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5. Policy Context

5.1. Introduction

- 5.1.1. This chapter of the Environmental Impact Assessment Report (EIA Report) has been prepared by Savills UK Limited. This chapter sets out the relevant planning policy considerations for the Proposed Development as well as relevant energy policy considerations. This chapter considers both national and local planning policy and guidance of relevance to the Proposed Development and looks in detail at the relevant planning policies of the Local Development Plan (LDP) and associated Supplementary Guidance (SG).
- 5.1.2. The minimum installed capacity will exceed the 50 megawatt (MW) threshold, above which decisions on projects are taken by the Scottish Ministers rather than the Local Planning Authority. Consent for the Proposed Development is therefore being sought under the terms of Section 36 of the Electricity Act 1989 (the 1989 Act). Any consent granted under the terms of the 1989 Act normally carries with it deemed planning consent under the terms of Section 57 of the Town and Country Planning (Scotland) Act 1997 (as amended) (the 1997 Act).
- 5.1.3. Dumfries and Galloway Council is a statutory consultee in the Section 36 application process, but it is the Scottish Ministers that will make the final decision on the application. Unlike planning applications considered under the terms of Section 25 of the 1997 Act, the Development Plan will not form the primary basis upon which the Section 36 application will be determined. The Development Plan will be an important material consideration in the determination of the Section 36 application. There is no legislative requirement for the Section 36 application to be determined in accordance with the provisions of the Development Plan. In making a decision on the Section 36 application, the Scottish Ministers will also consider UK and Scottish Government energy policy, National Planning Framework 3, Scottish Planning Policy and responses from statutory consultees.
- 5.1.4. This EIA Report Chapter does not assess the Proposed Development against relevant planning policies. An assessment of the Proposed Development against the policies identified in this chapter is contained within the Planning Statement which accompanies the EIA Report. The Planning Statement considers the residual impacts of the Proposed Development as identified in the EIA Report chapters in regards to planning policy and other objectives, concluding with substantiated recommendations about the acceptability of the Proposed Development in land use and other policy terms.

5.2. National Energy Policy Documents

- 5.2.1. The underlying concern of many of the policies reviewed in this chapter is the need to contain global climate change by reducing the emission of greenhouses gases, particularly carbon dioxide (CO₂), that contribute to global warming. A major source of greenhouse gas emissions is associated with the combustion of fossil fuels such as coal, oil and gas.

United Nations Intergovernmental Panel on Climate Change's fifth assessment report¹

- 5.2.2. According to the United Nations Intergovernmental Panel on Climate Change's fifth assessment report, fossil fuel power generation should be phased out 'almost entirely' by the end of the century to limit warming to 2°C above pre-industrial levels. The report states that low carbon electricity supply will have to increase from 30% currently to more than 80% by 2050.
- 5.2.3. The Climate Change (Scotland) Act 2009² creates the statutory framework for greenhouse gas emission reductions in Scotland by setting a target for net Scottish emissions for the year 2050 to be at least 80% lower than the 1990 baseline level. An interim target of a 42% reduction by 2020 is also set out. The Act requires that the Scottish Ministers set annual targets for Scottish emissions from 2010 to 2050. Wind energy projects, such as the Proposed Development, could make a valuable contribution to the fulfilment of the Scottish Government's targets.

Climate Change Plan: The Third Report on Proposals and Policies 2018 – 2032³

- 5.2.4. The Climate Change Plan was laid in Parliament on 28 February 2018 and sets out how Scotland can deliver its target of a 66% emissions reduction, relative to the 1990 baseline for the period 2018-2032. The Climate Change Plan comprises three parts. Part One sets out the context for the Scottish Government's climate change proposals and policies. The Scottish Government's statutory duties are covered in Part Two, and Part Three of the Plan provides detailed information on the emissions envelopes and emissions reduction trajectories for each sector. Part Three identifies the progress, ambition and policies for the electricity, building, transport, industry, water, land use, forestry, and agricultural sector.
- 5.2.5. The Executive Summary notes that 'Climate change is one of the greatest global threats we face. Scotland must play its part to achieve the ambitions set out in the Paris Agreement, which mandates concerted, global actions to deal with the threat'.
- 5.2.6. Achievement of a 66% reduction in emissions by 2032 will require an '*enormous transformational change*' (Pg.7) and the Climate Change Plan promotes a vision where the '*energy sector will be flourishing and competitive, delivering secure, affordable, clean energy for Scotland's households, communities and businesses*' (Page 7). The pathways to 2032 envisage a scenario whereby Scotland's electricity system will be largely decarbonised and increasingly important as a power source for heat and transport.
- 5.2.7. The Climate Change Plan notes that a critical role for the planning system will be to try and accommodate the further development of low emissions energy generation facilities noting that '*we will continue to need to find room for large*

1 IPCC (2014) IPCC Fifth Assessment Synthesis Report: CLIMATE CHANGE 2014 SYNTHESIS REPORT Longer Report.

2 The Scottish Government (2009) Climate Change (Scotland) Act 2009.

3 The Scottish Government (2018) Climate Change Plan: The Third Report on Proposals and Policies 2018 – 2032

scale infrastructure such as wind and solar farms, as well as more locally based equipment' (Page 34/35).

5.2.8. The Plan sets out two policy outcomes for the electricity sector:

'Policy outcome 1: From 2020 onwards, Scotland's electricity grid intensity will be below 50 grams of carbon dioxide per kilowatt hour. The system will be powered by a high penetration of renewables, aided by a range of flexible and responsive technologies.(Pg,69).

*Policy outcome 2: Scotland's energy supply is secure and flexible, with a system robust against fluctuations and interruptions to supply (Pg.74)'.
'*

The Scottish Energy Strategy (SES) 2017⁴

5.2.9. The SES was published in December 2017 and sets out the Scottish Government's strategy through to 2050, marking a '*major transition*' over the next three decades in terms of energy management, demand reduction and generation.

5.2.10. The SES sets two new targets for the Scottish energy system by 2030:

- The equivalent of 50% of the energy for Scotland's heat, transport and electricity consumption to be supplied from renewable sources.
- An increase by 30% in the productivity of energy use across the Scottish economy.

