This short briefing explains how the Scottish Government and local authorities plan for the long term development of Scotland’s onshore electricity generation infrastructure. It goes on to explain how decisions are taken on individual electricity generation development proposals. It also includes three case studies which demonstrate how the approvals processes work in practice.
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INTRODUCTION

This short briefing explains the role of the Scottish Government and local authorities in the planning and approval of electricity generating developments. It also includes three case studies which show how the consents process works in practice.

PLANNING FOR ELECTRICITY GENERATION DEVELOPMENTS

The Scottish Government’s Electricity Generation Policy Statement (Scottish Government 2013) sets the following targets for electricity generation:

- 50% of gross electricity consumption produced by renewable sources by 2015
- 100% of gross electricity consumption by renewable sources by 2020
- Maintain a minimum of 2.5 GW of thermal generation at 2020
- Ensure a largely decarbonised electricity system by 2030

Meeting these targets will require the development of a number of new electricity generating stations, particularly renewable energy developments such as onshore wind, and hydro. While proposals for electricity generation developments are a matter for developers, decisions on their location are influenced by a series of policies and plans with national, regional and local purpose. The following section explains what these plans and policies are and how they interact.

National Planning Framework 3 (NPF3) (published June 2014): The Scottish Government is required to prepare a long term (20-25 years) spatial development strategy for Scotland, which is normally updated once every five years. This considers how Scotland should develop over that time and where things should happen to make it possible. The NPF is a statutory document and a statement of policy. It is not a funding document. Key electricity generation policies and priorities set out by the Scottish Government in Scotland’s Third National Planning Framework (NPF3) (Scottish Government 2014a) are:

- We do not wish to see wind farm development in our National Parks and National Scenic Areas
- There will be a requirement for new or upgraded efficient fossil fuel thermal generation capacity, progressively fitted with carbon capture and storage (CCS)
- There will be no nuclear new build in Scotland, although we have not ruled out extending the operating life of Scotland’s existing nuclear power stations at Hunterston B and Torness
- Hydroelectric power is a key asset in the north of Scotland, where there are many opportunities for new ‘run of river’ hydroelectric development. On a larger scale, increasing the capacity of pumped storage hydroelectricity can complement our ambitions for more renewable energy capacity

Scottish Planning Policy (published June 2014): The Scottish Planning Policy (SPP) (Scottish Government 2014b) sets out the Scottish Government’s land use planning policies and priorities, complimenting the spatial strategy set out in the NPF. The SPP includes a section on electricity generation developments (paragraphs 152 to 174) which establishes the following policy principals:

“154. The planning system should:
• support the transformational change to a low carbon economy, consistent with national objectives and targets, including deriving:
  – 30% of overall energy demand from renewable sources by 2020;
  – 11% of heat demand from renewable sources by 2020; and
  – the equivalent of 100% of electricity demand from renewable sources by 2020;

• support the development of a diverse range of electricity generation from renewable energy technologies - including the expansion of renewable energy generation capacity – and the development of heat networks;

• guide development to appropriate locations and advise on the issues that will be taken into account when specific proposals are being assessed;

• help to reduce emissions and energy use in new buildings and from new infrastructure by enabling development at appropriate locations that contributes to:
  – Energy efficiency;
  – Heat recovery;
  – Efficient energy supply and storage;
  – Electricity and heat from renewable sources; and
  – Electricity and heat from non-renewable sources where greenhouse gas emissions can be significantly reduced.”

The SPP also includes a section on onshore wind farm development, which states that:

“Planning authorities should set out in the development plan a spatial framework identifying those areas that are likely to be most appropriate for onshore wind farms as a guide for developers and communities, following the approach set out below in Table 1.”

