

31 July 2020
31 July 2020-ESB Reprs-covering letter



Aberdeenshire Council

By email only to:
ldp@aberdeenshire.gov.uk



Dear Sir or Madam

Representations to the Aberdeenshire Local Development Plan 2020 Consultation: May – July 2020 on behalf of ESB Asset Development UK

ESB has appointed Savills to review and respond to the above consultation with specific reference to the policy context for wind energy development.

The enclosed response sets out ESB's concerns about the overall approach to sustainable development and renewable energy across the entire Proposed LDP, and in particular seeks modifications to the following sections:

-Section 3 – 'Vision for the plan and its purpose' and Section 4 'The purpose of the local development plan and its outcomes', including:

- Regional and Local Visions (page 12),
- Outcomes para 4.1 and para 4.3 (page 14).

In summary, ESB considers that the Proposed LDP does not fully address the Scottish Government's (SG) latest commitment to tackle climate change, particularly the target to achieve 'net-zero' greenhouse gas emissions by 2045; and thus does not provide sufficient support for the further development of large scale renewable energy developments to meet those commitments.

The above concerns also apply to the detailed wording of some of the topic specific planning policies as set out in the accompanying standalone representations:

-Section 7 – 'Shaping Development in the Countryside', various policies and associated text, including:

- Policy R1 'Special Rural Areas' and Policy R2 'Development Proposals Elsewhere in the Countryside'
- Policy R3 'Minerals'
- Policy R4 'Hill Tracks'

-Section 10 'Natural Heritage and Landscape':

- Policy E1 Natural Heritage – section E1.6 'Protected Species'

-Section 11 'The Historic Environment':

- Policy HE1 'Protecting Listed Buildings, Scheduled Monuments and Archaeological Sites (including other historic buildings)
- Sections HE1.5 and HE1.6 'Scheduled Monuments and Archaeological Sites'



-Section 12 'Protecting Resources':

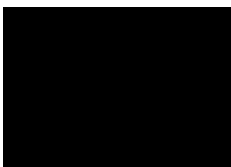
- Policy PR1 'Protecting Important Resources'.

-Section 13 'Climate Change':

- Policy C2 'Renewable Energy'
- Section C2.2 'Wind Energy'
- Policy C3 'Carbon Sinks and Stores'

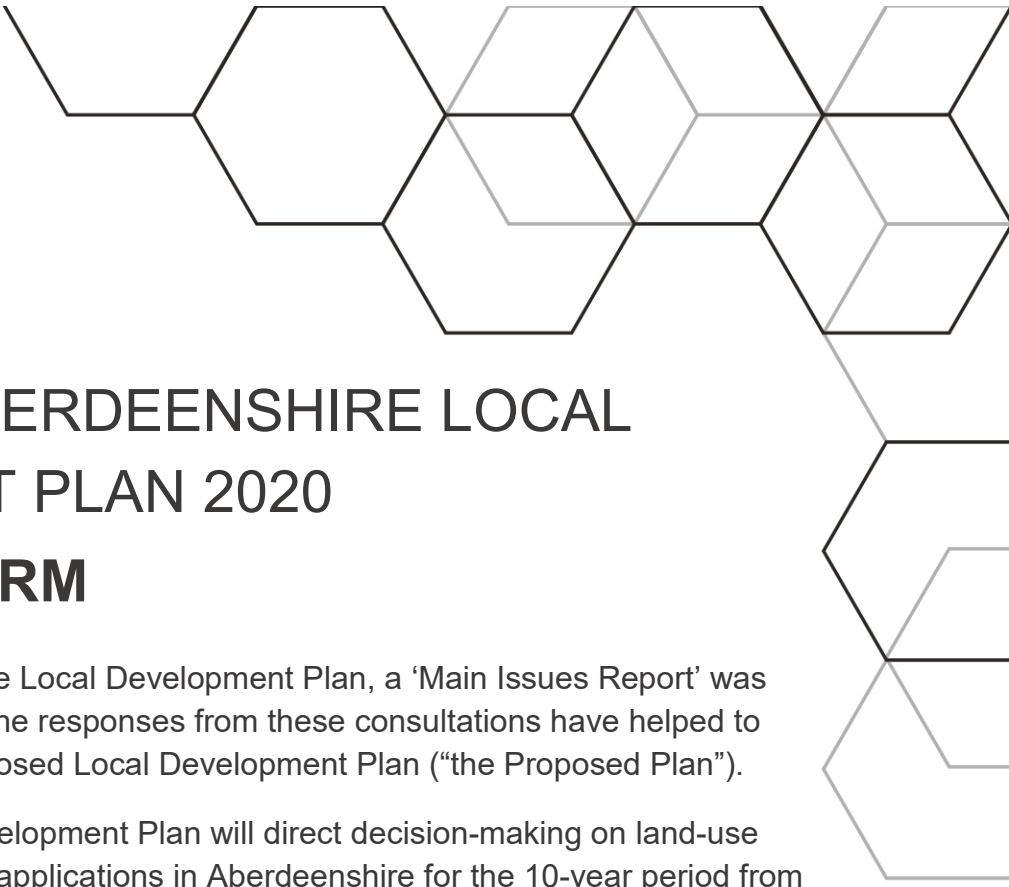
If you have any questions please do not hesitate to contact me.

Yours sincerely



Director

Enc: Response Forms as noted above



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.

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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 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.*



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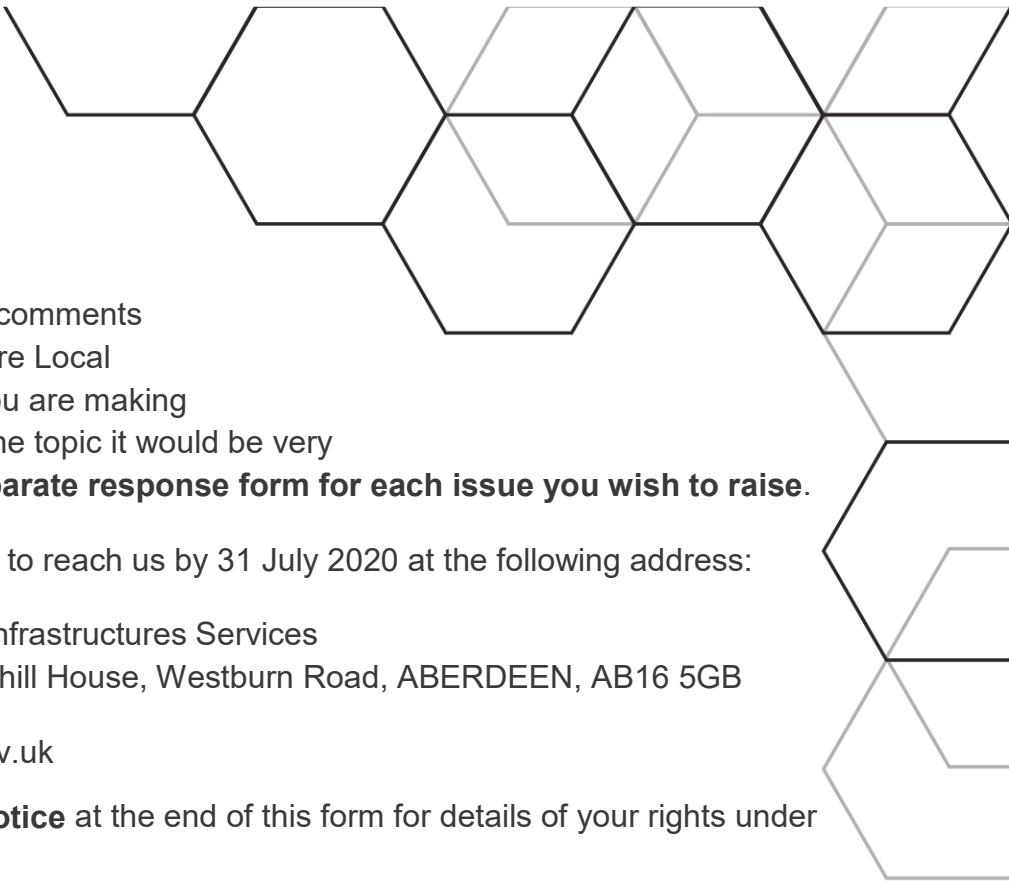
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If you wish to contact one of the area planning offices, please call 01467 534333 and ask for the relevant planning office or email planning@aberdeenshire.gov.uk.



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Email: ldp@aberdeenshire.gov.uk

Please refer to our **Privacy Notice** at the end of this form for details of your rights under the Data Protection Act.

YOUR DETAILS

Title:	Mr
First Name:	Andrew
Surname:	Fido
Date:	28 July 2020
Postal Address:	Savills, [REDACTED]
Postcode:	[REDACTED]
Telephone Number:	[REDACTED]
Email:	[REDACTED]

Are you happy to receive future correspondence only by email? **Yes**

Are you responding on behalf of another person? **Yes**

If yes who are you representing?

Tick the box if you would like to subscribe to the Aberdeenshire LDP eNewsletter:

An acknowledgement will be sent to this address soon after the close of consultation.

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):

ESB has concerns about the overall approach to sustainable development and renewable energy across the entire Proposed LDP, and in particular seeks modifications to the following parts of Section 3 – 'Vision for the plan and its purpose' and Section 4 'The purpose of the local development plan and its outcomes', including:

- Regional and Local Visions (page 12),
- Outcomes 4.1 and 4.3 (page 14).

In addition, ESB has raised concerns relating to other specific planning policies which are detailed in separate representations forms, but should be read in combination with these overarching comments.

Reason for change:

In summary, ESB considers that the Proposed LDP does not fully address the Scottish Government's (SG) latest commitment to tackle climate change, particularly the target to achieve 'net-zero' greenhouse gas emissions by 2045; and thus does not provide sufficient support for the further development of large scale renewable energy developments to meet those commitments.

