

**A001 Wind Energy (previously Main Issue 5)**

<b>Response ID</b>	<b>Respondent</b>
01	Ms Hilary Ridge
04	Peterhead Community Council
05	Mr Bruce Buchan
06	Mr and Mrs Rich & Heather Garrett
07	Mr Andrew Kings
08	Mr Jim Bayne
09	Mr George Lumsden
10	Mr P J Duffers
11	Cruden Community Council
12	Ms Elisabeth Ritchie
13	Mr Kenneth Hood
14	Scottish Water
15	Newtonhill, Muchalls & Cammachmore Community Council
16	Ms Elizabeth Jones
19	Scottish Natural Heritage
20	Stonehaven & District Community Council
21	Mr Malcolm Ritchie
22	Mearns Community Council
23	Inverurie Community Council
24	Mr David Morris of Coriolis Energy Ltd
25	Kenmay Community Council
26	Mr R E Winmill
27	Mrs Marie Johnston
28	Mr John Handley of John Handley Associates Ltd on behalf of Shell UK Limited
29	Ms Lynn Simpson
30	Mr Richard Plumley
32	Mr Robin Watt
34	Mr Steve Wilkes on behalf of Moss of Cruden Windfarm Awareness Group
36	Mr Craig Potter of Natural Power on behalf of Fred Olsen Renewables Ltd
37	Ms Lynn Simpson
38	SEPA
42	Mr Steve Crawford of Halliday Fraser Munro on behalf of Ms G Mitchell
45	Mr Christopher Rushbridge
46	Mrs Hilda Kerr
48	Mr Peter Carus of GVA Grimley Limited on behalf of Infinis
49	Ms Stephanie Clark of Scottish Renewables
50	Mr Harry McNab of Bancon Developments Ltd
52	Mrs Ruth Highgate of RES Ltd
53	Echt & Skene Community Council
58	Mr and Mrs Sarah & Tom Robinson
61	Scottish Government
62	Mr Stuart Rennie
63	Bennachie Community Council

## 1. Issues

The Main Issues Report Addendum (the 'MIR Addendum') deals with specific issues arising as a result of the revised methodology for use when preparing the Spatial Framework for Wind Energy Development (the 'Spatial Framework') following the publication of the revised Scottish Planning Policy (SPP) in June 2014. Matters consulted on in the MIR Addendum were:

- a) The revised proposed Spatial Framework following publication of SPP; and
- b) The proposal to require the development industry to assess the 'visual envelope' of settlements through the planning application process.

### The revised proposed Spatial Framework

We received both support for and against the revised proposed Spatial Framework in light of the changes to the framework methodology imposed by the revised SPP. This caused some respondents to comment that the revised Spatial Framework shows an extraordinary change in approach to that which was consulted in the original MIR (01) (05) (34). The Spatial Framework accompanying the original MIR indicated that the majority of Aberdeenshire was considered to have significant protection, whereas the revised Spatial Framework gives the impression that less protection has been granted and as such opens Aberdeenshire up to wind turbine development (01) (34). However, it was also acknowledged that the move away from the methodology adopted in the previous Spatial Framework now appears to be more in line with the current SPP (36).

The revised Spatial Framework now reflects provisions of Table 1 set out in SPP. The revised Spatial Framework shows that a greater part of Aberdeenshire is now identified as areas where wind farms are likely to be acceptable subject to detailed consideration against policy criteria. This was considered by some respondents to be a more appropriate, fairer approach because it supports a greater emphasis on the case by case assessment of wind energy development proposals. Support is expressed for this shift in policy as it will best ensure robust scrutiny of wind energy developments, placing onus on applicants to demonstrate a convincing, thorough case, which is considered to be best made and at the detailed site level through the planning application process (48).

Respondents urged Aberdeenshire Council to reject the changes to the way in which the Spatial Framework have been revised in favour of the Spatial Framework developed for the original MIR which has been subject to extensive public consultation (04) (09) (10).

