

<b>Issue 15a</b>	<b>Renewable and Low Carbon Energy Generation and Electricity Transmission Infrastructure</b>	
<b>Development plan reference:</b>	ER1 - Renewable and Low Carbon Energy Generation, page 47 ER2 - Electricity Transmission Infrastructure, page 47	<b>Reporter:</b> Douglas Hope
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Lynne Palmer (00239) RES UK &amp; Ireland (00283) Force 9 Energy (00369) Scottish Power (00455) Mountaineering Council of Scotland (00587) Scottish Renewables Forum (00760) Fiona Ross (00786) Carse of Gowrie Sustainability Group (00788) ABO Wind UK Ltd (00812) Fossway &amp; District Community Council (00830) Loch Lomond &amp; the Trossachs National Park Authority (00842) Cairngorms National Park Authority (00849)</p>	<p>Liz Hodgson (00853) Ecotricity (00884) Alexander Harley Seeds Ltd (00885) The Greenspan Agency (00886) Councillor Michael Barnacle (02633) Perthshire Chamber of Commerce (03005) SportScotland (03185) Scottish Environment Protection Agency (03194) Scottish Natural Heritage (05211) Kinross-shire Civic Trust (06950) Maureen Beaumont (07262) Forestry Commission Scotland (08988) Methven &amp; District Community Council (09221) SSE plc (09311) Friends of the Ochils (10221)</p>	
<b>Provision of the development plan to which the issue relates:</b>	Policies covering the tests against which proposals for renewable and low carbon energy generating development proposals will be assessed; and highlighting the Council's support for proposals for electricity transmission infrastructure and seeks to secure appropriate mitigation in environmentally sensitive locations.	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>ER1 – General Policy Changes and Supplementary Guidance (General Comments)</u> ABO Wind UK Ltd (00812/1/001): Agree with general principle of the Policy ER1A but it should be noted there are a wide range of economic, social, environmental, technical and transport issues to be considered when assessing the suitability of renewable energy developments, by both the planning authority and the developer. Proposals for renewable energy developments should therefore be assessed against other general LDP policies and supplementary guidance on renewable energy.</p> <p>Liz Hodgson (00853/1/002): Despite all that is known about climate change and peak oil and gas some developments still ignore these issues. Suggests that for any new development over a certain size encouragement or reward is available where suitable areas of land are set aside to allow for the future development of biomass district heating. Ideally this should be statutory.</p> <p><u>ER1 – Detail for Supplementary Guidance</u> Scottish Power (00455/1/002): The LDP should refer to the Scottish Government target to generate the equivalent of 100% electricity demand from renewable energy by 2020 and</p>		

Policy ER1 should set out how Perth and Kinross will contribute towards this target (2020 Routemap for Renewable Energy in Scotland) (S4\_Doc\_450).

Welcome Supplementary Guidance on the appropriate siting of onshore wind but it should reflect SPP and targets for renewable energy generation. These must also be key to the determining of applications under 50 megawatts (MW) or applications under Section 36 of the Electricity Act (S4\_Doc\_451). Welcome the commitment that new proposals will be supported where they are well related to resources needed for their operation, in line with SPP (Core\_Doc\_048). Supplementary Guidance must reflect SPP (Core\_Doc\_048) in promoting schemes in appropriate locations where cumulative impacts can be addressed. Any spatial framework should provide guidance on constraints but not treat protected or designated areas as *'no-go areas'* for wind farms; designated landscapes are not automatically sensitive by definition, as this would depend on the specific character of the landscape, and the reasons for designation may not be compromised by wind farm development.

The LDP should recognise the economic, social and environmental benefits and impacts of renewables on a local and regional/national scale to ensure that decisions are made within the correct policy framework.

Forestry Commission Scotland (08988/1/005): Welcome the commitment to the production of Supplementary Guidance on renewable and low carbon energy generation etc. but note that there is no reference to this in Policy ER1. Supplementary Guidance should cover all types of renewable energy production including that from woody biomass, and the wording of Policy ER1 should make it clear this is the intention.

Scottish Natural Heritage (05211/8/001): Policy ER1A should include the following additional points:

- (i) Their fit within the Council's spatial framework for onshore wind energy development to ensure the spatial framework for wind farms is a fundamental consideration in assessing new proposals (SPP paragraph 189) (S4\_Doc\_112)
- (j) Their effects on natural river flow regimes and migratory fish in recognition of the potential impacts of hydro-electric schemes on river systems and particularly in relation to the extent of freshwater Special Areas of Conservation in Perth and Kinross.

SportScotland (03185/1/003): Policy ER1A should make reference to impacts on outdoor sport and recreation interests as per SPP paragraph 187 (S4\_Doc\_303). The respondent makes reference to the example of the River Braan hydro scheme which was refused on the basis of impact on outdoor sport interests.

Mrs Maureen Beaumont (07262/1/001): In the absence of up to date Supplementary guidance and the uncertainty as to when such guidance will be available, the respondent suggests the inclusion of the following in Policy ER1A:

- i) Aviation and telecommunications impacts
- j) Noise and shadow-flicker

As these issues are addressed in SPP paragraph 187 (S4\_Doc\_303) and should be addressed in the LDP.

Ecotricity (00884/1/001): Policy ER1 is not precise enough and does not give clarity as to where onshore wind developments would be acceptable. It is therefore inconsistent with SPP (Core\_Doc\_048).

Fossway & District Community Council (00830/1/014): Concerned that the LDP contains no guidance on the location of small scale wind development. A coherent policy is needed now, not a statement mainly concerned with large-scale developments as in Policy ER1A.

The Greenspan Agency (00886/1/001): The representation refers to the definition of sustainable development in SPP (paragraph 35) (S4\_Doc\_101), and continues that renewable energy development contributes to the objectives of living within environmental limits, and achieving a sustainable economy. Highlights that the Council has a statutory duty to advance these goals in the LDP. As such the role of renewables should be more clearly and positively emphasised in Policy ER1A and throughout the LDP.

Refers to page 6 of the 2020 Routemap for Renewable Energy in Scotland (S4\_Doc\_205) which clarifies the Scottish Government's approach to renewables since SPP (Core\_Doc\_048) and the Climate Change Act 2009 (Core\_Doc\_104). Recognises that although renewable energy deployment has been successful in recent years, the rate of deployment will need to increase if the 2020 key target of 100% electricity generated by renewables is to be met. Therefore, the need for faster deployment of renewable energy should be reflected in the tone of Policy ER1A and throughout the LDP.

#### ER1A New Proposals – Comments on the First Paragraph

RES UK & Ireland (00283/1/001): Policy ER1A wording is unclear and an explanation is required as to what is meant by '*well related*' in first paragraph, and how this will be assessed.

SSE plc (09311/1/006): The first paragraph of Policy ER1 is unclear as to what is to be considered when determining whether the proposed development is '*well related to the resources that are needed for their operation*'. This could be seen as a viability test or sequential approach, criterion (h) in particular. This is inconsistent with the reality of the development process; it is rare to have a choice of suitable sites that meet a developer's requirements; normally interest is secured on one site which is then progressed through the development process.

Alexander Harley Seeds Ltd (00885/1/003); The Greenspan Agency (00886/1/001): The first paragraph of Policy ER1A '*where they are well related to the resources that are needed for their operation*' needs clarification; asking for justification sets a negative tone, and project viability is not a planning concern.

#### ER1A New Proposals - Wind Energy Development Proposals

Friends of the Ochils (10221/1/005): Essential that Policy ER1 and the Supplementary Guidance address the risks associated with wind farms below 20 megawatts (MW) as well as those above. Supplementary Guidance must not only be applicable to developments above 20MW, as much landscape damage can also be done by smaller developments. There is a need to protect against developers splitting applications so that they stay below 20MW.

Need to develop a specific policy for turbines erected under the Feed-in Tariff Scheme (Feed-in Tariffs (Specified Maximum Capacity and Functions) Order 2010 as amended by the Feed-in Tariffs (Specified Maximum Capacity and Functions) (Amendment) Order 2011) (S4\_Doc\_453) and (S4\_Doc\_454) as considerable landscape damage will be caused by a number of these individual turbines in an area.

Policy ER1 and the Supplementary Guidance should address these issues.

Kinross-shire Civic Trust (06950/1/005): The LDP does not specifically mention wind farm policy. This is a major omission and must be included. The existing wind farm policy has not been adhered to and some wind farms are now seeking further extensions. There is also a proliferation of smaller single and double wind turbines (in Kinross-shire) with no policy for these. The respondent has been continually against wind farms as it has not been demonstrated they are capable of providing the renewable energy claimed. Wind farms should not be relied on as a dependable source of renewable energy as another source of energy will always be required when there is insufficient wind.

Carse of Gowrie Sustainability Group (00788/1/005): Considers that Policy ER1 mainly deals with large-scale facilities such as wind turbine installations; argues that there is a role for smaller scale energy generation, such as anaerobic digesters, linked to local buildings e.g. schools or care homes, to provide combined heat and power, if there are sufficient *'local'* fuel sources. The respondent is fully supportive of the findings of the recent Fife, Perth & Kinross Heat Mapping Project (Core\_Doc\_178), *'which emphasises the synergy between some sites in the study area with surplus heat and adjacent sites with a heat demand.'*

Fiona Ross (00786/1/006): Considers that Policy ER1 mainly deals with large-scale facilities. There is a role for smaller scale energy generation such as anaerobic digesters linked to local buildings to provide combined heat and power if there are sufficient local fuel sources. Supports the findings of the Fife, Perth & Kinross Heat Mapping Project (Core\_Doc\_178), and believes there is a need for Council policy to enable a move away from fossil fuel.

#### ER1A – Criterion (a)

RES UK & Ireland (00283/1/001): Concerned about the inclusion in policy wording of terms *'wildness qualities'*, *'tranquil qualities'* and *'visual integrity'* with no definitions or indication as to how any effects on these from a development proposal will be measured. These are not concepts which are capable of definition in a scientific assessment or objective classification but are more about personal judgement.

Perthshire Chamber of Commerce (03005/1/003): Suggests an amendment to Policy ER1A (a) to include *'commercial'* after the word *'residential'* to ensure that any impact on existing businesses affected by proposals would be regarded as material considerations in respect of the proposal.

#### ER1A – Criterion (b)

Force 9 Energy (00369/2/001): National energy policy is focussed on increasing the contribution of renewable energy generation capacity. Projections currently point towards a shortfall in meeting the installed capacity target of 100% gross electricity consumption through renewable sources by 2020. However even if the 2020 target is met this is not a cap, Scotland has significant generation potential and opportunities will arise in the future to export electricity to England and Ireland. 2020 Routemap for Renewable Energy in Scotland (Core\_Doc\_103).

SPP (paragraph 184) (S4\_Doc\_111) requires planning authorities to ensure an areas' renewable energy potential is realised and optimised. Development Plan policies should therefore be supportive of all opportunities whilst being suitably caveated to ensure regard is had to potential impacts on the natural and cultural heritage and on socio-economic factors. SPP (Core\_Doc\_048) does not ask for proposals to assess the

contribution they may make to meeting energy targets, presumably because all suitable proposals will make a contribution. Many decisions by the Directorate for Planning and Environmental Appeals (DPEA) acknowledge the contribution renewable energy proposals will make to meeting energy targets; even in negative decisions e.g. Abercairney.

Wind farms can only be constructed where there is suitable wind resource and where impacts are either negligible, can be mitigated or are acceptable. How much the proposals contribution to meeting carbon reduction targets is largely irrelevant in the consideration and determination of a planning application. Policy ER1A (b) should therefore be deleted.

#### ER1A – Criterion (c)

Scottish Renewables Forum (00760/1/001): ‘Object’ to ER1A criterion (c) as it is considered to be contrary to SPP paragraph 191 (S4\_Doc\_113) which states that grid constraints should not be used as a development constraint.

Alexander Harley Seeds Ltd (00885/1/003): Comments that the issue of connection is usually dealt with by the district network operator under a separate application process and there is unlikely to be any certainty as to the form of the connection at the time of submitting a planning application. Continues that an indication of the likely connection route could be given but suggests that the requirement for this should be in Supplementary Guidance not the policy.

ABO Wind UK Ltd (00812/1/001): Disagrees that connection to electricity distribution or transmission system should be used to assess renewable energy proposals, as available grid capacity is a technical aspect dealt with by developers and should not impact upon the planning merits of a proposal. Also comments that it is contrary to SPP paragraph 191(S4\_Doc\_113).

The Greenspan Agency (00886/1/001): Comments that the issue of connection is usually dealt with by the district network operator under a separate application process and there is unlikely to be any certainty as to the form of the connection at the time of submitting a planning application. Continues that an indication of the likely connection route could be given but suggests that the requirement for this should be in Supplementary Guidance not the policy.

Ecotricity (00884/1/001): Policy ER1A criterion (c) is contrary to SPP paragraph 191 (S4\_Doc\_113) which states that grid constraints should not be used as a development constraint. Suggests that criterion (c) should therefore be removed.

#### ER1A – Criterion (d)

SSE plc (09311/1/006): The intention of Policy ER1A (d) is unclear. It is presumed to be to examine the potential greenhouse gas emissions and the effects on air quality associated with transportation as part of the development assessment process. Criterion (d) should be more specific.

#### ER1A – Criterion (f)

Scottish Environment Protection Agency (03194/14/001): ER1A (f) should be expanded so the policy offers protection to the carbon rich soil resource in areas where renewable or low carbon energy generation are proposed.

Disruption of carbon rich soil by development results in the loss of the stored carbon and releases greenhouse gases, which is contrary to the Climate Change (Scotland) Act 2009 (Core\_Doc\_104) target of reducing greenhouse gas emissions and efforts to mitigate climate change by reducing emissions at source.

The respondent refers to the provisions within various documents, including:

- Scotland's Land Use Strategy – Principle c (S4\_Doc\_287) regarding recognising the value of land suitable for a primary use, and Principle f (S4\_Doc\_287) on reducing greenhouse gas emissions associated with land use.
- SPP paragraph 42 (S4\_Doc\_120) regarding taking into account the impacts on climate change in decision-making, and paragraph 133 (S4\_Doc\_121) relating to the release of stored carbon as a result of development.
- National Planning Framework 2 paragraph 47 (S4\_Doc\_288) on requirement for Development Plans to include policies to contribute towards mitigation/adaptation to climate change.
- TAYplan Policy 2 (S4\_Doc\_066) which requires LDPs to build in climate change resilience, and Policy 3 (S4\_Doc\_064) on safeguarding carbon sinks

Recommends that the wording of the policy should be expanded to ensure that carbon rich soils in locations proposed for renewable and low carbon energy proposal are protected. This would be in keeping with duties under the 2009 Climate Change Act (Core\_Doc\_104) to contribute to the delivery of targets to reduce emissions by minimising loss of stored carbon through renewable and low carbon energy generation developments.

The Greenspan Agency (00886/1/001): Policy ER1A (f) gives too much focus to a misunderstood issue. Renewable energy developments are not as much of a threat to CO<sub>2</sub> stores as suggested. The carbon-payback period of a renewable energy development is unlikely to be significantly affected by the carbon emissions caused by construction on peat. Over the 25 year lifespan of a wind energy development the overall carbon saving compared with conventional fossil fuel generation is overwhelmingly favourable. Peat could be referred to in Supplementary Guidance as a matter for possible consideration but should not be included in the policy.

#### ER1A – Criterion (g)

Force 9 Energy (00369/3/001): It is difficult to define the economic implications of a wind farm development. A series of Directorate for Planning and Environmental Appeals (DPEA) decisions have shown discussions on economic impact are inconclusive. The respondent makes reference to research undertaken by Glasgow Caledonia University (Economic Impacts of Windfarms on Scottish Tourism (2008) (Core\_Doc\_151), highlighting that the issue appears to be that as wind farms are in rural locations they will impact on peoples' enjoyment of those areas, which may impact on visitor numbers; but the research concluded the impact on tourism was small i.e. less than 1% in Perth and Kinross.

Accepts that it is reasonable to consider such impacts in an application but argues that the difficulties that would arise from seeking to quantify in detail all economic impacts, beyond high level assessment, would suggest an explicit policy expectation is overstated. Comments that impacts on natural and cultural heritage and socio-economic impacts would be considered in an application's supporting Environmental Statement, and continues that the consideration of landscape impact could be extrapolated to give an indication of effect on tourism numbers. The respondent believes that consideration through the Environmental Statement should be sufficient to have due regard to the

largely indefinable and insignificant economic impacts without the need for a specific policy criteria. Policy ER1A (g) should therefore be deleted.

#### ER1A – Criterion (h)

RES UK & Ireland (00283/1/001): ER1A criterion (h) should be deleted as there is no requirement in Environmental Impact Assessment Regulations (Core\_Doc\_150) or national planning policy to demonstrate why a site is preferable to other alternative sites or prove there is no alternative site which has lesser environmental effects. Criterion (a) of the policy already covers cumulative impact.

Ecotricity (00884/1/001): The Environmental Impact Assessment (EIA) Regulations (Schedule 4, Part 2) (S4\_Doc\_281) do not require applicants to consider alternatives. The Regulations recognise that technical and economic criteria have to be given weight. The respondent also makes reference to PAN 58 (paragraphs 69 and 71) (S4\_Doc\_282) and (S4\_Doc\_278) which requires the assessment of planning applications on their own merits and not on the merits of potential alternatives. Comments that renewable energy development is different from most other Environmental Impact Assessment developments in that multiple sites will come forward and the policy framework anticipates this. The national and international need for wind farms mean it would be illogical to suggest one proposal is an alternative for another. As wind farms can only be established where the resource is available, and other constraints can be met, the approach must be to allow development given the overall policy imperative. Therefore this section of the policy should be deleted.

Scottish Renewables Forum (00760/1/001): ‘Object’ to ER1A criterion (g). Comments that preparing applications takes considerable time and resource and each should be considered on its own merits. Continues that there is no clear signal within SPP (Core\_Doc\_048) in terms of the need to consider alternatives, and also makes reference to the contents of PAN 58 paragraph 71 (S4\_Doc\_278) in respect of the need for planning authorities to determine planning applications on the merits of the proposal before them and not on the merits of possible alternatives, but recognises for some projects the existence or otherwise of a feasible alternative may be a material consideration in the determination of an application.

The respondent comments that renewable energy development is different from most other forms of Environmental Impact Assessment development where consideration of alternatives may be relevant, in that multiple sites will come forward and the policy framework anticipates this. Therefore the consideration of alternatives should not be included within the LDP.

SSE plc (09311/1/006): The sequential approach under criterion (h) is inconsistent with SPP (Core\_Doc\_048), and the criterion should therefore be re-drafted or only applied in limited circumstances.

Alexander Harley Seeds Ltd (00885/1/003); The Greenspan Agency (00886/1/001): Policy ER1A criterion (h) introduces a sequential test at odds with SPP (paragraph 39) (S4\_Doc\_114), and is almost impossible for applicants to meet. Reporters often disregard sequential test in policies for renewable energy at appeal.

#### ER1A – Definition of Community, and Community-Led Proposals

RES UK & Ireland (00283/1/001): Clarification is required as to the definition of ‘community’ and what will constitute a community proposal (ER1A last paragraph), as the understanding and definition can vary widely.

Force 9 Energy (00369/4/001): In relation to the last paragraph of Policy ER1A, the respondent argues that it is the use which is relevant, not the operator. SPP (paragraph 3) (S4\_Doc\_304) does not draw distinction between different promoters; all proposals whether community-led or otherwise must be subject to the same development management regime.

Assessment of the effects of a community-led scheme may only show adverse impacts on a particular community but that does not automatically make the scheme otherwise acceptable. Changes will take place over time within the community that will alter the context of impacts such that community benefit may not remain available to all.

Planning authorities can take cognisance of material considerations in development management decisions and in that context it may be appropriate to accord due weight to community benefits outweighing community impact.

The final paragraph of the policy should therefore be revised to state general support for community led schemes, in line with Scottish Government policy, but any consideration must follow the same approach as any other proposal.

Scottish Renewables Forum (00760/1/001): The final paragraph of Policy ER1A is contrary to principles of the planning system which operates in the public interest rather than to protect the interests of one person or business. The respondent makes reference to SPP paragraph 23 (S4\_Doc\_076) and Circular 04/09 paragraph 6 (S4\_Doc\_277) in support of their representation.

#### ER1A – Protection for National Parks

Loch Lomond and the Trossachs National Park Authority (00842/2/001): Renewable energy proposals surrounding the Loch Lomond and the Trossachs National Park's boundary have the potential to have a visual impact on the Park's setting this should not be exacerbated by inappropriately sited development. This concerns wind energy proposals in particular with an increase in development pressure in the areas adjacent to the Park's boundary. Policy ER1 should be amended or specific reference added to the policy notes to recognise these concerns. The respondent makes reference to the relevant policies within the adopted Local Plan for the National Park, and also the approved and draft National Park Plans, which form the basis for the Park Authority's response to consultations from neighbouring planning authorities.

Loch Lomond and the Trossachs Local Plan Policy REN5 (S4\_Doc\_279)

Loch Lomond and the Trossachs National Park Plan Policy R3 (S4\_Doc\_280)

Cairngorms National Park Authority (00849/2/001): Renewable energy proposals surrounding the Cairngorms National Park's boundary have the potential to have a visual impact on the Park's setting this should not be exacerbated by inappropriately sited development. This concerns wind energy proposals in particular with an increase in development pressure in the areas adjacent to the Park's boundary. Policy ER1 should be amended or specific reference added to the policy notes to recognise this possible cross-boundary impact.

#### ER1 – Timescales for Supplementary Guidance

SSE plc (09311/1/006): Timescales for the preparation of the Supplementary Guidance (a spatial framework for wind energy development) should be an appendix to the LDP. As the Supplementary Guidance is unlikely to be subject to formal examination its aims and objectives should be set out in the LDP so these matters can be subject to Examination.



ABO Wind UK Ltd (00812/1/001): Concerned that Policy ER1 is reliant on Supplementary Guidance not yet available and the existing Guidance on Wind Energy Developments (2005) (Core\_Doc\_155) is out of date. This provides uncertainty as to the procedures and policies upon which applications will be determined, particularly while the Supplementary Guidance is being consulted upon and approved.

#### ER1 – Other Comments

Lynne Palmer (00239/10/007): Highlights that *'the River Tay is not mentioned in the proposed LDP'*; continues that *'maybe it isn't necessary to mention it, but [that] reference could be made as the LDP is for many years up to 2024 [and] in that time tidal energy might become a reality for the Tay.'* The respondent would be supportive of the use of the River Tay for tidal energy developments but believes that other current river users might also wish to see it mentioned in the Plan.

#### ER1 – Protection of the Rural Countryside and Landscapes around Major Tourism Resorts

Methven & District Community Council (09221/1/017): Priority should be given to landscape conservation of traditional rural countryside as a basic resource that brings visitors to Perthshire. Damaging wind farms at Abercairney and Logiealmond have been successfully opposed. In advance of Supplementary Guidance on wind farms, which it is understood may be drafted in 2012, the respondent asks that the landscape setting of Gleneagles, gWest and Crieff Hydro be protected by a wind farm free zone, including Strathearn and its flanking hill slopes, to protect these major tourism resorts against *'industrial intrusions'*.

#### ER1B – Extension to Existing Facilities

ABO Wind UK Ltd (00812/1/001): Agrees with the principle of establishing a separate policy on extensions but concerned these will be assessed in a disproportionate manner. Current policy wording would mean the assessment of a single turbine development, or an extension to an existing development, would be on the basis that the landscape and visual cumulative impact would be as significant as that of an entirely separate development of a much larger scale. Argues that there may be scope for sensitively designed and appropriate sized developments to be accommodated alongside consented/constructed wind farms, which could also help to reduce the proliferation of separate developments elsewhere. Continues that the *'broad brush approach'* proposed through the policy does not take account of individual site characteristics and could unnecessarily restrict suitable sites capable of accommodating additional development.

#### ER1 – No Changes to the Policy

Lynne Palmer (00239/10/001): Supports Policy ER1.

Mountaineering Council of Scotland (00587/1/002): Supports Policy ER1 and the broad criteria used which provide a clear development management framework. Makes reference to a number of documents in support of this, including SPP paragraph 189 (S4\_Doc\_112), paragraphs 10 and 18 of SNH's guidance on 'Assessing the cumulative impacts of onshore wind energy developments (March 2012) (S4\_Doc\_274) and (S4\_Doc\_275), and Schedule 4 of the EIA (Scotland) Regulations (S4\_Doc\_276).

Loch Lomond and the Trossachs National Park Authority (00842/2/001): Supports the aims of Policy ER1, particularly the inclusion of landscape and wildness, and welcomes consideration of biodiversity, landscape character and visual integrity.

Cairngorms National Park Authority (00849/2/001): Support the aims of Policy ER1, particularly the inclusion of landscape and wildness, and welcomes consideration of biodiversity, landscape character and visual integrity.

#### ER2 – Changes to Policy Wording

Scottish Power (00455/1/003): Welcome the recognition in the policy that *'proposals for electricity infrastructure will be supported'* but are concerned that the wording of the rest of Policy ER2 may be overly precautionary. Suggests modification to the policy to read: *'In environmentally sensitive locations appropriate mitigation will be considered as part of the preparation of any proposal. Where impacts are shown to have a significant negative impact, alternatives such as underground should be considered where appropriate. Where new infrastructure...'*

#### ER2 – No Changes to the Policy

Lynne Palmer (00239/10/002): Supports Policy ER2.

Mountaineering Council of Scotland (00587/1/003): Supports Policy ER2 *'and the requirement for appropriate mitigation for infrastructure proposed in environmentally sensitive locations.'* Comments that it would be helpful to have within the Supplementary Guidance links to Policy ER6 a definition of what is meant by *'environmentally sensitive locations'*.

Councillor Michael Barnacle (02633/1/014): The policy is welcomed and supported and will be beneficial for residents in Blairingone and Crook of Devon.

Friends of the Ochils (10221/1/003): Policy has been written with the presumption that the expected method of transmission will be by way of overhead powerlines. In general the respondent does not welcome the intrusion of overhead powerlines on the landscape and therefore supports, as a minimum, the policy that appropriate mitigation should be carried out in environmentally sensitive areas such as the Ochil Hills. Such appropriate mitigation would be achieved by undergrounding power lines in the Ochils. Underground power lines protect the natural beauty of the environment as well as avoiding the disruption and associated cost that occurs when adverse weather conditions causes powerlines to collapse.

### **Modifications sought by those submitting representations:**

#### ER1 – General Policy Changes and Supplementary Guidance (General Comments)

ABO Wind UK Ltd (00812/1/001): Policy ER1A should recognise that proposals for renewable energy developments should be assessed against other general LDP policies and Supplementary Guidance on renewable energy.

Liz Hodgson (00853/1/002): Encouragement or reward should be given to developments which set aside suitable land for the future development of biomass district heating.

#### ER1 – Detail for Supplementary Guidance

Scottish Power (00455/1/002): The LDP should refer to the Scottish Government's target to generate the equivalent of 100% electricity demand from renewable energy by 2020, and Policy ER1 should set out how Perth and Kinross will contribute towards this target.

The LDP should recognise the economic, social and environmental benefits and impacts of renewables on a local and regional/national scale to ensure decisions are made within the correct policy framework.

Forestry Commission Scotland (08988/1/005): Policy ER1 should make it clear that the Supplementary Guidance will cover all types of renewable energy production including that from woody biomass.

Scottish Natural Heritage (05211/8/001): Policy ER1A should include the following additional points:

- (i) Their fit within the Council's spatial framework for onshore wind energy development to ensure the spatial framework for wind farms is a fundamental consideration in assessing new proposals.
- (j) Their effects on natural river flow regimes and migratory fish in recognition of the potential impacts of hydro-electric schemes on river systems and particularly in relation to the extent of freshwater Special Areas of Conservation in Perth and Kinross.

SportScotland (03185/1/003): Policy ER1A should make reference to impacts on outdoor sport and recreation interests.

Maureen Beaumont (07262/1/001): Policy ER1A should include the following additional points:

- i) Aviation and telecommunications impacts.
- j) Noise and shadow-flicker.

Ecotricity (00884/1/001): Policy ER1 should be revised to be more precise and give clarity as to where onshore wind development will be acceptable.

Fossway and District Community Council (00830/1/014): Policy ER1A should include guidance on the location of small scale wind development.

The Greenspan Agency (00886/1/001): The need for faster deployment of renewable energy to meet the 2020 target of 100% electricity from renewables should be reflected in the tone of Policy ER1A.

#### ER1A New Proposals – Comments on the First Paragraph

RES UK & Ireland (00283/1/001): Further explanation and clarification of policy wording is required in terms of what is meant by *'well related'* and how this will be assessed.

SSE plc (09311/1/006): Greater clarity as to what is meant by *'well related to the resources that are needed for their operation.'*

Alexander Harley Seeds Ltd (00885/1/003): It is not explicitly stated within the representation but it is implied that the phrase *'where they are well related to the resources that are needed for their operation'* should be removed.

The Greenspan Agency (00886/1/001): It is not explicitly stated within the representation but it is implied that the phrase *'where they are well related to the resources that are needed for their operation'* should be removed. The Policy should more clearly and positively emphasise the role of renewables in meeting the goals of sustainable development.

#### ER1 New Proposals - Wind Energy Development Proposals

Friends of the Ochils (10221/1/005): Policy ER1 and the Supplementary Guidance must address the risks associated with windfarms below 20 megawatts (MW) as well as those above.

Supplementary Guidance must not only be applicable to developments above 20MW. A specific policy should be developed for turbines erected under the Feed in Tariff Scheme.

Kinross-shire Civic Trust (06950/1/005): Wind farms should be specifically mentioned in the LDP Policy.

Carse of Gowrie Sustainability Group (00788/1/005); Fiona Ross (00786/1/006): It is not explicitly stated but it is implied that Policy ER1 should cover smaller scale energy generation schemes.

ER1A – Criterion (a)

RES UK & Ireland (00283/1/001): Further explanation and clarification of policy wording is required: the terms *'wildness qualities'*, *'tranquil qualities'* and *'visual integrity'* in (a) should be explained or deleted.

Perthshire Chamber of Commerce (03005/1/003): Policy ER1A (a) should be reworded to read: *'...and the residential (commercial) amenity of the surrounding area.'*

ER1A – Criterion (b)

Force 9 Energy (00369/2/001): Policy ER1A (b) should be deleted

ER1A – Criterion (c)

Scottish Renewables Forum (00760/1/001): It is not explicitly stated but it is implied that policy ER1A (c) should be deleted.

Alexander Harley Seeds Ltd (00885/1/003); ABO Wind UK Ltd (00812/1/001); The Greenspan Agency (00886/1/001); Ecotricity (00884/1/001): Policy ER1A (c) should be deleted.

ER1A – Criterion (d)

SSE plc (09311/1/006): Policy ER1A (d) should be more specific as to what is being assessed.

ER1A – Criterion (f)

Scottish Environment Protection Agency (03194/14/001): ER1A (f) should be reworded: *'the need to minimise the impact on carbon rich soils.'*

The Greenspan Agency (00886/1/001): Policy ER1A (f) should be deleted.

ER1A – Criterion (g)

Force 9 Energy (00369/3/001): Policy ER1A (g) should be deleted.

ER1A – Criterion (h)

RES UK & Ireland (00283/1/001); Ecotricity (00884/1/001); Scottish Renewables Forum (00760/1/001); Alexander Harley Seeds Ltd (00885/1/003); The Greenspan Agency (00886/1/001): Policy ER1A criterion (h) should be deleted.

SSE plc (09311/1/006): Policy ER1A criterion (h) should be re-drafted or only applied in limited circumstances.

ER1A – Definition of Community, and Community-Led Proposals

RES UK & Ireland (00283/1/001): The term *'community'* needs to be defined and

clarification provided as to what will constitute a community proposal (ER1A last paragraph).

Force 9 Energy (00369/4/001): The last paragraph of Policy ER1A should be revised to state that there will be general support for community-led schemes but any consideration of such proposals must follow the same approach as any other proposal.

Scottish Renewables Forum (00760/1/001): It is not explicitly stated but it is implied that the last paragraph of Policy ER1A should be deleted.

#### ER1A – Protection for National Parks

Loch Lomond & the Trossachs National Park Authority (00842/2/001); Cairngorms National Park Authority (00849/2/001): Policy ER1 should be amended to recognise that the impact of this type of development could extend outwith the LDP area to areas designated as National Parks, which have particular landscape qualities. Alternatively this could be contained within the Supplementary Guidance.

#### ER1 – Timescales for Supplementary Guidance

SSE plc (09311/1/006): The aims and objectives of the Supplementary Guidance and the timescale for its preparation should be set out in the LDP.

ABO Wind UK Ltd (00812/1/001): No explicit change sought.

#### ER1 – Other Comments

Lynne Palmer (00239/10/007): Suggests that the River Tay is referred to in the LDP given the possible potential for tidal energy within the Plan period and also for the benefit of other river users.

#### ER1 – Protection of the Rural Countryside and Landscapes around Major Tourism Resorts

Methven & District Community Council (09221/1/017): Priority should be given to landscape conservation of traditional rural countryside and in advance of Supplementary Guidance on wind farms, which we understand may be drafted in 2012, we ask that the landscape setting of Gleneagles, gWest and Crieff Hydro be protected by a wind farm free zone, including Strathearn and its flanking hill slopes to protect these major tourism resorts against '*industrial intrusions*'. However, no form of proposed wording is provided.

#### ER1B – Extension to Existing Facilities

ABO Wind UK Ltd (00812/1/001): Policy ER1 should be less restrictive on the assessment of extensions to existing development.

#### ER2 – Changes to Policy Wording

Scottish Power (00455/1/003): Proposed modification to policy wording to read '*In environmentally sensitive locations appropriate mitigation will be considered as part of the preparation of any proposal. Where impacts are shown to have a significant negative impact, alternatives such as underground should be considered where appropriate. Where new infrastructure...*'.

### **Summary of responses (including reasons) by planning authority:**

#### General Note to the Reporter on Supplementary Guidance

Please note that throughout a number of the Council's responses below reference is made the future preparation of Supplementary Guidance documents on a '*Spatial*

*Strategy for Wind*, *Renewable and Low Carbon Energy Generation, Climate Change, Carbon Reduction and Sustainable Construction*, and *Landscape Guidance*. In the interest of avoiding repetition in this Schedule 4, it is highlighted that these documents are programmed for production as a priority during 2013, and the relevant core document references are: Draft Action Programme (page 14) (S4\_Doc\_458) and Perth and Kinross Enterprise and Infrastructure Committee Report: Priorities for Supplementary Guidance – A Work Programme 2012-2014, 7 November 2012 (page 65) (S4\_Doc\_468).

#### Clarifying the Detail of Supplementary Guidance

Forestry Commission Scotland (08988/1/005); Fossoway & District Community Council (00830/1/014); Friends of the Ochills (10221/1/005); Kinross-shire Civic Trust (06950/1/005); Carse of Gowrie Sustainability Group (00788/1/005); Fiona Ross (00786/1/006): A number of the respondents have raised the matter that there is uncertainty as to what topics the Supplementary Guidance documents linked to Policy ER1 will address. As such, if the Reporter is minded to amend the policy to provide greater clarity, the Council would be content with the following amended wording for the 'Note' section at the end of Policy ER1:

*'Note: Supplementary Guidance will provide a spatial framework for wind energy developments, and further explain the locational, technological, environmental, and design requirements for developers to consider in making their applications, for a range of other renewable and low carbon energy generating developments, including: hydro-schemes, woody biomass, landfill gas, energy from waste, anaerobic digestion, energy storage, large photovoltaic arrays, and microgeneration.'*

#### ER1 – General Policy Changes and Supplementary Guidance (General Comments)

ABO Wind UK Ltd (00812/1/001): The Council is in agreement with the respondent's statement; the Plan's policy suite provides the framework against which all proposals should be assessed, and all of the relevant policies which apply to a proposal should be considered by the applicant in their submission, and will be considered by the planning authority through the development management process. Applicants are also expected to take into account all relevant policies in the Local Development Plan in the formulation of their proposals.

No modification is proposed to the Plan.

Liz Hodgson (00853/1/002): It is not within the Council's power or remit to provide rewards for such developments; however, for major strategic development sites within the Plan e.g. H7: Berthapark on page 77 (S4\_Doc\_408), the site specific developer requirements seek *'investigation of the provision of a district heating system and combined heat and power infrastructure utilising renewable resources.'*

Further detailed guidance on different types of renewable and low carbon energy generating developments will be provided through Supplementary Guidance to the Plan.

No modification is proposed to the Plan.

#### ER1 – Detail for Supplementary Guidance

Scottish Power (00455/1/002): It was considered by the Council that the level of detail sought by the respondent related to national targets for all renewables would be better set out in the Supplementary Guidance to Policy ER1.

These documents will reflect the national agenda, aims, objectives and policies in respect of renewable energy generation, including that the 100% target is to meet Scotland's demand, 2020 Routemap for Renewable Energy in Scotland, page 4 (S4\_Doc\_450). Nonetheless it is recognised that the energy market transcends Council boundaries, and some council areas will have the potential to generate more energy than others, and also that there is no cap on the amount of electricity to be generated from renewable sources to contribute to the UK Government target. Consideration will also be given to the other key issues associated with such developments in line with SPP paragraph 185 (S4\_Doc\_305), which states that *'factors relevant to the consideration of applications will depend on scale of development and its relationship with the surrounding area, but are likely to include impact on landscape, historic environment, natural heritage, and water environment, amenity and communities and any cumulative impacts that are likely to arise.'*

The 2020 Routemap for Renewable Energy in Scotland (paragraph 2.3.4) (S4\_Doc\_459) recognises that *'There remains a need to ensure that, as renewable penetration increases onshore in particular, environmental and land use considerations are not compromised.'*

In terms of the respondent's comments relating to wind farms and designated landscapes, the Supplementary Guidance documents on landscape, and renewable and low carbon energy generating developments, like Policy ER1 and the rest of the Plan's policy framework, will seek to secure the right development in the right location; reflecting SPPs (paragraph 127) (S4\_Doc\_126) acknowledgement that *'different landscapes have different capacity to accommodate new development'*, and also paragraph 33 (S4\_Doc\_091) which requires *'a planning system that enables the development of growth enhancing activities across Scotland and protects and enhances the quality of the natural and built environment as an asset for that growth'* in the pursuit of sustainable economic growth.

The Council's programmed Spatial Strategy for Wind Supplementary Guidance will meet the requirements on planning authorities set out in SPP paragraph 189 (S4\_Doc\_112) to identify:

- *'areas requiring significant protection because they are designated for their national or international landscape or natural heritage value, are designated as green belt or are areas where the cumulative impact of existing and consented wind farms limits further development,*
- *areas with potential constraints where proposals will be considered on their individual merits against identified criteria, and*
- *areas of search where appropriate proposals are likely to be supported subject to detailed consideration against identified criteria.'*

It will also be informed by the David Tyldesley Associates Capacity for Wind Energy Study (Core\_Doc\_199) commissioned by the Council, the Tayside Landscape Character Assessment (Core\_Doc\_035), the review of Landscape Character Areas currently being undertaken by Scottish Natural Heritage (SNH), and the existing and new landscape capacity studies for the area, including those for Kinross-shire (Core\_Doc\_053) and Perth (Core\_Doc\_162). It will also take account of the most recent guidance from Scottish Natural Heritage.

No modification is proposed to the Plan.

Forestry Commission Scotland (08988/1/005): It is recognised that it may not be obvious from the 'Note' section at the end of Policy ER1 that the Supplementary Guidance to be developed in association with this policy will deal with other types of renewable energy generation developments, including 'woody biomass'. However, it is considered that this is implied by the title given to the relevant guidance document in Appendix 1 of the Plan i.e. 'Renewable and Low Carbon Energy Generation, Climate Change, Carbon Reduction and Sustainable Construction'. (S4\_Doc\_409)

It is considered that no modification is necessary to the Plan, however, if the Reporter is minded to amend the policy to provide greater clarity, the Council would be content with the suggested form of amended words for the 'Note' at the end of Policy ER1, which was provided at the beginning of this 'Summary of responses (including reasons) by planning authority' section.

Scottish Natural Heritage (05211/8/001); SportScotland (03185/1/003); Maureen Beaumont (07262/1/001); Ecotricity (00884/1/001): It is considered that Scottish Natural Heritage's suggested additional criterion (i) in respect of the Council's spatial framework for onshore wind energy is not necessary as the requirement is already implicit within the Policy. Suggested criterion (j) is deemed to already be covered by criterion (a) of the Policy.

Furthermore, the specific topics of wind energy developments and hydro-electric schemes; the issue of impacts of renewable and low carbon energy generation developments on outdoor sport and recreation interests, and also aviation and telecommunication impacts and the issues of noise and shadow flicker, raised through representations Scottish Natural Heritage (05211/8/001); SportScotland (03185/1/003); Maureen Beaumont (07262/1/001); and Ecotricity (00884/1/001); are matters of detail which it is more appropriate to expand upon through Supplementary Guidance to the Plan.

No modification is proposed to the Plan.

Fossway & District Community Council (00830/1/014): As per the first sentence of the policy, the criteria will be applicable to all proposals for renewable and low carbon energy generation, not just large-scale developments. Furthermore, as referred to in the 'Note' section at the end of Policy ER1, the Council intends to produce Supplementary Guidance which '*will provide a spatial framework for wind energy developments and further explain the locational, technological, environmental and design requirements for developers to consider in making their applications.*'

No modification is proposed to the Plan.

The Greenspan Agency (00886/1/001): The Scottish Government's target to generate the equivalent of 100% electricity demand from renewable energy by 2020 is acknowledged. However, it is also noted that national policy and the 'Routemap for Renewable Energy in Scotland' (Core\_Doc\_103), as referred to by the respondent, still contain an emphasis on getting the right development in the right place. The 'Routemap' document recognises '*the importance of ensuring that Scotland's ambitions for renewable energy are not pursued at the expense of the wider environment...*' (page 19) (S4\_Doc\_460) and recognition that '*there remains a need to ensure that, as renewable penetration increases onshore in particular, environmental and land use considerations are not compromised*' (paragraph 2.3.4) (S4\_Doc\_459); whilst SPP (paragraph 33) (S4\_Doc\_091) highlights that the achievement of sustainable economic growth relies on '*a planning system that*



*enables the development of growth enhancing activities ...and protects and enhances the quality of the natural and built environment as an asset for that growth.'* SPP also continues in paragraph 184 (S4\_Doc\_111) to state that *'planning authorities should...guide development to appropriate locations...'*

In terms of the respondents comments regarding the need to increase the rate of renewable energy deployment, the Council, through Policy ER1, sets a positive framework for renewable and low carbon energy generation proposals, and whilst meeting the 100% target may require the acceleration of projects across Scotland, it is for the development industry to deliver upon this; the planning authority is unable to determine the rate at which applications come forward.

No modification is proposed to the Plan.

#### ER1A – Comments on the First Paragraph

RES UK & Ireland (00283/1/001); SSE plc (09311/1/006); Alexander Harley Seeds Ltd (00885/1/003); The Greenspan Agency (00886/1/001): The policy is applicable to a range of renewable and low carbon energy generating developments and the reference to *'well related to the resources that are needed for their operation'* in the first paragraph of Policy ER1A relates more to biomass technologies, where the Council will support such developments which are close to their source e.g. woodfuel developments within or close to forests or on-farm anaerobic digesters. However, further details on the locational, technological, environmental and design requirements for developers to consider will be provided within Supplementary Guidance to the Plan.

No modification is proposed to the Plan.

#### ER1A New Proposals - Wind Energy Development Proposals

Friends of the Ochils (10221/1/005): Paragraph 189 of SPP (S4\_Doc\_112) requires planning authorities to *'set out in the development plan a spatial framework for onshore wind farms of over 20 megawatts generating capacity'*, and continues that authorities may, if considered appropriate, *'incorporate wind farms of less than 20 megawatts generating capacity'* in that framework. There will be a suite of guidance, including the *'Spatial Strategy for Wind'*, *'Renewable and Low Carbon Energy Generation, Climate Change, Carbon Reduction and Sustainable Construction'*, and *'Landscape Guidance'*. At this stage it is not clear if the spatial framework will concentrate on onshore windfarms of over 20 megawatts capacity, or if it will look to provide advice on smaller scale developments. Nonetheless, the supplementary on Renewable and Low Carbon Energy Generation etc. will, as noted at the end of Policy ER1, *'further explain the locational, technological, environmental and design requirements for developers to consider in making their applications'* which will not be restricted to wind farms of 20 megawatts capacity and above.

In terms of the respondents concerns regarding the Plan addressing the issue of smaller windfarms (including those erected under the Feed-in Tariff Scheme) and the splitting of applications/proposals by developers, as per the first sentence of the policy, the criteria will be applicable to all proposals for renewable and low carbon energy generation, not just large-scale, and criterion (a) specifically states that the individual or cumulative effects of proposals on a range of environmental considerations will be assessed. However, the issue of smaller wind energy developments will be dealt with in more detail in the Supplementary Guidance to accompany the Plan.

No modification is proposed to the Plan.

Kinross-shire Civic Trust (06950/1/005): Policy ER1 provides the policy framework for assessing a range of renewable and low carbon sources of energy, not just wind, and as new technologies may come on stream during the lifetime of the Plan, it is not considered necessary to specifically mention all of the different types of energy generating developments. Furthermore, additional detail in relation to wind energy developments will be provided through Supplementary Guidance, as noted at the end of Policy ER1 on page 47.

In terms of the respondent's comments relating to the '*proliferation of smaller single and double wind turbines...with no policy for these*'; criterion (a) of the policy requires the individual and cumulative impacts of new proposals and extensions to existing facilities to be considered in the assessment of any such proposals.

Routemap for Renewable Energy in Scotland' (Core\_Doc\_103) makes it clear that the Scottish Government considers that wind energy has a significant role to play in helping to achieve the 2020 target of 100% electricity demand from renewable energy, and this is further supported by SPP (paragraph 182) (S4\_Doc\_110), which recognises that '*hydro-electric and on-shore wind power are currently the main sources of renewable energy supplies... [and although] this is expected to continue... [they] will increasingly be part of a wider renewables mix as other technologies become commercially viable.*' It is therefore considered that Policy ER1 is in line with SPP as it provides the framework for assessing different types of renewable and low carbon energy generating proposals, including wind.

No modification is proposed to the Plan.

Carse of Gowrie Sustainability Group (00788/1/005); Ms Fiona Ross (00786/1/006): It is not accepted that Policy ER1 deals mainly with large-scale facilities, the first sentence of the policy addresses all proposals for the '*utilisation, distribution and development of renewable and low carbon sources of energy, including large-scale ...installations...*', and the criteria to follow will be applied as appropriate, depending on the details of individual proposals.

As per the note at the end of Policy ER1, the Supplementary Guidance to be produced in association with this policy will provide further detail in terms of the requirements for developers, and this will be for a range of energy generation development types, including Combined Heat and Power. The Perth and Kinross Heat Map (Core\_Doc\_178) will be used to inform this guidance and also proposals submitted to the development management process, where appropriate.

No modification is proposed to the Plan.

#### ER1A – Criterion (a)

RES UK & Ireland (00283/1/001): Further explanation as to what is meant by the terms '*wildness*' and '*tranquil*' qualities and how these will be measured for a development will be provided in Supplementary Guidance to the Plan. Scottish Natural Heritage's methodology for identifying relative wildness will be used to define these terms and inform the Supplementary Guidance. (Identifying Relative Wildness Non –Technical Methodology, SNH, January 2012) (S4\_Doc\_469).

No modification is proposed to the Plan.

Perthshire Chamber of Commerce (03005/1/003): It is considered that criterion (g) of the Policy already covers this issue.

No modification is proposed to the Plan.

ER1A – Criterion (b)

Force 9 Energy (00369/2/001): The need to consider the contribution of development proposals towards meeting carbon reduction targets under criterion (b) is to assist the Council in providing decision-makers with all the information needed to make an informed decision. It is accepted that renewable energy developments will contribute to the reduction of greenhouse gas emissions. Indeed most planning applications submitted provide that sort of information in their Planning Statements or Environmental Statements; having it as a criterion in the policy will ensure that all applicants are treated in the same way. The information will assist in understanding the overall balance of benefits or disbenefits associated with a proposal. Policy ER1 does not state that applications will be refused if they do not contribute to carbon reduction targets.

No modification is proposed to the Plan.

ER1A – Criterion (c)

Scottish Renewables Forum (00760/1/001); Alexander Harley Seeds Ltd (00885/1/003); ABO Wind UK Ltd (00812/1/001); The Greenspan Agency (00886/1/001); Ecotricity (00884/1/001): Criterion (c) of the policy is referring to the visual effect on all of the elements listed under criterion (a) of a distribution/transmission line, it does not relate to grid capacity.

No modification is proposed to the Plan.

ER1A – Criterion (d)

SSE plc (09311/1/006): Criterion (d) of the policy does not only relate to air quality and CO<sub>2</sub> as presumed by the respondent. This is considered to be explicit within the policy as it also refers to site access, road capacity and road safety.

No modification is proposed to the Plan.

ER1A – Criterion (f)

Scottish Environment Protection Agency (03194/14/001): It is considered that criterion (f) provides the necessary 'hook' within in the Plan for the protection of carbon rich soils and this matter will be expanded upon further, in line with national and regional policy, through Supplementary Guidance to the Plan.

No modification is proposed to the Plan.

The Greenspan Agency (00886/1/001): The disruption of areas of carbon rich soil by development results in the loss of the stored carbon resulting in greenhouse gases being released into the atmosphere. Part 1 of the Climate Change (Scotland) Act 2009 (Core\_Doc\_104) sets a target of reducing the emission of greenhouse gases and efforts to mitigate climate change through reducing these emissions at source. This is further supported by Principle f of Scotland's Land Use Strategy (S4\_Doc\_287) which states that *'land-use decisions should be informed by an understanding of the opportunities and threats brought about by the changing climate. Greenhouse gas emissions associated with land use should be reduced and land should continue to contribute to delivering climate change adaptation and mitigation objectives.'* Additionally, SPP (paragraph 42)

(S4\_Doc\_120) states that development plans should require the siting, design and layout of all new development to limit the likely emissions of greenhouse gases. SPP continues at paragraph 133 (S4\_Doc\_121) that *'the disturbance of some soils, particularly peat, may lead to the release of stored carbon, contributing to greenhouse gas emissions. Where peat and other carbon rich soils are present, applicants should assess the likely effects associated with any development work.'* Finally TAYplan policies 2 and 3 (S4\_Doc\_066) and (S4\_Doc\_064) require LDPs to protect the carbon storage capacity of soils and to safeguard carbon sinks.

In addition, the Scottish Government in association with Scottish Natural Heritage, the Scottish Environment Protection Agency and The James Hutton Institute have prepared a document which provided the key principles for surveying peatland and carbon rich soils to help inform 'carbon payback calculations'. (Developments on Peatland: Site Surveys) (S4\_Doc\_461)

It is therefore considered that the inclusion of criterion (f) within Policy ER1A is in line with national and regional policy requirements, and this issue will be expanded upon further within Supplementary Guidance.

No modification is proposed to the Plan.

#### ER1A – Criterion (g)

Force 9 Energy (00369/3/001): It is firstly important to note that Policy ER1 is about all renewable projects, not just wind energy. It is not accepted that criterion (g) of Policy ER1A should be deleted, as it requires the consideration of both positive and negative effects on the local or Perth and Kinross economy, and as such is not intended as a constraint on development; it is a factor to be considered and also provides an opportunity to demonstrate any positive benefits of wind energy and other renewable and low carbon energy generation proposals. This will help decision-makers reach a fully informed decision.

This could be done through the production of a Tourism Impact Assessment (TIA) as part of the Environmental Impact Assessment to accompany an application; as recommended through the study carried out by Glasgow Caledonia University (The Economic Impacts of Wind Farms on Scottish Tourism, March 2008, Section 13.4, page 269) (S4\_Doc\_462).

The planning recommendations coming out of the 2008 study suggested that planning authorities in assessing wind energy development proposals may wish to consider the following factors (Section 13.3, page 269) (S4\_Doc\_463):

- The number of tourists travelling past *en route* to elsewhere
- The views from accommodation in the area
- The relative scale of tourism impact i.e. local to national
- The potential positives associated with the development i.e. information provision
- The views of tourist organisations i.e. local tourist businesses or VisitScotland
- Outdoor Activity in the area of the development

It was recommended that in some cases these considerations by the Council would be greatly assisted if developers provided this information via a Traffic Impact Assessment. Finally, as the key findings of the study identified that the largest local effect was estimated for the *'Stirling, Perth & Kinross'* case study area, where the forecasted (worst case scenario) impact on tourism would mean that the Gross Value Added in these two economies will be £6.3 million lower in 2015 than it would have been in the absence of

any wind farms (at 2007 prices); and with the majority of this activity being expected to be displaced to other areas of Scotland; it is thought prudent that the Council gives some consideration to this factor in assessing applications for such proposals, particularly given the recognised importance of tourism to the economy of Perth and Kinross. (Perth & Kinross Proposed LDP, paragraphs 2.2.4 and 3.3.6 (S4\_Doc\_410), and (S4\_Doc\_411)

No modification is proposed to the Plan.

#### ER1A – Criterion (h)

RES UK & Ireland (00283/1/001); Ecotricity (00884/1/001); Scottish Renewables Forum (00760/1/001); SSE plc (09311/1/006); Alexander Harley Seeds Ltd (00885/1/003); The Greenspan Agency (00886/1/001): The assessment of cumulative effects as required under criterion (a) of the policy is different from the consideration of alternative sites for proposals. Cumulative effects are effects that result from changes caused by a project, plan, programme or policy in association with other past, present or reasonably foreseeable future plans and actions. Cumulative impact can result from individually minor, but collectively significant actions taking place over a period of time. The consideration of alternative sites allows for *'the environmental merits of practicable alternatives* [to the proposal which is the subject of the planning application, to be] *...properly considered.'* (Planning Circular 03/2011: The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011, paragraph 95) (S4\_Doc\_464).

Whilst it is acknowledged in the Circular that *'the Directive and the Regulations do not expressly require the applicant to study alternatives,* [it continues that] *the nature of certain developments and their location may make the consideration of alternative sites a material consideration...* [and in] *such cases, the ES [environmental statement] must record this consideration of alternative sites.'* (paragraph 95) (S4\_Doc\_464).

This recognised need to consider alternatives through the Environmental Impact Assessment (EIA) process is supported by the European Commission's recent Proposal for a Directive of the European Parliament and of the Council amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment, October 2012 (proposed amendment to paragraph 1 of Article 5 of Directive 2011/92/EU, page 16) (S4\_Doc\_465), which proposes to introduce amendments in terms of the quality and analysis of the Environmental Impact Assessment, including specifying the content of the Environmental Impact Assessment report to ensure the mandatory assessment of reasonable alternatives to the proposed project. This has specifically come about because evidence of practice since the Directive came into force suggests that alternatives have not been looked at through the Environmental Impact Assessment process.

In response to the reference made to Planning Advice Note (PAN) 58 (Core\_Doc\_154) in representations Ecotricity(00884/1/001) and Scottish Renewables Forum (00760/1/001), paragraph 69 (S4\_Doc\_282) of that document states that it has *'always been good practice for the Environmental Statement to report on the alternatives considered by the applicant and it is a requirement of the 1999 Regulations. The reporting has not amounted to a full Environmental Statement on each alternative, even where they have been significantly different, but has given an outline of them and explained how the choice between them was made'*, which is what the Council would expect to see in an Environmental Statement for a proposal. Furthermore, as per paragraph 71 (S4\_Doc\_278), the Council would not expect applicants to *"invent" alternatives when none has been considered'*. However, a lack of alternatives should be explained, as per

the advice under this same paragraph of the Planning Advice Note.

No modification is proposed to the Plan.

#### ER1A – Definition of Community, and Community Led Proposals

RES UK & Ireland (00283/1/001): Agree with the respondent that the '*understanding and definition of what constitutes a community can vary widely*', and add that it may depend on individual circumstances. However, it is intended to provide a definition and expand further on this matter in Supplementary Guidance to the policy.

No modification is proposed to the Plan.

Force 9 Energy (00369/4/001); Scottish Renewables Forum (00760/1/001): It is firstly important to note that Policy ER1 is about all renewable projects, not just wind energy. The second paragraph of the policy which refers to community-led proposals was developed for circumstances where the potential effects of a proposal will be contained within a locality, and if that community who will be affected by it are not opposed to it, and if it is not affecting anyone else or anywhere else, the Council would be supportive of the proposal; '*provided it has been demonstrated that there will be no significant environmental effects...*'.

However, Force 9 Energy's (00369/4/001) comment regarding the tightening of the policy for community-led proposals does have merit. Therefore, if the Reporter is so minded to amend the second paragraph of Policy ER1A so that it reflects a more general support for such projects, but still requires that criteria (a)–(h) are met, the Council would be comfortable with this amendment. This approach should also address the comment made under representation by Scottish Renewables Forum (00760/1/001).

#### ER1A – Protection for National Parks

Loch Lomond & the Trossachs National Park Authority (00842/2/001); Cairngorms National Park Authority (00849/2/001): The comments made by both national park authorities with regards to the potential visual impact of renewable energy proposals outwith their boundaries on the setting of the parks are acknowledged; however, it is highlighted that there are no buffers in place around the parks and as such proposals for such developments will be determined using the policy framework provided by the Local Development Plan. This includes Policy ER1 which requires the assessment of the individual and cumulative effects of proposals on a number of elements including landscape character and visual integrity. Furthermore, it is intended that the Council's spatial framework for wind energy developments, to be provided through Supplementary Guidance will expand further upon this topic.

No modification is proposed to the Plan.

#### ER1 – Timescales for Supplementary Guidance

SSE plc (09311/1/006): The draft timescales for Supplementary Guidance are provided through the Draft Action Programme (Core\_Doc\_172) which was published on the Council's website alongside the Proposed Plan for a period of representation. Any outstanding representations made in respect of the Draft Action Programme during that time will also be submitted to the Scottish Ministers for Examination. The updated and adopted Action Programme will then be published within three months of the adoption of the LDP, in line with Part 2, Section 21(8) of the Planning etc. (Scotland) Act 2006 (S4\_Doc\_466).

Although, the draft programme (page 14) (S4\_Doc\_458) identified the delivery of the Guidance on a spatial strategy for wind energy developments during 2012, due to resource constraints it has not been possible to complete the process in that timeframe. However, following an update to the Draft Action Programme, which was agreed by Council, it is now a recognised priority for 2013.

All of the Council's programmed draft Supplementary Guidance documents will go through formal engagement and consultation processes, and the Council will consider any representations made to them before they are finalised. A copy of proposed Supplementary Guidance will then be submitted to the Scottish Ministers for at least a period of 28 days before it will be adopted and issued by the Council, in line with Part 2, Section 22 of the Planning etc. (Scotland) Act 2006 (S4\_Doc\_266).

Finally, the overall aim of the policy is to encourage renewable and low carbon energy generation developments in the right locations and in the right circumstances, which is considered to be implicit within the policy. In light of the scope and scale of issues that are likely to be considered under this policy it was considered appropriate to provide the necessary level of detail through Supplementary Guidance. This approach is believed to reflect the advice at paragraph 96 of Circular 1/09: Development Planning (S4\_Doc\_467) which states that '*Scottish Ministers' intention is that much detailed material can be contained in Supplementary Guidance, allowing the Plans themselves to focus on vision, the spatial strategy, overarching and other key policies, and proposals.*'

No modification is proposed to the Plan.

ABO Wind UK Ltd (00812/1/001): The respondent's concerns are acknowledged, however, unfortunately due to time and resource constraints, and the scope and scale of work involved in producing the Supplementary Guidance linked to Policy ER1, it was not possible to complete a draft of the document for consulting upon alongside the period for representations on the Proposed Plan. It is however programmed as a priority for 2013, and is expected to come on stream alongside the adoption of the Local Development Plan. Assessment of wind energy development proposals in the interim will be made using the Development Plan's policy framework, the David Tyldesley Associates Capacity for Wind Energy Study (Core\_Doc\_199) commissioned by the Council to help inform the Supplementary Guidance, the existing landscape capacity studies for Kinross-shire (Core\_Doc\_053) and Perth (Core\_Doc\_162), the Tayside Landscape Character Assessment (Core\_Doc\_035), the Kinross-shire Landscape Character Assessment (Core\_Doc\_053) and any others which may be developed.

No modification is proposed to the Plan.

#### ER1 – Other Comments

Lynne Palmer (00239/10/007): The respondent correctly notes that there is no reference to the River Tay in the Plan in relation to its potential for tidal energy generation or its use for leisure/recreational purposes. Whilst it is agreed that a general mention of the river throughout the Plan would provide a useful commentary it is not considered a necessary inclusion. Furthermore, due to the sensitivity of the River Tay as a Special Area of Conservation and the potential impact on navigation of the river, it is considered unlikely that tidal energy will be a future reality for the river.

No modification is proposed to the Plan.

ER1 – Protection of the Rural Countryside and Landscapes around Major Tourism Resorts

Methven & District Community Council (09221/1/017): It is the intention of the Council to designate 'Local Landscape Areas' in line with SPP (paragraphs 139 and 140) (S4\_Doc\_085) and (S4\_Doc\_127) through Supplementary Guidance to the Plan on landscape in order to protect the most important landscapes in Perth and Kinross.

It was considered by the Council that given the likely scope, scale and detail involved in identifying such areas, and also to ensure their protection and enhancement through the development management processes, that the issue would be best dealt with through Supplementary Guidance. This Guidance is programmed for production and consultation during 2013 as a priority (Draft Action Programme, page 14) (S4\_Doc\_458), and will be informed by the Tayside Landscape Character Assessment (Core\_Doc\_035), the Kinross-shire Landscape Character Assessment (Core\_Doc\_053), the review of Landscape Character Areas currently being undertaken by Scottish Natural Heritage (SNH), existing and new landscape capacity studies, including those for Kinross-shire (Core\_Doc\_053) and Perth (Core\_Doc\_162), and various community engagement and consultation exercises in order to help identify the most locally important landscapes within Perth and Kinross, which will then be designated by the Council as Local Landscape Areas. Furthermore, the '*Spatial framework for wind energy developments*' Supplementary Guidance will direct wind energy developments to the most appropriate locations.

The second sentence of Policy ED5 (S4\_Doc\_391) already states in respect of major tourism resorts that '*the landscape setting which is integral to their tourism offer will be protected from developments with the potential to adversely impact upon it.*' Furthermore, it specifically identifies Gleneagles Hotel, gWest and Crieff Hydro; therefore it is considered that this issue is covered within that Policy.

No modification is proposed to the Plan.

ER1B – Extension to Existing Facilities

ABO Wind UK Ltd (00812/1/001): It is contested that Policy ER1B is a '*broad brush approach*' as per the respondent's comments, as it is considered that it will allow for the individual circumstances of proposals to be assessed through the development management process by applying the policy framework contained within the LDP.

Whilst it is acknowledged that there may be scope to accommodate sensitively designed and appropriate sized developments alongside existing wind farms, it is argued by the Council that until the necessary assessment of the potential effects of any such proposals, on the elements listed in criterion (a) of Policy ER1A, has been undertaken it is not known whether or not their will be a significant impact.

No modification is proposed to the Plan.

ER2 – Changes to Policy Wording

Scottish Power (00455/1/003): The proposed alternative policy wording is not considered acceptable as changing the current wording in the policy to that suggested in the representation would remove the onus on the applicant to provide appropriate mitigation in respect of their proposals at environmentally sensitive locations, and would create some ambiguity as to where the responsibility for considering any such measures during the proposal development stage lies i.e. it seems that the alternative wording as suggested would place the burden on the Council as the planning authority to develop



mitigation, when it should be for the applicant to develop any such measures for the deliberation of the Council during the decision-making process. In addition it could have the effect of downgrading the issue of mitigation to just being a consideration as part of proposal preparation stage rather than a requirement.

The suggestion that the policy is *'overly precautionary'* is also not accepted. SPP (paragraph 37) (S4\_Doc\_128), under the *'Sustainable Development'* section, states that *'the planning system has an important role in supporting the achievement of sustainable development through its influence on the location, layout and design of new development'* and continues that decision making should protect and enhance the cultural heritage and natural environment (including biodiversity and landscape). This is further supported through a number of the subject policies contained within SPP (Core\_Doc\_048), including those on the Historic Environment (paragraph 112) (S4\_Doc\_306), and Landscape and Natural Heritage (paragraph 132) (S4\_Doc\_307). The policy highlights underground alternatives to overhead route proposals as an example of an appropriate mitigation measure in environmentally sensitive locations.

No modification is proposed to the Plan.

### **Reporter's conclusions:**

#### Policy ER1 - General Policy Changes

1. A number of representations provide support for policy ER1. In response to the request that the Proposed Plan should include a reference to the Scottish Government target for meeting electricity demand from renewable energy and how Perth and Kinross will contribute towards this target, the planning authority considers that the national agenda, aims, objectives and policies in respect of renewable energy generation, including the Scottish Government's 100% target, would be better set out in the supplementary guidance on *'Renewable and Low Carbon Energy Generation'*. The planning authority confirms that consideration will be given in preparing supplementary guidance to the key issues associated with renewable energy development set out in SPP. The planning authority's programmed *'Spatial Strategy for Wind'* Supplementary Guidance will meet the requirements set out in paragraph 189 of SPP.

2. Unlike other sections of the Proposed Plan, there is no policy context to section 3.10 Environmental Resources to provide a background to subsequent policies ER1-ER6. Consequently, it is considered that the Proposed Plan suffers from a lack of clarity in the positioning of the policies in section 3.10 in relation to Scottish Government Strategy, SPP (2010) and TAYplan. Notwithstanding the planning authority's intention to set out the national policy context in detail in supplementary guidance, it is considered that the Proposed Plan would benefit from the addition of a short introduction to section 3.10 referencing, amongst other things, the national agenda, aims, objectives and policy in relation to renewable and low carbon energy generation.

#### Policy ER1A - General Changes

3. In relation to the request that policy ER1A should include a reference indicating that proposals for renewable energy developments require to be assessed against other general policies, it is a matter of planning principle that all proposals require to be assessed against all relevant development plan policies. It is not considered necessary, therefore, to make explicit reference to this requirement in policy ER1A.

4. As to the suggestion that policy ER1A should include a reference to providing encouragement or reward for developments of a certain size that set aside land for the provision of biomass district heating systems, it is noted that, in relation to specific major strategic development sites in the Proposed Plan, site specific developer requirements include the investigation of the provision of district heating systems and combined heat and power infrastructure utilising renewable resources. It is considered that this is the more appropriate approach to encouraging sustainable development.
5. In relation to the request that policy ER1A should include an additional criterion relating to effects on natural river flow regimes and migratory fish, it is considered that these effects are already included in criterion (a) by reference to biodiversity and water resources. In relation to the request that policy ER1A should include a reference to aviation and telecommunications impacts, in the light of the advice provided in paragraph 187 of SPP, it is considered that it would be prudent to include a reference to such impacts in criterion (a). In relation to the request that policy ER1A should include a reference to noise and shadow-flicker, it is considered that these effects are already included in criterion (a) by reference to the effect on residential amenity. In relation to the request that policy ER1A should include a reference to impacts on sport and recreation interests, in the light of the advice provided in paragraph 187 of SPP, it is considered that it would be prudent to include a reference to tourism and recreation interests in criterion (g).
6. In relation to the comment that policy ER1A should provide more clarity as to where onshore wind developments would be acceptable, paragraph 189 of SPP states that planning authorities should set out in the development plan a spatial framework for onshore wind farms of over 20 megawatts generating capacity. In this instance, the planning authority intends to provide this in supplementary guidance which, when adopted, will form part of the development plan. In response to the request that Policy ER1A should include an additional criterion relating to fit with the council's spatial framework for onshore wind energy development, the council suggests that this requirement is implicit within the policy and the note attached to policy ER1 simply states that proposed supplementary guidance will provide such a spatial framework. The planning authority's desire for brevity is recognised but, in view of the importance attached to the spatial framework in the determination of applications for wind farms in SPP, it is considered that it would be prudent to indicate in policy ER1A that fit with the spatial framework will be a factor taken into consideration in assessing proposals for large-scale onshore wind developments.
7. In relation to the concern that policy ER1A contains no specific guidance on the location of small scale wind developments, the planning authority points out that the first sentence of the policy relates to all renewable energy proposals irrespective of scale. The note attached to policy ER1 indicates that supplementary guidance will provide a spatial framework for wind energy developments, which is in accordance with the advice in paragraph 189 of SPP. However, paragraph 189 of SPP only requires a spatial framework for onshore wind farms of over 20 megawatts generating capacity. The inclusion of wind farms of less than 20 megawatts generating capacity is discretionary and it is unclear as to whether the spatial framework proposed by the planning authority will include wind energy developments of less than 20 megawatts capacity. Small-scale wind energy developments, including individual wind turbines, have different locational, technological, environmental and design requirements to large scale developments and it is considered that, should the spatial strategy only relate to wind farms of over 20 megawatts generating capacity, the supplementary guidance should include separate guidance for small-scale wind farms and individual wind turbines. An appropriate

reference to this should be made in the note at the end of policy ER1 (see paragraph 11 below).

#### Policy ER1A – Comments on the first paragraph

8. In relation to the comments on the first paragraph of policy ER1A, including the request for a more positive support for renewable energy developments and for clarification of the phrase in the first sentence, which indicates support for proposals only 'where they are well related to the resources that are needed for their operation', the planning authority draws attention to the 'Routemap for Renewable Energy in Scotland' which places emphasis on getting the right development in the right place. The 'Routemap' also refers to paragraph 184 of SPP, which encourages planning authorities to support the development of a diverse range of renewable energy technologies, guide development to appropriate locations and provide clarity on the issues that will be taken into account when specific proposals are addressed. In relation to onshore wind, Paragraph 187 of SPP requires planning authorities to support the development of wind farms in locations where the technology can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed.

9. The first sentence of policy ER1A attempts to reflect the policy framework set out in the 'Routemap' and paragraph 184 of SPP. As indicated above, it is considered that Section 3.10, which includes policy ER1A, would benefit from the addition of a short introduction referencing, amongst other things, the national agenda, aims, objectives and policy in relation to renewable and low carbon energy generation. This would provide the policy context for policy ER1A and provide the positive support, in principle, for renewable energy technologies. In relation to the first sentence of policy ER1A itself, the planning authority confirms that it relates to all renewable and low carbon energy proposals, including wind energy developments, irrespective of scale. However, the response from the planning authority in relation to the inclusion of the phrase 'where they are well related to the resources that are needed for their operation' is that it relates more to biomass technologies than to other forms of development. The proposed supplementary guidance will provide guidance on the locational requirements for a range of renewable and low carbon energy generating developments, including biomass technologies, and it is considered that the inclusion of the offending phrase in the first sentence, which relates to all forms of renewable energy developments, is both confusing and un-necessary.

#### Clarifying the content of related Supplementary Guidance

10. A number of representations refer to the detail of the note at the end of policy ER1, which relates to the subsequent provision of supplementary guidance. A number of representations have been made in relation to the timescale for supplementary guidance. The council has confirmed that supplementary guidance documents on a '*Spatial Strategy for Wind*', '*Renewable and Low Carbon Energy Generation, Climate Change, Carbon Reduction and Sustainable Construction*', and '*Landscape Guidance*' are programmed for production as a priority during 2013. The planning authority has also confirmed that all programmed draft supplementary guidance will go through formal engagement and consultation processes prior to submission to the Scottish Ministers and formal adoption in accordance with Part 2, Section 22 of the Planning etc. (Scotland) Act 2006.

11. In response to the concerns that there is uncertainty as to the content of the proposed supplementary guidance linked to policy ER1, the planning authority has

suggested amended wording for the note. This indicates that the supplementary guidance will include locational, technological, environmental, and design requirements for a range of renewable and low carbon energy generating developments in addition to wind energy developments. It is considered that the concerns raised are satisfied by the amended wording suggested by the planning authority subject to further amendment to clarify the position on smaller scale wind energy developments.

#### Policy ER1A – Criterion (a)

12. In relation to the inclusion of terms ‘visual integrity’, wildness qualities’ and ‘tranquil qualities’ in criterion (a), it is expected that these terms will be defined in supplementary guidance. SNH’s methodology for identifying relative wildness will be used to inform the supplementary guidance. In relation to the addition of a reference to impact on existing businesses, the planning authority confirms that criterion (g) covers this issue.

#### Policy ER1A – Criterion (b)

13. In relation to the request that criterion (b) be deleted on the grounds that a proposal’s contribution to carbon reduction targets is largely irrelevant in the determination of wind energy proposals, the council acknowledges that all renewable energy developments contribute to the reduction of greenhouse gas emissions. However, most planning applications provide information on the proposal’s contribution to carbon reduction targets and it is considered that contribution to these targets is an appropriate factor to be taken into account in weighing up the benefits and dis-benefits of a particular proposal.

#### Policy ER1A – Criterion (c)

14. In relation to the views expressed that criterion (c) does not accord with paragraph 191 of SPP, the planning authority indicates that it is the effects of the connection to the electricity distribution or transmission system on the elements listed in criterion (a) that is referred to rather than the capacity of the grid connection. It is considered that this should be clarified in the wording of criterion (c).

#### Policy ER1A – Criterion (d)

15. In relation to the request for clarification of criterion (d), the council confirms that it relates to the implications of the traffic generated for both the provision of site access, road capacity and road safety issues and for the potential greenhouse gas emissions and air quality. It is not considered that any change to the wording is required.

#### Policy ER1A – Criterion (f)

16. In relation to the request to expand criterion (f) to offer more protection to carbon rich soils, such protection is provided by recommended new policy EP1A (see Issues 15c and 16). In relation to the request to delete criterion (f), renewable energy developments have the potential to disrupt carbon rich soils resulting in the release of greenhouse gases to the atmosphere. As indicated in the planning authority’s response, Part 1 of the Climate Change (Scotland) Act 2009 sets a target of reducing the emission of greenhouse gases and paragraph 133 of SPP indicates that where peat and other carbon rich soils are present, applicants should assess the likely effects associated with any development work. It is considered, therefore, that criterion (f) is entirely appropriate.

Policy ER1A – Criterion (g)

17. In relation to the request to delete criterion (g), the planning authority points out that this criterion provides the opportunity to demonstrate the positive economic benefits of renewable and low energy carbon proposals to the local or Perth and Kinross economy as well as identifying any dis-benefits. Although, as the respondent suggests, it may be difficult to quantify in detail all economic impacts, SPP (paragraph 184) suggests that economic as well as social, environmental and transport issues are relevant considerations in ensuring that an area's renewable energy potential is realised. It is considered, therefore, that criterion (g) is entirely appropriate. In relation to the potential impact on tourism, tourism and recreation interests are an integral component of rural economies and should not be discounted in any assessment. As indicated in paragraph 5 above, in the light of the advice provided in paragraph 187 of SPP, it is considered that it would be prudent to include a reference to tourism and recreation interests in criterion (g).

Policy ER1A – Criterion (h)

18. In relation to the objections to criterion (h), there is no suggestion in SPP that the consideration of alternatives is a factor to be taken into account in the appraisal of renewable energy developments. Reference is made by the planning authority to the Environmental Impact Assessment Regulations which indicates that where alternative approaches to development have been considered, paragraph 4 of Part II of Schedule 4 requires the applicant to include in the ES an outline of the main alternatives. The planning authority acknowledges that neither the European EIA Directive nor the Scottish Regulations expressly require the applicant to study alternatives, only that the consideration of alternative sites may be a material consideration in some cases. Whilst the consideration of alternatives may be relevant to some renewable energy developments, and where these have been investigated they should be included in the ES, it is not a pre-requisite for all renewable energy developments. It would not be appropriate, therefore, to require an applicant to justify the favoured choice of site over other alternative sites, as a matter of course, and use this as a factor in the assessment of renewable and low carbon energy developments.

Policy ER1A – Comments on last paragraph

19. In relation to the request for clarification of the term 'community', the planning authority indicates that it is intended to expand further on this matter in supplementary guidance. In relation to the comment that community-led schemes should be subject to the same considerations as any other scheme, the planning authority accepts that, whilst community-led schemes should be supported, in line with Scottish Government policy (paragraph 183 of SPP), such schemes should be subject to the same considerations as any other proposal. It is agreed that the last paragraph should be amended accordingly.

Policy ER1A – Other comments

20. In relation to the request by the two National Park Authorities that policy ER1A should be amended to recognise that renewable and low carbon energy developments have the potential to have a visual impact beyond the boundaries of the Proposed Plan to areas designated as National Parks, the planning authority acknowledges these concerns but points out that criterion (a) of policy ER1A requires the assessment of individual and cumulative impacts on a number of elements, including landscape character and visual integrity of the surrounding area. This would include the landscape character and visual

integrity of adjoining areas outwith the Proposed Plan area where appropriate. It is considered that no further change to policy ER1A is required.

21. In relation to the comment that priority should be given to the landscape conservation of traditional rural countryside and the protection of the landscape setting of major tourist resorts, it is the intention of the planning authority to designate 'Local Landscape Areas' in supplementary guidance, in accordance with paragraphs 139 and 140 of SPP, to protect the most important local landscapes in Perth and Kinross. Policy ED5 of the Proposed Plan protects the landscape setting of major tourist resorts.

22. In relation to the lack of any reference to the River Tay having potential for tidal energy, the planning authority confirms that it is unlikely that tidal energy will be a future reality for the river. In these circumstances it would not be appropriate to refer to any such potential in policy ER1A or elsewhere in the Proposed Plan.

#### Policy ER1B – Extension to Existing Facilities

23. In relation to the comment that policy ER1B, which requires extensions to existing facilities to be assessed against the same factors as apply to new proposals, is overly restrictive, the planning authority argues that individual proposals, whether for new facilities or for extensions to existing facilities, require to be assessed against the same factors in order to identify the relevant impacts. It is refuted that this policy approach would unnecessarily restrict suitable extensions to existing wind farms. It is agreed that the correct approach to extensions to existing facilities has been adopted in policy ER1B for it would be invidious not to apply the same principles to the extension of existing developments as those applied to new developments.

#### Policy ER2 – Electricity Transmission Infrastructure

24. A number of respondents welcome and support policy ER2. In relation to the request for clarification of the term 'environmentally sensitive locations', this is a matter for supplementary guidance. In relation to the concern that the support for electricity infrastructure may be overly precautionary and the request that policy ER2 be amended, the suggested wording downgrades the requirement for appropriate mitigation in environmentally sensitive locations to simply a matter that requires to be considered in drawing up any proposal. The existing wording is less ambiguous although it still leaves the determination of the level of mitigation required, including undergrounding, as a matter of judgement. It is considered that the existing wording provides sufficient support for electricity transmission infrastructure balanced by the requirement to provide appropriate mitigation in environmentally sensitive locations.

### **Reporter's recommendations:**

#### Policy ER1 - General Policy Changes

1. Add a short introduction to section 3.10 referencing, amongst other things, the national agenda, aims, objectives and policy in relation to renewable and low carbon energy generation. The specific wording to be decided by the planning authority.

#### Policy ER1A – Comments on the First Paragraph

2. Replace the opening paragraph of policy ER1A with the following words: 'Proposals for the utilisation, distribution and development of renewable and low carbon sources of

energy will be supported subject to the following factors being taken into account:’.

#### Clarifying the content of related Supplementary Guidance

3. Replace the note at the end of policy ER1 to read as follows:

Note: Supplementary Guidance will provide a spatial framework for large-scale wind energy developments, and further explain the locational, technological, environmental, and design requirements for developers to consider in making their applications for a range of other renewable and low carbon energy generating developments, including: small-scale wind energy developments and single turbines, hydro-schemes, woody biomass, landfill gas, energy from waste, anaerobic digestion, energy storage, large photovoltaic arrays, and micro-generation.’

#### Policy ER1A – Criterion (a)

4. Insert the following words between ‘water resources’ and ‘and’: ‘aviation and telecommunications’.

#### Policy ER1A – Criterion (c)

5. Insert between ‘The’ and ‘connection’, the following words: ‘effects on the elements listed in criterion (a) of the’.

#### Policy ER1A – Criterion (g)

6. Insert after the word ‘economy’: ‘,including tourism and recreation interests,’.

#### Policy ER1A – Criterion (h)

7. Replace the words: ‘The reasons why the favoured choice over other alternatives sites has been selected’ with the words: ‘In the case of large-scale onshore wind energy developments, their fit with the spatial framework for wind energy developments’.

#### Policy ER1A – Last paragraph

Replace with the following words: ‘Proposals for the development of renewable and low carbon sources of energy by a community will be supported provided it has been demonstrated that the factors (a) –(h) itemised above have been fully considered.