In particular, it seems that there is an over reliance placed on repeating much of the approach set out in the adopted LDP rather than fully considering and tackling the key developments and policy ambitions announced by the Scottish Government in the period since the current LDP was adopted. In doing so there is a concern, therefore, that the new LDP does not set the necessary context or policy ambition to address these newly emerging and significant climate change commitments over the lifetime of the plan.

In terms of the detail, SG has recently announced significant and legally binding policy commitments and updates which include the declaration of a 'climate emergency' and, most importantly, a net-zero greenhouse gas ambition by 2045. Whilst section 13 of the Proposed LDP describes climate change as '*possibly the greatest challenge facing the world today*' this appears to be very similar to the wording from the current LDP which should rather be updated to refer to the raft of more recently published climate change legislation, policy ambitions and other recently published documents, which together set out the key measures required to address this challenge, specifically:

- Planning (Scotland) Act 2019
- National Infrastructure Assessment (NIA) (July 2018)
- Intergovernmental Panel on Climate Change (IPCC) - October 2018 Report
- Climate Change (Emissions Reduction Targets)(Scotland) Act 2019, which amends the Climate Change (Scotland) Act 2009

In terms of the amended Climate Change (Scotland) Act 2009, this now represents the most ambitious, demanding and binding greenhouse gas reduction target in the world, requiring:-

- interim target of a 75% reduction in emissions (compared to 1990 levels) by 2030;
- interim target of a 90% reduction in emissions (compared to 1990 levels) by 2040; and,
- an overall net zero greenhouse gas emissions target for 2045 (at the latest).

These commitments represent a significant step change in the Scottish Government's increasing efforts to tackle climate change and it is surprising that they have not been mentioned in Section 13 of the Proposed LDP given that they have wide-ranging land use planning implications. It is very clear that the Scottish Planning system, and thus the Proposed LDP, has a key role in in tackling climate change and reducing greenhouse gases, as per:

- Section 3ZA (1) of the 2019 Planning Act which states that *'The purpose of planning is to manage the development and use of land in the long term public interest'*.
- Section 3ZA(2) which clarifies that *'anything which contributes to sustainable development.....is to be considered as being in the long term public interest'*
- the outcomes for the National Planning Framework defined at Section 2(4) of the 2019 Planning Act), of which outcome (e) is *'meeting any targets relating to the reduction of emissions of greenhouse gases, within the meaning of the Climate Change (Scotland) Act 2009'*.

A further key SG document that deals with climate change and is therefore of relevance to the Proposed LDP is 'Protecting Scotland's Future' Programme for Scotland 2019-2020 (September 2019). In this document the First Minister references the 'climate emergency' and notes that the Programme *'raises our ambition in light of the emergency we face. We are leading the world in setting challenging targets, but we must also redouble our efforts to meet them'*. Chapter 1 of the Programme 'Ending Scotland's Contribution to Climate Change' notes that *'adopting a net zero emissions target by 2045 underlines our ambition that Scotland will no longer contribute to global climate change'*. Together these all reinforce the important role that the planning system has to play in delivering greenhouse gas targets, and it is particularly noted that page 38 of the Programme confirms that one of the major commitments in the response to the climate emergency will be the introduction of the fourth National Planning Framework (NPF4) which *'will help to radically accelerate reduction of emissions'*. The Programme also notes that the climate emergency necessitates a debate on *'more radical planning policy options'* and that planning 'is a vital tool in leveraging the changes we need to make to achieve our goals'.

Overall it is clear that the changes made to the Scottish planning system have the key objective of highlighting the vital role it has to play in tackling climate change and reducing greenhouse gases.

ESB would therefore expect that the Proposed LDP would reflect this key objective in its overarching regional or local vision statements, and is concerned at this omission. Some of the renewable energy planning policies are simple duplications of current LDP policies and thus would not seem to meet the latest heightened SG concerns about a *'climate emergency'* nor represent *'radical policy options'*. ESB would therefore would like to see greater recognition given to these issues in the LDP.

In conclusion, the Proposed LDP Regional and Local Visions do not adequately reflect the national policy picture and should be amended to acknowledge the climate emergency and the net-zero targets and the important role that the Aberdeenshire LDP must play in delivering these targets.

The above concerns also apply to the detailed wording of some of the topic specific planning policies as set out in the accompanying standalone representations.

PRIVACY NOTICE

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

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- 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.

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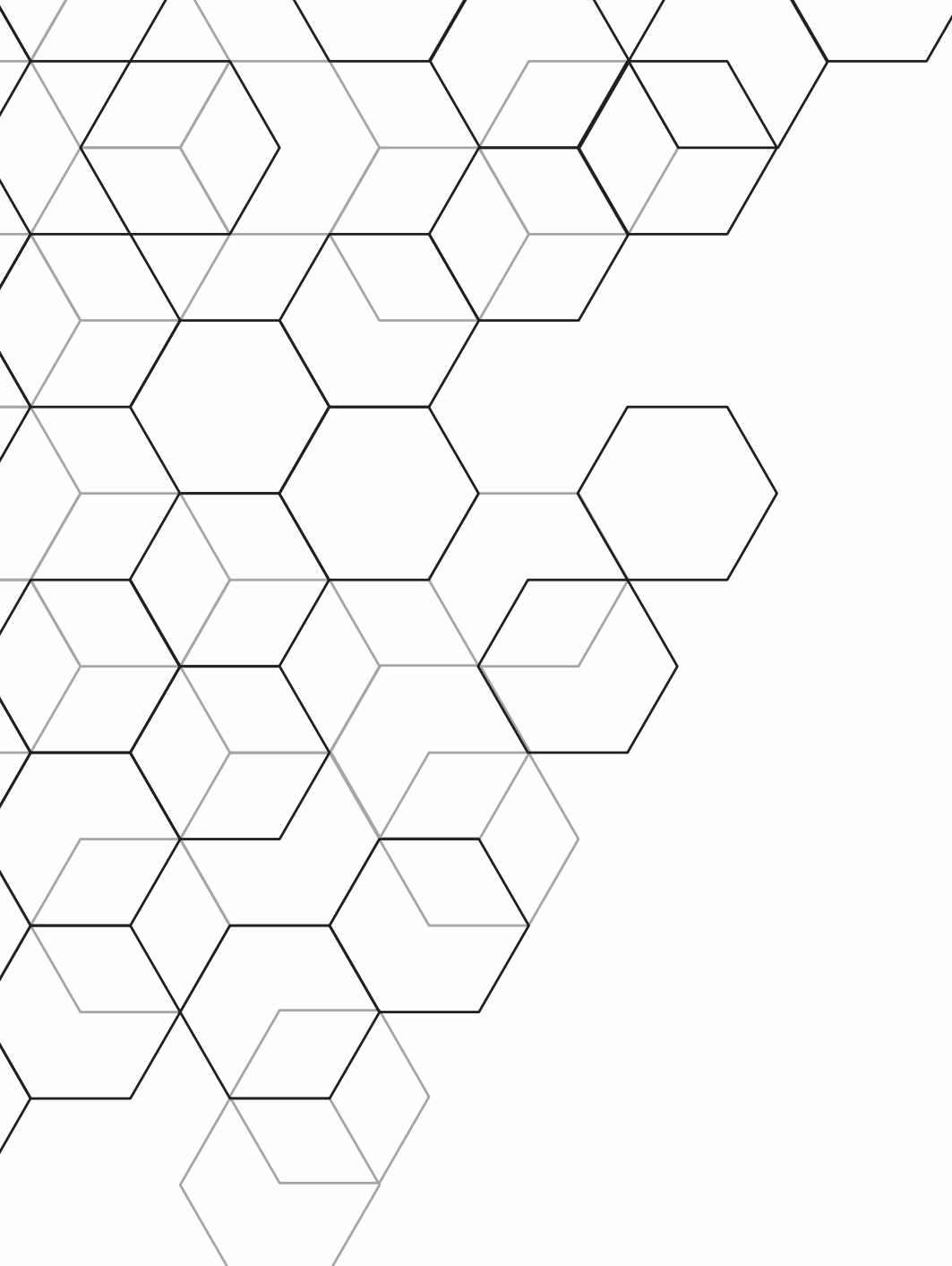
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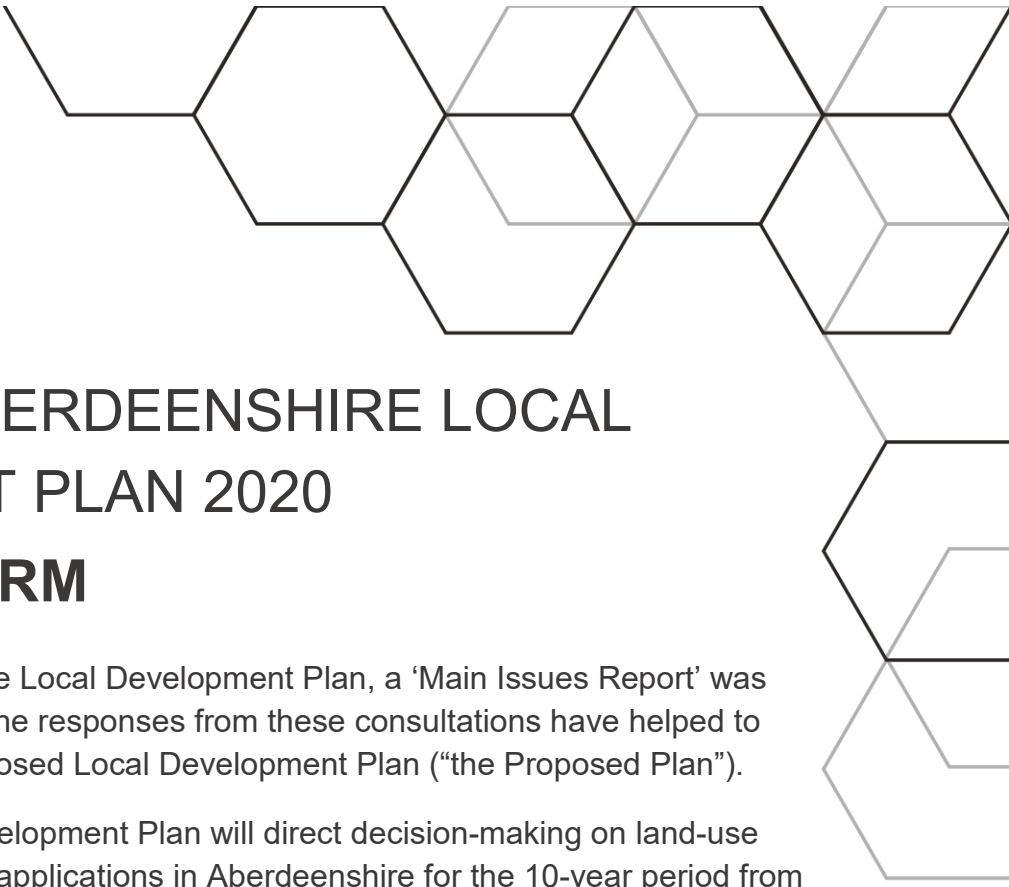
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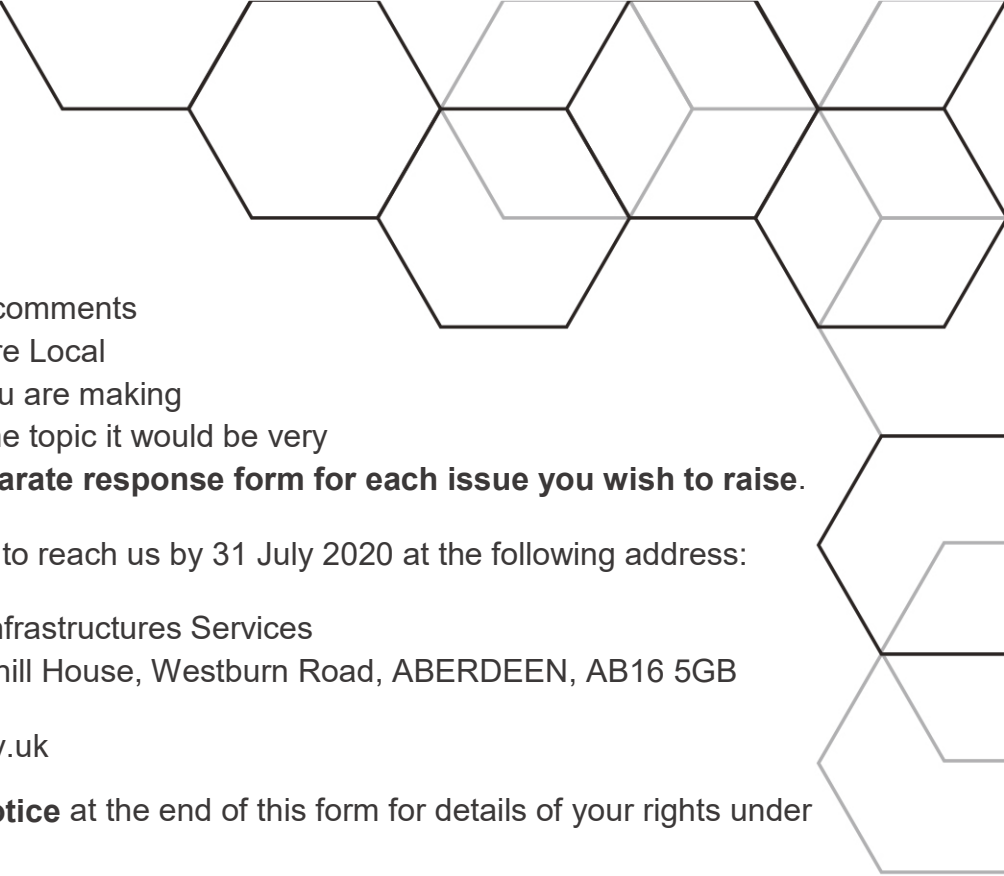
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YOUR DETAILS

