



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# ECONOMY, ENERGY AND TOURISM COMMITTEE

Wednesday 21 March 2012

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**ECONOMY, ENERGY AND TOURISM COMMITTEE**  
**10<sup>th</sup> Meeting 2012, Session 4**

**CONVENER**

\*Murdo Fraser (Mid Scotland and Fife) (Con)

**DEPUTY CONVENER**

\*John Wilson (Central Scotland) (SNP)

**COMMITTEE MEMBERS**

\*Chic Brodie (South Scotland) (SNP)

\*Rhoda Grant (Highlands and Islands) (Lab)

\*Patrick Harvie (Glasgow) (Green)

\*Angus MacDonald (Falkirk East) (SNP)

\*Mike MacKenzie (Highlands and Islands) (SNP)

\*Stuart McMillan (West Scotland) (SNP)

\*John Park (Mid Scotland and Fife) (Lab)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Simon Coote (Scottish Government)

Councillor Roger Grant (Dumfries and Galloway Council)

Jim MacKay (Scottish Environment Protection Agency)

Lindsey Nicoll (Scottish Government)

Chris Norman (Heads of Planning Scotland)

David Palmer (Marine Scotland)

Councillor Carolyn Riddell-Carre (Scottish Borders Council)

Andrew Thin (Scottish Natural Heritage)

Keith Winter (Fife Council)

**CLERK TO THE COMMITTEE**

Stephen Imrie

**LOCATION**

Committee Room 2



# Scottish Parliament

## Economy, Energy and Tourism Committee

*Wednesday 21 March 2012*

[The Convener opened the meeting at 10:00]

### Renewable Energy Targets Inquiry

**The Convener (Murdo Fraser):** Good morning. I welcome members and guests to the 10th meeting in 2012 of the Economy, Energy and Tourism Committee. I remind everyone to turn off all mobile phones and other electronic devices, please.

We are continuing our inquiry into the Scottish Government's renewable energy targets, and we have three panels. I welcome our first panel. Chris Norman is the chair of Heads of Planning Scotland and is from West Lothian Council; Simon Coote is head of energy consents and deployment in the Scottish Government; and Lindsey Nicoll is chief reporter and director for planning and environmental appeals in the Scottish Government.

Before we ask questions, is there anything that the witnesses would like to say by way of brief introduction?

**Chris Norman (Heads of Planning Scotland):** I would like to say something, if I may.

First and foremost, I stress that I am here to speak on behalf of Heads of Planning Scotland, not West Lothian Council. Obviously, we have one or two wind farm interests in our area at the moment. What I say will be a consolidation of views from colleagues from several authorities in the country rather than my views. I have, in effect, acted as editor-in-chief of the submission rather than the scribe, and I make it clear that it represents the views of other authorities, not just my own.

**Simon Coote (Scottish Government):** It might be helpful if I clarify what my role is. I am head of energy consents and deployment in the Scottish Government, which means that I head up the team that deals with applications for energy developments. That includes wind farms, overhead lines and thermal generation developments, but they are restricted to onshore developments. The deployment part of the role involves seeking to address barriers to the deployment of renewables.

**Lindsey Nicoll (Scottish Government):** Similarly, perhaps it would be helpful if I briefly explain the role of our organisation. We hear planning appeals on behalf of the Scottish ministers and conduct public inquiries that are convened by ministers in cases under section 36 of the Electricity Act 1989. We also have a role in examining development plans if issues relating to renewables policy are raised in representations about the plan. Those are the main areas of our work that are of interest to the committee.

**The Convener:** Thank you. Members have a number of lines of questioning that they wish to pursue. The witnesses should not feel that they have to answer every question. Some questions will be directed at particular individuals. If you want to come in with a response in addition to what that individual says, please catch my eye and I will try to let you in, if I can. The first issue that members are keen to explore is consistency in planning outcomes across Scotland. Chic Brodie has a question about that.

**Chic Brodie (South Scotland) (SNP):** Good morning. I will pursue that issue but, first, I refer to the submission from Heads of Planning Scotland. Under the question

"Is the planning system adequately resourced and fit for purpose?"

it says:

"A significant amount of the consented 5 GW of on-shore wind renewable energy has been delivered directly by the planning system, sometimes in the face of extensive local hostility."

Are the planning authorities good at communicating with applicants and the public at large? In general, what is the method of communication?

**Chris Norman:** I would like to think that we are good at communicating, but we are seeing an increasing volume of hostility to proposals. For example, one application can attract more than 600 objections. That creates a huge administrative burden for back-office staff.

Another problem is making the documentation available. Neither we nor the Scottish Government can put a very extensive environmental impact assessment on the internet. We just do not have the resources to do that and are reliant on copies being left in local libraries, which does not give people who are looking at the application a great deal of access to the information.

I would like to think that all local authorities are mindful of their statutory responsibilities for neighbour notification, publicity and advertising in the local press. I am not aware of any cases in which they have fallen foul of the system. We go to a lot of trouble to stick to the rules because, as

we all know, one immediate ground of challenge is that we forgot to advertise additional environmental information and did not give somebody the 21-day statutory period in which to comment.

The administrative side of dealing with wind farm applications is highly complex and resource intensive. That is before we start assessing the proposal.

**Chic Brodie:** I have spoken at the Communities Against Turbines conference and at a large meeting that it held in Ballantrae. The impression that I get is that there is an awful lot of noise, never mind wind, around the issue. You say that there is not a sound method of communication. I put it to you that the responsibility for that lies with the planning authorities.

**Chris Norman:** Planning authorities can act only within the statutory framework. If we decide to publicise more than we should, we can incur the wrath of the developer. We cannot seek to garner support for, or objections to, a proposal; we must rely wholly on the statutory procedures that are set out in the planning, development management and environmental impact assessment regulations. They are succinct and are clear cut about what we can and cannot do, so I would not like you to think that we could act as a greater communicator for passing on a message for or against a particular development without some reassessment of statutory publicity regulations.

**Chic Brodie:** I represent South Scotland and have talked to all the local authorities in the region about wind farm developments. There have been updated guidelines, but I suspect—no, I do not suspect; I know—that they are not being followed consistently, to the extent that I have requested that a task force of planning managers be formed so that the authorities adopt a consistent approach. Why are we not following the guidelines?

**Chris Norman:** The guidelines that we follow are, in essence, what is set out to us in Scottish planning policy and the guidelines that flow from that in planning advice note 45 for the preparation of our spatial strategies. One of the big difficulties with putting our submission together was the need to try to get a consensus view throughout Scotland. An acceptable issue for Aberdeenshire Council might be more complex for a central belt authority and vice versa. There must be flexibility in how guidelines are interpreted because we are looking for answers for different geographical contexts.

**Chic Brodie:** With all due respect, I understand that point, but there is not much geographical difference between the east of North Ayrshire or South Ayrshire and the west of Dumfries and

Galloway so why can there not be a consistent approach to planning decisions on wind farm applications? What should be done to ensure such consistency?

**Chris Norman:** I will try to choose my words carefully. I find it very difficult to make an assessment of a wind farm application. Bear in mind that I have been doing development management for just short of a quarter of a century. A wind farm application is a really difficult development proposal on which to form a view. At the end of the day, it is inevitable that the decision will involve personal judgment. We have set guidelines but, at the same time, one has to interpret them and overlay them with community reaction.

**Chic Brodie:** Forgive me, but why is there a different interpretation of the planning guidelines from authority to authority?

**Chris Norman:** Potentially because different authorities have different geographical areas.

**Chic Brodie:** I have just gone through areas that do not have a fundamentally different geography but have a different interpretation. Why is that?

**Chris Norman:** It is possibly because the drafting of the guidelines allows for that flexibility of interpretation.

**Patrick Harvie (Glasgow) (Green):** Obviously, the planning system stems from a recognition that some democratic control of development is required. It is held at local level, in many cases, to allow local democratic control and to enable people to feel that their interests are represented in the planning system at that level. However, some developments will always be contentious—not only renewables but housing, transport and a host of other infrastructure projects, including energy developments, opencast extraction and landfill.

We would like a planning system that not only helps and encourages developers to be responsible, to communicate up front and to be willing to compromise and listen but encourages communities to listen, to understand the arguments and to be willing to compromise. I have been an objector to some applications, as well as a supporter of others. We want to avoid a situation in which both sides dig their heels in, developers behave arrogantly and communities simply say no repeatedly. To what extent is it possible to get both sides to co-operate and listen to one another when it comes to renewables? To what extent do renewables developers behave responsibly compared with others in other industries? What can we do to make the situation better?

**Chris Norman:** The way to get strength in planning for wind energy must be through the implementation of preferred areas. Colleagues in the Ayrshire joint planning unit gave me evidence that they have a substantial area of allocation—something like 10 per cent of the Ayrshire authority areas—that they consider to be preferred areas. The difficulty is that it does not always follow that the industry wants to develop there.

The analogy with opencast coal mining is compelling. When opencast coal was privatised 15 or 20 years ago, there was almost a Klondike for opencast coal companies. The problem with wind energy is that, for various reasons—to do with land ownership or tenancy agreements, for instance—the companies do not always wish to go to the preferred areas but will look to other sites. The difficulty is that, if a site outwith the preferred area is consented, it could have a mitigating effect against a site within a preferred area because of cumulative impact.

Local authority planning colleagues' clear view is that they should rely on the preferred areas. For example, there are comments in my submission that the Ayrshire allocations and those in south-west Scotland generally that have been given preferred-area status could go a long way towards meeting the target that the Government has set. However, the difficulty is that the industry is not behaving that way and is cherry picking sites outwith the preferred areas, which causes complications and multidimensional factors to impinge on the matter.

**Patrick Harvie:** That suggests that you would want certain areas to be out of bounds for development—it would simply not be pursued in such areas—and others in which every application would go forward. Is that correct?

**Chris Norman:** I am speaking from a Heads of Planning Scotland point of view, not my local authority point of view.

If there is a clear development plan presumption against development on a site—whether because of a local landscape designation, an important wildlife site or proximity to a community—any application that is hostile to that presumption must still go through the process and take up an inordinate amount of staff time. Despite it being clear at the outset that there is a development plan presumption and a pre-application consultation against such development, such applications still come to us. The problem is that they up the ante in the communities against wind energy, which is not good for any party. Some developers are looking at sites that are opposed from day one from a planning point of view.

**Patrick Harvie:** I am concerned that polarisation will increase if, in some areas, there is

little prospect for anyone to oppose a particular development because it is in one of the “Yes, we want renewables” areas instead of one of the “No, let's protect it” areas and, therefore, people feel that it is going to go ahead because of where it is rather than because of the arguments that they can make.

When we debated the Planning etc (Scotland) Act 2006, we heard good evidence that most renewables developers were doing proactive listening before they were required to under the act. Do we simply need to do something to facilitate and mediate that behaviour, rather than setting up a structure that polarises communities and developers?

10:15

**Chris Norman:** A polarisation of views is clearly not in anybody's interest. There will always be some sites that are acceptable for wind farm development and some that are unacceptable for it. One hopes that local authorities can translate the acceptable sites into preferred areas. It takes a long time to get a preferred-area strategy through the system because it must be consulted on and there must be further comments on it from the communities. It is a complex task that must take into account many landscape issues; it is not a drive-by task by any means. It cannot happen overnight, so I find it galling that, when a local authority has a settled position on which are its preferred areas, developers disregard it when they make their applications. Part of the problem is that the preferred areas will be under certain ownership, there will be certain agreements between developers and landowners, and other landowners will seek to come to the table. The best approach is to reinforce, possibly through Scottish planning policy, the point that preferred areas are the way forward.

**The Convener:** Mr Norman referred to a local authority having a settled policy on preferred locations. If a local authority has such a settled policy, how much weight will the energy consents unit give it should there be an appeal from a developer who has been turned down because their application is not in an area that the local authority prefers?

**Simon Coote:** It would become a material consideration. It is also worth pointing out that planning authorities play a pivotal role in the consents process under section 36 of the Electricity Act 1989, which I also oversee, in that they are statutory consultees. In fact, they are the only statutory consultees that, through an objection, can cause a statutory public inquiry to be held. We would receive a view from a planning authority on a development's appropriateness, which would include its appropriateness under

development plans that the authority has drawn up.

**The Convener:** So the policy would be a material consideration.

**Simon Coote:** Yes.

**The Convener:** However, it could be overridden.

**Simon Coote:** Yes. There are numerous considerations to be taken into account. As Chris Norman pointed out, there is an enormous balancing act to be done to determine which considerations have more weight than the others.

**The Convener:** I have a question for Mr Norman on a broad national spatial framework. We will take evidence later this morning from Scottish Natural Heritage, which says in its written submission:

“A broad national spatial framework, directing development towards those areas where we know there is still capacity, could provide greater certainty for developers and get proposals through quicker.”

Would Heads of Planning Scotland support that approach?

**Chris Norman:** Speaking personally, I would.

**Stuart McMillan (West Scotland) (SNP):** Is there a timescale for local authorities to produce their lists of preferred areas?

**Chris Norman:** No specific statutory or informal timescale has been set, but all local authorities that have wind farm development pressure either have completed their preferred-area strategies or are in the final throes of doing it. For example, South Lanarkshire Council has a highly complicated strategy. In West Lothian Council, we are waiting for the change after the elections the month after next before we take our strategy to committee for approval. As far as I know, work on preferred-area strategies is well advanced throughout Scotland.

**Mike MacKenzie (Highlands and Islands) (SNP):** I draw the committee's attention to my entry in the register of interests. Although I am no longer active in development of any sort, perhaps because of my engagement with the planning system for well over 30 years I am often approached by developers of all sorts who voice their frustrations about the planning system. I am somewhat dismayed to read in the written evidence that, from the professional planners' perspective, everything is really pretty good except that they lack resources. That is the frequent call from the public sector. However, those are not the views that I hear from developers and planning consultants across the country. There is a strongly held view that the planning system is getting worse as time goes on and not better. Developers

and groups of objectors, as well as the planning consultants who act for them, are perplexed by some decisions, whose rationale nobody can understand. After a decision is made—sometimes after an appeal—nobody understands why it was made. People who have long experience of the planning system say that, and I have some sympathy with their view. Would the witnesses care to comment on that, although I know that judgments in this area can be very subjective?