5.2.11. Page 33 of the SES recognises that reaching the 50% target by 2030 '*will be challenging*' but the target demonstrates '*the Scottish Government's commitment to a low carbon energy system and to the continued growth of the renewable energy sector in Scotland*' (emphasis added).

5.2.12. Diagram 10 and the accompanying commentary of the SES discusses how this 2030 target may be met, with Scottish Government analysis suggesting that '*renewable electricity could rise to over 140% of Scottish electricity consumption, ensuring its contribution to the wider renewable energy target*'.

5.2.13. The SES goes on to set out what is termed the '*Opportunity*' for onshore wind. There is recognition that onshore wind is amongst the lowest cost forms of power generation of any kind which will allow it to contribute to one of the six priorities in the SES which is '*to protect consumers from excessive or avoidable costs*' (Pg. 8). It is also recognised as '*a vital component of the huge industrial opportunity that renewables creates for Scotland*'.

5.2.14. These energy and climate change goals mean that onshore wind must continue to play a vital role in Scotland's future – helping to decarbonise our electricity, heat and transport systems, boosting our economy, and meeting local and national demand (Pg. 11).

⁴ The Scottish Government (2017) Scottish Energy Strategy.

Onshore Wind Policy Statement 2017⁵

- 5.2.15. The Ministerial Foreword to the Onshore Wind Policy Statement (OWPS) 2017 notes that:

'our energy and climate change goals mean that onshore wind will continue to play a vital role in Scotland's future – helping to substantively decarbonise our electricity supplies, heat and transport systems, thereby boosting our economy'

- 5.2.16. The Statement continues that:

'onshore wind is a vital component of huge industrial opportunity that renewables more generally create for Scotland' (Pg.2).

- 5.2.17. The Statement goes on to state that:

'This means that Scotland will continue to need more onshore wind development and capacity, in locations across our landscapes where it can be accommodated' (Pg. 7).

- 5.2.18. Paragraph 23 states that the Scottish Ministers *'acknowledge that onshore wind technology and equipment manufacturers in the market are moving towards larger and more powerful (i.e. higher capacity) turbines and that these by - necessity - will mean taller towers and blade tip heights'*.

5.3. National Planning Policy Documents

- 5.3.1. This section briefly summarises the following national planning policies and guidance as potentially relevant to the Proposed Development:

- National Planning Framework for Scotland 3 (June 2014);
- Scottish Planning Policy (June 2014);
- Onshore Wind Turbines, Online Renewables Planning Advice (May 2014)⁶;
- Historic Environment Scotland Policy Statement (2016)⁷; and
- Historic Scotland's Guidance Note Managing Change in the Historic Environment: Setting⁸.

National Planning Framework for Scotland 3

- 5.3.2. The National Planning Framework for Scotland 3 (NPF3)⁹ was published in June 2014 and sets out the Scottish Government's strategy for Scotland's long term spatial development. Scottish Planning Policy (SPP)¹⁰ is the statement of the Scottish Government's policy on nationally important land use planning matters. Planning Advice Notes (PANs) provide advice and information on technical planning matters.

⁵ The Scottish Government (2017) Onshore Wind Policy Statement.

⁶ The Scottish Government (2014) Online Renewables Planning Advice.

⁷ Historic Environment Scotland (2016) Historic Environment Scotland Policy statement.

⁸ Historic Scotland (2016) Managing Change in the Historic Environment, Setting.

⁹ The Scottish Government (2014) Scotland's Third National Planning Framework

¹⁰ The Scottish Government (2014) Scottish Planning Policy

- 5.3.3. NPF3 establishes that the Scottish Government's central purpose is to create a more successful country through increasing sustainable economic growth. The Scottish Government's overall vision for Scotland is, as follows:
- a successful, sustainable place – key to achievement of this element of the vision is a growing low carbon economy which provides opportunities that are more fairly distributed between and within all our communities. The creation of high quality, sustainable places and a fair distribution of opportunities are central themes to the achievement of this aspect of the vision;
 - a low carbon place – this outcome is considered of particular relevance to the Proposed Development. NPF3 seeks to ensure that 'we seize opportunities arising from our ambition to be a world leader in low carbon energy generation, both onshore and offshore'. There are further objectives to make the built environment more energy efficient and to largely decarbonise travel;
 - a natural, resilient place – natural and cultural assets are respected, improving in condition, and represent a sustainable economic, environmental and social resource for the nation. Our environment and infrastructure have become more resilient to the impacts of climate change; and
 - a more connected place – the entire country has access to high-speed fixed and mobile digital networks, we make better use of our existing infrastructure and have improved internal and international transport links to facilitate our ambition for growth.
- 5.3.4. The first three of the four elements of the vision contain narrative that is considered relevant to the Proposed Development. These are summarised in the following paragraphs.
- 5.3.5. In the discussion on a successful, sustainable place, NPF3 identifies energy as one of the key sectors of the Scottish economy (paragraph 2.2). NPF3 states that the strategy aims to make best use of Scotland's assets to build a sustainable future (paragraph 2.6). Paragraph 2.7 seeks to ensure that development facilitates adapt to climate change, reduce resource consumption and lower greenhouse gas emissions. Paragraph 2.8 of NPF3 states that much can be gained by focusing on energy resources.
- 5.3.6. In the discussion on a low carbon place, the stated ambition is to '*achieve at least an 80% reduction in greenhouse gas emissions by 2050*'. There is an acknowledgement in paragraph 3.2 of NPF3 that at present the energy sector accounts for a significant share of our greenhouse gas emissions. Paragraph 3.1 states that planning has a key role to play in delivering on the commitments set out in Low Carbon Scotland¹¹ which includes full decarbonisation of electricity supply by 2030.
- 5.3.7. With respect to wind energy, paragraph 3.4 notes that Scotland has a significant wind resource, both onshore and offshore, and electricity generation from wind continues to rise. Paragraph 3.6 states that the renewable energy industry employed around 11,000 people in Scotland in 2014. Paragraph 3.7

11 This report fulfils the duty placed on Scottish Ministers by Section 35 of the Climate Change (Scotland) Act 2009, to lay before the Scottish Parliament a Report on Proposals and Policies setting out specific measures for reducing greenhouse gas emissions to meet Scotland's ambitious statutory targets - <http://www.scotland.gov.uk/Topics/Environment/climatechange/scotlands-action/lowcarbon/rpp>

refers to the varied opinions across Scotland on onshore wind energy, and comments that public support for this technology as part of the renewable energy mix is high. Paragraph 3.9 identifies that the Scottish Government wants to continue to capitalise on Scotland's wind resource.

