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5. Policy Context

5.1. Introduction

5.1.1. This Chapter does not repeat the information set out in *Chapter 5: Policy Context* of the Shepherd's Rig EIA Report (November 2018) where that information remains valid in the context of the reduced number of turbines now proposed. As such, this Additional Environmental Information (AEI) supplements Chapter 5 of the EIA Report (November 2018) and should be read in conjunction with it.

5.1.2. The objective of this AEI Chapter is to provide an update on the emergence of any new or updated energy and planning policy documents published since submission of the Section 36 application and EIA Report (November 2018) and to discuss their relevance to the Revised Development.

5.2. National Energy Policy Documents

Climate Change (Emissions Reduction Targets) (Scotland) Act

5.2.1. The new Climate Change Act received Royal Assent on 31st October 2019 and sets even more ambitious targets than those contained in the 2009 Act. In doing so, Scotland will become one of the first countries to legislate support for the aims of the Paris Agreement.

5.2.2. The Climate Change Act amends only those parts of the 2009 Act that relate to emission reduction targets and associated reporting duties. The detailed proposals and policies for delivering against targets are to be set out in the current and future Climate Change Plans.

5.2.3. In line with advice from the Committee on Climate Change (CCC) on 2 May 2019, the Scottish Government lodged amendments to the then Climate Change Bill to set a target date of 2045 for reaching net-zero emissions. The amendments to the Bill also raised the ambition of the 2030 and 2040 targets to 70% and 90% emissions reductions respectively. The Scottish Parliament's Environment Committee voted in favour of these targets at Stage 2 on 18th June 2019 prior to the Bill then being enshrined in law on 31st October 2019.

5.2.4. The CCC's advice is that Scotland can now achieve such a target, provided that the UK-wide ambition is also increased - to net-zero by 2050 - and action is taken in reserved policy areas. If agreed by Parliament, Scotland will have the most stringent statutory targets in the world and our contribution to climate change will end, definitively, within a generation.

Special Report on Global Warming of 1.5° - Intergovernmental Panel on Climate Change (IPCC) (2018)

5.2.5. This special report from the IPCC was published in October 2018¹ and comments upon a number of climate change impacts that could be avoided by

¹ IPCC (2018) 'Global Warming of 1.5°C, an IPCC special report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of

limiting global warming to 1.5° compared to 2° or more. The report considers that this would avoid some of the most significant consequences of global warming.

- 5.2.6. One of the key messages from the report is that we are already seeing the results of a 1° rise in global temperatures through more extreme weather events, rising sea levels and diminishing Arctic sea ice, amongst other changes. The energy sector is identified both as a cause of this rise and as a potential solution. The report identifies that in seeking a solution through the energy sector various aspects need to be looked at including a reduction in energy usage and decarbonisation of electricity and other fuels. The Technical Summary states at pages 8 and 9 that the proportion of energy derived from renewable sources needs to increase whilst coal usage decreases.
- 5.2.7. This report is a recent expression of the international need for decision-makers to recognise the risks of not taking immediate action on global warming. The report clearly emphasises the need to move toward a more renewables dominant generation system to tackle this.

**Net Zero, The UKs contribution to stopping global warming -
Committee on Climate Change (CCC) (May 2019)**

- 5.2.8. This recent publication² from the CCC follows on from the publication of the IPCC report in October 2018. It sends out an equally urgent message regarding the need to take urgent action to tackle climate change and notes the crucial role the renewable energy sector has to play in facing up to these challenges.
- 5.2.9. The UK currently has a target to achieve an 80% reduction in greenhouse gas emissions by 2050, compared to 1990 levels. The CCC was commissioned by the Governments of the UK, Scotland and Wales to provide updated advice on these emissions targets, including the possibility of setting a new 'net zero' target. The contents of the report provide a stark assessment of the risks posed by climate change and conclude that achieving net zero greenhouse gas emissions across the UK (as opposed to an 80% reduction) by 2050 is "*necessary, feasible and cost-effective*".
- 5.2.10. As far as renewable energy is concerned, the report considers that its contribution will need to quadruple by 2050. In Chapter 3 of the report, the CCC notes that "*a large scale shift in investment towards low-carbon technologies is needed and emissions need to stop rising and to start reducing rapidly*". It continues and notes that "*renewable power is now as cheap as or cheaper than fossil fuels in most parts of the world*".
- 5.2.11. Chapter 5 of the report 'Reaching net-zero emissions in the UK', considers that with a well-designed policy framework in place, it is technically feasible to reduce emissions to net-zero by 2050, but it will be highly challenging. Reducing emissions from electricity generation is identified as a key step in the journey to net-zero and the report notes on page 145 that "*renewable energy*

strengthening the global response to the threat of climate change, sustainable development and efforts to eradicate poverty'

² CCC (2019) 'Net Zero – The UK's contribution to stopping global warming'

could be four times today's levels, requiring a sustained and increased build out between now and 2050 complemented by firm low-carbon power options such as nuclear power and CCS".

