

Comments on draft SPP6, March 2006

Introduction

Scottish Environment LINK welcomes the general approach adopted in draft SPP6 as a logical development from existing policy, which seeks to address a broad range of conflicting demands. However, these comments are made without the benefit of the SEA currently being completed and we make them with prejudice to any further points we may wish to raise once this information becomes available.

We have been supportive of the renewable energy targets set by the Executive and recognise the tensions that have arisen across various sectors in trying to achieve these. In order to rationalise the policy approach to energy and climate change we have developed an energy hierarchy, which has already been incorporated into the SEA of the Scottish Climate Change Programme. From top to bottom, the hierarchy sets out those measures which should be tackled first when seeking to achieve Scottish Executive energy generation and climate change targets. We recommend that this be incorporated into SPP6 as it encapsulates many of the policy aims and could readily be adopted by local authorities when setting targets.

Energy Measure
Conservation and avoidance energy management systems to control lighting, heating etc
Energy efficiency (including insulation, efficient building design, energy efficient appliances)
Micro-renewables and micro-CHP Household / development scale incl CHP boilers, rooftop turbines, heatpumps, pv, solar thermal etc <ul style="list-style-type: none"> • Heat • Electricity
Macro-renewables Community scale wind, biomass, hydro etc <ul style="list-style-type: none"> • Heat • Electricity
Macro renewables Commercial scale wind, wave, tidal, biomass – avoiding areas of environmental sensitivity <ul style="list-style-type: none"> • Distributed Generation • Grid based Generation

Detailed comments

Our remaining comments are set out in response to the specific paragraphs of the draft SPP6:

Para 3 & 6: We welcome these provisions as they clearly set out the objectives of the SPP and the issues which must be considered when doing so. In particular, we welcome the requirement to guide development to the most appropriate sites and the references to internationally and nationally important designations. Not only do these sites represent the most sensitive and heavily protected areas in Scotland they also represent those areas where development proposals are most likely to lead to conflict and delay in the system.

Para 7: We welcome the requirement to identify preferred areas, we are disappointed that the Executive has chosen not to produce strategic locational guidance at a national level but recognise that by tasking local authorities to undertake this exercise there will be opportunities to take advantage of local knowledge.

Para 8: We welcome the commitment to ensuring public involvement and recognise that this is a commitment reiterated in the policy memorandum accompanying the current planning bill. Some developers within the renewables sector have undertaken very effective and imaginative public consultation exercises and their efforts should be recognised in the forthcoming Planning Advice Note on public engagement.

Para 10: Clarification of the policy intention of this paragraph would be welcome. The last sentence states that community funds 'should not form part of the assessment of whether a proposal is acceptable if it is unrelated in nature, scale or kind to the development' – does this mean that it is acceptable if it is related in nature, scale or kind? From the preceding sentences it looks like the policy intention is to disassociate funding payments to communities from any consideration of whether the development is appropriate or not but the last sentence is a little confusing on the issue.

Para 13: As our evidence to the Communities Committee on the 8 February highlighted we support the use of a plan-led system in order to provide greater certainty for all those who use the planning system. It is logical that the provisions relating to renewable energy developments should reflect this primacy.

Para 14: Our understanding of this paragraph is that local authorities are required to identify preferred areas and unacceptable areas when considering onshore wind but have the option of adopting a criteria only based approach when looking at other types of renewable developments. This appears to be logical given that the issues associated with wind farm developments are relatively well-known by comparison to other technologies.

However, we are concerned by the extension of this exemption to onshore wind farms where *'there is limited potential within an area and/or it is more appropriate for a*

developer to demonstrate the viability and acceptability of a particular location for development'. This provision might be necessary for urban authorities with very limited opportunities for large-scale renewable development but it also provides a convenient 'opt-out' for those authorities who do not wish to meet the requirements of the new SPP. We recommend that this provision be qualified to suggest that such an approach would only be appropriate when supported by overriding and robust justification and should be adopted at the exception rather than the norm.

Para 15: We support this provision, particularly given the energy hierarch suggested in the introduction.

