

5. Policy and Consenting Framework

Contents

5.1	Introduction	5-1
5.2	The Development Plan	5-1
5.3	Local Development Plan Policies	5-2
5.4	Supplementary Guidance	5-14
5.5	Material Considerations	5-14
5.6	Summary	5-24
5.7	References	5-25

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5. Policy and Consenting Framework

5.1 Introduction

- 5.1.1 This chapter sets out the renewable energy and planning policy context applicable to the Proposed Development Section 36 application.
- 5.1.2 It is important to note that this chapter does not include an assessment of the Proposed Development's accordance with the statutory Development Plan and other material considerations. This would inevitably involve a degree of subjective interpretation, which is contrary to advice on EIA Report preparation, including good practice guidance on EIA which states that discussions of planning policy in an EIA Report should be objective.
- 5.1.3 The Applicant has submitted a separate Planning Statement, which considers the extent of accordance of the Proposed Development, in detail, with the relevant Development Plan policies, national and renewable energy policy and other material considerations in the context of the Proposed Development. The Planning Statement also presents conclusions on the extent to which the obligations under Schedule 9 of the Electricity Act have been met. The Planning Statement does not form part of the EIA Report.

5.2 The Development Plan

- 5.2.1 The Development Plan covering the site comprises:
- The Dumfries and Galloway Council Local Development Plan (LDP) (adopted 29th September 2014); and
 - Part 1 Wind Energy Development: Development Management Considerations Supplementary Guidance (2017).

The Local Development Plan

- 5.2.2 The LDP applies to all of Dumfries and Galloway and guides the future use and development of land in towns, villages and rural areas. The LDP also indicates where development should, and should not, take place.
- 5.2.3 The LDP policies considered to be relevant to the Proposed Development are referred to in Table 5.1, below and are quoted below the table:

Table 5.1 – Relevant Development Plan Policies

Policy Reference	Policy Heading
Policy IN1	Renewable Energy
Policy IN2	Wind Energy
Policy ED16	Protection and Restoration of Peat Deposits as Carbon Sinks
Policy HE1	Listed Buildings
Policy HE2	Conservation Areas
Policy HE3	Archaeology
Policy HE4	Archaeologically Sensitive Areas
Policy HE6	Gardens and Designed Landscapes
Policy NE1	National Scenic Areas
Policy NE2	Regional Scenic Areas

Policy Reference	Policy Heading
Policy NE4	Species of International Importance
Policy NE5	Sites of National Importance for Biodiversity and Geodiversity
Policy NE6	Forestry and Woodland
Policy NE7	Trees and Development
Policy NE11	Supporting the Water Environment
Policy NE12	Protection of Water Margins
Policy IN8	Surface Water Drainage and Sustainable Drainage Systems (SuDS)
Policy T1	Transport Infrastructure
Policy T2	Location of Development / Accessibility
Policy OP1	Development Considerations
Policy OP3	Developer Contributions

5.3 Local Development Plan Policies

5.3.1 This section sets out the policies listed in Table 5.1 under the following topic headings:

- Renewable Energy and Sustainability;
- Landscape and Visual;
- Peat;
- Cultural Heritage and Archaeology;
- Ecology and Nature Conservation;
- Forestry;
- Geology, Hydrogeology and Hydrology;
- Transport; and,
- General.

Renewable Energy and Sustainability

5.3.2 **Policy IN1 ‘Renewable Energy’** states:

“The Council will support development proposals for all renewable energy provided they do not individually or in combination have an unacceptable significant adverse impact on:*

- *landscape;*
- *the cultural and natural heritage;*
- *areas and routes important for tourism or recreational use in the countryside;*
- *water and fishing interests;*
- *air quality; and*
- *the amenity of the surrounding area.*

To enable this assessment sufficient detail should be submitted, to include the following as relevant to the scale and nature of the proposal:

- *any associated infrastructure requirements including road and grid connections (where subject to planning consent)*

- *environmental and 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*
- *the extent to which the proposal helps to meet the current government targets for energy generation and consumption.*

** Acceptability will be determined through an assessment of the details of the proposal including its benefits and the extent to which its environmental and cumulative impacts can be satisfactorily addressed”.*

5.3.3 Policy IN2 ‘Wind Energy’ states:

“PART 1: Assessment of all windfarm proposals:

The Council will assess the acceptability of any proposed wind energy development against the following considerations (1):*

Landscape and visual impact:

- *the extent to which the proposal addresses the guidance contained in the Dumfries and Galloway Windfarm Landscape Capacity Study.*
- *the extent to which the landscape is capable of accommodating the development without significant detrimental impact on landscape character or visual amenity*
- *that the design and scale of the proposal is appropriate to the scale and character of its setting, respecting the main features of the site and the wider environment and that it fully addresses the potential for mitigation.*

Cumulative Impact

The extent of any detrimental landscape or visual impact from two or more wind energy developments and the potential for mitigation.

Impact on local communities

The extent of any detrimental impact on communities and local amenity including assessment of the impacts of noise, shadow flicker, visual dominance and the potential for associated mitigation.

Impact on Aviation and Defence Interests

The extent to which the proposal addresses any impacts arising from location within an area subject to potential aviation and defence constraints including the Eskdalemuir Safeguard Area.

Other Impacts and considerations

a) the extent to which the proposal avoids or adequately resolves any other significant adverse impact including:- on the natural and historic environment, cultural heritage, biodiversity; forest and woodlands; and tourism and recreational interests.

b) the extent to which the proposal addresses any physical site constraints and appropriate provision for decommissioning and restoration.

(1) Further details on this assessment process including its application to smaller capacity windfarms are to be provided through Supplementary Guidance on Wind Energy Development: This will also include mapping of the constraints relevant to the considerations above.