Protecting Scotland's Future: The Government's Programme for Scotland 2019-20

- 5.2.12. In response to the declaration of a 'Climate Emergency' in Scotland, and the UK as a whole, the 'Programme for Government'³ published on 3rd September 2019 sets out actions that will be taken to end Scotland's contribution to global climate change.
- 5.2.13. The recently established Climate Emergency Response Group has noted 12 specific requests to which the Programme for Government responded. One such request is for the completion of plans for how renewable electricity is generated in order to reach net zero. Page 37 of the Programme for Government confirms that the Scottish Government's next Energy Statement will set out the extent to which renewable and low carbon energy generation will need to be combined in order to meet net zero and that this will subsequently be monitored on an annual basis. This will ultimately form part of a wider review of targets and policies to inform the updated Climate Change Plan.
- 5.2.14. Page 39 of this document further states that the global climate emergency necessitates consideration of more radical planning policy options. This is expected to begin via engagement in the drafting of the fourth National Planning Framework later in 2019.

5.3. National Planning Policy Documents

Historic Environment Policy for Scotland (2019)

- 5.3.1. The Historic Environment Policy for Scotland⁴ (HEPS) sets out policies for the historic environment, provides greater policy direction for Historic Environment Scotland and provides a policy framework to inform the work of organisations that have a role and interest in managing the historic environment. HEPS is a material consideration which should be taken account of whenever a planning decision will affect the historic environment. Pages 10 and 11 illustrate the challenges and opportunities facing the historic environment including climate change and the effort required to mitigate and adapt to its effects.
- 5.3.2. The Planning Statement will consider the Revised Development against HEPS, notably the 'Policies and Principles' which include conservation and management of change for the benefit of present and future generations. HEPS recognises that changes in society, climate change and economy can create challenges for the historic environment requiring that resources are managed sustainably to balance competing demands.

³ <https://www.gov.scot/publications/protecting-scotlands-future-governments-programme-scotland-2019-20/>

⁴ Historic Environment Scotland (2019), Historic Environment Policy for Scotland

5.4. Local Planning Policy Documents

Dumfries and Galloway Council Local Development Plan 2 2019

- 5.4.1. The Dumfries and Galloway Council Local Development Plan 2⁵ (LDP2) was adopted on 3rd October 2019, at which point it replaced the previous LDP from 2014. LDP2 provides the approved local planning policy which will be an important material consideration for the determination of the Section 36 application.
- 5.4.2. The Site is not subject to any specific land use allocation within LDP2. Part of the Site, at the north western edge, lies within the Galloway Hills Regional Scenic Area. The LDP2 contains a number of potentially relevant planning policies against which the Revised Development is assessed within an updated Planning Statement which accompanies the Section 36 application. AEI Table 5.1 lists the LDP2 policy numbers and names of potential relevance to the Revised Development, based upon characteristics and location.

AEI Table 5.1 Potentially Relevant LDP2 Policy Numbers and Names

Policy Number	Policy Name	LDP Policy Page
IN1	Renewable Energy	67
IN2	Wind Energy	69
OP1	Development Considerations	22
HE3	Archaeology	43
HE6	Gardens and Designed Landscapes	46
NE2	Regional Scenic Areas	51
NE4	Sites of International Importance for Biodiversity	52
NE5	Species of International Importance	52
NE6	Sites of National Importance for Biodiversity and Geodiversity	53
NE7	Forestry and Woodland	54
NE8	Trees and Development	55
NE11	Supporting the Water Environment	57
NE12	Protection of Water Margins	58
NE14	Carbon Rich Soil	59
NE15	Protection and Restoration of Peat Deposits as Carbon Sinks	59
IN6	Waste Management Requirements for New Development	73
IN7	Flooding and Development	74

