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Your ref
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28 February 2014

Dear Sirs

Representation to Scottish Borders Council Proposed Local Development Plan on behalf of EDF Energy Renewables

Jones Lang LaSalle represents EDF Energy Renewables (EDF) and is pleased to submit this representation to the Scottish Borders Council (SBC) Proposed Local Development Plan (PLDP) consultation. This representation to the PLDP is predominantly concerned with planning for renewable energy development. EDF has a number of renewable energy interests within the SBC area and this representation focuses on the emerging spatial and policy framework for wind energy development.

On the whole, EDF finds the proposed Spatial Framework for wind energy development and in particular Policy ED9 'Renewable Energy Development' to be overly restrictive and inconsistent with Scottish Planning Policy (SPP).

Meeting the Challenges for the Scottish Borders

Under this section of the PLDP, SBC outlines a number of challenges and corresponding 'Key Outcomes' which will be incorporated into the LDP to assist in meeting these challenges. EDF is pleased to note that climate change is listed as one of the five topics within which key outcomes have been identified. Furthermore it is encouraging that SBC has acknowledged the Scottish Government's targets to reduce greenhouse gas emissions by 42% by 2020 and 80% by 2050, from 2009 levels.

In order to meet these targets, SBC must acknowledge the importance of encouraging the development of renewable energy developments, and specifically encouraging mature and viable technologies such a wind energy generation. The supporting text at section 2.18 of the PLDP refers specifically to wind energy and suggests a 'precautionary approach' is undertaken

to wind energy development. The wording is overly negative and unsupportive of wind energy development within the SBC area, which is contrary to national planning policy.

'Key Outcome 10' of the PLDP promotes "*The encouragement of renewable energy only in sustainable locations where adverse potential cumulative impact can be avoided*". This Key Outcome in itself is contrary to the advice set out in SPP which states "*Planning authorities should support the development of wind farms in locations where the technology can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed.*" (paragraph 187). EDF recommends therefore that SBC amend this Key Outcome to ensure it is positively aligned with and accurately reflects the relevant provisions of SPP.

Proposed Local Development Plan Policies

Economic Development Policies

Policy ED9 Renewable Energy Development

It is encouraging that the PLDP recognises the Scottish Government's target of 100% electricity demand equivalent from renewables by 2020 and the 30% target for overall energy demand from renewables by 2020. In the shorter term in respect of support for renewables, SBC should also make reference to the target by the Scottish Government to generate the equivalent of 50% of Scotland's electricity needs from renewable energy by 2015.

The National Planning Framework 2 (NPF2) highlights the Scottish Government's commitment to establishing Scotland as a leading location for the development of renewable energy technology, and as an energy exporter over the long term and as part of this is encouraging a mix of renewable energy technologies. The draft NPF3, currently before the Scottish Parliament for scrutiny, reiterates the importance of an energy mix in delivering a low carbon economy. The PLDP states at page 55 that "*the policy is generally supportive of a wide range of renewable energy mechanisms...*", however no mention is made of onshore wind within the supporting policy text, which is one of the most advanced and mature of the available renewables technologies currently being promoted in Scotland. Reference should be made to onshore wind.

The supporting text of the policy refers to two 'Background Papers': a 'public attitudes survey'; and an 'independent survey on the economic benefits of wind turbines'. There is not, however, any evidence or information to show how the results of these surveys have contributed to informing the policy, despite the PLDP stating that the Policy "*seeks to create a balance between all these conflicting issues, taking cognisance of a range of guidance including SPP and Scottish Government on line advice*". From a review of the two Background Papers, it is our view that the final proposed policy ED9 is overly negative and does not accurately reflect or represent the positive facts and conclusions from these reports in terms of the economic opportunities onshore wind energy can provide to the SBC area, nor the positive attitudes that many people have in respect of wind energy which has been borne out by other studies across

Scotland and the wider UK, including DECC's public attitudes tracker. This is a significant failing of the policy.

