

Position Statement – National Planning Framework 4

Supplementary Paper – Wild Land

This document sets out Scottish Renewables members' views on what will need to be included in National Planning Framework 4 (NPF4) to deliver the level of renewable energy technology deployment needed to meet Scotland's Climate Change commitments and achieve net-zero by 2045.

SR believes there is a clear balance to be struck between giving appropriate protection to remote areas and ensuring the planning system supports the necessary deployment of onshore wind needed to meet Scotland's net-zero target. NPF4 presents a welcome opportunity to thoroughly review the advice in Scottish Planning Policy (SPP) 2014 and SR puts forward the following approach.

Introduction

Given the declaration of a Climate Emergency and Scotland's net-zero target, there is a clear need to revise outdated policies in Scottish Planning Policy (SPP) that have effectively sterilised substantial areas of Scotland for onshore wind development by protecting Wild Land Areas (WLAs). Scottish Renewables accepts that there will be some areas with highest grading of wild land qualities within which a strong case will need to be made for development to be acceptable. However, the inclusion of areas with demonstrably lower wildness qualities within WLAs, effectively buffers for truly wild areas, is unnecessary and may exclude development which will instead be proposed in areas with other constraints.

Scottish Renewables advocates re-appraisal of the boundaries of WLAs to include only areas that capture the highest wildness qualities and a revision of the SPP development test. However, given the timescales, the former will likely be a separate exercise from the drafting and finalisation of NPF4 and must not be viewed as an alternative to the latter.

For the purposes of NPF4, SR's primary concern is the SPP test of acceptability of development within WLAs, which has been shown to be too restrictive, and which requires revision.

Current Policy and Practice for WLAs

Following mapping sponsored by Scottish Natural Heritage (SNH), 42 WLAs were created in 2014. At the same time, SPP was issued. SPP paragraph 200 advises that *'Wild land character is displayed in some of Scotland's remoter upland, mountain and coastal areas, which are very sensitive to any form of intrusive*

human activity and have little or no capacity to accept new development. Plans should identify and safeguard the character of areas of wild land as identified on the 2014 SNH map of wild land areas.'

SPP paragraph 215 advises that *'In areas of wild land (see paragraph 200) development 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.'*

SPP paragraph 161 advises that, for onshore wind, the spatial approach set in SPP Table 1 should be followed in development plans. Table 1 includes WLAs within Areas of Significant Protection (spatial Group 2) for which the development management advice follows that of SPP paragraph 215.

SPP 200 and 215, and so the advice in SPP Table 1, only apply to development proposed within WLAs. This has been confirmed in several Section 36 decisions. For development proposed outside WLA boundaries, but potentially affecting the perception of wildness qualities within the boundary, impacts on such qualities are a material consideration for the decision maker. There is no policy advice on the weight to be given to such impacts, therefore it is for the decision maker to determine the appropriate weight to give to wild land issues.

The position for development proposed outside, but affecting, WLAs is of importance. WLAs are mapped areas and not a designation. However, the advice in SPP paragraph 196 that buffer zones should not be established around area designated as being of natural heritage importance is indicative of the approach that should be taken, especially any attempts by Planning Authorities to bring forward policies giving any special protection to land near to WLAs.

Experience to Date

Since 2014, only one permission has been granted for onshore wind development in a WLA. Part of the consented Creag Riabhach wind farm in Highland is within a WLA, and the Ministers granted consent for this under Section 36 in 2016. In contrast, seven schemes have been refused consent for development wholly or partly within WLAs (Allt Duine, Glenmorie, Sallachy, Glencassley, Culachy, Caplich and Carn Gorm, all in Highland).

Although there is little case experience, development has been granted consent just outside WLAs (e.g. Limekiln in Highland) and in another case where a Planning Authority (PA) objected to development on WLA grounds (Whitelaw Brae in Dumfries and Galloway at 7.5km from a WLA).

Onshore wind developers are understandably very wary of promoting schemes within WLAs given this track record. In addition, the SPP paragraph 215 and Table 1 development management advice is almost impossible to satisfy since substantially overcoming significant visual effects which would inevitably result from commercial-scale onshore turbines is logically impossible. Additionally, there is no evidence to date that Reporters and PAs have been prepared to apply the overall planning balance in favour of development where there are such significant effects.

