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Scottish Government
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By email – scotplan@gov.scot

Dear Sirs

National Planning Policy Framework – Call for Ideas

This representation focuses on the need for NPF4 to deal and respond to the declared Climate Emergency and the challenging legally binding ‘net zero’ targets now set in law. David Bell Planning Ltd (BDP) is very active in advising on various renewable energy technologies including onshore wind and solar.

The focus of this representation also covers onshore wind which is identified in the Government’s Onshore Wind Policy Statement as being “vital” to the attainment of future renewable energy and electricity generation and emission reduction targets. It is considered that this policy imperative must be carried forward into the new NPF4 so as to ensure the further substantial deployment of onshore wind that is needed.

DBP has set out detailed representations to NPF4 for a number of clients therefore this response focus on high level points.

Climate Emergency and the ‘Net Zero’ Challenge

Before addressing the specific planning policy issues and in turn the positive recommendations for change that could be expressed in NPF4, it is important to set out some comments on the renewable energy policy framework and how it is evolving. In this regard, the backdrop to necessary planning policy change includes a number of landmark reports and statutory provisions which have emerged and been put in place in 2019. These include the following:

- The **Committee on Climate Change (CCC) Report on ‘Net Zero’** published in early 2019.
- The declared UK and Scottish Government **Climate Emergency** positions.
- The **Climate Change (Emissions Reduction Targets) (Scotland) Act 2019** – which received Royal Assent in 2019 and has introduced legally binding greenhouse gas (GHG) reduction targets of 75% by 2030 and net zero by 2045.
- The **United Nations ‘Gap’ Report** published in November 2019 which has set out the annual gauge of the disconnect of ‘where we are and where we need to be’ with regard to action on the Paris Agreement and GHG emissions reductions.

In addition, in December 2019 the **CCC ‘Progress Report to the Scottish Parliament’** was published. It sets out that in the CCC’s ‘net zero’ report published earlier in 2019, the Committee had made it clear that

meeting Scotland's 2045 target is contingent on early and decisive action to strengthen policy. The key messages in this very recent report include the following:

- Net zero GHG emissions by 2045 is a 'step change' in ambitions for Scotland – requiring urgent action in order to meet that target.
- The Scottish Parliament's 2030 target to reduce emissions by 75% will be extremely challenging to meet. It must be backed up by steps to drive meaningful emissions reductions - immediately. The new NPF4 will cover the time period from 2022 to 2030.
- The forthcoming update to Scotland's Climate Change Plan is an opportunity to set a clear and credible path to net zero emissions in 2045.
- More rapid electrification in Scotland must be supported by further development of low carbon generation capacity.
- Given the important roles for electrification in both transport and heat, electricity demand is expected to rise across Scotland. The UK should aim to support a quadrupling of low carbon power generation on the GB network by 2050, a significant portion of which will be located in Scotland due to its potential for onshore, offshore and remote island wind generation.
- This means deployment of more low carbon capacity in the 2020s, consistent with the carbon intensity of 50gCO₂/kWh for the whole GB grid by 2030.
- Renewables without Government backed contracts will not be deployed at scale sufficient to meet the expected generation gap in 2030. In this regard the recent (March 2020) consultation paper published by the Department of Business, Energy & Industrial Strategy (BEIS) entitled '*Contracts for Difference for Low Carbon Electricity Generation – consultation on proposed amendments to the scheme*' is of relevance.

The CCC Report adds that Scotland's target to meet 100% of gross electricity consumption from renewables by 2020 remains challenging as it is unlikely that all the projects consented will progress to the commissioning stage. One of the key reasons for this is that many of the consented projects for onshore wind were decided in the context of available Government subsidy and now in present circumstances where there is no subsidy support for onshore wind (although as noted, the above BEIS consultation on this topic is as of 3 March 2020 underway), the tip heights of projects that have been consented are in the majority of cases, too low and as a result, these projects are largely unviable.

A very recent and relevant material consideration with regard to evolving energy policy is the **consultation on proposed amendments to the CfD scheme for low carbon electricity generation**. This was issued by the Department for Business Energy and Industrial Strategy (BEIS) in early March 2020.

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 – **NPF4 must engage with these matters**:

- 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".

- 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....*".

The aims of the consultation set out (page 11) are described as supporting the following themes, *inter alia*:

- Delivering net zero - by supporting the increased ambition required by the Government's economy wide legislative target to reach net zero greenhouse gas emissions by 2050; and
- Maintaining energy security - by supporting deployment of new power sources needed to achieve a low cost and secure low carbon power system.

