

45

ANNEX 2: SPATIAL FRAMEWORKS AND
SUPPLEMENTARY PLANNING GUIDANCE
FOR WIND FARMS

Planning Advice Note

PAN 45 – Annex 2

**Spatial Frameworks and
Supplementary Planning
Guidance for Wind Farms**

November 2008
© Crown copyright 2008
ISSN 0141-514X
ISBN 978 0 7559 7268 5

PLANNING SERIES:

- **Scottish Planning Policies (SPPs)** provide statements of Scottish Government policy on nationally important land use issues and other planning matters, supported where appropriate by a locational framework.
- **Circulars**, which also provide statements of Scottish Government policy, contain guidance on policy implementation through legislative or procedural change.
- **Planning Advice Notes (PANs)** provide advice on good practice and other relevant information.

Statements of Scottish Government policy contained in SPPs and Circulars may be material considerations to be taken into account in development plan preparation and development management.

Existing National Planning Policy Guidelines (NPPGs) have continued relevance to decision making, until such time as they are replaced by a SPP. The term SPP should be interpreted as including NPPGs.

Statements of Scottish Government location specific planning policy, for example the West Edinburgh Planning Framework, have the same status in decision making as SPPs.

The National Planning Framework sets out the strategy for Scotland's long-term spatial development. It has the same status as SPPs and provides a national context for development plans and planning decisions and the ongoing programmes of the Scottish Government, public agencies and local government.

Important Note: In the interests of brevity and conciseness, Scottish Planning Policies do NOT repeat policy across thematic boundaries. Each SPP takes as read the general policy in SPP October 2008 and highlights the other SPPs where links to other related policy will be found. The whole series of SPPs should be taken as an integral policy suite and read together.

CONTENTS

| | Paragraph |
|--|-----------|
| Introduction | 1 |
| Context for Preparing SPG | 6 |
| Community and Stakeholder Involvement | 13 |
| Strategic Environmental Assessment | 14 |
| The Principle | 15 |
| Aims of the SPG's Spatial Framework | 16 |
| The Process of Preparing a Spatial Framework | 17 |
| Stage 1 Areas Afforded Significant Protection | 18 |
| Stage 2 Other Constraints and Policy Criteria | 37 |
| Stage 3 Refining Areas with No Significant Constraints | 54 |
| Stage 4 Identifying Broad Areas of Search | 61 |
| SPP6 and SPG – Key Items Checklist | 64 |
| Other SPG considerations | |
| Landscape/Visual Assessments | 63 |
| Criteria Based Policies | 64 |
| Forestry | 66 |
| Applications of 20 MW and below | 67 |
| Single Turbines | 69 |
| In-shore Proposals | 71 |
| Conclusion | 72 |
| Appendix 1 Advice on the Use of Suspensive Conditions | |



INTRODUCTION

- 1 This Planning Advice Note (PAN) gives advice to planning authorities on supplementary planning guidance for wind farms, particularly on the process of preparing spatial frameworks for wind farms of over 20 megawatts capacity. Scottish Planning Policy (SPP) 6, Renewable Energy, expects planning authorities to make positive provision for renewable energy developments in an environmentally acceptable way. Planning authorities are strongly encouraged to have up-to-date policies for wind farm developments which reflect SPP6, in advance of preparing policies for other large-scale renewable technologies. This is important for guiding the preparation of wind farm applications and their determination, whether under the Electricity Act or the Planning Act. **In the meantime, authorities should continue to determine applications ahead of revised local policies being put in place.**

2. The SPP sets the national policy, context and approach but it is for planning authorities to apply the policy, taking account of local circumstances. The SPP explains that supplementary planning guidance (SPG) should be prepared to provide an interim basis for decision-making during the transition to the new framework for development planning under the 2006 Planning Act. This advice concerns SPG prepared under the arrangements in place prior to the amendments introduced by the Planning etc. (Scotland) Act 2006 but may also be relevant to SPG prepared under the provisions of the 2006 Act. The SPP is and will remain a material consideration.

3. The importance of a genuinely plan led system is emphasised in Scottish Planning Policy (see below). The SPG prepared under this PAN should be incorporated into development plans in due course as alterations are made and new plans prepared. See:

 Scottish Planning Policy: <http://www.scotland.gov.uk/Publications/2008/10/28115149/2>
 SPP6: <http://www.scotland.gov.uk/Publications/2007/03/22084213/0>

4. SPP6 is the definitive statement of national planning policy for renewable energy and nothing in this PAN should be interpreted as a change of policy. The PAN provides advice on key issues and considerations, and points to sources of further guidance, but this is a wide ranging and evolving subject so it should not be regarded as encompassing every matter relevant to planning for wind farms. The PAN does not provide advice on determining specific applications.

5. The combination of national policy in SPP6 and local authority policies including spatial frameworks, should provide a spatial strategy for guiding wind farm development in Scotland. This will define the areas of significant protection, broad areas of search where proposals are likely to be supported and other areas where constraints will have to be addressed. The rationale for this strategic approach is to provide for wind farms to be accommodated where the technology can operate efficiently and environmental and cumulative impacts can be addressed satisfactorily.

CONTEXT FOR PREPARING SPG

6. Planning authorities already have development plan policies, and in many cases SPG, for wind farms. The extent to which these reflect SPP6 varies. A first step in preparing new SPG should therefore be to assess what exists already and determine the extent of any review. In some cases the preparation of SPG may involve no more than the selective update of the existing policy. However, a key change in the context is the Scottish Government target of meeting 50% of electricity demand from renewable resources by 2020.
7. Some planning authorities and national park authorities may find it beneficial to work collaboratively, particularly in preparatory work on the spatial framework element of the SPG. This is likely to be particularly appropriate where issues such as cumulative impact, designated areas and recreational value cross administrative boundaries. Authorities should therefore make contact with others where they can foresee benefits in joint working.
8. The SPG and its spatial framework will have to be sufficiently detailed to provide the basis for decision-making on specific proposals. In some areas there might be advantages in setting an overview followed by the spatial framework and policies, but it will generally be the latter which are important and resources should not be put into work on an overview unnecessarily, especially if it would delay the preparation of full SPG.
9. Advice on the technical background to wind power is provided in Planning Advice Note 45, Renewable Energy Technologies and remains relevant.
<http://www.scotland.gov.uk/Publications/2002/02/pan45/pan-45> This annex to the PAN focuses on SPG and particularly the process of preparing the spatial framework as set out in Annex A to SPP6.
10. SPP6 applies to wind farms with a capacity below 50 MW which are determined under planning legislation and to larger wind farms which are determined under the Electricity Act 1989 and the planning authority is a statutory consultee. The SPG will also be applicable to both. The Scottish Government announced in December 2007 a series of measures to streamline the decision-making process under Section 36 of the Electricity Act, including the intention of working towards a nine month target for such applications where there is no need for a Public Local Inquiry – see <http://www.scotland.gov.uk/News/Releases/2007/12/06144432>
11. Information regarding Electricity Act applications, guidance for developers and the legislation is provided on the Scottish Government Energy Consents website: <http://www.scotland.gov.uk/Topics/Business-Industry/Energy/Energy-Consents>
12. Scottish Natural Heritage (SNH) plays an important advisory role in planning for wind farms. Its Strategic Locational Guidance for Wind Farms can be seen at: <http://www.snh.org.uk/strategy/renewables/sr-WP.asp>