Title:	Mr
First Name:	Andrew
Surname:	Fido
Date:	28 July 2020
Postal Address:	Savills, [REDACTED]
Postcode:	[REDACTED]
Telephone Number:	[REDACTED]
Email:	[REDACTED]

Are you happy to receive future correspondence only by email? **Yes**

Are you responding on behalf of another person? **Yes**

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ESB has concerns about the following:

- Section 7 – ‘Shaping Development in the Countryside’, various policies and associated text.
- Policy R1 ‘Special Rural Areas’ and Policy R2 ‘Development Proposals Elsewhere in the Countryside’.
- Policy R3 ‘Minerals’
- Policy R4 ‘Hill Tracks’

These policies should be amended for the reasons noted below.

Reason for change:

Policy R1 ‘Special Rural Areas’ and Policy R2 ‘Development Proposals Elsewhere in the Countryside’.

As currently worded, neither Policy R1 or Policy R2 make any provision for further large scale renewable energy developments in the countryside and special rural areas. This is a significant concern given the Scottish Government commitments to delivering net-zero greenhouse gas emissions by 2045 and the declaration of the ‘*climate emergency*’ (as more fully set out in ESB’s other ‘overarching/plan wide representations’) which will require further large scale renewable energy developments (be they onshore wind, solar, large scale battery storage or a combination thereof) to come forward at these types of location during the lifetime of the new LDP. It is therefore very unclear as to how these policies would apply to proposed renewable energy developments, or even if they would apply at all, which is clearly an unsatisfactory approach.

It is relevant that this approach differs from the current LDP which both acknowledges that a countryside location is required for some forms of development, but also includes express reference to ‘*essential public infrastructure*’ – which ESB considers could encompass renewable and other forms of energy generation or distribution. This is currently found within the ‘Shaping Development in the Countryside’ section of the adopted LDP.

ESB therefore requests that policies R1 and R2 are amended in recognition of the fact that renewable energy proposals are likely to come forward at these locations during the plan period. The amendments should confirm that renewable energy proposals are a potentially acceptable land use subject to compliance with other detailed policy requirements, and to explain and fully set out the relationship with the principal renewable energy policies of the LDP, most notably Policy C2. In the absence of such a change, there is the risk that all renewable energy proposals

will conflict with the policy criteria of these two policies, potentially leading to unnecessary (and unintended) policy conflicts.

Policy R3 'Minerals'

Whilst this policy may be appropriate for large scale commercial mineral extraction developments, it is currently unclear as to whether it would be applicable to the ancillary borrow pits normally associated with large onshore wind farm developments. Clear differentiation between the two types of development is necessary because paragraph 169 of the SPP sets out a wider range of issues that are most relevant to wind farm developments.

It is also noted that para R3.2 incorrectly requires the environmental statement associated with a minerals development to confirm acceptable environmental impacts. In actual fact Environmental Impact Assessment Reports often identify significant environmental effects which the decision maker will need to consider as part of their wider planning balance. Thus this policy should be reworded because a significant effect in EIA terms does not make a proposal unacceptable in land use or policy terms.

Policy R4 'Hill Tracks'

Wind farms require dedicated specialist access tracks to allow for wind turbine erection and maintenance, and the acceptability of such tracks should be considered as part of a wider range of policy requirements that apply to wind farms e.g. as set out in paragraph 169 of SPP and not just compliance with sole LDP policies such as R4.

ESB is therefore concerned that the current wording to policy R4 is unclear and must be clarified to confirm that it does not apply to renewable energy proposals.