Obviously, the system attempts to weigh the public interest. Where does that lie? There are tensions between local and national interests. There are also tensions between the need to develop and the need to maintain the quality of the environment.

I have a real concern about the Highlands and Islands region, which I represent, because for many years we have imported older people and exported younger people. We have also imported a fair degree of nimbyism through people who perhaps have views that are rational, but only to the extent that they have bought a slice of paradise and do not want to see anything change. That is a fairly rational view, albeit a selfish one perhaps. My concern, however, is about some of the very economically fragile communities—

**The Convener:** Mr MacKenzie, are you coming to a question at some point soon?

**Mike MacKenzie:** Yes. I have asked one question, but I am stringing together a few in the interests of getting through this quickly.

How do you weigh competing interests in such a way that people understand that there is a rational process, albeit one that is attempting to deal with something that is quite difficult and subjective?

**Chris Norman:** I will be as brief as I can. I think that I said a couple of minutes ago that trying to articulate what the impact of a wind farm will be is one of the most complex but necessary planning skills, even when it is just about coming to a view as to whether it is acceptable in the landscape. A judgment about that will be very difficult and many people will take a different view.

The planning process must balance competing interests. Clearly, the development industry and the means of reaching our renewables targets are key for the determination of applications. Equally, though, I would argue that a strong and material consideration in the process is when voluminous public concern is expressed about developments, not just in the form of a standard letter of objection that has been taken around Tesco on a Saturday morning but through several hundred individual letters of objection that have a learned input.

Planners must try to balance all that to ensure that we do not give undue weight to one side or



the other. It comes back to having a set policy that is rigidly adhered to for preferred areas. Hopefully, preferred areas can ensure that the Government's target is met. My colleagues in Ayrshire say that a large percentage of the target can be met through preferred areas. It may upset some people that an area is designated as a preferred area, but the council's policy is to direct wind farm development to the preferred area.

It is difficult to get the proportionality aspect right. For example, the national contribution of a single turbine is a fairly small percentage of what is required to meet targets, but if it attracts large-scale objections, that contribution becomes disproportionate to its public effect.

**Mike MacKenzie:** If I may just interject, this is what really worries me. You have just voiced my fear about the system: there seems to be a widespread perception that this is a numbers game and that it is about how many objectors and supporters we can get. In other words, it seems that the decisions will be based on who has the loudest voice, not on the environmental impact assessment or any of the arguments that are mounted for or against a given application. It does not seem to be about the serious consideration of those points but seems purely to come down to a numbers game. Is that a good way for us to make such difficult decisions?

**Chris Norman:** I do not think that it is a numbers game and I am sorry if I have given that impression. I think that there can be a significant body of objection and still be an acceptable scheme at the end of the day. Each case is considered on its own merits and must be weighed up by the person making the decision, but it is not a question of refusing an application because there are 500 objections to it. That gives us an administrative burden, granted, but we must consider the environmental impact and the planning implications of the development per se, taking into account the numbers and the targets in coming to a view, rather than saying, "This single turbine has 700 objections, so let's refuse it." I do not think that the planning system works like that. It is a material consideration, but it is not the only consideration by a long shot.

**The Convener:** I ask the energy consents unit to respond on that point, because it is a very live one. I recently had experience of a wind farm developer actively encouraging people to write in support, thinking that that would influence the outcome. Of course, people on the other side do precisely the same thing.

**Simon Coote:** I concur with Chris Norman. I do not think that it is a numbers game. There are often well-organised campaigns to develop those numbers, but what is important is what those representations say and the rationale behind

them. Those considerations are taken into account, rather than the scale of the representations.

**Mike MacKenzie:** I have one brief further question, which is for Lindsey Nicoll. Despite the fact that the 2006 act effectively removed the right of appeal to the Scottish Government for smaller applications, so one might assume that the reporters unit have more time and more resources to spend on applications, I have heard a lot of complaints from planning consultants about appeals being heard by written submission and through lesser processes. That seems to be causing frustration because people on both sides of the argument feel that they are unable to interact properly with the system.

**Lindsey Nicoll:** One of the key aspects of the reforms brought in by the 2006 act was to give the reporter control over planning appeals, over the decision on whether any further information was considered necessary and, if so, over whether an inquiry or hearing should take place. The purpose was to try to make the system more efficient and to speed up decision making, and it would be fair to say that it has been successful.

For example, before the reforms, appeals in wind farm cases would almost always be done by a public local inquiry and the process would probably take about a year. Now that reporters have the ability to choose the best method for deciding a particular case, we have been able to bring down the timescale for decisions quite significantly. For example, in cases where a hearing is held rather than a public inquiry, we have been able almost to halve the time that is taken to process the appeal. Equally, if a reporter considers that an appeal can be determined on the basis of the submissions and information that were made available to the planning authority in the first instance, we have been able to reduce the time taken to about 18 weeks.

We are making a fairly major contribution to making the system slicker. Although people have expressed concern about the fact that an inquiry will not take place in every case, it is important to realise that the reporter will have before him or her all the representations and objections that have been made. The reporter will take those into consideration, even though there is no hearing. The fact that there is no hearing does not mean that people's representations are being ignored or overlooked. People's representations are very much taken into account; it is just that the reporter does not require any further information, because he or she has a good understanding of the concerns of, for example, the community.

10:30

The reforms have been successful. Developers have sometimes been concerned when we have decided to deal with an appeal in writing rather than through a hearing or an inquiry. I think that that is because there is a perception that people have a better chance of their appeal being successful if there is a hearing and they have their day in court, but that is not borne out by the statistics. The percentage of appeals that are conducted in writing that are allowed is higher than the figure for appeals that are dealt with in hearings.

The key thing is to ensure that reporters have all the information that they need to make a proper judgment on the case. Sometimes that will involve a hearing and sometimes a hearing will not be necessary.

**Mike MacKenzie:** Do you agree that perception of the system is important? Irrespective of what the statistics show about the system performing better across the board, perceptions of people who are concerned with a particular application, whether they are proposers or objectors, are a crucial part of the system.

In relation to the loss of a right of appeal to the Scottish Government on smaller applications, the view has often been expressed to me that a local review body's service in determining appeals is not as good as the service that your unit provides. Does that concern you?

**Lindsey Nicoll:** On your first point, I can see that people might feel more engaged with the process if they have the opportunity to have their day in court. However, we must trade that off against efficiency. If we go back to having an inquiry in every case, it is likely that each appeal will take about a year. There might be scope to bring the timescale down a little, but it is unlikely that we would be able to make dramatic reductions if we reverted to a system in which we had a hearing in every case.

I will not comment on the suggestion that local review bodies do a worse job than we do. That is not a matter for me.

**Chris Norman:** Developments of below 20MW are local applications, and any refusal by the appointed person goes to the local review body. I frequently hear thoughts about removing that threshold—removing the bar, if you like—so that more applications become major applications and their appeal route on refusal is via the reporters unit rather than a local review body. As things stand, a 20MW wind farm, which could have 10 or 12 turbines, is a local application, which is ultimately decided by a local review body.

A difficulty is that revisiting the threshold would cut across the whole ethos of planning reform, which was to localise the decision-making process. I suspect that stakeholders such as community councils and local members might well be concerned if more decision making were taken away from the local level and the process became more centralised.

There might well be grounds for discussion and a wider debate about lowering the bar. However, let us suppose that we had a threshold that was so low that every group of two or three turbines constituted a major application. We should remember that there is a three-month lead-in period for pre-application consultation and a four-month determination period for that application in any event, so I am not sure whether we would have added much to the process.

Another fear is that a similar argument could be made by house builders. Currently, a 49-house proposal is a local development. I am sure that there is a clamour for that threshold to be reduced so that the appeal mechanism is centralised rather than localised.

There is certainly scope for wider debate, but I think that the consensus among heads of planning is that the thresholds in the hierarchy have been set by the Parliament and should stay.

**Rhoda Grant (Highlands and Islands) (Lab):** Large developers have told me that because of the complexity of the planning system, they find it very difficult to make planning applications. That makes it even more difficult for community developments to go ahead, because communities do not have a company in which there is that kind of expertise and they are unlikely to have sufficient finance to allow them to access such expertise. Do you treat community applications differently? Is there scope to treat such applications differently?

**Chris Norman:** First, I say that I do not have first-hand experience of community proposals.

One of the greatest difficulties is the linkage with environmental impact assessments and the complexity of there being another set of regulations. Heads of planning are speaking to the Scottish Government about raising the bar and giving us clear guidance on when we do not need an environmental impact statement. A lot of community developments will be for single turbines, or for two or three turbines. Currently, an EIA may be required for three or more turbines. We are always nervous about saying that an EIS should not be done because when we propose a scheme one of the first potential grounds of challenge for objectors is that we have not complied with European regulations.

A clear steer to local authorities about whether an EIA is needed would substantially assist

smaller-scale development applications: when a community is putting together a scheme it would not have to go through the extortionately expensive process of conducting an EIA, which in many cases runs to six-figure sums. In an abortive scheme, that is obviously money down the drain. Clear guidance on when there is no need for an EIA, and on which we can rest without the threat of challenge, would be beneficial.

**Rhoda Grant:** You mentioned situations in which there have been substantive community concerns about wind farms. In the case of an application for a community wind farm, it is much less likely that community concerns will be voiced. Could that help to streamline the process?

**Chris Norman:** There will always be people who are against proposals, but genuine community initiatives—which use a genuine community fund, offer genuine community payback and make a clear connection between the proposal and the wider community—send a clear message to decision makers that the development is welcome in a locale. That goes a long way towards offsetting other issues to do with landscape, noise, flicker and so on.

**Rhoda Grant:** Could that be used to lower costs in any way? The cost to a community of developing a wind farm is huge.

**Chris Norman:** One of the biggest costs for communities is the environmental impact assessment process. Some A3 size environmental impact statements that are very thick can cost almost a quarter of a million pounds to put together. If the Scottish Government were to give us a clear steer—that could not be challenged in the courts and would not be in conflict with European legislation—that we could dispense with environmental impact assessment of small schemes, that would offset a lot of concerns.

Similarly, clear guidance about what is required for smaller-scale schemes in terms of visualisation, ecological impacts and so on would help. I think that there can sometimes be an overload of information to us, which costs money. Also, the information is not always germane to the main issues in the decision-making process.

**Angus MacDonald (Falkirk East) (SNP):** I am sure that committee members will agree—I hope that the panel will, too—that it is difficult to know exactly where we are with regard to renewable energy projects throughout the country. For example, it has been highlighted that there is no central database that shows progress in each local authority area. If there is no source that shows progress, how do we know exactly where we are with regard to reaching the targets? Would it be easier for everybody if there were a central reference point—a central database—to which

everyone could go? Are there any plans to put that in place in the near future?

**Chris Norman:** Of late, Heads of Planning Scotland has liaised closely with this committee's clerking team, in order to provide you with information. It is such a rapidly moving bean feast—as applications come in, as consents are either approved or refused, or as new scoping or screening comes in—and the situation is one of almost constant change. However, it would not be rocket science to prepare a definitive document that would show exactly what was in the system at any particular time.

As decision makers consider cumulative impact, they must take into account not only the developments for which applications have been made, but the developments that, before applications can emerge, may be subject to pre-application consultations. I whole-heartedly agree that a quarterly or bimonthly photograph of where we are would be exceptionally useful—not only in helping us to make decisions, but in helping us to know the extent to which we are achieving targets.

From evidence that others have presented to the inquiry, I see that we are not that far from achieving the targets—although I appreciate that targets do not necessarily represent a cap. The targets could well be met from sites within preferred areas. Whether in Caithness or Dumfriesshire, a site in a preferred area will have more going for it than a site in a hostile area. An assessment and an up-to-date database would help the ultimate decision maker in aspiring to targets or, perhaps, in not overconsenting.

**Angus MacDonald:** You would like such a report, but how can we ensure that one appears? Furthermore, although there is a moving feast, it might be an idea to have a traffic-light system in the report. That would certainly help the non-professionals.

**Chris Norman:** Heads of Planning Scotland received the committee's request for information only two or three weeks ago, and it caused a flurry of activity. I hope that we have been able to give you most of what you wanted. A difficulty arises because local authorities report in different ways, but I am sure that they would all, in discussion with Heads of Planning Scotland and the Scottish Government, work towards achieving an agreed formula for presentation. Technical issues arise, but it will not be rocket science to overcome them.

**The Convener:** I record our thanks to Heads of Planning Scotland for its assistance in providing information for our inquiry.

**Chris Norman:** Thank you.

**John Wilson (Central Scotland) (SNP):** The written submission from Heads of Planning

Scotland, and the answers from Mr Norman this morning, have referred to the Ayrshire joint planning unit. In looking at the submission, I might assert that the unit brings together three local authorities that work together to ensure that they have a planning agreement and framework for considering applications. Am I wrong in that assertion? What exactly is the Ayrshire joint planning unit?

**Chris Norman:** I begin with the caveat that I am not an Ayrshire planner, so what I am about to say may be opinion rather than fact. The Ayrshire joint planning unit is a strategic planning unit, like the south-east Scotland planning unit and the Glasgow and Clyde valley planning unit. They are amalgams of constituent local authorities that are charged with preparing strategic plans for their areas. For example, SESplan is considering the new structure plan for the south-east of Scotland, and—to the best of my knowledge—the Glasgow and Clyde valley unit and the Ayrshire unit are doing the same for their areas.

**John Wilson:** You say that the units bring together a number of authorities to develop strategy and policy. Why cannot all local authorities work together to have a comprehensive policy for planning applications—especially for applications that involve renewables? Guidelines are issued by the Scottish Government, but 32 local authorities—that is, 32 planning departments—may have 32 different interpretations of the guidelines. Given that strategic planning units that bring together a number of local authorities have been set up throughout Scotland, why do we not have a strategic overview of how we are driving forward the renewables industry in Scotland? That question is for Mr Norman and Mr Coote.

10:45

**Chris Norman:** The strategic planning units are amalgams and have constituent local authorities. When we drill down to the single local authority area where the planning decisions are made—it is the unitary authorities rather than the strategic authorities that are the decision makers—there may well be tension between them depending on, for example, when an application comes in and public concern that is voiced. I cannot overstate the importance of having preferred sites whereby the local authority and, by default, the local community and the local political dynamic, are content that there is broad agreement that a wind farm can be sited in that area, subject to the detailed environmental impact assessment, publicity and decision making further down the line.

