



**REPORT TO: PLANNING & REGULATORY SERVICES COMMITTEE ON
14 MARCH 2023**

SUBJECT: MORAY WIND ENERGY LANDSCAPE SENSITIVITY STUDY

**BY: DEPUTY CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND
FINANCE)**

1. REASON FOR REPORT

- 1.1 The report asks the Committee to approve the Moray Wind Energy Landscape Sensitivity Study (LSS) 2023 as a material consideration for development management purposes and to withdraw the Moray Onshore Wind Energy (MOWE) Non-Statutory Guidance 2020 and the Moray Wind Energy Landscape Capacity Study (LCS) 2017.
- 1.2 This report is submitted to Committee in terms of Section III (E) (2) of the Council's Scheme of Administration relating to the review and preparation of Strategic and Local Plans.

2. RECOMMENDATION

2.1 It is recommended that the Committee agrees:

- (i) to approve the Moray Wind Energy Landscape Sensitivity Study (LSS), as set out in Appendix 1;**
- (ii) to note that the LSS supersedes the Moray Onshore Wind Energy (MOWE) Non-Statutory Guidance 2020 and the Moray Wind Energy Landscape Capacity Study (LCS) 2017;**
- (iii) that the LSS will be used as a material consideration in the determination of planning applications and to inform responses to Section 36 consultations;**
- (iv) to note the steps proposed in Section 6 to consider and engage on the future potential for onshore wind energy in Moray;**
- (v) that further work is carried out to consider opportunities for large scale onshore wind farms within the Regional Spatial Strategy; and**

- (vi) to note Policy 11 *Energy* of National Planning Framework (NPF) 4 and agree that an economist is commissioned to consider and advise on how local economic benefits are maximised in future energy infrastructure proposals, including onshore wind.

3. BACKGROUND

- 3.1 The Scottish Parliament approved National Planning Framework (NPF) 4 on 11 January 2023 and it was adopted on 13 February 2023, formally becoming part of the Development Plan for Moray. Planning for the transition to net zero, NPF4 seeks to enable more renewable energy generation and for local development plans to maximise the opportunities for renewable energy. Policy 11 *Energy* is the main national policy consideration in determining renewable energy proposals. The policy seeks to encourage, promote and facilitate all forms of renewable energy development onshore and offshore.
- 3.2 Policy DP9 *Renewable Energy* of the Moray Local Development Plan (MLDP) 2020 is the main policy consideration in determining renewable energy proposals, including onshore wind. The policy is supported by the Moray Onshore Wind Energy (MOWE) Non-Statutory Guidance 2020 and the Moray Wind Energy Landscape Capacity Study (LCS) 2017 which are material considerations in the determination of planning applications relating to renewable energy proposals.
- 3.3 Together, NPF4 and the MLDP form the statutory development plan. NPF4 removes the requirement for a spatial framework identifying those areas that are likely to be most appropriate for onshore wind farms as a guide for developers and communities. There is no support within NPF4 policies for local spatial frameworks.

4. LANDSCAPE SENSITIVITY STUDIES

- 4.1 In April 2022, NatureScot published “Landscape Sensitivity Assessment Guidance”. As there are no local or regional targets in which to determine the ‘capacity’ for developments, the Guidance advocated the change of assessment from landscape capacity to one of ‘sensitivity’. NatureScot define landscape sensitivity as “a measure of the ability of a landscape to accommodate change arising from specified types of development or land management”. For comparison, landscape capacity is defined as “the degree to which a landscape is able to accommodate change without significant effects on its character”.
- 4.2 The role of a LSS is to help inform site selection for wind turbines and provide strategic information to assist in the assessment of relative landscape and visual sensitivity to certain forms of development proposals. The findings are strategic and indicative and are not a substitute for detailed Landscape and Visual Impact Assessments (LVIA).
- 4.3 As part of a pilot project testing the methodology of landscape sensitivity assessments set out in NatureScot’s guidance, Moray Council and

NatureScot commissioned the development of a Landscape Sensitivity Study for Moray, to replace the existing LCS. The LSS, as agreed with NatureScot, is provided as **APPENDIX 1** to the report.

5. PROPOSALS

- 5.1 As part of NatureScot's pilot to test the methodology for landscape sensitivity assessments, Moray Council commissioned Carol Anderson Landscape Associates to provide a revised update to the LCS 2017 in line with NatureScot's guidance and new terminology. Changes made to the landscape character classification by NatureScot in 2019 were taken into account and the cumulative baseline was updated to reflect consents for wind farm development in Moray and neighbouring authorities since 2017.
- 5.2 The LSS identifies constraints and opportunities within each Assessment Unit (previously known as Landscape Character Type) and sets out the sensitivity to different size of wind turbines, with a particular emphasis on larger turbines (over 100m high to blade tip). The sensitivity assessment relates to specific landscapes and any effect on immediately adjacent Assessment Units in isolation therefore it is important to take into account the experience and appreciation of the Moray landscape as a whole and consider the wider implications of the conclusions of the individual assessments.
- 5.3 Strategic landscape issues are set out in the LSS and the assessment concludes that there are very few upland areas remaining in Moray which do not accommodate wind farm developments. The uplands that are centred on Ben Rinnes (*Open Uplands with Steep Slopes* Assessment Unit) comprises a rare tract of less developed uplands with stronger wildness qualities as identified in SNH's 2014 Relative Wildness Map. The coast and wider seascape of the Moray Firth is another key landscape feature where the strong sense of naturalness associated with sections of the coast and the setting of historic settlements would be highly sensitive to most sizes of wind turbine.
- 5.4 In summary, the LSS concludes that all Assessment Units have a high sensitivity to wind turbines over 150m high. The pressure for wind farm development located towards the outer edges of upland landscapes and the demand for substantially larger turbines up to around 220m height has the potential to increase landscape and visual impact on surrounding, more sensitive landscapes. The large extent of operational and consented wind farm development already located within Moray's uplands limits opportunities for additional turbines to be accommodated whilst minimising effects on adjacent more sensitive landscapes.
- 5.5 The LSS sets out a landscape strategy which is summarised below:
 - Protect landmark hills and their setting;
 - Maintain the distinctive approaches to Moray;
 - Maintain the rugged scenery and setting to more dramatic uplands in the Ben Rinnes area;

