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From: [REDACTED] >
Sent: 20 January 2021 19:46
To: localplan
Cc: [REDACTED]
Subject: Consultative Draft LDP 2020 - Representation from Fred Olsen Renewables Ltd
Attachments: [REDACTED]

CAUTION: External Email

Dear Sirs

On behalf of my client Fred Olsen Renewables Ltd, I am pleased to attach this Objection to the consultative draft LDP 2020. I would be grateful if you can please confirm receipt, thank you.

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Proposed Local Development Plan (2020) – Consultation.

Objection from Fred Olsen Renewables Ltd

Preamble & the current National Level Policy Framework – relevant to Introductory Chapters

This representation to the Scottish Borders Council (SBC) Local Development Plan (PLDP) consultation has been prepared on behalf of Fred Olsen Renewables Ltd (FORL). FORL is a developer of renewable energy from wind and solar power and is committed to a carbon-neutral future.

The PLDP will replace the LDP (2016). LDP2 in the form of the draft Written Statement (Volume 1 Policies) (2020) has been carefully reviewed. It is noted it seeks to cover the period up to 2031. This submission is made as a positive and constructive contribution to the Council as part of the new LDP preparation. The comments that follow specifically relate to the delivery of onshore wind energy development. The topic of renewables and climate change policy is fast moving and in that regard a number of important energy and national planning policy documents were published in November and December 2020, since the formal consultation period started on 2nd November. Key documents include:

- Scottish Government, Scotland's Fourth National Planning Framework (NPF4) Position Statement (November 2020);
- National Audit Office, Report – Achieving Net Zero (December 2020);
- Committee on Climate Change, The Sixth Carbon Budget, The UK's Path to Net Zero, (including Policy and Methodology) (December 2020);
- HM Government, Energy White Paper, Powering our Net Zero Future (December 2020);
- Scottish Government, Securing a Green Recovery on a Path to Net Zero: Climate Change Plan 2018–2032 –Update (December 2020).

The policy documents of particular importance are the NPF4 Position Statement and the Scottish Climate Change Plan Update. Key points from these which should inform the next version of the LDP are set out below.

NPF4 Position Statement (November 2020)

The NPF4 Position Statement makes it clear that the current NPF3 and SPP "*remain in place until NPF4 is adopted by Ministers*". Page 40 of the Statement states however that "*the Position Statement provides an idea of the direction of travel*" to inform a full draft of NPF4. The fact that it is a precursor to a more detailed policy in the form of NPF4 does not diminish its status as a statement of policy and as such it must be material.

The plan looks ahead to 2050 and it is clear that a central element is a planning approach to deliver 'net-zero' emissions. The introductory section entitled 'Our Future Places' states that:

- "*a significant shift is required to achieve net-zero emissions by 2045*"; and that
- "*we will have to rebalance the planning system so that climate change is a guiding principle for all plans and decisions*".

In terms of future places, the Government has set out twelve "key opportunities to achieve this" and with specific reference to renewables, 'Opportunity 8' states "supporting renewable energy developments, including the re-powering and extension of existing wind farms ..." (Position Statement, page 3).

Key points from the Position Statement which it is recommended SBC should take into account in the next version of the LDP include:

- Whilst the NPF4 Position Statement does not yet provide any detail of any changes to spatial planning for onshore wind, the document is an expression of the Government's clear direction of travel of policy – involving a "rebalance" of the planning system "so that climate change is a guiding principle for all plans and decisions".
- The new spatial strategy will "prioritise emissions reduction" – which is underpinned and made necessary by the changes in energy policy and the law (in terms of emissions reduction targets).
- Onshore wind is the specific renewable technology referenced in the "key opportunities" and is expected to play a significant role in the plan for net-zero emissions.
- The Scottish Government is following the clear recommendations of the CCC, recognising an "urgent and radical shift in our spatial plan and policies is required".
- The Statement recognises that the climate emergency should be a material consideration in considering applications for renewable energy developments.

Climate Change Plan Update (December 2020)

The Scottish Government published the update to the Climate Change Plan (CCP) 'Securing a Green Recovery on a Path to Net Zero' on 16 December 2020. The plan covers the period 2018-2032 and responds to the new net zero targets aimed at ending Scotland's contribution to climate change by 2045. The period it covers refers to the timescale in which the Government has committed to reduce greenhouse gas emissions by 75% by 2030 (compared with 1990 levels).

