

T: 0131-244 7529
E: developmentplans@gov.scot

Fife Council
Development Plans Team

By email to: Fife.Devplan@fife.gov.uk

Our ref: A21433724/A21433820
16 August 2018

Dear Fife Council Development Plans Team,

Consultation on Draft Low Carbon Fife Supplementary Guidance

I refer to your correspondence of 26 June 2018, notifying us of the council's consultation on Draft Low Carbon Fife Supplementary Guidance (June 2018).

Our comments are as follows (these have also been submitted via the online portal):

1. References to Scotland's Environmental Efficiency Programme.

Comment – The Energy Efficient Scotland: Route Map, published 2 May 2018, takes forward the principles outlined within Scotland's Environmental Efficiency Programme.

Suggestion - Consideration should also be given to the Energy Efficient Scotland: Route Map where the guidance references Scotland's Environmental Efficiency Programme.

2. P14 – Air source heat pumps.

Comment - The guidance recommends a certificate of lawfulness be sought for air source heat pumps installed under permitted development rights. This seems to contradict the streamlining outcome of permitted development rights.

Suggestion – Remove the general principle that application of a certificate of lawfulness is a recommended approach.

3. P19 - a. Landscape and Visual Impact including landscape character.

Comment - This requires all low carbon schemes to assess landscape and visual impact (to a proportionate degree). It is not clear why this would apply to domestic scale installations for on building or sub-surface schemes.

Suggestion – Further information on the types of scheme intended to be included in the need for landscape and visual impact assessment should be presented.

4. P28 and P31(e) - Shadow Flicker.

Comment - The 10x rotor diameter distance has been considered by research (Review of Light and Shadow Effects from Wind Turbines In Scotland), which finds that the 10x distance should be excluded from guidance. The report is available from:
<https://www.climateexchange.org.uk/research/projects/review-of-light-and-shadow-effects-from-wind-turbines-in-scotland/>

Suggestion – Consider the report findings.

5. P30 and 31 - Ice throw.

Comment - P30 considers the matter in relation to moving and stationary blades. P31 then discounts the requirement for the issue to be considered further if there is technology present to shut down the turbine if icing is a risk. However this would not address risks from falling ice from stationary blades.

Suggestion – Clarify the anticipated mitigation for falling ice from stationary turbine blades, if this is necessary.

6. Section 2.2.13 – Economic assessment.

Comment - The guidance refers to current shared ownership and community benefit good practice principles guidance. These are currently being revised.

Suggestion - The supplementary guidance should note that the Scottish Government Good Practice Principles for shared ownership and community benefit are being revised.

7. P18 Figure 2, Onshore Wind Spatial Framework for Wind Turbines Over 25m Showing a Breakdown of SPP (2014) Group 2 Elements.

Comment - Figure 2 includes the Forth Bridge World Heritage Site. This is a Group 1 designation.

Suggestion - The text should be amended to identify that the elements are Group 1 and 2. As a consequence the World Heritage Site should also be excluded from Figure 1 areas of significant protection.

8. Section 2.2.4 – Defence, Aviation and Radar.

Comment - The section notes that renewable energy schemes can contain tall elements but does not go on to offer advice (outwith safeguarded zones) about how to deal with height, save for a comment about agreeing mitigation for flight paths with National Air Traffic services and Airport Authorities.

Suggestion - The section should link to or provide information from the Scottish Government's Chief Planner letter on 'High Structures' of 9 September 2014, available from: <https://beta.gov.scot/publications/high-structures-chief-planner-letter/>.

9. P56 – Decommissioning.

Comment - The intimation is that planning obligations may be required. Scottish Government policy (Planning Circular 3.2012: Planning Obligations and Good Neighbour Agreements) is that developers should not be required to enter into planning obligations.

Suggestion – Replace the word 'require' with 'seek'.

10. Section 3.1 – Carbon Dioxide Emissions.

Comment – There is implication that Fife Plan policy 11 (which draws down the requirements of Section 3F of the Town and Country Planning (Scotland) Act 1997) will only be applied to major developments. Policy 11 does not state this, and to do so does not fulfil the intent of the legislation, which is that the local development plan policy should apply to all new buildings. Whilst it is agreed that detailed information will be provided as part of the building warrant process, building regulations do not mandate that energy generation technology should be utilised to create emissions savings, so do not alone fulfil the intent of the planning legislation.

Suggestion - Further information should be provided to establish how smaller developments can demonstrate their compliance with policy 11.

11. Section 3.2.2 - District Heating.

Comment - The overall approach is that this section should deal with developments that generate excess or waste heat, but does go on to offer guidance about that type of development. It is only clarified at the District Heating Process map on p62 that the outcome of an investigation could be the need to connect to a heat network or provide a new heat network.

Suggestion - Include guidance on the handling of heat generating development and on the outcome of heat network investigation work.

In addition to these comments, we note that there is a reference to 'annex 1' within the 'Sources of Information' box, which presumably should read 'appendix 1'. These references should be double-checked, along with the addition of page numbering to aid navigation of the document.

I trust this is of use.

Yours sincerely

Matthew Shepherd
Graduate Planner