** Acceptability will be determined through an assessment of the details of the proposal including its benefits and the extent to which its environmental and cumulative impacts can be satisfactorily addressed.*

PART 2: Spatial Framework

The considerations in Part 1 above will be applied in the context of the following Spatial Framework:*

- *Areas of Greatest Potential (1): areas free from significant constraint where proposals for large and medium turbine typologies will be supported subject to detailed assessment.*
- *Areas of Significant Protection (2): Areas where a presumption against development applies due to significant constraints. These include:*
 1. *Sites designated for their national or international landscape or natural heritage value where Policies NE1, NE3, NE4 and NE5 also apply.*
 2. *Areas where the cumulative impact of existing and consented windfarms limit further development.*
 - *Cumulative Sensitivity Zones (3): Areas where cumulative impact is a potential constraint. In these areas proposals should: address potential future cumulative impact and avoid unacceptable coalescence between clusters of windfarms to retain an acceptable and coherent pattern of windfarm development.*
 - *All other areas (4): Areas where potential constraints apply but with potential for mitigation. Wind energy proposals will be assessed against all the considerations set out above in Part 1. For Regional Scenic Areas the proposal should assess the potential impact on the objectives of the designation and demonstrate the extent to which these can be addressed.*

(1) - (4) The relevant mapping of these areas including an updated and consolidated spatial framework map is to be included within supplementary guidance.

**The following Interim Spatial Framework Maps provide some strategic guidance on the relevant areas but must be read in conjunction with paragraphs 4.94 and 4.95 above and the relevant detailed mapping to be included in supplementary guidance. This mapping will be consolidated and revised to provide an updated spatial framework within the LDP at the earliest possible opportunity”.*

Landscape and Visual

5.3.4 Policy HE6 ‘Gardens and Designed Landscapes’ states:

“a) The Council will support development that protects or enhances the significant elements, specific qualities, character, integrity and setting, including key views to and from, gardens and designed landscapes included in the Inventory of Gardens and Designed Landscapes or the Non-Inventory List.

In considering development proposals the Council will need to be satisfied that:

- *the development protects or enhances the significant elements of the garden or landscape in-situ; and*
- *due consideration has been given to the significance and value of the asset in relation to the long-term benefit and specific need for the development in the location proposed.*

b) Developers will be required to submit the results of an assessment of the impact of their proposals on the sites and their settings plus details of any potential mitigation measures.

c) Proposals that would have a detrimental effect on the specific quality, character or integrity of a garden or designed landscape will not be approved unless it is demonstrated that the proposal has benefits of overriding public interest.

Boundaries are shown on the proposals maps”.

5.3.5 Policy NE1 ‘National Scenic Areas’ states:

“Development within or that would have an effect on a National Scenic Area (NSA) should only be permitted where:

- *it will not adversely affect the integrity of the area or the qualities for which it has been designated; or*
- *any such adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.*

Further guidance is contained within the NSA management strategies. Boundaries of NSAs are shown on the proposals maps”.

5.3.6 Policy NE2 ‘Regional Scenic Areas’ states:

“The siting and design of development within a Regional Scenic Area should respect the special qualities of the area. Development within, or which affects Regional Scenic Areas (RSAs), may be supported where the local Council is satisfied that:

- *the landscape character and scenic interest for which the area has been designated would not be significantly adversely affected; or*
- *there is a specific need for the development at that location which could not be located in a less sensitive area.*

Boundaries of RSAs are shown on the proposals maps”.

Peat

5.3.7 Policy ED16 ‘Protection and Restoration of Peat Disposals as Carbon Sinks’ states:

“The role of natural carbon sinks in retaining carbon dioxide will be maintained by safeguarding and protecting those peat deposits not already designated for habitat conservation reasons and by considering the likely balance between gain and loss should other high carbon content soils be subject to proposed developments or other land use change.

The Council will support peatland restoration, including rewetting.

Development affecting peat deposits not already designated for habitat conservation reasons may be permitted in the following circumstances.

(a) In areas of degraded peatland where all of the following apply.

- *The deposits have been significantly damaged by human activity.*
- *The conservation value is low.*
- *Restoration to functioning peatland is not possible.*

In all cases, appropriate site restoration measures will be required.

(b) Where renewable energy generating development is proposed and it can be demonstrated (in accordance with the Scottish Government's 'carbon calculator' or other equivalent independent evidence) that the balance of advantage in terms of climate change mitigation lies with the energy generation proposal.

(c) Where surface coal extraction requires removal of peat as an overburden to access the coal and where, following extraction of the coal, the site will be restored to a wetland habitat with a biodiversity value that is no less than the biodiversity value of the site prior to development. Grassland and woodland should not be considered as restoration options. If these requirements cannot reasonably be achieved within the development site, creation of a wetland within the vicinity of the site may be an acceptable alternative".

Cultural Heritage and Archaeological

5.3.8 Policy HE1 'Listed Buildings' states:

"a) Alterations

The Council will support development that makes effective, efficient and sustainable use of listed buildings. In considering development that impacts on the character or appearance of a listed building or its setting the Council will need to be satisfied that:

- *proposals to extend or alter a listed building respect the appearance, character and architectural features which contribute to its listing and do not seek to overwhelm or otherwise damage its original character and appearance; and*
- *the layout, design, materials, scale, siting and the future use shown in any development proposals are appropriate to the character and appearance of the listed building and its setting; and*
- *proposals for a change of use will not result in loss of character or special architectural or historical features.*
- *Proposals to extend or alter a listed building should include written justification demonstrating a full and proper understanding of the character and special interest of the building.*

b) Demolition or Partial Demolition of Listed Buildings

Proposals that involve the demolition or substantial demolition of a listed building or buildings or structures within its curtilage will only be supported where it is demonstrated that the four key tests for listed building demolition that are set out in the Scottish Historic Environment Policy (SHEP) paragraph 3.46 (or any subsequent revised or amended document) are met.

c) Recording Schemes

In considering proposals that involve the alteration, demolition or partial demolition of a listed building or buildings or structures within its curtilage the Council will require that a scheme for recording of the building is submitted, agreed with the Council and implemented by the developer where there will be loss of historic fabric, detail or changes to the general arrangement.