An important part of the plan is the green recovery, and it states (page 1) that:

"It is essential that a recovery from the pandemic responds to the climate emergency, and puts us on a pathway to deliver our statutory climate change targets and a just transition to net zero, by ensuring our actions in the immediate term are in line with our long term goals".

"The Scottish Government has been clear in its commitment to securing a just and green recovery, which prioritises economic, social and environmental well-being, and responds to the twin challenges of the climate emergency and biodiversity loss".

In terms of electricity, the CCP update announces, "further policies to continue the rapid growth in renewable generation over the past 20 years, moving from a low to a zero-carbon electricity system".

The various sub-headings that follow are in order of the topic Chapters within the PLDP Consultative Draft Written Statement.

Chapter 1: Introduction

Chapter 1 'Introduction' makes reference to the "changing context and new challenges to be met" including policy background and also including matters such as vision, aim and spatial strategy and includes "delivering sustainability and climate change agenda". However, it is striking that there is no mention whatsoever within the PLDP of the Scottish Government's drive to attain 'net zero' in terms of greenhouse gas (GHG) emissions reduction nor is there any mention of the Scottish Government's declared Climate Emergency. As noted below, whilst there is reference to what the plan refers to as a move to "low carbon" that is a policy objective that is now to a large extent overtaken by new legislative and policy provisions for as noted 'net zero'.

Chapter 2: The Changing Context and meeting the Challenges for the Scottish Borders

Paragraph 2.18 in Chapter 2 makes reference to the approach that LDP will "promote a low carbon future to help achieve climate change route mapping targets set out by the Scottish Government". The 'low carbon' future is very much part of the policy approach set out in Scottish Planning Policy (SPP) and National Planning Framework (NPF3) (both dated 2014) however, this new LDP should be seeking to enable the net zero future which is much more than simply low carbon. The various expressions to low carbon used throughout the

PLDP need therefore to be brought up to date and to reflect the current legislative and policy position for net zero.

Paragraph 3.2 makes reference to the forthcoming NPF4 and it is clear that the PLDP was produced before the NPF4 'Position Statement' was issued. It will be important for the Council to take into account the clear 'direction of travel' of policy set out in the NPF4 Position Statement, as explained above.

Given the policy imperative of addressing the important issue of climate change, reference should be made to key recent legislative provisions and it should be acknowledged that both SPP and NPF3 date from 2014 and are currently under review.

Whilst the Climate Change (Scotland) Act of 2009 is clearly important, it is considered that it is an oversight not to reference the Scottish Government's declared Climate Emergency and indeed the UK Government's position in this regard. Moreover, the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 received Royal Assent in October 2019 and has introduced legally binding greenhouse gas (GHG) reduction targets of 75% by 2030 and net zero by 2045.

The scale of the net zero challenge is shown in Table 1 below. The Scottish Government publishes an Annual Target Report¹ that sets out whether each annual emissions reduction target has been met. The latest report is for the 2018 target year which was published in June 2020.

The Report states that the 'GHG Account' reduced by only 50% between the baseline period and 2018. As noted, the 2019 Act specifies a 54% reduction over the same period – therefore the target for 2018 has not been met.

Table 1: Scotland's Annual Emission Reduction Targets to Net Zero

Year	% Reduction Target	Actual Emissions Reduction %	Year	% Reduction Target
2018	54	50	2032	78
2019	55	-	2033	79.5
2020	56	Interim Target	2034	81
2021	57.9	-	2035	82.5
2022	59.8	-	2036	84
2023	61.7	-	2037	85.5
2024	63.6	-	2038	87
2025	65.5	-	2039	88.5
2026	67.4	-	2040	90 (Interim)
2027	69.3	-	2041	92
2028	71.2	-	2042	94
2029	73.1	-	2043	96
2030	75	Interim Target	2044	98
2031	76.5	-	2045	100% NET ZERO

¹ Scottish Government, Official Statistics, Scottish Greenhouse Gas Emissions 2018, (June 2020).

Whilst the low- carbon outcomes of SPP are mentioned in the PLDP, it is considered important at the outset in the document to recognise that the Government's key new policy and legislative objective is to move to a net zero carbon economy by 2045 with, as noted, very challenging interim targets.

Chapter 4: Vision, Aims & Spatial Strategy

The 'vision' referred to at Paragraph 4.1 is drawn from the Proposed Strategic Development Plan (SDP) known as SESPlan. However, the SDP is dated and indeed has not been approved by the Scottish Government and given SDPs are now no longer to be progressed under the provisions of the new Planning Act it would seem inappropriate to rely on what is now an outdated vision. The vision as expressed makes no reference to climate change nor the new drive to a net zero society and economy.

