

<b>Date:</b>			
<b>Issue:</b>	<b>Policy 16 Energy Generation</b>		
<b>Objector(s):</b>	The Crown Estate	<b>Objection ref(s):</b>	419d
	DW and IM Duncan		037d
	BWEA		427
	Novera Energy Plc		486b, 486c
	Dunachton Estate		418d
	Alvie and Dalraddy Estate		439m

<b>Reporter</b>	Mr Hugh Begg
<b>Procedure</b>	Written

## 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 7 objections raising some 6 issues have been lodged on Policy 16 Energy Generation and wish to be considered via the written procedure:
- Renewable energy schemes can be vital for sustainable communities and this policy should not exclude the opportunity for large schemes where these can have beneficial impacts on climate change and can be appropriately sited to minimise impact. Remove reference to “small scale” and “micro”. Objection maintained at 1<sup>st</sup> mDLP. Plus object top para 4.99 to continued refusal of CNPA to consider large scale energy production such as commercial windfarms as this incompatible with the 2<sup>nd</sup> and 4<sup>th</sup> aims. The siting of windfarms has become increasingly

sophisticated and given current and projected energy problems and requirement to produce energy in a more sustainable way it is unacceptable for CNPA to reject windfarm development on a blanket basis across the Park without allowing sensitive and carefully designed proposals to come forward which could benefit local communities and contribute to minimisation of climate change. Wind farms can promote sustainable development through community trust funds, they can provide farmers with diversification and mitigation measures can benefit nature conservation. Suggest rewording of 4.99 to this effect. **(419d) (418d)**

- No definition of small scale. **(037d)**
- While supporting the approach the plan should provide a brief outline of the different forms of technology and encourage all forms of renewable energy. Should be mandatory requirement for all new developments to provide at least 15% of the need through on site renewable. Additionally a policy on sustainable design and construction methods and energy efficiency to increase energy efficiency in the existing and new building stock. **(427)**
- In response to 1<sup>st</sup> mDLP Para 4.99 we note that the National Park encourages renewable energy developments which contribute to national targets for greater renewable production through increasing community, business and domestic scale energy schemes. Whilst this likely to be most suitable scale for developments within the Park, outwith the boundary there is opportunity for larger scale renewable energy developments. Loch Lomond encourage development of large scale renewable proposals adjacent to Parks boundaries where there is considered to be non adverse visual or damaging effects on the special qualities of the Park. This type of approach is welcomed and may be appropriate for CNPA to consider. **(486c)**
- Policy is welcomed, however it is currently inconsistent with Policy 7 which limits any renewable energy developments which do not make a positive contribution to the landscape character of the Park. **(486b)**
- The Park has a wealth of renewable resources and the Park Plan should be based on sustainable use of them, not on NIMBYism. The plan should not preclude large scale renewable energy generation. Suggests rewording for Policy 16 to reflect this. In response to 1<sup>st</sup> mDLP suggest further rewording and repeats earlier objection and disagree with statement in para 4.99 relating to large scale energy production. When replacing imported energy with renewable energy there will be compromises in regard to visual impacts and landscape, and financial bond should only be used where appropriate and not as a disincentive on renewable energy enterprises. **(439m)**

#### **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(p49). 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 Local Plan only applies within the Park boundaries and it would not be appropriate to encourage or discourage development. The CNPA, as a consultee, will however continue to comment on the merits of individual proposals on the basis of a proper assessment of their impact on the setting of the Park. It is worth noting that whilst having specific comments to make, both the British Wind Energy Association and Novera Energy 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 **(419d) Objection:** Objects, renewable energy schemes can be vital for sustainable communities and this policy should not exclude the opportunity for large schemes where these can have beneficial impacts on climate change and can be appropriately sited to minimise impact. Remove reference to “small scale” and “micro”. Objection maintained at 1<sup>st</sup> mDLP. Plus object to para 4.99 to continued refusal of CNPA to consider large scale energy production such as commercial windfarms as this incompatible with the 2<sup>nd</sup> and 4<sup>th</sup> aims. The siting of windfarms has become increasingly sophisticated and given current and projected energy problems and requirement to produce energy in a more sustainable way it is unacceptable for CNPA to reject windfarm development on a blanket basis across the Park without allowing sensitive and carefully designed proposals to come forward which could benefit local communities and contribute to minimisation of climate change. Wind farms can promote sustainable development through community trust funds, they can provide farmers with diversification and mitigation measures can benefit nature conservation. Suggest rewording of 4.99 to this effect.
- 7.2 **Response:** 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 (p49) states that large scale wind farms are not appropriate in the 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 and will give guidance on the role that energy conservation and use of renewable energy have for households, businesses and communities in the Park. Within this context the Policy encourages renewable energy schemes and it is therefore considered that the balance

struck by the policy is correct and appropriate for a National Park. No further modifications are proposed,