One way to bring the polarisation, if you like, of difficulties together is to have preferred areas that

can, when aggregated, deliver the target. We are working on that approach. The evidence that I have been given by colleagues in Ayrshire is that 1,600MW of power could be produced in preferred areas in Ayrshire without having to go to sites that are not preferred areas. That is the practical solution to this vexed question.

**Simon Coote:** We are getting slightly outwith my remit as the question is more about planning policy. There is a tension between the idea of strategic planning more at national level and the idea that—in my case—when it comes to advice, I am best served by the relevant planning authority. Something can perhaps be done to achieve consistency. We are interested in working with planning authorities on achieving consistency in terms of, for example, their responses to us. My response is probably getting slightly off the question, which was more about strategic planning.

**John Wilson:** Thank you for that response, Mr Coote.

I come back to Mr Norman's assertion that there are preferred areas for the developments to take place. A development often has an impact on neighbouring authorities—in some cases three authorities neighbour a particular development—in a strategic planning unit. When developers and communities come back to elected members and say that the development has been dealt with differently by three neighbouring authorities, it leads to confusion, among not only developers but the public, about how best to take forward either the proposed development or objections to the development.

If you are saying that individual local authorities have authority over the decision-making process and make decisions on individual planning applications and individual developments, it becomes very confusing for all concerned, particularly developers, when they have to deal with two or three different authorities on one development.

**Chris Norman:** That is just the nature of the beast. A wind farm can have a more significant impact on the other side of the council boundary fence than it does in the council area in which it is sited. Without naming names, I can think of several live examples in which that is the case. It is incumbent on local authorities to take into account the impact across the boundary fence as if it were not there. I hope that that approach is being taken. I cannot speak for individual authorities in individual cases, but that impact and representations further of the fence are clear material planning considerations.

**John Wilson:** Hence, we need stronger guidelines for all authorities to adhere to when we deal with such developments.

Heads of Planning Scotland said in its submission:

“it should be understood the significant role that local authority planners and consultees have in the determination process of s36 applications with the Scottish Government being often entirely reliant on this advice and technical expertise.”

Are you implying that the Scottish Government does not have the technical expertise that is needed to deal with some of the issues that it is asked to consider in relation to planning applications?

**Chris Norman:** I was saying in that paragraph that the local authorities, as I understand it, are very much the eyes and ears of the Scottish Government in determining section 36 proposals. The planning officer is the person on the ground, who speaks to his environmental health colleague, the local wildlife trust and the local community council. We act as a conduit for information to Simon Coote and his colleagues.

Simon Coote is far more able than I am to respond fully on this, but I understand that the Scottish Government is wholly reliant on the technical assessment, in that the tasks of judging the application, looking at the environmental assessment, framing the planning conditions, working on the legal agreements, complying with conditions and, ultimately, enforcing conditions come to the local authority, rather than to colleagues in Atlantic Quay.

**Simon Coote:** That is largely true. I would not say that the Scottish Government is entirely dependent on the planning authority; other consultees, in particular the Scottish Environment Protection Agency and SNH, have key roles in providing advice on applications to the Scottish Government. However, the planning authority has the most fundamental role of any consultee. As Chris Norman hinted, that is the case not just in relation to the scoping work and consultee responses but right through the process until after the development has been built, when the planning authority is largely responsible for enforcing the conditions of the consent.

**John Park (Mid Scotland and Fife) (Lab):** What capacity is there in the planning system for officers to deal with applications, given the high volume and complexity of the applications that are being made? Mr Norman talked about the burden that is placed on officials who are trying to deliver the aims that we have been discussing. When MSPs talk about planning more generally, we hear concerns about the internal capacity in local authorities to deal with applications. Is there a lack

of skilled individuals? Should we try to increase the number of people who work in planning? Do Ms Nicoll and Mr Coote, who see cases that have gone through the process, think that there is evidence that the system would benefit from having more people working in planning?

**Chris Norman:** The thrust of my paper was about resourcing. Local authorities are having a very difficult time with staffing. As people move on, empty desks appear. I do not want to be too emotive in my choice of words, but we are facing an onslaught of onshore wind applications, whether they are for single turbines—colleagues in Aberdeenshire are dealing with a couple of hundred applications for single turbines—or for larger developments. When an environmental statement is delivered in a Transit van, as sometimes happens, there is a massive amount of work to do.

Smaller authorities do not necessarily have a dedicated team. The person who is dealing with the application for a major wind farm might also have to deal with proposals for housing, proposals to do with education and complaints about the chip shop next door, so finding the time to deal with all those cases is very difficult. Even when we support a proposal—as I said in my paper, through the planning system about 5GW of renewable energy have been delivered—we are under immense scrutiny from objectors. If we put one foot out of place in the procedure we could face legal challenge. None of us wants to go there.

If we have to object formally and a case comes to a public inquiry or hearing, a massive amount of time is involved. Developers often have a whole consultancy service in their armoury, and a planning officer might have to deal with a developer's major proposal one day and a housing application the next. There is certainly a lack of equality of arms in dealing with major applications.

To be fair, SNH has helped a lot in plugging the gap in skill shortages; it provides a lot of assessment material. For example, only two days ago, I received an e-mail from SNH pointing me to four or five web-based documents on issues such as small-scale wind energy, assessing cumulative impact, assessing the impact on special protection areas and the design of small-scale wind farms. We almost get an information overload. Without dedicated teams that can specialise in such areas, the process becomes much slower.

**John Park:** If we want to improve that process—I do not want to answer the question for you, so it would be good if you could put this on the record—what do we need to do from a resource point of view to improve the process? Secondly, if we were to encourage the provision of extra resources, what would the time lag be? How long would it take for that to have an impact?

**Chris Norman:** Sadly, in the world of local government finance, there is not an immediate connection between bigger fees and more people sitting behind desks dealing with wind farm applications. More staff could be engaged, but wind farm applications could dry up in two years. It is not just a question of throwing money at the issue.

One thought I had is that we could outsource determinations so that the process could be seen to be totally transparent and we could do it such that there would be no conflict of interests. There are planning consultants out there to whom we could outsource determinations, which might go a long way towards resolving the issue. I am sure that I speak for colleagues the length and breadth of the land when I say that we are snowed under by applications. It must be remembered that we have rigid performance targets to meet on house building, householders and everything else that comes across our desks. A big problem is that if we concentrate our resources on wind energy, other things slip.

Subject to the holding of a lot of technical discussions, outsourcing could be the way forward. We have the fees to be able to outsource an assessment of a wind energy application, or to pay for our own consultants to deal with it. That is probably better than having to get into the more complex issues of getting more staff in, interviewing and so on.

**John Park:** Outsourcing brings some complications. Would outsourcing reduce confidence in the process?

**Chris Norman:** It is a difficult issue—the point is well made. If an outsourced organisation that was working on behalf of an authority came up with a view that did not accord with the community's view, it is inevitable that it would be criticised.

However, we are where we are. It is clear that we can, if there is no conflict of interests, have an objective assessment of a proposal done. At the end of the day, the decision must rest on the objective assessment. Ultimately, the decision on any objective assessment will come to my political colleagues to make, and they may or may not accept it. The way forward is to get the objective scientific stuff done, rather than the decision making.

**The Convener:** On resources, I want to ask about a comment in your submission. You say:

"The disengagement by the key agencies, and in particular SEPA, SNH and Historic Scotland, places more burdens on local authorities."

Later this morning, we will take evidence from SEPA and SNH. It would be helpful if you could expand on that comment. Why do you feel that those organisations are not pulling their weight?

**Chris Norman:** I will try to do that. Part of planning reform is about addressing disengagement among the key agencies. Heads of Planning Scotland and local authorities are working together closely as SEPA, SNH and Historic Scotland concentrate on the more national issues and devolve responsibility locally. Those organisations engage up front in the development planning process and the areas of search exercise but, more and more, they are looking for local authorities to deal with consultations that do not affect national interests.

An example of such a consultation would be on a wind energy development that is not in a national scenic area or in an area of great landscape value, but which is in countryside that is valued by local communities. SNH disengagement can be read by some as meaning it is not so concerned about such matters, although there might be increased local concern.

11:00

It is about resourcing local authorities to enable them to respond in detail to the technical information that goes to them. For example, an environmental impact assessment that has been prepared for a major wind farm can contain many pages of text that landscape architecture professionals have prepared. If we do not have a landscape architect on board, there is an argument that our evidence will be weaker in a public inquiry or appeal. That is really causing problems. The upskilling of staff to become landscape architects and peat calculating experts and so on is part of the huge amount of development that has to come our way. I should probably concede that it is not coming on as well as it could.

**The Convener:** We are up against the clock. Four members want to ask follow-up questions. I hope that they will be extremely brief and to the point.

**Chic Brodie:** I will ask each witness a brief question, if I may.

My question to Ms Nicoll is this: Why is there a perception out there that the decisions that you make are, by and large, in favour of developers?

We have heard a lot about environmental impact assessments. I ask Mr Norman to go back and talk to the Ayrshire joint planning unit, because I think that your interpretation of what it does is slightly different from mine. Talking to neighbouring authorities might also help.

You concentrate on environmental impact assessments. How much weight is given to the visual impact and the cumulative impact of developments in the planning process? What

research is being carried out on a regional scale into the tourism impact in areas in which there has been a significant penetration of onshore wind facilities?

I would also like to bring in Mr Coote. We have not talked about offshore wind. What is its likely impact on consents? What relationship do you have with the Crown Estate on consents for offshore developments?

It is regrettable that we do not have the time to talk about the demand side of energy. We have talked about supply again, but it would have been constructive to have had a conversation about planning issues relating to energy efficiency in housing developments and so on. Perhaps we can have that conversation another day.

**The Convener:** Responses should be fairly brief, if possible, please.

**Lindsey Nicoll:** The member asked about the perception that we grant permission in appeal cases. Across the board, around one in three appeals is successful. The figure is not markedly different in energy consents cases. Therefore, it is not the case that we allow more appeals than we refuse.

**Chic Brodie:** A perception exists, however, that you do.

**Lindsey Nicoll:** Yes.

**Chris Norman:** I categorically state that the *prima facie* issues for us are the visual impact and the cumulative impact. They are the key determining factors, although it is clear that there are other matters including noise, flicker and transportation.

**Simon Coote:** Chic Brodie asked about offshore wind. My unit does not deal with offshore wind applications. My professional interest goes only as far as where landscape and visual issues are relevant—cases in which an offshore site could be seen from a potential onshore site.

**Chic Brodie:** Will you offer an opinion on the impact that an offshore wind farm might have on tourism?

**Simon Coote:** It is not in my remit to do that. I am sorry.

**The Convener:** Okay. We need to move on, Mr Brodie. Mike MacKenzie has a brief follow-up question. I hope that it is brief.

**Mike MacKenzie:** I represent many economically and socially fragile communities that have the great misfortune to be situated in designated landscapes. In terms of community benefit from developments such as we are discussing or any other forms of development, those communities are deprived. It seems to me

that BANANA—build absolutely nothing anywhere near anything—planning policies are killing those communities. Given that the purpose of the planning system is to somehow or other measure public interest, is it in the public interest to be so precocious with landscape designations?

**Chris Norman:** I have to answer that question in two minutes.

**The Convener:** You will answer it in less time than that, I hope.

**Chris Norman:** The whole issue of community funding needs to be looked at afresh. It seems that when the going gets tough for the industry, the tariff gets raised, but when the going is fairly easy the same impetus is not necessarily there and the chequebook for community funding is not quite so thick. Community funding should stay at arm's length to planning considerations, because if we go down the line of selling planning permissions and granting consents simply because it would mean more money coming into communities, we might as well say goodbye to the first principles of planning.

I appreciate that having certain no-go areas for wind farms removes from communities the ability to benefit from contributions. However, one might be able to increase such funds by ensuring that the money from community benefit is not just targeted at the immediate receptor community but is spread across the local authority area. I acknowledge that communities in national scenic areas are removed from such benefits—and that there are issues in that respect—but I do not want to get into a situation in which a developer is granted planning permission simply by getting out his chequebook.

**Stuart McMillan:** We have already discussed the role of local planning authorities and the strategic planning organisations. In the penultimate paragraph of page 4 of his submission, Mr Norman suggests that

"an option may be to consider having regionally based teams of dedicated planners".

I am not sure what you are advocating here. Are you suggesting that there be three layers of planning, each with a separate area of competence?

**Chris Norman:** I should put that comment in context. The responsibility of strategic development planning authorities such as the Ayrshire joint planning unit, SESplan in Edinburgh and south-east Scotland, and the Glasgow and Clyde Valley unit is to take a broad structural approach to planning; however, the local authorities are the decision makers. As a result, even though it is in SESplan, West Lothian Council would be the decision-making authority,

as would East Ayrshire Council, even though it is in the Ayrshire joint planning unit. Moving that decision-making function from local authorities to a strategic planning authority would be a radical step and would require a root-and-branch change in legislation. At the moment, there is no such legal route.

One benefit of the proposal might well be the creation of dedicated teams in defined regional areas that have expertise in wind farm applications and can report to the constituent authorities in that region. Again, there are pros and cons to such a move and many technical discussions will be required, but a specialist upskilled team that can make recommendations to constituent authorities might be one way of getting around the problem that is faced by some of my people in having to deal with extremely thick environmental statements not only on wind farms but housing and other developments.

Nevertheless, as I have said, moving responsibility for making decisions from local councils to the strategic development planning authorities would require fundamental root-and-branch changes in local government.

**Stuart McMillan:** Obviously local authorities still make the final decisions. Have there been any discussions with the Convention of Scottish Local Authorities or anyone else about the regional team proposal?

**Chris Norman:** There have not been discussions in any great depth.

**Patrick Harvie:** We have spent a long time talking about wind, but there are also targets for renewable heat and transport—which has obviously been changed to cover electric transportation. Chic Brodie also mentioned demand reduction, which we have not really touched on yet. Are we developing ways of using the planning system better to drive, for example, the construction of low-carbon buildings, the use of renewable heat, the installation of charging points for electric vehicles and so on not only in new builds, but in retrofit projects, change of use planning permissions for which could include such conditions?

