

SPP Review - Priorities for Change

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Policy Ideas

The review is of the SPP as a whole – please consider connections and tensions between policy subjects.

It is also the case that policy should be based on evidence and the SPP should either contain or be cross referenced to the evidence that forms the basis of policy. Where policy is in draft form, that should be made clear.

It should also be made clear that for all planning decisions in Scotland, including Electricity Act decisions, there is no need to go to any other document beyond SPP to see what policy applies.

Introduction

Scotland Against Spin is the recently launched national alliance of individuals and groups opposed to the development of wind farms and wind turbines that have had and are having a damaging impact on landscape, visual and residential amenity and the inevitable adverse social and economic impacts as a result of unsuitable sites being approved.

We are grateful for the opportunity to respond to the Scottish Government consultation on the review of Scottish Planning Policy and National Planning Framework 3 to feed into the drafting of a new SPP document and NPF3.

We have used your format and you will see that some policies appear in both the “What works” box and the “What doesn’t work” box. This allows us to give a balanced consideration of policies that we have an interest in and we offer an explanation as to why the policy falls into both areas.

What works?

Gardens and Designed Landscapes We support the terms of Paragraph 112 and the clear policy as set out. Local Planning Authorities, along with Historic Scotland, should be encouraged to keep their inventory of gardens and designed landscapes up to date.

Listed Buildings We support the terms of Paragraphs 113 and 114 and the clear policy as set out, although some guidance on setting would assist.

Conservation Areas We support the terms of Paragraphs 115 - 117 and the clear policy as set out.

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Landscape and Natural Heritage Paragraphs 125 – 133 describe very well the positive attributes and importance of Scottish Landscape and Natural Heritage and we support their retention as set out. The Natural Heritage (Scotland) Act 1991 describes the natural heritage of Scotland including flora, fauna, geological and physiographical features, its natural beauty and its amenity. This is the year of Natural Scotland and Scotland must be seen as actively caring for the natural beauty and amenity of her landscape and natural heritage. **See also "What doesn't work"**

Protected Species Paragraph 142 gives a high level of consideration of impact on protected species and protection which we support. **See also "What doesn't work"**

Renewable Energy This policy as set out in paragraphs 182 – 191 is translated into local development plan policy and supplementary guidance and is extremely supportive of all scales of development in virtually all landscapes wild and rural. It is a blunt instrument and developers see it as making more or less all of Scotland a development site for wind farms and turbines. It is predicated on Councils preparing robust, evidence based and up to date spatial planning guidance, a process that has only happened in a very, very patchy way. The Scottish Government will be aware of the developments that are operational, being built, consented and in the planning process and earlier stages in the pipeline of proposals and for all these reasons they may consider the policy to "work". But is it acceptable ? **See also "What doesn't work"**

What doesn't work?

Landscape and Natural Heritage Paragraphs 125 – 133 **See "Why?"**

Protected Species Paragraph 142 **See "Why?"**

Green Belts

Paragraphs 159 – 164 set out the policies for Green Belts as part of a settlement strategy. **See "Why?"**

Renewable Energy This policy as set out in paragraphs 182 – 191 **See "Why?"**

Why?

Landscape and Natural Heritage Paragraphs 125 – 133

In many cases with smaller developments and where there is no national level interest Scottish Natural Heritage simply provide advice and pass the responsibility for assessing Landscape and Visual impacts to the planning authority. With a very few exceptions we are unaware of officers at LPA level with the training or experience to assess that topic and often planning applications are reported to Committee in a way which underplays or

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ignores the advice of SNH – advice which, to a lay reader, clearly indicates that the application should be refused.

Protected Species While the impact of a single wind farm development on a species eg Pink-Footed Geese is considered through the Environmental Statement, by Scottish Natural Heritage and through the planning process the cumulative impact of a number of wind farms in an area used by this species should be considered. The impact of smaller Feed in Tariff turbines should not be ruled out and some farmland areas in Scotland used intensively by this species is now being intensively developed. With neighbouring farmers applying for and gaining consent for proposals ranging from 1 to 3 turbines Each proposal on its own is assessed for its impact on pink-footed geese and while studies indicate some fatalities the usual conclusion is that there will not be a danger to the overall conservation status of the species in its natural range.