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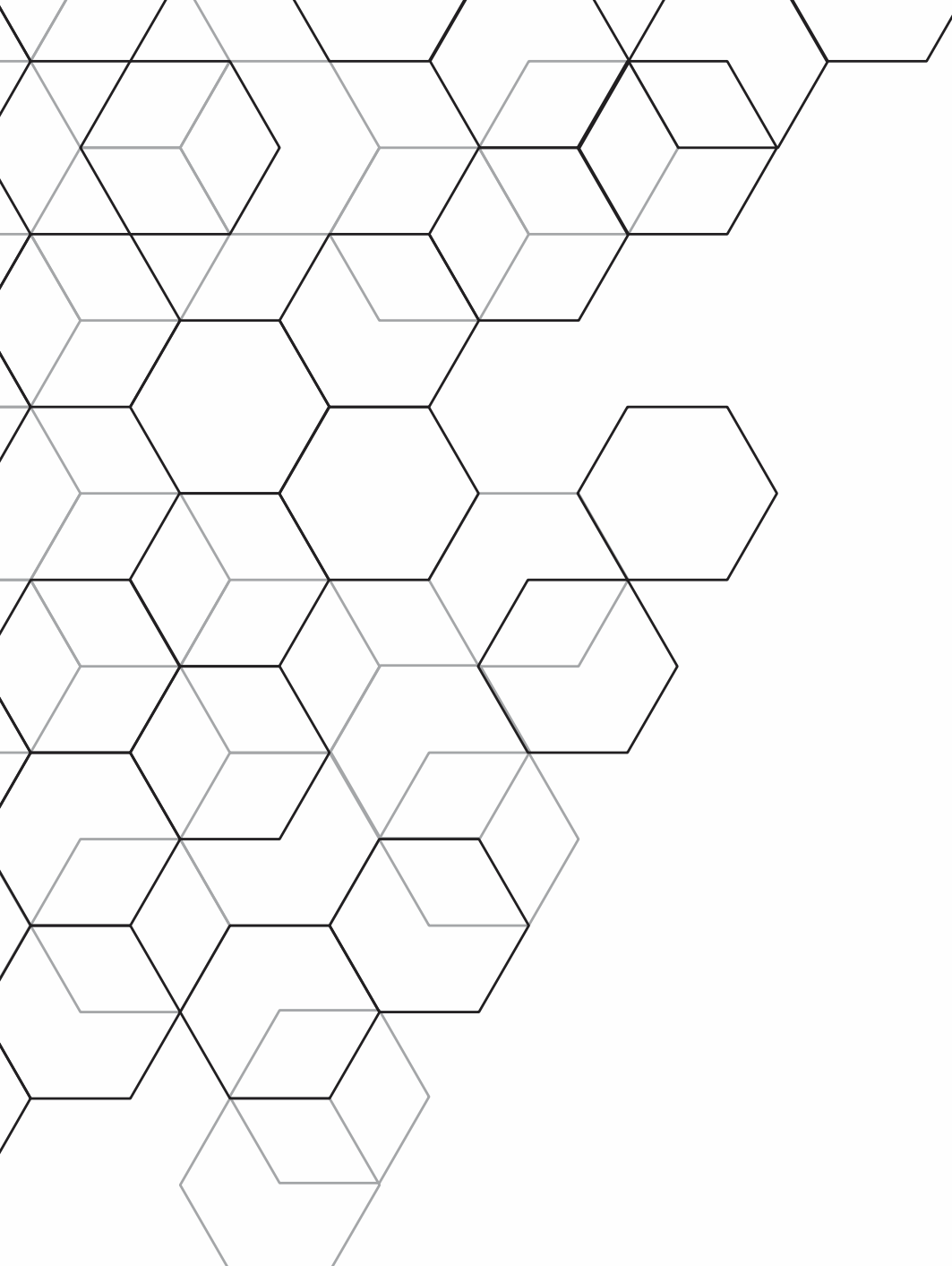
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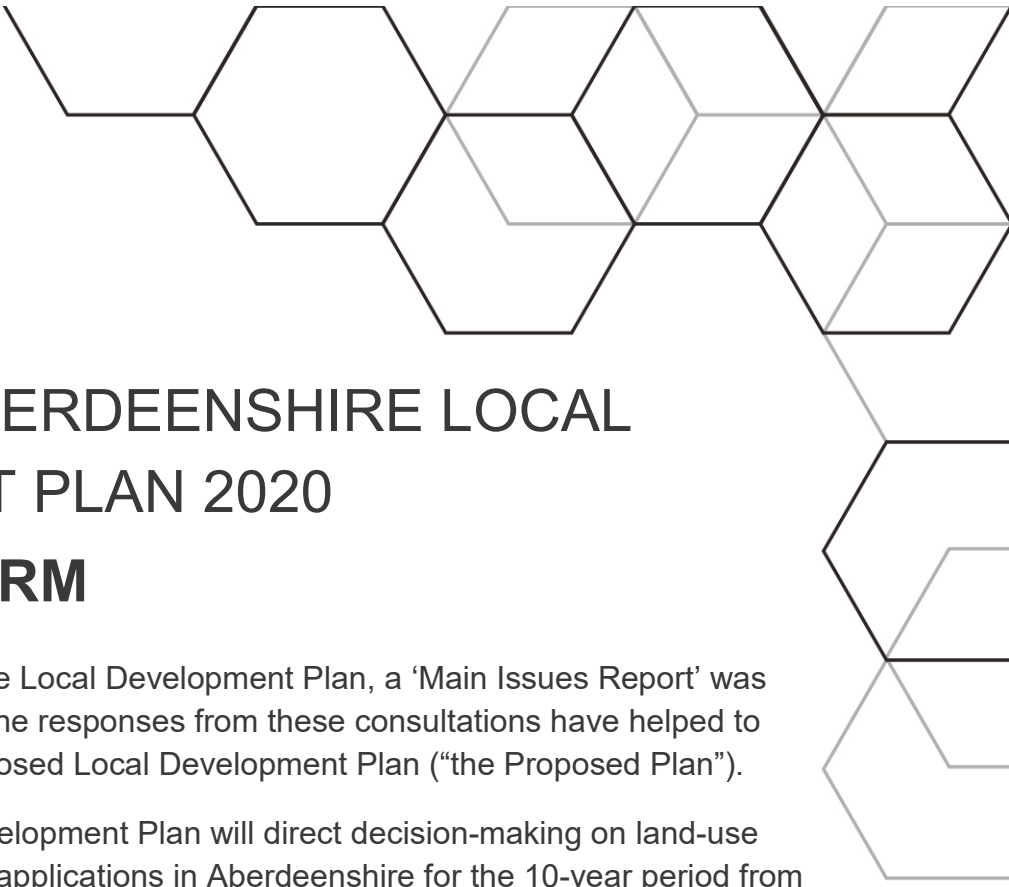
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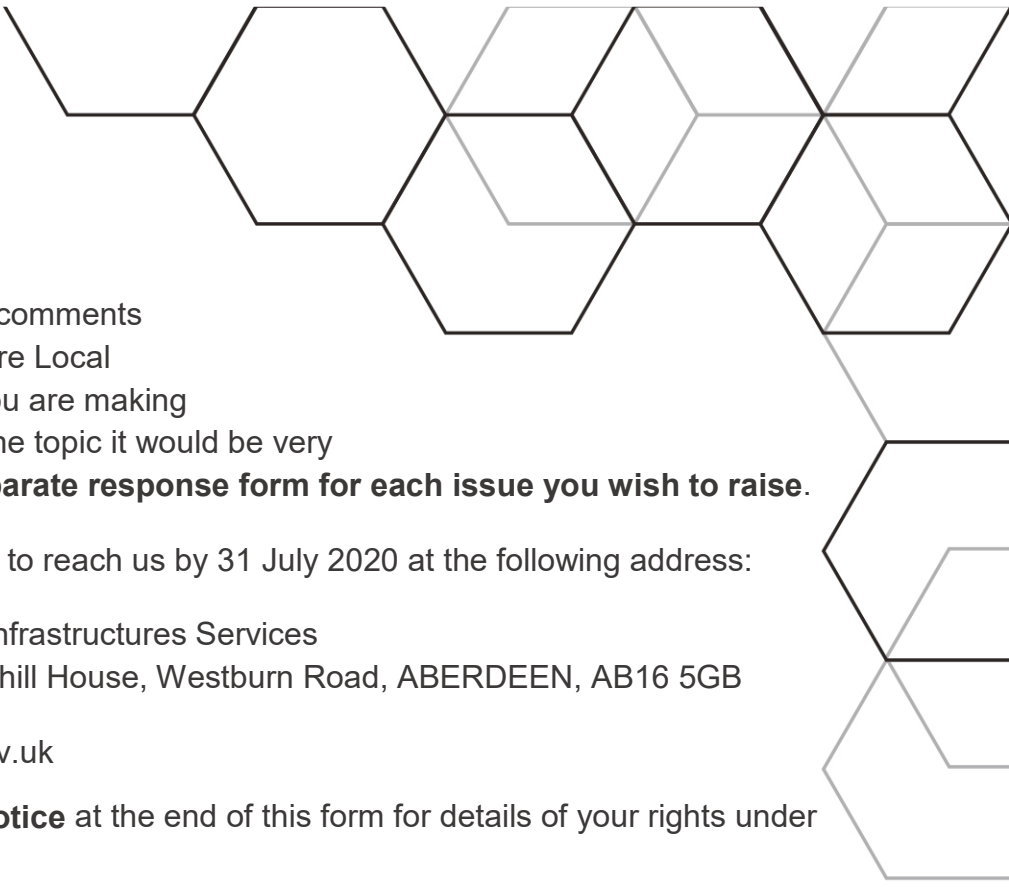
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Title:	Mr
First Name:	Andrew
Surname:	Fido
Date:	28 July 2020
Postal Address:	Savills, [REDACTED]
Postcode:	[REDACTED]
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Modification that you wish to see (please make specific reference to the section of the Proposed Plan you wish to see modified if possible, for example Section 9, paragraph E1.1):

ESB has concerns about various policies and associated text within Section 10 'Natural Heritage and Landscape'. These policies should be amended for the reasons noted below. In summary they are currently inconsistent with each other, with some omitting the test of 'acceptability' and thus potentially setting an unintended higher policy test.

Reason for change:

Policy E1.6 'Protected Species'

There are references in this policy to '*seeking to avoid any detrimental impact on protected species*' but without including any reference to the acceptability of that impact. Thus even a minor impact (and not significant in EIA terms) upon a protected species could result in a conflict with this policy as currently worded.

ESB therefore seeks an amendment to this policy to reference acceptability. An example of a more acceptable approach is LDP policy C2.2 which states that the Council will approve wind farms where they '*avoid unacceptable environmental effects*'. Such a change would allow a greater degree of judgement when making development management decisions.