This policy is supported by supplementary guidance”.

5.3.9 Policy HE2 ‘Conservation Areas’ states:

“The Council will support development within or adjacent to a conservation area that preserves or enhances the character and appearance of the area and is consistent with any relevant conservation area appraisal. In considering such development the Council will need to be satisfied that:

- *new development as well as alterations or other redevelopment of buildings preserves or enhances the character, appearance or setting of the conservation area through the appropriate design, use of materials, detailing, scale and general massing and arrangement of such development;*
- *the quality of views within, from and into the conservation area will be maintained or enhanced;*
- *in the case of the proposed demolition of any building in the conservation area, it can be shown that the demolition will not detract from the character of the conservation area and it can be clearly demonstrated that any redevelopment of the site will preserve or enhance the character of the area; and*
- *in the case of proposed works on trees, the tree is dead; or diseased or dying and presents a danger to people or property; or the position of the tree is inappropriate due to shading or damage to buildings and services and where an appropriate replanting scheme can mitigate or undo the negative impact of the loss of the tree or trees in question.*

This policy is supported by supplementary guidance”.

5.3.10 Policy HE3 ‘Archaeology’ states:

“a) The Council will support development that protects significant archaeological and historic assets, and the wider historic environment from adverse effects.

In considering development proposals the Council will need to be satisfied that:

- *the development preserves or enhances the appearance, fabric or setting of the site or asset in-situ; and/or*
- *where there is uncertainty about the location, extent or significance of these assets an agreed scheme of assessment and evaluation to inform the application is included with the proposal; and/or*
- *due consideration has been given to the significance and value of the site or asset in relation to the long-term benefit and specific need for the development in the location proposed.*

b) Where, due to exceptional circumstances, development is to proceed and the preservation of historic assets in-situ including buildings is not possible, a scheme of mitigation involving excavation, recording, analysis, publication and archiving and any other measures appropriate to the case has been agreed with the Council”.

5.3.11 Policy HE4 ‘Archaeologically Sensitive Areas’ states:

“The Council will support development that safeguards the character, archaeological interest and setting of Archaeologically Sensitive Areas (ASAs) as designated by the Council. Boundaries of ASAs are shown on map 7 and the proposals maps”.

Ecology and Nature Conservation

5.3.12 Policy NE4 ‘Species of International Importance’ states:

“Development proposals that would be likely to have an adverse effect on a European Protected Species will not be permitted unless it can be shown that:

- *there is no satisfactory alternative, and*
- *the development is required for preserving public health or public safety or for other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment, and*

the development would not be detrimental to the maintenance of the population of the species at a favourable conservation status in its natural range”.

5.3.13 Policy NE5 ‘Sites of National Importance for Biodiversity and Geodiversity’ states:

“Development that affects Sites of Special Scientific Interest, not designated as International Sites, and other national nature conservation designations will only be permitted where:

- *it will not adversely affect the integrity of the area or the qualities for which it has been designated, or*
- *any such adverse effects are clearly outweighed by social, environmental or economic benefits of national importance”.*

Forestry

5.3.14 Policy NE6 ‘Forestry and Woodland’ states:

“The Council will support the creation and protection of sensitively designed and managed forests and woodlands.

Proposals should seek to ensure that ancient and semi-natural woodlands and other woodlands with high nature conservation value are protected and enhanced.

In determining its response to individual forestry felling, planting and replanting consultations where Forestry Commission Scotland 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 unafforested 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”.*

5.3.15 Policy NE7 ‘Trees and Development’ states:

“In assessing development proposals the Council will support proposals that promote additional tree planting and also:

- *maintain trees, woodlands (in particular ancient and semi-natural woodlands), and hedgerows (hereafter referred to as the ‘woodland resource’) and require developers to incorporate, wherever feasible, the existing woodland resource into their schemes;*
- *appropriately incorporate the woodland resource into the overall design of the scheme;*
- *show how existing trees will be appropriately protected during the construction period.*

If it is demonstrated to the satisfaction of the local Council that it is not possible to retain the woodland resource then an appropriate replacement planting will be required and agreed by the Council. Any such replacement planting scheme should be located where possible within the region and follow guidance contained within the Forestry and Woodland Strategy. This strategy is a relevant consideration for all proposals likely to impact on the woodland resource.

The processes and recommendations contained in BS 5837:2012, and any subsequent revised or amended document, should be taken into account in designing and implementing development proposals.

This policy is supported by supplementary guidance”.

Geology, Hydrogeology and Hydrology

5.3.16 Policy NE11 ‘Supporting the Water Environment’ states:

“The Council will not permit development which would result in deterioration in the status of a waterbody or which would likely impede the improvements in waterbody status as set out in the Solway Tweed River Basin Management Plan (2009) or any update or adopted review of it, unless there are exceptional justifying circumstances.

Development proposals should not normally include the culverting of any waterbody. If culverting would be the only way to enable a proposed development, then permission could be granted if the Council is satisfied that there would be acceptable mitigation measures to protect habitats, passage of fauna, and river form and flow.

Other physical alterations and changes to waterbodies should, if possible, be avoided.

Existing culverted or canalised watercourses in redevelopment and land rehabilitation schemes should be restored when this is practical, neutral or positive in respect of flood risk elsewhere, and consistent with the relevant Regulations.

Development proposals which could adversely affect Drinking Water Protection Areas identified by the Scottish Government will be subject to consultation with SEPA. Where the likely adverse effect cannot be avoided or mitigated against, the development will not be permitted”.

5.3.17 Policy NE12 ‘Protection of Water Margins’ states:

“Where new development is proposed adjacent to or in the vicinity of waterbodies, the water margins will, subject to Policy NE11 and Section 18 of the Flood Risk Management (Scotland) Act 2009, be protected unless there are compelling reasons to justify why this should not be done.