- 5.3.8. In the discussion on a natural, resilient place, NPF3 acknowledges the important role that Scotland's landscapes play in contributing to overall quality of life, national identity and the visitor economy (paragraph 4.4). Paragraph 4.5 acknowledges the importance of internationally and nationally important habitats and species. Reference is made to the important contribution the historic environment makes to well-being and cultural identity (paragraph 4.6).
- 5.3.9. Paragraph 4.7 states that the pressing issue of climate change means that action on the environment must continue to evolve, strengthening longer-term resilience.
- 5.3.10. Whilst NPF3 does not itself provide detailed guidance on managing development, it notes that SPP sets out the required approach to spatial frameworks which will guide new wind energy development to appropriate locations (paragraph 3.23).

Scottish Planning Policy (June 2014)

- 5.3.11. Complementing the NPF3 objectives outlined above, SPP reiterates the importance of the planning system in achieving sustainable development. SPP also notes the Climate Change (Scotland) Act 2009 targets for reducing greenhouse gas emissions by 2020 and 2050 (paragraph 18).
- 5.3.12. SPP and NPF3 share a single vision for the planning system in Scotland, which is defined in paragraph 11 of SPP as:
- 'We live in a Scotland with a growing, low-carbon economy with progressively narrowing disparities in well-being and opportunity. It is growth that can be achieved whilst reducing emissions and which respects the quality of environment, place and life which makes our country so special. It is growth which increases solidarity – reducing inequalities between our regions. We live in sustainable, well-designed places and homes which meet our needs. We enjoy excellent transport and digital connections, internally and with the rest of the world'.*
- 5.3.13. SPP identifies four outcomes, which the Scottish Government considers will support the vision for the planning system in Scotland. These planning outcomes mirror the four elements of the NPF3 vision, as discussed in the previous section.
- 5.3.14. SPP provides policy commentary under two key themes, Principal Policies and Subject Policies. There are two Principal Policies in SPP (Sustainability and Placemaking) which are underpinned in SPP by several policy principles, as discussed in the following paragraphs.
- 5.3.15. The first policy principle states that *'This SPP introduces a presumption in favour of development that contributes to sustainable development'*. In the

context of the Proposed Development, SPP confirms that planning policies and decisions should be guided by several key principles, which include:

- giving due weight to the net economic benefit of proposals;
- supporting delivery of infrastructure, for example transport, education, energy, digital and water;
- supporting climate change mitigation and adaptation including taking account of flood risk; and
- protecting, enhancing and promoting access to cultural heritage, including the historic environment.

5.3.16. The second policy principle states '*planning should take every opportunity to create high quality places by taking a design-led approach*'. SPP advises that achievement of this principle means taking a holistic approach that responds to and enhances the existing place while balancing the costs and benefits of potential opportunities over the long term. This involves considering the relationships between the four core planning outcomes.

5.3.17. The third policy principle states '*planning should direct the right development to the right place*'. Decisions on development should be guided by a number of guiding principles including:

'Locating development where investment in growth or improvement would have most benefit for the amenity of local people and the vitality of the local economy' (Para. 40).

5.3.18. SPP includes a section on promoting rural development. Paragraph 75 states that the planning system should promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces and encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality.

5.3.19. Paragraph 77 states that '*In remote and fragile areas and island areas outwith defined small towns, the emphasis should be on maintaining and growing communities by encouraging development that provides suitable sustainable economic activity, while preserving important environmental assets such as landscape and wildlife habitats that underpin continuing tourism visits and quality of place.*' The Proposed Development is considered to contribute to the provision of sustainable economic activity in a rural location. With reference to Local Development Plans, SPP states that they should set out a spatial strategy which promotes economic activity and diversification, including, where appropriate, sustainable development linked to tourism and leisure, forestry and renewable energy developments.

5.3.20. Finally, under the 'Placemaking' Principal Policy, SPP states that '*planning should support development that is designed to a high-quality, which demonstrates the six qualities of successful place, which are distinctive, safe and pleasant, welcoming, adaptable, resource efficient and easy to move around and beyond*'.

- 5.3.21. Paragraph 153 comments on the vital role that an efficient supply of low carbon electricity from renewable energy sources can play in reducing greenhouse gas emissions.
- 5.3.22. Paragraphs 161-166 describe key considerations for the delivery of onshore wind farms. It is stated that planning authorities should set out in the development plan a spatial framework identifying areas that are likely to be most appropriate for onshore wind farms. SPP confirms in paragraph 166 that proposals for onshore wind turbines should continue to be determined while spatial frameworks and local policies are being prepared and updated. The same paragraph states that moratoria on onshore wind development are not appropriate.
- 5.3.23. SPP states that strategic and local development planning authorities should identify where there is strategic capacity for wind farms and areas with the greatest potential for wind development (Para 162).
- 5.3.24. Table 1 of SPP, following paragraph 166, sets out the specific criteria by which spatial frameworks for onshore wind energy proposals should be formed. The SPP categorises constraints and opportunities into three groups where differing levels of protection are afforded. These are reproduced below:
- Group 1: Areas where wind farms will not be acceptable:
'National Parks and National Scenic Areas'
 - Group 2: Areas of significant protection:
'Recognising the need for significant protection, in these areas wind farms may be appropriate in some circumstances. Further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.'
Group 2 constraints consist of:
'National and international designations – World Heritage Sites; Natura 2000 and Ramsar sites; Sites of Special Scientific Interest; National Nature Reserves; Sites identified in the Inventory of Gardens and Designed Landscapes; Sites identified in the Inventory of Historic Battlefields;
Other nationally important mapped environmental interests – areas of wild land as shown on the 2014 SNH map of wild land areas; carbon rich soils, deep peat and priority peatland habitat; and
Community separation for consideration of visual impact – an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge. The extent of the area will be determined by the planning authority based on landform and other features which restrict views out from the settlement.'
 - Group 3: Areas with potential for wind farm development:
'Beyond groups 1 and 2, wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria.'
- 5.3.25. The Proposed Development is located outside any of the Group 1 areas. The Proposed Development is not located within any areas covered by national or

international designations. The Proposed Development is not located within any areas of wild land, as defined by the SNH wild land map¹².