Para 18: We welcome the provisions relating to the natural heritage, the reference to NPPG 14 and the proposal to map internationally and nationally designated sites in Annex A. While some types of development may be feasible in these areas, they clearly represent areas of higher sensitivity. We would welcome some reference to the fact that developments which effect these sites (but may in fact lie outwith the boundaries) will also be subject to the same obligations set out in NPPG14 and in the Birds and Habitats Directives.

Para 19: We welcome this statement which recognises the sensitivity of landscape boundary issues.

Para 20: We are concerned that the provisions for the historic environment do not match those for the natural heritage. While we welcome the reference to NPPG 5 and recognise the Executive's desire to avoid duplication between SPPs there would appear to be some disparity between the natural heritage provisions which make specific reference to local areas while the provisions for the historic environment do not mention unscheduled remains and their settings or regionally designated archaeological sites (as detailed in NPPG 5). Is there a specific reason why a different approach has been taken to these two aspects of our environment?

Para 22: We welcome this specific recognition of the value of tourism and recreational activities.

Para 25: We recognise the difficulty is establishing acceptable buffers or separation distances for sites, species and communities and at this stage simply seek advice as to where the 1.5km separation distance has been derived from?

Para 27: We welcome this recognition of cumulative impacts but are concerned that it appears to relate only to landscape issues and not to species. Cumulative impact on species is a difficult issue but one which is emerging in a number of locations particularly for wide ranging or dispersed birds of prey, for example golden eagles.

Paras 29 – 33: Perhaps the most obvious change in the SPP from previous policy is the requirement for planning authorities to set local targets for renewable energy capacity. In principle, this is welcome but brings with it a series of questions which the SPP does not yet answer. Will the target be a reflection of the 5 year lifespan of

the plan or does it relate to the 2020 target? The first would result in incremental increases over the next 15 years the latter would mean one large initial target which is then reviewed. We understand that the SPP intends planning authorities to identify the constraints within their area and then set a target taking account of the infrastructure capacity available and/or likely to be made available. Where do National Park Authorities sit in this requirement?

Clearly, this proposal works well for local authorities who have limited spatial capacity and adequate grid capacity but falls down for those local authorities who have more spatial capacity than grid availability. We assume that the provision for local authorities to identify those areas for which there are no significant constraints but which are not required in the short-term is an attempt to deal with this problem.

We are concerned about those local authorities who may wish to set unrealistically low or high targets. What provisions will the Executive have in place to address this? Assuming the new Planning Bill is successful and local authorities are required to take on board Reporters recommendations then the setting of renewables targets would appear to be something that can be explored during the examination of a development plan. In the interim, it would be helpful if the SPP could clearly state that a failure to set a realistic target may result in Scottish Ministers directing local authorities to alter, replace or prepare a local plan in order to address the requirements of the SPP (in accordance with s. 14 of the Town and Country Planning (Scotland) Act 1997). While most local authorities are likely to comply with Executive policy there are a few notable exceptions who may not wish to do so – a clear reminder that this is Executive policy and not advice would be welcome.

Para 32: We welcome this positive policy support for new developments.

Para 36: See comments on paras 29 – 33 above.

Para 37: While we appreciate that the Executive is seeking to anticipate and accommodate Offgem approved grid upgrades it does raise concerns that this SPP and the targets to be set by local authorities are making an assumption about the consents that will be issued for these proposals.

Para 41: Following on from the comments above, we are concerned about the assumptions contained within this paragraph. It makes a significant range of assumptions about the consents which may be granted and in doing so it runs the risk of calling into question the extent to which these applications, whether they are for grid upgrades or development proposals, are being objectively considered. Is this paragraph really necessary?

Para 42: We welcome the overall approach being adopted and the different policies which are to be provided in development plans. As set out above any failure to address these requirements should be subject to rigorous justification and/or the intervention of Scottish Ministers. We recommend the provision of an additional

bullet point which encourages policies relating to the provision of on-site renewable electricity generation and building design to encourage energy efficiency.

Paras 50, 51 and 53 – these provisions are all welcome.

Para 56: Is it the intention of the Executive that this guidance should also apply to s.37 applications? We strongly recommend that this should be the case.

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&
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