The need for multiple species assessment and the need to address cumulative impact, including displacement, all needs to be set out in policy.

There are no post construction surveys of avian fatalities at wind farm developments and certainly landowners will be unlikely to record fatalities so the actual damage to the species is unknown. The same could be said about impact on another protected species, bats.

It is illegal to kill a member of a protected species. Policy should reflect this clear legal position.

Green Belts

SPP paragraph 189 “areas requiring significant protection because they are designated for their national or international landscape or natural heritage value, **are designated as green belt** or are areas where the cumulative impact of existing and consented wind farms limits further development”

There should be a presumption against wind farm developments in Green Belts and a restriction on smaller scale developments. The policy as it is worded is not meant to be restrictive and achieves that aim by being seen to encouraging speculative and inappropriate development to the detriment of the valuable green belt asset. The policy needs to be clear and robust and supportive at planning appeals. An example of over development in green belt contrary to the present SPP and encouraged by a consent driven planning authority has occurred over a very short time span in green belt close to Neilston and Uplawmoor in East Renfrewshire. There are 29 turbines approved /constructed with 9 further turbines in planning and a section 36 with Scottish Ministers. The effect of this over development may be to limit or sterilise other development opportunities with greater social and economic benefits for the area. In this part of East Renfrewshire there is a complete a loss of confidence by the public that Green Belt indeed means anything and serves to protect anything. Reading the policy gives little comfort. For these reasons we consider stronger, clearer and more robust language should be used to underpin a revision to this policy to restrict development and regain public confidence.

There is no policy in SPP on development on **Brown Field** sites and of course it is argued that **Brown Field** opportunities should be encouraged as a priority before development in the green belt should be considered and a policy dedicated to that could be considered

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Renewable Energy

While the policy that may be seen to be working in pursuing the Scottish Government's uncapped but draft policy for 100% electricity target for 2020, it is deeply unpopular. It is resulting in many valued landscapes suffering long term damage and many others in the Borders, Dumfries and Galloway and Highland Scotland threatened by virtually limitless development. At the same time the overwhelmingly intrusive visual impact of massive industrial turbines is being imposed on rural communities and individuals and many peoples' lives have been and will be blighted. Many people will say "I don't mind turbines" but always follow by saying "but I wouldn't want to live near to one" Thousands of people are being forced to do just that. The effects on health are known as are the impacts on property values and the unquantified but real impact on our national industry, tourism. A policy that imposes so much damage on Scotland's Natural Beauty and on the people that live in Scotland and the visitors that visit and has so many negative impacts needs to be modified to be less developer friendly and more citizen friendly.

Text in the SPP is too permissive. Phrases like "These targets are not a cap" (paragraph 182) "the existence of these constraints on wind farm development does not impose a blanket restriction on development" (paragraph 190) and "Planning authorities should not impose additional zones of protection around areas designated for their landscape or natural heritage value" (paragraph 190) should be removed.

Policy also needs to recognise that most Councils are inadequately staffed in terms of assessing the plethora of renewables applications that come forward. This results in wholly unsatisfactory assessments that are often nothing more than a cut and paste from the Developer's ES. It should be a matter of policy that for all wind farm developments the ES should be the subject of a full and independent audit and that the subsequent Committee report should be the subject of objector presentations at Council Committees.

Benefits and disbenefits for communities.

The benefit for communities is, whether in cash or kind, in simple terms, a monetary inducement to buy support for a proposal. While not a material planning consideration it is being used by developers as if it were and in effect they are attempting to buy planning permission.

We demand that Scottish Government continues to make it clear that the voluntary arrangement between a developer and a community remains separate from the planning process and there should be no attempt through this SPP review to make it a planning consideration

Disbenefits

Protection for communities against impacts on visual and residential amenity must be strengthened*. Where planning authorities have not the requisite skills or experience the Environmental Statements from developers should be subject to external independent professional scrutiny as suggested above. As an example of independent scrutiny we have seen reports from the Institute of Environmental Management and Assessment. The IEMA can assess the Environmental Report for completeness and competence and can produce constructive criticism that can provide a valuable insight to the process. Third parties of course are often the best scrutineers but are resource poor for the amount of work that is involved.

