

2 Planning Policy Context

Introduction

- 2.1 This chapter reviews the national, strategic and local planning policies and guidance relevant to the proposed Solwaybank Wind Farm (“the proposed wind farm”). The chapter will establish the general policy background which surrounds the proposed wind farm, and relate the policies to the individual sections set out within the topic chapters of the Environmental Statement (ES).
- 2.2 In order to maintain the impartiality of the ES, this chapter does not assess whether the proposed wind farm will comply with the identified policies. A separate Planning Statement is being submitted with the application which assesses the compliance of the proposed wind farm with the Development Plan.

Planning Framework

- 2.3 Within Scotland, the planning system is set out in a hierarchical structure of plans and guidance in the form of national, regional and local planning policy. This Development Plan system is recognised as a key delivery mechanism for helping Scotland meet its targets and goals for renewable energy generation and CO₂ emission reductions. The Scottish Government has demonstrated its commitment to improving the planning system in Scotland by implementing The Planning etc. (Scotland) Act 2006 which amends the Town and Country Planning (Scotland) Act 1997 (the 1997 Act). The 1997 Act requires local authorities to determine development proposals in accordance with the region’s Development Plan, unless material considerations indicate otherwise.
- 2.4 Section 37(2) of the 1997 Act states that:
“in dealing with such [a planning] application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.”
- 2.5 With the introduction of The Planning etc. (Scotland) Act 2006, the planning system in Scotland has undergone significant adjustments to development planning and development management, with a phasing of structural and procedural changes. During this period of change, Local Authorities are seeing the introduction of Strategic Development Plans (SDPs) and Local Development Plans (LDPs) which will supersede the existing Structure Plan and Local Plan system. While this transitional period is ongoing and there is an absence of Adopted SDPs and LDPs, the existing Structure and Local Plans remain the central point of reference in planning decision making.
- 2.6 The proposed wind farm is located within the Annandale and Eskdale District of Dumfries and Galloway. Dumfries and Galloway Council is currently preparing a LDP, however it is only in the early stages of the process and is not scheduled for adoption until Summer/Autumn 2013. Until the adoption of the LDP, the Adopted Development Plan remains as:
- The Dumfries and Galloway Structure Plan (the Structure Plan) (1999)¹; and
 - The Adopted Annandale and Eskdale Local Plan (the Local Plan) (2006)².

¹ DUMFRIES AND GALLOWAY STRUCTURE PLAN (1999). AVAILABLE AT: [HTTP://WWW.DUMGAL.GOV.UK/CHTTPHANDLER.ASHX?ID=344&P=0](http://www.dumgal.gov.uk/CHTTPHANDLER.ASHX?ID=344&P=0)

² ADOPTED ANNANDALE AND ESKDALE LOCAL PLAN (2006). AVAILABLE AT: [HTTP://WWW.DUMGAL.GOV.UK/INDEX.ASPX?ARTICLEID=3738](http://www.dumgal.gov.uk/INDEX.ASPX?ARTICLEID=3738)

- 2.7 In the case of material considerations, these are likely to be policy documents that will include:
- Planning, Energy and Climate Change Acts and Bills;
 - National Planning Framework / National Planning Framework 2;
 - Scottish Planning Policy (SPP);
 - Planning Advice Notes (PANs);
 - Supplementary Planning Guidance (SPG); and
 - Emerging Planning Policy.

Development Plan Policy

- 2.8 This section first sets out the relevant Development Plan policies in regard to the principle of the proposed wind farm. It then sets out the relevant Development Plan policies under the topic based subheadings provided within the ES.

Sustainable Development and Renewable Energy

- 2.9 The following policies from the Development Plan are relevant to the proposed wind farm:

Dumfries and Galloway Structure Plan 1999

Policy	Content
S21	<p><u>Renewable Energy</u></p> <p>Development proposals for renewable energy sources will be considered positively provided they do not have a significant adverse impact on:-</p> <ol style="list-style-type: none"> 1. the built and natural heritage; 2. areas and routes important for tourism or recreational use in the countryside; 3. water and fishing interests; 4. air quality; and 5. the amenity of the surrounding area. <p>All proposals will be required to provide detailed information on associated infrastructure required, including roads and grid connections, impact during construction and operational phases of the Development, including visual impact, noise and odour issues and provisions made for restoration of the site.</p>
S22	<p><u>Wind Farm and Wind Turbine Development</u></p> <p>Proposals for wind farms and wind turbines will be considered favourably in Potential Areas identified on the Map showing Wind Energy Search Areas, where it can be clearly demonstrated:-</p> <ul style="list-style-type: none"> • they are in accordance with Policy S21; and • take into account the guidance set out in the Wind Energy Strategy, pending completion of more detailed guidance in the Subject Local Plan.