One respondent expressed an opinion that for too long the Buchan area has been subjected to greater levels of wind turbine development than other areas, but the revised Spatial Framework does present opportunities for turbines in other areas of Aberdeenshire other than in Buchan (34).

There was concern that the relatively large area of Aberdeenshire as being 'suitable for wind turbine deployment' compared to the previous Spatial Framework coupled with perceived limited planning constraint was raised by one respondent (05). There was concern that the level of protection for the environment and communities across Aberdeenshire has been very significantly reduced and that this would lead to a deluge of new applications (07). The revised Spatial Framework requires further work

to fully comply with SPP (24) and that Aberdeenshire Council should revisit the Spatial Framework to ensure that it is in accordance with SPP (49).

Respondents noted that SPP clearly distinguishes between 'wind farms' and small-scale wind energy developments. The requirements set out in the MIR Addendum Preferred Option refers to 'wind turbines' and applies criteria across the board. This is not what is proposed by SPP. It states (para 161) that planning authorities should set out a Spatial Framework and identify area likely to be most appropriate for onshore 'wind farms' and importantly the development plan 'should indicate the minimum scale of onshore wind development that their Spatial Framework in intended to apply to'. Aberdeenshire Council is accused of providing no justification for applying the Spatial Framework to single turbines. On visual impact any Spatial Framework should only consider that on the basis of it clearly having 'unacceptable' impact rather than just an impact. It should also consider the balance between benefits of proposed small-scale turbines and potential impacts. Para 169 of SPP sets out that development management decisions should be based on the relative scale of the proposal and area characteristics. The MIR Addendum simplified this too much and doesn't reflect the requirements of SPP, especially in respect of small-scale and single wind turbine proposals. It should also include the criteria set out in para 169 of SPP and an additional criteria that supports the clean-up of derelict or contaminates sites on the back of renewable energy development (42).

It is important that that if Group 3 areas are noted in the map legend, the qualification included in SPP is stated i.e. 'Areas with potential for wind farm development, subject to detailed consideration against identified policy criteria' (19).

Of the key stakeholders responding to the MIR Addendum the Scottish Government was generally content that the revised Spatial Framework complies with the requirements as defined in SPP (61) and Scottish Water and SEPA had no comments to make on the revised Spatial Framework (14) (38).

It was felt that a clear description of how the Spatial Framework interacts with the supplementary landscape capacity study should be given (61).

There was concern raised regarding resources available to the local authority to examine all wind turbine visual and spatial framework proposals from developers (34).

A definition of 'visual envelope' was sought by respondents (01) (13) and it was suggested that settlements with exclusion zone should be listed and not just mapped (13).

Clarity was sought on what 2km buffer zone actually consists of (01) (62) (63). It was suggested that the visual envelope criteria must be from the windows of all people's property, the extent of their land, all the approaches from land, paths, tracks, and roads to the settlements. A 'resident's initiative' might oversee the criteria for a visual envelope by sampling from a proportion of settlements with participation of the residents living there to determine a fair criteria (29) (30). A respondent questioned whether the buffer been applied to all settlements (52).

Concern has been raised over the 2km buffer zone around settlements (11) and there was significant belief amongst respondents that it is unfair to protect settlements and not individual dwellings through the visual envelope approach. The Spatial Framework focuses towards protecting the urban settlements through the visual envelope rather than those living in rural areas (09). The revised Spatial

Framework gives the impression that little or no protection is offered to single properties out with identified settlements (07) (09) (13) (16) (29) (30) (32) (24). It seemed likely this will be open to legal challenge (07).

It would be appropriate for the Spatial Framework to show all areas within 2km of settlements as Areas of Significant Protection (53).

The 2km buffer zone boundary around settlements is not clear (32) and it was thought that the 2.5km buffer zone won't protect residents from noise and visual impact, nor the devaluing of their property. Residents should be compensated for losses incurred due to proximity to wind turbines (29) (30).