This policy is supported by supplementary guidance”.

5.3.18 Policy IN8 ‘Surface Water Drainage and Sustainable Drainage Systems (SuDS)’ states:

“With the exception of single houses and those with direct discharges to coastal waters, Sustainable Drainage Systems (SuDS) will be a required part of all proposed development as a means of treating the surface water and managing flow rates.

Surface water management arrangements must form part of any Planning in Principle submission.

For any site a Drainage Impact Assessment (DIA) may be required to ensure that surface water flows are properly taken into account in the development design.

Planning applications must include details of the proposed SuDS which should:

- *ensure the system is designed to avoid flood risk from exceedance flows;*
- *be accommodated within the proposed site, and understood as an essential factor in determination of the overall capacity of any site;*
- *be based on a unified approach to cover surface water drainage from on site roads and from the remainder of the site;*
- *contribute positively to the biodiversity and general amenity of the area of the proposal;*
- *include a coordinated approach between new developments that are adjacent to one another;*
- *include the arrangements for its long term maintenance.*

There should be appropriate arrangements for surface water drainage during the construction phase of a development site. This could be by way of a SuDS scheme or some alternative interim solution.

This policy is supported by supplementary guidance”.

Transport

5.3.19 **Policy T1 ‘Transport Infrastructure’** states:

“Proposals for the improvement of existing transport infrastructure and, where appropriate, the provision of new transport infrastructure and/or services will be supported provided they accord with the Regional and Local Transport Strategies; and where it can be demonstrated to the satisfaction of the Council that following appropriate assessment (where needed), the proposal has no adverse effects either alone or in combination on the integrity of any Natura site.

Development of facilities for cyclists and pedestrians will be supported.

a) Strategic Network

The strategic transport network includes the trunk road, motorway and rail networks. Development proposals that have the potential to affect the performance or safety of the strategic transport network need to be appraised to determine their effects. The national and strategic role of these routes should not be compromised by development which individually or incrementally materially reduces the level of service of a route.

b) Regional Network

Development which involves a new direct access onto the regional road network should not, individually or incrementally, materially reduce the level of service of a route”.

5.3.20 **Policy T2 ‘Location of Development / Accessibility’** states:

“All development proposals will be expected to:

- *consider accessibility issues early on and ensure street layout and design are part of the design and planning process from the beginning, taking account of statutory equal opportunities obligations relating to accessibility and be designed for the safety and convenience of all potential users;*
- *prioritise personal travel by mode in the following order: walking, cycling, public transport and lastly car and other motorised vehicles;*
- *be well served by the most sustainable modes of travel available and provide opportunities for a modal shift from private car use to more sustainable transport, including active travel, wherever possible;*
- *incorporate appropriate on and/or off site mitigation measures, where required, which might include: improvements, enhancements or additions to the walking/cycling network (connecting into existing local pedestrian or cycle networks or wider green networks) and public transport services, as well as road improvements and new roads;*
- *incorporate an appropriate level of parking provision to the maximum standards as outlined in SPP (having regard to the travel nodes and services which will be available) and also include adequate cycle parking;*
- *fit with the policies and recommendations of the Local Transport Strategy.*

In certain circumstances developers may be required to:

- *prepare and implement travel plans to support a development proposal that will result in significant travel generation, by virtue of its size, nature, or location (as determined by the Council);*
- *prepare a Transport Assessment and implement appropriate mitigation measures where required.*

This policy is supported by supplementary guidance”.

General

5.3.21 Policy OP3 ‘Developer Contributions’ states:

“Developer contributions will be sought where a development proposal (or a combination of developments) creates an identified need: to secure the mitigation required to address an adverse environmental impact; or to provide for new, extended or upgraded public infrastructure facilities or services. Contributions secured through a planning obligation (Section 75 agreement or other legal agreement as necessary) will be consistent with the tests set out in Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Developers will be required to make a fair and reasonable contribution (financial or “in kind”), proportionate to the scale and nature of the development, towards these additional costs or requirements, relative to:

- *affordable housing;*
- *open space and green networks;*
- *leisure, recreation and tourism infrastructure;*
- *education;*
- *community facilities, including health facilities;*
- *waste management infrastructure;*
- *offsite infrastructure works including transport infrastructure.*

Supplementary guidance shall provide further details on the scale and nature of developer contributions; any exceptions that may apply; and the submission of development appraisal information where development viability issues arise”.

5.3.22 Policy OP1 ‘Development Considerations’ states:

“Development will be assessed against the following considerations where relevant to the scale, nature and location of the proposal:

a) General Amenity

Development proposals should be compatible with the character and amenity of the area and should not conflict with nearby land uses. The following issues which may result from the development will be a material consideration in the assessment of proposals:

- *noise and vibration;*
- *odour and fumes;*
- *potential loss of privacy, sunlight and daylight on nearby properties;*
- *emissions including dust, smoke, soot, ash, dirt or grit or any other environmental pollution to water, air, or soil; and*

- *light pollution.*

b) Historic Environment

Development proposals should protect and/or enhance the character, appearance and setting of the region's rich historic environment principally by ensuring they are sympathetic to nearby buildings, sites and features, integrate well and complement the surrounding area. The information contained within the Council's Historic Environment Record and Scottish Historic Environment Policy, and any subsequent revised or amended document, will be a material consideration in the assessment of proposals.

c) Landscape

Development proposals should respect, protect and/or enhance the region's rich landscape character, scenic qualities and features and sites designated for their landscape quality at any level. They should also reflect the scale and local distinctiveness of the landscape. Principles established in the European Landscape Convention and the Dumfries and Galloway Landscape Assessment, and any subsequent revised or amended document, will be a material consideration in the assessment of proposals.