Further general sources of information can be found on the following websites;

Scottish Renewables – <http://www.scottishrenewables.com/>

British Wind Energy Association – <http://www.bwea.com/>

Supplementary Planning Guidance for Windfarms <http://www.spgadvice.co.uk/>

COMMUNITY AND STAKEHOLDER INVOLVEMENT

13. The public, developers, communities, interest groups and other stakeholders should be involved in the preparation of the SPG. This is not only good practice but will mean that the SPG carries more weight in the decision-making process. SPP6 puts considerable stress on public participation. Consultation on the draft SPG is a requirement of Strategic Environmental Assessment, but other means of engagement are likely to be of benefit. PAN 81 on Community Engagement provides further advice. It can be seen at:
<http://www.scotland.gov.uk/Publications/2007/03/09095010/0>

STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA)

14. SPG for wind farms may constitute a qualifying plan for SEA purposes under the Environmental Assessment (Scotland) Act 2005. Where this is the case, the screening procedures set out in the Act should be followed prior to determining whether significant strategic environmental effects are likely and SEA required. The extent to which the SPG sets a framework for development beyond existing development plan policies and SPG is likely to be relevant in determining whether such effects are likely. The Scoping Report, Environmental Report and Post Adoption Statement for SPP6 may be sources of information and can be seen at:

- Scoping Report :
<http://www.scotland.gov.uk/Publications/2006/02/14104926/0>
- Environmental Report :
<http://www.scotland.gov.uk/Publications/2006/08/14102833/0>

Post Adoption Statement :
<http://www.scotland.gov.uk/Publications/2007/05/30153339/0>

Consultation on the draft SPG and the Environmental Report will be an opportunity for all parties including developers and the public to assess whether the SPG reflects SPP6.



THE PRINCIPLE

15. The SPG should be based on the principle that:

“wind farms should be accommodated where the technology can operate efficiently and environmental and cumulative impacts can be addressed satisfactorily.”

(SPP6 Annex A paragraph 3)

It should indicate through a combination of a spatial framework and policies where and according to what criteria wind farms can be accommodated, while recognising that each proposal has to be considered on its merits as per SPP6.

AIMS OF THE SPG'S SPATIAL FRAMEWORK

16. In accord with SPP6 (Annex A paragraph 1) a spatial framework should set out:

- a. those broad areas of search where proposals are likely to be supported, subject to specific proposals satisfactorily addressing all other material considerations;

(see Figure 1, stage 4)

- b. those areas that can be afforded significant protection through spatial policies;

(see Figure 1, stage 1) and

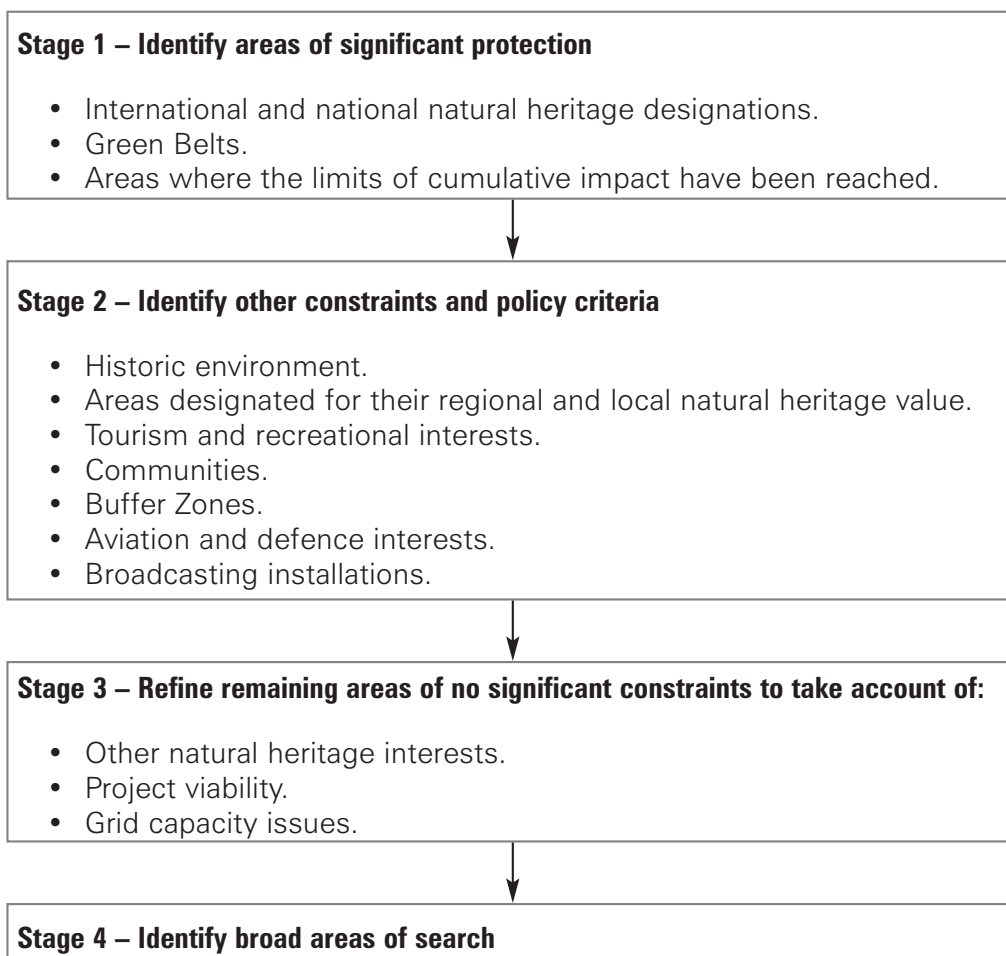
- c. the criteria to be followed in the remainder of the plan area, where the approach will be to consider applications on their merits, against clear criteria and mindful of the support given in this policy to the promotion of renewable energy developments.

(see Figure 1, stages 2 and 3)

THE PROCESS OF PREPARING A SPATIAL FRAMEWORK

17. This section applies SPP6 Annex A: Spatial Frameworks for Wind Farms Over 20 Megawatts, which was drafted in terms of development plans, to the preparation of SPG.

