

Minute

Development and Infrastructure Committee

Tuesday, 25 June 2019, 14:15.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

Councillors Graham L Sinclair, Andrew Drever, Norman R Craigie, Robin W Crichton, David Dawson, J Harvey Johnston, Rachael A King, W Leslie Manson, James W Stockan, Duncan A Tullock and Kevin F Woodbridge.

Councillor Stephen G Clackson who had been invited for Item 2.

Clerk

- Angela Kingston, Committees Officer.

In Attendance

- Gavin Barr, Executive Director of Development and Infrastructure.
- Roddy Mackay, Head of Planning, Development and Regulatory Services.
- Colin Kemp, Corporate Finance Senior Manager (for Item 1).
- Karen Bevilacqua, Solicitor.
- Jackie Thomson, Development and Regeneration Manager.
- Shona Croy, Strategic Advisor, Renewables and Connectivity.

Observing

- David Hartley, Communications Team Leader.

Apology

- Councillor Stephen Sankey.

Not Present

- Councillors Alexander G Cowie, Barbara Foulkes, Steven B Heddle, John T Richards, John A R Scott, Gwenda M Shearer, Magnus O Thomson and Owen Tierney, who had been invited for Item 2.

Declaration of Interest

- Councillor Kevin F Woodbridge – Item 1.

Chair

- Councillor Graham L Sinclair.

1. North Isles Landscape Partnership Scheme

Councillor Kevin F Woodbridge declared a financial interest in this item, in that he operated a business which could benefit from the potential projects for the North Isles Landscape Partnership Scheme, however, as the projects were not discussed, he did not leave the meeting.

After consideration of a report by the Executive Director of Development and Infrastructure, copies of which had been circulated, and after hearing a report from the Development and Regeneration Manager, the Committee:

Noted:

- 1.1.** That, in 2015, the North Isles Landscape Partnership was established and comprised the Council, Highlands and Islands Enterprise, Royal Society for the Prevention of Birds and Scottish Natural Heritage.
- 1.2.** That the North Isles Landscape Partnership was subsequently developed, with a total projected budget of up to £4,524,211, subject to a full funding package being secured.
- 1.3.** That the North Isles Landscape Partnership Scheme consisted of a range of projects under several themes, with a list of proposed projects attached as Appendix 1 to the report by the Executive Director of Development and Infrastructure.
- 1.4.** That, to date, funding up to the value of £4,080,904 had been confirmed in respect of the overall budget for the North Isles Landscape Partnership Scheme, with the balance of £363,307 yet to be secured.
- 1.5.** That the Council was the Proposer of the North Isles Landscape Partnership Scheme and was responsible to Heritage Lottery Fund for overall management and delivery of the Scheme.
- 1.6.** That a Steering Group, comprising representatives from each of the partnership members, was responsible for overseeing delivery of the North Isles Landscape Partnership Scheme.
- 1.7.** That appropriate delegation required to be in place to permit Council officers to deliver the Scheme on behalf of the Partnership in an efficient and effective manner.

The Committee resolved to **recommend to the Council**:

- 1.8.** That powers be delegated to the Executive Director of Development and Infrastructure, in consultation with the North Isles Landscape Partnership Steering Group, to determine grant applications from community groups in respect of a range of projects, and thereafter manage and deliver the North Isles Landscape Partnership Scheme.

2. Development Management Guidance: Energy

After consideration of a report by the Executive Director of Development and Infrastructure, together with an Equality Impact Assessment, copies of which had been circulated, and after hearing a report from the Head of Planning, Development and Regulatory Services, the Committee:

Noted:

2.1. That, on 14 May 2019, the Council declared a Climate Emergency.

2.2. That Development Management Guidance provided advice on technical issues and the interpretation of given policies where a need arose, thus ensuring a consistency of approach.

2.3. That Development Management Guidance on Energy had been prepared to provide additional clarity regarding the material factors, outlined within Supplementary Guidance: Energy, to be considered in the assessment of planning applications.

On the motion of Councillor Graham L Sinclair, seconded by Councillor Andrew Drever, the Committee resolved to **recommend to the Council**:

2.4. That the Development Management Guidance: Energy, attached as Appendix 1 to this Minute, be approved.

3. Conclusion of Meeting

At 14:50 the Chair declared the meeting concluded.

Signed: Graham L Sinclair.

Appendix 1.

Development Management Guidance: Energy.

This guidance accompanies Policy 7 of the Orkney Local Development Plan 2017, and Supplementary Guidance: Energy, both of which were adopted in April 2017. The document has been prepared following the declaration of a Climate Change Emergency by the Council in May 2019 to provide clarity on certain elements of the adopted guidance. Whilst Development Management Guidance (DMG) is not subject to public consultation, it is approved by Council prior to publication. As such DMG is a material consideration in the determination of planning applications, which is considered to be the standing advice of the Planning Authority.

