

## **Item: 4**

**Development and Infrastructure Committee: 25 June 2019.**

**Development Management Guidance: Energy.**

**Report by Executive Director of Development and Infrastructure.**

### **1. Purpose of Report**

To consider adoption of Development Management Guidance on Energy following the recent Climate Change Emergency declaration by the Council.

### **2. Recommendations**

The Committee is invited to note:

#### **2.1.**

That, on 14 May 2019, the Council declared a climate change emergency.

#### **2.2.**

That Development Management Guidance provides advice on technical issues and the interpretation of given policies where a need arises, thus ensuring a consistency of approach.

#### **2.3.**

That Development Management Guidance on Energy has been prepared to provide additional clarity regarding the material factors, outlined within Supplementary Guidance: Energy, to be considered in the assessment of planning applications.

**It is recommended:**

#### **2.4.**

That the Development Management Guidance: Energy, attached as Appendix 1 to this report, be approved.

### **3. Background**

#### **3.1.**

Development Management Guidance is produced to provide advice on technical issues and the interpretation of given policies where a need arises. It is the intention of Development Management Guidance to ensure a consistency of approach and to highlight the original intention/spirit of a policy where there is any ambiguity. Whilst Development Management Guidance is not subject to public consultation, it is approved by Council prior to publication. As such, Development Management

Guidance is a material consideration in the determination of planning applications, which is considered to be the standing advice of the Local Planning Authority.

### **3.2.**

Following the declaration of a climate change emergency in May 2019, and recent appeal decisions made by Scottish Reporters in relation to scale wind energy developments in Orkney, the draft Development Management Guidance on Energy, attached as Appendix 1 to this report, has been prepared to provide additional clarity regarding the material factors, outlined within Supplementary Guidance: Energy, to be considered in the assessment of planning proposals.

## **4. Proposed Development Management Guidance**

### **4.1.**

The Development Management Guidance on Energy highlights the key sections of the Supplementary Guidance: Energy and emphasises the need to consider the positive impacts of any proposal and balance these against the potential effects on known constraints, including socio-economic benefits; contribution toward renewable energy generation targets; effects on greenhouse gas emissions; and the contribution toward the needs case for the Orkney interconnector, which is a National Development.

### **4.2.**

Furthermore, the opportunity has been taken through the Development Management Guidance to clarify the position regarding proposals for windfarm developments where the devices would be in excess of 125 metres to blade tip. It has always been the case that each application would be judged on its merits, but a slightly modified table is included within the Development Management Guidance to make this clear.

## **5. Equalities Impact**

An Equality Impact Assessment has been undertaken and is attached as Appendix 2 to this report.

## **6. Corporate Governance**

This report relates to governance and procedural issues and therefore does not directly support and contribute to improved outcomes for communities as outlined in the Council Plan and the Local Outcomes Improvement Plan.

## **7. Financial Implications**

There are no financial implications arising from the recommendation of this report.

## **8. Legal Aspects**

Whilst Development Management Guidance is not subject to public consultation, it is approved by the Council prior to publication. As such, Development Management

Guidance is a material consideration in the determination of planning applications, which is considered to be the standing advice of the Planning Authority.

## **9. Contact Officers**

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## **10. Appendices**

Appendix 1: Development Management Guidance: Energy.

Appendix 2: Equalities Impact Assessment.

## Appendix 1.

# Development Management Guidance: Energy.

This guidance accompanies Policy 7 of the Orkney Local Development Plan 2017, and Supplementary Guidance: Energy, both of which were adopted in April 2017. The document has been prepared following the declaration of a Climate Change Emergency by the Council in May 2019 to provide clarity on certain elements of the adopted guidance. Whilst Development Management Guidance (DMG) is not subject to public consultation, it is approved by Council prior to publication. As such DMG is a material consideration in the determination of planning applications, which is considered to be the standing advice of the Planning Authority.

## 1. Balancing the Impacts of Development

In the assessment of planning applications, the Council will strive to balance both positive and negative factors associated with a proposal prior to making a determination. Where there are significant adverse impacts on known constraints, the onus will be on the developer to demonstrate that the positive impacts, including net economic impact, the scale of contribution toward renewable energy generation targets and the effects on greenhouse gas emissions, outweigh these. A critical context for this is the fact that Orkney Islands Council is committed to delivering a vibrant carbon neutral economy whilst seeking to help tackle climate change. It is acknowledged that community and publicly-owned energy developments naturally have greater socio-economic benefits at the local level than private schemes and any such additional benefits that would be realised by such a project should be communicated as part of the planning application.

## 2. All Renewables and Low Carbon Energy Developments

The principle of appropriately-sited new renewable and low carbon energy development is strongly supported and encouraged; including solar, biomass, anaerobic digestion, wind, marine, heat pumps and geothermal. Where there will be adverse effects on local-level constraints, such as landscape impacts outwith the National Scenic Area or impacts on sites that are not subject to a national or international level designation, significant weight will be given to any cogent argument that demonstrates that the proposal will have a meaningful positive impact on the factors outlined within Section 1 above.

## 3. Landscape

Commissioned by Orkney Islands Council in 2013, the Orkney Landscape Capacity Study considers the capacity of the Orkney landscape to accommodate onshore wind energy development. The study represents a strategic-level starting point to assist planners and developers to shape proposals in relation to 'Development Criterion 2 - Landscape and Visual Impact' of Supplementary Guidance: Energy. It is fully acknowledged within the study itself, and within adopted guidance, that it is strategic in nature and is not a substitute for a development-specific Landscape and Visual Impact Assessment at the Development Management level. The weight which should be attached to this guidance should therefore be considered in that context.

Scottish Planning Policy is clear that the only areas where wind farms are fundamentally unacceptable in terms of landscape impact are Scotland's National Scenic Areas and National Parks. Therefore, outwith the Hoy and West Mainland National Scenic Area, notwithstanding other constraints, it may be possible for a developer to make a strong argument regarding how the positive effects of the proposal outweigh the identified negative impacts on the landscape.

#### 4. The Scale of Wind Energy Development

Table 1 of Supplementary Guidance: Energy provides categories of banding for wind turbine developments based upon the height to blade tip and number of proposed turbines. For the avoidance of doubt, whilst 'Very Large' turbines are defined as being 80 to 125 metres in height, turbines exceeding this height will be assessed in accordance with the Spatial Strategy and Development Criteria set out within the document, this banding does not automatically preclude the consideration of proposals of devices in excess of 125 metres. Indeed, it is likely that for the most part, wind energy developments of the future will be of this scale and based on turbines which are in excess of 125 metres. This is due to the development of the technology over the last few years, and the resultant availability of suitable turbines on the world market for commercial scale wind farm developments being focused on larger turbine formats.

An updated table is included below for ease of reference.

Where a development proposal includes 'Very Large' turbines, it is likely that there will be significant landscape and visual impacts. It will therefore fall to the developer to effectively communicate the nature of the positive impacts of their proposal, as described at Section 1 above, and for the Committee to consider the level of weight which should be attached to each consideration on a case by case basis.

**TABLE 1**

<b>DEVELOPMENT TYPE</b>	<b>HEIGHT TO BLADE TIP/QUANTITY</b>
Small	<20 Metres
Medium	20 - <30 Metres
Medium/large	30 - <50 Metres
Large	50 - <80 Metres
Very Large	80 - 125+ Metres
Wind Farm	Two or more 'Medium/Large' turbines or any number of 'Large' or 'Very Large' turbines.

## **5. National Planning Framework**

The National Planning Framework (NPF) acknowledges that strengthening the electricity grid will be essential in unlocking renewable resources, both onshore and offshore. An interconnector for Orkney is identified as being required to fully realise the potential for diverse and widely distributed renewable energy development in Scotland and the interconnector is noted as a National Development.

It is acknowledged that renewable energy developers on Orkney face additional challenges over and above those seeking to connect on the UK mainland. It is not just high transmission charges that has been holding up renewable projects, but also the difficulty of satisfying the requirement for an assured critical mass of new projects to justify investment in grid infrastructure. The lead times associated with large sub-sea transmission connections are typically, upwards of 4 years to achieve funding approval and build.

Recent Scottish Reporter appeal decisions have placed strong material weight on the contribution of proposed renewable energy generation schemes towards the needs case for the Orkney interconnector. In future, significant material weight will be placed upon any meaningful contributions toward realising this National Development. For the avoidance of doubt, any single energy generation project greater than 15MW, or repowering project where the uplift in energy generation exceeds 15MW, will be considered to make a meaningful contribution toward the interconnector needs case.



# Equality Impact Assessment

The purpose of an Equality Impact Assessment (EqIA) is to improve the work of Orkney Islands Council by making sure it promotes equality and does not discriminate. This assessment records the likely impact of any changes to a function, policy or plan by anticipating the consequences, and making sure that any negative impacts are eliminated or minimised and positive impacts are maximised.

<b>1. Identification of Function, Policy or Plan</b>	
Name of function / policy / plan to be assessed.	Development Management Guidance: Energy
Service / service area responsible.	Development and Marine Planning
Name of person carrying out the assessment and contact details.	Stuart West
Date of assessment.	17/06/2019
Is the function / policy / plan new or existing? (Please indicate also if the service is to be deleted, reduced or changed significantly).	New

<b>2. Initial Screening</b>	
What are the intended outcomes of the function / policy / plan?	To provide further information on how to assess planning applications for Energy generation projects.
Is the function / policy / plan strategically important?	yes
State who is, or may be affected by this function / policy / plan, and how.	Applicants for energy generation projects and communities that may see positive impacts.
How have stakeholders been involved in the development of this function / policy / plan?	The main policy and supplementary guidance have been subject to full public/stakeholder consultation.
Is there any existing data and /	no

<p>or research relating to equalities issues in this policy area? Please summarise.</p> <p>E.g. consultations, national surveys, performance data, complaints, service user feedback, academic / consultants' reports, benchmarking (see equalities resources on OIC information portal).</p>	
<p>Is there any existing evidence relating to socio-economic disadvantage and inequalities of outcome in this policy area? Please summarise.</p> <p>E.g. For people living in poverty or for people of low income. See <a href="#">The Fairer Scotland Duty Interim Guidance for Public Bodies</a> for further information.</p>	No.
<p>Could the function / policy have a differential impact on any of the following equality areas?</p>	(Please provide any evidence – positive impacts / benefits, negative impacts and reasons).
1. Race: this includes ethnic or national groups, colour and nationality.	None
2. Sex: a man or a woman.	None
3. Sexual Orientation: whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.	None
4. Gender Reassignment: the process of transitioning from one gender to another.	None
5. Pregnancy and maternity.	None
6. Age: people of different ages.	None
7. Religion or beliefs or none (atheists).	None
8. Caring responsibilities.	None
9. Care experienced.	none
10. Marriage and Civil Partnerships.	None



11. Disability: people with disabilities (whether registered or not).	None
12. Socio-economic disadvantage.	none
13. Isles-proofing.	none

### 3. Impact Assessment

Does the analysis above identify any differential impacts which need to be addressed?	no
How could you minimise or remove any potential negative impacts?	N/A
Do you have enough information to make a judgement? If no, what information do you require?	yes

### 4. Conclusions and Planned Action

Is further work required?	No.
What action is to be taken?	
Who will undertake it?	
When will it be done?	
How will it be monitored? (e.g. through service plans).	

Signature: 

Date: 17/06/2019

Name: S West

(BLOCK CAPITALS).

Please sign and date this form, keep one copy and send a copy to HR and Performance. A Word version should also be emailed to HR and Performance at [hrrsupport@orkney.gov.uk](mailto:hrrsupport@orkney.gov.uk)