

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:	David
Surname:	Bell
Date:	30/07/20
Postal Address:	████████████████████
Postcode:	██████
Telephone Number:	██████████
Email:	████████████████

Are you happy to receive future correspondence only by email? Yes No

Are you responding on behalf of another person? Yes No

If yes who are you representing?

Falck Renewables Wind Ltd

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):

See attached letter which sets out the representation in detail

Reason for change:

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:

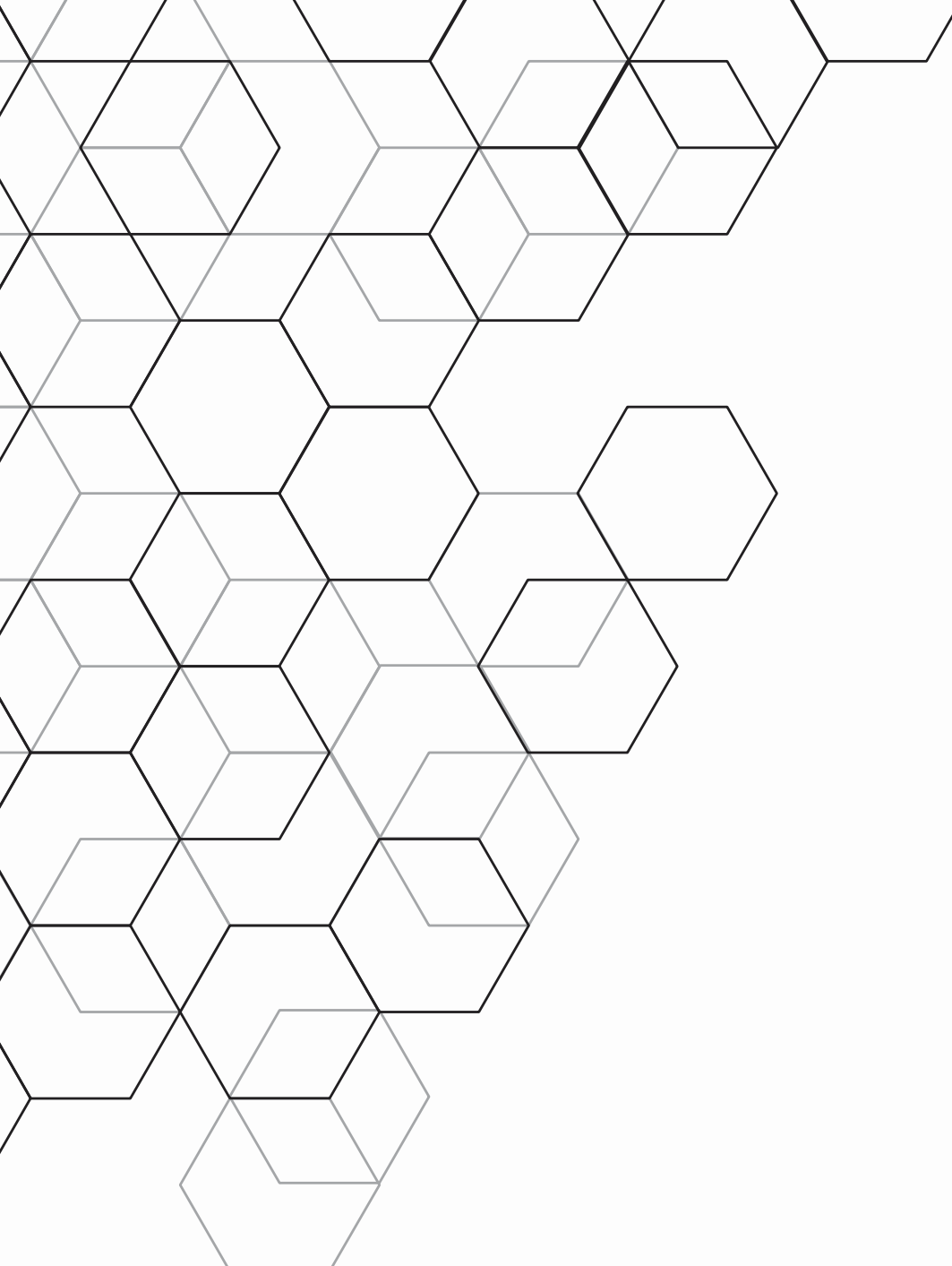
Aberdeenshire Council will only keep your personal data for as long as is needed. Aberdeenshire Council will retain your response and personal data for a retention period of 5 years from the date upon which it was collected. After 5 years Aberdeenshire Council will review whether it is necessary to continue 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.

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.





David Bell Planning Ltd



Planning Policy Team
Infrastructure Services
Aberdeenshire Council
Woodhill House
Westburn Road
Aberdeen AB16 5GB

30 July 2020

By email ldp@aberdeenshire.gov.uk

Dear Sirs

**Proposed Aberdeenshire Local Development Plan 2020 Consultation
Representation from Falck Renewables Wind Ltd**

This representation to the Proposed Aberdeenshire Local Development Plan 2020 (“draft LDP”) consultation has been prepared on behalf of Falck Renewables Wind Ltd (“Falck”). Falck is a developer of renewable energy from wind throughout the UK and is owner of various renewable energy developments including the operational Boyndie Wind Farm in Aberdeenshire.

The draft LDP has been carefully reviewed. This submission is made as a positive and constructive contribution to the Council as part of the new LDP preparation. The comments that follow specifically relate to the delivery of onshore wind energy development. The topic of renewables and climate change policy is fast moving and in that regard there are policy developments which have taken place in recent months which should be taken into account – these are referenced below.

The various sub-headings set out below follow the order of the topic Chapters within the draft LDP.

Section 13 – Climate Change

Section 13 describes climate change as “*possibly the greatest challenge facing the world today*” however it makes no reference to the declared Climate Emergency, recent climate change legislation and new legally binding targets, policy ambitions and other documents that have been published which set out key measures required to address this challenge.

The draft LDP should therefore be amended to reflect the Scottish Government’s climate change commitments and support for the further development of renewable energy developments, particularly at the scale required to meet energy and emission reduction targets.

The draft Plan seems to be a slightly adapted version of the currently adopted LDP and does not set the necessary up to date context or policy imperative required to address the climate and global heating crisis over the lifetime of the Plan.



It is an oversight not to reference the Scottish Government's declared Climate Emergency and indeed the UK Government's position in this regard. Moreover, the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 received Royal Assent in late 2019 and has introduced legally binding greenhouse gas (GHG) reduction targets of 75% by 2030 and net zero by 2045. Whilst the low- carbon outcomes of SPP are relevant, it is considered important at the outset in the document to recognise that the Government's key new policy and legislative objective is to move to a net zero carbon economy by 2045 with, as noted, very challenging interim targets.

It would be appropriate to reference the Planning (Scotland) Act 2019, which has also now received Royal Assent, and which contains provision for National Planning Framework 4 (NPF4) and therefore new statutory national planning policy. Whilst the detail of new national policy is of course not yet available, the Scottish Government has started engagement with stakeholders and a NPF4 'Position Statement' is expected in Autumn 2020. This needs to be taken into account and it is expected that it will indicate the clear direction of planning policy in response to the Climate Emergency.

With regard to the matter of climate change and the declared Climate Emergency, the Scottish Government's 'Programme for Government' entitled 'Protecting Scotland's Future' was published in September 2019 and is also of relevance. It sets out that the forthcoming renewal of the NPF will include radical policy options for dealing with the global Climate Emergency and it states that "*planning is a vital tool in leveraging the changes we need to make to achieve our goals*" in that regard. It adds that planning options will be explored that will "*radically accelerate*" the reduction of emissions in Scotland. It is considered therefore that the draft LDP needs to 'look ahead' to the important and facilitative role that the planning system is expected to take on as a response to the declared Climate Emergency and the challenging 'net zero' targets.

The recent '*consultation on proposed amendments to the Contracts for Difference (CfD) scheme for low carbon electricity generation*' is also of relevance. This was issued by the Department for Business Energy and Industrial Strategy (BEIS) in early March 2020. The Secretary of State confirmed on 02 March that onshore wind and solar developments would be able to bid in the 2021 CfD round and the consultation was on how best to facilitate this change to the CfD scheme.

The document is informative in setting out the UK latest policy position in relation to renewables and 'net zero'. Key points arising with regard to the policy position within the consultation document include the following:

