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Your ref: PE1357
Our ref:

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Dee Franck,

CONSIDERATION OF PETITION PE1357

Thank you for your letter dated 7 October in which you seek the Scottish Government's response to issues raised and three further questions in relation to the petition by Tessa Packard, *"calling on the Scottish Parliament to urge the Scottish Government to convene an inquiry to consider the process for consenting onshore and offshore renewable energy generating stations and whether the process achieves an adequate cost/benefit and planning developments/environment balance, particularly for those in rural communities and whether its energy and planning policies compete against local communities' priorities for land and landscape conservation, tourism and public recreation."*

In broad terms, the questions asked by the petitioner on whether Scottish Ministers achieve the right balance on cost/benefit and planning developments/environment are essentially asking if the broader policy of the Scottish Government is the right one. It is for Government to set policy, having been elected, and for Scottish Ministers to decide on how any balance should be struck. As I will demonstrate, Scottish Ministers do take all considerations into account in making that determination.

The Energy Sector

The energy sector in Scotland is required to move towards a less carbon intensive mix of generation sources. This transition has the potential to provide a unique combination of environmental and economic benefits; including reduced greenhouse gas emissions, enhanced energy security and lower energy costs. Through timely and unprecedented levels of investment in the electricity, heat and energy efficiency sectors, this step change in activity will open up enormous opportunities for businesses across Scotland. Although decarbonisation of the electricity supply will involve significant costs, evidence suggests that

Scotland's generation advantages from this transition to renewable electricity and carbon capture and storage will provide significant economic opportunities.

In terms of potential offshore development, economic analysis is being undertaken around the Short Term Options for the Draft Plan for Offshore Wind in Scottish Territorial Waters. Scottish Government Ministers and officials have not yet adopted any of the 10 short term sites proposed by The Crown Estate and the relevant developers, or the other medium-term area options which are seen as areas of resource with reduced environmental and technical issues and have been assessed on strategic environmental terms. A suitable plan is being developed, which we will ensure covers socio-economic appraisal. A formal consultation has been completed and the consultation report will be used to help steer these studies and ensure that balanced reports are produced by qualified consultants to guide Ministers. Ministers will consider Strategic Environmental Assessment, Consultation, Socio-economic Study and Habitats Regulations before making decisions based on all the relevant information put before them.

The reason this type of socio-economic study is being considered for offshore development is due to the fact that offshore wind is an emerging market and technology, being deployed in territories where renewables have not previously been constructed. There is therefore no track record or previous experience on which to base the potential economic or social impact of these offshore projects.

Consenting

The onshore consenting process does not take place in a vacuum (either through Electricity Act consents or through the planning system) as it is based upon national and local planning policies that support a wide range of interests including renewables, the rural economy and, in the case of onshore renewable energy generating stations, key landscape considerations on which Scottish Natural Heritage advises Scottish Government. In the case of tourism and public recreation, those considerations would be taken into account if relevant. There are good examples of wind farm developments where tourism and public recreation have been enhanced.

The second National Planning Framework¹ highlights the major efforts Scotland is making to increase the share of electricity and heat demand derived from renewable sources. Inevitably, in any field there are likely to be tensions to resolve between one policy and another but in energy and planning they are not insurmountable. To that end, Scottish Planning Policy² (SPP) states that:

"Planning authorities should support the development of wind farms in locations where the technology can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed. Development plans should provide a clear indication of the potential for development of wind farms of all scales, and should set out the criteria that will be considered in deciding applications for all wind farm developments including extensions."

Although not the determining bodies for applications made under Section 36 of the Electricity Act, the relevant planning authority for any case will play a key role as statutory consultee, and their response will often determine whether or not an application is considered at public inquiry.

¹ <http://www.scotland.gov.uk/Publications/2009/07/02105627/0>

² <http://www.scotland.gov.uk/Publications/2010/02/03132605/0>
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- landscape and visual impact,
- effects on the natural heritage and historic environment,
- contribution of the development to renewable energy generation targets,
- effect on the local and national economy and tourism and recreation interests,
- benefits and disbenefits for communities,
- aviation and telecommunications,
- noise and shadow flicker, and
- cumulative impact.

Energy and planning policies do not set out to compete against the priorities of local communities. Where decisions are taken to approve onshore renewable energy developments they are taken very carefully against the policies of the development plan and all other material considerations.

