
CAIRNGORMS NATIONAL PARK AUTHORITY

FOR DISCUSSION

Title: RENEWABLE ENERGY DEVELOPMENTS AND
DECOMMISSIONING

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Purpose

To allow the Planning Committee to consider the issues and principles around timescales for development and the options for removal of redundant development or structures as well as any need for bonds or other financial guarantees to secure them.

Background

1. The Planning Committee have considered a number of applications for renewable energy developments in recent months. One of the issues raised by committee members has been around the potential decommissioning or reinstatement of developments. This leads to the question of whether further assurance is required to guarantee that such a condition can be undertaken by the developer or owner at some point (possibly many years) in the future.
2. This paper sets out the principles and issues related to renewable energy development, conditions on decommissioning or removal of redundant structures and the potential use of bonds or other financial guarantees to ensure conditions are met in future. It is based on an assumption that committee members perceive this to be an issue that is mainly associated with the landscape and visual impacts of development as well as impacts on people's experience of qualities of wildness. The paper provides some further information on what it is possible or reasonable within the planning system and officer recommendations on appropriate ways to deal with the issues.

Practice in across Scotland

3. Planning authorities across Scotland deal with planning applications for renewable energy developments. Planning policy has had to adapt to new forms of development for renewable energy, with wind power creating new challenges particularly in

landscape and visual terms across the country. The main forms of renewable energy development across mainland Scotland are:

- Hydro power schemes (some large scale but many small or micro scale)
- Wind power (from small individual turbines to large wind farms)
- Other renewable power scheme such as solar power or heat and biomass heat or power (frequently small or micro scale)

4. **Hydro power scheme proposals** normally apply for and are granted permanent planning permission. Planning authorities will be aware that hydro schemes can have a long life and that once abandoned schemes can be reused. Planning permissions may have conditions requiring removal of some equipment and infrastructure once the scheme is redundant, and if so would require the owner to submit plans for the works to the planning authority within a specified time period before such works commence. However, these are long term developments, so there has to be some uncertainty about future enforcement and monitoring. If it is estimated that the costs of implementing necessary conditions in future would be significant, it would be good practice to secure a bond via a Section 75 agreement to guarantee the works. The cost of such works will depend on the conditions and scale of works. A bond may not always be needed.
5. **Wind power proposals** range in size from small individual turbines to very large wind farms. The energy generating capacity and profit/value of development increases dramatically with the scale of development. Many wind farm applications are for a 25 year period, based on an assumption that this is the working life of a wind farm. In practice, the working life of equipment may be longer or shorter, but operators and owners will want to use many sites for as long as wind power provides profit. Many wind farms have already had new, more efficient or profitable equipment installed to replace the turbines originally installed or consented.
6. Most planning authorities apply a 25 year temporary permission to wind farms or individual wind turbines even if no time period is requested in the application so that the authority has some control of the development over time. Conditions requiring appropriate removal of equipment and reinstatement are normally applied. Many wind farms have bonds to guarantee appropriate works to support decommissioning. It would be unusual to seek such a guarantee for small individual turbines such as those most likely to be applied for within the Cairngorms National Park where the footprint of development is likely to be very small and location of development likely to be within a significantly managed landscape. While the costs of such bonds or other guarantees would be likely to be relatively small, they would be another cost and administrative hurdle for applicants as well as the CNPA.

7. **Other renewable power schemes such as solar power or heat and biomass heat or power** are frequently small scale and associated with discrete properties or businesses. They often have few impacts and many fall within categories of permitted development. As technology changes and new forms of development become financially viable, planning authorities are likely to see new applications for development that challenge our perceptions over the use of land.
8. Solar panel arrays may be a new use of land and form of development that becomes more common. Most such developments are small scale, domestic developments that are likely to have relatively small scale impacts. However, like wind turbines, they are an installation of equipment that will have a limited life span and if abandoned would become industrial waste. Where planning permission is required for such developments, most planning authorities would apply a time limit to the permission and would incorporate conditions for the removal of the equipment once redundant. The scrap value of such equipment would normally more than pay for its removal. There is a similar argument for seeking a bond for the removal of such equipment when no longer needed as for wind turbines in the Park. While the costs of such bonds or other guarantees would be likely to be relatively small, they would be another cost and administrative hurdle for applicants as well as the CNPA.

