

David Bell Planning Ltd

26 Alva Street
Edinburgh EH2 4PY

E: david.bell@dbplanning.co.uk
T: 07876 597494

Mr Joe Perry
Project Co-ordinator
Flow Country World Heritage Site Project

Our Ref: 03/DB

05 July 2019

By email

Dear Mr Perry

**Proposed Flow Country World Heritage Site - Consultation
Consultation Response from Innogy Renewables UK**

This is a formal response to the Flow Country World Heritage Site (FCWHS) consultation exercise that is currently underway. This response is submitted on behalf of my client Innogy Renewables UK. Innogy has a number of renewable energy development interests in the Highland region, a number of which are within Caithness and Sutherland and within the geographical area that is the subject of the FCWHS proposed area.

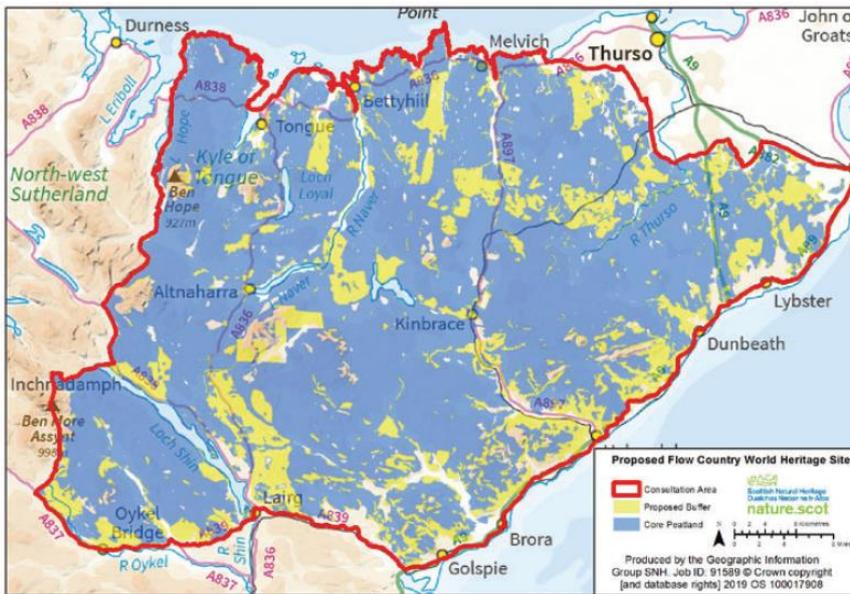
At the outset, Innogy wishes to make it clear that the organization fully supports and recognises the value that blanket bog and peatland plays in helping to mitigate against climate change (as referenced in the Scottish Government climate change programme which sets out that undamaged or well-restored peatland can act as a carbon sink and minimise further greenhouse gases emissions. Furthermore, wind farms, with well-considered layout and design, can decrease pressures on a site (and possibly wider geographic area by means of habitat restoration and management). Some examples of such action is given below.

Innogy's concerns include the following:

- The justification underpinning the extensive geographical coverage of the proposed FCWHS and in particular the appropriateness of the use of buffer zones;
- The policy implications arising from a new designation and relationship with the land use planning system; and
- The potential additional constraints that could arise for the renewable energy sector.

The Geographical Coverage

The consultation area (see map below) shows a “Core Peatland” and a “proposed Buffer” area.