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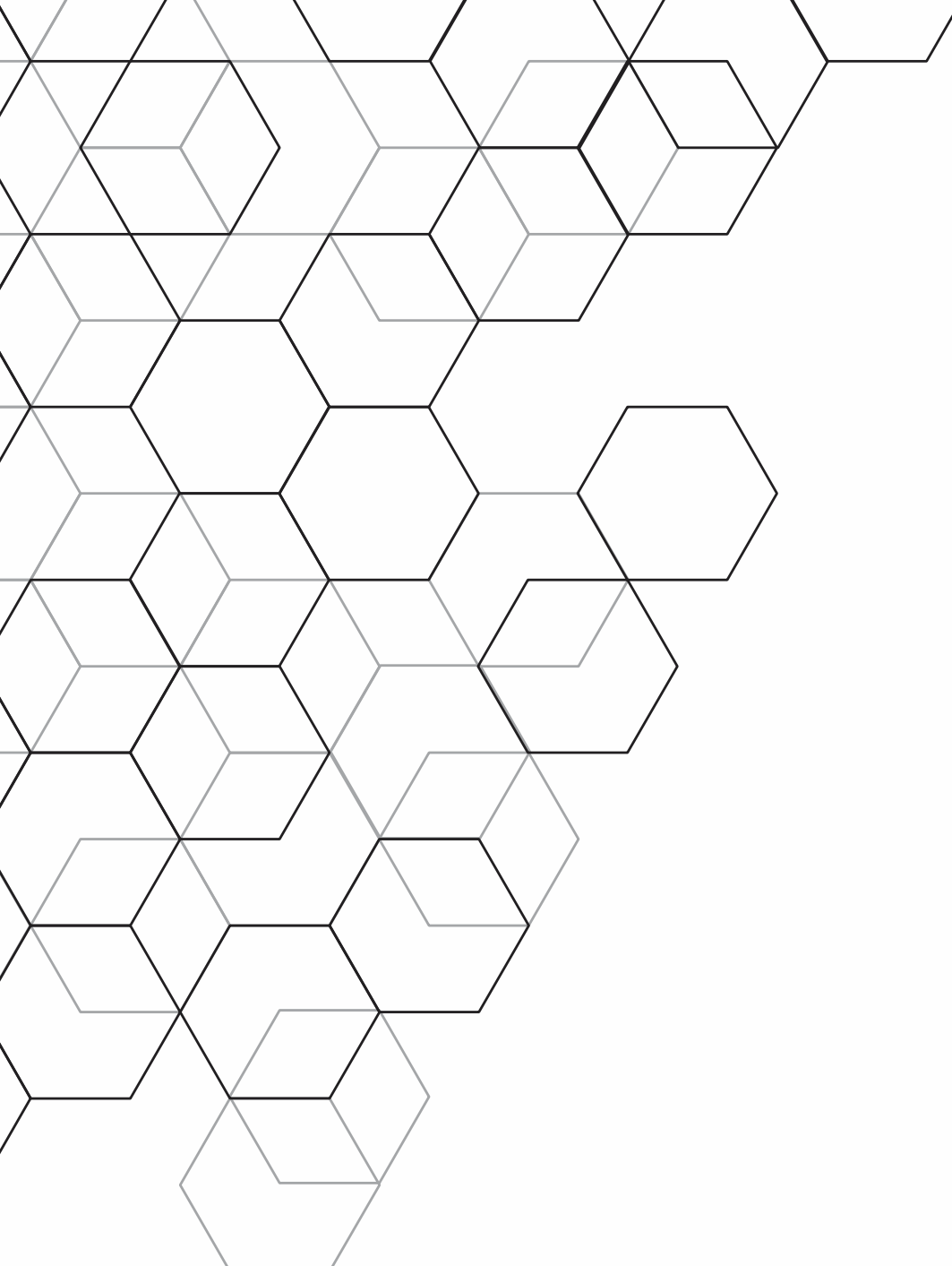
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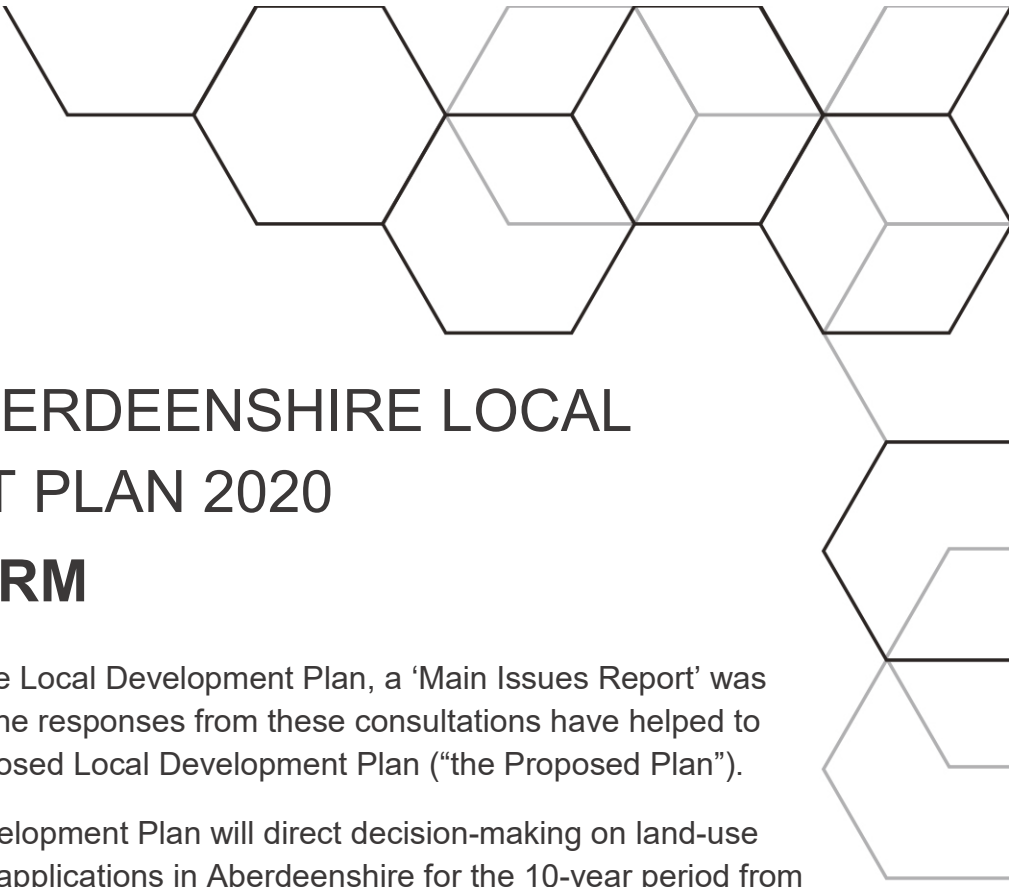
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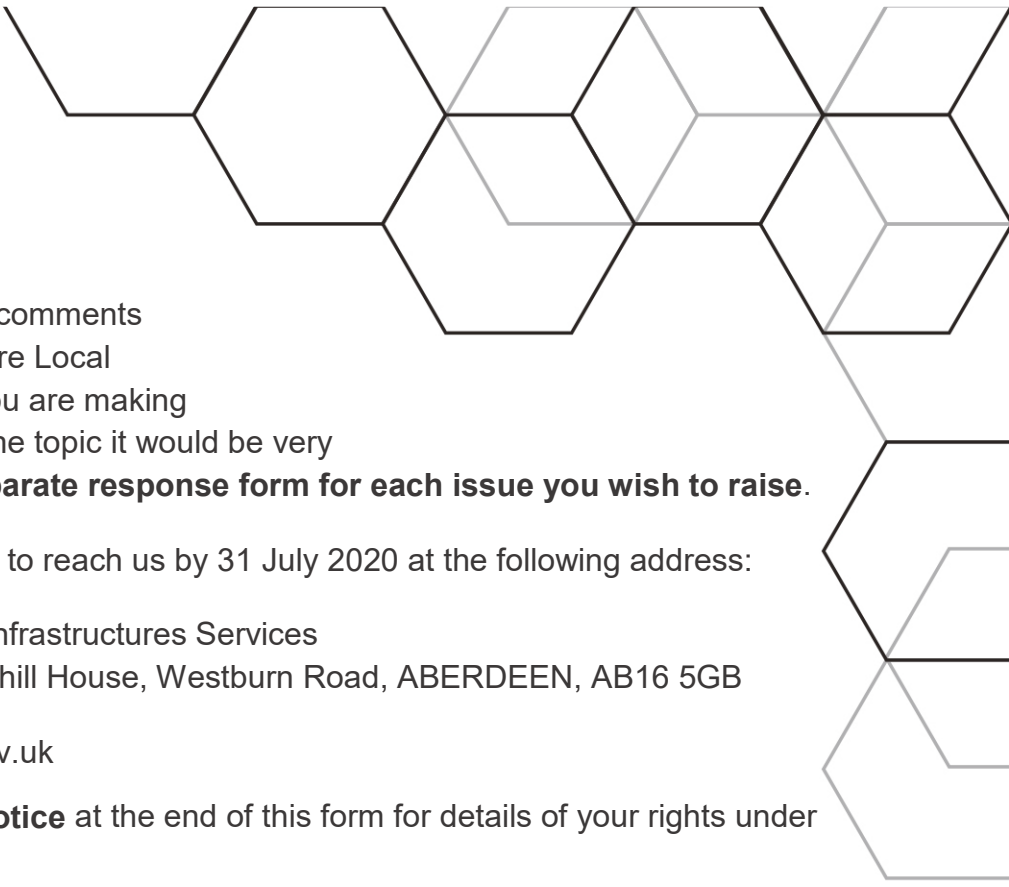
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ESB has concerns about various policies and associated text within Section 11 'The Historic Environment'. These policies should be amended to ensure consistency with SPP and to ensure there is no conflict across various HE policies.

Reason for change:

Policy HE1 'Protecting Listed Buildings, Scheduled Monuments and Archaeological Sites (including other historic buildings)

This policy states that the Council '*will not allow development that would have a negative effect*' upon the identified heritage resources. ESB considers that this is inconsistent with some elements of SPP as set out below, and in effect sets the bar too high in decision making as there is no scenario under which Policy HE1.1 would permit the Council to approve a development that has a negative effect (no matter how minor in EIA terms) upon such identified resources.

There is also a conflict with SPP, paragraph 141 which makes it clear that 'special regard' is to be had to the importance of preserving and enhancing a listed building and its setting in the decision making process. In doing so it would countenance works to ensure the retention of the building itself or save it from demolition or to repair following damage despite a negative effect, an approach which the current policy H1 wording would prevent.

