

National Planning Framework 4 Call for Ideas

Muirhall Energy Response

April 2020

Muirhall Energy welcome the focus of the Call for Ideas in stimulating discussion on climate change, noting the first of the five recommended discussion points, “*What development will we need to address climate change?*”. In our view, this key issue must inform all elements of NPF4.

As an onshore wind developer, our response focuses on the role of our industry in meeting the ambitious Net Zero target that has been set in the context of the climate emergency.

We support the Position Statement from Scottish Renewables and its’ Supplementary Position Statements. The purpose of this response is to elaborate where we feel necessary.

1. The role of the onshore wind industry

Of the total of 17,700 jobs supported by renewables, onshore wind employs 5,800 people, generates on average 70% of Scotland’s electricity consumption, generates in excess of £80m in local rates, and contributes around £20m annually to largely rural communities in generation related local community payments. These payments will continue for the life of the wind farms generating the benefits. The direct and indirect turnover of onshore wind in Scotland in 2017 was £2.8 billion.

Onshore wind has a future at the core of the drive to decarbonisation alongside offshore wind and other technologies. A recent prediction by WindEurope envisages that an additional 74GW of onshore wind will be installed across Europe by 2030 in comparison with an additional 65GW of offshore wind. The onshore industry can react much quicker than offshore wind to the need for more clean energy, both because it is simple to plan and install and because it is not constrained by tender processes and Crown interests. Onshore wind can deliver quickly, simply and cost competitively because it is a mature technology with policy, regulatory and planning systems well established and only requiring the tweaks addressed below to achieve that which Net Zero requires.

The cost of onshore wind is still falling as the industry meets the challenge of a no subsidy world and is as secure as any technology in the energy sector can be in terms of delivering the power the UK needs. The jobs which onshore wind generates and sustains are not only vital to the Scottish economy, but are more easily kept in Scotland than has been the case with other renewables supply chains.

Committing to a strong future for onshore wind does not just mean building on new sites. The Scottish government recognises the role of repowering older wind farms with fewer, larger turbines, and a trend to repower will become marked in the 2020s. In turn that will reinforce the value of the industry to the Scottish economy.



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Onshore wind has the potential to bring down the price of electricity in Scotland, making electricity more affordable to those in greatest need whilst also underpinning our other industries and increasing their ability to compete on an international stage, something which is particularly relevant post Brexit. It can only do so if permitted by a more positively engaged, educated and proportionate planning process.

Onshore wind is vital to the country's balance sheet. It can do much more but is challenged on a number of fronts. More needs to be done to maximise supply chain benefits for Scottish business. And the planning system needs to deliver good projects more reliably and much more quickly. As the Climate Change Committee's report notes there is no time for long reflection. Action is needed now.

2. Scotland's role in meeting the Net Zero target

The importance of the May 2019 Climate Change Report "*Net Zero: The UK's Contribution to Stopping Global Warming*", cannot be overstated. This seminal report provides a framework for action which should be embraced through a large number of practical steps, involving new and updated policies, initiatives and perhaps legislation. The report notes the ability of Scotland to lead the UK in achieving net zero, and that this provides huge opportunities for the Scottish Government, the renewables industries, public authorities and all other stakeholders to take initiatives which will significantly benefit the country's balance sheet and the way that Scotland is perceived globally.

First Minister Nicola Sturgeon declared a "Climate Emergency" in her speech to the SNP Conference in April 2019, stating:

"As First Minister of Scotland, I am declaring that there is a climate emergency. And Scotland will live up to our responsibility to tackle it." Referring to the advice of the Climate Change Committee, Ms Sturgeon added *"if that advice says we can go further or go faster, we will do so"*.

Furthermore, Climate Change Secretary Roseanna Cunningham made a statement on 14 May to the Scottish Parliament on the 'Global Climate Emergency'. Again, with reference to the recent CCC Report:

"We acted immediately with amendments to our Climate Change Bill to set a 2045 target for net zero emissions - as we said we'd do. If agreed by Parliament, these will be the most stringent legislative targets anywhere in the world and Scotland's contribution to climate change will end, definitively, within a generation. The CCC was clear that this will be enormously challenging...."

