

## CAIRNGORMS NATIONAL PARK AUTHORITY

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**Title:** CNPA INTERIM PLANNING POLICY No.1:  
RENEWABLE ENERGY.  
CONSULTATION REPORT on the CONSULTATION  
DRAFT.

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### **Purpose:**

The purpose of this report is to summarise the consultation responses which have been received for the Renewable Energy Interim Planning Policy, Consultation Draft; a Finalised Draft version is currently being prepared for consideration by the Planning Committee. This will then be distributed to the main consultees for further comment, and then a final version will come to the Committee for adoption.

### **Recommendations:**

It is recommended that the following comments are taken into account for the revision of the Consultation Draft into the Finalised Draft.

### **Executive Summary**

The response to the Consultation Draft was generally good, although few Community Councils responded which might reflect the more 'regional' nature of the paper, and the fact that the Park area has remained free of large-scale renewable developments.

Particularly encouraging was the Scottish Executive response, which recognises that the park "is a special area, designated and to be safeguarded as such", but commenting that the policy needs to be less restrictive and more supportive to Community schemes.

Highland and Aberdeenshire Council's both reflected that the policy would not conform with their Structure Plan policies; these Plans were approved by Scottish Ministers on 26th March 2001 and 21st December 2001 respectively. Planning Advice Note 49: Local Planning, allows for variance from National or Structure Plan Policy in sections 27 & 28. See Appendix 1.

SNH responded that landscapes of lesser value within the Park could be utilised for large renewable energy schemes; we would suggest, that for consistency, the Park is considered as a unified whole with no geographic variance in policy application.

## Interim Planning Policy No. 1: Renewable Energy Summary of Consultation Responses

CONSULTEE	DATE REC'D	FEEDBACK
Aberdeenshire Council		<ul style="list-style-type: none"> <li>• The Scottish target of 40% of renewable sourced electricity generation to be referenced.</li> <li>• The paper is dominated by windfarms and does not clearly mention whether other renewable sources are considered.</li> <li>• The presumption against large-scale developments (Policies RE3&amp;5) should be reworded to reflect Aberdeenshire Structure Plan (NEST) policy approach.</li> <li>• No guidance is given to prevent small-scale developments in areas more suitable for larger scale developments.</li> <li>• Consultation on developments outwith the Park to be carefully addressed re. criteria and impacts.</li> <li>• There is no guidance related to combinations of weightings of the Park's 4 aims.</li> <li>• Greater consideration should be given to the cumulative impact of multiple windfarms.</li> <li>• The paper does not appear to promote 'commercial-scale' biomass developments.</li> <li>• Undergrounding of all cables &amp; pipes should be amended to reflect geomorphology of high value which should not be disturbed.</li> <li>• Policy RE7: Centralised Renewable Energy Developments does not mention use of existing infrastructure or reflect commercial viability, and the policy does not take account of the visual and environmental damage related to excavations.</li> <li>• Definition of 'large-scale' solar needs to be re-assessed.</li> <li>• As above, the scale definitions for hydro-electric and wind farms need to be re-assessed.</li> </ul>
Angus Council	26/02/04	Support the paper.
The Highland Council	27/02/04	<ul style="list-style-type: none"> <li>• Inconsistency with national planning advice in relation to RE as contained in NPPG 6 and in relation to NP's in NPPG 14.</li> <li>• Lack of equal commitment to all 4 aims of the Park.</li> <li>• Very limited regard to the RE policies contained in the present approved Structure Plans and Local Plans of the local authorities.</li> <li>• Very limited reference to the status of such a document in relation to approved Structure and Local Plans, SE policy in SPP's/NPPG's and forthcoming work by the NPA on a Park Plan and a Local Plan.</li> <li>• Limited approach to the positive contribution that the NP</li> </ul>