In particular, the Public Survey on Attitudes towards Wind Energy concludes that there are "a greater number (of respondents) who either support the development of wind turbines or are fairly ambivalent to their development and more would agree than disagree that Scottish Borders Council should take an active role in encouraging wind turbines."

In terms of the Biggar Economics report entitled 'Economic Impact of Wind Energy in the Scottish Borders', the report summarises the results and states that "In 2012 onshore wind energy contributed at least £10.8 million gross value added (GVA), to the Scottish Borders economy (0.7% of the total GVA in the Scottish Borders economy¹) and supported 115 local jobs. By 2020 this impact could be up to £33.3 million GVA and 325 jobs."

The report also highlights that this impact does not include the multiplier effects associated with employees spending wages in the local economy, and other economic effects such as non-domestic rates paid, so the full impact could be considerably higher. The report also notes several actions that could be taken by SBC to realise this opportunity. The key findings, conclusions and actions from this report do not appear to have been given appropriate weight in the formulation of the policy.

The PLDP refers to three documents which should be referred to in the processing of planning applications, one of which includes the Supplementary Planning Guidance (SPG) on Wind Energy (May 2011). It is JLL's considered opinion that the current SPG for onshore wind energy development is not consistent with Scottish Government guidance regarding the preparation of such Spatial Frameworks. The PLDP states that the "spatial strategy" has been updated in line with comments from the Scottish Government as part of the consultation on the Main Issues Report, however, no updated SPG or Supplementary Guidance (SG) is provided as part of the PLDP. Indeed it must be recognised that both SPP and recent Ministerial Statements require Spatial Frameworks to be integrated within the Development Plan.

The integration of the existing Spatial Framework for wind energy development, as set out within the PLDP, is presented as figure ED9A alongside additional policy maps, which have been informed by the recent Ironside Farrar Landscape Capacity Study. This latter report we understand was not consulted upon at all and while it is a 'Background Paper' to the PLDP, it is by no means clear whether this forms part of the PLDP consultation. It is imperative that the spatial strategy for onshore wind energy development is consulted upon appropriately prior to being integrated within the Development Plan. In terms of the outputs of the Landscape Capacity Study, and the methodology for the study, it is clear that it is overly restrictive, is

¹ GVA data from National Statistics for NUTS3 areas, gives a GVA figure for the Scottish Borders for 2011 (the latest year for which data is available) of £1,513 million (1.4% of total GVA for the Scottish economy).

based on arbitrary turbine height assumptions and focuses on narrow upland types of landscape as being suitable for wind farm development. The outputs of the study do not therefore embrace the strong policy support for renewables development at the Scottish Government level. On the whole, the approach to the spatial framework for wind energy development is considered to be a significant shortcoming of the PLDP that we recommend is addressed prior to the adoption of the PLDP.

Figure ED9B is referred to within the PLDP as ‘wind turbine development opportunities and constraints’. The Figure has been informed by the recent Ironside Farrar Study and sets out what appears to be a Spatial Framework for areas within the SBC area which are of the ‘highest capacity’, ‘limited capacity’, ‘very limited capacity’, and ‘no capacity’ for wind energy development. It also provides a spatial illustration of areas where cumulative impacts limit development. Within the PLDP Figure ED9B sits alongside ED9A ‘wind energy SPG spatial strategy’. The two Figures provide very different spatial guidance for wind energy development and in some areas are contradictory to one another. The PLDP does not provide any explanation as to which Figure would take precedence in the assessment of development proposals. This on its own does not provide a clear Spatial Framework for wind energy development to guide developers or investors. It is recommended that a clearer position must be presented within the LDP on how the existing SPG for wind energy development will be integrated within the Development Plan and subsequent Supplementary Guidance.

In terms of the policy requirements set out within **Policy ED9: Renewable Energy Development**, EDF generally find this policy significantly overly restrictive and inconsistent with the policy advice within SPP.

Paragraph 187 of SPP states that *“planning authorities should support the development of wind farms in locations where the technology can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed”*. This policy statement within SPP by no means implies that development that may result in a significant adverse impact on an environmental receptor or even an adverse impact on an environmental receptor should be found to be unacceptable. The fundamental national policy principle here is that development should be supported where environmental impacts can be satisfactorily addressed. This introduces a test whereby development proposals can be judged on their relative acceptability.