Figure 1. The Overall Approach to Preparing Spatial Frameworks



(Within each stage the issues are not necessarily arranged in order of importance)

STAGE 1. IDENTIFYING AREAS WHICH WILL BE AFFORDED SIGNIFICANT PROTECTION.

18. The circumstances in which spatial policies must be used to identify areas that will be afforded significant protection from wind farm developments over 20 MW are set out in SPP6 Annex A paragraph 3.

Areas designated for their national or international natural heritage value

19. Nationally and internationally designated areas cover a significant proportion of Scotland. SPP6 states that the integrity of these designations should not be compromised (paragraph 54) and that “policies should seek to facilitate the meeting of national targets away from these locations in recognition of the strength of protection afforded to them by law.” Maps of National, International and other areas designated for their natural heritage value can be found at: http://gateway.snh.gov.uk/portal/page?_pageid=93,866334,93_884286&_dad=portal&_schema=PORTAL
20. The international designations are:
 - **Special Protection Areas (SPAs)** – areas designated under the EC Birds Directive for the species listed in Annex 1 of the Directive or regularly occurring migratory bird species. SPAs safeguard the habitats of the species for which they are designated and protect the birds from significant disturbance.
 - **Special Areas of Conservation (SACs)** – areas designated under the EC Habitats Directive to conserve the habitat types and species identified in Annexes I and II respectively of the Directive.
 - **Ramsar Sites** – wetlands of international importance designated under the Ramsar Convention.

(For World Heritage Sites – see Historic Environment below)
21. Ramsar sites, SPAs and SACs are approved by Scottish Ministers and are normally also Sites of Special Scientific Interest (SSSI). It is Scottish Government policy to accord sites which qualify for designation only under the Ramsar Convention (and not as SPAs or SACs) the same level of protection as if they were SPAs.
22. Potential SPAs and possible SACs are sites on which Scottish Natural Heritage is either consulting or has completed consultation and submitted a case to the Scottish Ministers. It is Scottish Government policy to protect these sites as if they were designated. See NPPG 14, paragraph 39 (NPPG 14 is under review and reference should be made to SPP14 when it is published.)
23. For wind farm proposals which are likely to have a significant effect on a Natura 2000 site (SACs and SPAs) an assessment must be undertaken of the implications for the conservation interests for which the area is designated. This is known as an “Appropriate Assessment” and is separate to the requirements for an Environmental Impact Assessment and SEA. The requirements also apply to development plans and because the intention is to incorporate the SPG into a development plan at a later date it is advisable to undertake an AA of the SPG in relevant cases. Where applicable, the SPG should also include advice for determining when AA of an application may be required. Policies should take into

account the possibility that a proposed development can impact upon a natura site even though it lies outwith the boundary. It is important that the authority gives full weight to the implications of the Natura 2000 network, and relevant considerations such as combination effects, given the strict obligations on the planning authority and Scottish Ministers under the Habitats and Wild Birds Directives. SNH can provide guidance on the respective sites and species interests. It is a matter for the competent authority to advise on the legislative implications.

Further advice and the SE Model Policies for Natura 2000 Sites can be seen at www.scotland.gov.uk/Resource/Doc/90377/0021755.pdf

The SG Interim Guidance on Appropriate Assessment of Development Plans is at: <http://www.scotland.gov.uk/Publications/2006/06/02093425/0>

The Conservation (Natural Habitats, &c.) Regulations 2004 (as amended) – See <http://www.opsi.gov.uk/legislation/scotland/ssi2004/20040475.htm>

24. Further guidance can be found in the SE publication 'European Protected Species, Development Sites and the Planning System – Interim guidance for local authorities on licensing arrangements, October 2001. <http://www.scotland.gov.uk/Publications/2001/10/10122/File-1>
25. The national designations are:
 - **National Scenic Areas** – Areas which are nationally important for their scenic quality;
 - **Sites of Special Scientific Interest** – Areas notified by Scottish Natural Heritage under the nature Conservation (Scotland) Act 2004 which are of special interest because of their flora, fauna, geological or physiographical features;
 - **National Nature Reserves** – Areas of national importance for their nature conservation interests, where the natural heritage is positively managed;
 - **National Parks** – Areas designated with the aim of conserving and enhancing their natural and cultural heritage; and promoting the sustainable use of the natural resources, the understanding and enjoyment (including recreation) of the special qualities of the area by the public, and the sustainable economic and social development of the area's communities.
26. These areas are designated for a variety of different purposes. The policy criteria for assessing proposals therefore have to be concerned with the potential effects on the interests which the designation is intended to protect. This is expressed in NPPG 14 (paragraph 25) as follows:

“Development which would affect a designated area of national importance should only be permitted where:

- the objectives of designation and the overall integrity of the area will not be compromised; or
- any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social or economic benefits of national importance.”

(NPPG 14 is under review and reference should be made to SPP 14 when it is published)

For further policy and advice see:

- NPPG14, Natural Heritage :
<http://www.scotland.gov.uk/Publications/1999/01/nppg14>
- PAN60, Planning for Natural Heritage:
<http://www.scotland.gov.uk/library/pan/pn60-00.asp>
- Landscape issues – see PAN 45 paragraphs 70 -82
- Birds and habitats issues – see PAN 45 paragraphs 83 – 88
- Appropriate Assessment of Development Plans interim guidance is at
<http://www.scotland.gov.uk/Publications/2006/06/02093425/0>
- Information on designated areas can be seen at:
http://gateway.snh.gov.uk/portal/page?_pageid=93.866334.93_884286&_dad=portal&_schema=PORTAL

Green Belts

27. Green belts are designated for the purpose of managing the growth of a town or city in the long term. They are not a designation to protect natural heritage or landscapes; there are other policies to carry out these functions, though their areas may overlap.
28. The key objectives of green belt policy are given in SPP 21 as:
 - To direct planned growth [of settlements] to the most appropriate locations and support regeneration;
 - To protect and enhance the character, landscape setting and identity of towns and cities; and
 - To protect and give access to open space within and around towns and cities, as part of the wider structure of green space.

SPP 21: Green Belts, quoted in SPP6, confirms there is a strong presumption against inappropriate development in green belts. SPP6 says: **“If a proposed use would not normally be consistent with green belt designation, it may still be considered appropriate in exceptional circumstances, either as a national priority or to meet an established need but only if no other suitable site is available.”** SPP21 can be seen at:
<http://www.scotland.gov.uk/Publications/2005/08/04154944/49451>

29. During the preparation of their SPG planning authorities with green belts will wish to consider the appropriateness of wind farm developments in identifying areas that will be afforded significant protection.

Cumulative impacts

30. SPP6 says: ***“Development plans should identify those areas where there are existing wind farm developments and set out, in relation to the scale and proximity of further development, the critical factors which are likely to present an eventual limit to development. Consideration may need to be given to whether, in some instances, such limits have already been reached and, if this is the case, planning authorities should use spatial policies to identify the extent of those areas which will be afforded significant protection from further development.”***
31. Two or more wind farms or the extension of a wind farm can have cumulative impacts. These will most frequently involve changes to the landscape (landscape impacts) and changes affecting views and visual amenity (visual impacts), but it may also affect natural heritage designations, protected species and aviation interests. Cumulative impacts on bird populations should be considered at the Natural Heritage Zone (NHZ) level.
32. Assessing cumulative landscape/visual impacts is not straightforward and is a specialist field (see reference to SNH guidance below). Cumulative effects may be perceived when more than one wind farm is visible from one viewpoint, when several are seen during a journey and when there is a gradual increase in the number or size of wind farms over time. It cannot however always be assumed that a cumulative impact will necessarily be negative. Strategic Environmental Assessments have to consider the negative and positive effects as well as cumulative effects. Assessment may show for example that a cluster of wind farms is preferable to a more widely distributed pattern. The map prepared by SNH of wind farms installed or approved, subject of an application and at scoping stage can be seen at <http://www.snh.org.uk/strategy/renewable/sr-rt01.asp>
33. It may be appropriate to provide significant protection to the areas between wind farms or clusters of wind farms when analysis shows that their visual separation should be maintained. The scale and pattern of the turbines plus the tracks, power lines and ancillary development will be relevant to the ‘critical factors’ such as:
- landscape and visual impacts;
 - the significance of the landscape and the views;
 - proximity and inter-visibility;
 - The sensitivity of visual receptors;
 - Other combined adverse effects on specific constraints.

34. Further sources of information and advice include the following:

- Planning Advice Note 45 – Renewable Energy Technologies. SEDD. 2002. <http://www.scotland.gov.uk/library/pan/pan45-00.asp>
- Cumulative Effect of Wind Farms. SNH Guidance. April 2005 www.snh.org.uk/pdfs/strategy/cumulativeeffectsonwindfarms.pdf
- Cumulative Effects of Wind Turbines; A Guide to Assessing the Cumulative Effects of Wind Energy Developments. ETSU for DTI. 2000.
- See also SPP6 paragraph 51.

Additional advice is contained in the section below on Landscape Assessment and further guidance on designing wind farms in the landscape is expected from SNH during 2008 which will include consideration of cumulative effects.

35. The detailed visual representation of a proposed wind farm, often as part of an EIA environmental statement is an important aid to decision-making for specific applications, though this level of work is unlikely to be relevant at the SPG stage. A Good Practice Guide has been issued by SNH and can be seen at: <http://www.snh.org.uk/pubs/detail.asp?id=846>
36. Cumulative impacts may arise in relation to Natura 2000 sites. Article 6(3) of the Habitats Directive requires authorities to consider the impact of a development on a Natura 2000 interest “either individually or in combination with other plans or projects” (see paragraph 4.3.3 of European Commission guidance “Managing Natura 2000 sites” European Commission 2000. Further advice is available from SNH.

STAGE 2. IDENTIFYING OTHER CONSTRAINTS AND POLICY CRITERIA

37. Having identified the areas of significant protection, the second step is to identify and describe other potential constraints, mapping them where appropriate. In doing this authorities will need to take an approach based on the nature of the constraint so far as it would be significantly affected by wind farm development and fully justify the nature and extent of the constraint. The approach should recognise that **“The existence of constraints should not in themselves lead to blanket restrictions on development.”** (SPP6 Annex A paragraph 4). The SPG policies should therefore provide a clear understanding of the constraint and the factors that must be satisfactorily addressed to enable development to take place. One format for such policies which authorities may wish to consider might be:

The key characteristics of this constraint are [insert key characteristics] and therefore its spatial extent is [describe extent and/or provide link to the map]. To enable wind farm development to take place the following factors must be satisfactorily addressed...[insert factors].

38. For ease of reference, each of the following sections begins by quoting the relevant paragraph from SPP6 and goes on to suggest some issues, concerns and sources of information as appropriate, but it cannot be regarded as fully comprehensive. The SPP does not give an exhaustive list of these Stage 2 constraints but indicates that the circumstances in which this approach should be used include those set out below. If there are additional circumstances in which the stage 2 approach is appropriate the SPG should fully explain and justify them in the context of the principle quoted in paragraph 15 above.

Historic Environment

39. ***“Development plan policies should set out how development can be accommodated without damaging the character of the historic environment. Further guidance is given on the relative weight which attaches to the protection of different types and categories of site in NPPG 5: Archaeology and Planning and NPPG 18: Planning and the Historic Environment. PAN 42 Archaeology and the Scheduled Monument Procedures provides more detailed advice”. SPP6 Annex A.***
40. Scottish Historic Environment Policy 1, Scotland’s Historic Environment defines (page 9) what comprises the historic environment (see link below). Other documents in this Scottish Government policy series set out Scottish Ministers’ policies for specific national designations. These policies will also be relevant when considering the place of World Heritage Sites within SPG. World Heritage Sites are sites which have been inscribed by the United Nations Educational, Scientific and Cultural Organisation on the World Heritage List. Member states have a duty to protect, manage, conserve and present for present and future generations the particular outstanding universal values for which each site has been designated. These will encompass either one or a number of national designations and those will be significant in understanding and extending appropriate protection to the particular outstanding universal values of each site.

Key Issues and Considerations

- World Heritage Sites, the protection of the site and its setting to secure the preservation of the particular outstanding universal values for which they are designated (see also final bullet below).
- Listed buildings, especially where their landscape setting would be affected.
- Scheduled ancient monuments, where there are potentially direct impacts on the sites themselves and indirect effects on setting.
- Conservation areas, especially where the reason for their designation would be affected.
- Designed gardens and designed landscapes, especially where the proposal would affect important vistas.

- Give consideration to regional and local archaeological issues in accordance with NPPG 5.
- The key issues and concerns for Buffer Zones (see heading below) also extend as appropriate to historic environment designations if the protection of the setting is particularly important: and
- In the case of World Heritage Sites, UNESCO's Operational Guidelines for the Implementation of the World Heritage Convention requires (at paragraphs 103-107) the formal definition of buffer zones in some cases. Their purpose is to give an added layer of protection to the site's immediate setting, important views and other areas or attributes that are functionally important to support the site and its protection. For the purpose of SPG they should not be interpreted as "no go" areas for wind farm development. Rather, they indicate those areas where particular care should be taken to ensure development does not adversely affect the site. Large and prominently sited turbines may also affect the setting of a WHS beyond the boundaries of formally defined buffer zones.