At page 15 of the document 'delivering net zero' is addressed and the Government sets out that "*on 27 June 2019, a new legally binding target to reach net zero greenhouse gas emissions by 2050 came into law in the UK. By 2050, the UK will need an ultra-low carbon power sector to meet this economy wide net zero emissions target. In parallel, generation will need to increase to meet future demand and at the same time as aging plants are being decommissioned. The CCC believes almost complete decarbonisation in the power sector can be achieved, but that to achieve this, low carbon electricity generation will need to quadruple by 2050. The CfD scheme therefore needs to be able to support a substantial increase in low carbon generation capacity*".

The document continues by stating "*the UK's new 2050 net zero target will require a substantial amount of new, low carbon power sources to be built before 2050 and to produce the majority of power with renewables if we are to decarbonise at low cost... In its report on net zero, the CCC advise that the UK could require up to a four-fold increase in renewable generation under their 'further ambition' scenario*".

With regard to the established technologies for CfD, importantly the consultation document sets out that Government is aware of a number of projects (mainly solar PV and onshore wind) and have deployed or are planning to deploy on a merchant basis since the last 'Pot 1' auction was held under the CfD regime. It adds "*however, there is a risk that if we were to rely on merchant deployment of these technologies alone at this point in time, we may not see the rate and scale of new projects needed in the near term to support decarbonisation of the power sector and meet the net zero commitment to low cost*".

NPF4 must therefore put in place an onshore wind policy framework that increases the rate and scale of onshore wind deployment.

In addition, very recently the **Court of Appeal Judgment on the third Heathrow runway** dated 27 February 2020 is of relevance in that it firmly sets out that the UK Government's commitment to the Paris Agreement (2015) is part of Government policy. The UK Government's commitment under the Paris Agreement links through to the CCC's advice to both the UK and Scottish Governments on net zero targets which have now, at both the UK and Scottish levels been translated into new legislative provisions and targets for both 2045 and 2050.

Against this backdrop, it will clearly be essential to have in place an appropriate planning system and a key part of such a system is facilitative national planning policy and a body of guidance for onshore wind development. Whilst the Scottish Government will clearly be aware of the content of the December 2019 CCC Report and the other various documents referred to above that have been issued in 2019 (as noted in the Scottish Government's 'Programme for Government' 2019, it is critical that positive changes are made to national planning policy to increase deployment. This is particularly important given planning policy in England largely prohibits new onshore wind development.

The Presumption in Favour

The current SPP contains the planning principle of a 'presumption in favour of development that contributes to sustainable development'. A major problem since the current SPP came into force in 2014 has been a reluctance of decisions makers (particularly Local Planning Authorities) to engage with and apply the presumption as set down at paragraphs 32 and 33 of SPP. It is recommended that the new NPF4 should make it explicitly clear that the presumption applies in certain circumstances:

- Guidance could be along the lines of ***where development is being determined in planning and Electricity Act cases for all types of land use – if the development in question contributes positively to addressing the global heating crisis and would result in benefits such that there would be a reduction in carbon emissions and other greenhouse gas emissions then that is a benefit that should be afforded great weight whatever the scale of development.***
- Furthermore, consideration could be given to applying the current presumption as set out in the existing SPP to all such development and that would mean that ***where such development is proposed the presumption would be a significant material consideration carrying great weight and in such cases consent should follow unless the benefits arising would be 'significantly and demonstrably outweighed by adverse effects'.***

Importantly such an approach would not mean that the need case would be an overriding consideration (relative to certain environmental resources), but it would properly position that very important material matter at the heart of decision making and allow the weight it should be afforded to be unambiguously applied in the planning balances that still of course need to be struck against environmental considerations.

NPF4 should make it mandatory for all planning determinations to explicitly address the application of the presumption in favour and should explain clearly how it operations in situations where policies in Development Plans are out of date with national policy, in situations where LDPs are over 5 years old and as noted above, where development is proposed in 'Group 3' areas as part of the new Spatial Framework approach for onshore wind deployment.

Further Specific Policy Recommendations

1. **Ensure strong policy expressions in place which reflect the need to attain 'Net Zero' Targets and which properly address the vital role of onshore wind in dealing with the Climate Emergency.**

NPF3 and SPP encourage deployment of renewables and onshore wind but the policy support does not reflect the language of the Onshore Wind Policy Statement (OWPS) or the policy imperative arising from the declared 'Climate Emergency' or the provisions of the recent Climate Change (Emissions Reduction Targets) (Scotland) Act 2019. The current SPP / NPF3 and the related 'online guidance' for onshore wind dates from 2014.