The way policy ED9 has been drafted, sets the test of acceptability unattainably high. To assist SBC in considering the restrictive nature of the policy, we provide, at Appendix 1, an amended policy ED9 where selected terms within the policy have been amended, whilst maintaining the overall policy objective. The suggested amendments to the policy would in EDF’s view bring the policy in line with SPP and would set a more positive policy framework for delivering renewable energy development within the SBC area. This would also tie in more consistently with the significant policy support at the Scottish Government level for the deployment of onshore wind energy development and indeed other renewable energy technologies. For example, see the 2020 Route Map for Renewable Energy in Scotland and its recent Update of

December 2013. At present, the wording of policy ED9 is unacceptable and is fundamentally at odds with the provisions of SPP.

Conclusion

EDF intends that this representation is a formal objection to the LDP. It should be considered as a positive and proactive contribution to progression of the LDP. It is our considered view that various aspects of the proposed LDP must be changed to ensure it is consistent with SPP and other relevant national guidance. This will ensure that an appropriate policy framework is in place which will provide suitable encouragement for the delivery of appropriate wind energy development within the SBC administrative area – which is what national policy demands of local planning authorities.

Should SBC require any additional detail on any of the matters set out above, then please contact me on the details above.

I would be grateful for your acknowledgement of this letter by return.

Yours sincerely



Stuart Winter
Associate Director
Planning and Development

cc. Mr Tony Scorer (EDF)

Appendix 1: Recommended Policy Drafting for PLDP ED9

Recommended Tracked changes to policy ED9 of the proposed Scottish Borders LDP submitted by Jones Lang LaSalle on behalf of EDF. (See EDF objection letter of 3 March 2014 for further details)

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Policy ED9 'Renewable Energy Development'

The Council will support proposals for both large scale and community scale renewable energy development including commercial wind farms, single or limited scale wind turbines, biomass, hydropower, biofuel technology and solar power where they can be accommodated ~~where~~without unacceptable impacts on the environment ~~can be satisfactorily addressed~~. The siting, scale and design of all renewable energy developments should take account of the social, economic and environmental context.

Renewable Energy Developments

Renewable energy developments will be approved provided that:-

1. there are no unacceptable ~~significant~~ adverse impacts which cannot be ~~fully satisfactorily~~appropriately mitigated ~~or offset~~ on the natural heritage including the water environment, landscape, biodiversity, built environment and archaeological heritage; and,
2. there are no unacceptable adverse impacts which cannot be satisfactorily mitigated on recreation and tourism, population, communities and access routes.

If there are judged to be ~~unacceptable residual~~ significant adverse impacts that cannot be ~~satisfactorily~~appropriately mitigated ~~or offset~~, the development will only be approved if the Council is satisfied that the contribution to wider economic and environmental benefits outweigh the potential damage to the environment or to tourism and recreation.

Wind Turbine Proposals

In addition to the general provisions for assessment as set out in paragraph 2 of this policy, proposals for all wind turbine proposals should be judged against the following considerations and will ~~only be approved~~supported where the overall impact is judged acceptable by the Council:

General

Guidance on planning constraints and landscape capacity can be obtained from the following diagrams:

- Fig ED9a – Spatial Strategy
- Fig ED9b – Wind Turbine Development Capacity Opportunities and Constraints
- Fig ED9c – Landscape capacity for turbines 25 – 50m in height
- Fig ED9d – Landscape capacity for turbines 50 -100m in height
- Fig ED9e – Landscape capacity for turbines 100m + in height

Comment [WS(-S1)]: It should be noted that there are discrepancies between the landscape capacity maps and the spatial strategy map. Clarity should be achieved within the plan as a whole as well as within this policy, in terms of what takes precedence. See detailed comments within letter of representation.

If turbines are proposed which exceed the turbine heights identified within figs ED9b - e the onus would be on the applicant to demonstrate how the impacts of the proposal on the key constraints and any significant adverse effects can be mitigated in an effort to show a proposal can be supported.