- 7.3 **(418d)** Objection: Objects, renewable energy schemes can be vital for sustainable communities and this policy should not exclude the opportunity for large schemes where these can have beneficial impacts on climate change and can be appropriately sited to minimise impact. Remove reference to “small scale” and “micro”. Objection maintained at 1<sup>st</sup> mDLP. Plus object top para 4.99 to continued refusal of CNPA to consider large scale energy production such as commercial windfarms as this incompatible with the 2<sup>nd</sup> and 4<sup>th</sup> aims. The siting of windfarms has become increasingly sophisticated and given current and projected energy problems and requirement to produce energy in a more sustainable way it is unacceptable for CNPA to reject windfarm development on a blanket basis across the Park without allowing sensitive and carefully designed proposals to come forward which could benefit local communities and contribute to minimisation of climate change. Wind farms can promote sustainable development through community trust funds, they can provide farmers with diversification and mitigation measures can benefit nature conservation. Suggest rewording of 4.99 to this effect.
- 7.4 **Response:** 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 (p49) states that large scale wind farms are not appropriate in the 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 and will give guidance on the role that energy conservation and use of renewable energy have for households, businesses and communities in the Park. Within this context the Policy encourages renewable energy schemes and it is therefore considered that the balance struck by the policy is correct and appropriate for a National Park. No further modifications are proposed,
- 7.5 **(037d)** Objection: Objects, no definition of small scale.
- 7.6 **Response:** Reference to small scale has been removed. No further modifications are proposed.
- 7.7 **(427)** Objection: Objects, while supporting the approach the plan should provide a brief outline of the different forms of technology and encourage all forms of renewable energy. Should be mandatory requirement for all new developments to provide at least 15% of the need through on site renewable. Additionally a policy on sustainable design and construction methods and energy efficiency to increase energy efficiency in the existing and new building stock.
- 7.8 **Response:** Policies 18 and 19 relate to the specific points being raised in the objection. Para 4.100 highlights the range of technologies that could be considered. This is not an exhaustive list and so long as there is compliance with local plan policies any form of generation is possible. There is reference in the supporting text following Policy 16 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. No further modifications are proposed.
- 7.9 **(486c)** Objection: Objects, in response to 1<sup>st</sup> mDLP Para 4.99 we note that the National Park encourages renewable energy developments which contribute to national targets for greater renewable production through increasing community, business and domestic scale energy

schemes. Whilst this likely to be most suitable scale for developments within the Park, outwith the boundary there is opportunity for larger scale renewable energy developments. Loch Lomond encourage development of large scale renewable proposals adjacent to Parks boundaries where there is considered to be non adverse visual or damaging effects on the special qualities of the Park. This type of approach is welcomed and may be appropriate for CNPA to consider.

- 7.10 **Response:** The Local Plan only applies within the Park boundaries and it would not be appropriate to encourage or discourage development. The CNPA, as a consultee, will however continue to comment on the merits of individual proposals on the basis of a proper assessment of their impact on the setting of the Park. No further modifications are proposed.
- 7.11 **(486b) Objection:** Objects, policy is welcomed, however it is currently inconsistent with Policy 7 which limits any renewable energy developments which do not make a positive contribution to the landscape character of the Park.
- 7.12 **Response:** It is not considered that there is a conflict with Policy 7 as the scale of landscape impact would be dependent on the form of renewable generation and the specific nature of a particular proposal. No further modifications are proposed.
- 7.13 **(439m) Objection:** Objects, the Park has a wealth of renewable resources and the Park Plan should be based on sustainable use of them, not on NIMBYism. The plan should not preclude large scale renewable energy generation. Suggests rewording for Policy 16 to reflect this. In response to 1<sup>st</sup> mDLP suggest further rewording and repeats earlier objection and disagree with statement in para 4.99 relating to large scale energy production. When replacing imported energy with renewable energy there will be compromises in regard to visual impacts and landscape, and financial bond should only be used where appropriate and not as a disincentive on renewable energy enterprises.
- 7.14 **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 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(p49). 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. It is worth noting that whilst having specific comments to make, both the British Wind Energy Association and Novera Energy 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. The wording of the policy is intended to link to the aims of the National Park, the first of which is to conserve **and** enhance the natural and cultural heritage of the area. The proposed wording in this objection would not achieve this and would be inconsistent with Policies 1 and 7 amongst others. No further modifications are proposed.

## **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 2<sup>nd</sup> modifications
- CD7.1 Cairngorms National Park Plan 2007
- CD7.3-7.5 CNPA Committee Reports on Local Plan
- CD3.2 NPPG14 Natural Heritage
- CD2.6 SPP6 Renewable Energy