d) Biodiversity and Geodiversity

Development proposals should respect, protect and/or enhance the region's rich and distinct biodiversity, geodiversity and sites designated for their contribution to the natural environment at any level including ancient and semi-natural woodland. The guidance contained within the Local Biodiversity Action Plan, and any subsequent revised or amended document, will be a material consideration in the assessment of proposals.

e) Transport and Travel

Development proposals should minimise the need for travel by car and encourage active and other more sustainable forms of travel whilst avoiding or mitigating any adverse impact on the transport network or road safety.

f) Sustainability

Development proposals should limit the impacts of climate change and promote sustainable development by:

- *assisting the development of the local economy through sustainable economic growth;*
- *minimising adverse impacts on water, air and soil quality;*
- *reusing and/or regenerating previously used land and property, including derelict and contaminated land;*
- *making the most efficient use of land;*
- *integrating with existing infrastructure where possible;*
- *supporting the Council's waste resource management objectives;*
- *avoiding areas of significant flood risk;*
- *using sustainable drainage systems (SuDS);*
- *incorporating sustainable principles by demonstrating that in all new buildings at least 10% of the carbon emissions reduction standard set by Scottish Building*

*Standards has been met through the installation and operation of zero carbon generating technologies. This percentage will increase to 15% from the beginning of 2015 and will be reviewed in 2017.**

g) Water Environment

Development proposals should maintain or enhance water quality, and take account of the need to manage water quantity, including flooding. In securing these objectives they should also seek to contribute positively to the general environmental quality of their area.

** Supplementary guidance shall provide further detail on this including its application to existing buildings and the circumstances where exceptions should apply”.*

5.4 Supplementary Guidance

Part 1 Wind Energy Development: Development Management Considerations

- 5.4.1 Part 1 Wind Energy Development: Development Management Considerations was adopted on 22nd June 2017 as Supplementary Guidance (SG) and forms part of the statutory Development Plan. This SG replaces the previous version that was adopted in 2014 and provides further policy detail on the criteria contained in Part 1 of LDP Policy IN2 ‘Wind Energy’ including, *inter alia*, landscape and visual amenity, cumulative impacts, the design of proposals, and the historic environment and cultural heritage.
- 5.4.2 The SG recognises that in some areas, the potential for further development of turbines is becoming increasingly limited by cumulative effects but that each proposal will need to be considered on a case by case basis.
- 5.4.3 The Dumfries and Galloway Wind Farm Landscape Capacity Study (the DGWLCS) is provided as a technical appendix to the SG. This is considered under the heading ‘Material Considerations’ below.
- 5.4.4 The SG is also further considered in the accompanying Planning Statement.

5.5 Material Considerations

- 5.5.1 This section sets out relevant material considerations, namely:
- the Renewable Energy Policy Framework;
 - the National Planning Framework 3;
 - Scottish Planning Policy;
 - Planning Advice Notes;
 - Scottish Government Web Based Renewables Guidance; and,
 - The Dumfries and Galloway Wind Farm Landscape Capacity Study (2017).

Renewable Energy Policy Framework

- 5.5.2 The renewable energy policy framework at the international and national level applies to renewable electricity generation and related climate change action and is an important material consideration.
- 5.5.3 The supporting Planning Statement examines these policy documents in detail and sets out the hierarchy of EU, UK and Scottish Government renewable energy policy.
- 5.5.4 In terms of the relevant policy framework at the International and European level, the following key documents are of relevance:
- International Agreements and Obligations – The COP21 UN Paris Agreement, and
 - EU Renewable Energy Progress Report – June 2015.
 - In terms of UK renewable energy policy, the following documents are of relevance:
 - The UK Renewable Energy Strategy (2009),
 - The UK Renewable Energy Roadmap Updates (2012 & 2013),
 - The UK Clean Growth Strategy (2017), and
 - The UK Industrial Strategy (2017).
- 5.5.5 The following Scottish Government renewable energy policy documents are of also of relevance.
- The 2020 Routemap for Renewable Energy in Scotland (2011);
 - The Electricity Generation Policy Statement (2013);
 - The 2020 Routemap for Renewable Energy in Scotland – Update (2013 & 2015);
 - Draft Climate Change Bill (2017);
 - The Scottish Energy Strategy: The Future of Energy in Scotland (2017);
 - Onshore Wind Policy Statement (2017); and
 - Climate Change Plan, The Third Report on Proposals and Policies 2018-2032 February 2018.
- 5.5.6 Key aspects of these documents are set out in the supporting Planning Statement. Particular points of note with respect to the Proposed Development include:
- Scottish Energy Strategy: The future of energy in Scotland December 2017**
- 5.5.7 The Scottish Energy Strategy (SES) sets a 2020 vision for energy in Scotland as “a flourishing, competitive local and national energy sector, delivering secure, affordable, clean energy for Scotland’s households, communities and businesses”. The vision is guided by three core principles namely:
- a whole system view;
 - an inclusive energy transition; and
 - a smarter local energy model.
- 5.5.8 The 2050 vision is expressed around six priorities including: *“Renewable and low carbon solutions - continued actions to explore the potential of Scotland’s renewable energy*

resource and its ability to meet local and national heat, transport and electricity needs – assisting the achievement of ambitious emissions reduction targets.”