Is the SPP approach to WLAs justified?

Given development experience since 2014, WLAs are a significant constraint on wind energy deployment. Roughly 1,540,000 ha in Scotland are mapped as WLAs. Of this, about 750,000 ha (~49%) are in SPP Group 1 areas within which development is unlikely.

If other objective constraints (e.g but not exclusively SACs, Ramsar Sites, SPAs, RSPB, National and SNH Nature Reserves) are removed from consideration, this accounts for a further 210,000 ha. Removing rivers and lochs from consideration reduces the developable area of the WLAs by a further 15,000 ha. In combination with the WLAs in Group 1 areas, the above account for 63% of WLAs in Scotland.

Thus, under the current advice in SPP the remaining 37% of wild land has the potential to prevent development on 565,000 ha, which is around 7% of Scotland's land area. This is a substantial area which merits serious discussion in the context of NPF4, not just because of the area involved, but because this sterilises wild land areas that offer potential for perfectly acceptable projects and help to deliver on other government objectives. This sterilisation also pushes development towards other areas that may also be constrained.

SR does not argue that protection is not justified for truly wild land, particularly that which falls within national/international designation areas. However, the mapping exercise which led to the WLAs used a system of classification which graded wild land qualities in 9 levels (Jenks Classes), with grades 8 and 9 displaying the highest levels of wildness in terms of physical attributes and perceptual responses and grades 1 - 5 having weaker wildness attributes. This is a very broad summary of a complex method.

It is SR's view, based on the wide project experience of its members, that much land included within WLAs falls into Jenks Classes which do not display true wild land qualities. The evidence base of members is derived from numerous studies carried out for the purposes of proposed development, including extensive fieldwork and using SNH's recommended methods of assessing the impact of development on wild land (issued in 2007 and (still in draft) 2017).

The parts of WLAs where wildness qualities are less well expressed are, on the evidence of decisions to date, being sterilised for development. The consequence of this is that developers are being driven away from land that has some of the essential qualities and characteristics that are needed to accommodate tall structures, instead encountering other constraints where larger numbers of people, other sensitive environmental constraints and other interests such as aviation and the Eskdalemuir Seismological Station are affected. Thus, one effect of the current SPP advice (coupled with the very extensive coverage of Scotland and especially Highland) by WLAs is that new proposals are coming forward in areas which, although outside any designations and WLAs, may nevertheless be equally constrained.

Given the declaration of a Climate Emergency and Scotland's net-zero target, there is a clear balance to be struck between giving appropriate protection to remote areas and the protection of the other interests mentioned in paragraph 169.

At the same time, the advice in SPP 200, SPP 215 and SPP Table 1 lacks consistency and logic and requires revision. SPP was the first national advice to focus on wild land as a mapped interest, and the first to address carbon rich soils, but is now significantly out of date.

It should be recognised that WLAs, by their nature, are often areas of high wind speeds where the highest yields can be generated and which, if outside any Group 1 land, may be no more constrained than any other area from environmental and other perspectives.

SR's Suggested Strategy for NPF4

Two approaches are necessary to address this issue: the SPP advice should be modified to allow a real possibility of onshore wind development within appropriate parts of WLAs, and the WLA boundaries should be redrawn to exclude land that is not truly wild.

The remapping of wild land is required for the reasons outlined above, but this will be a lengthy exercise outside the timeframe for NPF4. SR therefore recommends that this process proceed independently.

SR believes that NPF4 presents a vital opportunity to thoroughly review the current advice in SPP 2014, which must be seized if the Climate Change challenge is to be addressed with the urgency required. SR puts forward the following approach. While peatlands and carbon rich soils are the topic of a separate SR Supplementary NPF4 Position Paper, this paper also advances a new position for these as they are grouped together with wild land as 'Other nationally important mapped environmental interests' in SPP.

Designations v Mapped Interests

It is important to remember that WLAs are not designations. Procedures for creating a planning designation are quite different from simply mapping an interest and then giving development management advice on that interest. At present, our members feel that a designation has in practice been created through the back door. The creation of a designation will have significant implications for property owners in the management of their land. SR's view is that WLAs should remain a mapped interest as there is no legitimate foundation in planning for treating them as designated.