Policy	Content
	<p>In Intermediate Areas the Council will take into account the location of the proposed development and the issues identified for that area in determining its response to the proposal.</p> <p>There will be a presumption against Wind Farm development in Sensitive Areas.</p> <p>When assessing Wind Farm developments the Council will take into account existing sites with Planning permission and the cumulative impact of development proposals.</p> <p>Development proposals for sites outside the search areas identified will be considered in terms of Policy S21 and Policy E3 until replaced by Local Plan guidance. The proposed wind farm falls outside the search areas and accordingly will be assessed against these policies.</p>
D38	<p><u>Environmental Assessment and Monitoring</u></p> <p>Environmental Assessments will be required in accordance with Government Regulations. The Council may require the impact of the development to be monitored following its implementation where an Environmental Assessment indicates this would be appropriate.</p>

Adopted Annandale and Eskdale Local Plan 2006

- 2.10 The AELP does not contain any policy that specifically details sustainable development or renewable energy.

Site Specific Policies

- 2.11 Neither the DGSP nor the AELP identify any site specific policy that relates to the site.
- 2.12 The specific issues identified by each of the criteria are discussed in greater detail in each of the sub headings below.

Landscape and Visual Amenity

Dumfries and Galloway Structure Plan 1999

- 2.13 Policy E2 Regional Scenic Areas (RSAs) requires that the siting and design of development should respect the special nature of the area. Proposed developments within, or which would have a significant impact on RSAs, may be permitted if there is no adverse affect on the landscape character and scenic interest for which the area has been designated; or if there is a specific locational need that cannot be met elsewhere.
- 2.14 Policy E3 Landscape Character states that if a proposed development is likely to have a significant impact on the landscape, it will be assessed against the guidance set out in the Landscape Assessment.
- 2.15 Policy S21 Renewable Energy identifies criterion against which wind energy developments should be assessed against. It states that all proposals need to provide detailed information on associated

infrastructure required and on impacts during construction and operational phases of the development, including visual impacts.

Adopted Annandale and Eskdale Local Plan 2006

- 2.16 **General Policy 7: Siting and Design** requires that development retains and, where appropriate, enhances important physical and landscape features. Development should also have regard to the Landscape Assessment Study.
- 2.17 The full landscape and visual assessment is contained within **Chapter 8: Landscape and Visual**.

Ecology and Ornithology

Dumfries and Galloway Structure Plan 1999

- 2.18 **Policy E6 Conservation of Habitats and Species** requires consideration to be given to the impact on any habitat valued for its nature conservation interests but which is not classed as either a national or international nature conservation designation.
- 2.19 **Policy S21 Renewable Energy** identifies criterion against which wind energy developments should be assessed against, including that they must not have a significant adverse impact on natural heritage.

Adopted Annandale and Eskdale Local Plan 2006

- 2.20 **General Policy 43: Areas of Local Environmental Importance** states that there will be a presumption against development that has a materially adverse affect on areas of local environmental importance.
- 2.21 **General Policy 44: Nature Conservation Sites of International Importance** requires that proposals which may affect nature conservation sites are assessed against Structure Plan Policy E4.
- 2.22 **General Policy 45: Nature Conservation Sites of National Importance** requires that proposals which may affect nature conservation sites of national importance are assessed against Structure Plan Policy E5.
- 2.23 **General Policy 46: Nature Conservation Sites of Local Importance** requires that proposals which may affect nature conservation sites of local importance are assessed against Structure Plan Policy E6.
- 2.24 **General Policy 2: Development Considerations** requires that the environmental impact of all development proposals is assessed.
- 2.25 The full assessment of the proposed wind farm upon ecology and ornithology on and around the site is contained within **Chapter 9: Ecology** and **Chapter 10: Ornithology**.

Cultural Heritage and Archaeology

Dumfries and Galloway Structure Plan 1999

- 2.26 **Policy E8 Development in Conservation Areas** requires developments to enhance the special character and appearance of Conservation Areas.
- 2.27 **Policy E9 Listed Buildings** requires development, in the first instance, to retain and preserve listed buildings. It also states that proposals which would destroy or adversely affect the character, appearance or setting of a listed building will be resisted.

- 2.28 **Policy E11 Historic Gardens and Designed Landscapes** requires an evaluation of the impact on the site and setting of a proposal to be undertaken for developments in or affecting the setting of a site listed in the Inventory of Gardens and Designed Landscapes or mentioned in the list of Non-Inventory Sites.
- 2.29 **Policy E12 Development Affecting Archaeological Sites** states that there will be a presumption against development that would destroy or adversely affect the appearance, fabric or setting of Scheduled Ancient Monuments (SAMs), sites of national importance and other areas of significant archaeological interest.
- 2.30 **Policy E13 Archaeologically Sensitive Areas** seeks to safeguard the character and archaeological interest of 'Archaeologically Sensitive Areas' (ASAs).
- 2.31 **Policy S21 Renewable Energy** identifies criterion against which wind energy developments should be assessed against, including that they must not have a significant adverse impact on built heritage.

Adopted Annandale and Eskdale Local Plan 2006

- 2.32 **General Policy 50: Conservation Areas** seeks to preserve and enhance the character and appearance of Conservation Areas.
- 2.33 **General Policy 51: Listed Buildings** requires development, in the first instance, to retain and preserve listed buildings. It also states that developments will not be permitted if they harm the setting of a listed building.
- 2.34 **General Policy 53a: Historic Gardens and Designed Landscapes** requires development proposals in or affecting the setting of a site listed in the Inventory of Historic Gardens and Designed Landscapes to be assessed against Structure Plan Policy E11.
- 2.35 **General Policy 54: Known Archaeological Sites - Including Scheduled Ancient Monuments** requires developments proposals within or adjacent to known archaeological sites, including SAMs, to be assessed against Structure Plan Policy E12.
- 2.36 **General Policy 55: Archaeologically Sensitive Areas** requires development proposals within ASAs to be assessed against Structure Plan Policy E13.
- 2.37 Cultural Heritage and archaeology issues are discussed within **Chapter 11: Cultural Heritage and Archaeology**.

Geology, Hydrology and Hydrogeology

Dumfries and Galloway Structure Plan 1999

- 2.38 **Policy S2 Development Affecting Groundwater Resources** seeks to protect groundwater resources from being adversely affected by development.
- 2.39 **Policy S3 Development in Flood Risk Areas** states that development will not normally be permitted where there would be significant risk from flooding or where it could increase the risk of flooding elsewhere.
- 2.40 **Policy S21 Renewable Energy** identifies criterion against which wind energy developments should be assessed against, including that they must not have a significant adverse impact on water and fishing interests.

Adopted Annandale and Eskdale Local Plan 2006

- 2.41 **General Policy 55a: Implementation of the Water Framework Directive** states that the Council will not normally permit development which would result in the deterioration of a waterbody below the status required by the EC Water Framework Directive.
- 2.42 **General Policy 56: Protecting the Quality of Groundwater** states that development likely to result in the deterioration in status of a groundwater body will not normally be permitted unless appropriate mitigating measures are undertaken to prevent this occurrence.
- 2.43 **General Policy 57: Sustainable Urban Drainage Systems (SuDS)** promotes the use of SuDS and other appropriate innovative methods as a means of treating surface water run-off from development sites.
- 2.44 **General Policy 58: Flood Risk and Development** states that there is a presumption against development where there would be significant risk from flooding or where it could significantly increase the risk of flooding elsewhere.
- 2.45 **General Policy 2: Development Considerations** requires that all development proposals are assessed against foul and surface water drainage and water supply.
- 2.46 **General Policy 12: Potentially Polluting Development** states that where a development has the potential to cause pollution of water, planning permission will only be granted if the development would not result in an unacceptable level of nuisance or unacceptable risk to human health, and if the quality of the environment would not be materially damaged or put at risk.
- 2.47 The assessment of the potential to affect the hydrological environment is contained in **Chapter 12: Geology, Hydrology and Hydrogeology**.

Noise and Vibration

Dumfries and Galloway Structure Plan 1999

- 2.48 **Policy S21 Renewable Energy** identifies criterion against which wind energy developments should be assessed against. It states that all proposals need to provide detailed information on associated infrastructure required and on impact during construction and operational phases of the development, including noise.
- 2.49 **General Policy 12: Potentially Polluting Development** states that where a development has the potential to cause pollution through noise and vibration, planning permission will only be granted if the development would not result in an unacceptable level of nuisance or unacceptable risk to human health, and if the quality of the environment would not be materially damaged or put at risk.
- 2.50 The full noise and vibration assessment is found in **Chapter 13: Noise**.