- 5.5.9 The strategy also contains whole system targets for 2030 as follows:-
- the equivalent of 50% of the energy for Scotland’s heat, transport and electricity consumption to be supplied from renewable sources; and
 - an increase by 30% in the productivity of energy use across the Scottish economy.
- 5.5.10 The SES refers to *“renewable and low carbon solutions”* as a strategic priority (page 41) and states *“we will continue to champion and explore the potential of Scotland’s huge renewable energy resource, its ability to meet our local and national heat, transport and electricity needs – helping to achieve our ambitious emissions reduction targets”*.
- 5.5.11 At page 43 it is stated that *“onshore wind is now amongst the lowest cost forms of power generation of any kind, and is a vital component of the huge industrial opportunity that renewables create for Scotland.”* It is further stated at page 43, that *“we [Scottish Government] will push for UK wide policy support for onshore wind, and take action of our own to prioritise and delivery a route to market – combined with a land use planning approach which continues to support development while protecting our landscapes”*.
- 5.5.12 The SES sets out the Government’s clear position on onshore wind namely:
- “our 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.*
- That means continuing to support development in the right places, and – increasing the extension and replacement of existing sites with new and larger turbines, all based on an appropriate, case by case assessment of their effects and impacts....and it means developers and communities working together and continuing to strike the right balance between environmental impacts, local support, benefits, and – where possible economic benefits driving from community ownership”*.
- 5.5.13 With respect to Island wind page 46 the Scottish Government expresses *“full support for the emerging proposal to provide Scotland’s island wind a route to market – offering a new opportunity for our island communities to participate in the energy transition.”*
- 5.5.14 The opportunity set out on page 46 specifically recognises Orkney and the opportunity to bid for long term contracts through the governments CfD process and the importance of providing certainty and acting quickly in getting details and design right:
- 5.5.15 *“The Scottish Government and our partners have pressed the UK Government consistently for a long period over the need to support remote island wind. That means providing a distinct and meaningful opportunity for large wind developments on the Western Isles, Shetland and Orkney to compete for long-term contracts, through the UK Government’s Contracts for Difference (CfD) process. [emphasis added]*
- 5.5.16 *We have welcomed the UK Government’s recent confirmation that it will provide this access as part of the next CfD auction round, subject to consultation. But that means getting the details and the design right, and providing confirmation and certainty as quickly as possible. We will continue to work with our partners, and with the UK Government, to ensure that this is the case.”*

The Climate Change Plan, The Third Report on Proposals and Policies 2018-2032 February 2018

- 5.5.17 The Climate Change Plan published in February 2018, (The CCP) is the most recent expression of Scottish Government Policy on climate change. Within the introduction at page 9 it is noted 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 action to deal with the threat.”

- 5.5.18 At page 25 of the CCP, the contribution of onshore wind to electricity generation is recognised alongside the its role in driving innovation.

“In 2016, 42.9% of our electricity was generated by renewables, predominantly onshore wind. The expansion in onshore wind is comparable to the rollout of hydro power in the post-war period, which transformed for the better the lives of so many. This growth continues to drive innovation and adaptation in the management and control of power on the grid. This innovation, both technological and regulatory, will play a crucial role in accommodating the continuing growth of embedded generation, and a wider transformation in how we use the grid to heat and cool our buildings and power our transport systems.”

- 5.5.19 The final paragraph of page 34 of the CCP details the continued need to find room for large scale infrastructure.

“Where we get our low emission energy from is also critical and we will continue to need to find room for large scale infrastructure such as wind and solar farms, as well as more locally base equipment, such as heat networks and energy centres.”

- 5.5.20 The CCP states the Scottish Government’s Ambitions in the Electricity Sector on page 68 where Island wind is specifically identified as being one of the range of technologies that will contribute to the ambition of having a largely decarbonised by 2032.

“A range of renewable technologies will deliver clean, affordable electricity, including onshore, offshore and island wind, hydro, solar, marine and bioenergy.”

- 5.5.21 The CCP cross references, The UK Government’s Clean Growth Strategy (October 2017) at page 78, and the commitment of “up to £557 million for further Pot 2 CfD auctions from 2019.” This is stated to provide an opportunity to support deployment of less established renewable technologies in Scotland including Island wind:

“The UK Government’s Clean Growth Strategy (October 2017) has committed up to £557 million for further Pot 2 CfD auctions from 2019. This will provide an opportunity to support the deployment of less established renewable technologies in Scotland. These include offshore wind, island wind (subject to State Aid approval), marine technologies, advanced conversion technologies, anaerobic digestion and biomass with combined heat and power, although the Scottish Government knows that minimal ring fenced funds could have been set aside for marine and other less well established technologies that may struggle to compete with offshore wind.”

5.5.22 Policy Outcome 1 of the CCP on page 69 states:
“Policy outcome1: 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.

There are two policies, five policy development milestones and five proposals from the Energy Strategy which will contribute to the delivery of policy outcome 1.”

5.5.23 Under Policy development milestone 1, on page 72, (as detailed below), it is stated that
“the Scottish Government will continue to make the case to the UK Government for a stable, supportive regulatory regime that provides appropriate support for investment in renewable energy. This will include the need for a route to market for lowest cost renewable technologies, including onshore wind.”

5.5.24 Policy development milestone 1

“UK Government delivers a viable route to market for a wide range of renewable technologies, including onshore wind in Scotland, and provides long term funding for projects commissioning after 2025 under the Levy Control Framework.”

5.5.25 Under Policy Milestone 2, on page 72 of the CCP, it is stated that “the Scottish Government will work with the UK Government, industry, local authority partners and communities to maximise the support available to Pot 2 renewable technologies in Scotland.”

5.5.26 Policy development milestone 2

“The £557 million CfD budget for Pot 2 technologies delivers new renewable generation capacity in Scotland, including on the remote islands.”

The National Planning Framework 3

5.5.27 Scotland’s third National Planning Framework (NPF3) was published by the Scottish Government on 23 June 2014. NPF3 is a long term strategy for Scotland and is the spatial expression of the Government’s Economic Strategy and plans for development and investment in infrastructure. Together, NPF3 and Scottish Planning Policy (referred to below) applied at the strategic and local levels, are intended to help the planning system deliver the Government’s vision and outcomes for Scotland and to contribute to the Government’s central purpose.

5.5.28 NPF3 sets out a vision for Scotland. One of the key messages is the opportunity of achieving a low carbon place and this is addressed in Chapter 3. This is also a “*subject policy*” in Scottish Planning Policy. Paragraph 3.1 explains that planning will play a key role in delivering on the commitments set out in delivering ‘Low Carbon Scotland: The Scottish Government’s Proposals and Policies’. It adds:

“the priorities identified in this spatial strategy set a clear direction of travel which is consistent with our world leading climate legalisation”.

5.5.29 NPF3 notes the Government’s ambition “*to achieve at least an 80% reduction of greenhouse gas emissions by 2020*”.

5.5.30 The accompanying Planning Statement addresses NPF3 in the context of the Proposed Development.

Scottish Planning Policy

- 5.5.31 Scottish Planning Policy (SPP) was published on 23 June 2014. The purpose of SPP is to set out national planning policies which reflect Scottish Government Ministers’ priorities for the operation of the planning system and for the development and use of land. The SPP is a statement of Scottish Government policy on how nationally important land use planning matters should be addressed.
- 5.5.32 Paragraph (iii) states that as a statement of Ministers’ priorities, the content of the SPP is a material consideration that carries significant weight, although it is for the decision maker to determine the appropriate weight to be afforded to it in each case.
- 5.5.33 As with NPF3, a detailed assessment of SPP in the context of the Proposed Development is provided in the supporting Planning Statement.

Planning Advice Notes

- 5.5.34 Table 5.2 identifies and summarises the Planning Advice Notes (PANs) of relevance to the Proposed Development.

Table 5.2 – Relevant PANs

Guidance	Title	Summary
PAN 2/2011	Planning and Archaeology	Provides advice to planning authorities and developers on dealing with archaeological remains. But it does so with a fresh emphasis which is proportionate to the relative value of the remains and of the developments under consideration.
Scottish Government Web Based Guidance	Web Based Renewables Advice – Website Notes	Advises on aspects of ‘Onshore Wind Turbines’ and on the ‘Process for preparing spatial frameworks for wind farms’.
PAN 1/2011	Planning and Noise	Sets out the role of the planning system in preventing and limiting the adverse effects of noise.
PAN 1/2013	Environmental Impact Assessment (Updated 2017)	Explains the role of individual planning authorities and that of the Consultation Bodies in EIA, as well as providing guidance on the ways in which EIA can be integrated into the overall development management process.
PAN 60	Planning for Natural Heritage (2000)	Gives basic advice in relation to development and natural heritage. It reiterates the Government’s Commitment to the protection and enhancement of the natural heritage.
PAN 61	Planning and Sustainable Urban drainage Systems (2001)	Provides good practice advice for planners and the development industry complementing the Sustainable Urban drainage Systems Design Manual for Scotland and Northern Ireland (2000).
PAN 75	Planning for Transport (2005)	Provides advice on the requirement to link transport strategies and development plans and the need to take into account accessibility, location, modal split parking and design.
PAN 3/2010	Community Engagement	Advice to Planning Authorities and developers on how communities should be properly engaged in the planning process.

Scottish Government Web Based Renewables Guidance

- 5.5.35 The Scottish Government has produced web based renewables guidance. The planning advice comprises a number of individual guidance notes including ‘Onshore Wind Turbines’ and ‘Process for Preparing Spatial Frameworks for Wind Farms’. The Scottish Government published the most recent update of these on 28 May 2014 and 30 August 2012, respectively.
- 5.5.36 The relevant aspects of the guidance are provided under the following headings and have been taken into account during design development.
- landscape impact;
 - impacts on wildlife and habitat, ecosystems and biodiversity;
 - assessing impact on wildlife and habitat;
 - buffer zones;
 - impact on communities;
 - separation distances;
 - aviation matters;
 - road traffic impacts;
 - cumulative impacts;
 - decommissioning; and
 - spatial frameworks.
- 5.5.37 The guidance advises that planning authorities should ensure, either via conditions or legal agreements, that site restoration takes place on expiry of the consent or the expiry of the specified period.

The Dumfries and Galloway Wind Farm Landscape Capacity Study (the DGWLCS)

- 5.5.38 The DGWLCS assesses landscape sensitivity, the capacity of individual landscape units to accommodate change and provides advice on how the scale, siting and design of development should be informed by local landscape character. The DGWLCS is used to assist development management decisions on planning applications.
- 5.5.39 The Consented Development is recognised as baseline within the DGWLCS, specifically within Table 5 ‘Wind Farm Baseline for the Study’.

The Emerging Development Plan

- 5.5.40 The Council is currently undertaking a review of the LDP and a LDP2 ‘Proposed Plan’ (pLDP2) was published for consultation purposes on 29 January 2018 for a period of eight weeks. The closing date for representations was 30 April 2018.
- 5.5.41 Alongside the Proposed Plan, consultation is being undertaken with regard to draft SG entitled ‘Wind Energy Development: Development Management Considerations’.

- 5.5.42 Page 12 of the pLDP2 describes a ‘vision for Dumfries and Galloway in 20 years’ time and as part of this, it states that there will be “a viable rural economy and community characterised by various considerations including inter alia.... a range of renewable energy developments”.
- 5.5.43 Page 17 of pLDP2 refers to an ‘Energy Strategy’ and references the Scottish Government’s draft Climate Change Bill with regard to its decarbonisation target for 2050.
- 5.5.44 Paragraph 3.21 of the pLDP2 states that “Planning policy is seen as a key tool to help deliver climate change action.”
- 5.5.45 Renewable energy is referenced at page 66 of pLDP2 and there is acknowledgement that the renewable energy field is constantly evolving with existing technologies developing and new technologies coming forward including in relation to improving the efficiency of existing wind farm schemes for example, blade extensions, modifications to the turbines or re-powering.
- 5.5.46 As with the existing LDP, there is a Policy IN1 entitled ‘Renewable Energy’ which provides a general framework for the assessment of all forms of renewable energy and a Policy IN2 which specifically addresses wind energy developments.
- 5.5.47 The pLDP2 contains a wide range of policies however as noted, the plan is subject to consultation and the draft policies could be subject to change before the plan is finalised. However, in terms of the two most relevant policies, namely draft Policies IN1 and IN2, these are set out below in full.
- 5.5.48 **Draft Policy IN1: Renewable Energy** states that:

“The Council will support development proposals for all renewable energy generation or storage which are located, sited and designed appropriately. The acceptability of any proposed development, either individually or in combination, will be assessed against the following considerations:*

- *Landscape and visual impact;*
- *Cumulative impact;*
- *Impact on local communities;*
- *The impact on natural and historic environment (including cultural heritage and biodiversity);*
- *The impact on forestry and woodlands;*
- *The impact on tourism and recreational interests.*

To enable this assessment, sufficient detail should be submitted, to include the following as relevant to the scale and nature of the proposal:

- *any associated infrastructure requirements including road and grid connections (where subject to planning consent)*
- *environmental and 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*

- *the extent to which the proposal helps to meet the current government targets for energy generation and consumption.*
- ** (Acceptability will be determined through an assessment of the details of the proposal including its benefits and the extent to which its environmental and cumulative impacts can be satisfactorily addressed.)”*

5.5.49 **Draft Policy IN2: Wind Energy** is as follows:

“Assessment of all wind farm proposals:

The Council will support wind energy proposals which are located, sited and designed appropriately. The acceptability of any proposed wind energy development, either individually or in combination, will be assessed against the following considerations:*

Socio-economic benefits:

The socio-economic benefits for the surrounding communities and the wider area that will arise from the development.

Landscape and visual impacts:

- *The extent to which the proposal addresses and takes into account the guidance contained in the Dumfries and Galloway Windfarm Landscape Capacity Study.*
- *The extent to which the landscape is capable of accommodating the development without significant detrimental landscape or visual impacts.*
- *That the design and scale of the proposal is appropriate to the scale and character of its setting, respecting the main features of the site and the wider environment and that it fully addresses the potential for mitigation.*

Cumulative Impact

The extent of any cumulative detrimental landscape or visual impacts or impacts on existing patterns of development from two or more wind energy developments and the potential for mitigation.

Impact on local communities and residential interests

The extent of any detrimental impact on communities, residents and local amenity including assessment of the impacts of noise, shadow flicker, visual dominance and the potential for associated mitigation.

Impact on Aviation and Defence Interests

The extent to which the proposal addresses any impacts arising from location within an area subject to potential aviation and defence constraints including the Eskdalemuir Safeguard Area.

Other Impacts and Considerations

- a) *The extent to which the proposal avoids or adequately resolves any other significant adverse impact including:- on the natural and historic environment, cultural heritage, biodiversity; forest and woodlands; and tourism and recreational interests.*
- b) *The extent to which the proposal addresses any physical site constraints and appropriate provision for decommissioning and restoration.*

Further details on this assessment process including its application to smaller windfarms and more detailed development management considerations are provided through Supplementary Guidance on Wind Energy Development. This will also include mapping of the constraints relevant to the considerations above.

Acceptability will be determined through an assessment of the details of the proposal including its benefits and the extent to which its environmental and cumulative impacts can be satisfactorily addressed.

Emerging Supplementary Guidance

- 5.5.50 As noted, as part of the Council’s consultation on the pLDP2 a draft SG in relation to wind energy development has been issued for consultation purposes. The purpose of the SG is to provide further detail in support of the development management considerations in Policy IN2 ‘Wind Energy’ within the pLDP.
- 5.5.51 The DGWLCS is an appendix to the SG (as it is at the present time) and it has also been updated and is also subject to consultation within the same time period as the Proposed Plan and the draft SG – namely to 30 April 2018.
- 5.5.52 The draft SG repeats policies IN1 and IN2 and in its Chapter 3 sets out a range of development management considerations which are described as the issues to be considered in assessing proposals for wind energy development.
- 5.5.53 Paragraph 3.3 of the draft SG sets out that: *“In considering proposals the Planning Authority will make an assessment by balancing all applicable factors outlined below and consider against all relevant policies contained within the LDP. Although a proposal may be detrimental in terms of one or more of these factors this does not automatically result in a proposal being recommended for refusal. Proposals will be considered favourably where the Council as Planning Authority is satisfied through an assessment of details of the proposal including its benefits and the extent to which its environmental and cumulative impacts can be satisfactorily addressed”.*
- 5.5.54 The principal topics in Chapter 3 of the SG which form the development management considerations are as follows:
- Landscape and visual considerations.
 - Cumulative landscape and visual considerations.
 - Design of proposals (in terms of turbine siting, design, layout, form and colour).
 - Effects on local amenity and communities.
 - Aviation and defence.
 - Historic environment and cultural heritage.
 - Biodiversity.
 - Forests and woodlands.
 - Tourism and recreational interests.
 - Broadcasting installations.
 - Ancillary development.
 - Physical site constraints.

- Re-powering, up-powering and life extensions.
- Decommissioning and restoration.

5.5.55 As with the pLDP2, the draft SG may well be subject to change as a result of the consultation exercise.

5.6 Summary

5.6.1 This Chapter has described the relevant planning and renewable energy policy framework that has informed the EIA. As explained above, the supporting Planning Statement provides an assessment of the Proposed Development against the policy context set out in this Chapter.

5.7 References

Anderson, C. and Grant, A. (2011). *Dumfries and Galloway Wind Farm Landscape Capacity Study*. [ONLINE] Available at: <http://www.dumgal.gov.uk/CHttpHandler.ashx?id=9116&p=0>

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Dumfries and Galloway Council. (2017) *.Part 1 Wind Energy Development: Development Management Considerations Supplementary Guidance*. [ONLINE] Available at: <http://www.dumgal.gov.uk/CHttpHandler.ashx?id=11890&p=0>

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