

Consultation Title: Onshore Wind Policy Statement

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To:

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Scottish Land & Estates is a member organisation that uniquely represents the interests of both land managers and land-based businesses in rural Scotland. Scottish Land & Estates has members with interests in a great variety of land uses and welcomes the opportunity to respond to this consultation.

Scottish Land & Estates recognises the strategic importance of onshore wind to Scotland's energy mix as well as to the rural economy. Over the past decade, government incentives and improvements in technology have encouraged landowners to install renewable energy sources across Scotland and the loss of incentives such as the Feed-in-Tariffs (FIT) will present a significant challenge.

Many Scottish Land & Estates members already play an important role in unlocking wind energy potential in rural parts of Scotland and we hope that an appropriate balance of incentive and regulation can be struck to enable this to continue despite growing financial challenges.

Route to market

2.1 What is your view on the appropriate approach for the inclusion of wind farm efficiency as a material consideration in the Section 36 consents guidance?

Scottish Land & Estates is not opposed to this principle however we feel that it may be unnecessary at this stage. Onshore wind is now entering a world without subsidy and we believe that sites will become self-selecting in terms of efficiency. For example, if a site has poor wind resource and therefore poor energy output it will not be financially viable without some sort of subsidy support and it will therefore be very unlikely to progress.

If this proposal is accepted there must be strong guidance to enable a consistency of definition and consistency of delivery. For example, it is widely recognised that larger turbines with increased tip heights are more efficient, but this should not mean small-scale

turbines used for farm diversification are disadvantaged. Scottish Land & Estates would welcome the opportunity to contribute to any working group should this proposal be progressed.

2.2 In this chapter, the Scottish Government has identified three areas of activity where it can offer support to a route to market for onshore wind – do you agree with the issues identified?

Scottish Land & Estates welcomes the Statement's prioritisation of finding a route to market for onshore wind development, especially given that Scotland currently has over 7,000 MW of onshore wind either in planning or consented and awaiting construction.

There are various factors that influence the amount of electricity generated and many are out of management control, such as the topography and seasonal/local weather patterns. Installing the right turbine for the right site to take advantage of wind conditions as well as the approach to management can have a significant impact on electrical output. Setting targets and measuring performance of the turbines can highlight key areas for improvement. We also believe that the business performance of the turbine is of equal importance to its operating efficiency and opportunities to maximise economies of scale, such as extensions to existing projects, should be given appropriate consideration.

Scottish Land & Estates broadly agrees with Scottish Renewables' three themes for intervention, namely; Smarter Planning; Transforming the Grid; and Revenue Revolution. The proposal to explore the scope of increased Power Purchase Agreement (PPA) provision within the national collaborative contract is welcome. Scottish Land & Estates would like to see innovation that helps deliver opportunities for smaller projects to establish links with a neighbouring high-energy user capable of utilising the energy.

2.3 How can the Scottish Government, with the powers available to it, further facilitate a route to market for onshore wind?

Scottish Land & Estates considers that the unclear status of Wild Land Areas (WLA) is causing issues associated with development and planning. Wild land has been cited as major issue in a number of planning decisions and impacts on WLAs are now being raised in connection with wind turbines located outside the WLA. WLA is not a formal designation and the term "wild" we believe is misleading.

We appreciate that WLAs represent landscapes which people value because they can provoke a perception that only natural processes occur in these areas. This is a misconception since these landscapes will almost certainly have some degree of human management. This is resulting in a puzzling situation whereby an area of land without legal designation and which is represented to be something it is not is becoming a major issue for the renewable sector. It may or may not be appropriate to site turbines in these landscapes, but we are concerned that as things stand the premise for this decision is not necessarily sound. Scottish Land & Estates would welcome a review of wild land policy.

We believe that planning fees have the potential to pose a challenge, particularly for smaller developments. The triggering of the maximum fee for small developments will be of significant concern particularly for entrepreneurial farmers, rural businesses and communities looking to benefit from generating their own energy.

Scottish Government should give careful consideration to a non-domestic business rates relief for small-scale wind turbines that no longer benefit from FIT. At the very least we would like to see an amendment to the Plant and Machinery Order to ensure valuation anomalies are corrected and fair valuations can be applied.

Repowering

3.1 Do you agree with the Scottish Government's proposed approach to repowering?

Scottish Land & Estates generally agrees with the Statement's approach to repowering. We have suggested some improvements below.

3.2 Are there any further means by which repowering proposals might be facilitated?

Scottish Land & Estates believes that in order to facilitate a commitment to repowering and to enable consistency; guidance on repowering should be produced by the Scottish Government; and there should be a presumption in favour of re-development/re-use to encourage repowering.

We believe that the scope of work to assess a repowering application could be significantly reduced due to knowledge and information gathered during its operation and original application. The scope should be discussed and agreed with relevant authorities and key stakeholders as early as possible to ensure that no work is duplicated and that only new, relevant information is developed. The Scottish Government should create clear guidelines for these discussions to ensure a proportionate approach is taken.

Introducing a presumption in favour of re-development/re-use in planning policy could further facilitate the commitment towards repowering. Given that expectations from stakeholders have changed markedly since initial applications were made, there would be the potential for repowering sites to be overly constrained without a presumption in favour in place. A presumption in favour still gives the planning authority the opportunity to refuse a development if the application's impacts are not acceptable.

Developing a strategic approach to new development

4.1 Do you agree or disagree with the proposals to pursue option 3, a 'locally co-ordinated approach'? Please provide reasons to support your answer.

Scottish Land & Estates does not disagree with the proposal for a 'locally co-ordinated approach', but any approach must properly respect the rights and interests of private landowners. We agree that other renewables and also heat networks in collective co-ordinated area development discussions should be explored, particularly in line with other policy developments such as the LHEES. However, it is crucial that projects that are not able to coordinate due to operational issues are not penalised, and issues around commercial confidentiality and differing delivery schedules should be carefully considered.

4.2 Do you agree or disagree with continuation of the Scottish Government's 'business as usual' approach (option 4)? Please provide reasons to support your answer.

For the reasons above, Scottish Land & Estates would prefer the 'business as usual' proposal. This approach also leaves room for greater co-ordination between developers and further improvement through our proposals for repowering etc.

Barriers to deployment

5.1 Do you agree with the Scottish Government proposal to facilitate a strategic approach to the access to, and the cost of using, data from civil aviation radar to mitigate impacts of wind development on civil aviation operations?

We support the proposal for a strategic approach.

5.2 Do you agree with the Scottish Government proposal that the exclusion zone round the Eskdalemuir array should be at least 15 km?

Scottish Land & Estates recognises the need for an exclusion zone in order to mitigate the cumulative impact of seismic ground vibration around the array, and we support the exclusion of big industrial scale turbines up to 15km. However, we do not agree that the exclusion should apply to the 5/15/35 kW small-scale turbines which support farm diversification and business efficiency.

With rural businesses facing wider challenges in light of Brexit, restricting their ability to diversify their businesses and improve efficiency would not be prudent. This course of action will also put businesses within the exclusion zone at a competitive disadvantage to neighbouring businesses where the same restrictions do not apply.

Working on the assumption that the "noise budget" will be reached and the maximum turbine development will take place, it is our belief that spreading the "noise budget" threshold by allowing appropriate small-scale development within the 10-15km zone would be the best approach. Judging by the findings of the Eskdalemuir Working Group report, restricting *all* development in that zone could result in a greater number of turbines being constructed in the periphery to meet the "noise budget", thereby unduly increasing development pressure in the 15-50km zone.

Protection for residents and the environment

6.1 Do you have any comments regarding our Peatland Policy Statement and the functionality and role of the carbon calculator?

The Peatland Policy Statement is a thorough summing up of the extent to which the Scottish Government values Scotland's peatlands. Scottish Land & Estates feels that the carbon calculator is a robust and detailed guide on how to manage peat on a site as sensitively as possible.

Community benefits

7.1 Are our Good Practice Principles for community benefits from onshore renewable energy developments doing what they set out to achieve?

Scottish Land & Estates believes the Good Practice Principles have been relatively successful in delivering community benefits from onshore renewable energy developments. However, the success of community benefit schemes depends heavily on whether the

community is united or fractious over how to spend the money. While we recognise that the Scottish Government will continue to encourage developments to offer community benefit packages, it is important to consider their impact on the viability of projects given the increasing pressure to reduce the cost of energy and secure a route to market for new capacity. We therefore welcome the willingness of government to consider how future community benefit packages may be designed to reflect new business models.

7.2 Are packages of community benefits that were agreed in partnership with communities, being delivered in practice?

Yes. We believe that levels of organisation and capacity within community groups must be maintained in order that the packages are fully utilised once delivered.

Shared ownership

8.1 If you represent, are a member of, a community, are you interested in shared ownership and what do you think are the barriers to achieving shared ownership under a renewable energy scheme?

Scottish Land & Estates is not a member or representative of a community.

8.2 What steps can the Scottish Government take to improve the prospect of further shared ownership development?

Scottish Land & Estates is happy to see continued support for shared ownership however, we seek reassurance that where a community is not interested in shared ownership of any form, a private owner/developer will not be penalised. We support the continued funding of the Renewable Energy Investment Fund (REIF), Community and Renewable Energy Scheme (CARES), and other associated advice and support schemes, as implemented by Local Energy Scotland.