Landscape

- ▲ The landscape is capable of accommodating the proposal without unacceptable significant detrimental impact/detrimental impact on landscape character.
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- ▲ The scale and design of the proposal is appropriate to the scale and character of the receiving landscape. Large turbines are more likely to be acceptable in larger scale landscape types e.g. areas defined as Upland types within the Borders Landscape

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Assessment

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- Proposals should not have unacceptable adverse impacts on areas exhibiting remote qualities which are valued as "wild land"

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Visual Impact

- Views of the turbines including associated transmission lines, tracks, plant and buildings should ~~demonstrate minimal~~ result in ~~non~~ unacceptable effects on sensitive receptors including residential properties, important landscape features, prominent landmarks, major tourist routes and popular public viewpoints, ~~including those out with the Scottish Borders boundary.~~ Assessment must take into account the effects of distance between the development ~~er~~ and the receptor, as well as intervening topography and planting;
- ▲ ~~Locations will be preferred where there is surrounding landform which minimises the external visibility of the development and where there is no interference with~~ unacceptable impact on prominent
- Skylines.

Comment [WS(-S2): This policy requirement is unclear. Does it link to the SNH wild land mapping exercise? Wild land that is valued by who? This should be clarified within the policy so as to provide unambiguous policy guidance for developers.

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Cumulative Landscape and Visual Impacts

- Significant coincident cumulative landscape and visual impacts must be avoided where an existing wind farm development is present in an adjoining area and can be viewed together with the proposed development and where such cumulative effects would be unacceptable
- ▲ Unacceptable significant sequential cumulative landscape and visual impacts over a wider area must be avoided where a number of wind farm developments can be viewed in succession on a
 - journey leading to adverse impacts on routes such as roads and long distance footpaths
- ▲ Within the areas identified in the spatial strategy, where existing development means that potential cumulative impacts are likely to occur, development will be supported where there will be a presumption against development unless it can be demonstrated to the satisfaction of the Council that there
- would be no unacceptable significant additional detrimental impacts.

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Biodiversity

- Impacts on ecology and ornithology, particularly statutorily protected species and habitats, species and habitats of conservation concern or species vulnerable to wind farms by virtue of their behaviour. Assessment of cumulative impacts on regional populations of birds will be required as appropriate.

Historic Environment

- Effects on the historic environment and their setting.

Technical Considerations

- Generation of noise, interference with radio telecommunications and aviation.

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Infrastructure

- Traffic generation, including access during construction;

Other considerations

- Provisions for decommissioning, land restoration, after care and after use; consideration of shadow flicker; protection of carbon rich soils including peat land and protection of prime quality agricultural ~~land~~ land.

In all cases developers must demonstrate that they have considered options for satisfactorily siting ~~minimising wind the operational impact of a turbine proposals~~ including:

1. Positioning of turbines in relation to landscape character, surrounding landform, wind farms and power lines;
2. Positioning of turbines in relation to the biodiversity interest of the site and surrounding area;
3. Siting and design of tracks and ancillary development;
4. Turbine positioning and separation from residential properties and radio

Telecommunications;

5. Turbine specification and technical controls, including consideration of predicted noise levels at specific properties closest to the wind farm at wind speeds corresponding to cut-in, full rated power and maximum operational wind speed, along with background noise levels and wind speeds;
6. Colours and finishes;
7. Routeing and timing of construction traffic;
8. Road access and improvements, including taking account of constraints posed by wetland and upland habitats.

Other Renewable Energy Development

Small scale or domestic renewable energy developments including community schemes, single turbines and micro-scale photovoltaic/solar panels will be encouraged where they can be satisfactorily accommodated into their surroundings in accordance with the protection of residential amenity and the historic and natural environment.

Renewable technologies that require a countryside location such as the development of bio fuels, short rotation coppice, "biomass" or small scale hydro-power will be assessed against the relevant environmental protection policies.

Waste to energy schemes involving human, farm and domestic waste will be assessed against Policy IS10 Waste Management Facilities.