The options for the CNPA

9. The CNPA considers planning applications for a range of renewable energy developments. Most of these are small scale and micro scale developments with relatively small impacts on the Park. National planning policy means that wind farms are not supported in the Park and the range of other national and international designations found within the Park means that proposals for any large scale renewable energy development would find it difficult to comply with all the relevant policies and regulations.
10. CNPA planning policies protect the Park from significant impacts and individual policies protect what we consider to be the special qualities of the Park. Planning policy also supports renewable energy development where it meets those policies and already notes that the CNPA may seek bonds where appropriate.
11. Officers recommend that the CNPA continues to apply best practice when determining applications for renewable energy developments, drawing on the tools available and making appropriate and proportionate decisions. Our approach in assessing planning applications reflected in our reports to committee is:

- I. What will the impacts of the development be, over what time scale and have they been avoided, minimised and mitigated so that the proposal is acceptable in principle?
- II. Is the application for a time period linked to operational need or is it for a technology that has a limited lifespan and where a temporary permission would give the planning authority reasonable control? If so, what is an appropriate and proportionate period for each case?
- III. If so, what conditions and/or informative notes are needed to deliver the right development throughout its life and are any needed to ensure any impacts of it ceasing operation are minimised? Any conditions should have sound planning reasons and be enforceable in future. Officers will provide what they consider to be appropriate conditions with committee reports for planning application determinations. The use of appropriate conditions provides a clear basis for any future enforcement activity needed.
- IV. Is there a need, given the nature of conditions and scale of potential impacts if they are not complied with, that a financial bond or guarantee will be required so that the CNPA can undertake them if the owner/operator fails to? This should be a last resort and should only be required where a development would have significant lasting effects that would be unacceptable. However, there may be cases where such a security would be prudent.

Conclusion & Implications

12. The planning system is intended to enable and manage high quality development and efficient use of land to deliver long term benefits for the public as well as protecting and enhancing natural and cultural resources. The Cairngorms National Park and its special qualities are of outstanding value and planning policies in the Park provide clear protection from the impacts of development that would significantly harm them.
13. When considering renewable energy proposals (or any planning application), the planning committee must consider the benefits they would bring and impacts they would have before deciding whether to grant consent. In all determinations for approval and subsequent decision notices, the CNPA tries to provide as clear and simple a determination and supporting conditions as possible.
14. If a planning application can only be granted with a set of conditions that makes implementation of the development impossible the development almost impossible, then the CNPA should not be granting planning permission. Similarly, if a development

can only be given permission if the CNPA has financial guarantees or bonds to ensure that conditions will be complied with at some point in the future, the planning committee should be clear that the benefits of the development and potential future impacts are so great that the guarantee is critical for the consent.

15. While the CNPA has a policy basis for seeking bonds (both via the renewable energy policy and developer contributions policy) we have little direct experience of identifying appropriate figures; neither have we any direct experience of mechanisms for holding such bonds, some of which may be held in perpetuity. Officers would need to undertake some more investigation to identify a consistent approach to specifying works as well as identifying thresholds for works. We would also seek further legal and financial advice on the best ways of administering bonds or financial guarantees. Although many local authorities and Loch Lomond and the Trossachs National Park Authority have experience of collecting and managing bonds associated with large developments or developments with very significant impacts, they are not normally associated with small or micro scale renewable energy developments.

Discussion questions

- i. **Are the committee satisfied that the approach set out in points I-IV under paragraph 11 is appropriate?**
- ii. **Are the committee content that the National Park's planning policy framework provides sufficient context for planning decisions on renewable energy developments?**

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