Furthermore, in Chapter 4 with reference to 'Aims', the first one refers to "growing our economy" however, there is no mention in this aim to the need for economic recovery from the coronavirus pandemic. Indeed, in this regard and linking to the net zero policy objective, there has been a considerable amount of policy advice provided to the Scottish Government on the need and opportunity for a 'green recovery'.

In terms of the economy, SBC should take account of the 'Programme for Government' 2020-21 which was published in September 2020. Chapter 1 of the document is entitled 'a National Mission to Create New Jobs, Good Jobs and Green Jobs'. Page 4 sets out that central to the economic recovery is a new national mission in terms of employment creation. It adds:

"our economic recovery must be a green recovery. Even before the pandemic, we knew we had significant work to do in order to improve the state of nature and meet our statutory commitment to be a net zero society by 2045. The impact of the crisis has reinforced the need for that, but also the opportunities it presents.

We will immediately put a clear new focus on our updated Climate Change Plan, ensuring it reflects our new starting point and the central importance of a green recovery to Scotland's progress".

As noted, the CCP Update has now been published and emphasises the opportunity and importance of a green recovery. Page 36 sets out that *"the Government's response will ensure that a green recovery is at the heart of the economic recovery"* and it states that *"an updated Climate Change Plan will be published before the end of 2020"*.

Also, within Chapter 4 of Paragraph 4.7, there is reference to the Council seeking to address climate change issues and adaption *"in order to seek a low carbon economy"*. Again, this is now a dated policy expression and the Council needs to set out the current net zero policy aspirations throughout the next version of the LDP.

Paragraph 4.8 refers to a summary of the main aims with regard to sustainability and climate change and these relate to communities, growing the economy and sustainability. However, the only reference with regard to climate change is the fourth bullet (under 'Sustainability') where there is reference to *"promote climate change adaption"*. However, *adapting* infrastructure to deal with climate change is only part of the approach needed and is not enough. There is a need to considerably increase renewable energy infrastructure / supply.

Given all of the above, it is considered the context text in LDP2 should clearly and explicitly spell out that fundamental change is expected across the whole of society and renewables will as the UK Government has said, have "a key role".

Chapter 5: Growing our Economy

The comments above with regard to the need to address the economic 'recovery' are also relevant to this Chapter and should be taken into account.

Chapter 8: Delivering Sustainability & the Climate Change Agenda

Again, at Paragraph 8.1 there is reference to the national planning policy and guidance position which supports renewable energy *"to facilitate the transition to a low carbon economy"*. To reiterate, the objective should be reworded with regard to a "net zero" outcome for the SBC area. There is reference to the Climate Change Scotland Act, but again no reference at all to how that Act has been amended to place the net zero targets into legislation.

Furthermore, at paragraph 8.2, there is reference to the Scottish Energy Strategy and the Onshore Wind Policy Statement which is welcome, however, with reference to the Climate Change Plan 2018 it is dated – reference should be made to the Climate Change Plan Update which was published in December 2020. It will be imperative for the new LDP to take into account the Climate Change Plan Update provisions.

Paragraph 8.3 makes reference to NPF3 and SPP but needs to be adapted to take into account the direction of travel the policy has set out in the NPF4 Position Statement' as explained above.

The PLDP refers to Renewable Energy Supplementary Guidance (the SG) giving "up to date advice" (paragraph 8.8) and refers in that context to a Landscape Capacity Study and Cumulative Impact Study by Ironside Farrar dated 2016 (itself an update to the original 2013 study). This issue is considered in more detail in the context of the proposed Policy DP9 below. The reference to the SG and supporting landscape capacity and cumulative impact study is not supported.

The SG was prepared, consulted upon and approved by Scottish Ministers on the basis it was to support policies in the existing LDP. It cannot be rolled forward into the new LDP without any further procedure. The Council's approach is not consistent with the Development Planning (Scotland) Regulations 2008, which require SG to be prepared to supplement an already approved plan. The draft SG itself must also be subject to consultation. The 2018 SG cannot, by definition, meet these legal requirements for the purposes of the new LDP.

In addition to the point made with regarding rolling forward policy prepared for a previous LDP, the use of policy which itself is based on assessment work that is already over 4 years old is not supported.