**Chris Norman:** Patrick Harvie has given me a lot to talk about. Heat retention is a building standards matter and more effective building regulations governing the construction of houses will mean that new housing stock—which, I am sad to say, is developing slowly at the moment—will be more heat-resilient. We have looked at ways of bolting on district heating to certain big areas in West Lothian, where we are granting consent for 2,000 or 3,000 houses, but it is not all that easy and, sadly, the industry seems to be rather reluctant to get involved. For example, I am

on the cusp of issuing consent for 2,000 houses in Winchburgh, but given particular worries about the housing market in general it is very difficult to get industry to engage and to create that kind of framework and infrastructure. There is no easy fix in that respect.

**Patrick Harvie:** Why is it so hard here and so easy in other northern European countries?

**Chris Norman:** I do not know. I do know that when we tried to introduce a district heating system in a large 1,500-house development in Whitburn, the house builders were very concerned about security of supply of material. They were simply reluctant to get involved in biomass or woodchip heating systems because they thought that they would end up trying to sell houses with no guarantee of the sort of 20 or 30 years' continuous supply that exists, for example, in Sweden.

**The Convener:** I thank our three witnesses for their extremely helpful responses.

11:11

*Meeting suspended.*

11:17

*On resuming—*

**The Convener:** I welcome our second panel. We have Keith Winter, head of enterprise, planning and protective services at Fife Council; Councillor Roger Grant, chair of the housing, planning and environment services committee at Dumfries and Galloway Council; and Councillor Carolyn Riddell-Carre, executive member for planning and environment at Scottish Borders Council. Welcome to you all. Would you like to say something by way of a brief introduction?

**Keith Winter (Fife Council):** I have come along today as a senior officer from Fife Council to talk about the council's recently approved renewables route map, in particular. My role is as senior adviser to the council on all matters pertaining to economic development, land use planning, building standards and safety. On this mixed political and officer panel, I may deflect some questions or caveat my answers, given that I speak from an officer's perspective. I welcome the chance to play a part in the inquiry because there are important debates that must be had.

I will follow through on other points during questions, but I want to pick up on where renewables are pitched as one of Fife Council's eight strategic priorities. We have had a drive on this issue since 2005 and we have undertaken some of the studies on supply of biomass, skills and so on that were referred to in the previous



discussion, in order to arrive at a full picture. Our route map is not from a standing start so, if a comparison is to be drawn with other councils, you should know that we have been working on it. I am sure that other councils are endeavouring to find a position, too.

**Councillor Carolyn Riddell-Carre (Scottish Borders Council):** I understand that, apart from anything else, the inquiry is looking into the merits of renewables technology. We must ask ourselves why we want renewables technology: we want a secure and affordable supply of energy and to reduce the carbon element of our energy use. It has been extremely interesting to be here for the past half hour. I realise that you have been working on this for days, weeks and months, but there has been a tremendous amount of talk about wind and we need to be extremely careful about equating wind with renewable energy. There is a great deal of renewable energy and I am not certain that wind is the best because, to give a domestic analogy, we do not want to spend our time like ducks in a pond discussing the crusts while somebody quietly drains the pond. We are looking at energy, we are looking at the economy and we are looking at tourism.

I know that we are considering the merits of the Government's targets. Wind is not secure: it does not blow all the time and the carbon element can suffer. In Holland, a study has shown that the power supplies that are required as a back-up for wind use more carbon as they turn off and on than they would if they were running at a constant and steady rate.

We need affordable energy. A very interesting piece—I am sure that you have all seen it—in *Holyrood* magazine says that the subsidies that are paid by consumers are in the order of £2 billion a year and, in eight years' time, that subsidy is expected to go up to about £10 billion. That is a huge demand on our households and on our industries and we must recognise that these wind farms—I am not against renewable energy per se, but I am cautious of wind farms—receive a subsidy that is paid by the poor to the rich, and very often to rich foreigners. We must question whether that is right. I can answer other questions on other matters, but thank you for the moment.

**Councillor Roger Grant (Dumfries and Galloway Council):** Dumfries and Galloway Council recently adopted a new interim planning policy on wind energy developments. The planning, housing and environment services committee agreed the new policy at its meeting in February 2012 and, in view of the continuing high level of community's political and industry interest in this matter across Dumfries and Galloway, the paper seeks to advise the council's current position and to highlight on-going issues. The

committee had previously also agreed a new policy in July 2011 on the community benefit from wind farms. Dumfries and Galloway continues to be subject to very high levels of development pressure for wind energy because of the beneficial combination of relative proximity to grid connections in the M74 corridor, a good wind footprint, low population density and large rural areas that are not covered by statutory designations. As a result, last year we dealt with more planning applications for such developments—124—than any other planning authority in Scotland. That trend has continued.

The existence of Government incentives in the form of feed-in tariffs has driven demand for smaller developments in lowland areas in addition to the larger developments, which tend towards upland areas. At the end of 2011, 24 applications were being assessed with turbines of 50m-plus—the large ones—and three consultations on developments adjacent to the region, with 84 turbines. That is in addition to 344 that are already consented, including 60 at Robin Rigg, with a further 212 approved adjacent to our boundary. That is clear evidence of the planning system playing its part in delivering the 2020 renewables target, but that is possibly at the cost of our figures for other applications. As our results show, we have not done too badly with the wind applications, but we are not doing very well with other applications.

The Scottish planning policy seeks to support the commitment to increase the amount of electricity that is generated from renewable sources and requires local authorities to guide development to appropriate locations—that is, to take a positively enabling policy approach. That approach is not universally welcome at community level and there has been an increase in vocal opposition to wind farm developments. That tension between some community views and Government policy has been a key issue for the development of new policy.

The position on policy and strategy is that the interim planning policy provides updated guidance for wind energy developments, with the existing policy contained in the structure plan and four local plans. That was out of date considering the technological advances in the industry in recent years, particularly the trend towards larger turbines of 100m-plus in height. The basis of the policy is to identify search areas and areas of significant protection. Together with all the factors that would be taken into account in deciding planning applications, the approach must follow guidance that is set down by the Scottish Government if it is to be effective in defending planning appeals and public inquiries. Our original draft policy, which was published for public consultation last summer, did not do that

sufficiently, and the final version contained key changes to ensure that it was more in line with Government guidelines. That was a key consideration for council members in agreeing the final version.

The methodology that was used for developing the policy included an innovative approach that was based on a comprehensive landscape capacity study with landscape character areas and examined the ability of our varied landscape types throughout the region to accommodate different turbine heights.

Council members were supportive of, and recognised the urgent need for, a more up-to-date and robust policy framework, despite coming under some pressure from the groups that are opposed to wind farms. However, the policy at local level developed without any overarching national spatial strategy on wind energy. With no attempt to provide regional targets, the existing Scottish Government guidance is highly process oriented. Arguably, the national planning framework should provide a clearer spatial strategy.

The community groups that are opposed to aspects of our new policy want a firmer stance to be taken on ruling developments out absolutely in certain circumstances, whereas feedback from the industry suggests that it believes that the new policy is still too restrictive.

Delays in the process can also arise as a result of statutory objections from NATS, the air traffic control body, which often require technical solutions to be developed and agreed before applications are made. That holds up the process significantly.

**The Convener:** All three witnesses will have heard from the committee's discussion with the previous witnesses some of the lines of questioning in which members are interested. In particular, we are considering consistency in planning throughout the country, whether national guidance is sufficient and resources. Members will wish to ask a number of different questions, but the witnesses should not feel that they must answer every single one. Members will put a question to individual witnesses or, perhaps, to all members of the panel. If the witnesses want to comment, they should catch my eye.

**John Wilson:** I will start with a question on an issue that Councillor Grant mentioned: the difficulty of bringing together the national guidelines from the Scottish Government and what happens in different local authority areas.

If the witnesses heard the previous panel, they heard me quiz some of those witnesses about what happens when a planning application for a wind farm in one local authority area has an

impact in the neighbouring authority's area and how those issues can be resolved. Councillor Grant referred to community groups that may be opposed to wind farms for a number of reasons. How do the local authorities that are represented here deal with the cross-boundary issues that arise? Do we need strategic regional planning to allow local authorities to arrive at a consensus or reach decisions jointly, so that developments that are adjacent to the border between local authority areas can take place?

**Councillor Grant:** There is a good example of that at the Clyde wind farm, which is close to Moffat. We had no say in that at all. Some of our communities will benefit from community funding from that. However, they will just be given a big lump of money, and an issue is what small communities will do with that money. We need more national guidance on cross-boundary developments.

As I mentioned, we are on the M74 corridor. The main national transmission line goes down that corridor. It is of huge significance to the developers but, at the moment, we are instructed to take no cognisance of the transmission infrastructure in considering a planning application for a wind farm. That is ridiculous, because it is an expensive and important part of the business. There was a wind farm to the west of Moniaive that eventually got planning permission after six years or so and a public inquiry. The developer asked Scottish Power whether it could have connectivity and Scottish Power said that it could take about six years but that it would happen eventually. Connectivity needs to be looked at more closely at the national level.

11:30

**Councillor Riddell-Carre:** It is entirely proper that nationally significant developments are guided by Parliament, and they are. However, there is a discrepancy. Local authorities are merely consulted on applications for more than 50MW; if an application is less than 50MW, there has to be a consultation over 12 weeks. Any savvy developer will not faff around below 50MW. They will go straight for the big one and try to zap it through.

In the Borders, we have worked with our neighbouring authorities in a number of instances, for example with East Lothian on Crystal Rig and Fallago Rig. In the case of Earlshaugh, we have worked with Dumfries and Galloway, and South Lanarkshire. We work across borders because that is necessary.

If Mr Wilson wants to be flayed alive, he can come down to the Borders and suggest that wind farm applications should be determined at some

supra-regional level. Major wind farms are decided on at national level anyway. There should be as much consultation for them as there is for lesser wind farms. However, please do not suggest that the city regions have any remit to determine planning applications, because they do not.

**Keith Winter:** In Fife, we are fortunate to have the River Tay to the north and the River Forth to the south, which removes some of the cross-boundary issues. To the west, there are cross-boundary issues with landfill sites and recycling sites. Most of those are handled on an exception basis. In other geographies, wind farms will have different impacts depending on the long views and the short views.

The issue is what is contained in the neighbouring authority's development plans, and the greater focus on modernising the development plans should make provision for that. As we implement the new round of local development plans, there should be no left-field applications, because the evidence should have been debated at the stage of the MIR—the major issues report—and the plan and so on. That should give further confidence to communities, councillors and the Scottish Government on how national policies and so on have been taken forward. There is still some part of the story to come through. Authorities and communities need to look as much to the development plans as to development management applications.

**John Wilson:** I assure Councillor Riddell-Carre that I have no intention of being played alive, on this or any other issue.

**Councillor Riddell-Carre:** Good.

**John Wilson:** I hope that the democratic process that we have in Scotland means that we can debate the issues rather than be threatened with being played alive for putting forward our point of view.

My point is that we are working with a national framework—a national target—for renewables. The issue is how that national target is taken forward by the 32 local authorities.

I understand some of the difficulties in communities throughout Scotland. Councillor Grant alluded to the cross-working that is taking place. South Lanarkshire, Scottish Borders, Dumfries and Galloway and other local authorities are working closely together to get the correct mix of developments in place.

Given that we have an arbitrary line that defines a local authority area, how do we address the issues? A community on the other side of the line may object to or support a development that is across the border, but that community's local authority has no influence or discretion in relation

to the planning application for that development. How do we tie the national target that we are trying to achieve into the fact that local authorities are being left to make decisions on planning applications for some wind farm developments but not all wind farm developments? How do we square the circle of meeting national targets, and involving local authorities, elected members and communities in setting targets and working towards them?

**The Convener:** That ties in to the broader question that we discussed earlier whether local authorities feel that current national guidance is sufficiently detailed to provide the necessary support for local decision making.

**Councillor Riddell-Carre:** The point is that Scotland's landscapes differ so widely. You cannot equate the Borders with Falkirk, or Dumfries and Galloway with Glasgow. As a result, it is entirely proper for our local development plans to be arrived at locally. In the Borders—I am sure that the same applies in Dumfries and Galloway—we have found that the easy-to-develop developments have received consent and have been built. However, there are a great many others in the pipeline and our planning officers are snowed under with applications. I also hope that at some stage you are going to give me a chance to whinge about fees.

It is proper for people in a local area to set their own development plan according to a position that has been arrived at in a democratic way. As we know, major developments of more than 50MW go straight to the Scottish Government anyway.

**Councillor Grant:** I have huge respect for the chief planner of Scotland and we work very closely with other councils on many planning issues. However, with regard to the wind issue, it would be helpful if the national planning framework contained more on energy policy. For example, there is a rather large biomass power station at Lockerbie that is, in theory, supposed to be 40MW but, because of our wet climate and the fact that most of the material used by the station is timber from dripping-wet Eskdalemuir forest, does not work very well. A national energy policy is sadly lacking.

**Chic Brodie:** I must admit that, as a South Scotland MSP, I am very disappointed. I have spent considerable time writing and talking to your chief executives, asking them to put together a task force once SNH produced its national guidelines—and, with respect, Councillor Riddell-Carre, geographical differences between Ayrshire and the Borders are not as great as you suggest. Those guidelines have now been produced. You might tell me that your chief executives are talking to each other but, as I interpret your other remarks, they are not. How are you going to

ensure that your chief executives and staff join with neighbouring areas to create the task force that I have proposed so that there is optimum interpretation of visual and cumulative impacts in a way that allows us to achieve our renewables targets? Might I suggest that you are a bit out of touch?

**Councillor Grant:** We have put in place our interim planning policy and have consulted very closely with communities which, after all, must have their say on these issues. It is all very well having these targets but, as many businesspeople in our area would maintain, they need energy for their businesses and renewable energy itself is expensive.

**Chic Brodie:** With respect, I am talking about the kind of cross-boundary issues that Mr Wilson raised. With some effort, the minister agreed to get SNH to produce new guidelines that local authorities should adopt. On top of that, I have encouraged local authority chief executives to put together a task force to ensure consistent interpretation of the guidelines. From what Councillors Riddell-Carre and Grant have said, I am not sure that even they agree on interpretation.