Due to time constraints, would it not be better to increase the zone to 2.5km (32). It was further suggested that the visual envelope should be extended to at least 3km (37), or perhaps a 4km distance would be more appropriate (45).

### Preferred Option

The Preferred Option seemed reasonable (36) to some respondents with support expressed for the Preferred Option set out in the MIR Addendum that the development industry should assess and seek the Council's agreements through the planning application process that their proposal is unlikely to lie within the 2km visual envelope rather than the Council undertaking the exercise for 120 settlements in order that the LDP is not delayed (48) (50). It was felt by one respondent that there is no alternative to the Preferred Option (53).

It would be a waste of time and money to develop Spatial Frameworks for all settlements, but equally it would be inappropriate to allow developments on an ad hoc basis (23).

The LDP should not be delayed and as a consequence the Preferred Option was supported, subject to amendment of the wording to state *"We consider that it is for the development industry to assess and seek our agreement that their proposal is unlikely to lie in such an area, or otherwise does not have an adverse visual or audible impact on the settlement and its amenities, through the planning application process"* (25).

There is an opportunity to refine community separation areas at a later stage, through Supplementary Guidance consistent with LDP timescales. It is anticipated that the Proposed Plan would be prepared on the basis of the refined approach to ensure that position is reflected in the main body of the LDP (61).

Respondents indicated support for the Preferred Option (15) (20) (19) (52), but it should be made clear in the LDP that it is the responsibility of the applicant to identify and assess the visual envelope and evidence must also be provided that the applicant has consulted with the local community and all nearby Community Councils (15). However, the onus of policing this approach and ultimately responsible must still lie with the local authority which may be difficult to do without first establishing the extent of the visual envelope (20).

It is unwise to suggest that the Council be responsible for the visual effects maps and photo montages. The onus must be with the applicant to demonstrate that applications comply with current planning policy. The Council should only confirm whether or not the application meets policy (08).

### Reasonable Alternative Option

Support was also found for the Reasonable Alternative Option (22) (62) (63). It was considered that it is the responsibility of the Council to identify the visual impact of wind turbines on settlements (22) (62) (63). There is a belief that the MIR Addendum exaggerates the time required and the complexity of producing visual envelopes (62) (63).

Some felt the Preferred Option was not thought to be in the public interest and should be carried out properly and because of this the Reasonable Alternative Option should be implemented (45) (21).

It was thought that further consideration must be given to the Spatial Framework and planning considerations of wind turbines and their impact on both the environment and the quality of lives of those in close and far proximity (58).

Respondents had significant concern about allowing developers to undertake assessment of 2km visual envelope leaves much open to interpretation and takes away control from planners in favour of developers who are likely to make a bias judgment in favour of their own commercial interests (01) (12) (16) (29) (30) (34) (45) (62) (63). Assessment must be led by the local authority, representing the best interests of the local communities, and giving unbiased decisions (12) (27) (37).

### Other Comments

Another possible approach would be for Aberdeenshire Council to detail 'clarified policy criteria' in public documents and to have these fairly and rigorously applied to planning applications (23).

The role of Wind Energy Capacity Studies in development management should be established by reference to them in policy (20).

The Spatial Framework should be further refined to take into account and specifically include many pipeline consultation zones that cross the Aberdeenshire area. This should include reference to the guidance prepared by the UK Onshore Pipeline Operator's Association regarding the siting of wind turbines close to high pressure pipelines (28).

Question raised over contribution each area of Scotland has to make towards green energy initiatives (01).

It was felt that it should be for the relevant 'impacted community' to decide whether or not a specific site (or technology is acceptable) (05).

Some respondents made reference to specific locations such as:

- Objection to Hill of Corskie turbines (06).
- Bennachie and its surrounding hills should be a no-turbine zone (13).
- There is no mention of the effects of turbines on the Bullers o' Buchan Special Protection and request for an environmental survey to be undertaken (34).