Clear policy direction on the need case for new onshore wind should be set out, with direction to decision makers to place substantial weight on the benefits from onshore wind, whether it is in the form of new development, extensions of Wind Farms, repowering projects and extensions of life.

2. **The Policy Framework needs to deliver 'transformational change'**

Changes to the planning system need to be ambitious to ensure that transformational change is delivered – including increased volume and rapid deployment of onshore wind.

The UK Committee on Change (CCC) in its advice to Government has stated that low carbon electricity "must quadruple" and recommended that policy frameworks should create "a favourable planning regime for low-cost onshore wind."

If key objectives set out in the OWPS include the delivery of subsidy-free onshore wind projects and a robust, sustainable and growing supply chain and increasing employment, then the necessary changes to the planning system and specifically to the national planning policy framework must be put in place to enable that to happen.

There should therefore be significant changes to the planning system as set out in the 'Programme for Government'¹.

The Programme states that the Scottish Government is making a number of major commitments in response to the climate emergency and in terms of 'planning' this will include NPF4 "which will help to radically accelerate reduction of emissions".

The Programme (page 39) refers specifically to planning and key points referenced in this regard include:

- *The global climate emergency means that the time is right for wide-ranging debate on more radical planning policy options;*
- *Planning is a vital tool in leveraging the changes needed to "achieve our goals"; and*
- *Engagement on NPF4 will begin in Autumn 2019 – and through it, the Government will explore planning options "that radically accelerate reduction of emissions".*

As the NPF and SPP are brought together into a National Development Plan for Scotland, it is vital that it unlocks the ready and willing investment in renewable energy.

3. The Need for Higher Blade Tip Heights should be explicitly supported in Policy

Too often applications for consent are being refused because of matters relating to tip height / scale disparities of new turbines compared to existing schemes which may be close by. This is an inevitable result of technological change and the need for turbine heights to be higher in a subsidy free context. The Climate Emergency situation and the need case imperative means that this matter has to be addressed in policy and related guidance.

The new policy approach should support the installation of taller turbines and have the flexibility to accommodate the speed of technological change.

Consideration should be given to setting out that only limited weight should be afforded to scale disparities between new and 'legacy' turbine schemes given the climate emergency situation and the vital role that onshore wind will have in attaining targets.

If new wind energy development is to take place it is increasingly inevitable that differences in scale between older and newer wind farms will be inescapable and a landscape and visual feature that can only be addressed through design to a point. Such differences in scale should not be an argument against new development precisely because they are inescapable.

4. Wild Land Mapping and related Policy needs to be addressed

Wild land is an extensive geographical constraint and although not intended to be a 'designation' has been treated as such in practice – given Wild Land Areas (WLAs) are shown with boundaries on Wild Land Maps and in Spatial Frameworks.

The policy 'test' at paragraph 215 of SPP as set out for 'Group' 2 in the Spatial Framework approach of SPP has proven to be a very significant constraint and far too high a 'bar' for any wind energy scheme to satisfy. No wind farm development has been consented in a WLA and been deemed to be consistent with SPP.

To date since 2014 only one consent has been granted for a wind development in a WLA. Part of the consented Creag Riabhach wind farm is within a WLA, but the Ministers only granted consent for this under section 36 of Electricity Act by stating that the development in their view was contrary to SPP. In contrast various schemes have been refused consent for development wholly or partly within WLAs.

Developers are understandably very wary of promoting schemes within WLAs given this track record. In addition, SPP paragraph 125 and Table 1 development management advice is almost impossible to satisfy since substantially overcoming a significant visual effect which would inevitably result from turbines is logically impossible. And there is no evidence to date that Reporters and

¹ Scottish Government, 'Protecting Scotland's Future', The Government's Programme for Scotland, 2019-20 (September 2019).

Planning Authorities have been prepared to apply the overall planning balance in favour of development where there are such significant effects.

It is accepted that there is a need for a degree of protection for truly wild land. However, the mapping exercise which led to the WLAs used a system of classification which graded wild land qualities in 9 levels (so called Jenks Classes), grade 9 being the most truly wild and grades 1 – 5 having very little wild land quality. This is a very broad summary of a complex method.