5.3.26. Paragraph 169 identifies the range of considerations likely to be relevant to the determination of energy projects, including onshore wind developments. These include matters such as net economic impact of a proposal, contributions to renewable energy targets, landscape and visual impacts, effects on communities and effects on natural heritage. Each element of paragraph 169 is considered in detail in the Planning Statement accompanying the Section 36 application.

5.3.27. Paragraph 173 deals with community benefit and comments:

'Where a proposal is acceptable in land use terms, and consent is being granted, local authorities may wish to engage in negotiations to secure community benefit in line with the Scottish Government Good Practice Principles for Community Benefits from Onshore Renewable Energy Developments.'

5.3.28. The in-principle support for renewable energy in SPP is balanced against the need for planning to play a key role in maintaining and enhancing cultural heritage assets and environmental resources. In addition to the renewable energy planning policies, the relevant subject planning policies are outlined below.

5.3.29. Landscape and Natural Heritage. Paragraph 193 comments on the important role planning plays in protecting, enhancing and promoting access to our key environmental resources, whilst supporting their sustainable use.

5.3.30. Paragraph 194 states that the planning system should:

- *'facilitate positive change while maintaining and enhancing distinctive landscape character;*
- *conserve and enhance protected sites and species, taking account of the need to maintain healthy ecosystems and work with the natural processes which provide important services to communities;*
- *promote protection and improvement of the water environment, including rivers, lochs, estuaries, wetlands, coastal waters and groundwater, in a sustainable and co-ordinated way;*
- *seek to protect soils from damage such as erosion or compaction;*
- *protect and enhance ancient semi-natural woodland as an important and irreplaceable resource, together with other native or long-established woods, hedgerows and individual trees with high nature conservation or landscape value;*
- *seek benefits for biodiversity from new development where possible, including the restoration of degraded habitats and the avoidance of further fragmentation or isolation of habitats; and*
- *support opportunities for enjoying and learning about the natural environment.'*

5.3.31. Paragraph 203 confirms that impacts upon statutorily designated sites will be an important consideration, but a designation does not impose an automatic

¹² SNH (2014) Wild Land Areas 2014.

prohibition on development. The same paragraph states that planning permission should be refused where the nature or scale of proposed development would have an unacceptable impact on the natural environment.

- 5.3.32. Paragraph 204 confirms that while planning authorities should apply the precautionary principle where the impacts of a proposal on nationally or internationally designated resources are uncertain, application of this policy should not be used to impede development without justification.

Ecology

- 5.3.33. SPP contains a section providing commentary on matters relating to international and national designations, such as Natura 2000 Sites, Ramsar Sites, National Parks, National Scenic Areas, etc. Paragraph 207 confirms that development proposals likely to have a significant effect on Natura 2000 Sites, and which are not directly connected with or necessary to their conservation management, must be subject to an 'appropriate assessment' of the implications for the conservation objectives. Such proposals may only be approved if the competent authority has ascertained that there will be no adverse effects on the integrity of the site.

- 5.3.34. SPP highlights that the presence (or potential presence) of a legally protected species is an important consideration in the determination of planning and Section 36 applications. The level of protection afforded by legislation must be factored into the planning and design of the development and any impacts must be fully considered prior to determination of the application (paragraph 214).

Transport

- 5.3.35. Paragraph 269 highlights that planning can play an important role in improving connectivity and promoting more sustainable patterns of transport and travel as part of the transition to a low carbon economy.
- 5.3.36. Paragraph 286 requests that a Transport Assessment should be carried out where a new development is likely to result in a significant increase in vehicular trips.

Historic Environment

- 5.3.37. SPP recognises the key part that Scotland's cultural heritage plays and how it contributes to sustainable economic growth and regeneration. The historic environment is a key cultural and economic asset and is integral to creating successful places. Planning authorities should take account of the siting and design of development to protect all aspects of the historic environment. SPP recognises that direct impacts as well as consideration of impacts upon the setting of an historic asset must be considered when determining planning and Section 36 applications.

Flooding and Drainage

- 5.3.38. Paragraphs 254 to 268 of the SPP address flooding and drainage. The SPP highlights the risk of flooding on development proposals and suggests potential measures for risk management.
- 5.3.39. Overall, SPP continues to support the further development of onshore wind as one of the key renewable energy technologies that can help deliver the Scottish Government's target of an 80% reduction in greenhouse gas emissions by 2050 from the 1990 baseline levels as well as other more recently established targets set by the Scottish Energy Strategy (2017) (SES). This support is balanced against the need to consider the wider environmental impacts of onshore wind energy developments and Table 1 of SPP provides a spatial framework that will help all stakeholders understand those areas that are likely to be most appropriate for onshore wind farms.

Onshore Wind Turbines, Online Renewables Planning Advice (May 2014)

- 5.3.40. The Scottish Government introduced online renewables advice in February 2011 which has been updated several times since, the latest update being in May 2014. This advice takes the form of web based renewables advice notes and has replaced Planning Advice Note (PAN) 45: '*Renewable Technologies*' and PAN45: '*Annex 2: Spatial Frameworks and Supplementary Guidance for Wind Farms.*'
- 5.3.41. The advice note sets out guidance for planning authorities to help them plan for and consider onshore wind proposals. Guidance is provided on a number of issues including Evidence Base and Main Issues Report, Spatial Planning, Drafting Development Plan Policy, Development Plan Action Programmes, Securing Sufficient Information to Determine Applications, Pre-application Stage, and Determining Planning Applications. Technical information for turbine construction is also provided.
- 5.3.42. The advice note also identifies the typical planning considerations in determining applications for onshore wind turbines including:
- landscape impact;
 - impacts on wildlife and habitat, ecosystems and biodiversity;
 - shadow flicker, noise, ice throw and electromagnetic interference;
 - aviation;
 - road traffic impacts;
 - cumulative impacts; and
 - decommissioning.
- 5.3.43. It is not considered necessary to discuss each element of the advice note in detail in this section. Instead, the topic-specific chapters of the EIA Report each identify a key issue relevant to the Proposed Development and how these have been assessed as part of the EIA. Table 5.1 below identifies the key issues contained in the advice note, and where these issues are addressed in the EIA Report.