The Minister also highlighted the important role of the planning system stating:

"And subject to the passage of the Planning Bill at Stage 3, the next National Planning Framework and review of Scottish Planning Policy will include considerable focus on how the planning system can support our climate change goals".

In light of the report by the CCC the Scottish Government has stated unequivocally that there needs to be "transformative change" – and that action has to be quick and decisive. An emergency requires action and decisions through the planning system must be responsive to that – recognising the valuable role that onshore wind can play.

3. Maximising the contribution of the onshore wind industry in meeting the net zero target

It is clear from the public opinion tracker conducted on behalf of the UK government that public support for onshore wind development is as strong as ever. The most recent survey showed that support has climbed from 65% in March 2015 to 78% as of September 2019¹.

It is also telling that On 2nd March 2020, the UK government announced that the Contracts for Difference mechanism, under which potential energy generators can be guaranteed a minimum price for the electricity that they will produce, will be opened to onshore wind farms in 2021. This underlines the recognition of the important role of onshore wind in meeting the net zero challenge.

It is therefore appropriate that the planning system is updated to provide a suitably supportive environment for the further deployment of this technology.

This could be delivered through improvements in the following key areas:

- a. Ensure strong policy expressions 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

The National Planning Framework 3 (NPF3) and Scottish Planning Policy 2014 (SPP2) encourage deployment of renewables and onshore wind but the policy support does not reflect the language of the Onshore Wind Policy Statement 2017 (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 2017 Scottish Energy Strategy is also clear and persuasive that the further deployment of renewables will play a key role in our energy mix.

These policies should be material considerations in decision making. In our experience however, they are often overlooked and are not mentioned in planning decisions.

It is our view that NPF4 must deliver a clear policy direction on the need case for new onshore wind. Specifically, there must be a clear instruction to decision makers to place substantial weight on the benefits from onshore wind. This must be without caveat and must apply for new development, extensions of Wind Farms, repowering projects and extensions of life.

- b. 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.”

¹ <https://www.gov.uk/government/statistics/beis-public-attitudes-tracker-wave-31>, accessed on 30th April 2020.

Current policy is inadequate to deliver projects at scale, and which are commercially viable and at the pace that is now required. This is self-evident with the slow down of new investment in onshore wind and solar in Scotland, and the supply chain difficulties of firms like CS wind in Argyll and Bute.

We recommend that 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’².

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.

c. *The need for Interim Policy Guidance before NPF4 is adopted in 2021*

The current programme of the Scottish Government is that the consultation of the draft NPF4 is not to start until sometime in 2021 when the document is to be laid before the Scottish parliament for 120 days.

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

We recommend that the Planning Service of the Scottish Government issue interim policy guidance on key matters including the presumption in favour of sustainable development and Eskdalemuir, acknowledging the mismatch between where we are now and where we need to be with new national planning policy and guidance.

d. *The presumption in favour of sustainable development*

It is our view that since the presumption was introduced in 2014, the various policy statements on energy policy and the announcement of a climate emergency have undeniably strengthened the case for it.

² <https://www.gov.scot/programme-for-government/>, accessed on 30th April 2020.

We agree with the Position Statement from Scottish Renewables on NPF4 but offer the following suggestions in terms of how the application of the presumption might be improved.

1. NPF4 must make clear that all decision makers should explicitly engage with this presumption and be required to demonstrate how it has been applied in decision making.
2. If NPF4 is to follow a criteria-based approach as set out in SPP2 paragraph 29, clarity should be added that a “best fit” is required, rather than strict accordance with all criteria. The wording of SPP2 paragraph 29 in terms of when the presumption should be engaged is not sufficiently clear. This has been demonstrated on at least one occasion when debated at public local inquiry in relation to a proposed wind farm³.
3. Assuming that a criteria based approach is used, the clarity of the wording of each criteria must be improved. For example, it has also been debated whether the 11th criterion of SPP2 paragraph 29 relates to access or the protection, enhancement and promotion of the asset to which the access relates.
4. The threshold for when the presumption is engaged is currently too high. There are few examples of onshore wind developments where the presumption has been engaged. This is surely at odds with the intention of the presumption.

If we accept that the 11th criterion requires the “protection, enhancement and promotion” of the landscape and the wider environment, then it is very difficult for any onshore wind development to satisfy this test. Onshore wind farms, as well as many other necessary low carbon infrastructure developments are unlikely to be able to “enhance” the landscape.

5. SPP2 paragraph 32 explains that for planning applications, the primacy of the development plan is maintained. The presumption is therefore subordinate. This does not however apply to applications for larger scale developments made under the separate legislation of the Electricity Act. In the context of the climate emergency, we contend that the drafting of NPF4 should aim to give greater weight to the presumption and that this would reflect the intention that sustainability is at the heart of the planning system. This could be done by adding that for proposals that do not accord with up-to-date development plans, that the presumption shall be a “significant material consideration”. This would reflect the phraseology of SPP2 paragraph 33.
6. SPP2 paragraph 33 states that where the policies in a development plan are out of date, the presumption shall be a “significant material consideration” rather than simply a “material consideration” as set out in paragraph 32. It is our view that the presumption should be a significant material consideration regardless of the currency of the development plan.

e. Wild land

We note that “Wild Land” covers approximately 20% of Scotland’s land mass (1,537,326ha). Wild land sits within Group 2 of the spatial framework set out by SPP2, Table 1. It has never been intended as a designation. Unfortunately however, it has become a de-facto designation. In our view, this is as a result of

³ Caplich Wind Farm, WIN-270-7.

the following two issues and could be improved through consideration of the wording of SPP2 paragraph 215:

- This policy test is engaged in a binary manner according to whether a proposal sits within or outside of an arbitrary wild land “boundary”. In reality, landscape gradually transitions from areas where “wildness” might be strongly experienced to areas less so. The wild land advisor - SNH advise that these boundaries are porous and effects should be considered against wildness qualities rather than boundaries. It is inconsistent and therefore not appropriate to have a policy test which is engaged according to the boundaries. It would be more logical for the policy test to be engaged if a proposal is likely to have significant effects on the qualities of a wild land area.
- The threshold for the policy test set by SPP2 paragraph 215 is too high. It is not possible for onshore wind developments to demonstrate that significant effects have been “...*substantially overcome* ... *by siting, design or other mitigation*”. This is evidenced by the fact that there has not yet been an onshore wind proposal within wild land that has satisfied this policy test. It is our view that this threshold should be reconsidered and lowered.

Since the release of SPP2, we are aware of ten applications within wild land areas. Only one has been successful, although it, (Creag Riabhach wind farm) was only partly within wild land and it did not satisfy the wild land policy test – it was determined to be contrary to SPP2 and was consented in the planning balance.

The result of this is that developers will avoid wild land areas in the same way that they avoid designated areas such as national parks and national scenic areas. This was not the intention of SPP2. Given the extent of Scotland’s land mass affected, this will, without correction, significantly hamper our ability to meet the Net Zero target.

f. Development within the Eskdalemuir Consultation Area

In the south of Scotland, an area of 785,400ha, extending from the Pentlands to the English border, covering approximately 10% of Scotland’s land mass is currently sterilised to onshore wind development. This constraint could and should, be resolved through the planning system. This could be done either through the release of Interim Guidance or the issuing of a Direction relating to the proposed 15km exclusion area.

This is a time critical issue which is currently frustrating a significant pipeline of development. It should therefore be resolved prior to the expected release of NPF4 in 2021. However, it must be covered by NPF4 whether or not earlier resolutions are realised.

The Ministry of Defence (Eskdalemuir Seismic Recording Station) Technical Site Direction 2005 requires consultation with the Ministry of Defence for any wind turbine proposals within a 50km radius of the seismic recording station.

While the responsibility for the safeguarding of the array is a reserved matter for the UK Government and shall remain so, the Scottish Government are responsible for planning policy within this area.

We welcome the efforts of the Scottish Government through the Eskdalemuir Working Group to realise a solution. The only option identified in terms of planning policy has been the proposed expansion of the 10km exclusion zone surrounding the seismic array. We note the findings of the Eskdalemuir Working

Group in 2014 that, “The research has demonstrated that the impact of seismic vibration from wind turbines on the EKA decreases rapidly with distance from the Array and that the installation of wind turbines in close proximity to the EKA would rapidly exhaust any available headroom in the seismic ground vibration threshold (also commonly known as the ‘noise budget’). The EWG has therefore concluded that it would be advisable to extend the current 10km Exclusion Zone, where wind development is not permitted, outwards.”⁴

The Draft Onshore Wind Policy Statement (January 2017) proposed an expansion of the exclusion zone to 15km. The report of consultation responses to the draft OWPS noted that: “25 respondents, predominantly from the onshore wind industry, agreed with the Scottish Government proposal that the exclusion zone round the Eskdalemuir array should be set at 15 km. Four respondents disagreed.”⁵

We are aware that the Eskdalemuir Working Group repeated its support for a 15km exclusion zone in January 2019.

Scottish Renewables has sat on the Eskdalemuir Working Group and has indicated its support for the expansion of the exclusion zone in response to the Draft OWPS and again since. A letter setting out their current position is appended.

The Ministry of Defence have acknowledged the intention to expand the exclusion zone to 15km and have confirmed that they will manage their safeguarding responsibilities in accordance with such a policy as adopted by the Scottish Government. This position was given in response to both the draft OWPS and the working group’s January 2019 recommendation.

Without resolution, this constraint will significantly hamper efforts to meet the Net Zero target.

The Scottish Government has a mandate to alleviate this very significant barrier to the deployment of renewables. We urge them to do so as a matter of urgency.

⁴ Eskdalemuir - Interim Guidance – 22 May 2014

⁵ Draft onshore wind policy statement November 2017: consultation analysis, page 4, paragraph 21. Further analysis is provided on pages 20 – 21. <https://www.gov.scot/publications/consultation-draft-onshore-wind-policy-statement-analysis-responses-november-2017/>

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24 April 2020

Dear Peter

Eskdalemuir Array – Scottish Renewables Position

In response to your email dated 23 April 2020, I can confirm that Scottish Renewables' position on the Eskdalemuir Array remains unchanged from the position set out in our 2017 consultation response to the Draft Onshore Wind Policy Statement.¹

This response states “As a member of the Eskdalemuir Working Group (EWG), Scottish Renewables has been actively involved in the work surrounding the Eskdalemuir noise budget and exclusion zone for a number of years. We continue to support the proposal to extend the exclusion zone to 15km as endorsed by the EWG in 2014.² As per the Scottish Government’s interim guidance note, these arrangements should be reviewed once the seismic ground vibration contribution of turbines within the 50km consultation zone reaches 90% of the available threshold. If new mitigation technologies come to market, these should be considered in the review process.

Further, to allow for the exclusion zone to be effective, Scottish Government and MoD should consider establishing a public-facing list and map of developments in the area that are in planning and operational which are impacting on the noise budget, and what the remaining noise budget is.”

As per the email sent by our Policy Manager, Stephanie Conesa, to the Eskdalemuir Working Group dated 18 April 2019, Scottish Renewables supports the recommendations of the Working Group as agreed at the 16 January 2019 meeting.

Yours sincerely



Morag Watson | Director of Policy

¹ Published on 30 May 2017 and available at <https://www.scottishrenewables.com/publications/327-consultation-response-onshore-wind-policy-statement>

² <http://www.gov.scot/Topics/Business->

[Industry/Energy/Infrastructure/EnergyConsents/Guidance/eskdalemuirinterimguidancedocument](http://www.gov.scot/Topics/Business-Industry/Energy/Infrastructure/EnergyConsents/Guidance/eskdalemuirinterimguidancedocument)