The Onshore Wind Policy Statement (2017) makes it clear that there have been significant developments in turbine technology and since the Ironside Farrar report was first prepared in 2013 and updated in 2016 that position is even more stark. The dated Landscape Capacity Study is of very limited, if any assistance, in the development of planning policy or determination of individual planning applications in today's context. It is recommended that references to the SG and supporting material should be deleted from the plan. This position is further supported given there are new legislative provisions coming into force as a result of the new Planning Act to cease the statutory basis of Supplementary Guidance.

Chapter 9: Local Development Plan Policies

Policy PMD1: Sustainability

This policy is generally supported; however the supporting text says it underpins all the Proposed LDP's policies, and developers will be expected to incorporate its provisions into their developments. However, the policy does not provide support for developments that are intended to will help mitigate the effects of climate change, such as renewable energy development. It is recommended that the policy be amended to include the following text: "(a) the inclusion of proposals that will help mitigate climate change and help Scotland attain net zero emissions".

Policy ED9: Renewable Energy Development

It is noted that Policy ED9 is in the same terms as the equivalent policy in the existing LDP. It does not reflect the current policy position as set out at the start of this representation and should therefore be updated. In short, the supporting text to Policy ED9 should be amended to acknowledge and give prominence to the climate emergency and net zero targets, including the role that the Scottish Borders must play in delivering these challenging targets.

Paragraph 1.4 refers to targets that have largely been superseded, as explained with reference to the new legislative provisions described above – they should be amended.

Paragraph 1.6 refers to wind turbine applications being "*contentious*". Developments of various types will prompt differing opinions and housing and many other land use proposals may be contentious. This is not a unique characteristic to wind turbine applications. Such a reference is not necessary or helpful. The reference should be deleted. Paragraph 1.6 also refers to application for turbines over 200m being "*carefully scrutinised*" and refers to assessing impacts from lighting. It is assumed that the Council will carefully scrutinise all planning applications and consider each case on its respective merits. It is noted that no other type of land use development in the PLDP is referenced in this way – this type of biased approach should be avoided.

Reference has been made above to the Council's stated intention to relying on its existing SG in the Proposed LDP. The intention appears to be that the existing SG would continue to apply but will not be subject to amendment or consultation. This, for the reasons set out, would not be an acceptable approach.

The section of draft Policy ED9 entitled 'Consideration of Wind Energy Proposals', lists various matters that will be considered in the assessment of individual applications. Whilst it is accepted that these are potentially relevant factors, the policy should also include the contribution renewable energy can make to meeting net zero targets (at both a national and local level) and contribute towards addressing the climate change emergency. This section of the policy should also reference the benefits of renewable energy. Furthermore, the policy may need to be updated once any proposed changes to the Spatial Planning policy approach to the siting of onshore wind developments is introduced by way of the draft and final NPF4.

Amendments to SPP (December 2020)

On 18 December 2020 the Scottish Government published an amended version of SPP, which should be taken into account in the next version of the LDP. The key changes are:

- SPP paragraph 27 now refers to a presumption in favour of sustainable development.
- SPP paragraph 29 – minor changes to the introductory sentences; no change to the principles.
- Paragraph 30 sets out the key requirements for Development Plans including:
 - that they should be consistent "*with the policies set out in this SPP, including the presumption in favour of sustainable development*"; and
 - that Development Plans "*should positively seek opportunities to meet the development needs of the plan area in a way which is flexible enough to adapt to changing circumstances over time*"; and
 - they should "*set out a spatial strategy which is both sustainable and deliverable, providing confidence to stakeholders that the outcomes can be achieved*".

The PLDP at present does not meet these requirements, for the reasons set out above. This should be addressed in the interim and that does not take away from the need to take into account the clear direction of travel of policy in the NPF4 documentation.

Conclusions

It is recommended that the above matters should be fully taken into account and addressed in the next stage of the LDP preparation. The recommended amendments to the PLDP and to the various objectives, policies referred to, would bring the plan and policy approach more in line with today's relevant national planning, energy policy and legislative provisions.

This would not only set a more positive policy framework for delivering renewable energy development within The Council area, but also assist in meeting the Council's own aims and objectives for the promotion of net zero and sustainable development in the LDP area and be a more appropriate and ambitious response to the declared Climate Emergency.

Such an approach would be consistent with the significant policy support at the Scottish Government level for the deployment of onshore wind energy development and indeed other renewable energy technologies as set out in the Onshore Wind Policy Statement and Scottish Energy Strategy. The clear 'direction of travel' for NPF4 is to increase the delivery of renewable capacity and the planning system is seen as being of pivotal importance for Scotland to attain the challenging net zero targets.

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20 January 2021