1. Balancing the Impacts of Development

In the assessment of planning applications, the Council will strive to balance both positive and negative factors associated with a proposal prior to making a determination. Where there are significant adverse impacts on known constraints, the onus will be on the developer to demonstrate that the positive impacts, including net economic impact, the scale of contribution toward renewable energy generation targets and the effects on greenhouse gas emissions, outweigh these. A critical context for this is the fact that Orkney Islands Council is committed to delivering a vibrant carbon neutral economy whilst seeking to help tackle climate change. It is acknowledged that community and publicly-owned energy developments naturally have greater socio-economic benefits at the local level than private schemes and any such additional benefits that would be realised by such a project should be communicated as part of the planning application.

2. All Renewables and Low Carbon Energy Developments

The principle of appropriately-sited new renewable and low carbon energy development is strongly supported and encouraged; including solar, biomass, anaerobic digestion, wind, marine, heat pumps and geothermal. Where there will be adverse effects on local-level constraints, such as landscape impacts outwith the National Scenic Area or impacts on sites that are not subject to a national or international level designation, significant weight will be given to any cogent argument that demonstrates that the proposal will have a meaningful positive impact on the factors outlined within Section 1 above.

3. Landscape

Commissioned by Orkney Islands Council in 2013, the Orkney Landscape Capacity Study considers the capacity of the Orkney landscape to accommodate onshore wind energy development. The study represents a strategic-level starting point to assist planners and developers to shape proposals in relation to 'Development Criterion 2 - Landscape and Visual Impact' of Supplementary Guidance: Energy. It is fully acknowledged within the study itself, and within adopted guidance, that it is strategic in nature and is not a substitute for a development-specific Landscape and Visual Impact Assessment at the Development Management level. The weight which should be attached to this guidance should therefore be considered in that context.

Scottish Planning Policy is clear that the only areas where wind farms are fundamentally unacceptable in terms of landscape impact are Scotland's National Scenic Areas and National Parks. Therefore, outwith the Hoy and West Mainland National Scenic Area, notwithstanding other constraints, it may be possible for a developer to make a strong argument regarding how the positive effects of the proposal outweigh the identified negative impacts on the landscape.

4. The Scale of Wind Energy Development

Table 1 of Supplementary Guidance: Energy provides categories of banding for wind turbine developments based upon the height to blade tip and number of proposed turbines. For the avoidance of doubt, whilst 'Very Large' turbines are defined as being 80 to 125 metres in height, turbines exceeding this height will be assessed in accordance with the Spatial Strategy and Development Criteria set out within the document, this banding does not automatically preclude the consideration of proposals of devices in excess of 125 metres. Indeed, it is likely that for the most part, wind energy developments of the future will be of this scale and based on turbines which are in excess of 125 metres. This is due to the development of the technology over the last few years, and the resultant availability of suitable turbines on the world market for commercial scale wind farm developments being focused on larger turbine formats.

An updated table is included below for ease of reference.

Where a development proposal includes 'Very Large' turbines, it is likely that there will be significant landscape and visual impacts. It will therefore fall to the developer to effectively communicate the nature of the positive impacts of their proposal, as described at Section 1 above, and for the Committee to consider the level of weight which should be attached to each consideration on a case by case basis.

TABLE 1

DEVELOPMENT TYPE	HEIGHT TO BLADE TIP/QUANTITY
Small	<20 Metres
Medium	20 - <30 Metres
Medium/large	30 - <50 Metres
Large	50 - <80 Metres
Very Large	80 - 125+ Metres
Wind Farm	Two or more 'Medium/Large' turbines or any number of 'Large' or 'Very Large' turbines.

5. National Planning Framework

The National Planning Framework (NPF) acknowledges that strengthening the electricity grid will be essential in unlocking renewable resources, both onshore and offshore. An interconnector for Orkney is identified as being required to fully realise the potential for diverse and widely distributed renewable energy development in Scotland and the interconnector is noted as a National Development.

It is acknowledged that renewable energy developers on Orkney face additional challenges over and above those seeking to connect on the UK mainland. It is not just high transmission charges that has been holding up renewable projects, but also the difficulty of satisfying the requirement for an assured critical mass of new projects to justify investment in grid infrastructure. The lead times associated with large sub-sea transmission connections are typically, upwards of 4 years to achieve funding approval and build.

Recent Scottish Reporter appeal decisions have placed strong material weight on the contribution of proposed renewable energy generation schemes towards the needs case for the Orkney interconnector. In future, significant material weight will be placed upon any meaningful contributions toward realising this National Development. For the avoidance of doubt, any single energy generation project greater than 10MW, or repowering project where the uplift in energy generation exceeds 10MW, will be considered to make a meaningful contribution toward the interconnector needs case.