The less wild land within WLAs is, on the evidence of decisions to date, being sterilised for development. The consequence of this is that developers are looking elsewhere and encountering constraints that are expected to be found in less remote areas. In particular, one effect of the current SPP advice, coupled with the very extensive coverage of Scotland, and especially Highland, is that new proposals are coming forward closer to houses and settlements or in smaller scale landscapes less well suited to accommodating commercial scale wind energy developments.

As explained, given a declared and very real Climate Emergency there is a clear balance to be struck between giving appropriate protection to remote areas and the risk of bringing wind development to closer to people and more settled landscapes.

The lesson of the difficulties encountered by developers in such situations is that it is unwise in the short and longer term to promote the building of wind farms close enough to houses that issues of noise and visual dominance arise. So far, with its larger areas of remoter land, Scotland has avoided this danger and so kept the support of the vast majority of the public. This in turn has made life noticeably easier for policy and planning decision makers.

In some cases, Wild Land boundaries should be 'pulled back' and rationalised in key areas where wildness qualities are more limited and where there is demonstrable onshore wind activity / interest and grid capacity. This would be complementary to an amended policy approach.

The policy 'test at paragraph 215 and in the Spatial Framework approach for 'Group 2' needs to be revised.

Such is the vast area covered by WLAs that redrawing their boundaries so as to only include the highest Jenks classified land would still leave a huge area protected.

SPP policy advice can be modified so as to allow a real possibility of wind development within WLAs and the WLA boundaries can be redrawn so as to exclude land that is not truly wild.

5. Address Repowering & Extensions of Life

Current national planning policy is weak in relation to repowering proposals and applications for extensions of life of operational developments.

Most onshore wind developments have time limited consents and many schemes are due to be decommissioned in the early 2030s.

There should be a presumption in favour of physically extending and repowering existing developments in the right circumstances subject to the EIA process where required: recognising that extensions which utilise some of the same infrastructure as an existing development is beneficial.

Given net zero and other challenging targets which stretch into the long term – 2045, 2050 and beyond – extensions of life to operational developments, well beyond the often consented 25-year periods, will be essential to maintain renewable generating capacity and sustain targets.

Renewable energy developments should be consented in perpetuity in line with other developments, with the requirement for conditions of consent to be applied securing the decommissioning of developments once they come to the end of their operational life.

6. The need for Interim Policy Guidance before NPF4 is adopted in 2021/22

The current programme of the Scottish Government is that the consultation of the draft NPF4 is not to start until 2021 when the document is to be laid before the Scottish parliament.

Moreover, the key issue arising is that the new policy position may not be in place (adopted) until late 2021 (or now possibly 2022). This is far too late in light of the current declared Climate Emergency and challenging net zero and other related targets.

It is recommended that the Planning Service of the Scottish Government issue immediate interim policy guidance on key matters (e.g. the presumption) acknowledging the mismatch between where we are now and where we need to be with new national planning policy and guidance. This is to ensure key policy drivers are not delayed and that the problems identified above are at least in part addressed whilst we await the final document. This would not 'pre-empt' policy change as it is clear that the direction of travel and policy imperative is to take action on the Climate Emergency and 'net zero' – now set in law – that matter will not change.

Conclusions

As explained in the introduction to this submission, NPF4 will incorporate the new renewables and onshore wind policy for Scotland, and it is therefore critical that early engagement is undertaken and this representation is intended as a positive contribution to that process.

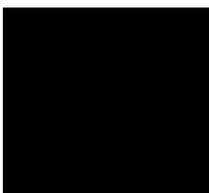
Finally, to reiterate, the Scottish Government has made it clear in the *Programme for Government* (2019) that there is a need to examine **radical planning policy options** and in particular "*planning options that radically accelerate reduction of emissions.*" It is critical therefore that NPF4 delivers on that objective – it is considered that the various policy ideas in this submission could help facilitate such ambitious transformational change which is sought.

Moreover, given the very difficult current circumstances with COVID-19 – there will be a need for swift economic recovery and the national planning policy position needs to be responsive to that need. In light of the current declared Climate Emergency and the economic difficulties that COVID-19 will create, industries with the potential to make significant contributions to both net zero and to economic recovery should be identified and supported as such, in planning decisions.

It is recommended that increased planning weight is given in decision-making to socio-economic factors, where specific details are provided in applications, including the positive effect on: inward investment in Scotland; local community funding; supply chain jobs; local jobs; economic growth/ regrowth; creation and/ or improvement in infrastructure.

A key point is the need for some Interim Policy Guidance given the delays to the NPF4 process.

Yours faithfully,



David C Bell
Director