Table 5.1: Key Considerations from the Onshore Wind Turbines Online Renewables Planning Advice (May 2014)

Typical Considerations in Determining Planning Applications for Onshore Wind Turbines	Response
Landscape Impact	Chapter 8 – Landscape and Visual
Landscape Assessment	Chapter 8 – Landscape and Visual
Impacts on Wildlife and Habitat, Ecosystems and Habitats	Chapter 9 – Ecology and Chapter 10 - Ornithology
Shadow Flicker	Chapter 18 – Shadow Flicker
Noise	Chapter 14 - Noise
Electro-magnetic Interference	Chapter 19 - Telecommunications
Safety Aspects	Chapter 20 Major Accidents and Disasters and various other chapters
Separation Distances	Chapter 8 – Landscape and Visual
Aviation Matters	Chapter 16 – Aviation
Historic Environment Impacts	Chapter 11 – Cultural Heritage
Road Traffic Impacts	Chapter 15 – Traffic and Transport
Cumulative Impacts	Chapters 8 - 19
Good Practice During Construction	Chapter 4 – Description of the Proposed Development and Chapters 8 – 19
Decommissioning	Chapter 4 – Description of the Proposed Development and Chapters 8 – 21

Historic Environment Policy Statement 2016

- 5.3.44. The Historic Environment Scotland (HES) Policy Statement 2016 replaces the operational practices which were set out in the Scottish Historic Environment Policy (2011). These practices changed as a result of the Historic Environment Scotland Act 2014 and the associated legislation and regulations.
- 5.3.45. The Historic Environment Policy Statement sets out the principles under which HES operates and provides a framework that informs the day to day work of organisations that have a role and interest in managing the historic environment. In paragraph 1.6 of the introductory section, it notes that the historic environment faces many challenges, including the needs of renewable energy generation. Processes such as climate change are referred to in paragraph 1.17.
- 5.3.46. Key 'principles' are referred to in paragraphs 1.9 – 1.11. These include protecting and enhancing the historic environment, securing greater economic benefits from it, and ensuring that the people of Scotland and visitors value, understand and enjoy the historic environment. The Historic Environment

Policy Statement in specific relation to the Proposed Development is discussed in greater detail in *Chapter 11: Cultural Heritage* of the EIA Report.

Historic Scotland Guidance Note Managing Change in the Historic Environment: Setting (2016)

- 5.3.47. Historic Scotland produced a series of guidance notes that are intended to 'translate' SPP into everyday language. The guidance note on 'setting' sets out the principles that apply to developments affecting the setting of historic assets. The guidance states that it should inform the determination of applications relating to the historic environment. The guidance note considers what contributes to the setting of a historic asset, how to assess the impact of a development on the setting of a historic asset or place and the potential for mitigation.
- 5.3.48. This Guidance Note is considered in relation to the Proposed Development within Chapter 11 of the EIA Report.

5.4. Local Planning Policy Documents

The Development Plan

- 5.4.1. The Development Plan for the Proposed Development comprises the Dumfries and Galloway Council Local Development Plan¹³ which was adopted in September 2014. The LDP provides the approved local planning policy which will be an important material consideration for the determination of the Section 36 application. Adopted Supplementary Guidance (SG) has also been considered in this section.

Dumfries and Galloway Council Local Development Plan 2014

- 5.4.2. The Site is not subject to any specific land use allocation within the LDP. Part of the Site, at the north western edge, lies within the Galloway Hills Regional Scenic Area, however no turbines or other infrastructure is located within this designation. The LDP contains a number of potentially relevant planning policies against which the Proposed Development is assessed within the Planning Statement which accompanies the Section 36 application. Table 5.2 lists the policy numbers and names of relevance to the Proposed Development.

Table 5.2 Potentially Relevant LDP Policy Numbers and Names

Policy Number	Policy Name	LDP Policy Page
IN1	Renewable Energy	78
IN2	Wind Energy	81
OP1	Development Considerations	24
HE3	Archaeology	54
HE6	Gardens and Designed Landscapes	57
NE1	National Scenic Areas	60

¹³ Dumfries and Galloway Council (2014) Dumfries and Galloway Council Local Development Plan

Policy Number	Policy Name	LDP Policy Page
IN1	Renewable Energy	78
IN2	Wind Energy	81
NE2	Regional Scenic Areas	60
NE3	Sites of International Importance for Biodiversity	61
NE4	Species of International Importance	61
NE5	Sites of National Importance for Biodiversity and Geodiversity	62
NE6	Forestry and Woodland	63
NE7	Trees and Development	64
NE11	Supporting the Water Environment	68
NE12	Protection of Water Margins	68
IN6	Waste Management Requirements for New Development	87
IN7	Flooding and Development	88
IN8	Surface Water Drainage and Sustainable Drainage Systems (SuDS)	89
T1	Transport Infrastructure	93
T2	Location of Development/Accessibility	94

Policy IN1: 'Renewable Energy'

- 5.4.3. The introductory commentary to the renewable energy section in the LDP refers to the Scottish Government commitment to sourcing 100% of electricity generation via renewable energy. The commentary recognises the large part that onshore wind has already played in delivering renewable energy targets and that it will continue to do so but as part of a wider mix of renewable technologies. In all cases, it is stated that the Council will pay particular attention to the sensitive siting and design of proposals, including the consideration of alternatives.
- 5.4.4. Policy IN1: 'Renewable Energy' states that the Council will be supportive of renewable energy proposals where these individually or cumulatively do not have an unacceptable impact on landscape, cultural/natural heritage, tourism and recreational uses in the countryside, water and fishing interests, air quality, and surrounding amenity.
- 5.4.5. It is further stated in Policy IN1 that assessment of these elements should be enabled by the submission of sufficient detail to include the following (as relevant to the proposal):
- *'Any associated infrastructure requirements including road and grid connections (where subject to planning consent);*

