

Date:			
Issue:	Policy 16 Energy Generation		
Objector(s):	Scottish Council for National Parks	Objection ref(s):	434h
	Badenoch and Strathspey Conservation Group		400f(i)
	Scottish and Southern Energy		447e

Reporter	Mr. Hugh Begg
Procedure	Hearing

1.0 Overview

- 1.1 This statement sets out the Cairngorms National Park Authority response to the objections raised to the Deposit Local Plan as modified in respect of Policy 16 Energy Generation and supplements the response made to those objections by the Cairngorms National Park Authority in its report to Committee (CD7.3-7.5). No changes are proposed.

2.0 Provision of the Local Plan:

- 2.1 Policy 16 supports the National Park Plan's strategic objectives for energy, one of which is to contribute to national targets for greater renewable production through increasing community, business and domestic-scale renewable energy schemes. The National Park Plan states that large scale windfarms are not appropriate in the National Park due to landscape and natural heritage impacts but the development of domestic, business and community scale facilities in a full range of energy options should be pursued at appropriate locations. This position is restated in para 4.99 of the modified Deposit Local Plan. Policy 16 says that developments for renewable energy schemes which support the aims of the Park and the National Park Plan strategic objective regarding energy production will be favourably considered where they contribute positively to the minimisation of climate change and where they complement the sustainability credentials of the development. The policy also requires that development, including ancillary works, will be sited and designed to have no significant adverse visual or landscape impact, including cumulative impact, caused as a result of energy generation, transmission or distribution measures, and will not have an adverse impact on the amenity of neighbouring properties or any unacceptable impact on the environment. Financial bonds will be used where appropriate to secure decommissioning. There is reference in the supporting text to Supplementary Planning Guidance that will be produced in the form of a Sustainable Design Guide and also one for Renewable Energy.

3.0 Summary of objection(s)

- 3.1 3 objections raising some 3 issues have been lodged on Policy 16 Energy Generation and wish to be considered at a hearing:
- Policy in the Deposit Local Plan is not as comprehensive and explicit as those in the consultative draft, no mention of transmission and distribution infrastructure etc. Objection maintained at 1st mDLP. **(434h)**
 - Generally supportive of appropriately sited small scale renewable energy schemes, especially where near existing settlements, however such schemes can have adverse effects beyond those referred to in the policy including birds, bats, vegetation, soils, watercourses, loss of wild land, noise/light pollution, decommissioning issues. In response to 1st mDLP object to 4.100 as should

be a reference to potential negative impact on reduction, reuse and recycling of waste as a further key consideration. **(400f(i))**

- Neither the plan nor the policy make any provision for medium or large scale projects despite acknowledgement of the importance in making efforts to slow climate change. No reference to Highland Council's Renewable Energy Strategy. Also reference should be made to SPP6 para 40 regarding suitable areas of search. There is no justification for prohibition against medium and large-scale developments which is contrary to para 39 of SPP6 and to the commitment of Scottish Ministers to renewable energy. In response to 1st mDLP acknowledged that part of objection has been addressed, however para 4.99 contradicts Policy 16 and is still contrary to SPP6 and Scottish Ministers commitment to renewable energy. Still no reference to Highland Councils Renewable Energy Strategy. **(447e)**

4.0 Summary of Cairngorms National Park Authority Response

- 4.1 There is a clear link from the National Parks (Scotland) Act 2000 which sets out the 4 aims and the NPA's statutory purpose, through the National Park Plan, to the Local Plan and how it is to be delivered. Topic Paper 1 "Statutory National Park Context" (CD7.21) clearly sets out the link between the CNPA purpose and the local plan function. The adopted National Park Plan provides the strategic context for the Local Plan. This is implicit in the National Parks (Scotland) Act and Section 264A of the 1997 Planning Act and explicit in SPPI. The Local Plan is seeking to contribute to delivery of the National Park Plan and thus to the collective achievement of the 4 aims. Reference is also made to Topic Paper 2 "The Special Qualities of the Cairngorms National Park" (CD7.22) as it is the impact on these qualities that underpins the approach to energy generation. Policy 16 was modified in response to initial objections. There is no longer reference to small scale and micro generation. There is specific reference to ancillary works, transmission and distribution. There is clear linkage with the strategic objective on energy in the adopted National Park Plan as approved by Scottish Ministers. The National Park Plan states that large scale wind farms are not appropriate in the National Park. Para 39 of SPP6, inter alia, requires policies to support the Scottish Ministers' commitment to renewable energy. Policy 16 does support that commitment, within the context of the National Park Plan as approved by the same Scottish Ministers. It is considered that Policy 16 also reflects the wider aspirations of SPP6 including the Natural and Historic Environment context and provision for Local Communities and Renewable Energy. The CNPA objected to the Highland Renewable Energy Strategy and has not adopted it (CD7.26 & 7.27). It is worth noting that whilst having specific comments to make, both the British Wind Energy Association and Novera Energy, who have opted for written procedure, essentially support Policy 16. It is therefore considered that the balance struck by the policy is correct and appropriate for a National Park. There is reference in the supporting text to Supplementary Planning Guidance that will be produced in the form of a Sustainable Design Guide and also one for Renewable Energy. These will be the subject of wide consultation involving communities and those involved in the energy industry.

5.0 CNPA Commendation to Reporter

- 5.1 It is commended to the Reporter that the objections to Policy 16 as listed above are rejected. No issues are raised that could lead the Cairngorms National Park Authority to consider the approach deficient.

6.0 Strategic issues

- 6.1 Topic Paper 1 “Statutory National Park Context” (CD7.21) and Topic Paper 2 “The Special Qualities of the Cairngorms National Park” (CD7.22) between them set out the strategic context for the local plan and the approach to Special Qualities of the National Park all of which are relevant to Policy 16.

7.0 Assessment / Scope of Evidence

- 7.1 **(434h)** Objection: Object, policy in the Deposit Local Plan is not as comprehensive and explicit as those in the consultative draft, no mention of transmission and distribution infrastructure etc. Objection maintained at 1st mDLP.
- 7.2 **Response:** The 1st modifications amended the policy to make reference to ancillary works and transmission measures. No further modifications are proposed,
- 7.3 **(400f(i))** Objection: Objects, generally supportive of appropriately sited small scale renewable energy schemes, especially where near existing settlements, however such schemes can have adverse effects beyond those referred to in the policy including birds, bats, vegetation, soils, watercourses, loss of wild land, noise/light pollution, decommissioning issues. In response to 1st mDLP object to 4.100 as should be a reference to potential negative impact on reduction, reuse and recycling of waste as a further key consideration.
- 7.4 **Response:** Policy 16 was modified in response to initial objections. There is no longer reference to small scale and micro generation and there is reference to the need for SPG on renewables. The CNPA is in the course of producing this to support the local plan. Any proposals for renewable energy development would have to comply with all other relevant policies in the Local Plan and this would cover the wide assessment of impacts that have been highlighted in the objection. Para. 100 is intended to give a supportive stance to reduction, reuse and recycling and the objection would detract from this aim. Any proposals for energy from waste would be subject to assessment against all relevant policies in the Local Plan and this would identify any negative impacts. No further modifications are proposed.
- 7.5 **(447e)** Objection: Objects, neither the plan nor the policy make any provision for medium or large scale projects despite acknowledgement of the importance in making efforts to slow climate change. No reference to Highland Council’s Renewable Energy Strategy. Also reference should be made to SPP6 para 40 regarding suitable areas of search. There is no justification for prohibition against medium and large-scale developments which is contrary to para 39 of SPP6 and to the commitment of Scottish Ministers to renewable energy. In response to 1st mDLP acknowledged that part of objection has been addressed, however para 4.99 contradicts Policy 16 and is still contrary to SPP6 and Scottish Ministers commitment to renewable energy. Still no reference to Highland Council’s Renewable Energy Strategy.
- 7.6 **Response:** There is a clear link from the National Parks (Scotland) Act 2000 which sets out the 4 aims and the NPA’s statutory purpose, through the National Park Plan, to the Local Plan and how it is to be delivered. Topic Paper 1 “Statutory National Park Context” (CD7.21) clearly sets out the link between the CNPA purpose and the local plan function. The adopted National Park Plan provides the strategic context for the Local Plan. This is implicit in the National Parks (Scotland) Act and Section 264A of the 1997 Planning Act and explicit in SPP1. The Local Plan is seeking to contribute to delivery of the National Park Plan and thus to the collective achievement of the 4 aims. Reference is also made to Topic Paper 2 “The Special Qualities of

the Cairngorms National Park” (CD7.22) as it is the impact on these qualities that underpins the approach to energy generation. Policy 16 was modified in response to initial objections. There is no longer reference to small scale and micro generation. There is specific reference to ancillary works, transmission and distribution. There is clear linkage with the strategic objective on energy in the adopted National Park Plan as approved by Scottish Ministers. The National Park Plan states that large scale wind farms are not appropriate in the National Park. Para 39 of SPP6, inter alia, requires policies to support the Scottish Ministers’ commitment to renewable energy. Policy 16 does support that commitment, within the context of the National Park Plan as approved by the same Scottish Ministers. There is no conflict between para 4.99, Policy 16 and SPP6 as that paragraph simply gives added context, in line with the National Park Plan, to the way in which renewable energy generation can be delivered in the National Park. It is considered that Policy 16 also reflects the wider aspirations of SPP6 including the Natural and Historic Environment context and provision for Local Communities and Renewable Energy. Para. 2.1 of the mDLP highlights the generic need for proposals to take account of Scottish Government policy and advice. The CNPA objected to the Highland Renewable Energy Strategy and has not adopted it (CD7.26 & 7.27). It is worth noting that whilst having specific comments to make, both the British Wind Energy Association and Novera Energy, who have opted for written procedure, essentially support Policy 16. It is therefore considered that the balance struck by the policy is correct and appropriate for a National Park. There is reference in the supporting text to Supplementary Planning Guidance that will be produced in the form of a Sustainable Design Guide and also one for Renewable Energy. These will be the subject of wide consultation involving communities and those involved in the energy industry.

8.0 Conclusions

8.1 It is commended to the Reporter that the objections to Policy 16 as listed above are rejected. No issues are raised that could lead the Cairngorms National Park Authority to consider the approach deficient.

9.0 List of documents (including Core Documents)

- CD1.3 The National Parks (Scotland) Act 2000
- CD1.18 Cairngorms National Park Designation Order 2003
- CD7.21 Topic Paper 1 “Statutory National Park Context”
- CD7.22 Topic Paper 2 “The Special Qualities of the Cairngorms National Park”
- CD6.13 Cairngorms National Park Deposit Local Plan as at 2nd modifications
- CD7.1 Cairngorms National Park Plan 2007
- CD6.10 Consultative Draft Local Plan 2005
- CD7.3-7.5 CNPA Committee Reports on Local Plan
- CD3.2 NPPG14 Natural Heritage
- CD2.6 SPP6 Renewable Energy
- CD7.26 CNPA Committee Report Highland Council Renewable Energy Strategy Consultation 2004
- CD7.27 CNPA Consultation Response Highland Council Renewable Energy Strategy Consultation

10.0 Cairngorms National Park Authority Witnesses for Hearing

- Don McKee – Head of Planning