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* **Proximity** Paragraph 190

"likely impacts on communities, including long term and significant impact on amenity.

A separation distance of up to 2km between areas of search and the edge of cities, towns and villages is recommended to guide developments to the most appropriate sites and to reduce visual impact, but decisions on individual developments should take into account specific local circumstances and geography. Development plans should recognise that the existence of these constraints on wind farm development does not impose a blanket restriction on development, and should be clear on the extent of constraints and the factors that should be satisfactorily addressed to enable development to take place. Planning authorities should not impose additional zones of protection around areas designated for their landscape or natural heritage value"

It was clarified in a letter dated January 2009 on behalf of former Energy Minister Jim Mather to Mrs Pat Wells of "Stop Highland Windfarm Campaign" that this separation applied to single dwellings outwith towns, cities and villages.

In many cases, not all, it is apparent to Scotland Against Spin that developers identify sites that will certainly have long term and significant impact on amenity as being appropriate. Through the Environmental Impact Assessment process they "address" or mitigate out significant impact on amenity to render what is essentially an inappropriate site acceptable. An analogy of mitigation reducing significant adverse impact to an acceptable level might be " I am going to kill you but I will do it quickly" This will reduce the unpleasant effects of being killed by getting it over with quickly but in the end the result will be the same. We attach a map showing two nearby proposals in Fife which demonstrate the proximity issue and we respectfully request that this issue which is a primary concern is properly addressed through the Review of the SPP

Other issues

We have been asked to request a consideration of circumstances under which a third party right of appeal would be allowed and that noise assessments include noise other than audible 'A' weighted and take account of noise in the lower frequencies. Other concerns are the impact of turbines on domestic animals and livestock and that consideration is given to the British Horse Society set back recommendations.

Aarhus Convention1

We would also like to draw attention to obligations on all UK planning authorities and Scottish Ministers, to comply with legislation laid down by the Aarhus Convention **and this should be addressed through the revised SPP**

Essentially, the sole justification for these projects (wind turbines) is that they are reputed to reduce greenhouse gas emissions, deliver fossil fuel savings and beneficial impacts on future climate change characteristics.

However, no evidence of predicted precise targets or of actual effects (as opposed to assumed effects) is actually available in the documentation prepared at EU, UK and Scottish administrative levels. Documentation, where it is available, it is not transparent, as defined by the "Aarhus Convention: An Implementation Guide":

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"Transparency means that the public can clearly follow the path of environmental information, understanding its origin, the criteria that govern its collection, holding and dissemination, and how it can be obtained".

As the relevant EU legislation directs, Member States have to ensure that information on the environment is up to date, accurate and comparable. There is a reason; access to transparent environmental information ensures that members of the public can understand what is happening in the environment around them. It also ensures that the public is able to participate in the decision making in an informed manner.

The European Union and the United Kingdom, with its devolved Scottish administration, are parties to the Aarhus Convention.

Under Article 5 of the Convention, both the EU and the UK as parties are required to ensure:

"Public authorities possess and update environmental information which is relevant to their functions".

"Each Party shall ensure that, within the framework of national legislation, the way in which public authorities make environmental information available to the public is transparent and that environmental information is effectively accessible".

Therefore, the actual emissions savings, fuel savings and climate change benefits which would justify the approval of any wind turbines should be available.

Under Article 3 of Directive 85/337/EEC (as amended), the Competent Authority is required to complete its own environmental assessment of the project.

Under Environmental Information (Scotland) Regulations of 2004 public authorities must ensure environmental information is transparent and effectively assessable. In EU legislation (Directive 2003/4/EC) the words used are 'accurate, up to date and comparable'. If you look at the Scottish regulations, you will see the same wording in paragraphs 4 (1) and 5 (1) (4).2

In any event the detailed evidence for the precise actual benefits (as opposed to the assumed benefits factored into policy) should be included when balancing and assessing an application.

1. <http://www.unece.org/env/pp/introduction.html>
2. http://www.legislation.gov.uk/ssi/2004/520/pdfs/ssi_20040520_en.pdf

Whilst we need to understand the issues, we ask that comments focus on the possible solutions.

What changes and/or solutions could be made to the policy to focus it on sustainable economic growth and to emphasise place making?

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