- The document states on page 10 that the changes to the CfD scheme have been made to support the increase in ambition needed to achieve the Government's 2050 net zero target.
- It states that decarbonising the power sector is a vital part of the UK's effort to meet its world leading net zero target. It states whilst we cannot predict today exactly what the generating mix will look like in 2050, we can be confident that "*renewables will play a key role, alongside firm or flexible low carbon generating capacity*".
- It adds that the UK was the first major economy to set a legally binding target to cut emissions to net zero by 2050 and end its contribution to global warming. It states, "*the target, which came into force on 27 June 2019, will require the UK to reduce all greenhouse gas emissions to net zero by 2050, compared with the previous target of an 80% reduction from 1990 levels. This is a landmark decision for the UK and one which demonstrates that we are continuing to lead the international effort to bring an end to climate change*".
- It further adds that this is "*..... an important step towards decarbonising the UK's energy system. The UK's new 2050 net zero emissions target means that we will continue to require substantial amounts of new, low carbon power sources to be built before 2050. In the report on net zero the Committee on Climate Change (CCC) states that the UK could require four times the amount of renewable generation from today's levels, requiring sustained and increased deployment between now and 2050*". (underlining added)
- Page 11 also adds that "*the transition to a net zero greenhouse gas economy will require change across the whole of society, and in this context the Government has considered how to ensure that CfD allocation rounds can best support an increase in the pace of renewable deployment needed to achieve its net zero ambitions.....*". (underlining added)

Given all of the above, it is considered the context text in the new LDP should clearly and explicitly spell out that fundamental change is expected across the whole of society and renewables will as the UK Government has said, have “a key role”.

It is crucial, therefore, that the new LDP reflects these clear policy objectives and national Government announcements in its overarching statements. Many of the planning policies that would be of relevance to considering future renewable energy proposals are in some case duplications of current LDP policies, which do not address the ‘climate emergency’ and do not therefore represent ‘radical policy options’. Falck would therefore like to see greater recognition given to these issues in the LDP – the new Plan should reflect these national commitments and provide a supportive local policy context to help achieve Government objectives.

Given the general points set out above, that the Plan does not adequately acknowledge the seriousness and range of Scottish and UK Government policy and legislative commitments - there is a concern that the renewable energy policies do not adequately reflect the nature of the Climate Emergency or the important role of the planning system in helping to achieve the net-zero targets. As a result, Section 13 should be drafted to reflect these matters and, individual policies should be amended accordingly – these are addressed below.

Policy C2 ‘Renewable Energy’

This is the lead policy against which wind energy proposals will be assessed and the statement in the policy that the Council will approve further wind development in appropriate locations is welcomed. There are, however, concerns with the detailed wording of this policy. Key points of concern include:

- 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 ambiguity on this issue.
- SPP, paragraph 169, provides a list of assessment criteria to assess renewable energy applications. The policy should cross refer to SPP or be amended to include a list of assessment criteria (reflecting SPP paragraph 169).
- 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 is problematic. In various Reports of Examination on other LDPs, Reporters have struck out specific references to Landscape Capacity Studies (LCS) in LDP policies (e.g. the recent Dumfries & Galloway Report of Examination with regard to Policy IN2 and more recently in the Moray Report of Examination) as it would result in too restrictive a policy position.

The LCS cannot remain relevant or “valid” as it is put in the draft policy, given technological advancements and the larger turbines now being procured. May smaller scale turbines are not available in today’s market. The Scottish Government’s Onshore Wind Policy Statement and the Scottish Energy Strategy make it clear that onshore wind remains vital to the attainment of targets. If the LDP covers a 10-year timeframe then it is unacceptable to have a policy reference to what is in effect, a dated and highly restrictive LCS. It is accepted an LCS can be a material consideration, but it should not be referenced in LDP policy wording. Furthermore, this LCS was concluded back in 2014 and cannot reflect today’s policy imperative or technological advancements. The policy position must reflect market reality.

Policy C2.3 ‘Wind Energy’

Reference to the issues of repowering and lifetime extensions is welcomed and should be retained. What the policy does not do however is set out the Council’s position on repowering and lifetime extensions. This is of particular importance to Falck given the operational Boyndie Wind Farm. Given that these types of applications are likely to be increasingly common over the lifetime of the LDP, as well as physical extensions, the policy should be amended to clearly set out the Council’s in principle support for such applications.

This would be consistent with the Onshore Wind Policy Statement (2017) and would help ensure that the new LDP creates a positive policy context to help address the Climate Emergency and net-zero target. It should be noted that lifetime extension applications may simply include an extension in operating time, without any changes to infrastructure. Aberdeenshire is host to a range of well established, successful operational wind farms such as Boyndie, which not only assist in combatting the climate crisis, but which deliver a range of community benefit payments. The policy or supporting text should acknowledge the importance of lifetime extensions for operational schemes – as an important way in which renewable energy, electricity and emission reduction targets and indeed community benefits can be sustained into the long term.