There is also conflict with SPP paragraph 145 which notes, in the case of Scheduled Monuments, that where there are 'exceptional circumstances' permission may be granted for development where it affects a Scheduled Monument or the integrity of its setting. The SPP paragraph 145 distinction between 'setting' and 'integrity of setting' are also absent from policy HE1.

Paragraphs HE1.5 and HE1.6 'Scheduled Monuments and Archaeological Sites'

Again these policies make no reference to the distinction between 'integrity of setting' and 'setting' and as such the draft policy is again inconsistent with SPP.

Overall, to ensure consistency across policies, both HE1.1 and HE1.5 need to be amended to also bring them into line with SPP. This would provide much need clarity for developers, the Council and other stakeholders about which policies apply, how they are to be applied and would avoid potential confusion in planning application submissions and/or at planning appeals.

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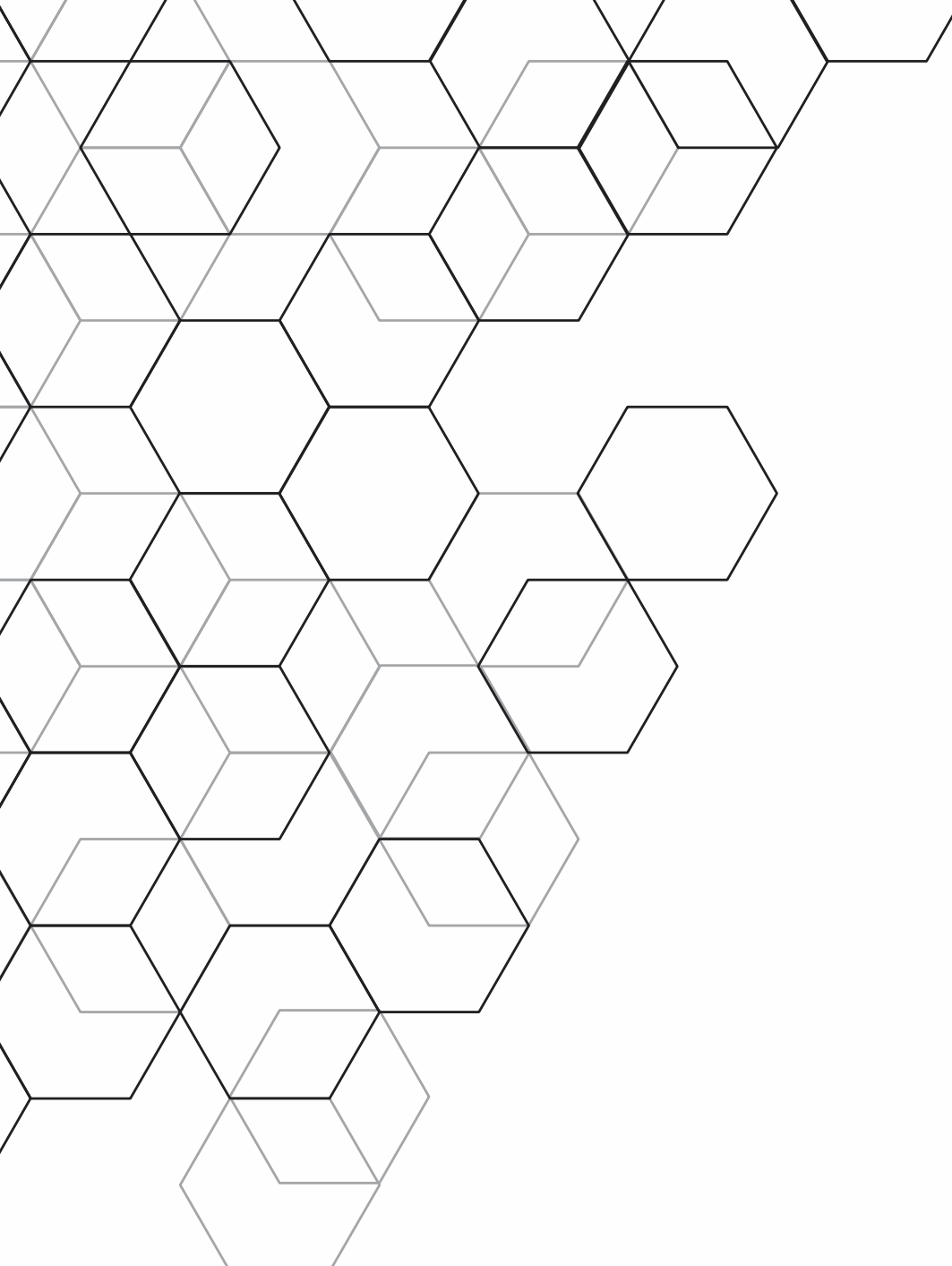
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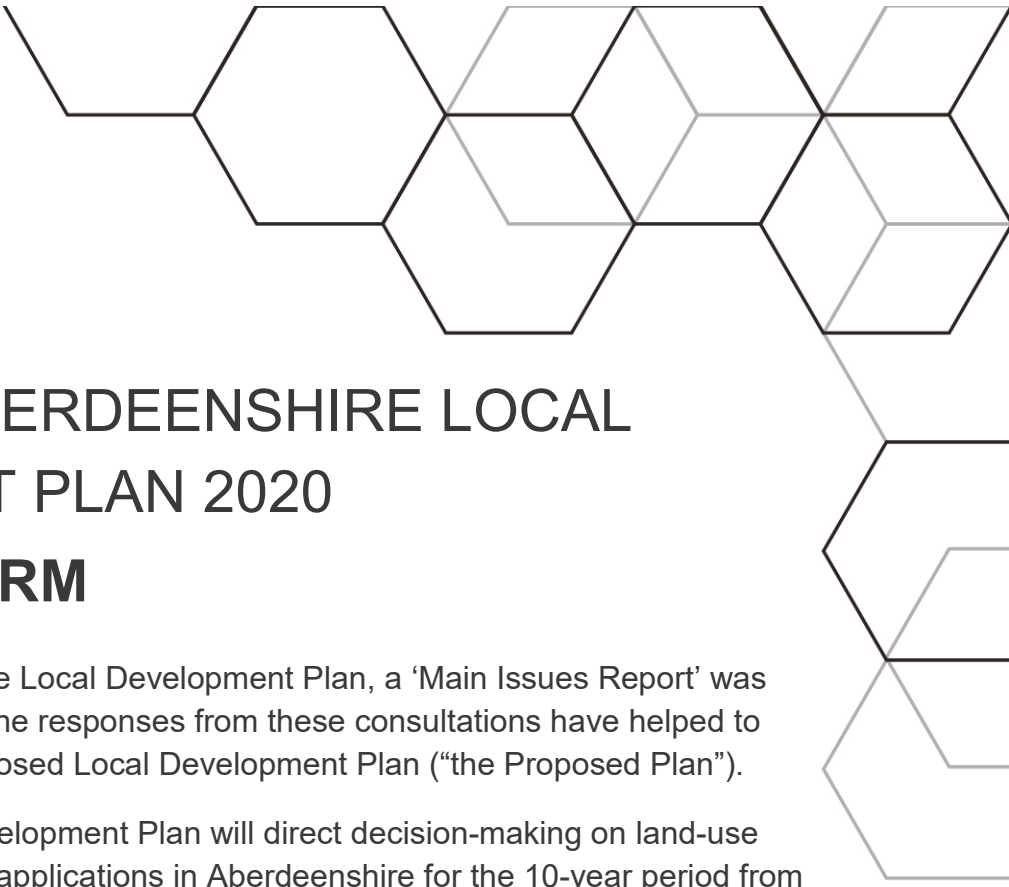
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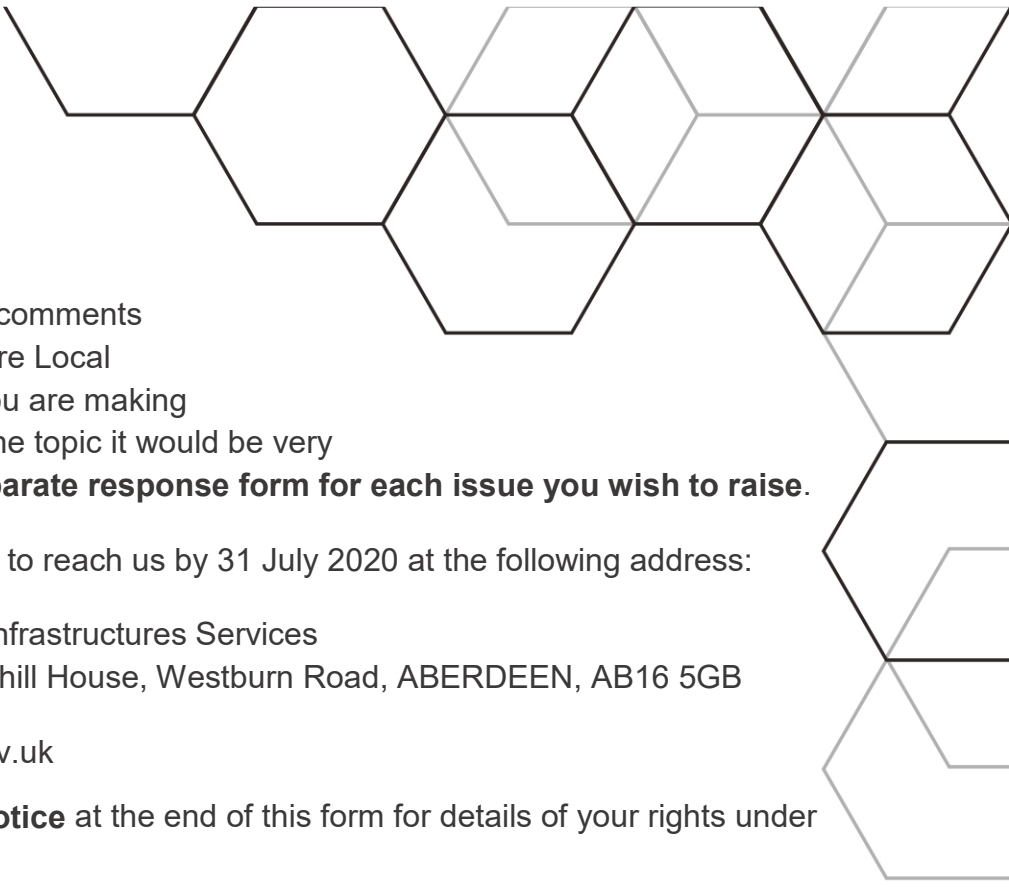
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ESB has concerns about various policies and associated text within Section 12 'Protecting Resources'.