Sources of Information

- NPPG 5 Archaeology
<http://www.scotland.gov.uk/Publications/1998/10/nppg5>
- NPPG 18- Historic environment.
<http://www.scotland.gov.uk/Publications/1999/04/nppg18>
- Scottish Historic Environment Policies
<http://www.historic-scotland.gov.uk/index/heritage/policy/sheps.htm>
- Memorandum of Guidance on Listed Buildings and Conservation Areas.
<http://www.historic-scotland.gov.uk/index/policyandguidance/memorandumofguidance.htm>
- World Heritage Sites
<http://www.historic-scotland.gov.uk/index/heritage/worldheritage.htm>

(NPPG5 and NPPG18 are under review)

Areas designated for their regional and local natural heritage value

41. Regional and local natural heritage designations cover a significant area of Scotland. ***"Planning authorities should identify areas designated for their regional and local natural heritage value in their development plans. NPPG 14 confirms that such areas are important although the level of protection afforded to them should not be as high as that given to internationally or nationally designated sites. Planning authorities should use appropriate criteria to ensure that proposals satisfactorily address any impacts on the particular interest that a regional or local designation is intended to protect. In some instances, such designated areas may represent those places most valued for their scenic character within a local authority area. This leads to a higher value being placed on them***

and, in such circumstances, a more cautious approach to development may be confirmed through criteria based policies. In doing so, planning authorities should ensure that policies do not unreasonably restrict the ability of the plan area to contribute to national targets.” SPP6 Annex A.

42. The regional and local designations highlighted in NPPG 14 Natural Heritage include Areas of Great Landscape Value, Local Nature Reserves, Local Wildlife Sites and Regionally Important Geological/Geomorphological Sites. For Regional Parks see under Tourism and Recreational Interests below. (NPPG 14 is under review)

Key Issues and Considerations

- Identifying the particular interest or interests for the designation.
- Setting appropriate criteria (see *Criteria Based Policies* below).
- For areas designated for their landscape value, consider whether the number of turbines, their height, their pattern in the landscape, their overall composition and relationship to key landscape features are important in setting policy.

Sources of Information

- NPPG 14 Natural Heritage.
- Development Plans for the area.
- Two SNH guidance notes on local designations can be seen at:
<http://www.snh.org.uk/publications/on-line/heritagemanagement/LNCS/default.asp>
<http://www.snh.org.uk/pdfs/publications/heritagemanagement/GuidanceonLocalLandscapeDesignations.pdf>

Tourism and recreational interests

43. ***“Tourism is an important element in the economic, social, environmental and cultural well-being of Scotland. The beauty of Scotland’s landscape attracts many visitors and sustainable tourism supports many small businesses and remote rural and island communities. Those areas which have been designated for their scenic importance are covered by other policies in this SPP. When considering development plan policies, views on whether there are other locations where there is likely to be particular sensitivities requiring carefully consideration should be sought from tourism and recreational bodies in the area and, if appropriate, broad criteria should be set out to ensure that wind farm developments are not incompatible with tourism and recreational interests.”*** SPP6 Annex A.

44. A recent research report *The Economic Impacts of Wind Farms on Scottish Tourism*, found overall that if the tourism and renewable industries work together to ensure that suitably sized wind farms are sensitively sited, whilst at the same time affording parts of Scotland protection from development, then the impacts on anticipated growth paths are expected to be so small that there is no reason to believe that Scottish Government targets for both sectors should be seen as incompatible. It also found that from a tourism standpoint, larger developments may be preferable to a number of smaller developments, particularly when they occur in the same general area. A link to the full research report is given below.
45. The research found that the negative impact of wind farms on tourism at national level is small. However it said that planning authorities may wish to consider a range of issues (see following paragraph) to ensure that any adverse local impacts on tourism are minimised.
46. Regional Parks designated under the Countryside (Scotland) Act 1981 provide important destinations for various types of recreation close to larger centres of population and may include landscapes considered to be of regional importance. They may also have regional or local natural heritage value. If they include areas designated for other purposes, for example an SSSI, then the policies relevant to that designation will also apply.

Key Issues and Considerations

- The location in relation to tourist routes, including designated cycling and walking routes.
- The relative scale of recreation and tourism in the area i.e. local and national
- Views from accommodation in the area.
- The potential positive tourism issues associated with the development.
- The views of tourist organisations i.e. local tourist businesses or VisitScotland.
- The visitor population whose recreational interests may be affected.
- Be aware of 'double counting' tourist and recreational interests which have already been taken into consideration because an area is otherwise designated.
- Consider likely significant effects within an environmental impact assessment.

Sources of Information

- The Economic Impacts of Windfarms on Scottish Tourism can be seen at <http://www.scotland.gov.uk/Resource/Doc/214910/0057316.pdf>

Communities

47. ***“Broad criteria should be used to set out the considerations that developers should address in relation to local communities. These should ensure that proposals are not permitted if they would have a significant long term detrimental impact on the amenity of people living nearby. When considering spatial policies, planning authorities may consider it helpful to introduce zones around communities as a means of guiding developments to broad areas of search where visual impacts are likely to be less of a constraint. PAN 45 confirms that development up to 2 km is likely to be a prominent feature in an open landscape. The Scottish Ministers would support this as a separation distance between turbines and the edge of cities, towns and villages so long as policies recognise that this approach is being adopted solely as a mechanism for steering proposals to broad areas of search and, within this distance, proposals will continue to be judged on a case-by-case basis.” SPP6 Annex A.***

Key Issues and Considerations

- Identify, as set out in SPP6, how the 2 kilometre separation distance between turbines and the edge of cities, towns and villages applies, recognising that applications will continue to be judged on a case by case basis within this distance; and
- their role in guiding applications to broad areas of search;
- Set policies to judge applications on their merits within the zones;
- Have regard to the likely visual impact on views looking from the community;
- Take into account noise issues according to PAN 45 and the recommended good practice in The Assessment and Rating of Noise from Wind Farms, ETSU for DTI 1996. This is kept under review and led to research on Aerodynamic Modulation of Wind Turbine Noise, see <http://www.berr.gov.uk/files/file40571.pdf>
- Have regard to Issues raised by members of the community, including positive and negative opinions; and bear in mind the relevance of the research findings (see below) regarding public attitudes to wind farms.

Sources of Information

- PAN 45 paragraphs 65 – 68 and Fig 7.
- Public Attitudes to Wind Farms, Scottish Executive Social Research 2003, Research Findings 12/2003. Summarised in PAN 45 Fig. 7. Full report at: <http://www.scotland.gov.uk/Publications/2003/08/18050/25619>
- See paragraph on Landscape/Visual Assessment below.

Buffer zones for Areas designated for their Landscape or Ecological Value

- 48. *“Planning authorities should not impose additional zones of protection around areas designated for their landscape or ecological value including sites of national and international importance. However, the potential impact of proposals on such areas may be a material consideration to be taken into account when determining planning applications. Where there are potential significant effects on a Natura 2000 site the competent authority will require to undertake an appropriate assessment under the Habitats Regulations.” SPP6 Annex A.***

Key Issues and Concerns

- Proposals outwith a designated area may nevertheless have an impact on that area which needs to be controlled.
- Address this issue through policy rather than by showing buffer zones on a map.
- Include policy in the SPG on when proposals outwith designated areas but potentially affecting them may be a material consideration, and
- The policy should address the interests that the designation is intended to protect.

Aviation and defence interests

- 49. *“Development plan policies should, following consultation with the relevant bodies, take account of the need to address impacts on airport operation, flight activity, aviation and defence radar and seismological recording and confirm that it is a matter for developers to address these impacts through discussion with the relevant bodies. Planning authorities should undertake consultation with the relevant bodies when considering applications to ensure that impacts have been satisfactorily addressed.” SPP6 Annex A.***
50. PAN 45 provides background advice on this topic but this is an evolving field. It is clear that large-scale wind farm proposals may have the potential to impact significantly on primary, secondary or weather radar stations and thus affect public safety. It is therefore vital that the SPG recognises the relevant aviation and radar issues and takes them into account. It should also direct developers to the relevant consultees such as National Air Traffic Service, Civil Aviation Authority, Ministry of Defence, British Airports Authority and other airport operators so that they can engage with them at an early stage in the design process, to establish the potential impacts and agree acceptable technical solutions. This is important for specific applications where actual or potential conflicts exist so that an acceptable solution can be identified wherever possible and that the relevant consultee agrees to that solution being implemented in the anticipated timescale.
51. Policies should ensure that applications are considered in the light of the most up-to-date information. Work to describe and map the nature of this constraint for the spatial framework should take account of the latest information from the

aviation authorities and operators, but it will not usually be possible to resolve the matter in the absence of a specific proposal. Experience shows that site-specific technological or other mitigation solutions may be possible in the context of an application when radars are potentially affected and these are to be encouraged where practically possible. Collaborative work by planning authorities may help to achieve a joint solution. It will nevertheless be important to put in place clear mechanisms to promote the resolution of issues at the earliest possible stage since this is unlikely to be achieved quickly.

52. The Scottish Government is participating in the UK government's Aviation Board with the aim of identifying and testing technological solutions to the potential difficulties wind farms pose to air traffic and defence radars. Further guidance on consultation with aviation and radar stakeholders is being prepared.

Key Issues and Considerations

- Aviation and radar constraints and possible mitigation measures.
- Policies should confirm that it is for applicants to undertake pre-application consultation with MoD, CAA/NATS and airport operators.
- As SPP6 says (see above) it is the role of the SPG/spatial framework to "take account of the need to address the issues" because it may not be possible to fully resolve matters in advance of a specific proposal coming forward.
- PA to consult NATS, CAA, MoD, and airport operators.
- The circumstances in which suspensive conditions may be appropriate (see advice at Appendix 1).

Sources of Information

- PAN 45 – paragraphs 51 – 61, including maps of Prestwick Airport and the MoD Low Flying System.
- Defence Estates letter to Heads of Planning dated 1 October 2007
- MoD Low Flying Areas are shown on the MoD website at <http://www.mod.uk/DefenceInternet/AboutDefence/WhatWeDo/AirSafetyandAviation/LowFlying/LFAs/>
- See also <http://www.mod.uk/DefenceInternet/AboutDefence/WhatWeDo/AirSafetyandAviation/LowFlying/>
- BWEA Aviation page at: <http://www.bwea.com/aviation/index.html>

Broadcasting installations

53. ***“Development plans should take into account the location of radio and television broadcasting installations within the area and include criteria to ensure that the protection or re-provision of transmission links is maintained. Where applicable, applicants should consult with network owners and Ofcom to ensure that no material impact will occur, or alternatively that a technical solution is available and will be provided as part of the scheme.” SPP6 Annex A.***
54. In most cases, it will be important to include in SPG a policy to the effect that where there may be an issue with broadcast interference it is for the applicant to show that they have consulted the network owners and that the latter are satisfied with the proposal. As with aviation and radar issues, it may not be possible to resolve matters in advance of a specific proposal coming forward.

Sources of Information

- PAN 45 – paragraph 61

STAGE 3 OUTWITH PROTECTED AND POTENTIALLY CONSTRAINED AREAS – REFINE REMAINING AREAS OF NO SIGNIFICANT CONSTRAINTS

55. ***“The above process should enable planning authorities to identify those areas where there are no significant constraints on wind farm development. This should be reflected in the criteria set out in development plans. There may be scope to consider whether these areas can be further refined to provide developers, communities and other interested parties with a stronger steer towards broad areas of search where development is favoured. The issues that should be considered include: SPP6 Annex A***

Other natural heritage interests

56. ***“There may be locations within the plan area that, although not formally designated, include habitats or landscape characteristics that are considered to be more sensitive to development than others. These areas should not be afforded the same protection as designated sites. However, in line with Article 10 of the Habitats Directive and the European Landscape Convention, it may be appropriate, particularly where significant development opportunities exist elsewhere in the area, to use the development plan process to steer development to other sites that are considered within the area to be more suitable for development.” SPP6***
57. Given that designated areas have already been addressed, constraints arising from these other natural heritage interests relevant to preparing the spatial framework are likely to be limited in scope. The SPG should set out broad areas of search in accord with SPP6.
58. Wind farm development on soils which hold large stocks of carbon, for example peat, can potentially lead to carbon losses. This is considered in SNH’s Technical

Guidance Note – Windfarms and Carbon Savings. Authorities may also wish to refer to Calculating Carbon Savings from Wind Farms on Scottish Peat Lands – A New Approach (see below). This does not justify avoiding peat soils on the grounds of potential carbon emissions but does emphasise the importance of good on-site management practices in reducing carbon losses.

59. It should be borne in mind in developing a spatial framework that before granting planning permission the planning authority (or Scottish Ministers in Electricity Act cases) has to be satisfied that the proposed development either will not impact adversely on any European protected species on the site or that, in its opinion, all three tests necessary for the eventual grant of a Regulation 44 licence (issued under The Conservation (Natural Habitats, &c.) Regulations 1994, as amended) are likely to be satisfied. To do otherwise would be to risk breaching the requirements of the Habitats Directive and Regulation 3(4) of the 1994 Regulations.

Key Issues and Considerations

- Landscape character and sensitivity.
- Law and policy on protected species.
- Other species and habitats of conservation concern (e.g. Biodiversity Action Plan species/habitats).
- Undesignated sites are likely to have more influence on the specific siting of turbines and related development than on the general location of the proposal.
- Measures to mitigate the carbon losses from peat soils including good management practices on site.
- Policy on peat and wind farms is at paragraph 50 of SPP6.
- Adverse impacts on protected species.