Table 1, mentioned in the quote from the SPP above, is reproduced below:

<table>
<thead>
<tr>
<th><strong>Group 1: Areas where wind farms will not be acceptable</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>National Parks and National Scenic Areas.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Group 2: Areas of significant protection</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>National and international designations:</strong></th>
<th><strong>Other nationally important mapped environmental interests:</strong></th>
<th><strong>Community separation for consideration of visual impact:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>• World Heritage Sites;</td>
<td>• areas of wild land as shown on the 2014 SNH map of wild land areas;</td>
<td>• an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge. The extent of the area will be determined by the planning</td>
</tr>
<tr>
<td>• Natura 2000 and Ramsar sites;</td>
<td>• carbon rich soils, deep peat and priority peatland habitat.</td>
<td></td>
</tr>
<tr>
<td>• Sites of Special Scientific Interest;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• National Nature Reserves;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Sites identified in the Inventory of Gardens and Designed Landscapes;</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Sites identified in the Inventory of Historic Battlefields. An authority based on landform and other features which restrict views out from the settlement.

**Group 3: Areas with potential for wind farm development**

Beyond groups 1 and 2, wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria.

The Scottish Government provides additional online advice to local authorities on **Onshore Wind Turbines** (Scottish Government 2012a) and the **Process for Preparing Spatial Frameworks for Wind Farms** (Scottish Government 2012b). Spatial Frameworks are developed by planning authorities as a supplement to their development plans and aim to guide wind farm developments to appropriate locations, to maximise renewable energy potential and to minimise wasted effort and resources on inappropriately located proposals.

**Strategic and Local Development Plans:** There are two types of development plan:

**Strategic Development Plans:** Strategic development plans set out a vision for the long term development of Scotland’s four main city regions (these are regions centred on Aberdeen, Dundee, Edinburgh and Glasgow), focusing on issues such as land for housing, major business and retail developments, infrastructure provision and green belts/networks. A strategic development plan is drafted by a Strategic Development Planning Authority (SDPA), the membership of which is defined in statutory designation orders, e.g. the Edinburgh and South East Scotland Strategic Development Plan Authority (SESplan) SDPA comprises the City of Edinburgh, East Lothian, Fife, Midlothian, Fife and Scottish Borders Councils.

Strategic Development Plans can, if the SPDA considers it necessary or prudent, set out the broad policy and spatial framework for the development of wind farms within a region.

**Local Development Plans:** Local development plans cover the whole of Scotland and identify sites for new developments and set out policies that guide decision-making on planning applications. Each planning authority (i.e. local authority or national park authority) is required to publish and then update local development plan(s) covering their area at least once every five years.

Local development plans, where the planning authority considers it appropriate, set out more detailed policies on wind farm development and can indicate specific sites that may be suitable for wind farm development.

While many of the first-round of strategic and local development plans have either been recently approved or adopted, some are still under development. Current approved structure and adopted local plans, which are broadly equivalent to strategic and local development plans, remain in force until they are replaced by the new plans.

In addition to the development plans described above, planning authorities can produce supplementary planning guidance, which can form part of the development plan where it has met certain requirements on public participation. Planning authorities may also publish other non-statutory guidance that does not form part of the development plan but is adopted by the authority for development management purposes – although it will carry less weight. Wind farms are a common topic for supplementary guidance (SG), particularly due to renewable energy developments outpacing progress on development plans and the fact that SG can contain more detail on this topic than would normally be included in a development plan. An
example of supplementary guidance is Highland Council’s Onshore wind energy interim supplementary guidance (Highland Council 2012), which supplements and partially replaces the earlier Highland renewable energy strategy and planning guidelines (2006).

APPROVAL PROCESS FOR ELECTRICITY GENERATING STATION DEVELOPMENTS

Two separate approval systems control the development of onshore electricity generating stations, including wind farms, in Scotland. The system that applies depends on the generating capacity of the proposed development.

Proposals for large scale electricity generating stations are considered and authorised by Scottish Ministers under the provisions set out in Section 36 of the Electricity Act 1989, i.e. all generating stations with an installed capacity above the following thresholds:

- In excess of 50 megawatts (MW) for onshore wind farms, power stations that are not wholly or mainly driven by water (such as coal/gas fired or nuclear plant) and hydroelectric generating stations
- In excess of 1 MW for offshore wind farms and generating stations wholly or mainly driven by water, such as wave or tidal generating stations, but not including hydroelectric generating stations.
- Overhead power lines and associated infrastructure, as well as large gas and oil pipelines

Such applications cover new developments as well as modifications to existing developments.

It should be noted that a change occurred from the 1 June 2011 whereby the threshold for applications for hydroelectric generating stations was raised to in excess of 50MW. This means that applications for hydroelectric stations of 50MW or below are now made to the relevant planning authority rather than the Scottish Government; meaning planning authorities now have more control over smaller scale hydro schemes.

Where the capacity of a proposed land based station lies below these thresholds then the application for consent must be made to the relevant planning authority. The proposed development will then be considered under the Town and Country Planning (Scotland) Act 1997.

It is worth noting that the policies set out in the National Planning Framework, Scottish Planning Policy, Planning Advice, Development Plans and Supplementary Guidance are material considerations in both the decision making processes described below.

While the two systems are reasonably similar, there are some differences. The following sections summarise the key stages of each system:

ELECTRICITY ACT 1989

The process adopted by Scottish Ministers for considering and approving applications for electricity generating stations, including wind farms, under Section 36 of the Electricity Act 1989 can be summarised as follows:
**Initial enquiries:** Developers approach the Scottish Government for initial discussions about a potential wind farm development, establishing whether the scheme will be considered by Scottish Ministers or the relevant planning authority.

**Screening:** Developers can ask Scottish Ministers for a decision on whether a full Environmental Impact Assessment (EIA) is required for the proposed development. This formal opinion is known as “screening”.

**Scoping:** Where an EIA is required, the applicant should identify the key issues for inclusion before detailed studies commence, a process known as “scoping”. The purpose of scoping is to focus the EIA on the issues of greatest concern or potential impact, to identify areas that do not need study and to provide a formal mechanism for discussions on the best EIA methodology with the Scottish Government and its agencies, e.g. SNH and SEPA. The Scottish Government has produced a set of [Section 36 Scoping Guidelines](https://www.gov.scot/Topics/Planning/Special-Consents) (Scottish Government 2014c) to assist developers in this process.

**Application:** The developer submits the formal application to Scottish Ministers, along with an environmental statement (detailing the results of the EIA) if required. The application must be advertised for two successive weeks in one or more local newspapers circulating in the area of the proposed development, in the Edinburgh Gazette for one week and in one or more national newspapers for one week.

**Consultation:** The developer is required to consult with the relevant planning authority, SNH and SEPA and may also wish to consult with other organisations including NATS (National Air Traffic Services), Civil Aviation Authority, Defence Estates and the Health and Safety Executive. The relevant planning authority has four months to respond while all other organisations and members of the public are required to respond within 28 days of the date of the last advert.

**Addendum:** In certain cases e.g. where consultees request additional information or there are outstanding issues to be dealt with, a developer can submit additional information in support of their application, known as an addendum. Where this happens, the consultation process begins again.

**Public local inquiry (PLI):** A PLI must be held if the local Planning Authority maintains an objection to the proposed development. Scottish Ministers can also choose to hold an inquiry at their own discretion.

A PLI will be conducted by a Reporter from the Directorate for Planning and Environmental Appeals (DPEA) appointed by the Scottish Ministers. The Reporter will consider all the evidence from the various parties at the inquiry and will compile a report based on these findings. The Reporter will submit their report and recommendations to the Scottish Ministers following the close of the inquiry. Scottish Ministers will take this report into account in reaching their final decision.

**Determination:** Scottish Ministers will consider the details of the proposals, any PLI Report and all opinions gathered during consultation. Ministers may either grant consent with or without conditions or reject the application. There is no time limit for ministerial decision making.

Scottish Ministers’ decision is final. The only way to challenge the decision is via judicial review. More information on judicial review is available in [SPICe Briefing 09/75 Judicial Review](https://www.gva.org.uk/consultation-and-planning/self-sanctioned-consents) (Harvie-Clark 2009).