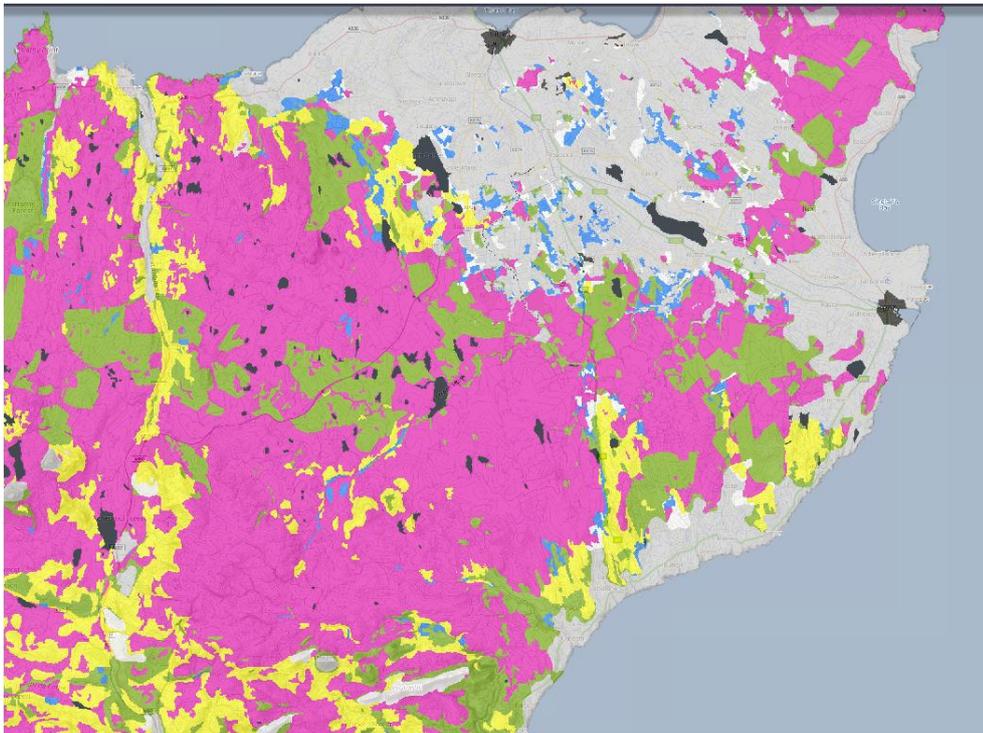


The proposed coverage of this new designation is vast in geographic terms. A key question is whether the new designation is required and whether the size of it, and proposed use of “buffer zones” is appropriate and justified? It is clear from the consultation plan that the proposed buffer zones are proposed to ‘fill in gaps’ and ensure an almost ‘blanket’ coverage over the whole consultation area. There needs to be clear logic and justification presented.

One of the other plans provided in the consultation exercise illustrates European designated nature conservation sites, namely Ramsar sites, Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). National planning already provides significant protection for such Natura 2000 network sites, as set out at paragraph 207 of Scottish Planning Policy (SPP) together with the Habitats Regulations.

The proposed core area and buffer would seem to extend beyond geographic coverage of SPAs and SACs and indeed beyond ‘Group 2’ “Areas of Significant Protection” as set out in the Table 1 Spatial Framework approach in SPP in relation to onshore wind development. SPP already records carbon rich soils, deep peat and priority peatland habitat as “an important mapped environmental interest”.

In terms of the wider Core Area, it would seem to have been based on the Carbon and Peatland (2016) Map which is not all blanket bog.



	Class description	Indicative soil	Indicative vegetation
■	Class 1 - Nationally important carbon-rich soils, deep peat and priority peatland habitat. Areas likely to be of high conservation value	Peat soil	Peatland
■	Class 2 - Nationally important carbon-rich soils, deep peat and priority peatland habitat. Areas of potentially high conservation value and restoration potential	Peat soil with occasional peaty soil	Peatland or areas with high potential to be restored to peatland
■	Class 3 - Dominant vegetation cover is not priority peatland habitat but is associated with wet and acidic type. Occasional peatland habitats can be found. Most soils are carbon-rich soils, with some areas of deep peat	Predominantly peaty soil with some peat soil	Peatland with some heath

Moreover, there is no justification for the proposed buffer area – the reasons for its allocation is unclear. It does not seem to be zoned on a standard distance ‘set back’ from the core area and many areas seem to be covering commercial plantation woodland. Policy is addressed below but in terms of buffer zones, SPP is very clear in stating at paragraph 196 that:

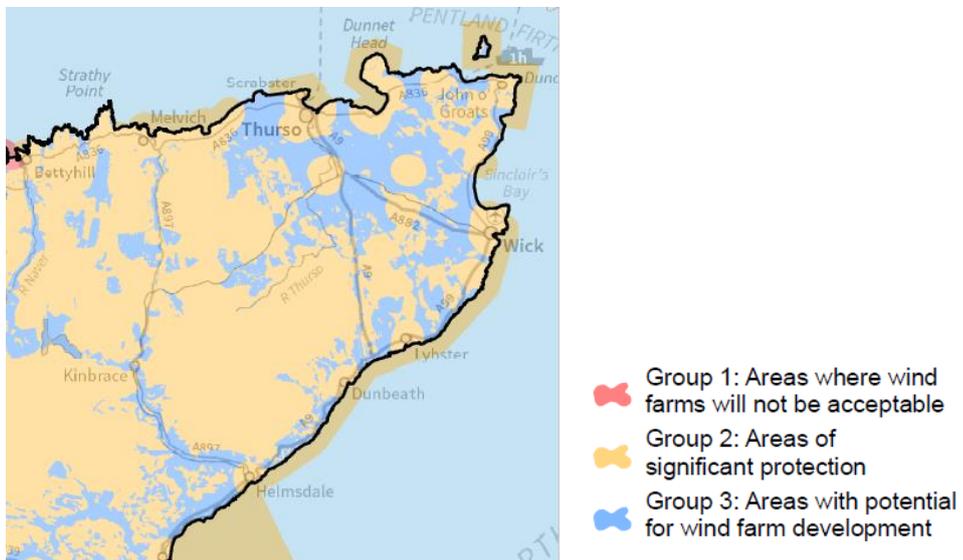
“Buffer zones should not be established around areas designated for their natural heritage importance”.

It is understood that, as recommended by the UNESCO Operation Guidelines, World Heritage Sites may have buffer zones where necessary and the need for this is carefully examined on a case by case basis. A buffer zone is defined in the Operational Guidelines as *“an area surrounding the World Heritage Site which has complementary legal restrictions placed on its use and development to give an added layer of protection to the World Heritage Site”.*

However, notwithstanding that guidance, the proposed approach to buffer zones is fundamentally in conflict with established national planning policy and is not acceptable (especially given the policy and development management implications that are likely to arise).

Policy Implications and Relationship with the Land Use Planning System

What does not seem to be acknowledged or provided is a plan of the current coverage of 'Group 2' "Areas of Significant Protection" as set out in the Spatial Framework approach in SPP in relation to onshore wind development. For convenience, the 'Group 2' and 'Group 3' zonings as contained in the Highland Council Spatial Framework for onshore wind development is shown below. The extract is taken from the Council's Onshore Wind statutory Supplementary Guidance document.



The 'blue' areas are 'Group 3' namely "Areas with Potential for Wind Farm Development" in which "wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria".

The policy test for 'Group 2' areas is as follows: "*Recognising the need for significant protection in these areas wind farms may be appropriate in some circumstances. Further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation*".

One of the FCWHS information boards contained the following text: "*World Heritage Site is not a 'no go' for wind farm development. However the developer will be expected to demonstrate that any significant effects on the qualities (i.e. the outstanding universal value) of the World Heritage Site can be substantially overcome by siting, design or other mitigation. World Heritage Site designation would be part of the mix of issues / designations that would be considered when determining an application*". (underlining added)

This proposed approach is not acceptable for a number of reasons:

- The term "will be expected" is vague. At present SPP policy in relation to 'Group 2' areas states that in such areas, developers of wind farms "will be required to demonstrate....". National planning policy is prescriptive in its requirements on Applicants for planning permission or Section 36 Consent (under the Electricity Act 1989).
- The policy test proposed, namely "*to demonstrate that any significant effects on the qualities.....can be substantially overcome.....*" Is directly lifted from SPP Table 1 in relation to 'Group 2' areas. How this test applies to the proposed 'buffer zone' areas needs to be clarified.
- To simply say that this new designation and policy approach will be "part of the mix / designations" to be considered when determining an application is far too vague. The specific policy approach that would apply for development management purposes needs to be clearly set out and consulted upon. Furthermore, it is unclear how the Planning Authority and Applicants should approach developments that may be proposed within current non-Group 2 designated land that may fall within the proposed 'core' or 'buffer' areas?

Furthermore, the Scottish Government has purposefully not made designations in relation to both wild land and carbon rich soils – preferring the approach of mapped environmental interests. This is largely because coverage of these resources is not rigidly defined ‘on the ground’ and there is a need for flexibility and site-specific analysis which happens at the feasibility / planning application preparation stage.

Current World Heritage Sites are recognized in the current land use spatial planning system as a very high tier protective designation. SPP (paragraph 147) requires that where a development proposal has the potential to affect a WHS or its setting, Planning Authorities must “preserve and protect” the Outstanding Universal Value (OUV) of such a site. It must be made clear that commercial scale wind energy development can still be compatible with this guiding principle, subject to the SPP Group 2 test, where it justifiably applies.