- Protect the special qualities of the coast and its associated historic settlements;
- Ensure that any further development of larger turbines is clearly associated with less sensitive upland landscapes;
- Protect the character and special qualities of the Special Landscape Areas; and
- Ongoing review of cumulative landscape and visual effects of multiple wind turbine developments.

5.6 If approved by the Committee, the LSS will replace the MOWE and LCS 2017 as a material consideration in the determination of planning applications relating to renewable energy proposals.

6. NEXT STEPS

- 6.1 Policy 11 of NPF4 is general in the nature of its wording and requires local development plans to maximise opportunities for renewable energy. The policy does not make any reference to LSSs, makes no differentiation between the sizes of turbines and removes the requirement for spatial frameworks. The MOWE has had very limited weight in Public Inquiries and is now considered to be at odds with national policy.
- 6.2 The new planning system however introduces opportunities at both strategic and local scale to influence the future of Moray. At the strategic scale, the Regional Spatial Strategy (RSS) provides an opportunity for the Council to engage views as part of the LDP engagement programme. Officers will seek opinions on how wind energy impacts (including cumulative) can be addressed and how can Moray maximise opportunities for renewable energy whilst safeguarding its quality environment. Other opportunities such as the expansion of Moray's woodland and ecological networks will also be explored.
- 6.3 At a local level, Local Place Plans (LPP) provide an opportunity for community constituted bodies to prepare a place-based plan which sets out proposals for development and use of land.
- 6.4 Policy 11 requires development proposals to maximise net economic impact, including local and community socio-economic benefits. Officers propose to commission economists to advise on how these benefits can be maximised. This will inform a future report on community benefit which will explore whether the current £5k per installed Megawatt, plus other local benefits, meet the terms of NPF4 or whether this requires to be reviewed. This will involve consideration of a more strategic approach, in addition to the current community benefit fund, to address Moray's economic challenges.
- 6.5 Officers are arranging workshops with Elected Members to inform and shape the RSS and new LDP.

7. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

The Corporate Plan prioritises the need to maintain and promote Moray's landscape and biodiversity. The 10 Year Plan (LOIP) identifies the need for a growing, diverse and sustainable economy. The MLDP 2020 and the proposed LSS is an important aspect in the assessment and facilitation of renewable energy development, which protecting Moray's landscape.

(b) Policy and Legal

The MLDP brings together and helps deliver key aspects of Moray 2026 and other national and local plans, strategies and policies. NPF4 was adopted on 13 February 2023 and, along with the MLDP, forms the statutory development plan. NPF4 policies seek to encourage, promote and facilitate all forms of renewable energy development onshore and offshore and maximise economic benefits.

Guidance from NatureScot requires the existing LCS to be updated to reflect changes in the assessment of the landscape and visual aspects of onshore wind energy development.

(c) Financial implications

The LSS was funded by NatureScot as part of their pilot project to test the proposed methodology of LSSs. An update to the Moray LSS, following subsequent decisions on large-scale wind farm proposals, was met by existing Strategic Planning & Development budgets.

It is proposed that a Quick Quote process is used to commission an economist to undertake the work proposed in para 6.4 above. This is estimated to cost £15,000 which will be met from existing revenue budget.

(d) Risk Implications

None.

(e) Staffing Implications

Work on the LSS has been undertaken as part of the workload of Strategic Planning & Development.

(f) Property

None.

(g) Equalities/Socio Economic Impact

No Equality Impact Assessment is required for this report.

(h) Climate Change and Biodiversity Impacts

There are no climate change or biodiversity implications arising directly from this report. However, as part of embedding climate change principles within the planning process, there is an expectation for developments to maximise opportunities to generate renewable energy, minimise environmental impacts, promote biodiversity and be adaptive to the expected impacts of climate change.

NPF4 requires local development plans to maximise the opportunities for renewable energy and sets out policies on climate change and biodiversity which, along with the LSS and the MLDP 2020, would be used to consider future proposals. NPF4 is subject to a separate report on the agenda of this Committee.

(i) Consultations

The Depute Chief Executive (Economy, Environment and Finance), the Head of Economic Growth and Development, the Head of Financial Services, the Legal Services Manager, the Development Management and Building Standards Manager, the Principal Climate Change Strategy Officer, the Equal Opportunities Officer and Lissa Rowan (Committee Services Officer) have been consulted and are in agreement with the contents of the report. Any comments received have been incorporated into the report.

8. CONCLUSION

8.1 The Committee is asked to approve the Moray Wind Energy Landscape Sensitivity Study as a material consideration in the determination of planning applications.

8.2 The report sets out the steps proposed to consider and engage on the future potential for onshore wind energy in Moray and to ensure that local economic benefits are maximised in future onshore wind energy proposals.

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Background Papers:
Ref: