HOPS Response to Onshore Wind Policy Statement Consultation (31st January 2022)

Information Note

Heads of Planning Scotland (HOPS) is the representative organisation for senior planning officers from Scotland's local authorities, national park authorities and strategic development planning authorities.

The purpose of HOPS is to:

- Promote the profile of public sector land use planning
- Support and promote excellence in planning leadership
- Ensure the delivery of a culture of continuous improvement in planning authorities
- Provide advocacy and coordination to ensure that planning authorities are properly resourced to deliver quality outcomes.

HOPS would like to thank all planning authorities for their contribution to this consultation response.

Heads of Planning Scotland

Chapter One: Current Position

1. Does chapter 1 provide a fair reflection of the current situation faced by Scotland's onshore wind industry?

Mostly agree.

HoPS considers that this is a fair reflection of the current position in terms of legislative context and the deployment of onshore wind to date.

National Planning Framework 4 (NPF4) is now out to consultation. The intention is that NPF4 will become part of the Development Plan. Policy 2a states that when considering all development proposals "significant weight should be given to the Global Climate Emergency".

HoPS shares the commitment of the Scottish Government to addressing climate change and the parallel biodiversity crisis. However, the justification for the proposed delivery target is far from clear, with Scotland assuming a disproportionate increase in onshore wind deployment from the rest of the UK.

In part, of course, this can be explained by available wind resource however there must also be recognition of the need to balance the different interests of climate action, nature and economy with landscape, visual, residential and other environmental impacts in the planning of wind farm developments.

While the draft Statement continues to recognise this balance, it is HoPS view that this should be strengthened within the document. While the intention of NPF4 is to incorporate Scottish Planning Policy (SPP) it is noted that very few of the policy 'tests' relating to onshore wind contained within SPP appear within the draft NPF4. More worryingly neither does the requirement for development plans to develop spatial frameworks that identify those areas that are likely to be most appropriate for onshore wind farms taking into account landscape capacity. With the statement that... there is a fear that anything goes. The position of HoPS is that the current statement within SPP that 'Planning should direct the right development to the right place' must remain a key guiding principle.

There is a need for a holistic and planned approach to onshore wind energy, and energy more generally, and therefore policy and strategy must be clearly articulated and aligned in both the Statement and NPF4. Failure to take a planned approach will inevitably lead to development proposals taking longer to progress to decision and create increased uncertainty for developers and communities. It is considered that a planned approach is most likely to deliver the ambition and benefits sought.

2. How can the maximum number of developments be enabled to be constructed without finance acting as a barrier?

HOPS agrees that a wide range of financial mechanisms should be investigated to support the development of renewable technologies including onshore wind in Scotland.

There are a significant number of schemes that have been through the planning process and received consents but are yet to be built and indeed may never be. These may give a false position in terms of their contribution to the overall ambition. Worse, they may be preventing delivery of competing but viable nearby development. Further financial options might help unlock this.

The financing of a development is influenced by risk. The market is most likely to respond more effectively where there is greater certainty. Planning can help to provide greater certainty for development proposals.

It is the view of HoPS that to achieve any significant additional capacity that this needs to be properly planned, through national, regional and local spatial planning, that takes into consideration the views and aspirations of our communities.

This is not only relevant to wind energy development but the transmission network also. This is particularly relevant where host communities are not directly benefitting from the development.

A more holistic plan led approach to how we deliver an increase our renewable energy capacity is required. The draft NPF4 does not currently set that out as an intention and with regard to onshore wind no longer includes reference to the need for spatial frameworks, which in our view is a missed opportunity. This omission will be highlighted within the HoPS response to the consultation on NPF4, but we believe that the Onshore Wind Policy Statement Refresh should adopt this approach and for this to influence the final NPF4.

3. Can more be done to support the use of Power Purchase Agreements/Private Sector Finance? Is there a need for more policy signals from Scottish Government, and/or UK Government, to provide investment security/surety?

I don't know.

3. i). What more could be done to support the use of Power Purchase Agreements/Private Sector Finance?:

HoPS provides no response to this question.

3. ii). Is there a need for more policy signals from Scottish Government and/or UK Government, to provide security/surety?:

HoPS provides no response to this question.

4. Chapter 1 also underlines the Scottish Government's strong commitment to the role of community energy, and to community benefit and shared ownership. In what ways can be maximise the benefits of these policies as onshore wind development and repowering increases over the coming decade?

HoPS welcome the work that Scottish Government has undertaken to revise the good practice principles for community benefits and shared ownership. However, some local planning authorities are reporting a trend towards reduced community benefit payments to as low as £3000/MW as opposed to the expected £5000/MW. In addition, the Scottish Government's ambition for half of all newly consented renewable schemes to have an element of shared ownership does not appear to be being met.

There not only remains a gap in the knowledge and skills of individuals/communities to take advantage of these opportunities but also the capacity to secure financial support and take on that risk.

Policy could simply require new development to provide a level of community benefit and/or shared ownership if they are to be accepted. However, this unlikely to be sufficient in itself. There is a need for Scottish Government to prioritise the resourcing of delivering community benefits and shared benefits at the local level. Financial and professional support to community groups is essential to enable them to participate in this process.

Local authorities or other institutions could play a supporting role in the development of community benefit, although the distinction between regulator and facilitator would need to be very clearly defined.

Specifically, with regard to repowering at Section 2.2.10, we consider that the statement that communities are 'ambivalent' towards it may be misguided. That is not the experience of many local authorities. The presence of a scheme on the ground is a material consideration in the determination of an application that may result in support of a repowering scheme where an application for a new development would not be acceptable. The section continues that this acceptance should 'give communities new opportunities to engage with developers...'. It is the view of HoPS that the policy wording needs strengthened to ensure that the clear expectation is for the developer to engage and support communities rather than simply present "new opportunities".

5. What more can be done to ensure that financial mechanisms are available to support development at differing scales?

HoPS provides no response to this question.

Chapter Two: Future Position and Net Zero

6. What are your views on the level of installed wind capacity that will be necessary over the coming decade, recognising the ambition Scottish Government have proposed for 8-

12GW? Please share any analysis that you, or your organisation has conducted on the onshore wind contribution to net zero, or any personal perspectives you have.

The draft policy statement sets out the numerical ambition (or target?) early within the document and while there are embedded links to support the figure, the Statement would benefit from providing an up-front one page information sheet of working/scenarios that support the figure to help give a balanced overall picture of how figure was arrived at. As mentioned in response to Q1, Scotland would appear to be disproportionately increasing its onshore wind deployment when compared to the rest of the UK. There is no clear justification to understand why that should be.

Nevertheless, the ambition seems very ambitious. The views from local planning authorities is that they are already under significant pressure to process and/or comment on what is either in planning and/or will be submitted imminently and this is only likely to scratch the surface of the additional 12GW ambition. While HoPS welcome the relatively recent introduction of fee increases the bigger challenge at the present time is actually being able to recruit officers to process planning applications, never mind those with the necessary skills and experience.

What is clear is that any significant increase in on-shore wind capacity will not be achieved by repowering. Not all sites will be suitable or capable of being repowered and repowering, when acceptable, will only provide for a small increment in capacity over the existing scheme. However, the fact that these sites are currently considered in policy terms to be suitable sites in perpetuity and that this is a strong material consideration means that they should be considered first before the promotion and development of new sites.

The reality is that a large number of turbines of greater output (and size) will be needed to fulfil the ambition. These will have a potentially significant impact on our landscapes, their qualities and our communities. The fact that Scotland has 8.4GW of installed onshore wind and a further 5GW consented is testament to the work that planning authorities have done to ensure, by and large, that development can be accommodated without significant adverse impacts on species, the landscape and our communities. Achieving the new ambition is likely to be even more challenging. Much of the mitigation already secured might come under pressure and promises made to communities undone.

It is more important than ever that the principle of the right development in the right place should continue to apply and the Statement, along with NPF4, should be reflecting that within policy wording.

Priority should be given to enabling those developments that have already been through public scrutiny and detailed evaluation over the provision of extensive new sites. As part of the green transition, other generating technologies must be given an opportunity to avoid overreliance on wind power. This includes solar, tidal and hydrogen (accepting that wind has a significant role here). Offshore wind presents the greatest opportunity. While it is acknowledged that such sites are more likely to be developed post 2030, and will therefore

contribute to the later targets, an active acceleration of the offshore programme would help reduce the need for such extensive onshore provision.

The ability of existing consented sites (or sites in the planning process) to connect to the grid network will have a major influence on meeting the ambition. Aligned to that will be the need to take an infrastructure first approach to maximise the potential of existing established networks and avoid the need for new infrastructure and therefore impacts on new communities. This all supports the need for a coordinated plan led approach.

7. What more can be done to capture the potential and value of hydrogen production from onshore wind and how best can we support the optimal integration of these technologies?

HoPS welcome the reference to hydrogen in the document and feel that there is great potential to develop hydrogen production in association with windfarms.

A suggestion is that the policy statement should set out a requirement for new windfarm developments to be developed as one component of an energy hub where hydrogen production, potentially combined with other energy generation or storage, can assist with delivering a more decentralised/distributed energy system that can help deliver a routemap for the decarbonisation of heat and transport.

Again, this should link into an energy planning requirement through NPF4, Regional Spatial Strategies and Development Plans.

HoPS suggest that this could be considered as a material consideration in the planning balance.

8. In what way(s) can we maximise the benefits of repowering over the coming decade?
While repowering is unlikely to significantly contribute to the stated ambition, it is a useful place to start. Much of the infrastructure within existing sites can be reused.

Local planning authorities indicate that the wind industry will, in the main, only consider extending the life of an existing scheme and/or developing an entirely new scheme within a similar and/or extended plot. HoPS consider that there is a missed opportunity for an intermediate solution that utilises the entirety of the existing scheme with only the blades, rotors and nacelle requiring to be changed/uprated. It is technically feasible.

This would be particularly useful where the introduction of larger wind turbines would significantly impact on landscape/visual considerations and overcome obstacles with regard to access/egress with larger components.

This could also support a domestic industry engaged with refurbishing/retrofitting.

In the same way that the expectation for community benefit/shared ownership applies to new development it should apply to proposals for repowering. There may have been no or

limited benefits flowing to communities from the early schemes, and this would provide an opportunity for these to be renegotiated.
In addition, there is equally an opportunity to explore net biodiversity gain that could have positive impacts on communities through wellbeing improvement and the potential wider economic benefits.

Chapter Three: Barriers to Deployment: Technical and Reserved Matters

9. We would be grateful for comments on the issue of aviation lighting and suggestions for the focus and outputs of the Aviation LightingWorking Group – what are your views on the assessment of aviation lighting and how this should be undertaken?

As most new developments are likely to trigger the need for aviation lighting, the provision of guidance from the working group at the earliest opportunity is critical. HoPS will continue to make its contribution to the working group.

The work that NatureScot has done to date has been useful and has improved the quality of assessments. However, feedback received on assessments is that a number of matters are not given the attention required. These include:

- the impact of the movement of the blades in particular wind directions i.e. the perceived flickering effect
- understanding of likely illumination levels and how this relates to context i.e. intensity of other lights you'd see in the night sky or car brake lights
- the need for clear guidance as to what types of mitigation might be possible and acceptable i.e. is radar activated lighting more or less intrusive than lights being on all the time and people getting used to it?

Whatever the mitigation, all options need to be fully considered.

HoPS consider that developers and the CAA should work together to develop and utilise aviation lighting that will minimise landscape and visual impacts (and impacts on wildlife) and there should be much greater urgency for these solutions to become embedded into all schemes.

10. We would also be grateful for your views on network charging and any of the other aspects set out under section 3.4

There is a need to ensure that connection costs are fair and proportionate and do not form a barrier to development and investment or indeed to the consumer. Targets will not be met (even if sufficient planning permissions are granted) unless there are means to connect to the grid effectively and affordably.

Some pressure may be able to be taken off the transmission/distribution constraint through combining wind energy production with other renewable energy if co-located within an energy hub arrangement.

There is a need to consider networks, in a planned way, alongside additional onshore wind capacity at the national, regional and local scale. While it is recognised that network policy and regulation is reserved, planning policy is not. There may be an opportunity, through NPF4, for the Scottish Government to secure greater collaboration between stakeholders to ensure that there is a better fit between renewable energy capacity and infrastructure investment, particularly considering the move towards an infrastructure first approach to development.

Chapter Four: Barriers to Deployment: Environmental Factors

11. What are your views on the integration of taller turbines in forested areas?

The experience of many local authorities is that while keyholing is often explored through the initial planning of a development it rarely follows through to deployment. In most cases, development results in clear felling.

With the need to retain and restock existing forestry as well as create entirely new woodland there is potential for onshore wind to be competing/conflicting with other such land uses.

While modern turbines, at substantially increased height, are likely to be more efficient on account of the potential for reduced turbulence, this needs to be offset against the increasingly limited landscape and visual mitigation that would have been provided by the retention of the trees in any event.

12. Can you provide best practice examples for effective peatland restoration (with carbon benefits) alongside the development of onshore wind?

HoPS provides no response to this question but has encouraged individual planning authorities who intend to respond to the consultation to do so.

13. What, if anything, is not currently reflected in the good practice guidance for constructing windfarms, in relation to building on peat and other carbon-rich soils?

HoPS consider that there is a need for an agreed definition of deep peat.

14. From your own experience what can wind farm developments offer in terms of protecting and enhancing the natural environment, in particular through the planting of trees to compensate for those lost during windfarm development and through peatland restoration?

It is considered that windfarm development can deliver positive effects for biodiversity. This is most commonly witnessed where development provides an opportunity to restore degraded peat land and/or other habitats within and/or adjacent to the site. Habitat Management Plans and legal agreements are often employed to secure both on and offsite delivery.

On the other hand, wind energy can have adverse impacts on some species, including direct impacts to birds and bats from turbine collisions, and the loss and fragmentation of species' habitat. More could be done to understand such impacts on nature.

We need to ensure that proposals are the right development in the right place, not only from a landscape perspective but also from the perspective of biodiversity. In this regard HoPS fully support the policy requirement set out within draft NPF4 for all development to contribute to the enhancement of biodiversity.

On a pedantic point it is questionable whether compensatory planting can be considered an example of protecting and enhancing the natural environment. The natural environment, including trees, should be safeguarded from development unless development results in net environmental benefit. There are clear benefits where crop timber is to be removed and peatland restored providing this is done correctly. Woodland creation in areas that are most suited to this land use would be considered as further enhancement.

On this point there may be benefit in considering strategic opportunities for offsetting and/or biodiversity enhancement where a pulling of resource may result in additional benefits, to biodiversity and potentially to the wellbeing and the economy of a place and its community.

15. Can you provide best practice examples of encouraging biodiversity protection and enhancement, including connectivity between natural areas in wind farm sites?

HoPS provides no response to this question but has encouraged individual planning authorities who intend to respond to the consultation to do so.

16. What is your organisation doing to go above and beyond when it comes to biodiversity protection, conservation and enhancement in wind energy development sites?

HoPS provides no response to this question but has encouraged individual planning authorities who intend to respond to the consultation to do so.

17. How can habitat management plans better balance protection of the environment with connectivity and the operation requirements of a site?

As indicated in our response to Q14 Habitat Management Plans and offsite delivery (where appropriate) are an ideal means of achieving enhanced biodiversity. Offsite delivery can assist with easing the operational requirements of a site.

Chapter Five: Economic Opportunities

18. What support do Scottish companies need from Scottish Government and agencies in order to successfully bid for and win contracts for the development, construction and operations of onshore wind farms?

HoPS provides no response to this question but has encouraged individual planning authorities who intend to respond to the consultation to do so.

19. Should government consider options for introducing a sector deal similar to that of the Offshore Wind sector and if not, why is that your view?

Yes.

As indicated in our response so far, HoPS consider that the future deployment of onshore wind relies on a strategic and plan led approach. Doing so gives certainty to communities and developers.

In a practical sense this strategic requirement would need to be included within NPF4, not just the Onshore Wind Policy Statement, in order to ensure that it did not simply consider schemes over 50MW and that a more holistic approach to deployment can be considered.

20. How can individual organisations (including onshore wind developers, tier 1 suppliers, and the domestic supply chain) work collaboratively to ensure that key manufacturing projects for Scottish onshore wind stays in Scotland?

HoPS provides no response to this question but has encouraged individual planning authorities who intend to respond to the consultation to do so.

21. Circular economy and zero-waste are core principles that the Scottish Government are promoting. Where do you see the economic opportunities in relation to these policy issues lying with onshore wind? And are there any practical issues you think need to be addressed in order to maximise the benefits?

HoPS provides no response to this question but has encouraged individual planning authorities who intend to respond to the consultation to do so.

22. How can the Scottish Government best support skills for the future of the onshore wind sector? Specifically we would be interested in oil and gas transition, apprenticeships and entry-level positions for young people, as well as any other experiences you can share.

HoPS provides no response to this question but has encouraged individual planning authorities who intend to respond to the consultation to do so.

23. Do you have any views on the impact of wind farms on tourism?

HoPS is aware of a number of studies, surveys and reports that have been produced over the years, commissioned for various purposes, but there is no single definitive, and importantly, impartial study that can be relied upon. HoPS considers that it would therefore be helpful for there to be a definitive study into this issue or at the very least further guidance and/or a methodology for considering how this issue should be assessed.

Feedback from local planning authorities suggests that it is wrong to conclude that there is no impact on tourism but it is difficult to assess the effects nonetheless. By and large these will relate to the siting and design and the acceptability of a proposal in relation to landscape, visual and residential amenity impacts.

In this regard, it is disappointing that this consultation does not consider landscape and visual matters in any great depth and in particular reinforce that, while we all recognise that climate change and net zero ambitions require decisive action, this cannot be at the expense of our landscape and the amenity of our communities. HoPS does not consider that we should only be protecting the most valuable landscape designations; rather that we should secure the right development in the right place.

Coming back to the point made regarding a plan led approach, most local planning authorities that host wind farm development will have produced landscape sensitivity and capacity studies of one sort or another over recent years. These will remain relevant and useful to determining the scope for development plans and regional strategies to support the national ambition.

24. What is your organisation doing specifically to promote diversity and inclusion in the onshore wind sector?

HoPS provides no response to this question but has encouraged individual planning authorities who intend to respond to the consultation to do so.

25. Given the significant contribution onshore wind is expected to make to our net-zero ambitions, and the structure of the ScotWind process for offshore development, should Supply Chain Development Plans be introduced for onshore wind developments in Scotland?

I don't know.

HoPS provides no response to this question but has encouraged individual planning authorities who intend to respond to the consultation to do so.

Annex 1: Eskdalemuir Working Group and Policy Proposals

26. Does the position described in the draft Onshore Wind Policy Statement accurately reflect your view on the current position in relation to the Eskdalemuir Seismic Array and the barrier it presents to deployment in Scotland?

Mostly agree.

The stated position is a fair and accurate reflection of the situation.

27. Acknowledging that the Scottish Government require further evidence before taking a policy decision, at this point and reflecting the options outlined above do you/your organisation have any thoughts?

Option 2 still places strong emphasis/responsibility on the MoD. It would be concern that this could cause challenges providing effective, reasonable and enforceable conditioning of consents as there is no guarantee a solution will be found. Some clarity as to the weight of the MoD position in overall planning balance is required particularly if the research suggests that the MoD are being cautious.

28. If Option 2 or Option 3 were to be selected, how could we best achieve or calculate an acceptable level of impact? (One example being an agreement of a standard noise budget to MW generated proportional allocation I.e., for X MW generated = X amount of budget allocated). Please give us your views:

HoPS provides no response to this question as it is most likely for the MoD to comment on.

29. Do you/your organisation have any thoughts on how the Eskdalemuir Working Group (EWG) might be restructured to ensure continued engagement for interested parties whilst maintaining the core purpose of the group?

HoPS provides no response to this question.

Annex 2: Aviation and Renewables Collaboration Board

30. We are clear on the value and importance of strategic and productive collaboration between the aviation and wind energy sectors. What are your thoughts on our proposed restructuring of the current effort and activity in this area, and the proposed Aviation and Renewables Collaboration Board?

HoPS provides no response to this question.

31. The work of the Aviation and Renewables Collaboration Board may identify and agree the need technical or strategic investment to achieve specific goals or outcomes. What are your views on how work of this kind might be financed?

HoPS provides no response to this question.