

## Public Engagement for Wind Turbine Proposals – Good Practice Guidance – Consultation Draft

### RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

#### 1. Name/Organisation

Organisation Name

The Highland Council

Title Mr  Ms  Mrs  Miss  Dr  *Please tick as appropriate*

Surname

Cowie

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David

#### 2. Postal Address

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#### 3. Permissions - I am responding as...

Individual

Group/Organisation

*Please tick as appropriate*

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

*Please tick as appropriate*  Yes  No

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

*Please tick ONE of the following boxes*

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

(c) The name and address of your organisation **will** be made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

*Please tick as appropriate*  Yes  No

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

*Please tick as appropriate*

Yes

No

## CONSULTATION QUESTIONS

### **Q1) Can you identify any further relevant sources of good consultation practices that could be considered?**

The good practice guidance needs to be clear in respect of existing planning legislation. In that regard, the section on page 6 entitled "Development Plans & Supplementary Guidance" as currently drafted is misleading. It needs rewriting to reflect the fact that Strategic Development Plans, Local Development Plans and Supplementary Guidance all carry 'Development Plan' status and that it is within the 'Development Plan' that Scottish Planning Policy says planning authorities should provide policy criteria and spatial frameworks.

### **Q2) Can you offer opinions on how such an approach might be shaped to offer further transparency whilst remaining proportionate?**

The suggestions set out in the draft guidance could raise expectations but they generally lack specific detail and could be difficult to fulfil. It may be noted that in respect of the requirements for pre-application consultation for major developments, Circular 3/2013 (paragraphs 2.21 to 2.23) states that in so far as the planning authority may specify any additional notification and consultation they wish to see undertaken beyond the statutory minimum, they must have regard to the nature, extent and location of the proposed development and to its likely effects, both at that location and in its vicinity, and that additional consultation requirements should be proportionate, specific and reasonable in the circumstances. Good practice for non-statutory pre-application consultation for local developments should be guided by similar principles of proportionality, etc in order to manage the public's expectations.

We are concerned that the suggestions set out in the draft guidance could become potentially onerous to Councils, particularly in the absence of any statutory pre-application requirement for local developments. The onus should be on the developer and the community and not the Council. While we can, and do, provide advice and guidance where this is in the public domain (i.e. through e-planning and the web), in the instances where prospective applicants for local developments voluntarily approach the Council for pre-application advice then it would not be appropriate for the Council to actively engage with communities at that pre-application stage. Offering advice on the process often transforms into pressure on Councils for opinion and dialogue on the appropriateness of the prospective scheme and therefore is an unrealistic proposition. Elected Members should be able to attend community meetings but must not offer opinion. The same principle applies to the Council's Planning Officers.

### **Q3) Can you quantify the potential cost and benefit of these recommendations to your organisation?**

It would be difficult to quantify the potential cost and benefit, particularly in the absence of statutory requirements for pre-application consultation and unless and until any protocols, associated with the good practice, for

application notification beyond statutory requirements (be they developed nationally or locally) have been set out. In that regard the expectations of communities may be significantly greater than what planning authorities may readily identify and carry out as good practice, particularly in areas where communities are concerned about increasing potential for significant cumulative impact of multiple schemes.

**Q4) Can you identify similar or complementary systems which achieve the objectives of this good practice guidance?**

The Council has for a number of years produced and published lists and maps of windfarm schemes in its area, and sought to update these from time to time. Latterly we have also provided a more comprehensive list of turbine schemes in Highland. We are currently working to provide more comprehensive and interactive online mapping of wind energy developments in Highland, with linkage to e-planning information on individual schemes and more frequent updating.

**Q5) Can you quantify the potential cost and benefit of providing more information electronically to your organisation?**

In general, providing more information electronically via our website will reduce the burden in dealing with reasonable enquiries from community organisations, groups and members of the public as well as from developers.

**Q6) Can you identify any further good examples of how similar consultation practices by developers have or should have been undertaken?**

In broad terms the recommendations for developers and landowners seem to be appropriate.

Within the consultation draft good practice guidance, particularly in this section of it, there is significant reliance on the existing Good Practice Principles for Community Benefits from Onshore Renewable Energy Developments. However, our understanding is that the purpose of the guidance now being prepared is for planning only, not community benefit, and the draft does say that community benefit is independent of the planning process and is not a material consideration in deciding an application. Whilst some of the good practice principles may be transferable, the fact that content appears to have been lifted across from one document to the other without being fully edited could lead to confusion and a lack of clarity.

**Q7) Can you quantify the potential cost and benefit of these recommendations to your organisation?**

Not applicable to planning authority – no comments.

**Q8) Can you identify any examples of successful public engagement on wind farms which would be of benefit to this guidance as a template for reaching audiences more widely?**

In broad terms the recommendations for community councils, groups and members of the public seem to be appropriate.

**Q9) Can you quantify the potential cost and benefit of these recommendations to your community group?**

Not applicable to planning authority – no comments.

**Q10) In relation to the Equality Impact Assessment, please tell us about any potential impacts, either positive or negative; you feel the proposals in this consultation document may have on any particular groups of people.**

No comments.

**Q11) In relation to the Equality Impact Assessment, please tell us what potential there may be within these proposals to advance equality of opportunity between different groups and to foster good relations between different groups.**

No comments.