		<p>are can make towards national RE requirements, particularly in the context of the Park's aim of the sustainable use of natural resources.</p> <ul style="list-style-type: none"> <li>• Confusing distinction between large and small-scale schemes.</li> <li>• Overdue emphasis on SNH's Policy Statement and Locational Guidance on RE which have no status beyond SNH</li> <li>• RE schemes outside NP (partic. Wind farms) visible from the NP requires broader consideration.</li> <li>• Applications to the SE under Section 36 of Electricity Act 1989 need to be considered.</li> </ul>
Moray Council	30/01/04	<ul style="list-style-type: none"> <li>• Generally agree but have following comments.</li> <li>• RE1 &amp; RE2 could be deleted and incorporated into RE3 &amp; RE4 &amp; RE5.</li> <li>• RE3 - should refer to cumulative impact/loss/damage to prime agricultural land, compatibility with tourism interference with aircraft and traffic generation.</li> <li>• RE3 should inc. a statement regarding "decommissioning" arrangements set out in RE5.</li> <li>• RE4 - is a vague and undefined statement.</li> <li>• RE5 - reference should be made to sediment transport and erosion and impact on fisheries.</li> <li>• 16.3 - should state cumulative impact assessment.</li> <li>• Conclusions - delete phrase "and have been zoned as such by SNH".</li> <li>• Reference could be made to "North and East Highland and Moray Landscape Potential for Wind farms Study".</li> </ul>
Perth & Kinross Council	15/03/04	No particular comments but paper seems to be a sensible approach.
British Wind Energy Association		No comments received
Association for the Protection of Rural Scotland (APRS)		No comments received
Farming and Wildlife Advisory Group (FWAG)		No comments received
The Forestry Commission Scotland	18/02/04	Draft has much to commend it, however feel more could be made of the potential for wood as a fuel, and related community-scale developments.
Friends of the Earth Scotland		No comments received
National Trust for Scotland		No comments received

Ramblers Association Scotland		No comments received
RSPB	25/02/04	<ul style="list-style-type: none"> <li>• Generally think CNPA can address climate change issue e.g. Supporting small-scale renewables.</li> <li>• Recommend that the Policy addresses transport impact on climate change.</li> <li>• Recommend inclusion of energy efficiency policy for new and existing developments in the Park.</li> <li>• Feel there can be disadvantages to using criteria based approach to RE site selection and recommend CNPA considers map-based approach.</li> <li>• Seek clarification on Para 1.2 &amp; section 11 that wind farm impact is largely visual and that SNH's Locational Guidance is based on only landscape issues.</li> <li>• Paper should recognise need for a thorough EIA prior to site selection - CNPA should reject substandard or hasty EIA's.</li> <li>• Paper fails to make explicit statement on how it relates to surrounding LA development plan policies and wind farm strategies.</li> <li>• No mention of how RE developments will be dealt with out with the Park.</li> <li>• RE3 - reword "presumption against" to "will not be permitted".</li> <li>• Seek clarification on term small-scale wind farm.</li> <li>• RE7 - Add criterion about biomass crops and negative effect on land. Biomass production should meet strict criteria that reflect Park's purpose.</li> </ul>
Scottish Civic Trust		No comments received
SERAD		No comments received
Loch Lomond & Trossachs National Park		No comments received
SNH - Perth	23/02/04	<ul style="list-style-type: none"> <li>• Support Para 1.2.</li> <li>• Landscapes of lesser value within the Park should be utilised for large renewable schemes. Consider that different parts of Park have different degrees of protection to wildlife and landscape, as there is not uniformity across the Park in terms of character or quality.</li> <li>• In intro put purpose of interim policy. Also clarify how this policy will relate to the Park Plan when available.</li> <li>• Comments on: range over which wind farm developments out with the Park might be considered to have a significant effect on the setting of the Park</li> </ul>

		<ul style="list-style-type: none"> <li>• On small scale development - conflicting messages</li> <li>• Reconsider proposed requirement for under grounding all overhead transmission lines.</li> </ul>
<p>Scottish Executive - Steve Dowell (Inc. Energy Div./NH Div./Planning Dept.)</p>	<p>04/03/04</p>	<ul style="list-style-type: none"> <li>• Set out need for and status of document in Introduction.</li> <li>• Will <u>any</u> renewable development be able to meet the stringent criteria put forward in the policies?</li> <li>• Should set out specific role CNPA has when dealing with RE.</li> <li>• Distinguish between Sect 36/37 of Electricity Act and Town &amp; Country Planning Act. Would avoid confusion later on when develop own concept of large-scale developments.</li> <li>• Policies provide little scope for RE small-scale schemes for Community/domestic needs.</li> <li>• An index would be helpful.</li> <li>• Section 1 - Para 1.1 replace second and third sentences. No large tracts without constraints - SNH are only one assessment. Concentrate on special importance of the Park and avoid “no viable alternative” line of argument. Scale as in Para 1.5 not indicative of hydro schemes.</li> <li>• Section 2 - Sets out national planning policy should also be reflected in later sections (paras 15 17 18 20). Para 2.2 replace “objections” with “objectives”. Could refer to benefits to rural economy in Para 2.3.</li> <li>• Section 3 - Agreed that small-scale renewables have relevance to Park aims and should be encouraged with relevant safeguards.</li> <li>• Section 4 - Guidance from SNH is non-statutory, should be reflected in paras 4.1 and 4.3</li> <li>• Section 5 - Para 5.1 - add small scale schemes for local needs are favourable provided compatible with environmental/amenity considerations. Note that English &amp; Welsh NP’s don’t have economic and social aim for Parks.</li> <li>• Section 6 - CNPA will be consulted on developments adjacent to Park. Protocol mentions this and should be noted in Para 6.3. Drop the “hopefully” at the end of the Para. Avoid perception that a NP is being created beyond Park boundary.</li> <li>• Section 7 - Definitions of large scale. Revisit section and greater flexibility introduced to consider development impact. Indicate what criteria would be used for call-in.</li> <li>• Section 8 - Needs more positive tone. Replace “restrictions” with “safeguarding”. Para 8.1b doesn’t mention Park’s aim of promoting sustainable use of natural resources. Para 8.1c - a measured approach is important. Para 8.1d - Assumption under grounding lines better than overhead. What about replacement/upgrading of lines? Re: national interest issues - “except in exceptional circumstances” or “except in the national interest” may be appropriate.</li> <li>• Section 9 - Tone could be softened. Only small schemes</li> </ul>

		<p>could be permitted (encouraged per para9.1 and RE1) Policies RE3, 5 and 6 appear to be excessive and severely restrictive for small schemes. Could replace “acceptable” with “encouraged”.</p> <ul style="list-style-type: none"> <li>• Section 10 - Similar comments apply to RE2.</li> <li>• Section 11 - Presumption against wind farm developments in the Park is probably the de facto situation. “Subject to overriding national interest” would provide flexibility on large-scale proposals to RE3 in line with NPPG 6 as referred to in Para 2.2. Previous comments on definition of scale, reasonableness of approach &amp; difficulties of considering alternative areas apply to paras 11.1 &amp; 11.2. Small-scale schemes - text moved from “supporting &amp; encouraging “ to “accepting” and now in RE3 to “permitted where all of following criteria are met”. All of criteria would be difficult to meet. Change “no adverse impact” to no significant adverse impact”. No account taken of possible mitigation measures which could be taken to reduce impact. Difficult to see how under CNPA’s definition of small-scale can be expected to cause problems highlighted, merit the cost of sequential testing or the under grounding of all power lines. Need for all criteria to be met is excessive. More flexibility by definition of criteria should be put in RE3 to achieve development compatible with community needs.</li> <li>• Section 12 - Previous comments apply to RE4.Policy shortened to something like (example given)</li> <li>• Section 13 - Above comments for RE3 apply to RE5. Shorten policy (example given).</li> <li>• Section 14 - RE6 replace “acceptable” with “encouraged”.</li> <li>• Section 15 - Para 15.1 replace “waste” with “residue”. Policy RE7 considered excessive in criteria.</li> <li>• Section 16 - Para 16.1 - expand on which proposals require an EIA. Adjust first line of Para 16.3 (example given). Paper refers to supplementary guidance in para16.3 and 6.4 - there is merit in ensuring this paper stands on its own.</li> <li>•</li> </ul> <p>Conclusions – While CNPA’s general support for sustainability and renewable energy is welcomed, there is, in effect, little support for renewable energy development which is disappointing as it could serve to meet community needs, achieve two of the four Park aims and present the CNPA as promoting sustainable development of natural/resources in a rural area. It is recognised that the National Park is a special area, designated and to be safeguarded as such. Community and domestic needs should, however, be able to be favourably considered but this is highly unlikely in terms of the restrictive policies and criteria set out in the draft document. A more positive, flexible approach is warranted for small-scale</p>
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		renewable energy schemes.
Historic Scotland	01/03/04	<ul style="list-style-type: none"> <li>• Section 8 - Welcome propositions and no comments to make.</li> <li>• Sections 9 &amp; 10 - No comments on RE1 or RE2.</li> <li>• Section 11 - Welcome recognition in para 11.4 that all parts of development assessed at same time. Support no large-scale wind farm in RE3. Clarify that HS interests are covered under cultural heritage. Re: power lines - in general accept under grounding best solution however would wish archaeological assessment for impact on land first. Clarify what sequential test to be applied is.</li> <li>• Section 12 - First sentence to read "...setting of the Park and their natural <i>and cultural</i> heritage impact..."</li> <li>• Section 13 - Same comments as for Section 11.</li> <li>• Section 14 - No comments but welcome potential listed building and conservation issues in RE6.</li> <li>• Section 15 - Comments for RE7 same as for power lines above in Section 11.</li> <li>• Section 16 - Wish "Built Environment" issues in para 16.3 to be made more clear.</li> </ul>
SEPA	09/02/04	<ul style="list-style-type: none"> <li>• Supports the positive policy approach to small-scale sustainable development.</li> <li>• Concerned that criteria in RE3 &amp; RE5 is unrealistically strict.</li> <li>• Notes policy on turning waste products into a useable energy source - requests following sentence to be inserted "Proposals for waste management facilities must demonstrate conformity with the National and Area Waste Plans."</li> <li>• Consider definitions of large-scale development.</li> <li>• Interested in EIA scoping checklist.</li> <li>• Provided copy of SEPA's developing policy position on RE.</li> <li>• 11.3 - could include hydrological impact and construction impacts such as pollution and waste production.</li> <li>• RE5 - SEPA directs you to Policy 18 Responses to consultations on abstractions" and "Policy 51 Responses to consultations on engineering operations".</li> <li>• RE5 - suggests this is revised when the Water Framework Directive requirements are considered further.</li> <li>• RE5 - could reflect differences between small-scale development and micro/pico hydro.</li> <li>• RE5 - reworded to reflect all hydro schemes will have some effect on flora, fauna and habitats.</li> <li>• RE5b - is unrealistic, as all hydro schemes will modify the pattern flow.</li> <li>• RE5g - is interesting. Links with the need under the WF Directive for applicants to demonstrate that their scheme</li> </ul>

		<p>is the best environmental way of obtaining electricity.</p> <ul style="list-style-type: none"> <li>• RE3g - noted that also refers to sequential testing of alternative energy solutions.</li> </ul>
Royal Fine Art Commission for Scotland	05/03/04	<ul style="list-style-type: none"> <li>• Advises that Wind Farms and other RE developments be excluded from the Park - unless meet tests in NPPG 6 paras 22 &amp; 23.</li> <li>• Concerned about policy's reliance on issue of scale and working definitions defined by CNPA - no support in NPPG 6 &amp; PAN 45.</li> <li>• Contrary to NPPG 6 &amp; PAN 45 to use no. of turbines to define large and small scale.</li> <li>• CNPA - large-scale - 1 or more MW NPPG 6 para 37 - small scale less than 10 MW. Inconsistencies arise from using EIA regs and Elec Act 1989.</li> <li>• Recommend for clarity should reflect government policy and guidance.</li> <li>• NPPG 6 and PAN 45 are sufficiently detailed - this policy should only add specific matters relating to Park. Should not go into matters for other determining authorities e.g. Water flow (RE5) - SEPA.</li> <li>• Clarify determining authority for wind farms 50MW or over and hydro schemes of 1MW or over. Clarify CNPA's role in apps submitted under Elec Works (EIA) Regs 2000.</li> <li>• Support for small scale must not allow inappropriate siting.</li> <li>• Scoping checklist outlined in para 16.3 is misleading.</li> <li>• Would wish there to be good design in RE developments - applicants to be familiar with PAN 68: Design Statements.</li> </ul>
Scottish Council for National Parks	03/03/004	<ul style="list-style-type: none"> <li>• Would like paper to include Biomass, Geothermal and Run-of-river Hydro schemes.</li> <li>• How will CNPA organise EIA? - Separate planning guidance paper?</li> <li>• Concerned over lots of small-scale developments on skyline above villages/groups of houses.</li> <li>• Would wish paper to be promoted at regional level.</li> </ul>
Scottish Hydro Electric (S & S)	01/03/04	<ul style="list-style-type: none"> <li>• Section 8 - Overhead power lines: there may be a proposal involving these however principal will be to mitigate impacts.</li> <li>• RE3/RE5 &amp; RE7 - underground power lines: under grounding can in certain circumstances be more damaging than overhead lines.</li> </ul>
MBSE		No comments received
HIE		No comments received

