

# PROPOSED ABERDEENSHIRE LOCAL DEVELOPMENT PLAN 2020 RESPONSE FORM

As part of the production of the Local Development Plan, a 'Main Issues Report' was published in January 2019. The responses from these consultations have helped to inform the content of the Proposed Local Development Plan ("the Proposed Plan").

The Aberdeenshire Local Development Plan will direct decision-making on land-use planning issues and planning applications in Aberdeenshire for the 10-year period from 2021 to 2031. The Proposed Plan was agreed by Aberdeenshire Council in March 2020 as the settled view of the Council. However, the Proposed Plan will be subjected to an independent examination and is now open for public comment.

## **This is your opportunity to tell us if anything should be changed in the Proposed Plan, and why.**

When writing a response to the Proposed Plan it is important to specifically state the modification(s) that you would wish to see to the Plan.

This is the only remaining opportunity to comment on the Proposed Plan. The reasons for any requested changes will be analysed and reported to Scottish Ministers. They will then appoint a person known as a Reporter to conduct a public examination of the Proposed Plan, focusing particularly on any unresolved issues and the changes sought.

Ministers expect representations (or responses) to be concise (no more than 2000 words) and accompanied by limited supporting documents. It is important to ensure that all of the information that you wish to be considered is submitted during this consultation period as there is no further opportunity to provide information, unless specifically asked.

Please email comments to [ldp@aberdeenshire.gov.uk](mailto:ldp@aberdeenshire.gov.uk) or send this form to reach us by 31 July 2020\*.

We recommend that you keep a copy of your representation for your own records.

*\*UPDATE 16 June 2020: Consultation period was extended from 17 July 2020 for a further two-week period.*



## ACCESSIBILITY

If you need information from this document in an alternative language or in a Large Print, Easy Read, Braille or BSL, please telephone 01467 536230.

Jeigu pageidaujate šio dokumento kita kalba arba atspausdinto stambiu šriftu, supaprastinta kalba, parašyta Brailio raštu arba britų gestų kalba, prašome skambinti 01467 536230.

Dacă aveți nevoie de informații din acest document într-o altă limbă sau într-un format cu scrisul mare, ușor de citit, tipar pentru nevăzători sau în limbajul semnelor, vă rugăm să telefonați la 01467 536230.

Jeśli potrzebowali będą Państwo informacji z niniejszego dokumentu w innym języku, pisanych dużą czcionką, w wersji łatwej do czytania, w alfabecie Braille'a lub w brytyjskim języku migowym, proszę o telefoniczny kontakt na numer 01467 536230.

Ja jums nepieciešama šai dokumentā sniegtā informācija kādā citā valodā vai lielā drukā, viegli lasāmā tekstā, Braila rakstā vai BSL (britu zīmju valodā), lūdzu, zvaniet uz 01467 536230.

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If you wish to contact one of the area planning offices, please call 01467 534333 and ask for the relevant planning office or email [planning@aberdeenshire.gov.uk](mailto:planning@aberdeenshire.gov.uk).



# YOUR COMMENTS

Please provide us with your comments below. We will summarise comments and in our analysis will consider every point that is made. Once we have done this we will write back to you with Aberdeenshire Council's views on the submissions made. We will publish your name as the author of the comment, but will not make your address public.

**Modification that you wish to see** (please make specific reference to the section of the Proposed Plan you wish to see modified if possible, for example Section 9, paragraph E1.1):

Please see attached paper apart

**Reason for change:**

Please see attached paper apart

# PRIVACY NOTICE

## LOCAL DEVELOPMENT PLAN PUBLIC COMMENT

The Data Controller of the information being collected is Aberdeenshire Council.

The Data Protection Officer can be contacted at Town House, 34 Low Street, Banff, AB45 1AY.

Email: [dataprotection@aberdeenshire.gov.uk](mailto:dataprotection@aberdeenshire.gov.uk)

Your information is being collected to use for the following purposes:

- To provide public comment on the Aberdeenshire Local Development Plan. The data on the form will be used to inform Scottish Ministers and individual(s) appointed to examine the Proposed Local Development Plan 2020. It will inform the content of the Aberdeenshire Local Development Plan 2021.

### Your information is:

Being collected by Aberdeenshire Council	X
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### The Legal Basis for collecting the information is:

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Where the Legal Basis for processing is either Performance of a Contract or Legal Obligation, please note the following consequences of failure to provide the information:

It is a Statutory Obligation under Section 18 of the Town and Country (Scotland) Act 1997, as amended, for Aberdeenshire Council to prepare and publish a Proposed Local Development plan on which representations must be made to the planning authority within a prescribed period of time. Failure to provide details requested in the 'Your Details' section of this form will result in Aberdeenshire Council being unable to accept your representation.

Your information will be shared with the following recipients or categories of recipient:

Members of the public are being given this final opportunity to comment on the Proposed Aberdeenshire Local Development Plan. The reasons for any changes that the Council receives will be analysed and reported to Scottish Ministers. They will then appoint a person to conduct a public examination of the Proposed Plan, focusing particularly on the unresolved issues raised and the changes sought.

Your name and respondent identification number (provided to you by Aberdeenshire Council on receipt of your

submission) will be published alongside a copy of your completed response on the Proposed Local Development Plan website (contact details and information that is deemed commercially sensitive will not be made available to the public).

In accordance with Regulation 22 of the Town and Country (Development Planning) (Scotland) Regulations 2008 where the appointed person determines that further representations should be made or further information should be provided by any person in connection with the examination of the Proposed Plan the appointed person may by notice request that person to make such further representations or to provide such further information.

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  - (i) Consent; or
  - (ii) Performance of a Contract;
- to request rectification or erasure of your personal data, as so far as the legislation permits.



# **PROPOSED ABERDEENSHIRE LOCAL DEVELOPMENT PLAN 2020**

This document sets out Scottish Renewables' response to the Proposed Aberdeenshire Local Development Plan (LDP) 2020 consultation.

We would encourage the council to consider our comments alongside Scottish Renewables' Position Statement on National Planning Framework 4 (NPF4)<sup>1</sup>, as well as our Supplementary Papers on Climate Change and Deployment Targets<sup>2</sup>, Landscape Capacity v Sensitivity Studies<sup>3</sup>, Spatial Planning<sup>4</sup> and Peat and Carbon Rich Soils<sup>5</sup>. These are relevant to the proposals in the LDP, specifically the policies relating to renewables.

## **Section 13 'Climate Change'**

Suggested changes to various policies as noted below to ensure consistency with SPP, statutory climate change targets and other policies of the Proposed LDP.

### **Policy C2 'Renewable Energy'**

As an overarching comment, Scottish Renewables welcomes the statement in Policy C2.1 that the Council will support further applications for renewable energy developments where these are appropriately located and sized. However, it is disappointing to note that the Proposed LDP makes no reference to the climate emergency or the legally binding 2045 net-zero target.

The Proposed LDP does not reflect the aims and ambitions of the Council's own Climate Change Declaration, which states that the Council will "*update our relevant policies, to ensure they meet this declaration*". The LDP should be a key document in the delivering the Council's stated intention, but in its current form it fails to do so.

We are concerned that the renewable energy policies do not adequately reflect the severity of the climate emergency or the importance of the planning system in helping to achieve the net-zero target.

The socio-economic benefits of renewable energy development should be more broadly recognised in this section of the Proposed LDP. Positive support for renewable energy development is key to the "transition economy", and the move from an oil and gas economy to a low carbon economy. The ability for renewable energy development to utilise the skills already present in the north east region in the oil and gas sector should also be recognised.

Section 13 of the Proposed LDP and individual policies should be updated to reflect these key issues.

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<sup>1</sup> <https://www.scottishrenewables.com/publications/560-sr-position-statement-on-npf4>

<sup>2</sup> <https://www.scottishrenewables.com/publications/623-sr-npf4-supplementary-position-statement-cc-and-deployment-targets>

<sup>3</sup> <https://www.scottishrenewables.com/publications/621-sr-npf4-supplementary-position-statement-lcs-v-lss>

<sup>4</sup> <https://www.scottishrenewables.com/publications/622-sr-npf4-supplementary-position-statement-spatial-planning-for-onshore-wind>

<sup>5</sup> <https://www.scottishrenewables.com/publications/618-sr-npf4-supplementary-position-statement-peat-and-carbon-rich-soils>

## **Policy C2.2 'Wind Energy'**

This is the main policy against which wind energy proposals will be assessed and Scottish Renewables welcomes the statement in the policy that the Council 'will approve' further wind development in appropriate locations. Scottish Renewables does however have concerns with the detailed implementation of this policy, as follows.

Firstly, this policy does not contain a set of criteria against which the Council will assess wind farm applications. There is some uncertainty about which other Proposed LDP policies would be applicable to the assessment of a wind energy application and clarity is required in Policy C2.2, to ensure there is no uncertainty on this issue. Policy C2.2 should cross refer to SPP paragraph 169, which provides a list of assessment criteria. Any cross reference with other Proposed LDP policies (see comments on policies PR1.1, R3 and R4 as examples of where clarification is required) should also be noted.