These policies should be amended to ensure consistency between policies and to ensure that unnecessarily high policy hurdles are not introduced.

Reason for change:

Policy PR1 'Protecting Important Resources'.

Para PR1.1 states that the Council will not approve developments that have a negative effect on important environmental resources associated with air quality, the water environment, important mineral deposits, peat and carbon rich soils etc.

ESB is concerned that this wording sets an unrealistically high policy hurdle that could prevent otherwise acceptable developments from proceeding where only a minor and not significant effect on such resources is identified. Similarly the reference in the second part of the policy to demonstrating that *'there are no reasonable alternative sites'* is excessive and entirely inappropriate.

In the context of a wind energy development, or other projects which are supported by an Environmental Impact Assessment, it is not uncommon for a negative environmental impact on these types of resources to be identified. The acceptability of these impacts is a matter for the planning authority to consider, balancing a range of other factors and the policy should be rewritten to allow that flexibility.

In contrast para PR1.2 'Air Quality' does refer to new developments not having *'significant adverse impacts'*. The reference to 'significant' here is notable because it is absent from Policy PR1.1, yet both policies apply to air quality. ESB are concerned that the conflict between these two policies has the potential to result in unnecessary confusion and complexity, and would prefer that the approach relating to para PR1.2 prevails.

It is also noted that PR1.1 is inconsistent with Table 1 of SPP, in respect of peat and carbon rich soils, which Table 1 of SPP (A Low Carbon Place) specifies are a Group 2 interest. SPP requires development proposals to demonstrate that any significant effects on the qualities of these areas *'can be substantially overcome by siting, design or other mitigation'*. In doing so it recognises that

whilst wind energy proposals may result in some negative effects on Group 2 interests, the key test is whether these can be substantially overcome. This is a different test from that set out in Policy PR1.1 which requires proposals to both have no negative effects whatsoever and demonstrate that no alternative sites exist. It is therefore clear that para PR1.1, in the context of wind energy development, sets an inappropriately high policy test which does not accord with SPP.

Whilst para PR1.1 is not a renewables specific policy, it does still need to accord with the SPP in respect of renewables because the LDP will ultimately comprise the primary point of assessment for such applications.

ESB therefore recommends that para PR1.1 is amended so that the requirement to demonstrate '*no alternative sites*' is deleted and allows the consideration of the '*acceptability of impacts*' rather than requiring there to be no impact whatsoever.

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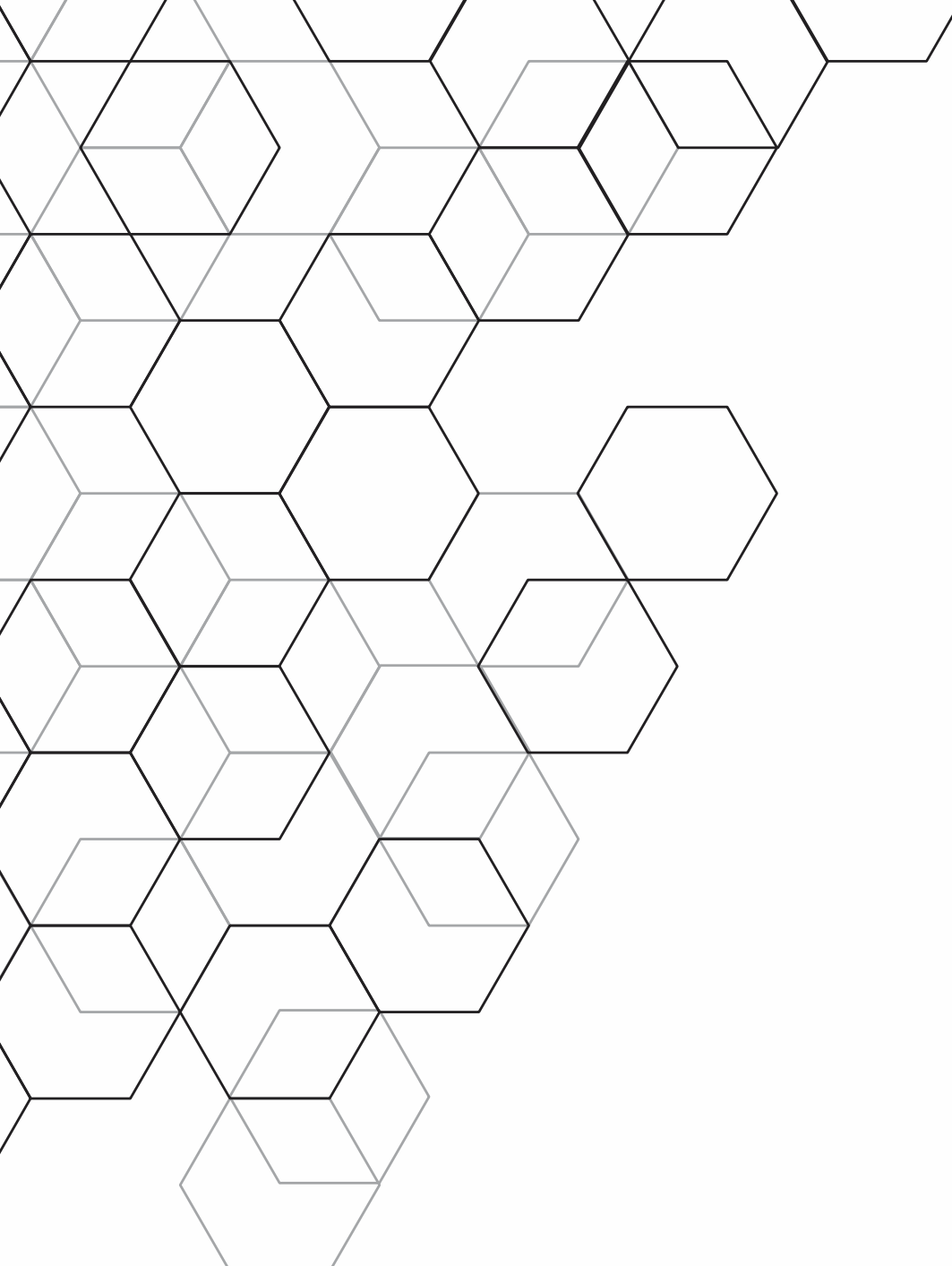
Aberdeenshire Council will only keep your personal data for as long as is needed. Aberdeenshire Council will retain your response and personal data for a retention period of 5 years from the date upon which it was collected. After 5 years Aberdeenshire Council will review whether it is necessary to continue to retain your information for a longer period. A redacted copy of your submission will be retained for 5 years beyond the life of the Local Development Plan 2021, possibly until 2037.

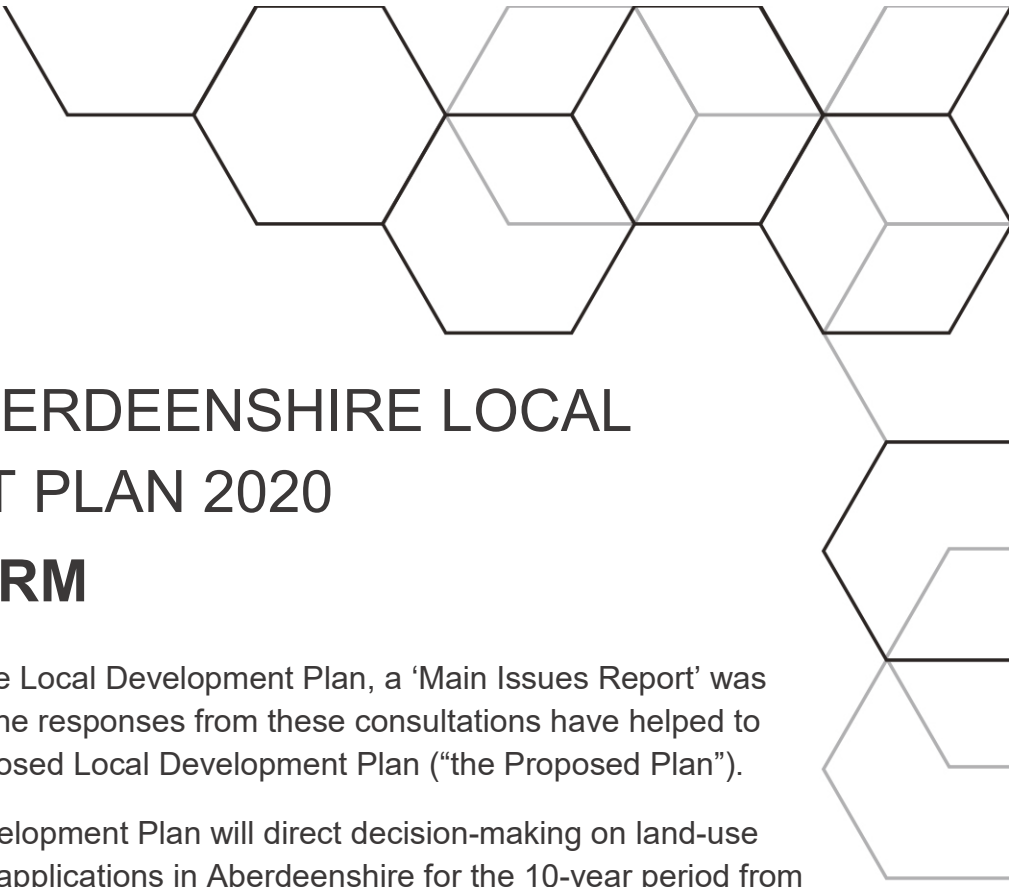
The following automated decision-making, including profiling, will be undertaken:

Not applicable.