With reference to the sentence “*existing bases should be reused*” - this wording should be amended to include the wording “where possible”. It is unreasonable to stipulate this requirement as, if turbines are to be replaced, it will not be possible to reuse existing foundations in most cases as they are likely to be larger for taller turbines and foundation engineering specifications will be specific to the turbine model to be used.

Section 7 – Shaping Development in the Countryside

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

Given the Scottish Government’s legislative commitment to delivering net-zero greenhouse gas emissions by 2045 and the declaration of the climate emergency, and the other matters set out above, further large scale renewable energy developments will come forward for consideration during the life of the new LDP. Many of these will be large scale projects involving a range of technologies ranging from onshore wind to solar and potentially large-scale battery storage. Hydrogen development may also increasingly feature.

These will largely be in countryside locations and it is important this is acknowledged in the Plan. As currently worded, neither Policy R1 or Policy R2 make any provision for the possible location of such developments in the countryside and special rural areas. It is therefore unclear how prospective future applications would be considered against these policies. The policies need to be amended in this regard.

Section 10 – Natural Heritage and Landscape

Policy E1.6 ‘Protected Species’

This policy states that “*development must seek to avoid any detrimental impact on protected species*”. Unlike policies E1.1 – E1.5, this policy does not refer to the term “acceptability” which is an important qualification that should be introduced. The introduction of “unacceptable” into the policy would allow a decision maker to exercise a greater degree of judgement in applying this policy that is reflective of the differing scale of legislative protection given to protected species, as set out in paragraph 214 of SPP.

All policies in the new LDP should be reviewed to ensure they avoid such ‘absolute’ wording such that a planning judgment on accordancy or otherwise in light of a development’s benefits cannot be exercised.

Section 11 – The Historic Environment

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

Similarly, Policy HE1.1 introduces a very strict protection provision stating that the Council “*will not allow development that would have a negative effect*” upon the identified heritage resources. There is therefore no circumstance under which Policy HE1.1 would permit the Council to approve a development that had any negative effect (no matter how minor) upon identified historic assets. This is inconsistent with SPP and again, removes the opportunity for a planning balance to be struck.

Section 12 – Protecting Resources

Policy PR1 ‘Protecting Important Resources’

Policy 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. As currently worded this policy is not sufficiently flexible to permit developments where only a minor, and not significant, effect is identified. It is acknowledged that the second part of this policy identifies a scenario where developments may be permitted, the requirement to demonstrate that “*there are no reasonable alternative sites*” is not necessary and would be contrary to SPP

Conclusions

It is recommended that the above matters should be fully taken into account and addressed in the next stage of the LDP preparation. The recommended amendments to the Proposed Plan and to the various objectives policies referred to would it is considered, bring the plan and policy approach more in line with SPP and relevant national energy policy and legislative provisions.

This would not only set a more positive policy framework for delivering renewable energy development within the Council area, but also assist in meeting the Council’s own aims and objectives for the promotion of low carbon and sustainable development in the LDP area and be a more appropriate and ambitious response to the declared Climate Emergency and what is anticipated to be set out in NPF4.

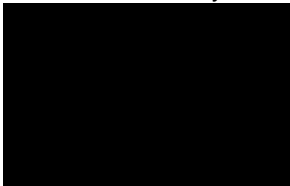
Such an approach would be consistent with the significant policy support at the Scottish Government level for the deployment of onshore wind energy development and indeed other renewable energy technologies as set out in the Onshore Wind Policy Statement and Scottish Energy Strategy. The clear ‘direction of travel’ for NPF4 is to increase the delivery of renewable capacity and the planning system is seen as being of pivotal importance for Scotland to attain the challenging net zero targets as well as to aid the economic recovery from the COVID-19 pandemic.

In this regard the importance of the economic benefits arising from renewable energy developments will be important and cannot be under-estimated in today’s circumstances. The Office of Budget Responsibility (OBR) has set out clear warnings in July 2020 that unemployment in the UK is likely to rise beyond levels seen in the 1980s as the nation struggles to regain its pre-COVID-19 virus footing. The OBR’s position is that 2020 has seen the biggest collapse in economic activity since records began and there is now a significant likelihood of lasting economic ‘scarring’.

The recent advice to the Scottish Government from their Advisory Group on Economic Recovery and from the Government’s Climate Emergency Response Group (July 2020) – by way of a strong recommendation is that there is an economic and environmental imperative to seek to deliver projects that can contribute to the economic recovery and indeed which can make a positive response to the Climate Emergency. The policy framework in the new LDP needs to be amended, in the ways set out above to enable that to happen.

If clarification or further information is required on any point, please do not hesitate to contact me.

Yours faithfully,



Director