Access, Traffic and Transport

Dumfries and Galloway Structure Plan 1999

- 2.51 **Policy S21 Renewable Energy** identifies criterion against which wind energy developments should be assessed against. It states that all proposals need to provide detailed information on associated infrastructure required, including roads.

- 2.52 **Policy S5: Trunk Roads and Motorways** aims to protect the national and strategic role of trunk roads including the A75 and A76 from development that could materially reduce the level of service of a route.

Adopted Annandale and Eskdale Local Plan 2006

- 2.53 **General Policy 65: Traffic Management and Road Safety** seeks the use of traffic management and traffic calming measures.
- 2.54 **General Policy 66: Local Road Network** states that improvements to local roads will be confined to places where there are special safety or operational requirements and traffic management measures would be inadequate to address the problem.
- 2.55 **General Policy 2: Development Considerations** requires that all development proposals are assessed against access and traffic generation.
- 2.56 The full access, traffic and transport assessment is contained within **Chapter 15: Access, Traffic and Transport**.

Socio-Economics

Dumfries and Galloway Structure Plan 1999

- 2.57 **Policy D27 Development of Agriculture** seeks to safeguard prime agricultural land.
- 2.58 **Policy S21 Renewable Energy** identifies criterion against which wind energy developments should be assessed against, including that they must not have a significant adverse impact on areas and routes important for tourism or recreational use in the countryside.

Adopted Annandale and Eskdale Local Plan 2006

- 2.59 **General Policy 37: Public Rights of Way** states that development proposals should not result in the loss of a Right of Way. A satisfactory alternative route or mitigating measures may be acceptable.
- 2.60 **General Policy 38: Access Routes** seeks to safeguard access routes in the countryside.
- 2.61 **General Policy 24: Farm Diversification** states that proposals to diversify the range of economic activities on a farm by the introduction of non-residential uses will normally be permitted where the proposal is operated as part of the agricultural unit(s) and is compatible with the continuation of the agricultural operations on the farm.
- 2.62 Socio-economics issues are discussed in **Chapter 16: Socio-Economics**.

Other Issues

Dumfries and Galloway Structure Plan 1999

- 2.63 **Policy D36 Design of Development** requires development proposals to take into account the siting, scale, form, massing and layout in relation to townscape and siting; local building styles; and the access needs of all groups.
- 2.64 **Policy S22 Wind Farm and Wind Turbines Development** requires the consideration of the cumulative impact of development proposals.

Adopted Annandale and Eskdale Local Plan 2006

- 2.65 **General Policy 1: Development Principle** states that there is a presumption against development that would “give rise to a material degree of land use conflict, which would materially detract from and/or be incompatible with the character or amenity of the locality”.
- 2.66 **General Policy 2: Development Considerations** requires that all development proposals are assessed against: ground conditions and stability, and contamination.
- 2.67 **General Policy 12: Potentially Polluting Development** states that where a development has the potential to cause pollution of air, planning permission will only be granted if the development would not result in an unacceptable level of nuisance or unacceptable risk to human health, and if the quality of the environment would not be materially damaged or put at risk.
- 2.68 Other issues are discussed in **Chapter 17: Other Issues**.

Telecommunications and Aviation

- 2.69 Neither the DGSP nor the AELP contain any policy that specifically includes requirements in relation to impacts on aviation and telecommunications.
- 2.70 Telecommunications and aviation are discussed in further detail in **Chapter 14: Electromagnetic Interference and Aviation**.

Material Considerations

- 2.71 In order to form a complete summary of the planning policy in Dumfries and Galloway, it is necessary to include any material considerations which may be considered in the determination of the planning application. In addition to the Development Plan, the documents which are considered to be material in the determination of this application are:
- The UK Renewable Energy Strategy (July 2009)³;
 - Renewables Action Plan (Updated March 2011)⁴;
 - A Low Carbon Strategy for Scotland (Nov 2010)⁵;
 - 2020 Routemap for Renewable Energy in Scotland (June 2011)⁶;
 - Climate Change (Scotland) Act 2009⁷;
 - National Planning Framework for Scotland 2(July 2009)⁸;

³ HM GOVERNMENT (2009) “THE UK RENEWABLE ENERGY STRATEGY”. AVAILABLE ONLINE AT:

[HTTP://WWW.DECC.GOV.UK/ASSETS/DECC/WHAT%20WE%20DO/UK%20ENERGY%20SUPPLY/ENERGY%20MIX/RENEWABLE%20ENERGY/RENEWABLE%20ENERGY%20STRATEGY/1_20090717120647_e_@@_TheUKRENEWABLEENERGYSTRATEGY2009.PDF](http://www.decc.gov.uk/assets/decc/what%20we%20do/uk%20energy%20supply/energy%20mix/renewable%20energy/renewable%20energy%20strategy/1_20090717120647_e_@@_TheUKRENEWABLEENERGYSTRATEGY2009.pdf)

⁴ THE SCOTTISH GOVERNMENT (2009, UPDATED 2011) RENEWABLES ACTION PLAN [ONLINE] AVAILABLE AT:

[HTTP://WWW.SCOTLAND.GOV.UK/TOPICS/BUSINESS-INDUSTRY/ENERGY/ENERGY-SOURCES/19185/RESOURCES/20801/RAPCONS](http://www.scotland.gov.uk/topics/business-industry/energy/energy-sources/19185/resources/20801/rapcons)

⁵ THE SCOTTISH GOVERNMENT (2010) A LOW CARBON ECONOMIC STRATEGIC FOR SCOTLAND [ONLINE] AVAILABLE AT:

[HTTP://WWW.SCOTLAND.GOV.UK/RESOURCE/DOC/331364/0107855.PDF](http://www.scotland.gov.uk/resource/doc/331364/0107855.pdf)

⁶ THE SCOTTISH GOVERNMENT (2011) 2020 ROUTEMAP FOR RENEWABLE ENERGY IN SCOTLAND [ONLINE] AVAILABLE AT:

[HTTP://WWW.SCOTLAND.GOV.UK/PUBLICATIONS/2009/07/06095830/2020ROUTEMAP](http://www.scotland.gov.uk/publications/2009/07/06095830/2020ROUTEMAP)

⁷ SCOTTISH GOVERNMENT, “CLIMATE CHANGE (SCOTLAND) ACT 2009”. AVAILABLE ONLINE AT

[HTTP://WWW.SCOTLAND.GOV.UK/TOPICS/ENVIRONMENT/CLIMATECHANGE/SCOTLANDS-ACTION/CLIMATECHANGEACT](http://www.scotland.gov.uk/topics/environment/climatechange/scotlands-action/climatechangeact)

- Scottish Planning Policy (SPP) (February 2010)⁹;
- Advice Note on Renewable Energy - Online Replacement to PAN 45 Renewable Energy Technologies (2002)¹⁰;
- Draft Dumfries and Galloway Interim Planning Policy: Wind Energy Development; and
- Local Development Plan (LDP) Main Issues Report¹¹.

The UK Renewable Energy Strategy

2.72 The UK Renewable Energy Strategy seeks to guide the UK towards achieving the target of generating 15% of its energy from renewable sources by 2020. This document acknowledges the contribution that onshore wind is making to the generation of electricity within the UK, however, it also highlights that a greater amount of renewable energy developments are required to meet the aforementioned target. It highlights that in order to meet the overall 15% target, 30% of electricity should be generated from renewable sources.

Renewables Action Plan

- 2.73 The Renewables Action Plan is an action plan to drive the development of renewable energy and capitalise on Scotland's natural resources to gain maximum economic benefit. It sets out the framework for action in the specific area of renewable energy, identifying what needs to happen and by when to achieve our national targets and objectives.
- 2.74 In relation to onshore wind, it aims to support development of onshore wind farms in locations where it is environmentally acceptable. It requires that development demonstrates 'net sustainability', including addressing significant environmental sensitivities and carbon issues associated with forested and peatland sites, and also supporting the Scottish Government's wider land use objectives. Whilst developers should be prepared to demonstrate good practice, in terms of mitigation and measurement of carbon impact, this must not become an unreasonable burden inhibiting development.

A Low Carbon Economic Strategy for Scotland

- 2.75 The Low Carbon Economic Strategy is an integral part of the Government's Economic Strategy and a key component of the Government's broader approach in meeting Scotland's climate change targets and securing the transition to a low carbon economy in Scotland.
- 2.76 Section 2.2 relates to the energy sector. It states that transforming the energy sector in Scotland will play a pivotal role in the development of a low carbon economy, and also recognises that

Scotland's abundant renewable resources offer opportunities could be the source of international competitive advantage. It specific regard to onshore wind, the Strategy states:

"It is important to recognise that onshore wind is still the technology that can make the most immediate positive impact on our low carbon economy, and therefore the Scottish Government will continue to encourage large, medium and small scale developments that are sited appropriately."