⁵ Dumfries and Galloway Council (2019), Dumfries and Galloway Council Local Development Plan 2

Policy Number	Policy Name	LDP Policy Page
IN8	Surface Water Drainage and Sustainable Drainage Systems (SuDS)	74
T1	Transport Infrastructure	78
T2	Location of Development/Accessibility	78

Policy IN1: Renewable Energy

- 5.4.3. The introductory commentary to the renewable energy section in LDP2 confirms the Scottish Government's commitment to increasing the amount of electricity generated by renewable sources. 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 are located and designed appropriately. The acceptability of such proposals will be assessed against several considerations including landscape and visual impact (and cumulative impact), impact on local communities and residential amenity, impact on natural and historic environment, and impact on tourism and recreation.
- 5.4.5. Policy IN1 requires detailed information to be submitted to facilitate the assessment of a proposal against these various considerations summarised above. This information should include environmental and other impacts from both construction and operation, the scale of contribution to renewable energy targets, and net economic impact, such as local socio-economic benefit, employment and supply chain opportunities.

Policy IN2: Wind Energy

- 5.4.6. In the introduction to Policy IN2 (page 69) reference is made to the spatial framework prepared by the Council which identifies areas within Group 1, 2 and 3 (as per the Scottish Planning Policy definition). It is further explained that different landscapes have different capacity to accommodate development and that local landscape character should inform the design process. Policy IN2 states that further information should be sought within SG documents and the Dumfries and Galloway Landscape Capacity Study.
- 5.4.7. The Spatial Framework is included as Map 8 on page 71 and shows that the Revised Development is located largely within a defined Group 3 'Area with potential for wind farm development'.
- 5.4.8. Policy IN2 refers to the 'Assessment of all wind farm proposals.' The policy sets out that the Council will assess the acceptability of a proposed wind farm against the following considerations:
- Renewable energy benefits;

- Socio-economic benefits;
- Landscape and visual impacts;
- Cumulative impact;
- Impact on local communities and residential interests;
- Impact on infrastructure;
- Impact on aviation and defence interests; and
- Other considerations/impacts including the resolution of identified significant adverse impacts and appropriate provision for site restoration/decommissioning.

Policy OP1: 'Development Considerations'

5.4.9. 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'

5.4.10. 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 45) 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'

5.4.11. 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 NE2: 'Regional Scenic Areas'

5.4.12. 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 NE4: 'Sites of International Importance for Biodiversity'

- 5.4.13. Policy NE4 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 NE5: 'Species of International Importance'

- 5.4.14. Policy NE5 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 NE6: 'Sites of National Importance for Biodiversity and Geodiversity'

- 5.4.15. 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 NE7: 'Forestry and Woodland'

- 5.4.16. Policy NE7 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.'*

Policy NE8: 'Trees and Development'

- 5.4.17. Policy NE8 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 NE8 requires an appropriate replanting scheme to be agreed with the Council.

Policy NE11: 'Supporting the Water Environment'

5.4.18. Policy NE11 contains a number of points that are relevant to the consideration of the Revised 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'

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

Policy NE14: 'Carbon Rich Soil'

5.4.20. Policy NE14 states that any development proposed on areas of carbon rich soil will need to be clearly justified. Development may be permitted if evidence is produced to show that the balance of advantage in terms of climate change mitigation lies with the development proposed. All developments should minimise impact on carbon rich soils.

Policy NE15: 'Protection and Restoration of Peat Deposits as Carbon Sinks'

5.4.21. Policy NE15 requires the safeguarding and protection of peat deposits. Renewable energy development may be permitted where peat deposits will be affected but only where the balance of advantage in terms of climate change lies with the energy-generating proposal. The restoration of peatland will be supported.

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 in 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 of 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 proposals 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 a Transport Assessment in appropriate circumstances.

5.5. Summary and Conclusions

- 5.5.1. Since submission of the Section 36 application and the EIA Report in November 2018, there have been various developments in energy and planning policy. These matters have been summarised in this AEI chapter through commentary on the new Climate Change (Emissions Reduction Targets) (Scotland) Act 2019, both the 2018 IPCC report and the recent CCC report from May 2019 as well as the publication of the Scottish Government's Programme for Government 2019-20, the HEPS document published by Historic Environment Scotland and the finalised Dumfries and Galloway Council LDP2. Further commentary on the relationship of the Revised Development to these documents is set out in the updated supporting Planning Statement.