The Scottish Ministers are supported in this work by the Scottish Government’s [Energy Consents Unit](https://www.gov.scot/Topics/Planning/Special-Consents), which is responsible for administering the system described above. The Energy
Consents Unit also provides more detailed information on the operation of this system and maintains a database of past and current applications.

It is worth noting that Scottish Ministers can direct that a development authorised under Electricity Act 1989 also benefits from “deemed planning permission”, i.e. Ministers can direct that planning permission has been deemed to be granted, subject to any conditions Ministers consider appropriate, without the need for the developer to separately apply for planning permission.

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

The process used by a planning authority considering a planning application for an electricity generating station with an installed capacity of 50MW and under can be summarised as follows:

**Category of Development:** All proposed developments that will be considered by a planning authority fall within one of two categories in the hierarchy of developments¹, namely:

- **Major developments:** Nine classes of large scale development are defined as major developments in The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009
- **Local developments:** Any development which is not a major development is automatically categorised as a local development

The decision-making process for each category of development is briefly outlined below:

**Major Developments**

Any proposed new generating station with an installed capacity of 20MW or greater, or a 20MW or greater extension to an existing station, is categorised as a major development under the provisions of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.

**Pre-application discussions and processing agreement:** The Scottish Government encourages developers, planning authorities and Government agencies to informally discuss proposed developments at an early stage. The Scottish Government also encourages planning authorities to enter into processing agreements with developers of major projects, these agreements set out the roles and responsibilities of each party, information requirements for the decision making process, the decision making framework, key milestones and timescales.

**Pre-application consultation (PAC):** Developers proposing a major development are statutorily required to undertake PAC with the community potentially affected by the development. PAC should aim to improve the quality of the planning application, mitigate negative impacts where possible and deal with any community issues that can be tackled. PAC is an additional measure and does not take away the right of individuals and communities to lodge formal objections during the planning application process.

**Application:** The developer submits a formal application for full planning permission or planning permission in principle (formerly known as outline planning permission) along with any design and access statement (if required), environmental statement (if required) and any other information requested by the planning authority in support of the planning application.

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¹ The Planning etc. (Scotland) Act 2006 introduced a three tier hierarchy of developments – national, major and local. More details are available in SPICe Briefing 11/30 Town and Country Planning in Scotland
Neighbour Notification and Publicity: The planning authority is required to notify those with an interest in land neighbouring the site of the proposed development of the planning application as soon as possible after it has been received. Notification must be made in writing to the address(es) concerned. Where there are no premises on the land to which a notice can be sent a notice must be placed in a local newspaper. The authority must allow at least 21 days for responses to written neighbour notification and 14 days for responses to an advertisement – these time limits run from the date the notice was sent or placed in the newspaper.

Consideration of application: The planning authority will evaluate the planning application and supporting information and can request additional information if this is required to reach a decision. The planning authority may also be required to consult with various Scottish and UK Government agencies depending on the location and nature of the development, including the Scottish Environment Protection Agency, Scottish Natural Heritage and the Civil Aviation Authority.

Pre-determination hearing: Where a proposed generating station is significantly contrary to the local development plan the planning authority is required to hold a pre-determination hearing. The authority can also choose to hold such a hearing for other applications at its own discretion. Anyone who has submitted representations during the formal consultation period should be given the opportunity to appear at a pre-determination hearing, together with the applicant. The purpose of a pre-determination hearing is to allow the views of applicants and objectors to be heard directly by the councillors making the decision on the grant of planning permission.

Decision: The decision on a major development must be made by councillors. They can choose to grant permission unconditionally, subject to conditions or refuse permission.

Where permission has been refused, or granted subject to conditions that the applicant considers unreasonable, then the applicant can appeal to Scottish Ministers within three months of the date that the decision notice was issued by the planning authority.