Secondly, Scottish Renewables has significant concerns over the reference to the 2014 Strategic Landscape Capacity Assessment for Wind Energy in Policy C2.2 and its potential role in the assessment of future applications. Scottish Renewables has made representations regarding the inappropriate use of Landscape Capacity Studies as a development management tool as part of our supplementary position statement to NPF4 (appended to this response). Scottish Renewables strongly disagrees with the comment in the policy that this document remains relevant, even for the larger turbines now proposed, as this statement does not take into account the significant legislative and regulatory changes which have occurred since 2014 (as detailed above).

The Capacity Study was published in March 2014. As set out above, renewable energy and greenhouse gas emissions reduction targets have increased substantially in the interim period, and there is now a demonstrably greater need for and urgency to deliver further renewable energy than there was in 2014. It is a document containing conclusions reached in a materially different context and must now be treated with extreme caution given the significant change in the energy policy landscape in the intervening period, the change in the cumulative situation (there have been 184 wind turbines consented or built since 2014) and the change in the scale of available turbine technology. If it ever was, it is no longer fit for purpose.

The Capacity Study does not form part of the Development Plan. By contrast, the spatial framework (page 86) does and this follows the Spatial Framework set out in Table 1 of SPP. Policy C2.2 should be amended to remove reference to the Capacity Study and provide greater emphasis to the Spatial Framework.

Scottish Renewables notes that the Spatial Framework Map itself (page 86), identifies 'areas with strategic capacity for wind turbine development', as required by paragraph 162 of SPP. This Spatial Framework is identical to the Spatial Framework in the current LDP and clarity on the source of this strategic capacity would be useful.

## **Policy C2.3**

Policy C2.3 does not set out the Council's position on repowering and lifetime extensions. Given that these types of applications, as well as physical extensions, are likely to be increasingly common over the lifetime of the Proposed LDP, Policy C2.3 should be amended to clearly set out the Council's 'in principle' support for such applications. This would be consistent with the Scottish Government's Onshore Wind Policy Statement (2017) and would help ensure that the Proposed LDP creates a positive policy context to help address the climate emergency and net-zero target. It should be noted that lifetime extensions may simply include an extension in operating time, without any changes to infrastructure. Scottish Renewables suggests that this wording is amended accordingly. Where turbines are being repowered, the policy should make provision for, and support, the use of best available technology, including larger scale turbines.



With reference to the sentence 'Existing bases should be reused', Scottish Renewables suggests that this should be amended to include the wording 'where possible'. Whilst every effort will be made to reuse existing infrastructure, it is unreasonable to stipulate this as a policy requirement as it is not possible to reuse existing bases due to turbine foundations being of a bespoke design to suit the specific turbine model.

### **Policy C3 'Carbon Sinks and Stores'**

This policy states that the Council will protect carbon sinks and stores from disturbance or destruction. As noted in other representations, these resources also benefit from protection in Policies PR1.1 and PR1.10, albeit not consistently and not in accordance with SPP. As currently worded, the Policy is not consistent with SPP, which groups carbon rich soils as a Group 2 interest in terms of the SPP Spatial Framework. SPP states that any significant effects upon these interests should be substantially overcome. This is a different and more appropriate test than that set by Policy C3, which is written in absolute terms in that these resources will be protected from any 'disturbance or destruction' and allows for no exercise of planning judgement at all. Policies PR1.1, PR1.10 and C3 should be reviewed and where necessary amended to bring them into line with SPP, as they relate to wind farm developments, and also to ensure they are consistent with each other.

# Position Statement – National Planning Framework 4

## *Supplementary Paper* *– Landscape Capacity v Sensitivity Studies*

This document sets out Scottish Renewables members' views on what will need to be included in National Planning Framework 4 (NPF4) to deliver the level of renewable energy technology deployment needed to meet Scotland's Climate Change commitments and achieve net-zero by 2045.

Scottish Renewables' position is that Landscape Capacity Studies are not fit for purpose and should be replaced with Landscape Sensitivity Studies as a starting point in project assessment, while giving weight to Scottish Planning Policy (SPP) 161 and Table 1. This paper should be read with the SR NPF4 Supplementary Position Paper on Spatial Planning for Onshore Wind.

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### **Introduction**

This paper addresses the attempt by Planning Authorities (PAs) to spatially plan for onshore wind energy development through Landscape Capacity Studies (LCSs). These studies are given undue weight in the planning system by being referenced and applied in development plan policies. Scottish Renewables members welcome and share the current Scottish Natural Heritage (SNH) view that Landscape Sensitivity Studies (LSSs) should be used instead of LCS.

LCSs invariably express support for renewables and then find that there is no or very limited capacity for modern turbines in their areas. They also frequently find that development which has already taken place further constrains future opportunities. This is expressed to be either because available capacity has been taken up or because new development is expected to be at the same or a similar scale (in terms of tip height) as that which is operational and may have been there for many years.

A prime example is the Argyll and Bute Council LCS which advises of 'very limited' capacity for >150m turbines in only one landscape character area (LCA) and of limited capacity for turbines of 80-120m. The detailed advice in the LCS makes it clear that even in the one favoured area for >150m turbines, there is in fact no real usable capacity. The exercise is blatant and the LCS is part of the current development plan. The proposed Argyll and Bute Local Development Plan (LDP) 2 promotes landscape to primary importance, setting out that 'developers will be required to demonstrate how they have taken into

consideration the detailed strategic guidance set out in the Argyll and Bute Landscape Wind Energy Capacity Study 2017.<sup>1</sup> Other PAs are discussed further below.

Reporters at inquiry have generally not found favour with LCSs as an attempt to plan for projects. In the Larbrax appeal (PPA-170-2015) decision the Reporter noted that the Dumfries and Galloway LCS had found that there was no remaining capacity for a wind farm in the area of the site, but said: 'The [LCS] is a useful indicator of the relative ease with which a particular landscape might accommodate a particular type of wind farm. However, it is no substitute for a site and proposal specific assessment of landscape and visual effects, as has been carried out by the appellant, or the development analysis that has been carried out in response to this proposal by the planning authority and SNH. The fact that the [LCS] effectively rules out the possibility of developing a wind farm anywhere within the Rhins peninsula is a material consideration, but in no way obliges me to dismiss the appeal.'

The approach of the Larbrax has been broadly followed by the large majority of Reporters, and the advice of the Reporters has been accepted in Ministerial decisions.

### **Definitions**

A Landscape Sensitivity Study (LSS) assesses the landscape and visual susceptibility of landscape types (LCTs) or areas (LCAs) or, more likely, a range of types or areas to a development type. In the terminology of the Guidelines for Landscape and Visual Assessment (GLVIA), susceptibility and value are combined to produce a finding of overall sensitivity. However, an LSS does not engage with value (being the value attributed to landscape through designation or more personally), but only with susceptibility (being an assessment of the vulnerability of a landscape or a view to development based on professional judgement). An LSS does not ask how much capacity there may be to accept a particular amount of the type of development being studied. LSSs for onshore wind development are therefore a study of the relative susceptibility of the various LCTs or LCAs to a defined range of scales of development (e.g. up to 50m or 80 – 120m).

A Landscape Capacity Study (LCS) is a study of the capacity of the landscape to accept a finite and defined amount of development of a particular type (e.g. turbines or housing) in a particular area. In effect, the study will recognise a development target and explore where, from a landscape and visual perspective, that development may best take place. An LCS will examine matters by reference to the various landscape types (LCTs) or areas (LCAs) within a Planning Authority's area. Each LCT will have unique characteristics and may be found in more than one LCA. The conclusions will necessarily be compared at a project level with studies of other constraints and opportunities so that the best-rounded planning decision is made.

### **Issues with Landscape Capacity Studies**

The issue with the LCSs of PAs to date has been that the more useful LSS stage in the documents are then followed by an attempt to discuss and reach a conclusion on capacity. This effort is fundamentally

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<sup>1</sup> <https://www.argyll-bute.gov.uk/sites/default/files/Unknown/finalpldp2writtenstatementdepositv2.pdf>

flawed as there is no identified capacity target for wind energy to base this on. Without any indication of a target capacity for a given area, the premise of a capacity study is a misnomer. Without a defined capacity to allocate, the easy conclusion for the author of the study is to conclude there is no capacity.

This is exacerbated by an assumption from the very few landscape professionals engaged by PAs and SNH to conduct these studies that the more development that has taken place the less capacity there will be for further development. This approach seeks to deny the application of (a) the need case for renewables and (b) the application of other constraints when assessing a planning application. This approach is at odds with Scottish Government (SG) policy in Scottish Planning Policy (SPP) 161 and Table 1, and undermines decision making for onshore wind development.

NPF4 should advise against the use of LCSs for the following reasons:

- They cut across the clear position advised in SPP 161 and Table 1 that PAs should adopt the Groups 1, 2 and 3 approach of SPP Table 1 without refinement. Some PAs have sought to argue that SPP 162 enables them to cut back on Group 3 areas by applying local constraints not recognised in SPP Table 1. This is incorrect since SPP 162 simply focuses on cross-boundary cooperation between authorities, and the approach has received no support in appeals or Section 36 inquiries.
- LSSs are useful starting points for the assessment of projects. The addition of capacity advice is contrary to SPP and illogical in the absence of any PA-level renewable energy capacity targets.
- LCSs are produced by a very narrow pool of landscape professionals, and do not recognise the needs case for additional renewable energy deployment.
- LCSs only tackle landscape and visual effects, but development plan policies have often given disproportionate weight to these studies.
- The finding that an area is already at capacity based on onshore wind development to date is frequent. This denies any needs case for further development and is clearly at odds with the increasing strength of the needs case evidenced by a series of legal and policy pronouncements since the issue of SPP.
- LCSs often recommend that new development should be at the same or a similar scale as existing development. For example, the Moray Council LCS advises that new development should be at the same scale as developments which have tip heights of as little as 100m. This is unviable given the scale of modern turbines on the market.

### **The position of SNH and Planning Authorities**

The Argyll and Bute study is entitled an LCS, as are others (e.g in Moray, Perth and Kinross, Highland, Dumfries and Galloway and Borders).

SNH has now recognised that the documents being produced by PAs are no more than LSSs. On its website, the LSS page says that SNH now refers to LCSs by the accurate title of LSSs, for reasons detailed above. However, there is no current evidence that SNH has changed its approach to LCSs in responding to applications.

PAs are not changing their approach to planning for currently proposed or future developments. They continue to promote LSSs as LCSs and to base their approaches to development on the advice in their LCSs.

### **The position of SNH and Scottish Government**

In the Ironside Farrar report to Scottish Government on the adoption of SPP 2014 in LDPs, page 7 of the Executive Summary contains the concerning comment about LCSs that ‘basing decisions on LCS would be more robust.’ This is included despite being a report of a comment from a single consultee rather than a recommendation.

More significantly, the discussion of the success in practice of SPP policies at page 53 (para 4.3.25) of this report clearly endorses the views of Scottish Renewables and its members:

‘The scope of LCS should be fully addressed in [NPF4]. It should be noted that these high-level studies are not a substitute for detailed and site-specific landscape and visual impact assessments. Preferably these should be replaced by Landscape Sensitivity Studies which are restricted to the sensitivity of the landscape and do not attempt to arbitrarily advise on the likely acceptable capacity of an area to different scales of onshore wind development.’<sup>2</sup>

### **Policy Recommendations**

NPF4 (and through its application SG, SNH and DPEA) should commend genuine LSSs as a useful starting point in project assessment, advise strongly against attempts at LCSs and continue the approach of SPP 161 and Table 1. This approach will assist greatly in achieving the Scottish Government’s declared key objective for NPF4 in Delivering Electricity: ‘To maximise the contribution of renewable electricity generation to meeting our net zero target in a sustainable way,’ set out in its Delivering Electricity background information note on SPP policies.<sup>3</sup>

NPF 4 should advise that the briefs issued by PAs for tenders to carry out LSS should require a positive approach which recognises the need case for renewables, and which therefore does not seek to respond to a perceived need to constrain further development. Draft LSS should be consulted upon in the same way as LDPs. The draft LSS should also be available for consultation in the same timeframe as the LDP itself, so that draft policies are considered alongside the draft LSS.

We recommend that SG engage in more detail with emerging LDPs to ensure that these are in line with clear advice set out in SPP (notably SPP 161 and Table 1), and that draft LSSs reflect the approach outlined above.

As recognised by SNH in its guidance ‘Spatial Planning for Onshore Wind Turbines – natural heritage considerations’ (2015) a policy of landscape accommodation for wind farms may be appropriate for

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<sup>2</sup> <https://www.transformingplanning.scot/national-planning-framework/resources/>

<sup>3</sup> <https://www.transformingplanning.scot/national-planning-framework/resources/>

areas subject to local designations and for wild land areas, as opposed to the policy of landscape protection advised generally for SPP Group 1 areas. LSSs should recognise this advice alongside the need for additional renewables deployment to address the Climate Emergency and meet our net-zero targets.

### **Conclusion**

Scottish Renewables believes that LCSs are not fit for purpose, particularly in the face of the Climate Emergency and Scotland's ambitious net-zero targets. These studies are given undue weight in the planning system by being referenced and applied in development plan policies. We recommend they be replaced with LSSs as a starting point in project assessment, while giving weight to SPP 161 and Table 1. Meeting Scotland's ambitious goals will require a positive approach which recognises the need case for additional renewable energy deployment.