seek to facilitate the meeting of renewable energy targets away from areas where development would conflict with areas of international or national natural heritage value.

The Council fully supports this view.

(vii) When considering development plan policies, the balance between renewable energy requirements and the impact on tourism needs to be carefully assessed.

The views of the Scottish Ministers are noted.

(viii) Development plan policies must take account of possible adverse effects on airport operation, flight activity, aviation and defence radar and seismological recording. However, such constraints should not be used to restrict development unless aviation and defence authorities indicate that individual proposals raise concerns that will be insurmountable.

Because of the proximity of Glasgow Prestwick and Glasgow International airports, aviation considerations are important factors in the development renewable energy, particularly wind farm, policies and in the consideration of associated planning applications. The Council would, however, agree with the views expressed and reference to aviation interests has already been made in the emerging Consultative Draft version of the Alteration to the East Ayrshire Local Plan.

(ix) The SPP advocates that buffer zones around settlements may be considered acceptable and, as a general rule, the Scottish Ministers would support a separation distance of 1.5 Kms between the edge of a town or village and large scale wind farm developments, so long as policies recognise that specific proposals may still be acceptable within this specified distance if sited and designed so as to avoid unacceptable impacts on the communities concerned. Large scale wind farms are classed in the SPP as those generating more than 20 megawatts (equating to approximately 15 turbines of 1.3 MW).

The Council would welcome the introduction of an appropriate buffer zone between communities and large scale wind farm developments. However, because of the highly significant environmental, visual and amenity impact of such large scale structures, it is considered that this buffer zone should be increased to a minimum of 3 Kilometres to better protect the amenity and settings of the communities concerned. Reduced separation distances may be considered acceptable in relation to smaller wind farms with physically smaller turbines but, in no instances, should separation distances be less than 2 kilometres.

(x) Development plans should recognise the impact of existing renewable energy developments on the landscape and authorities may preclude further developments in particular areas if it is likely that this would lead to unacceptable cumulative impacts which could not be adequately mitigated.

The Council welcomes the SPP recognition that the impact and cumulative impact of wind farm developments, particularly in visual terms, is an important factor to be taken into account in the assessment of renewable energy developments. However, for the ease of comprehension and completeness, it is considered that additional, more sophisticated techniques for the assessment of such impacts in Environmental Impact Assessments should be detailed and set out in the SPP itself, rather than in a separate Scottish Natural Heritage guidance document, as is currently the case. Reference to cumulative impact of wind farm developments has already been made in the emerging Consultative Draft version of the Alteration to the East Ayrshire Local Plan.

(xi) Planning Authorities should take account of grid capacity when identifying broad areas of search and seek the views of transmission owners on the feasibility of building new or upgraded grid capacity in the areas concerned. As a means of meeting the Scottish Ministers' renewable energy targets for 2020, planning authorities should give full consideration to developments that can be accommodated within existing and planned grid upgrades.

The advice given in the SPP regarding grid capacity is appreciated. As mentioned previously, broad areas of search for renewable energy developments have already been identified in the finalised draft of the replacement Ayrshire Joint Structure Plan.

(xii) The SPP advocates that development plan policies should identify sites appropriate for new biomass plants in those areas where there are either existing long term secure resources or new opportunities available to harness local resources. Policies should not, however, exclude biomass development outwith these areas so long as they satisfy specified broad criteria.

The advice given in the SPP regarding biomass development is appreciated. As mentioned previously, a broad area of search for a co-fired power plant in East Ayrshire has already been identified in the finalised draft of the replacement Ayrshire Joint Structure Plan.

(xiii) The SPP states that planning authorities should quantify the possible potential of their areas to accommodate all forms of renewable energy developments and, in the case of wind farms, allocate broad areas of search both for large scale wind farm developments and for smaller proposals. The capacities that individual broad areas of search might make to the local contribution identified, expressed in megawatts of renewable generation capacity, should be set out in the plan.

The advice and guidance is noted and appreciated. Detailed guidance and procedural advice from the Scottish Ministers on the methodology of calculating local contribution levels would undoubtedly be required to ensure that a standard approach to the matter is applied over Scotland.

(xiv) Development plan policies should encourage and support micro-renewables proposals that satisfactorily address broad criteria, including appropriate environmental criteria.

The Council is fully supportive of all initiatives to encourage increased use of micro-renewables in all new developments provided such initiatives are viable and acceptable in terms of the environment and the amenity of the area within which they are proposed.

(xv) The SPP proposes to require planning authorities to ensure that certain new developments include on-site renewable energy equipment which will reduce predicted annual CO₂ emissions by a given percentage. Views are invited on the Executive adopting 10% as a minimum policy standard, on the developments it should apply to and the manner of its implementation.

While the aims of this particular proposal are considered laudable, it is considered that considerable problems could arise in their implementation. The question also arises as to whether it would be the responsibility of Councils or individual developers to ascertain the likely CO₂ emission levels of the developments concerned. In the most simplistic terms, it would be necessary, in the first instance, for a calculation to be made of the level of carbon emissions likely to be produced by each new individual development to which the proposal would apply. An assessment would then have to be made as to the number of micro-renewables installations (wind turbines / solar panels etc) that would be required to reduce CO₂ emissions from the development concerned to zero. A 10% proportion of the number of installations identified would then require to be allocated to the development. It is not considered that planning authorities will generally have the necessary in-house expertise to make calculations regarding CO₂ emissions or have the knowledge to make any decision on the type or numbers of any particular micro-renewable installations that could be employed to reduce those emissions to the levels prescribed. The processes involved would be extremely complex and time consuming. In addition, making the necessary calculations and assessments would undoubtedly require individual Councils or developers to obtain specialist advice at considerable financial cost. At a time when all efforts are being made to simplify and speed up the planning process, it is considered that the introduction of this particular proposal would result in considerable delays to developers in the preparation of their development proposals and to individual Councils in their assessment of those planning applications to which the developments would apply. The proposal would also be complicated to implement and possibly would not be cost effective.

It is considered that, to be equitable and achieve the maximum benefit, the proposal should be applied to all new build development proposals but this would undoubtedly place an unacceptable burden on individual Councils insofar as its implementation and, particularly, the processing and assessment of planning applications is concerned.

It is considered that, no matter which types of development this proposal might be applied to, problems would arise in its implementation, particularly with regard to which of the possible, available types of micro-renewable should be employed to meet the required targets. In addition problems could also occur in deciding how the 10% target should be achieved, particularly with regard to housing developments. Should the 10% carbon emissions reduction target for each development be met by each individual house having its own micro-renewables installation; should 10% of the total number of houses in the development be required to reduce their carbon emissions to zero; should the entire housing area be served by a single micro-renewables installation capable of meeting the required reduction in CO₂ levels for the development as a whole; or would a combination of a number of these approaches be considered more acceptable. In addition, the imposition of such targets for any development would be difficult, if not impossible to monitor and enforce.

In summary, it is considered that the concept of reducing carbon emissions is worthy of strong support. However, the proposal to achieve this aim by adopting any specific reduction level is not considered appropriate or achievable in practical terms. It is considered that carbon emission reductions would be best be achieved through the introduction of appropriate policies in development plans which positively support and encourage the use of micro-renewable technologies in new developments without identifying specific targets.