Committee Questions

- **Will you convene an inquiry in the terms outlined by the petitioners? If not, why not?**

This has been illustrated in part by our willingness to reject applications where other factors tip the balance against development. The rejection of the Lewis windfarm is a case in point - where Scottish Ministers considered very carefully the wide range of issues raised through

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the consenting process and the views expressed by stakeholders in the consultation process, and rejected the application. On this occasion, it was the impact of the proposal on the sites designated as part of the Natura 2000 series which was at the heart of the reasons for refusal of the application. At the time, the Lewis wind farm would have been the largest single consented wind farm in the world and would have contributed greatly to the Scottish Government's renewable energy targets. Its rejection illustrates the ability of the consenting process to protect designated areas, species and habitats and to protect the historic environment from inappropriate forms of development.

Another four windfarm applications have been rejected since 2007, for reasons varying from the recreational use and amenity of a Regional Park (Greenock Windfarm), visual impact (Calliachar wind farm), unacceptable impacts on landscape, visual and residential amenity (Clashindarroch wind farm) and aviation safeguarding (Kyle windfarm). The rejection of all these proposals demonstrates a robust approach to rejecting projects where there are unacceptable impacts.

The consenting process also makes provision for a full and thorough consultation process, not only seeking the views of statutory consultees like Scottish Natural Heritage, SEPA and the relevant planning authority, but also of numerous non-statutory consultees, including Community Councils. This process can be extended in the event of Scottish Ministers causing a Public Inquiry to be held, a process which offers affected parties a further opportunity to be heard by reporters to the inquiry, who then come to an independent opinion on the development.

It is also important to note that the consenting process in this country also ensures that any consent given is subject to a range of appropriate conditions in view of the significance of these developments and the importance of the environmental and community issues that have been raised through the consenting process.

Finally, due to Scotland's strong reputation for managing a rigorous section 36 determination process the European Commission consider the Scottish Government to be well placed to lead the recently launched GP WIND initiative, Intelligent Energy Europe's flagship project. This Euro-funded project is a partnership between eight countries and will develop good practice in reconciling objectives on renewable energy with wider environmental objectives and actively involving communities in planning and implementation. This initiative will be used to facilitate appropriate deployment of renewable energy across Europe in support of the 2020 targets. The Scottish Government's appointment as project leader to the project serves to demonstrate the high regard in which our planning system and consenting process is held throughout Europe.

I am therefore not convinced that there is a need for such an inquiry where I believe an existing and proven consenting process serves the country well.

The Committee's second question asks:

- **What assurance can you give to the petitioners and those in their situation that their objections to wind farms projects are properly taken into account as part of the planning process? How do you ensure that local people are not simply presented with a "fait accompli"? How is this demonstrated?**

There is no question that public representation is a material consideration when Scottish Ministers arrive at a determination on a Section 36 Electricity Act application or in the case of a planning application – a decision by a planning authority.

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In the case of Electricity Act applications, to ensure those affected are given an opportunity to make a representation, any application received must be advertised for two successive weeks in one or more local newspapers, and for one week in one or more national newspapers. The advertisement will contain information about the application, and will state that representations should be made to the Scottish Ministers at a stated address within 28 days of the last advert being published.

On receipt of any representation, all details are logged including reasons for objection. All public representations received will be considered by the case officer and are referred to in summary form in the recommendation presented to Scottish Ministers. That recommendation will include an evaluation of the issues raised and the degree of public concern - in terms of numbers of representations - for particular causes of objections. All representations are also scanned and saved onto the energy consents system.

In addition, if an application is subject to a Public Local Inquiry, anyone who has made a representation will be invited to the inquiry to make their views known, and all written representations received during the consultation period by the Scottish Government are sent to the Directorate of Planning and Environmental Appeals (the "Reporters' Unit") for inclusion in their considerations. Again, these views, from either source, will form part of the reporter's report and will be presented to Ministers as part of the determination process.

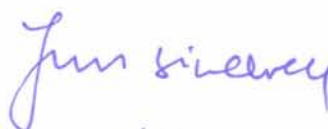

I can therefore reassure the Committee that public representations are carefully considered and are most certainly taken into account when determining Electricity Act wind farm applications.

The Committee's third question asks:

- **How many sites with a special designation status are being used for wind farms developments?**

Of the 30 windfarms developments consented by the Scottish Government, records show that four lie on a designated site of some sort. Arecleoch lies on a Special Protection Area, Clyde lies within a Regional Scenic Area, Muaitheabhal extends into an NSA, and the second extension to Crystal Rig is within an Area of Great Landscape Value.

Scottish Ministers consider very carefully the impact of any proposal on designated sites, whether they fall within the development proposal's boundary or are affected due to their proximity. The Scottish Government takes very seriously its duty to meet international and national statutory obligations to protect designated areas, species and habitats and the need to protect the historic environment from any inappropriate development.



JIM MATHER