- The small part of Cairngorms Massif SPA extending into Aberdeenshire to the south of Aboyne appears to be missing, and should be added as an area of significant protection (19).
- It is recommended that the River Dee SAC be shown as an area of significant protection, given the potential impact of wind energy development on water quality during the construction stage (19).

The perception that wind turbines have a detrimental effect on Aberdeenshire's tourism industry was raised by respondents (11) (16).

The Ironside Farrar Report is a material planning consideration and should have a prominent place in the next LDP (10).

A respondent would wish to see total evaluation of wind energy versus other forms of renewables before the LDP is approved (11).

The term 'significant adverse effect' in SG Rural Development 2 requires to be expanded upon. There needs to be a clear understanding of what significant is deemed to be (32).

The MIR Addendum makes no note of the ECJ ruling regarding European cross border wind farm development subsidies. (34). Wider human rights issues were raised (37).

The statement within the Actions section of the Issues and Actions Paper 10: Issue 5 Wind Energy that "*additional policies area proposed to protect carbon sinks such as peat-lands, put protection of "groundwater dependant ecosystems"*" would seem to be an onerous level of protection that is hell beyond the Natural Heritage policies of the plan. Whilst SEPA agreed that the existing Natural Heritage Policies in the 2012 LDP do not provide for protection of groundwater dependent terrestrial ecosystems, SG Safeguarding 1: Protection and conservation of the water environment covers protection of water bodies and a water body GWDTE's would be covered under this policy. SEPA would like to see reference made to avoidance of impacts on groundwater dependent terrestrial ecosystems within the emerging plan policies or supplementary guidance (38).

The revised Spatial Framework includes 'carbon rich soils' as an area of significant protection, however SPP requires 'carbon rich soils, deep peat and priority peatland habitat' to be mapped. A combined dataset has been prepared by SNH and is due to be consulted on although it is acknowledged that this will not be approved by Scottish Ministers prior to publication of the Proposed LDP (19).

There is disagreement with the statement in relation to carbon rich soils due to the data used by the Council (24).

Objection was raised to the identification of Areas of Significant Protection where these relate to non-site specific carbon rich/ peat soil assumptions using the Macaulay Institute data from the 1980s. These references should be removed from the Spatial Framework. The Proposed LDP should instead manage carbon rich/ peat soils and assessment of these areas in terms of impact within policy wording (24).

Objection raised to the height limitation of turbines above 15m within areas of significant protection as currently proposed in the Spatial Framework. This should be removed to ensure compliance with SPP (24).

SG Rural Development 2: Wind Energy does not touch upon carbon rich/ peat soils or the use of the carbon calculator (24).

Designated sites along the coastline are not very evident on the map, and cartographical means of improving this would be welcomed (19).

Aberdeenshire Council should have the ability to impose restrictions on developments, e.g. on noise and visual impact, etc (46).

The original MIR has already proposed that Policy SG Rural Development 2: Wind Turbines should include the following – *“the applicant must demonstrate that in all cases the proposal accords with the layout, siting and design of wind turbines detailed in the report Strategic Landscape Capacity Assessment for Wind Energy 2013 produced by Scottish Natural Heritage”*. It is proposed the ‘location’ is added before ‘layout’ in this additional policy text (19).

Issues such as cumulative impacts and areas of flood risk should not be included in the Spatial Framework, but instead should be considered at the development management stage in line with the finalised SPP (49).

Given the time constraints, as an alternative to the Reasonable Alternative Option, the revised Spatial Framework should be published separately, as Supplementary Guidance to be adopted following the production of the LDP (52).

SPP details that ‘in areas of significant protection’ wind farms may be appropriate in some circumstances subject to demonstrating that any significant effects on the qualities of these areas can be substantially overcome by siting design or other mitigation. This statement should be explicitly repeated for the avoidance of doubt in policy.