Scottish Enterprise Grampian		No comments received
Scottish Enterprise Tayside		No comments received
NFU Scotland		No comments received
Scottish Landowners Federation		No comments received
FPD Savilles - Muckrach Estate		No comments received
Roy Dennis Consultants	16/02/04	<ul style="list-style-type: none"> <li>• Agree proposals under RE1 and RE2.</li> <li>• Strongly agree RE3 and RE4.</li> <li>• Absolutely agree with presumption against large-scale hydroelectric schemes.</li> <li>• Think should be stronger on the main power line issue.</li> </ul>
Allan Bantick	10/02/04	<ul style="list-style-type: none"> <li>• Agrees with policy's general tone.</li> <li>• Also agree no large-scale wind farms and other unsightly construction should be seen from the Park.</li> </ul>
CNPA NRG Group	08/03/04	<ul style="list-style-type: none"> <li>• Introduction - state aims of guidance. Outline recent visitor attitude surveys - tourism biggest economic activity.</li> <li>• 1.2 - refer to all aspects of "custodianship" not just a NSA.</li> <li>• 1.5 - Impact of proposed development more complicated than that suggested ecological requirements might be relevant.</li> <li>• Highlight issue of impeding migratory fish through hydro schemes.</li> <li>• 4.3 - check with SNH re: guidance on onshore wind farm sites.</li> <li>• 5 - refer to LLTNP policy for completeness.</li> <li>• 6.2 - nature and scale can have impact on all 4 aims.</li> <li>• 8.1 - assumes view of new energy structures/lines not existing - clarify in intro? Mention existing somewhere else (not necessarily this report)</li> <li>• 8.1b - refer to all 4 aims not just last 2.</li> <li>• 8.1c - refer to all 4 aims.</li> <li>• RE3 - wording "no adverse impact" could be "no significant impact"</li> <li>• 13.2 - highlight legislation about blocking passage of salmon</li> <li>• RE7 - suggest impact on natural heritage is included.</li> <li>• EIA - perhaps worth mentioning legislation and designations in Wildlife and Countryside Act (1981).</li> </ul>

**CAIRNGORMS NATIONAL PARK AUTHORITY**  
**Planning Paper 7 21 May 2004**

		<ul style="list-style-type: none"> <li>• Conclusion - mention importance of location of proposed RE schemes.</li> <li>• Other consultees may wish to be considered e.g.: district Fishery Boards</li> </ul>
Aviemore & Vicinity Community Council		No comments received.
Ballater & Crathie Community Council		No comments received
Ballogie & Birse Community Council		No comments received
Blair Atholl and Struan Community Council		No comments received
Boat of Garten & Vicinity Community Council	04/02/04	<ul style="list-style-type: none"> <li>• Policy RE7 - criteria should include Community benefit/disbenefit analysis.</li> <li>• EIA - should not just be about environment but also 4th aim of Park.</li> </ul>
Braemar Community Council		No comments received
Carr Bridge & Vicinity Community Council		No comments received
Cromar Community Council		No comments received
Cromdale & Advie Community Council		No comments received
Dalwhinnie Community Council		No comments received
Donside Community Council		No comments received
Dulnain Bridge & Vicinity Community Council		No comments received
Finzean Community Council		No comments received

Grantown-on-Spey & Vicinity Community Council		No comments received
Glenlivet & Inveravon Community Association		No comments received
Inveresk Community Council		No comments received
Kincraig & Vicinity Community Council	16/02/04	Support paper - no amendments to make.
Kingussie Community Council		No comments received
Kirkmichael & Tomintoul Community Association		No comments received
Kirriemuir Landward East Community Council		No comments received
Kirriemuir Landward West Community Council		No comments received
Laggan Community Association		No comments received
Lonach Hall Community Association		No comments received
Mid-Deeside Community Council		No comments received
Mount Blair Community Council		No comments received
Nethy Bridge & Vicinity Community Council		No comments received
Newtonmore & Vicinity Community Council		No comments received

Rothiemurchus and Glenmore Community Association		No comments received
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Please let me know if you wish to see any of the consultation responses in full.

Norman Brockie, Planning Officer (Local Plan/Policy).

## **APPENDIX 1: Extract from PAN (Planning Advice Note) 49: Local Planning.** Scottish Executive Development Department, May 1996.

### ***Justifying Variance from National or Structure Plan Policy***

27. Occasionally, in interpreting national or structure plan issues, there may be a potential conflict with the intentions of the local plan. Where National Planning Policy Guidelines express a national interest in the way a land resource should be used or safeguarded for future use, or in development planning priorities, that interest should be recognised in local plan policies. In certain circumstances, local issues and problems may have a bearing on the practicability of current policies at the national and structure plan level. Such conflicts should be rare, but they should be recognised early, so that all interested parties can consider them before firm policy responses are finally agreed.

28. Any apparent variance with national policy, or with a structure plan approved by the Secretary of State, requires careful explanation and justification. Discussion with the planning officer contact in The Scottish Office Development Department should help to clarify what is required. If, after discussion, it is found that the higher-level guidance does not reasonably apply to the circumstances of a particular local plan area, the finalised local plan should clearly indicate which are the relevant policies, setting out the reasons for wishing to include them and the implications for national or structure plan policy. Consultees will then be in a position to consider the possible effects of the local plan policies and whether to lodge objections. Bearing in mind the requirement for conformity with an approved structure plan, any conflict must be resolved before the local plan is adopted.