- *Environmental or other impacts associated with the construction and operational phases of the development including details of any visual impact, noise and odour issues;*
- *Relevant provisions for the restoration of the site; and*
- *The extent to which the proposal helps to meet the current government targets for energy generation and consumption.'* (Policy IN1, page 78)

Policy IN2: 'Wind Energy'

- 5.4.6. In the introduction to Policy IN2 (page 79) reference is made to the spatial framework prepared by the Council which identifies areas of search and areas without significant constraint for the development of wind energy proposals. It is further explained that different landscapes have different capacity to accommodate development and that local landscape character should inform the design process. Further information should be sought within SG documents and the Dumfries and Galloway Landscape Capacity Study.
- 5.4.7. Policy IN2 is presented in two parts. Part one of the policy refers to 'Assessment of all wind farm proposals.' This first part of the policy sets out that the Council will assess the acceptability of a proposed wind farm against the following considerations:
- landscape and visual impact;
 - cumulative impact;
 - impact on local communities;
 - impact on aviation and defence interests; and
 - other impacts and considerations.
- 5.4.8. Part two of Policy IN2 refers to the spatial framework. It explains that the various considerations set out in Part one of the policy will be applied in the context of the following spatial framework:
- Areas of Greatest Potential;
 - Areas of Significant Protection;
 - Cumulative Sensitivity Zones; and
 - all other areas (areas where potential constraints apply but with potential for mitigation).
- 5.4.9. Part two of Policy IN2 is accompanied by Map 9: 'Interim Spatial Framework Guidance for Large Typologies (over 80 metres to blade tip)' (page 83). Map 9 shows that the Proposed Development is located largely within a defined 'Area of Greatest Potential'.

Policy OP1: 'Development Considerations'

- 5.4.10. Policy OP1 is an overarching policy setting out the key considerations for all development proposals. The aim of the policy is to deliver a high standard of development and notes that other site-specific issues may also need to be considered. The main development considerations are listed as:
- general amenity, including noise, emissions and environmental pollution and light;
 - historic environment;
 - landscape;
 - biodiversity and geodiversity;

- transport and travel;
- sustainability; and
- water environment.

Policy HE3: 'Archaeology'

- 5.4.11. Policy HE3 states that the Council will support development that protects significant archaeological and historic assets as well as the wider historic environment from adverse effects. Commentary below Policy HE3 (page 54) states that there is a particular need to consider archaeological interests that may extend over a wide area in relation to large scale projects such as wind farms.

Policy HE6: 'Gardens and Designed Landscapes'

- 5.4.12. Policy HE6 states that development will be supported where Gardens and Designed Landscapes are protected or enhanced. Due consideration must be given to the significance and value of any asset, balanced against the long-term benefit and need for the development proposed. Assessment of the impact of a development proposal on sites and their settings will be required and any proposals that have a detrimental effect on the quality, character or integrity of a Garden or Designed Landscape must demonstrate overriding public interest.

Policy NE1: 'National Scenic Areas'

- 5.4.13. Policy NE1 is concerned with development that may have an effect on a National Scenic Area (NSA) and stipulates that development will not be permitted where it adversely affects the integrity or qualities of an NSA or where such effects are not outweighed by social, environmental or economic benefits of national importance.

Policy NE2: 'Regional Scenic Areas'

- 5.4.14. Policy NE2 confirms that development which affects a Regional Scenic Area may be supported where the landscape character or scenic interest will not be significantly adversely affected or where there is a specific locational need for the development at that location.

Policy NE3: 'Sites of International Importance for Biodiversity'

- 5.4.15. Policy NE3 states that proposals likely to have a significant effect on an existing or potential Special Protection Area or candidate Special Area of Conservation or Ramsar Site will require an appropriate assessment. Such development will only be permitted if the integrity of such sites is not adversely affected or there are overriding reasons of public interest and no alternative solutions.

Policy NE4: 'Species of International Importance'

- 5.4.16. Policy NE4 states that development proposals likely to have an adverse effect on a European Protected Species will not be permitted by the Council unless there is no alternative, the development is required for overriding public interest of a social or economic nature, or if the development would not be

detrimental to the maintenance of the species population at a favourable conservation status.

Policy NE5: 'Sites of Importance for Biodiversity and Geodiversity'

- 5.4.17. Development affecting Sites of Special Scientific Interest and other national conservation designations will only be permitted where the integrity of the area or its qualities are not adversely affected or where such effects are outweighed by social, environmental or economic benefits of national importance.

Policy NE6: 'Forestry and Woodland'

- 5.4.18. Policy NE6 seeks to ensure the protection and enhancement of ancient and semi-natural woodlands, as well as other woodlands with a high conservation value. Where making a response to consultation on forestry felling and replanting (where the Forestry Commission are the determining authority) the Council will:

- *'take into account environmental and other interests identified in the Forestry and Woodland Strategy;*
- *consider the scheme's location as set out in the Forestry and Woodland Strategy;*
- *seek to ensure an appropriate balance between both afforested and un-afforested areas in the locality;*
- *encourage planting of a type, scale, design, age, composition and species mix that is appropriate to the locality;*
- *actively encourage proposals to have a positive effect on nature conservation and/or natural and historic environment interest;*
- *encourage proposals to take account of possible recreational use in the design of any planting schemes and indicate how such recreational uses have been investigated; and*
- *ensure that proposals do not have an adverse impact on the road network.'*

NE7; 'Trees and Development'

- 5.4.19. Policy NE7 demonstrates support from the Council for proposals that promote additional tree planting as well as maintaining trees, woodlands and hedgerows along with proposals that appropriately accommodate woodland into the design of a scheme and show how trees can be protected during construction. If woodland resource is being lost as a result of a development, then Policy NE7 requires an appropriate replanting scheme to be agreed with the Council.