Please note that you have the following rights:

- to withdraw consent at any time, where the Legal Basis specified above is Consent;
- to lodge a complaint with the Information Commissioner's Office (after raising the issue with the Data Protection Officer first);
- to request access to your personal data;
- to data portability, where the legal basis specified above is:
 - (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 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 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.

Aberdeenshire Local Development Plan
Woodhill House, Westburn Road, Aberdeen, AB16 5GB

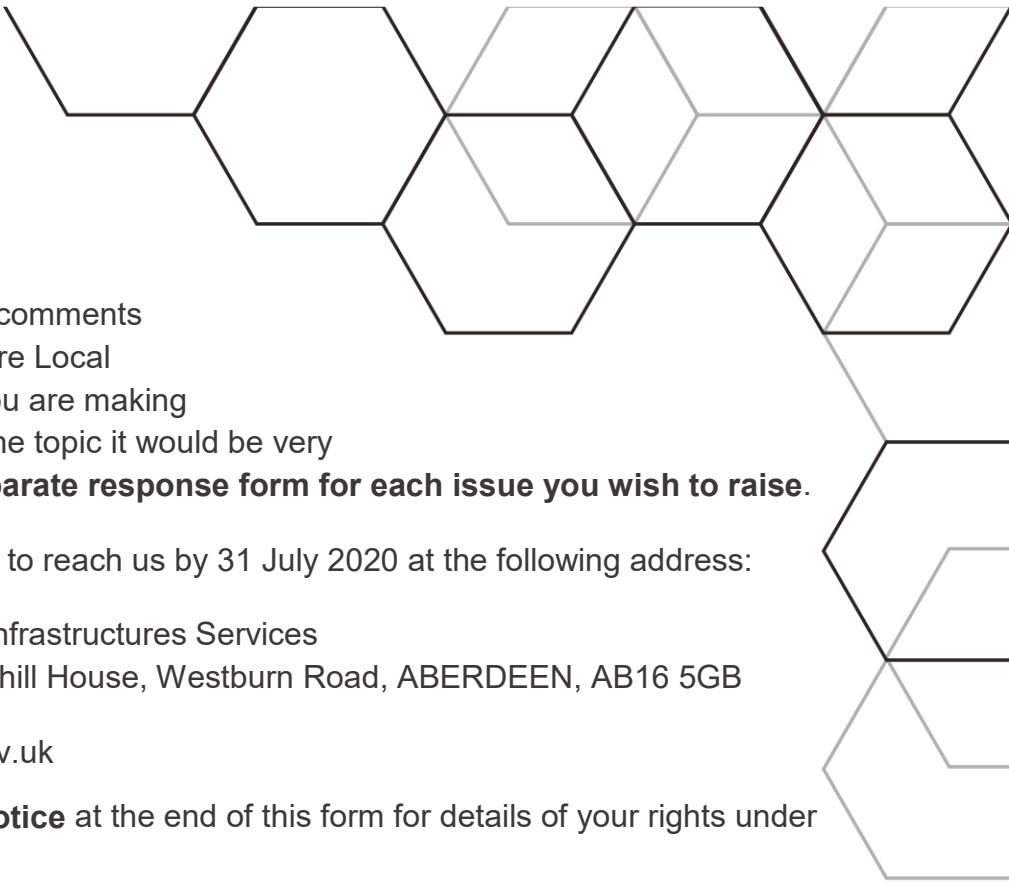
Tel: 01467 536230

Email: ldp@aberdeenshire.gov.uk

Web: www.aberdeenshire.gov.uk/ldp

Follow us on Twitter @ShireLDP

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.



Please use this form to make comments on the Proposed Aberdeenshire Local Development Plan 2020. If you are making comments about more than one topic it would be very helpful if you could fill in a **separate response form for each issue you wish to raise**.

Please email or send the form to reach us by 31 July 2020 at the following address:

Post: Planning Policy Team, Infrastructures Services
Aberdeenshire Council, Woodhill House, Westburn Road, ABERDEEN, AB16 5GB

Email: ldp@aberdeenshire.gov.uk

Please refer to our **Privacy Notice** at the end of this form for details of your rights under the Data Protection Act.

YOUR DETAILS

Title:	Mr
First Name:	Andrew
Surname:	Fido
Date:	28 July 2020
Postal Address:	Savills, [REDACTED]
Postcode:	[REDACTED]
Telephone Number:	[REDACTED]
Email:	[REDACTED]

Are you happy to receive future correspondence only by email? **Yes**

Are you responding on behalf of another person? **Yes**

If yes who are you representing?

Tick the box if you would like to subscribe to the Aberdeenshire LDP eNewsletter:

An acknowledgement will be sent to this address soon after the close of consultation.

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):

ESB has concerns about various policies and associated text within Section 13 'Climate Change'.

These policies should be amended to ensure consistency with SPP and Scottish Government renewable targets and with other parts of the Proposed LDP.

These comments should be read in conjunction with ESB other inter-related representations.

Reason for change:

Policy C2 'Renewable Energy'

ESB strongly supports the main thrust of the approach set out in para C2.1 which sets out support for further renewable energy developments at appropriate sites and locations. However, as set out in the ESB main overarching representations to the proposed LDP, this section of the proposed LDP is considered deficient as it does not make any reference to the latest Scottish Government policy, guidance and commitments regarding the climate emergency and the legally binding net-zero greenhouse gas emission reduction target by 2045. It is considered imperative that these commitments are referenced because without them the key context and background of the urgency of the climate change emergency and the important role of the planning system in helping to achieve the net-zero target is absent. Section 13 of the Proposed LDP should be updated to reflect these key issues and, for the reasons noted below, individual policies should be amended accordingly too.

Policy C2.2 'Wind Energy'

ESB supports the main thrust of this policy which is noted as the main policy applicable to wind energy proposals. In particular ESB supports the statement that wind energy proposals will be approved in appropriate locations. However, ESB does have some concerns with the detailed wording of this policy, including that it does not actually set any criteria by which a wind energy application should be judged, as set out below.

Given the concerns set out across the totality of the ESB representations about the lack of clarity as to whether individual topic based policies would apply to wind energy and, if so, concerns about their compliance with SPP para 169, ESB believe that policy C2.2 would benefit by providing clear and appropriate assessment criteria for wind energy development. Any assessment criteria within a revised policy C2.2 must accord with SPP para 169 and explain

whether and how other topic specific policy in the proposed LDP relates (in particular see ESB comments on policies PR1.1, R3 and R4).

A major concern for ESB is that policy C2.2 continues to reference the 2014 Strategic Landscape Capacity Assessment for Wind (the 'SLCAW') as having a potential role in the assessment of future wind energy applications. ESB considers that this document is no longer extant or relevant, and all such references should be removed.

The justification for this amendment is as follows. The context in which the 2014 SLCAW was progressed and adopted is very different to the 2020 context of a 'climate emergency' and a legally binding net-zero greenhouse gas emission reduction target by 2045. Most significant is that the SLCAW was published in March 2014 and therefore predates the SPP. It is also relevant that wind turbine technology has progressed significantly since 2014, with applications now relating to 150 metre plus tip heights.

In short the intervening period since 2014 has seen significant change in: (a) the energy policy landscape, (b) the cumulative situation and (c) a change in turbine technology. The continued relevance of this document for the foreseeable future is therefore questionable.

It is also noted that the SLCAW 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 SLCAW and greater emphasis placed on the Spatial Framework.

In terms of the Spatial Framework Map itself (page 86), it is noted that this sets out those '*areas with strategic capacity for wind turbine development*', as required by SPP para 162. However the source of this strategic capacity assessment is not stated, and there is no reference to what wind turbine height has been considered. It is considered that clarification on these matters would be beneficial.

Policy C3 'Carbon Sinks and Stores'

ESB is concerned that the policy wording is currently inconsistent with SPP. The SPP Spatial Framework identifies carbon rich soils as a Group 2 interest and states that any significant effects upon these interests should be substantially overcome. In contrast policy C3 simply notes that these resources will be protected from 'disturbance or destruction'. This inconsistency should be corrected.

As stated in the other ESB representations, policies PR1.1, PR1.10 and C3 all need to be clarified as to whether they apply to wind energy development. If they are intended to apply, they should be reviewed and amended as necessary to accord with SPP.

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

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:

Personal Data	
Legal Obligations	X

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.

Your information will be transferred to or stored in the following countries and the following safeguards are in place:

Not applicable.

The retention period for the data is:

Aberdeenshire Council will only keep your personal data for as long as is needed. Aberdeenshire Council will retain your response and personal data for a retention period of 5 years from the date upon which it was collected. After 5 years Aberdeenshire Council will review whether it is necessary to continue to retain your information for a longer period. A redacted copy of your submission will be retained for 5 years beyond the life of the Local Development Plan 2021, possibly until 2037.

The following automated decision-making, including profiling, will be undertaken:

Not applicable.

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