## **2. Actions**

There was mixed reaction from respondents on the revised Spatial Framework with some comments implying that the Council has been too lenient in its approach. However, the revised Spatial Framework has been prepared in line with the revised SPP and has been supported in principle by the Scottish Government. It is noted that there are still respondents who believe the Spatial Framework is not in fact reflective of the requirements of the SPP. Work will continue to be made to ensure that the Spatial Framework is prepared in line with SPP and will not be reverting back to the previous Spatial Framework prepared for the original MIR.

The revised Spatial Framework shows areas where Aberdeenshire Council considers it potentially suitable for wind farm development. This has been prepared using a set methodology and to suggest that one area of Aberdeenshire has been unfairly targeted over another is not necessarily accurate. The merits of individual planning applications will be considered on a case by case basis in accordance with relevant policies.

Some respondents commented that Aberdeenshire Council has made no distinction between wind farms and individual wind turbines and that the Spatial Framework is for the use of onshore wind farms only. As there is no definitive definition of what a wind farm is, including within SPP, the Spatial Framework is to be imposed on all wind turbines for the avoidance of doubt and to ensure consistency in approach.

There has been concern expressed that the revised Spatial Framework will result in an influx of new applications. As well as adhering to the requirements of the Spatial Framework, applications will, in all cases, have to ensure compliance with a number of policies during the planning application process.

A clearer description of how the Spatial Framework interacts with the supplementary landscape capacity study has been requested along with clarity of that the visual envelope means. This can be inserted through minor additions to the relevant policies and supplementary guidance.

A 'resident initiative' to help identify criteria to assess the visual envelope has been suggested. Although there may be merit in exploring this, given the time constraints currently faced, this is not something that can be immediately progressed.

A number of respondents raised objection to the specific reference to a visual envelope around settlements and not acknowledging individual dwellings. SPP requires a buffer zone of 2km around cities, towns and villages rather than around each individual property. Occupants of properties within a 2km visual zone will continue to have the ability to object to planning applications which will be considered through the planning application process.

There have been calls through some of the responses that the 2km visual envelope should be expanded to between 2.5km to 4km in one response. The Spatial Framework considers a 2km visual envelope to be appropriate in line with the requirements of SPP.

The Preferred Option was supported by a number of respondents who acknowledged the time constraints and resource commitment requires for Aberdeenshire Council to undertake a comprehensive study of the visual envelope for each and every settlement in Aberdeenshire. Benefits are seen in requiring developers to undertake relevant studies and demonstrate through the planning application process that they have identified and fully considered negative impacts resulting from their proposal. In contrast a number of respondents believed that by passing the requirement to developers then the results could be skewed to support their application. Some went as far to say that this is an exercise that the Council must undertake itself and the Preferred Approach was contrary to SPP and therefore supported the Reasonable Alternative Option.

Given the statutory requirements associated with the preparation of the LDP procedures undertaken by the Council in preparing and finalising the LDP the Reasonable Alternative Option is not considered to be appropriate at this stage of the development planning process. The time and resource implications, associated with the impact to the development of other plan topics then the Preferred Option should be adopted. Concerns of respondents who believe that developers could potentially skew visual assessment results in favour of their own development have been noted but it is considered that through effective development management any concerns of residents within the visual buffer will be considered as part of the planning process.

Many of the other comments made were considered to be out with the scope of the MIR Addendum consultation.

### **3. Committee Recommendations**

1. The Preferred Option should be adopted, with minor appropriate amendments to the revised proposed Spatial Framework and supplementary guidance to provide greater clarity for users.
2. Consideration should be given to development of planning advice to assist in the process of identifying and assessing the 2km visual envelope around settlements to ensure consistency in approach and ease of planning officer assessment when considering a planning application.
3. The effectiveness of the Council's approach to adoption of Spatial Framework and its use by the development industry will be reviewed during the life of the LDP and any revisions to the Spatial Framework or its use considered at this point in line with the Council's monitoring programme.