Policy NE11: 'Supporting the Water Environment'

- 5.4.20. Policy NE11 contains a number of points that are relevant to the consideration of the Proposed Development including the following:
- Development will not be permitted which would result in the deterioration of a waterbody.
 - Any culverting of a waterbody will only be allowed where the Council is satisfied that acceptable mitigation could be provided for habitats, fauna and river form and flow.
 - Physical alterations of waterbodies should be avoided.
 - Any likely adverse effect on a Drinking Water Protection Area will be subject to consultation with SEPA.

Policy NE12: 'Protection of Water Margins'

- 5.4.21. Policy NE12 is concerned with protecting the margins of waterbodies where new development is adjacent to or in the vicinity of waterbodies.

Policy IN6: 'Waste Management Requirements for New Development'

- 5.4.22. Policy IN6 requires that any application for planning permission which, in the Council's view, needs to address the issue of waste must be supported by a Site Waste Management Plan.

Policy IN7: 'Flooding and Development'

- 5.4.23. Policy IN7 states that a Flood Risk Assessment may be required if a development poses an unacceptable onsite or offsite flood risk. A Drainage Impact Assessment may be required to ensure that surface water flows are properly considered the development design.

Policy IN8: 'Surface Water Drainage and Sustainable Drainage Systems (SuDS)'

- 5.4.24. Under the terms of Policy IN8, all development proposals are required to demonstrate means of treating surface water via a plan illustrating SuDS. The SuDS plan should illustrate design to avoid flood risk, be accommodated within the proposed site, and contribute positively to the biodiversity the area of the proposal.

Policy T1: 'Transport Infrastructure'

- 5.4.25. Where a development proposal involves the improvement of existing transport infrastructure, Policy T1 states that the Council will be supportive of this where the proposal has no adverse effects on a Natura site. Policy T1 goes on to state that development proposal that may affect the performance or safety of the strategic transport network will need to be assessed for their impact and to ensure that national and strategic routes are not compromised.

Policy T2: 'Location of Development/Accessibility'

- 5.4.26. Of relevance within this policy is the requirement to provide appropriate levels of car and cycle parking. Policy T2 also requires a Transport Assessment to be prepared in appropriate circumstances.

Dumfries and Galloway Adopted Supplementary Guidance

- 5.4.27. Several SG documents have been adopted by the Council to supplement policies within the LDP. The main SG documents of relevance are 'Part 1 Wind Energy Development: Development Management Considerations' and the 'Dumfries and Galloway Wind Farm Land Capacity Study – Appendix Report'. Other SG documents with relevance to the Proposed Development are the 'Dumfries and Galloway Forestry and Woodland Strategy', 'Flooding and Development' and 'Travel Plans'.

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- 5.4.28. 'Part 1 Wind Energy Development; Development Management Considerations'¹⁴ was adopted in June 2017. The SG states that its purpose is to provide further detail on the criteria contained in Part 1 of Policy IN2: 'Wind Energy' and to provide all interested parties with a statement of the main factors to be taken into account in planning decisions.
- 5.4.29. The SG notes in its introduction that the LDP was taken through Examination prior to the introduction of Scottish Planning Policy (SPP) in 2014. It is therefore stated that the spatial framework contained in Part 2 of Policy IN2 of the LDP and the associated spatial framework maps do not meet the current requirements for the content of spatial frameworks set out in SPP. As a result, the SG states that it has not been prepared in compliance with SPP, as the Council was unable to do this given the timing of the Examination of current LDP policy. In light of this, the spatial framework maps remain as 'interim' in status.
- 5.4.30. Section 3 of the SG states that the Council will assess wind energy proposals by balancing all the applicable factors and considering each against relevant LDP policies. It is recognised that a proposal may be assessed as detrimental in some respects but that does not automatically result in refusal of consent. Following this is a detailed explanation of the various factors to be considered under the Part 1 Policy IN2 criteria is set out. These factors are set out below.
- 5.4.31. Section A 'Landscape and Visual Amenity' (page 9) describes minimising visual impacts by use of appropriate siting, design and scale as well as positioning of turbines in relation to sensitive receptors and the design and location of tracks and ancillary structures. Proposals affecting Regional Scenic Areas will need to consider the potential impacts with regards the objectives of the designation.
- 5.4.32. Section B 'Cumulative Impacts on Landscape and Visual Amenity' (page 11) is concerned with the combined impacts of a proposal with other nearby developments. Paragraph B6 states that proposals will be assessed against operational wind energy sites, non-operational sites with extant planning permission, proposals with valid planning applications and, in some cases, where sites are at the scoping stage.
- 5.4.33. Section C 'Design of Proposals' (page 12) contains advice in relation to siting wind farm proposals in relation to landscape prominence and historic, cultural or recreational significance as well as views from settlements or major routes. It also states that the layout should relate to landscape pattern with consideration for sensitive viewpoints as well as turbine form and colour.
- 5.4.34. Section D 'Effects on Local Amenity and Communities' (page 13) requires that proper consideration be given to noise, shadow flicker and visual dominance.
- 5.4.35. Section E 'Aviation and Defence' (page 14) highlights that aviation constraints exist in various parts of Dumfries and Galloway and that potential aviation and defence constraints and solutions may have to be considered.