Sources of Information

- Peat – see Windfarms and Carbon Savings, Guidance, SNH, 2000.
<http://www.snh.org.uk/pdfs/polstat/caf.pdf>
- Research Report Calculating Carbon Savings from Wind Farms on Scottish Peat Lands – A New Approach.
<http://www.scotland.gov.uk/Publications/2008/06/25114657/0>
- Forestry – refer to Authorities’ Indicative Forestry Strategy
- The Nature Conservation Act (Scotland) 2004 –
http://www.england-legislation.hms.gov.uk/legislation/scotland/acts2004/asp_20040006_en_1_1

- The Wildlife & Countryside Act 1981, as amended (which covers wild birds and a variety of other species, including red squirrel and water vole), and The Protection of Badgers Act 1992, as amended.
- 'European Protected Species, Development Sites and the Planning System – Scottish Executive Interim guidance for local authorities on licensing arrangements, October 2000.
<http://www.scotland.gov.uk/Publications/2001/10/10122/File-1>

Project viability

- 60. *“Planning authorities should consider, in consultation with the wind farm industry, issues such as wind speed, site access, ground suitability and other key environmental factors which could impact on development. This should ensure that broad areas of search are capable of accommodating a viable wind farm project.” SPP6 Annex A***

Key Issues and Considerations

Consultation with the industry, including on:

- the wind resource;
- potential for access to the site and on-site accessibility;
- constraints imposed by the slope of the ground; and
- ground conditions and foundation requirements, including the implications of peat soils and the need for appropriate mitigation measures (see above).

Grid

- 61. *“Planning authorities may consider steering developments to areas where existing and approved grid capacity can be maximised and wind farm developments are likely to be able to be accommodated. This is intended to facilitate early achievement of the Executive’s 2020 target. However, policies should also recognise that upgrade of the grid is essential if Scotland is to realise fully its renewable energy ambitions. Grid constraints should not, therefore, be used to exclude the identification or safeguarding of appropriate broad areas of search where renewable energy potential exists and there is likely to be developer interest in bringing forward proposals. SPP6 Annex A***

Key Issues and Considerations

- Policies should recognise that grid improvements do take place.
- Grid constraints do not signify that an area cannot be a broad area of search.

Sources of Information

- Forum for Renewable Energy Development in Scotland: Scotland's Renewable Energy Potential: Realising the 2020 Target – Future Generation Group. September 2005 Report
<http://www.scotland.gov.uk/Publications/2005/09/09144010/40120#8>

STAGE 4 – IDENTIFYING BROAD AREAS OF SEARCH

Stages 1, 2 and 3 lead to the identification of broad areas of search. These should be mapped. SPP6 says ***that such areas should provide a steer to developers on acceptable locations.***

Key Issues and Considerations

- The identification of 'broad areas of search' should not imply that other areas may not be considered in the context of specific applications.
- Consider the implications of defining areas of search which are not broad.
- It may be necessary to reconsider the approach taken in stages 2 and 3 if the areas of search are not sufficiently broad.

SPP6 AND SPG – KEY ITEMS CHECKLIST

62. Conformity between SPG/development plans and SPP6 is a matter for planning authorities to consider in the first instance. The following list of items is not intended to be comprehensive but may be a helpful starting point for deciding whether existing policies reflect SPP6 or need revision, and in checking whether new SPG reflects the SPP:
- Accommodate wind farms where they can operate efficiently and the impacts can be addressed satisfactorily (see 'The Principle' above);
 - Include policies which reflect the different status of international, national and local natural heritage designations;
 - Where relevant, apply greenbelt policy;
 - Where relevant, identify areas where the limits of cumulative impact have been reached;
 - For other constraints, set out the factors which must be satisfactorily addressed to enable development to take place;
 - No 'buffer zones' around areas designated for their natural heritage importance;

- 2km separation distance for communities is not a blanket restriction on development;
- Identify areas where there are no significant constraints; and refine to
- Identify broad areas of search;
- No 'sequential test', overt or implied, which requires applications outwith broad areas of search to show that there is no capacity within the broad areas of search;
- Broad criteria to be considered for all proposals.

OTHER SPG CONSIDERATIONS

LANDSCAPE/VISUAL ASSESSMENTS

63. Impacts on landscapes and communities are recognised as criteria for assessing applications in paragraph 25 of SPP6. PAN 45 provides advice on landscape and visual impact issues. The assessments will have to be based on an assumed turbine size and may indicate how policy might need to respond to the interaction between size and impact. While visual and landscape assessments, including work on Landscape Character and Capacity Assessments, are not specifically identified in Annex A as a discrete stage in the process of preparing a spatial framework they will provide important information for the consideration of several issues and the development of policy for them, including:

- green belts;
- cumulative impacts;
- areas of regional and local natural heritage value;
- historic environment;
- tourism and recreational interests;
- communities; and
- other natural heritage interests.

Sources of Information

- PAN 45 paragraphs 71 – 83.
- Landscape Character Assessment – Guidance for England and Scotland, Countryside Commission and Scottish Natural Heritage
<http://www.snh.org.uk/wwwo/sharinggoodpractice/cci/cci/guidance/Main/Content.htm>

(This also references and has hyperlinks to Topic Papers on practice, methods and techniques)

- Strategic Locational Guidance for On-shore Wind farms. SNH. May 2005.
<http://www.snh.org.uk/strategy/pd02b.asp>
- PAN 45, paragraphs 70 – 77
- Visual Representation of Wind Farms – Good Practice Guidance. SNH. 2007.
<http://www.snh.org.uk/pubs/detail.asp?id=846>
- University of Newcastle (2002) Visual Assessment of Windfarms Best Practice. Scottish Natural Heritage Commissioned Report F01AA303A.
http://www.snh.org.uk/pdfs/publications/commissioned_reports/f01aa303a.pdf

CRITERIA-BASED POLICIES

64. Paragraph 25 of SPP6 says that in all instances applications should be assessed in relation to criteria-based policies. Generally, the broad criteria for assessing all proposals are likely to include those set out below and they should therefore be addressed in the SPG, either through the spatial framework or separately as appropriate. It is likely that the more fully they are addressed during the preparation of the spatial framework the easier it will be to assess specific applications.
- impacts on landscapes,
 - impacts on the historic environment,
 - ecology (including birds),
 - biodiversity and nature conservation;
 - the water environment,
 - communities,
 - aviation,
 - communications,
 - noise,
 - shadow flicker, and
 - cumulative impacts.
65. The SPG may also include a reminder of the other regulatory controls that will apply to proposals. For example, the requirement for a consent to be sought from SNH if an activity is covered by an “Operation requiring Consent” on a SSSI. For example the requirement to have the written approval of the planning authority (competent authority) if it is felt likely that a development will have a significant effect on a European site

FORESTRY

66. The Scottish Forestry Strategy (see below) has an indicative target of increasing woodland cover from 17% to 25% of the land area by the middle of the century in a way which fully integrates it with other land uses and contributes positively to other agendas such as energy policy. Woodland removal (see policy below) should achieve significant and clearly defined public benefits and one of the reasons it is most likely to be appropriate is when it would contribute significantly to climate change mitigation or adaptation. Forestry is not however a topic identified in Annex A of SPP6 as relevant to preparing spatial frameworks. Forestry Commission Scotland (FCS) serves as the forestry directorate of the Scottish Government, advising on and implementing forestry policy and managing the national forest estate. It has a statutory duty to promote sustainable forestry and can advise on deforestation issues associated with wind farm proposals.

The Scottish Forestry Strategy can be seen at:

[http://www.forestry.gov.uk/pdf/SFS2006fcfc101.pdf/\\$FILE/SFS2006fcfc101.pdf](http://www.forestry.gov.uk/pdf/SFS2006fcfc101.pdf/$FILE/SFS2006fcfc101.pdf)

The Scottish Forestry Implementation Plan 2008 – 2011 can be seen at

[http://www.forestry.gov.uk/pdf/impplan0811.pdf/\\$FILE/impplan0811.pdf](http://www.forestry.gov.uk/pdf/impplan0811.pdf/$FILE/impplan0811.pdf)

The Forestry Commission policy on woodland removal can be seen at:

[http://www.forestry.gov.uk/pdf/Policywoodlremovpdf.pdf/\\$FILE/Policywoodlremovpdf.pdf](http://www.forestry.gov.uk/pdf/Policywoodlremovpdf.pdf/$FILE/Policywoodlremovpdf.pdf)

Circular 9/1999 Indicative Forestry Strategies is under review and updated advice is to be prepared.

APPLICATIONS OF 20 MW AND BELOW

67. Annex A to SPP6 applies to preparing a spatial framework for wind farms over 20 MW. The SPP also says ***“the extent to which considerations set out in Annex A are relevant to proposals below 20 megawatts will be dependent on the scale of development proposed whilst recognising that the design and location of any development must reflect the scale and character of the landscape. This should be recognised in development plans...”***(paragraph 24)
68. Bearing in mind the scale of many proposals below 20 MW and taking into account the range of sizes which such proposals may have, it is likely that the considerations which are relevant will only be identifiable in the context of a specific case and not in the SPG. The areas that will be afforded significant protection are however likely to be a consideration. The SPG should also contain general policies for proposals below 20 MW so that the wind farm design, including the number and height of turbines, and location reflect the scale and character of the landscape. .

SINGLE TURBINES

69. Single turbines of a similar size to those on wind farms are likely to be of increasing interest to developers in urban and rural areas where the power can be used on-site or can be exported to the grid. One turbine is likely have a far smaller impact than a wind farm, other things being equal, but if several single turbines are constructed in the same area, cumulative impact may be an issue. The height of the hub and the length of the blades, the scale and character of the landscape and impacts on amenity are likely to be some of the important considerations. SPG may therefore seek to address the issues including:
- securing information from the applicant if an EIA is not required;
 - describing when a landscape study (see below) will be required;
 - possible cumulative impacts including those on the landscape;
 - encouraging co-ordination between applicants where cumulative impact is an issue;
 - maintaining public safety and appropriate distances from nearby development;
 - local amenity and
 - radar, aviation and broadcasting issues.
70. SNH has published new guidance for developments of up to 3 turbines where an EIA is not required. See:

Natural heritage assessment of small scale wind energy projects which do not require formal Environmental Impact Assessment (EIA) SNH 2008
<http://www.snh.org.uk/pdfs/strategy/Assofsmallscalewindenergyprojects.pdf>

IN-SHORE PROPOSALS

71. Planning authorities will be consulted by the Scottish Government Energy Consents Unit on Electricity Act applications which are located below low water mark, even though they are outwith planning control. In this context, under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000, authorities will be consulted as interested public bodies rather than as planning authorities. Authorities are therefore advised to include policies in their SPG which will provide the basis for comment, including on conditions, regarding in-shore S36 applications. The advice elsewhere in this PAN can be applied as appropriate. NPPG 13 Coastal Planning does not specifically address planning for renewable energy developments below the low water mark. The issues and considerations which may be relevant include:
- Managing effects on recreational interests, land, water and air based;

- visual impact from the shoreline and from further inland;
- visual impact when seen from off-shore against the backdrop of the land;
- impact on seascape and landscape;
- effects on nature conservation interests;
- effects on the marine and coastal historic environment
- method of attaching the turbine to the sea bed;
- existing uses of the sea bed, though it is for applicants to consult the Crown Estates Commissioners; and
- on-shore connections and related development.

Sources:

NPPG 13 Coastal Planning.

<http://www.scotland.gov.uk/Publications/1997/08/nppg13-coastal>

NPPG 14 – Natural Heritage.

<http://www.scotland.gov.uk/Publications/1999/01/nppg14>

Designated Wrecks and marine historic environment

<http://www.historic-scotland.gov.uk/index/heritage/wrecksites.htm>

“An Assessment of the Sensitivity and Capacity of the Scottish Seascape in Relation to Windfarms”, SNH Commissioned Report No: 103, 2005

CONCLUSION

72. Planning authorities need up-to-date policies and spatial frameworks to guide their consideration of applications for wind energy developments under the Electricity Act or planning legislation. Applicants need to know and recognise the policy context in which their applications will be considered. It is a legal requirement that determinations made under the Planning Acts have to be determined in accordance with the development plan unless material considerations indicate otherwise. SPP6 and supplementary planning guidance can be material considerations. It is for the decision-maker to determine the weight to be attached to each material consideration and whether individually or together they are sufficient to outweigh the provisions of the development plan. It is therefore very important that authorities have up-to-date SPG, including a spatial framework which reflects SPP6 and that this is subsequently incorporated into development plans at the earliest opportunity.

ENQUIRIES

Enquiries about the content of this Planning Advice Note should be addressed to:

Nick Evans
Directorate for the Built Environment
The Scottish Government
2H Victoria Quay
Edinburgh
EH6 6QQ
Telephone: 0131 244 7552
Email: nick.evans@scotland.gsi.gov.uk

APPENDIX 1

ADVICE ON THE USE OF SUSPENSIVE CONDITIONS

Text of a statement on the Energy Consents website dated 4 August 2008

We have been asked a number of times to clarify our position on whether we will use suspensive conditions to consent s36 applications while leaving the resolution of any outstanding aviation and radar issues to a later stage. As we wrote to Airtricity and NATS in respect of the Clyde Windfarm application in October last year, it is important that any such conditions which require subsequent approval by Scottish Ministers need to provide specification of the nature and extent of the mitigation measures required. It is also important that there is clarity about the identification of the type of solution or solutions to be developed and that there is agreement between the developer and the relevant operator that such a solution can be delivered in a reasonable timeframe. Where such specification and clarity can be made and agreed between the Developer and the relevant operator then we will consider the use of suspensive conditions in this way.

ISBN 978-0-7559-7268-5



9 780755 972685