World Heritage Sites are also classed as “sensitive areas” for the purposes of the Environmental Impact Assessment (EIA) Regulations which is likely to give rise to additional assessment requirements.

Whilst the pattern of wind farm development in Caithness and Sutherland has been largely confined to the edges of the peatlands and have been designed to avoid significant adverse impacts on the designated peatlands habitats and species (in accordance with current ‘Group 2’ policy) there are current development interests within more central Caithness and Sutherland locations.

Potential Additional Constraints for the Renewable Energy Sector: The need to recognize National Energy Policy Objectives and Targets

Recent Statements from the First Minister on the ‘Climate Emergency’ need to be noted in this regard. Furthermore, the Climate Change Committee’s report of May 2019 contained recommendations for the UK economy including:

- UK overall: a new tougher emissions target of net zero greenhouse gases (GHG) by 2050, ending the UK’s contribution to global warming within 30 years. This would replace the previous target of an 80% reduction by 2050 from a 1990 baseline; and
- Scotland: a target of net-zero GHG economy by 2045, reflecting Scotland’s greater relative capacity to remove emissions than the UK as a whole.

The Technical Annexe to the CCC report specifically addresses integrating variable renewables into the UK electricity system. The annexe makes it clear that variable renewable electricity such as large scale onshore wind is now the cheapest form of electricity generation in the UK and can be deployed at scale to meet UK electricity demands.

In terms of the UK and Scottish targets, the report makes it clear that, “*this is only possible if clear, stable and well designed policies to reduce emissions further are introduced across the economy without delay. Current policy is insufficient for even the existing targets*”.

You will be aware that the Scottish Government’s ‘Scottish Energy Strategy’ sets out that “*our energy and climate change goals mean that onshore wind must continue to play a vital role in Scotland’s future – helping to decarbonise our electricity, heat and transport systems, boosting our economy, and meeting local and national demand.*”

The Government’s Onshore Wind Policy Statement (2017) makes it clear (Paragraph 3) that “*in order for onshore wind to play its vital role in meeting Scotland’s energy needs, and a material role in growing our economy, its contribution must continue to grow. Onshore wind generation will remain crucial in terms of our goals for a decarbonised energy system, helping to meet the greater demand from our heat and transport sectors, as well as making further progress towards the ambitious renewable targets which the Scottish Government has set*”.

This part of Highland has particular qualities and characteristics which make it attractive for onshore wind deployment, including:

- Good wind speeds,
- Large scale landscapes with character that can satisfactorily accommodate commercial scale wind energy development;
- Good and expanding grid infrastructure and capacity;
- Relative lack of national landscape designations such as National Scenic Areas and indeed National Parks.

The Positive Role that Onshore Wind Development Can Play

There is significant planned onshore wind investment at the pre-planning, scoping and early application stage and it is essential therefore that whilst it is acknowledged that peatlands have a very important role in storing carbon, it is essential that new designations and overly restrictive policy approaches are not put in place which unduly restrict onshore wind deployment.

In addition, there should be acknowledgement of the role that onshore wind development can play in terms of achieving net positive carbon and biodiversity gains within the area of the proposed WHS – that this is happening now and can continue in the future.

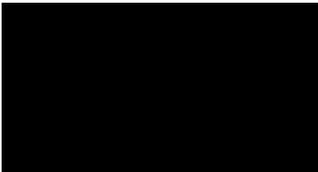
Innogy's recent experience of developing and constructing an onshore wind farm in Caithness is Bad A Cheo Wind Farm, near Mybster. This (now recently operational) wind farm would fall within the proposed WHS designated area. However, before the wind farm was consented the land use for this site was primarily peat cutting and commercial forestry. As such, the baseline peat and habitat assessments showed many areas of the site to be modified or degraded blanket bog, and in some cases bare peat. The Habitat Management Plan and land management agreements for Bad A Cheo Wind Farm now seek to restore these areas of degraded / modified bog to a more pristine and functional blanket bog state over the wind farm life.

Conclusion

It is trusted that the concerns and matters raised above will be fully taken into account when considering the ongoing process for the proposed FCWHS. If clarification is required on any of the matters raised, please do not hesitate to contact me.

With kind regards,

Yours sincerely,



David C Bell
Director

Tel: 07876 597494

cc Louise Davis, Innogy Renewables UK