Minor Developments

The process for considering and approving a local development is fairly similar to that for a major development, as described above. The key differences are:

- **Pre-application discussions and processing agreements:** Given their smaller scale, local developments are unlikely to be the subject of processing agreements
- **Pre-application consultation:** There is no statutory requirement for the developer to undertake any pre-application consultation
- **Pre-determination hearing:** There is no statutory requirement for the planning authority to hold a pre-determination hearing
- **Decision:** Decisions on local developments may be taken by an appointed person, usually a planning officer, rather than councillors, under a scheme of delegation
- **Appeals:** If a planning application for a local development is considered by an appointed person and either refused permission, or granted permission subject to conditions which the applicant considers unreasonable then any subsequent appeal will be heard by a local review body and not Scottish Ministers. A local review body is made up of at least three elected members who were not involved in the original decision

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2 Every planning authority is required to produce a “scheme of delegation” which sets out a list of local developments that can
Domestic Wind Turbines

Free-standing wind turbines, i.e. those not attached to a building, located within the curtilage\(^3\) of a dwelling house may not need planning permission under the provisions of Class 6G of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992. However, there are a number of restrictions on this exemption including:

- It would result in the presence within the curtilage of a dwelling of more than one free standing wind turbine; or
- The wind turbine would be situated less than 100 metres from the curtilage of another dwelling
- The development would occur within a:
  - a conservation area
  - a World Heritage Site
  - a site of special scientific interest
  - a site of archaeological interest

Even where a proposed development would benefit from this exemption the developer must obtain approval for the design and location of the turbine from the planning authority prior to development.

Environmental Impact Assessment

Environmental Impact Assessment (EIA) is a process which identifies the environmental effects, both negative and positive, of development proposals. It aims to prevent, reduce and offset any adverse impacts. The final report of an EIA is known as an Environmental Statement (ES).

The types of development that require an EIA are set at an EU wide level. Details of how the EIA system works in Scotland can be found in Planning Circular 3/2011 The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 (Scottish Government 2011).

EIA Regulations split large scale developments likely to be subject to an EIA into two groups. "Schedule 1" developments are of very large scale and are likely to have significant environmental impacts and include oil refineries, larger power stations and steel works but not wind farm developments. Developments defined as "Schedule 2" include larger developments which may have a significant environmental impact and include developments involving the installation of more than two wind turbines or where the hub height of any wind turbine exceeds 15 metres.

An EIA is always required for Schedule 1 developments due to their significant environmental effects. An EIA is only required for Schedule 2 development if it is judged (by the decision making body) likely to have significant environmental effects. Developments that fall outside the scope of Schedules 1 and 2 do not normally require an EIA.

EIA should not be confused with Strategic Environmental Assessment (SEA) which:

- Provides a framework for the systematic assessment and monitoring of significant environmental effects arising from public sector strategies, plans and programmes

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\(^3\) “Curtilage” is the land attached to a property and forming one enclosure with it. Typically a private garden.
• Requires those drafting such plans to seek the views of experts from SNH, SEPA, Historic Scotland and the general public at various points in the process
• Requires a public statement as to how such opinions have been taken into account during the development of such plans
APPENDIX 1: ELECTRICITY GENERATING STATION APPROVAL PROCESS CASE STUDIES

KILGALLIOCH WIND FARM - PLANNING PROCESS UNDER THE ELECTRICITY ACT 1989

In February 2013, ScottishPower Renewables (SPR) was granted consent to construct and operate Kilgallioch Windfarm, a 288 megawatt 96 turbine project, located in South Ayrshire and Dumfries and Galloway. The consented development area covers approximately 65km² and was selected because:

- It has a good wind resource
- It is accessible by construction traffic and for turbine deliveries
- Grid capacity is available nearby
- It is partially located within “Areas of Search for Large Scale Windfarms” in the Ayrshire Joint Structure Plan (approved November 2007)
- It is largely located within an “Area of Search for Large Scale Wind Energy Development” in the Dumfries & Galloway Interim Planning Policy Wind Energy Development (approved February 2012)

The project also includes substation and control buildings, anemometers and access tracks. At present, the development does not have a confirmed connection date to the electricity transmission grid; planning permission for this connection will be sought by the transmission operator (consented separately under Section 37 of the 1989 Act) when a connection date is finalised. SPR have requested an underground cable connection.