**Councillor Riddell-Carre:** Scottish Borders Council has been working with SNH on the visualisation of wind farms. That technical guidance sets out the study areas, the zones of visual influence, the viewpoints, the wire-lines and the photo-montages that—

**Chic Brodie:** With due respect, I want to know whether you have been talking to neighbouring councils. SBC might well have its interpretation of the guidelines but the problem is that, before we had these guidelines, South Ayrshire, Dumfries and Galloway, the Borders and East Lothian all had their own interpretations. In fact, Dumfries and Galloway and East Lothian had their own interim planning guidelines, which indicates that they were interpreting the guidelines differently. Now that SNH has produced national guidelines, are you talking to neighbouring councils? After all, the geography of the area is similar and therefore the guidelines should at least be interpreted in a similar way.

**Councillor Riddell-Carre:** If you would like to give us adequate funds—[*Interruption.*] And I do not want to hear any deep sighs from anyone.

I am now going to have my little whinge about planning fees. The fee for a single turbine is £638, but servicing the application costs the council a minimum of £3,000, because of the need to respond to letters of support, provide neighbour notification, assess submissions et cetera. For one particular wind farm that had 12 126m turbines, the fee was £14,950, but it cost £45,000 to service the application. Our planning officers are working

extremely hard on these matters at the cost of economic and other developments that are serviced by the planning department. The staff are working with SNH; I do not know whether they are having detailed discussions with Ayrshire but, with respect, convener, I point out that the Scottish Borders is not Ayrshire.

**Chic Brodie:** I hear what you say about fees but, with all due respect, I suggest that you enjoin your colleagues in the Westminster Government to take a closer look at the matter. After all, they have responsibility for feed-in tariffs and renewables obligation certificates, which have encouraged applications for single turbines. It is easy for us to say that, if we had control of that matter, circumstances might be different, but I humbly suggest that the fees that you are talking about are a consequence of what some might say has been the Westminster Government's liberal use of feed-in tariffs and ROCs and I suggest that you encourage it to look at the matter, as indeed the Scottish Government has.

**Councillor Riddell-Carre:** I have already pointed out to a number of colleagues that wind turbines are not so much wind turbines as subsidy harvesters. I hope that that message is getting through.

**The Convener:** To be fair, I should say that the Scottish Government sets planning fees for local authorities.

**Councillor Riddell-Carre:** Yes, it does.

**Chic Brodie:** I was talking about feed-in tariffs, convener.

**The Convener:** Indeed you were.

**Chic Brodie:** Can I just—

**The Convener:** Hold on a second, Mr Brodie—I think that Mr Winter is keen to respond.

**Keith Winter:** Far be it from me to go back and tell my chief executive what he should be doing. That would be inappropriate.

On a serious note, though, I think that, from an officer point of view, we need to debate certain issues about the policy setting framework for addressing energy policy issues in Scotland and how economic development and land use tools are going to be used to achieve that energy policy's aims. However, given that we are moving into the new era, it is all a moveable feast. We all have to address these issues and I hope, therefore, that this inquiry will benefit our on-going conversations.

We are pursuing a clear line to meet the 2020 targets and goals for renewable energy. As others have pointed out, certain fiscal policy issues have to be worked out at a UK level and we need to think about the best role that renewable energy

can play in Scotland's longer-term sustainable energy make-up and mix. Fife's route map was prepared at my instruction to give members up-to-date information on our position, to connect them with national and international agendas, to provide the basis for a series of conversations and to establish and test our approaches and policies within a broader context.

Certain decisions and value judgments about weightings with regard to visual amenity, residential amenity, return and so on are going to have hard consequences. Indeed, at yesterday's planning meeting, I lost two against the head on recommendations from officers to members. No one is finding this easy. We have major investments—for example, Samsung Heavy Industries is coming to the area—but there is a disconnect between what is happening at national level, what we are doing at the economic development level and what is going on in the planning system, and we have a problem with drawing people into these conversations. I am not sure how I would advise members to pick that up locally.

The other reason for doing the route map was that I could see only further challenges coming up with onshore wind for my 78 elected members through the various committee structures that we operate. Partly because of the feed-in tariff scheme, we received 399 renewable energy-related planning applications last year. There were 313 microgeneration planning applications which, we suspect, were FIT-led in their submissions and were predominantly wind turbine applications. My worry is that the councillors and the council will be deflected from the broader approach to renewables, which will come through different onshore and offshore emerging technologies. None of that is coming into the debate. We need to pick up on that.

In Fife, biomass is our major generator of renewable energy as a result of major company investments. Those investments are private sector led. Ultimately, that will be the only way by which the economy will go forward and marry in with renewable energy as we change businesses and so on. Target 4 for 2020, which is to do with heating, transport and things like that, is much more difficult. We are struggling there, too. There are things to pick up.

11:45

**Stuart McMillan:** Good morning, panel.

The submission from Heads of Planning Scotland suggests having regionally based teams. I am going back into that dangerous area, as my colleague John Wilson did earlier, and the revision of fees. I asked the previous panel to clarify what

exactly is meant by the suggestion. Initially, I thought that it would mean having three layers of planning bureaucracy, but Chris Norman clarified matters and said that he does not envisage that. Basically, he envisages a group of specialists who can take away some of the workload from individual local authority planning bodies. The proposal could then go forward to the individual local authority for it to agree or reject. Would that approach be worth while in the framework in which you currently operate?

**Councillor Riddell-Carre:** It could be very valuable, but it would need to be funded. In meetings between developers and planners, they frequently say, "Put up the fees. We could easily manage it." It is ridiculous that the highest fee in Scotland is £15,000 and the highest in England is £250,000. We could buy a lot of expertise and free up many planning officers with that. We have a great deal of expertise in the Borders but, as another witness said—I think that it was Mr Winter—a planner will deal with a wind farm one minute, and the chippie next door the next. Those things are just as important in their own ways. It would be great if we could have dedicated wind farm planning people, but we have to be able to afford them and they have to be funded.

**Stuart McMillan:** This idea does not necessarily need to be purely about wind farms; it is about the whole sector.

**Councillor Riddell-Carre:** Absolutely. I accept that.

**Councillor Grant:** The workload would need to be considered. There is a massive workload. A very large team would be required if the concept was pursued, and I hope that that team would be nationally sponsored.

**Keith Winter:** From an officer point of view, the approach needs to be asked about and tested, and the purpose must be clear. It cannot just be about resource to process against performance, as in other debates that Heads of Planning Scotland is currently involved in with the cabinet secretary and the minister. There must be a relationship to pick up on some of the points that were made in the earlier panel discussions.

The classic dilemma is between the speed of decision making for the primary party, who is the applicant who is pursuing investment against goals, and participation. We have not quite resolved how to strike a balance, which is hard to do. Teams could do that, but teams are resourced behind the scenes. Whoever is in which team producing which bit of work would not be the bit that the public see. The issue is the front-end, front-of-house gain that results and the clarity and benefit for the different stakeholders, particularly in linking the national and the local.

At the moment, 32 discrete, autonomous planning bodies—there are 34, if we include the two national park authorities—are empowered to make decisions. My authority has seven area committees, as that is the best way for it to engage with its communities. That is right and proper, but it throws up issues. Instead of my members having discussions with other authorities, they have to deal with issues that come up across the area committee boundaries. There is nothing wrong with that: we are talking about consequences from choices. However, there must be more clarity, and if there is a major energy policy, it needs to be more directive.

Those are my views; I would not necessarily recommend them to members. It depends on the model that is articulated and what the risks might be to local participation, democracy and engagement. However, something has to change on the spectrum to achieve some of the debates that we are looking at.

**Stuart McMillan:** My second question is about fees. Are the panel members aware of any representations that the councils that they represent or for which they work have made to the Scottish Government to ask for fees to be revised? If so, I ask the witnesses to send the information and any responses to the committee.

**Councillor Riddell-Carre:** At the most recent planning conveners meeting, which took place last September in Dumfries, the then local government minister was present. At every such meeting that I have attended in the past five years, we have said, “Please put up the fees,” but they have not gone up.

I feel strongly about the issue. People care passionately about planning when something is to happen next door to them but, in local authorities’ tightly controlled budgets, which proposal will lose more votes—closing a local school or sacking half a dozen planning officers? Guess what—the school wins that question every time.

We can levy the fee on developers—they are willing to pay it. I will give a small example of the bagatelle that they seem to regard the fee as. We had a wind farm developer that paid its fee of £15,000. Some local objectors were fussed about the black grouse, and the developer said, “Oh, splendid. Here’s £90,000—run along and do a study on black grouse.” That is fine, but we could have bought a couple of planning officers for a year for that.

**Keith Winter:** To pick up Mr McMillan’s point, I will take up the question with Alistair MacDonald. I know that Heads of Planning Scotland made a submission on fees. We also had a meeting about that recently with the relevant cabinet secretary and minister. Fees are tied in with the planning

assessment framework, which is only fair and proper. In return for fees, the broader industry and stakeholders must see what the performance and the targets will be.

A clever thing is that, for communities and councillors—it applies to councillors in my authority—what matters is not just the speed at which an application is dealt with. Despite what the previous panel said, the most important thing to developers and investors is not speed but certainty. If we say that we will deal with an opencast application in seven months, we should deliver it in seven months. If we say that that will take four months, it should take four months. If it will take a year, because studies must be done, it should be delivered in a year. We should have more of that. Such an approach is built into the framework. That evidence could be beneficial to the committee’s inquiry.

**Stuart McMillan:** It is beneficial and helpful that the committee has heard a Conservative councillor talk about increasing fees for the private sector. We have not heard much about that in the Parliament.

**The Convener:** We are full of surprises.

**Mike MacKenzie:** I will start with a wee point of information. There appears to be a lack of awareness that the Scottish Government has recently consulted on the business of fees, but I am sure that you have all made submissions on that. I believe that an announcement will be made fairly soon about introducing a new fees system. I am sure that that will go some way towards dealing with the problem. The understanding is widespread that fees do not always reflect the amount of work that is involved. I think that some good news is to come.

I commend Mr Winter on the quality of his renewable energy route map. I will encourage the chief executives of councils in the Highlands and Islands region to headhunt you, because that is the best-quality document that I have seen. It provides the most rational analysis at council level of the progress towards renewables targets and of capacity and it takes a broad look at the issue rationally and quantitatively. The document is most useful. I hope that you will at least spread it among your peer group in other councils and suggest that they follow suit.

We touched on demand reduction and renewable heat with the previous panel. How concerned are you about big biomass facilities and even combined heat and power plants competing for biomass and contributing to uncertainty about the supply for the smaller heat-only schemes that might be a pretty good proposition?

**Keith Winter:** Thank you for the compliment. However, the officer who wrote the report—Allan

Conry—is in the audience, so much of the credit should go to others in the team. I get to front it but, if there are any hard questions, I will pass them on.

Using biomass for heat is a big issue. We did a major study in 2009. At the time, there was a lot of media coverage about the displacement from food crops to biofuel crops.

We were in discussions with Tullis Russell about its proposed, major plant to facilitate the project's compliance with European legislation and assist with the competitiveness of the business in the global paper manufacturing industry. When we saw the size of land take that would be necessary for the tonnage that Tullis Russell would need in a year—34,000 acres of planting—it started to throw the matter into perspective.

We were aware of other approaches from Diageo, Quaker Oats and, for the biomass plant at Rosyth—a major facility—Forth Energy and we did a study, which proved that we have to consider international sourcing, preferably from sustainable sources. If all those consents had been implemented, we would not be able to supply the biomass locally. We have addressed that to an extent and, when applications have been made, council members have had to make choices about what is a sustainable biomass facility.

To understand a bit more about the displacement competition with the smaller, heat-only schemes, we put a biomass plant into one of our business centres in 2009 so that we could examine what was involved, find out what we needed to think about—physical configurations and what kind of supply contracts could be obtained—and provide a working example for others to come and look at. That has happened and others have picked up on that example.

The other point about heat-only schemes is what we do with the heat. If we are having a heat-only scheme, how do we use the heat? There is no point in generating heat if it has no place to go, so we are doing a joint project with Perth and Kinross Council—to pick up on Mr Brodie's comments about joint working—to map out future heat supply and demand across the Fife and Perth and Kinross areas.

That is a geographically consistent region. It is rural with some large towns and there would be a lot of displacement. We are considering how we would manage supply and demand, what the consequences would be, how we would provide local supply and what shifts we could engineer working with local landowners and farmers.

We have had a number of concerns for a number of years, but I am not sure that we have rationalised things to the point at which we can see how to resolve our concerns. We have still not

hit the cusp, but we will hit it as a particular problem.

**Councillor Grant:** I was up at a distillery in the north recently and was terribly disappointed to discover that it will send off some of its draff to an incineration plant to generate energy instead of using it as an animal feed, which it has done in the past. It is an extremely useful source of energy for livestock. The contradiction in that is a little worrying.

I will briefly touch on energy storage. I am very much aware that a wind farm was paid £10 million to be turned off when there was no demand for its electricity. It was paid that staggering amount of money because we do not have the ability to store energy. We need to think more about how to store some of the energy from wind farms during the periods of strong wind to keep the supply going when there is no wind. Methods of doing that are available, but it is part of the big picture that we need to consider nationally.

**Mike MacKenzie:** I am grateful for those answers.

Councillor Riddell-Carre used an unfortunate but emotive phrase about my colleague perhaps being flayed alive. We are all aware that there are tensions in communities surrounding wind farm applications. Do the witnesses worry that they might themselves be flayed alive if their local planning committees were to make an unpopular decision?

**Councillor Riddell-Carre:** We do it the whole time.

**Mike MacKenzie:** Do you feel a bit intimidated, then?

**Councillor Riddell-Carre:** No.

**Mike MacKenzie:** You must be a bit like me: my skin is impervious to flaying.

Do you ever ask your constituents whether they would like a huge, new nuclear power plant in Scottish Borders or Dumfries and Galloway?