¹⁴ Dumfries and Galloway Council (2017) Part 1 Wind Energy Development: Development Management Considerations

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- 5.4.36. Section F 'Historic Environment and Cultural Heritage' (page 15) sets out a number of designated features where constraints to wind farm development exist. All applications are required to demonstrate that they have assessed the potential for effects on designated features and potentially other undesignated features. Both direct effects within the immediate vicinity of designated features must be assessed as well as indirect effects on setting.
- 5.4.37. Section G 'Biodiversity' (page 17) states that all proposals will be assessed for their impact on biodiversity. Protected sites, protected species, bird sensitivity, and other habitats and species as well as cumulative impacts in relation to all of these elements.
- 5.4.38. Section H 'Forests and Woodlands' (page 17) stipulates a presumption in favour of retaining ancient woodland, places a requirement on developers to protect woodland cover and, where felling is required, to have an appropriate replanting scheme in place.
- 5.4.39. Section I 'Tourism and Recreational Interests' (page 19) requires applicants to demonstrate how they have considered local tourism and recreational facilities, the potential impact on these, and the impact on the factors that contribute to the appeal of the destinations. Any appropriate mitigation measures should also be considered.
- 5.4.40. Section J 'Broadcasting Installations' (page 20) confirms the requirement for a Section 75 Agreement to be put in place for large and medium scale developments, ensuring a commitment to rectify any interference with broadcasting installations, should this become necessary.
- 5.4.41. Section K 'Ancillary Development' (page 20) focuses on ancillary elements such as tracks, borrow pits, fencing, control buildings and masts, amongst others. The Council wish to seek to ensure that all elements of a proposal are assessed in terms of their potential impact.
- 5.4.42. Section L 'Physical Site Constraints' (page 21) refers to the suitability and stability of the physical characteristics of a site, including water resources and geodiversity, and the effects during construction as well as longer-term.
- 5.4.43. Section M 'Decommissioning and Restoration' and Section N 'Legal Agreements' (page 23) recognise the normal life expectancy of a wind farm to be 25 years and is concerned with applying appropriate agreement, conditions or bonds to ensure decommissioning and restoration of the site. For large turbine development, developers may be expected to enter into a legal agreement to appoint an independent person to oversee construction and initial operation.
- 5.4.44. Section O 'Supporting Information' (page 24) lists the various pieces of supporting information that the Council require to accompany a wind energy proposal, including a Planning Statement and Landscape and Visual Assessment along with assessments for historic environment, noise, natural heritage, tourism and access.
- 5.4.45. Under the terms of the SG, the Proposed Development would be categorised as large scale typology (turbines between 80 m and 150 m to tip height). The

majority of the Site is within the '19a: Southern Uplands with Forest' landscape character type with a small proportion within the '4: Narrow Wooded River Valley'. EIA Report Chapter 8: Landscape and Visual explains that an analysis of the local landscape character has been undertaken and that for the purposes of the LVIA the Site is considered to be fully within the Southern Upland with Forest landscape character type.

- 5.4.46. The 'Dumfries and Galloway Wind Farm Capacity Report'¹⁵ effectively forms Appendix C of the Wind Energy Development SG. This report explains the various development typologies, the sensitivity criteria relevant in the assessment of wind turbine proposals, and detailed descriptions of the various landscape types and their ability to accommodate different wind turbine typologies.
- 5.4.47. A detailed assessment of each Landscape Character Type is included within this report. The Southern Uplands with Forest landscape is identified as having scope for additional wind energy development. A medium sensitivity to large typology turbines is recorded for the area which includes the Site.
- 5.4.48. 'Dumfries and Galloway Forestry and Woodland Strategy' SG¹⁶ was adopted in December 2014. This SG contains a section relating to woodlands and climate change. One of the 'Key Actions' identified at page 39 of the SG is the aim to develop local guidance and practice to minimise woodland loss from renewable energy development.
- 5.4.49. The SG recognises there may be potential for siting wind farms within forested areas but that this should be balanced against loss of trees and carbon emissions from construction. There is particular emphasis on the need for 'like for like' replanting.
- 5.4.50. 'Trees and Development' SG¹⁷ was adopted in 2015 and applies to all forms and scale of development involving the removal of trees, including wind farms. This SG discusses the issue of replacement planting, suggesting that replanting would normally be in the same general area; however, it is recognised that larger scale replanting from development such as wind farms may be considered on appropriate sites elsewhere in the region.
- 5.4.51. 'Flooding and Development' SG¹⁸ was adopted in 2014. Page 9 of the SG lists some matters to be considered regarding flood and drainage prior to an application being lodged. For example, this includes SuDS design, how extraneous surface water or groundwater is to be dealt with, and the maintenance of this over time.

15 Dumfries and Galloway Council (2017) Part 1 Wind Energy Development: Development Management Considerations, Appendix C Dumfries and Galloway Wind Farm Landscape Capacity Study

16 Dumfries and Galloway Council (2014) Dumfries and Galloway Forestry and Woodland Strategy Supplementary Guidance

17 Dumfries and Galloway (2015) Trees and Development Supplementary Guidance

18 Dumfries and Galloway (2014) Flooding and Development Supplementary Guidance

Proposed Local Development Plan and Draft Supplementary Guidance

- 5.4.52. The Proposed LDP 2¹⁹ (2018) was published for consultation during February to April 2018. An Examination of the outstanding objections is scheduled to take place during October 2018.
- 5.4.53. Whilst the Proposed LDP 2 will become more relevant the further it progresses through its consultation, examination and adoption process; at the time of submission, it remains un-adopted and the policies within it are still subject to change. The emerging policies are therefore considered to be an other material consideration in relation to the consideration of the Proposed Development and are reviewed and assessed within the Planning Statement.

5.5. Conclusions

- 5.5.1. This Chapter has summarised the planning policy context for the Proposed Development at a national and at a local level. Commentary on relevant energy policy considerations has also been provided.
- 5.5.2. The SES sets new energy targets for 2030 and 2050, recognising that renewable energy technologies including onshore wind will have a key role to play in helping to achieve these targets. National planning policy continues to support the principle of wind energy development, subject to the consideration of environmental criteria. The spatial strategy outlined in SPP provides an indication of areas where wind energy developments will not be permitted and areas where they may be permitted subject to consideration of a number of environmental criteria.
- 5.5.3. The Development Plan for the Proposed Development comprises the Dumfries and Galloway LDP (2014) which is supportive of the principle of wind energy development. The LDP policies require developers to demonstrate that wind energy development proposals will not have unacceptable impacts on people, the natural and water environment, landscape, or the historic, built or cultural environment.
- 5.5.4. Overall, there is strong policy support for the principle of renewable energy development at all policy levels, subject to the satisfaction of a number of planning and environmental considerations which are considered in detail in the following chapters of the EIA Report. A full assessment of The Proposed Development against the identified plans, policies and strategies identified in this Chapter is contained within the Planning Statement that accompanies the Section 36 application.

¹⁹ Dumfries and Galloway (2018) Proposed Local Development Plan 2