The approval process progressed as follows:

<table>
<thead>
<tr>
<th>STAGE</th>
<th>COMMENTARY</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial enquiries</td>
<td>The local Community Councils were contacted during development of the proposal and SPR attended Community Council meetings in New Luce and Kirkcovan in December 2008 and in Barrhill in January 2009, where they presented a brief outline of the Development proposal and answered Community Council members’ questions.</td>
<td>December 2008 – January 2009</td>
</tr>
<tr>
<td>Screening</td>
<td>A formal screening opinion on whether an EIA was required was not sought. It was assumed that to ensure best practice an EIA should be carried out.</td>
<td></td>
</tr>
<tr>
<td>Scoping</td>
<td>A formal scoping exercise was undertaken in December 2008 in order to identify key significant issues at an early stage. The Request for a Scoping Opinion set these out, and included some of the following areas for assessment:</td>
<td>December 2008</td>
</tr>
</tbody>
</table>
- Ecology and nature conservation
- Archaeology and cultural heritage
- Hydrology and hydrogeology
- Landscape and visual amenity
- Noise
- Telecommunications
- Tourism and recreation
- Aviation

**Initial Consultation**

First round of public information days were held in the communities of Barrhill, New Luce and Kirkcowan to provide information regarding the proposed windfarm to local residents, and to gain feedback on the proposals. At these information days, SPR presented a layout of up to 160 turbines with an individual capacity of up to 2MW.

**Application**

An application for 132 turbines, generating up to 396 MW was submitted to Scottish Ministers, including an Environmental Statement. Public notices were placed in local and national newspapers and the documents were available for viewing in the Scottish Government Library, in local planning offices and at six further public locations locally.

**Consultation**

The details of the application were presented at a second round of Public Information Days held in the same three communities during the formal consultation period to allow local residents the opportunity to make their representations to the Council and the Scottish Government.

Dumfries and Galloway Council’s Landscape Architect’s application response recommended objecting to the proposal on landscape and visual grounds, subject to a number of amendments, including the removal of 20 turbines, and the reduction in height of others.

Both SNH and SEPA objected to the proposal; this was primarily because of a lack of information relating to potential impacts on wetland habitats, including two Special Areas of Conservation. SNH also raised concerns over landscape and visual impacts, as well as those on birds and other protected species.

The Ministry of Defence (MoD) initially objected to the proposal due to potential effects on a Low Flying Area but following changes in their...
operational use of this area their objection was subsequently withdrawn.

| Addendum | As a result of feedback from statutory and non-statutory consultees the number of proposed turbines was reduced from 132 to 99. This 25% reduction in turbines led to a similar reduction in length of access tracks, number of watercourse crossings etc. The addendum explained the changes made, and provided further information requested by consultees since the original application was submitted and updated the relevant assessments in light of the changes made. Public notices were again placed in local and national newspapers and the documents were available for viewing in the Scottish Government Library, in local planning offices and at six further public locations. | January 2012 |
| Consultation | Following the submission of the Addendum, SPR undertook a third round of Public Information Days in the same communities. All consultees had an opportunity to respond to the Addendum; this included Dumfries and Galloway Council who took the application to their planning committee in April 2012 and voted to object to the scheme in its current form but to withdraw the objection if SPR agreed to their requested amendments. These amendments were to either: remove 2 turbines and also divert the Southern Upland Way long distance footpath around the site or remove 10 turbines and reduce the height of a further 33 turbines. This consultation resulted in final refinements to the project, with the deletion of 3 turbines as well as other community benefits as described below. | February 2012 |
| Determination | Scottish Ministers granted consent subject to standard conditions, and more specific requirements, including:  
- The provision of two countryside ranger posts over the 25 year operational period of the development for the purposes of the | February 2013 |
promotion, management and upkeep of the Southern Upland Way

- The development and implementation of a monitoring plan to protect surface water and fisheries.
- Carrying out a protected species survey and submitting a management plan to safeguard protected mammals within and adjacent to the operational areas of the site during construction.

These conditions are detailed in the relevant decision letter.

It is estimated that construction will commence in February 2015, and last for around 30 months.

**DRUIM BA WIND FARM – PLANNING PROCESS UNDER THE ELECTRICITY ACT 1989**

The proposed site lies within the Druim ba forest which is part of the Blairmore Estate located approximately 16 km south west of Inverness and 6 km north of Drumnadrochit.

Developed by Druim ba Sustainable Energy Limited, consent was requested for 23 turbines with a maximum generating capacity of 3 MW. The proposed project also included substation and control buildings, a permanent anemometer and new access tracks.

The wind farm application was refused consent by Scottish Ministers in May 2013.

<table>
<thead>
<tr>
<th>STAGE</th>
<th>COMMENTARY</th>
<th>DATE</th>
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</thead>
<tbody>
<tr>
<td><strong>Initial enquiries</strong></td>
<td>Initially, a layout of 37 turbines with an installed capacity of 111 MW was envisaged. Enquiries were made and the developer met Scottish Government’s Energy Consents Unit as part of the pre-scoping process. The developer also met with statutory consultees, the Highland Council, SEPA and SNH presenting an outline of the proposal.</td>
<td>October – November 2009</td>
</tr>
<tr>
<td><strong>Screening</strong></td>
<td>A formal screening opinion on whether an EIA was required was not sought. It was assumed that to ensure best practice an EIA should be carried out.</td>
<td></td>
</tr>
<tr>
<td><strong>Scoping</strong></td>
<td>The Developer’s preliminary assessment reduced the development from 37 to 31 turbines (93 MW), which was used as a starting point for the EIA. Scottish Ministers provided their Scoping Opinion on this 31 turbine design. Key issues in the EIA were identified in consultation with statutory and non-statutory consultees. The Scoping opinion sets out, and includes some of</td>
<td>February – May 2010</td>
</tr>
</tbody>
</table>
The following areas for assessment:

- Landscape & Visual impact
- Archaeology
- Ecology
- Fish and Hydrology
- Noise

The developer’s impact analysis continued and the development reduced again to 28 turbines (84MW).

As a result of the developer’s EIA and public and statutory consultations (including public exhibitions), a final design of 23 turbines (69MW) was agreed to reduce impacts on landscape, noise, birds and archaeological sites.

| Application | Application submitted to Scottish Ministers including an Environmental Statement. Advertisements were placed in local and national newspapers. | March 2011 |
| Consultation | The Highland Council were granted an extension to respond to the consultation, and voted at Committee to object to the proposal. They noted that the development conflicted with their development plan and policies, due to its detrimental visual impact on nearby properties and communities. A total of 342 objections were received, out of 437 public representations. There were no other objections received from any other statutory consultees although SNH did advise the height of turbines was out of scale and character with immediate landscape features. | March 2011 – September 2011 |
| Addendum | No addendum submitted. | |
| Public Local Inquiry | Schedule 8 of the Electricity Act 1989 states where a Planning Authority object to a S36 application and does not withdraw it, a PLI must be held before Scottish Ministers determine the application. The Highland Council’s objection did not refer to noise, but they did go onto commission their own expert to review the noise chapter of the Environmental Statement in response to objectors submitting evidence which questioned the developers background noise levels and | October 2011 |
underestimated noise impacts.

During pre-inquiry procedures the developer submitted additional environmental information in relation to noise.

The PLI Report found that:

The height of the turbines would have significant landscape and visual impacts. Furthermore, in combination with the overall landscape and visual effects, the visual impact on nearby properties and likely noise for the proposal would be detrimental to residential amenities of nearby properties.

The benefits of the development did not outweigh the harmful impact of the proposed design and recommended Scottish Ministers refuse consent.

| Determination | Scottish Ministers agreed with the Reporters findings and conclusions and refused consent and deemed planning permission. Scottish Ministers considerations can be viewed in their decision letter. | July 2013 |

LATHERON LYBSTER & CLYTH COMMUNITY DEVELOPMENT COMPANY WINDFARM – PLANNING PROCESS UNDER THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

The Latheron Lybster and Clyth Community Development Company (LLCCDC) is located in south east Caithness. It was formed in 2006, and has a number of interests including a community, business and energy resource centre, allotments, and a recently approved community wind farm, the development of which was supported by Community Energy Scotland. LLDC received grants from the Highlands and Islands Enterprise to support the development of this project.

Due to the small scale of the proposal, it is considered to be a minor development under the Town and Country Planning (Scotland) Act 1997. The planning application and accompanying documents were submitted in December 2011, and the main components of the scheme comprise:

- Construction of a community wind farm at Rumster Forest, with three 900kw wind turbines, a switchgear building and associated tracks and cabling.

The approval process progressed as follows:

<table>
<thead>
<tr>
<th>STAGE</th>
<th>COMMENTARY</th>
<th>DATE</th>
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<tbody>
<tr>
<td>Pre-application discussions</td>
<td>LLCCDC met with Forestry Commission Scotland (FCS) to discuss purchase of 40 hectares of clear felled land (under the National Forest Land Scheme) to house</td>
<td>July 2005</td>
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</table>
community wind farm.
Initial Feasibility Study completed
Discussions took place with Community Energy Scotland, Highlands and Islands Enterprise, FCS, SNH, and Highland Council to gauge initial opinions on the site.
Application to purchase the land was approved by FCS in October 2008
Land purchase was completed in January 2011

<table>
<thead>
<tr>
<th>Pre-application consultation</th>
<th>As a minor development, there is no statutory requirement for this, however LLCCDC:</th>
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<tr>
<td></td>
<td>• Displayed the feasibility study, and made copies available locally</td>
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<td></td>
<td>• Held open meetings for the public to discuss the project, including one with a panel discussion with representatives from Forestry Commission Scotland, Highland and Islands Enterprise, Community Energy Scotland, a consultant from Orkney Sustainable Energy, and LLCCDC</td>
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<td></td>
<td>• Consulted with Community Councils</td>
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<tr>
<th>Screening</th>
<th>LLCCDC submitted a request to Highland Council for a Screening Opinion (to find out whether an EIA was required). The response confirmed that significant environmental impacts were expected; therefore an EIA should be carried out.</th>
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<tr>
<th>Scoping</th>
<th>LLCCDC submitted a scoping study to Highland Council. This identified the key issues for EIA and included:</th>
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<tbody>
<tr>
<td></td>
<td>• General Strategic Policies</td>
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<td>• Visual Impact</td>
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<td>• Noise</td>
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<td>• Electromagnetic interference</td>
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<td></td>
<td>• Roads, bridges and traffic</td>
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<td></td>
<td>• Aircraft flight paths/MOD operations</td>
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<td></td>
<td>• Cumulative effects</td>
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<tr>
<th>Application</th>
<th>Planning application submitted, including an</th>
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<tr>
<td>Oct 2008</td>
<td>January 2011</td>
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<th>March – June 2008</th>
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<tbody>
<tr>
<td>November 2007</td>
<td>May 2007</td>
</tr>
<tr>
<td>Environmental Statement.</td>
<td>2011</td>
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</table>
| **Neighbour notification and publicity** | A total of 13 written representations were submitted to Highland Council, as well as 22 comments on the website within the allotted time for consultation; key concerns included:  
- Cumulative effects  
- Environmental impacts  
- Tourism | December 2011 |
| **Consideration of application** | Comments were received from a number of agencies and organisations, including SNH, Transport Scotland, FCS, MoD, SEPA, and the Civil Aviation Authority. There were no objections. | Jan 2012 – June 2012 |
| **Pre-determination hearing** | There is no statutory requirement for this when considering minor developments and no hearing was held. | |
| **Decision** | Councillors considered the application at a planning meeting in HC Chambers in Inverness.  
Planning approval is subject to a Section 96 agreement. | June 2012 |

The development has been offered a December 2020 connection date to the electricity transmission grid.
SOURCES


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