**Councillor Riddell-Carre:** No.

**Mike MacKenzie:** Is there an appetite for that sort of thing?

**Councillor Riddell-Carre:** I have not asked them.

12:00

**Councillor Grant:** There is an enormous appetite in our area. There was a nuclear generating plant at Chapelcross that is being decommissioned and it supported a huge amount of employment in the area around Annan. Another

modern nuclear plant would be welcomed with open arms.

**Mike MacKenzie:** That is very interesting. To return to microrenewables, you are probably aware of some of the permitted development rights that have emerged recently in the planning system for some renewable or at least energy-efficient devices, such as air source heat pumps. Has that been helpful in promoting the uptake of those devices or has it had the opposite effect?

**Keith Winter:** It is too soon to say, from an officer's point of view. The councillors might have a different view. We will not see many examples of the permitted developments because they will go on without our involvement, but we will do some work.

As for some of the issues with the distances between properties, turbines and so on, in many urban areas or small villages the distances involved will prevent such developments. It is a question of whether we trust the technologies to co-exist at such distances when we take into account noise, flicker and so on. If we are to go down that energy policy route, we must ask how society can push individuals to be more accepting. As we heard from the previous panel, acceptance of the new technologies in their variety of forms is definitely not universal. There are some harder choices to come.

Another issue is product development. Some of the products that were advanced in the early stages have yet to be proven. We will see stronger products coming through as the technologies prove themselves and become more accepted and more reliable.

There is confusion for individuals about the cost basis on which the technologies can be picked up. How can people get advice on that from energy companies, when most of them cannot understand their energy bills? Are we confusing people by mentioning the return on investment and net present value? There are questions such as, "Why are we doing this? Why are we asking people to consider alternative sources? Is it on a basis of cost and payment?"

**Mike MacKenzie:** I have one final, very brief question. Was it helpful for the UK Government to announce a reduction in the feed-in tariff for solar panels? I know that that is being reconsidered, but do you think that the reduction in, or halving of, the feed-in tariff for solar photovoltaics has been helpful or otherwise for the uptake of that technology?

**The Convener:** Mr Winter, do you want to reply? I know that Councillor Riddell-Carre wants to come in on the earlier question.

**Keith Winter:** From an officer's point of view—I cannot give the councillors' point of view—it is about not so much the reductions or increases, but the suddenness in the timing and implementation of such things and the shocks that are sent to new and emerging technologies and company interests. We will have to consider that. The worst consequences for some of our local supply chain companies will come from the suddenness of such changes and the effect on cash flow, projected workload, employability and so on.

**Councillor Riddell-Carre:** It is tough on local companies suddenly to have the PV tariff halved, but PVs cost very much less to install than apparently they did five years ago. If the UK Government were being really brave, it would halve the subsidy to wind farms, because—I think that this is the point that Mr Wilson made earlier—the number of wind farm applications would drop dramatically. The thing about PVs is that they are in situ on the house where they will be used. I think that they are very valuable.

I would like to widen this debate a wee bit to what was said before about the acceptability of alternative energy domestically. As a committee, you need to consider—I know that Historic Scotland is doing so—new double glazing in conservation areas, for example. The quality is infinitely better than it was 20 years ago and we have an enormous amount of very attractive built stock, but if it is going to become uneconomic to live in because people cannot fit double glazing, cannot put PV cells on key frontages and so on, that is very worrying. We have that built stock in our very important small towns and we must consider the issue actively.

The thrust behind the alternative energy project is to try to reduce the use of fossil fuels, and one of the most effective ways of reducing one's use of any fuel is to have good insulation and well-fitting windows. Windows do not have to be double glazed, but they must be well fitting in order to stop draughts. I speak with great feeling on this point. We should also consider the acceptability of good, well-sited PVs. I understand that some of you will be more up to date on this than I am, but I gather that there is a type of PV that looks like slates, or it is being developed. That could be a godsend, although I do not know what it costs to put on. That has to be looked at. There is a lot of hope there, but we must be prepared to move with it.

**Mike MacKenzie:** Thank you for raising those points. I share your concerns about our older building stock.

**The Convener:** Councillor Grant has a point to make. I ask him to be brief, as we need to move on.



**Councillor Grant:** The price of oil is forcing everybody to look at alternatives. In our region, there is a keen uptake of all forms of renewable energy sources. I hope that we can make better use of some of the vast acreages of timber in our area rather than putting it into wood-burning renewable power stations.

**Mike MacKenzie:** Who knows—the chancellor might reduce fuel duty in the budget today.

**The Convener:** We will wait and see. In view of the time, we need to move on. I call Patrick Harvie.

**Patrick Harvie:** Good afternoon. I think that we are already missing the budget.

I would like to explore a few issues with Councillor Riddell-Carre, with whom I probably disagree about wind power but probably agree about rather more of the issues that have come up so far—particularly the right of councils to raise revenue fairly, including revenue from developers, their right to make local decisions on a local democratic basis and the need for demand reduction.

Correct me if I misinterpret you, Councillor Riddell-Carre. In your opening remarks you seemed to accept the need for the climate change targets to achieve the emissions reduction agenda that the Scottish Government and the whole Scottish Parliament have signed up to, but you said that wind should not be misread as all of the renewables agenda and that you would like other areas to be developed.

The Government has targets for renewable heat and decarbonised transport as well as a demand reduction agenda. If we did not develop wind to a great degree—to the degree that I might like—we would need to be much more aggressive in developing those other sources of electricity generation from renewables and the measures on heat, transport and so on to achieve the targets. We have already heard that genuinely sustainable biomass will always be limited in Scotland, as will the ability to use incineration of non-recyclable waste.

What has Scottish Borders Council done to be much more aggressive on the deployment of, for example, electric charging points, photovoltaics and solar thermal district heating systems? How many of those exist in your area?

**Councillor Riddell-Carre:** We have an application in for a district heating system. Remember that we cover a large geographical area. As I am sure many of you have, I visited the superb district heating system in Lerwick, where the rubbish is burned and 900 houses are heated for half the price that it would cost to heat them with oil. After all, they are halfway to the Arctic

circle, so they need a lot of heat. We are in the tropics down here.

You asked me a number of questions. I think—

**Patrick Harvie:** The central one was about how much Scottish Borders Council has done to demonstrate that it is much more ambitious in those other areas, given that you say that you prefer not to focus on wind.

**Councillor Riddell-Carre:** Yesterday, we agreed to spend more money on putting in electrical charging points but, unless the energy is greenly produced, it is no different from anything else.

**Patrick Harvie:** It is better than the direct combustion of fossil fuel in a car.

**Councillor Riddell-Carre:** Well, is it?

**Patrick Harvie:** Yes.

**Councillor Riddell-Carre:** I have driven one of the electric cars. They are terrifying because they are silent, although a credit card can always be put in the spokes to make a noise.

**The Convener:** Apparently, they can now play a noise that makes them sound like a motor car.

**Councillor Riddell-Carre:** Yes, I suppose so—or we could get a saxophonist walking in front.

**Patrick Harvie:** You have agreed some funding for installing charging points and you have one district heating system. Is that level of deployment of those other technologies commensurate with your desire for less wind power?

**Councillor Riddell-Carre:** We have an enormous number of people who have PV panels on their houses and many people are applying for those.

**Patrick Harvie:** Has the council pushed that? For example, has it required that in new developments?

**Councillor Riddell-Carre:** Yes. Before the building regulations changed, we had what we call the Sprouston condition, which was that alternative energy and energy efficiency measures shall be incorporated in any new development. We had that some years before the building regulations changed. We have tried to be on the front foot.

You say that we will differ on the question of wind power—

**Patrick Harvie:** Most likely, we will.

**Councillor Riddell-Carre:** I think that we will. The thing is that wind power is intermittent and the back-up, which is usually gas-fired power stations, emits more carbon than it would if it was puttering along without any wind.

**The Convener:** Can we try to avoid getting into a big debate about the merits and demerits of wind power? That will distract us.

**Patrick Harvie:** We will explore that issue with those who have specific experience of operating such facilities. I want to learn about what local councils can do, through the planning system or other powers, to achieve the renewables targets. That could be through wind or other technologies. If we prefer technologies other than wind, we will need to be much more aggressive on that.

**Councillor Riddell-Carre:** One useful measure would be to offer people a reduced council tax bill if, for example, their house had a wood-burning stove, but the power to do that is not devolved to councils. We heat the downstairs of my house almost exclusively with wood—we are far too mean to run the oil.

Patrick Harvie and I will really disagree about this, but I am not so much concerned about climate change. The climate has always changed. Once upon a time, there were tropical forests here and those—

**The Convener:** Can we not get into that debate, if possible?

**Councillor Riddell-Carre:** I would rather discuss fuel saving, because our economy and our electors depend on that. Fuel poverty is rising hugely, which is a vast concern.

**Patrick Harvie:** There is broad agreement on that.

**Councillor Grant:** I have a brief point. We work closely with Scottish Borders Council. We have good joint working through the south of Scotland alliance, which the member might be aware of. In Dumfries and Galloway, we are building schools with zero carbon footprint. The new school at Beattock is absolutely fantastic. It has huge amounts of timber and solar panels all over the south-facing roof. It is a joy to perceive. The council is working on a hydro scheme in Dumfries—an Archimedes screw to harness the water from the Nith. We also have travel plans and so on. We are working hard on those elements of saving energy.

**Patrick Harvie:** In their opening remarks, some of the witnesses talked about the potential impact of wind power on tourism. I am not aware of our having received any written evidence from tourism bodies expressing that fear. That point has not come up when tourism bodies have given evidence to the committee. If any of the witnesses can point us in the direction of robust data that demonstrates an impact on tourism, that would be helpful.

**Councillor Grant:** In our area, we have a number of small wind farms of 15 or 16 turbines

that are reasonably scattered around. I do not know whether the member has seen the Clyde wind farm and the approach to the south of Scotland recently, but it is fairly mind boggling. This morning, on the way up here on the train, I was chatting to someone who wondered whether they should keep going up to Scotland or turn round and go back if that was what it was going to be like. The impact is about to happen. The Clyde wind farm has gone up rapidly. Harestanes wind farm, which is adjacent to it, has another 70 turbines. A huge amount of big wind farms are in the pipeline, and that will be significant.

**Patrick Harvie:** But there is no data to show an impact as yet.

**Councillor Grant:** Not as yet. As I said, we have a reasonable number of turbines in our area at present, but the public are seeing that we are already at saturation point.

12:15

**Angus MacDonald:** As an aside, I concur with Councillor Grant's comments regarding draff being used for biomass plants. It seems absolutely crazy that perfectly good livestock feedstuff is going into biomass plants.

Councillor Grant said earlier that the NPF should provide "a clearer spatial strategy". Have any panel members had any input into the development of NPF 3? How do you feel that NPF 3 should differ from NPF 2 on spatial planning for energy infrastructure?

**Councillor Grant:** That has not crossed my horizon yet, I am afraid to say. I was very involved with NPF 2 and keen to contribute to it, but for whatever reason NPF 3 has not crossed my horizon. I would be very keen to contribute on all sorts of aspects when the opportunity arises.

**Keith Winter:** I am in a similar position, but I do not think that it is the time yet for participation. We are coming towards that and the replacement of NPF 2, so I would not have looked for much engagement yet.

Clearly, via various bodies people are making the point about increased spatial awareness. I think that Mr Norman on the earlier panel picked up on the various regional spatial bodies that exist and those that are coming forward as part of modernising planning.

As we saw from going from NPF 1 to NPF 2, the Government of the day has the chance to direct matters. It is for the Government of the day, through debate in Parliament, to determine how that should be done. As has been said, the question is how to get the better link or stronger thread between the national and local levels. Officers, elected members and different

stakeholders may or may not like what is put in place by any direction, but that goes with being part of a democratic society. The system must be more directive and remove some of the process in order to move new agendas through, and it must be directive about what the targets and goals are. The process should then fit what we are trying to achieve at a Scottish level.

**Angus MacDonald:** Convener, I believe that the national planning framework is updated every five years, so there is clearly an opportunity to feed into that.

**John Park:** I have a question about the economic development aspect, which is probably for Mr Winter. Councillor Grant mentioned the jobs element of a new nuclear plant. When a comprehensive plan such as the one in Fife is set out, which is focused on economic development opportunities, could that prejudice the council's decisions on planning and planning consent? Is a perception created in local communities on that basis? Would you argue that, because there are clearly defined economic development benefits, the people of Fife—who are part of the discussions and deliberations about what renewables will look like in the future—will see direct economic benefit through employment?

**Keith Winter:** The word “perception” has come up in a few of the questions, and I think that there will be different perceptions. One of the reasons for doing the route map and taking the report to committee is that a lot of the guidance that the council has comes—rightly—through the planning system. However, the council as planning authority is one of the many roles that a council has. Councillors and officers who are responsible for planning may interpret the guidelines in a particular way, but is that the same as each of the 32 local councils having a corporate policy for what they want to achieve on energy? We must be careful that we are not talking about two separate things.

A combined service for economic development and planning is becoming increasingly common among local authorities for different reasons. One element does not automatically lead the other, because planning still has the safeguards of a quasi-judicial process and different rules of governance and engagement, which are there to protect the wider governance and to weight the wider community interest. However, if I have a strong lead from the Fife economy partnership, which predominantly comprises private business and has debated economic strategy through consultation, that renewables are the number 1 priority and—interestingly, to pick up on a previous point—tourism is the number 2 priority, I will have to look at how we marry those up, and there will be continual challenges and debates.

I also have strong leadership from the council administration that being the leading green council is one of the top eight priorities, which include being the easiest place to do business. There is strong guidance that we have to articulate a narrative that assists the expression of that.

The achievement of that will then be tested, because although the council's economic development authority is pursuing something, the council's planning authority has slightly different rules of engagement, which the councillors are inducted to death about, so that they do not confuse the two roles when they make determinations in the planning committee not on policy but on development management applications.

An interesting point was put to me recently about how the system could work. I have responsibility for economic development, which promotes inward investment, so I have a team out there securing inward investment—Amazon is an example of that. The planning authority deals with implementation and feeds into the process. If a company does not perform, we now have environmental health, which can shut it down, so I can do the full cycle if need be.

It is about the different alignments and the different pieces of statute. One issue for the committee to consider in its inquiry is how the various pieces of legislation about noise, environmental health and so on tie up. It is not only about planning.

We are encouraged to have targets for the number of jobs created and so on, because in the absence of nationally set targets we have a duty to our councillors to agree with them targets that can be communicated to various stakeholders, which often have different views.

**Councillor Grant:** I have deliberately stayed off the planning applications committee. I am on the planning policy committee, which sets the strategy and so on. Planning has a close economic tie-up with development and regeneration. I do not feel hindered by the judicial element of the process; it is vital that the two work extremely closely together.

**John Park:** In terms of hearts and minds, are you trying to develop a policy that ensures that there is a wider understanding of the impact of such developments not only on meeting climate change targets but on the economy? When we talk about employment, job opportunities for young people and green jobs more widely—whatever they may be—does that make the people whom you represent much more engaged in the process and mean that they do not necessarily sympathise with but at least empathise with what developers are trying to achieve?

**Councillor Grant:** I think so. Given that our region covers a huge geographic area and has a number of strengths, including tourism, forestry, farming and energy, it is about getting the balance right. I am happy to have as much energy generation as we can, without impacting on tourism and so on, and to get a good blend—a mix of energy sources—is vital. I am concerned that we are too biased towards wind.

**Councillor Riddell-Carre:** What really drives economic development is cheaper energy. In the Borders, our woollen mills—we do not have so many of them now—were driven by water power, because it was cheap and it was there. We could look at that option much more than we do. A private developer has put in a small Archimedes screw on his land to produce water power and he is using it to power a number of houses on his farm. We should consider that option.

The problems come from SEPA and the Tweed commissioners, because they worry about water power. People can get round that problem—that developer has obviously got round it. Cheap energy will drive economic development. When umpteen people operate energy production, that makes it expensive. What makes economic development happen is cheap energy, which means that people can get on and make things.

**The Convener:** A SEPA representative, from whom we will hear shortly, is sitting behind you.

**Rhoda Grant:** I will ask about carbon targets and touch on some of the previous evidence. We talked about the need to import fuel for biomass generation. In considering biomass planning applications, do you think about carbon targets or do you think that wood would be better used as a carbon store than as a fuel?

**Councillor Grant:** That is a tricky question. It is not really a planning matter, is it? It is more a policy matter.

**Patrick Harvie:** That is the problem.

**Rhoda Grant:** So you do not allude to carbon targets when you are considering planning applications.

**Councillor Grant:** Not really, no.

**The Convener:** Mr Brodie is desperate to ask an extremely brief question.

**Chic Brodie:** I promise to be brief. I was not flayed alive when I spoke to the Communities Against Turbines Scotland conference—the delegates were kindness and courtesy itself.

As Councillor Riddell-Carre mentioned, in the current situation cheap energy is the way forward. We have heard about the depletion of uranium for nuclear power. The current estimate is that uranium will be fully depleted in 40 years' time and

that we will be an importer of energy—gas from Russia—if we do not do something now. We will not control who turns the lights off or on. In the context of cheap energy, do you accept that wind power must be an important element, whether it is onshore or offshore? What balanced mix of energy do you foresee for Scotland?

I have one final point to make, although I do not expect an answer. I recently attended the Dumfries and Galloway tourism conference and there was no mention at all of any negative impact of wind farms during the whole day. The same was true of the Ayrshire and Arran tourism partnership conference. We must watch that we do not exaggerate a problem that perhaps does not exist.

What are your views on the balanced mix of energy supply that we will have in the future?

**The Convener:** Please be brief if you can, Councillor Grant.

**Councillor Grant:** All sorts of new technologies that are coming along will solve our problems. I am sure that mankind will find ways to progress, whether through different types of nuclear generation or better methods of harnessing solar energy, which is a massive source of energy. I hope that we will develop better techniques for hydro generation, particularly in our very wet area, where we have had 84in of rain in the past year. I am sure that technology will solve the problem.

**Councillor Riddell-Carre:** It is terribly important that we conserve energy. The most important thing is to reduce energy waste. As I look around this room, how many lights have we got on? It is midday and we are in broad daylight—come on. We must conserve what we have and use our natural resources.

When we talk about carbon emissions, do we consider the consequences of digging up peat bogs and flattening forests to install wind turbines? We also need to think about that. I am not a nuclear technologist, but I think that nuclear power is probably the way forward. A lot of people in east Berwickshire work at Torness, which is an extremely important employer. Without doubt, we need to look at realistic and working forms of technology for energy.

**Keith Winter:** Page 29 of the Fife energy route map picks up on some emerging technologies and the mix that we envisage coming through. In committee yesterday, councillors again asked what we are doing about retrofitting the 97 per cent of the housing stock and built stock that requires it. There are challenges with the Historic Scotland standards and the different formats. That will play an equal part. A lot of it comes down to what our energy policy is and how we are going to fund and prioritise matters.

The mix will go through different phases as we go forward to, say, 2050. In committee yesterday, one of the councillors made the point that some of the renewables are like Marmite—people either like them or do not like them. What else is now on sale in the shop? Sometimes, things get taken out because they are too pricey; sometimes, they get taken out because there is no longer a stock of them. There is a degree of choice, which takes us back to the issue of the direction in which we want to go and the framework for that.

We must also recognise the diversity of opportunities and the challenges that exist for the different communities across Scotland. One of the big issues that we have not picked up on is how much the landscape character assessments are relied on. A big issue for me, as an officer, is how elected members and communities latch on to terms such as “area of great landscape value”. How do such concepts now fit in with some of the big decisions that we are having to make? People cannot be asked to look at themselves and self-govern; what is required is a directive on the weightings to be given through the systems that are applied.

The views that I am giving you are my own, as an officer, and not all of my 78 councillors will agree with me—maybe none of them will agree with me. However, I raise those issues for debate and not as a recommendation for decision making.

**The Convener:** Thank you. We very much appreciate your coming along to give evidence today. I hope that the question session was not too onerous. Thank you for your time.

12:30

*Meeting suspended.*

12:37

*On resuming—*

**The Convener:** We are joined by our third panel. I welcome Jim MacKay, the planning unit manager of SEPA, who was mentioned in dispatches earlier; Andrew Thin, the chair of SNH; and David Palmer, the head of marine planning and policy at Marine Scotland.

Would any of you like to say anything by way of introduction?

**Jim MacKay (Scottish Environment Protection Agency):** I have nothing to add to our written submission, except to say that SEPA is a keen supporter of planning modernisation. It is working hard on better regulation and is supportive of working with the industry to meet any challenges in relation to protecting the

environment while encouraging the renewables industry.

**Andrew Thin (Scottish Natural Heritage):** To save time, I simply echo that.

**David Palmer (Marine Scotland):** Marine Scotland is a delivery directorate of the Scottish Government, focusing on marine issues. It is responsible for planning and a large chunk of the devolved licensing in the Scottish marine area.

**The Convener:** Members wish to pursue a number of areas of questioning. Rhoda Grant will start.

**Rhoda Grant:** Last week, SNH published guidance on “Assessing the Cumulative Impact of Onshore Wind Energy Developments”. What the guidance says about the effects of such developments on bird life and environmental issues is quite clear. However, what it says about the impacts around visual issues, multiple grid connections and so on was not clear. I am keen to learn more about what the guidance would do to change what happens currently.

**Andrew Thin:** I hope that the situation regarding the cumulative visual impact is fairly good now. I have not had that feedback from planning people. If we get that feedback from planning authorities, the consents unit or anyone else, we will develop the landscape section further. Section 3, on the cumulative landscape impact, is a big section.

Can you clarify your concern about multiple grid connections? Are you concerned about the landscape impact?

**Rhoda Grant:** Yes. I am concerned about the cumulative impact of having a number of renewables developments with separate grid connections.

**Andrew Thin:** That is a fair point. It is hinted at in section 3, but that focuses primarily on the impact of the machines, which is the biggest impact. It is implied that the good connections are part of what needs to be assessed. The methodology is there but, if it is not clear enough, it can be developed in the next iteration. All the guidance that we publish is updated regularly to take such feedback into account.

**Rhoda Grant:** A prominent issue in my mailbox is the concern of communities that are keen on renewables development but feel that their area has been overdeveloped. The feedback that I am getting from them is that the new guidance will not make a difference to that. It could be that they are coming at the issue from a different perspective from yours—there are obvious tensions there. Do you feel that the guidance will make a difference to communities that are supportive of some

development but not of what they see as overdevelopment?

**Andrew Thin:** The guidance will be of some help to communities that are attempting to understand what is coming, but it cannot take the place of a democratic process that properly assesses local opinion. It is not intended to do that, and we do not propose a mechanistic way of approaching these matters. We can provide an objective, evidence-based framework for decision making, but that does not replace public opinion, which is expressed through democratic channels. We would not attempt to do that.

**Rhoda Grant:** If SNH felt that there was a cumulative impact that was detrimental to an area, would you put in an objection or publish an opinion to that effect?

**Andrew Thin:** We might well do one or the other, or both.

**John Wilson:** My question is directed mainly at SEPA, but I am sure that the issues impact on the other two witnesses.

SEPA's written submission says:

"With regards to the issue of adequate resourcing of the planning system, a particular issue for SEPA is that we have no specific funding for our role as statutory consultee and yet our input to the planning process in both hydro schemes and windfarms is seen as crucial."

It goes on to say that it would be useful if SEPA could get some support—I assume that it means financial support—to allow it to carry out its duties.

Is the lack of adequate resources a hindrance to some of the projects or planning applications proceeding? I assume that the time that SEPA's staff can spend on responding to some of the applications is restricted even though SEPA is a statutory consultee. Does that lead to some applications being delayed because there is no report from SEPA, or is SEPA rubber-stamping some applications that have not been fully scrutinised?

**The Convener:** Before you answer that, Mr MacKay, I will add another issue to the question. I asked the representative of Heads of Planning Scotland about the following comment, which appeared in its written submission:

"The disengagement by the key agencies, and in particular SEPA, SNH and Historic Scotland, places more burdens on local authorities."

Can you address that point directly in your response to Mr Wilson's question? Is that a fair comment to make?

12:45

**Jim MacKay:** Thank you for the opportunity to comment on those points. When we embarked on

our planning modernisation review several years ago, we looked at our consultation process. At the time, we were involved in about 9,000 consultations a year nationally, but, when we looked closely at many of our responses, we found that we were not adding value to some types of consultation. To save everybody the burden of unnecessary consultation, we put in place measures to give standing advice on small-scale developments with limited environmental consequences. Doing that allowed us to focus on the bigger, more environmentally important consultations, of which there are between 4,000 and 5,000 a year. We have been able to divert resources into those more important consultations.

At the same time, we made an enormous commitment to engage as much as possible at the pre-application stage. In seeking changes or to get mitigation measures incorporated into a scheme, it is essential that we meet the developer early and get our message across; hence, we have diverted a lot of resources into pre-application engagement. Some authorities will undoubtedly feel that, as we have reduced our involvement from 9,000 to 5,000 consultations, we have pulled back somewhat; however, the insurance is that we have pulled back from those consultations in which we were not adding value through site-specific comment.

The organisation is very stretched at the moment in providing the level of service on renewables projects that is expected of us. The industry, third parties and planning authorities value our input, and we make enormous efforts to ensure that we respond adequately to issues that involve us in renewables because we see renewables as a particularly high priority. Nevertheless, there is considerable pressure on us. For instance, if, in the great scheme of things, there were to be some sort of pre-application charge, we would be very pleased to discuss options for that or some other measure for recouping the cost of our involvement in renewables schemes.

Although we are servicing our current level of engagement, doing so is putting us under considerable pressure and we would be grateful for any mechanism to assist with the funding of that.

**Andrew Thin:** There is no specific funding for our role as a statutory consultee, but that is because our funding tends not to be ring fenced in that way. We are funded as a statutory consultee.

Additional resources would be welcome, of course, and could be put to good use. There is not a shadow of doubt that the planning system is significantly stretched in respect of renewables and many other things, but the whole public sector is significantly stretched and we need to get used

to that. SNH is adapting to the situation quite effectively. I will not say that it would not be nice to have extra resource, but we can do the job with what we have.

The comment about disengagement is a false characterisation of what has happened. It misunderstands the point of the better regulation initiative and the more general planning reform that we have had since 2005-06. We are trying to move the public resource and effort in the planning system upstream, away from individual planning cases to a more strategic level, to make pre-planning scoping engagement really effective and well resourced and to make strategic plans and planning policies really good. If we get all those things right, individual planning applications should go through much faster, which is in the economic interests of the country.

**John Wilson:** Mr Palmer, do you have any comments to make?

**David Palmer:** We are in a slightly different position because we tend to make demands of statutory consultees. We tried to address the issue through the Marine (Scotland) Act 2010, which collapsed a number of licences into one licensing system. In effect, we reduced the number of consultations that we have with statutory consultees.

Andrew Thin is correct in saying that close working relationships between the statutory consultees and the regulator are key to ensuring that burdens are minimised and that problems in the licensing process are overcome before they become serious.

**John Wilson:** One of the groups that Mr MacKay did not mention as valuing SEPA's input to development proposals is the public. He mentioned developers, local authorities and third parties, but the public need to be reassured that any planning applications that proceed have the sanction of, or have been scrutinised by, SEPA and other agencies. There is a fear about the level of scrutiny that SEPA gives to planning applications. I have been involved in situations locally in which the public wanted SEPA to be involved, but SEPA said that it would leave matters to the local authority planning department or the local authority environmental services department. That was a bit galling when the organisation that was making the planning application was the local authority.

When a planning application involves an environmental impact, people want to be secure in the knowledge that SEPA has been involved in some way in the scrutiny of the application and has not just left that to the local planning department or the local environmental services

department, particularly when the local authority is directly involved in the application process.

I want to work out where the balance lies between SEPA's role as a statutory consultee and its role in scrutinising projects. We have heard concerns from community organisations about the environmental impact of the siting of wind turbines. Communities want answers on such matters. Can we give them a guarantee that, when it comes to applications for the siting of wind farms or other proposals for major renewables projects, SEPA will be fully engaged and involved in the process and will respond?

**Jim MacKay:** Yes, I can commit to our continuing to be fully engaged on any major renewables project.

When I referred to third parties, I was including the public. We get quite a few representations from the public, which we take very seriously. Some of the schemes that are going ahead are in extremely challenging environmental situations. We are talking about schemes in mountainous regions with deep peat and many water interests, where there is usually a lot of concern about the impact on the water environment, surplus peat issues and so on. One of the best ways of tackling that concern is to develop good guidance with the industry so that it can put in play best practice when it develops its schemes. To that end, we have worked with colleagues in SNH and the renewables industry to produce guidance on best practice in developing wind farms or hydro schemes in difficult and challenging locations. One of the best ways forward is to ensure that best practice is available and that everyone follows it.

**Chic Brodie:** I want to ask Marine Scotland about the offshore wind plan. Can you expand on your engagement with the Crown Estate and why you are using its marine resource system as opposed to any other system? How co-operative is the Crown Estate in accelerating the plan as was intended by the minister's group to accelerate plans?

**David Palmer:** Do you mean the short-life task force?

**Chic Brodie:** Yes.

**David Palmer:** We use the Crown Estate's marine resource system because it is the best model that is available at the moment. It has thousands of data layers—I do not know the number off the top of my head—which allows a very refined technical analysis to be undertaken, which then provides the detailed data to work up a search of areas for offshore wind. It is the best model around. There are various initiatives in Marine Scotland to build up our geographic information system capacity, which we hope will provide us with more in-house technical capacity

in the future. However, at the moment, the MaRS model is the best that is available.

The short-life task force is up and running and the minister has highlighted a number of recommendations that he wants us to act on, which involve streamlining licensing, data handling and data provision. Actions on all of those are in train and, as far as I am aware, the Crown Estate is fully signed up to delivering those recommendations. The recommendations are mainly for us but, where the Crown Estate can help, it is fully signed up to do so.

**Chic Brodie:** Okay, good. Mr Thin, in the recent past you have issued updated guidelines to local authorities. Have you received any feedback on whether they are being followed or on how they are being interpreted? Have you received any communication at all on the guidelines from local authorities?

**Andrew Thin:** The guidance is not aimed only at local authorities. The renewables companies and the developers are also big users of the guidance. If they produce well-designed proposals, everybody's life is made easier and resources are used more efficiently.

The feedback from local authorities has been pretty good so far. The guidance has been developed incrementally over about eight years, and it is added to and updated all the time in response to feedback from local authorities, among others. On the back of the guidance, we have also been running—and will try to continue to run—best-practice events for local authority planners. We get them together in Perth or wherever and run training events for them, which have been particularly well received. It is a lot easier for a busy planner to go on a day's training course than to plough through all that stuff.

The short answer is that the feedback has been positive, but we must keep the guidance up to date and we must keep revising it.

**Chic Brodie:** I was about to say that. I asked the question because, as you have probably heard before, planning applications for individual turbines or wind farms are no respecters of local authority boundaries. I wonder whether the interpretation of the guidance is consistent or whether there is scope for interim planning guidelines to be produced by individual local authorities, as has happened in the past.

**Andrew Thin:** The guidelines are designed to be relatively clear; therefore, the scope for different interpretations is limited. However, individual local authorities answer to different electorates—that is what localism is about—and different policies will be applied at a local level. That is rather different from their having different interpretations of the guidance.

**Chic Brodie:** Thank you.

**Patrick Harvie:** Any development will have a range of environmental impacts, and wind generation, whether onshore or offshore, will have a range of impacts. Those go from what we might call the hard environmental impacts, such as those on biodiversity, habitats, CO<sub>2</sub> emissions that are associated with construction or operation, or CO<sub>2</sub> that is displaced by operation, to impacts that involve more subjective judgments, such as aesthetic questions about what we like to look at. People in urban and rural settings have an equally important interest in an aesthetically pleasing environment.

What role does the aesthetic argument about what is nice to look at have in the wider sweep of environmental impact criteria that we use to assess proposals? Why does the aesthetic argument seem to be so much more prominent in relation to renewable energy than it is, for example, in relation to some of the frankly hideous buildings that we put up in this country?

13:00

**Andrew Thin:** Impacts can be positive and negative. It is important to put that clearly on the table. For example, we have evidence that wind farms can be positive for certain species. From some people's point of view, a well-designed wind farm can be positive in landscape and aesthetic terms. I make that point first, because it gets lost in the debate.

**Patrick Harvie:** You are quite right.

**Andrew Thin:** The aesthetic issue, or the landscape impact, which is the shorthand that we use, is going up the political agenda because it is becoming more prominent. More wind farms are being built, so it is not surprising that people's awareness of the issue is increasing and it is going up the political agenda. We do not need to look far to see why that is happening. There are real challenges. If we get it wrong and we consent badly designed wind farms or a scattering of turbines in inappropriate places, public concern will rise faster, which will make it much harder to reach the 100 per cent target, or whatever target we choose. That is a real policy concern.

On why the issue is more prominent in relation to wind farms than it is in relation to buildings, that is a question that only a politician can answer.

**Patrick Harvie:** You talk about the increasing prominence of the issue as a result of more wind developments. To give an example, there are a lot of roads in this country, yet if I put in an objection to a proposed road building scheme on the grounds that I do not like the look of it, I will be ignored. What is the status of the subjective



aesthetic argument in relation to planning developments in general and wind turbines specifically? Why does that argument seem to be more of an issue in the planning process—not just a perceived issue, but an actual one—in relation to wind than it is on other issues? For example, why is it less of an issue if I say that a road or building will not be pretty from my window?

**Andrew Thin:** I am not sure that you will get that answer when the A9 is dualled, but that is an aside.

We need to separate the political from the more objective evidence-based assessment. We can and do carry out robust and objective evidence-based landscape character assessment through which we show what will and will not significantly alter landscape character. We can do that whether the proposal is for a road, building or wind farm. The methodology has been developed for the past 20 years and is now pretty good. No scientific adviser to the Government can predict how public opinion will react to a change in landscape character. That is why it is important that decisions are made through democratic channels on the basis of objective science-based advice. However, it is advice.

**Angus MacDonald:** The SEPA submission to the inquiry states:

“there is a great deal of uncertainty around investment in heat infrastructure.”

It also states that, at a rough estimate, heat infrastructure will cost £1 million a mile. If funding is not forthcoming from either the Scottish Government or the Green Investment bank—incidentally, we all welcome the fact that that will be headquartered in Edinburgh—do you foresee any difficulties in moving forward with CHP plants in the future?

**Jim MacKay:** We certainly see enormous advantages from ensuring a future for such plants. There has been a remarkable lack of success thus far, so we need some mechanism to facilitate that in future. The performance has been so poor in the past that unless the nettle is grasped firmly, the overall contribution that can be made is doubtful. The benefits are enormous, however, especially with new settlements or in areas where major new infrastructure can accommodate such infrastructure. Earlier, we heard about an excellent example at Lerwick that proves that it can be done if the will is there.

**Angus MacDonald:** That response is slightly concerning, given that there are applications in for major biomass plants. My concern is that the applicants can dangle a carrot of district heating in their application, then once planning permission is granted they can conveniently announce that the district heating element, to coin a phrase, is too

costly and non-deliverable. In the meantime, you have a large biomass plant and no district heating. If there is no prospect or little prospect of funding for the district heating side of the application, there could clearly be a serious problem in the not-too-distant future.

**Jim MacKay:** I certainly think that anything that can be done to encourage mechanisms to facilitate such work should be done. It is not so much that we should not be considering it positively, as a question of how we facilitate following it through.

**Angus MacDonald:** That is the main point and there is clearly an issue there that must be considered.

**Mike MacKenzie:** I am interested in picking up this point about landscape character and I would be interested in the methodology by which you make an objective assessment of that. Travelling widely around the Highlands and Islands region, as I do, I cannot find much in the way of land that has not been subject to the effect of mankind over the past 10,000 years or so. This phrase about wild land and so on is, to a certain extent, a myth and I would be pleased if you could tell me where such land is. I want to hear more about how you do this landscape character assessment. If we are to stop the evolutionary clock, what date will we be stopping it at?

**Andrew Thin:** I think we are talking at cross-purposes. First, let me be clear that Scotland is an entirely man-made landscape—

**Mike MacKenzie:** Sorry, could you repeat that?

**Andrew Thin:** Scotland is entirely a man-made landscape, or a people-made landscape, to be clear.

**Mike MacKenzie:** I just want to ensure that that is on the record, because that is a refreshing degree of honesty.

**Andrew Thin:** We use the term “wild land” but that should not be confused with either “wilderness” or “natural”, except in so far as one might say that it being man-made does not make it not natural, if we are part of nature. The term “wild land” needs to be defined and it certainly is not defined by us as lacking the hand of man or anything like that. There are useful definitions. People like to go to places where there is little visible light at night, for example, or little visual intrusion from traffic. There are various definitions of wild land, and I still think that they are quite useful. I cannot in two minutes, 20 minutes or even two hours give you an exposé of landscape character assessment, but I will arrange for one of our people to come and see you.

**Mike MacKenzie:** I would love that. It would also be helpful if you could write to the committee

on the subject. We all agree that our landscape has value, but I am interested in the subjective decision-making process that is involved. A clearer understanding of how we define and assess landscape character and how and why we preserve landscape would contribute greatly to the debate.

**Andrew Thin:** I will get something written for the committee on that. To be clear, landscape character assessment tells you what the character is at the moment and how it will change if you do X—if you build a wind farm or whatever. It does not make a subjective judgment about which landscapes the Scottish people consider good, bad, valuable or not valuable. That is a political decision, as I intimated earlier.

**Mike MacKenzie:** Thank you. I am sure that we will all be much better informed when we have read that information.

**The Convener:** I thought that my question would be the final one, but Mr McMillan has just caught my eye. I will ask my question first, as I got in first.

The submission from Scottish Natural Heritage makes a number of comments on some of the issues that we have just touched on. It states:

“The cumulative effect of onshore windfarms is a growing concern”

and it mentions the need for

“good spatial planning and sensitive location and design”.

You mention something on planning consent that we touched on with the two previous panels, namely the need for a broad national spatial framework that would help to direct developments—we have talked mostly about onshore wind developments—towards particular sites and provide more certainty in the planning process for developers, communities and objectors about the likely success of applications.

Given those statements in your submission, have you pursued that issue with the Scottish Government? If so, what response did you get?

**Andrew Thin:** We need to be clear about what we mean by a national locational framework, a national spatial framework or whatever. Since 2002, we have published a national framework of sorts, but in essence it is a constraints map rather than a map of where Government wishes to put wind farms. There is merit in developing that further, because the constraints map needs to be overlaid with areas where there might not have been constraints but there are already many wind farms, so there are cumulative effects. The Scottish Government has been supportive of that. A perfectly sensible dialogue goes on between

SNH and the Government all the time and I do not see a big problem there.

Although I understand why, superficially, local authorities would like a much more prescriptive national map, I am not sure that it would be easy to produce one at a national level, and there is also a question about where local democracy would come into that. We need to develop the existing national map, which is not too bad, but the most important point is that every local authority needs to have clear locational guidance that reflects local political priorities and local democracy.

I add a word of caution. Even if we do those things, we need to recognise that people are involved in a risk-based investment. If they invest £1 million in making a planning application and it is successful, they can sell on the consent for many times that sum. Whatever guidance is issued, it is inevitable that developers will still seek to lodge planning applications all over the place. If two or three out of every five applications they submit receive consent, they will still be making a profit and a decent return on investment.

13:15

**The Convener:** The point about local democratic accountability is entirely fair. I wonder whether, instead of working from the centre outwards, we could approach the matter by asking local authorities to develop their own plans and build them into a national map. Is the Scottish Government doing any work on that?

**Andrew Thin:** On building out from a local base?

**The Convener:** Or on the top-down approach that you mentioned. Is any new planning guidance based on that approach being developed?

**Andrew Thin:** There is no new initiative in that respect but for some years now we and the Scottish Government have been having an on-going dialogue on locational guidance at a national level; indeed, I believe that that guidance is still available on our website. As with all our guidance, it will be updated in consultation with the Government. The Scottish Government has, to a significant extent, relied on us to lead on this matter, and such an approach is probably right.

**Stuart McMillan:** This question might not be fully legitimate, but nonetheless I will ask it and see how we go.

I dare say that in the past people opposed applications to erect pylons because they felt that they would take away from the character of the landscape. I am not talking about the recent application for the Beaulieu to Denny line, but do

you have any information about more historical applications that go further back than that?

**Jim MacKay:** Fortunately for us—one might say—SEPA does not deal with landscape issues.

**The Convener:** Back to you, then, Mr Thin. *[Laughter.]*

**Andrew Thin:** That is a political question and it is quite difficult to answer from the basis of evidence. I am sure that this is more obvious to elected members than it is to me, but many people are inherently conservative with a small c and tend not to like change. However, once changes are made, they adapt to them relatively quickly. The purpose of landscape character assessment is not to prevent landscape change but to illustrate what a change will look like in order to allow elected decision makers and their electorate to decide whether or not they want it. It performs a very different function.

**Stuart McMillan:** Thank you for that.

Although I cannot always get up there, I have family in the north-east whom I try to visit regularly. If you go down to the shoreline in the city of Aberdeen, you can see—if the haar has not come in—some oil rigs in the distance. Personally, I think that they add to the character of the area—and at least you can see where the money comes from. Apart from Patrick Harvie, of course, I have never heard anyone complain about the rigs; after all, they have helped to build economic generation capacity in Aberdeen and the north-east. I find it strange that we have these renewables opportunities and that some people simply see them as a massive blight on the landscape or indeed seascape.

**The Convener:** To be fair, I am not sure that that is a question, but if our witnesses want to answer it they are welcome to try.

**Andrew Thin:** SNH takes no view whatever on whether landscape change is good or bad in the sense that Mr McMillan might be implying. Our job is to tell you what will happen if you do something in order to allow you to decide whether it is the right thing to do. With regard to Aberdeen offshore, we can produce mock-ups, photomontages, the whole bit to show you what a change will look like but it is up to you, on behalf of the people, not us, to decide whether it is a good thing.

**Stuart McMillan:** Thank you.

**The Convener:** As there are no further questions, I will call a halt to the meeting. I thank our witnesses for coming along and answering our questions and apologise for overrunning somewhat.

*Meeting closed at 13:20.*



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