SPP Table 1 addresses national designations as Group 1. Group 2 areas are a mixture of designated sites and mapped interests. Mapped interests do not fit within the Group 2 one-size-fits-all approach to development management advice and should be taken out of Group 2 and advised on separately.

For the same reason, SPP 215 should be withdrawn as it takes the same approach as Table 1.

Wild Land Character

SPP 200 is also written as if WLAs were a designation and is too stringent for any type of development. The advice given is, if in different terms, as stringent as that given for National Parks and National Scenic Areas (NSAs) in SPP 212. To advise that any area has 'little or no capacity to accept new development' is to invite wholly negative Local Development Plan (LDP) policies and an effective ban on development.

Development Management

SPP 169 already notes wild land as a factor to be assessed at a development management level.

SPP 169 is sufficient for development outside of but potentially affecting WLAs, but more is needed than SPP 169 for development within WLAs.

Suggested Revisions

Advice is required to replace SPP 200 and SPP 215, and to address the other mapped interests currently addressed in Group 2 within Table 1. SR suggests first a new paragraph in NPF4 to replace SPP 200 and 215:

'Wild land character is displayed in some of Scotland's remoter upland, mountain and coastal areas, which are sensitive to any intrusive human activity. These areas are a mapped interest on which advice in relation to development plans and on proposed development within such areas is given in paragraph x.'

Other Mapped Interests

Regarding other mapped interests currently addressed in SPP Table 1, SR has prepared a separate NPF4 Supplementary Position Paper on carbon rich soils, but recommendations on appropriate NPF4 advice on carbon rich soils are presented below.

We suggest this would be best addressed through online guidance in an update to the 2014 version of SPP. However, we would also suggest the following wording be included in the upcoming NPF4:

'For wind farm development proposed within 2km of those settlements for which boundaries are identified in a development plan, developers should demonstrate that impacts, on the visual amenity that residents may reasonably expect, have been minimised to an acceptable level by appropriate attention to scale and design.'

Development Plans

SPP 196 advises on the content of LDPs. It could be expanded to advise on WLAs and to address development management. SR suggests adding references to WLAs alongside those to locally designated areas in the first and last sentences, and referring to specific NPF4 advice on mapped interests:

'International, national and locally designated areas and sites and mapped interests should be identified and afforded the appropriate level of protection in development plans. [Continue per SPP 196 until] Buffer zones should not be established around areas designated for their natural heritage importance or around the boundaries of mapped interests. The level of protection given to local designations should not be as high as that given to international and national designations. The level of protection to be given to mapped interests is advised on in paragraph 28. Development plans should set out the factors which will be taken into account for locally designated areas in development management.'

The Planning Balance

We also suggest revising paragraph 28 (referenced in the revised SPP 196) as follows:

'Any significant harm to the mapped interests of Wild Land Areas, carbon rich soils and priority peatland habitat caused by development within such areas should be avoided unless outweighed by the benefits of a proposed development. That judgement should consider the nature of the proposal and the amount of harm that would be caused. Harm that would undermine the coherence or function of a mapped interest will need to be clearly justified and outweighed by the benefits of the proposal. Lower levels of harm will require proportionately less justification. A level of harm that is so minimal as to be immaterial should not require detailed assessment.'

It is important to note that project level mitigation (such as that in relation to peatland) and the careful design of a scheme can substantially mitigate against unacceptable effects on the qualities of these mapped interests. As above, this should be considered on a case by case basis.

Conclusions

Scottish Renewables believes that a thorough review is needed of the current advice in SPP 2014 on wild land. The 2014 advice was the first given on this topic and is now significantly out of date.

WLAs are not a designation, but project level-decisions on development within WLAs have been made on the basis that WLAs are effectively a designation. SR's proposals seek both to reflect experience since 2014 and to rebalance the approach to WLAs in planning, particularly in the face of the Climate Emergency and Scotland's net-zero ambitions. This is an unprecedented challenge that will require fundamental and urgent changes in policy to ensure that our planning system maximises the opportunities for harnessing Scotland's abundant renewable energy resources.