2020 Routemap for Renewable Energy in Scotland

- 2.77 2020 Routemap for Renewable Energy in Scotland reflects the challenge of the Scottish Government's new target to meet an equivalent 100% demand for electricity from renewable energy by 2020, as well as the target of 11% renewable heat. It presents actions which are focused on targets within the current development of UK regulatory support.
- 2.78 With regard to onshore wind, the Routemap states that the Government is "committed to the continued expansion of portfolio of onshore wind farms". It seeks to ensure the momentum of onshore wind deployment is kept.

Climate Change (Scotland) Act 2009

- 2.79 The Climate Change (Scotland) Bill received Royal Assent on 4 August 2009. The Act creates a long-term framework ensuring a reduction in Scottish greenhouse gas emissions of 80% by 2050 which are to be achieved through the establishment of annual targets. An interim target of achieving a reduction in emissions of 42% by 2020 is also set within the Act.

National Planning Policy Framework for Scotland 2

- 2.80 The Planning etc. (Scotland) Act 2006 has provided the National Planning Policy Framework with statutory footing in the Scottish Planning System, and by doing this sets the context for framing planning policy and making decisions on planning applications and appeals. The framework has been implemented in order to set a national context for all development plans and planning decisions, and informs the ongoing programmes of the Scottish Government, public agencies and local authorities.
- 2.81 The aim of the document is to improve the Scottish economy and opportunities through the practices of sustainable development. By doing so, the document seeks to make major inroads into the use of renewable resources to generate energy. The document also acknowledges that Scotland has long history of generating electricity from renewable sources, and shows a desire to continue with this tradition, in the interests of both the environment and the economy.

Scottish Planning Policy

- 2.82 In February 2010, the Scottish Government amalgamated existing planning policy with the publication of Scottish Planning Policy (SPP). The previous SPPs and National Planning Policy Guidance notes (NPPGs) have been superseded by SPP and it provides a more concise and focused approach to nationally important land use planning matters. SPP policy guidance is supported by PANs which set out good practice.
- 2.83 SPP sets a context between planning policies and other policies, which have an important bearing on development and land use. Local authorities are required to take the contents of this document

8 SCOTTISH GOVERNMENT (UPDATED 2009) "NATIONAL PLANNING FRAMEWORK FOR SCOTLAND 2". AVAILABLE AT [HTTP://WWW.SCOTLAND.GOV.UK/PUBLICATIONS/2009/07/02105627/0](http://www.scotland.gov.uk/Publications/2009/07/02105627/0)

9 SCOTTISH GOVERNMENT "SCOTTISH PLANNING POLICY". AVAILABLE AT [HTTP://WWW.SCOTLAND.GOV.UK/RESOURCE/DOC/300760/0093908.PDF](http://www.scotland.gov.uk/Resource/Doc/300760/0093908.pdf)

10 THE SCOTTISH GOVERNMENT (UPDATED 2011) ADVISE NOTE ON RENEWABLE ENERGY [ONLINE] AVAILABLE AT: [HTTP://WWW.SCOTLAND.GOV.UK/TOPICS/BUILT-ENVIRONMENT/PLANNING/NATIONAL-PLANNING-POLICY/THEMES/RENEWABLES](http://www.scotland.gov.uk/Topics/Built-Environment/Planning/National-Planning-Policy/Themes/Renewables)

11 DUMFRIES AND GALLOWAY COUNCIL (2011) LOCAL DEVELOPMENT PLAN MAIN ISSUES REPORT [ONLINE] AVAILABLE AT: [HTTP://WWW.DUMGAL.GOV.UK/CHTTPHANDLER.ASHX?ID=6529&P=0](http://www.dumgal.gov.uk/CHTTPHANDLER.ASHX?ID=6529&P=0)

into account when preparing development plans and determining planning applications. The following extracts of information set out advice which is of particular relevance to the proposed wind farm.

Renewable Energy

- 2.84 Paragraphs 182-195 of the SPP relate to renewable energy. The Scottish Government has taken the (now superseded) 50% target set for Scotland in terms of electricity to be generated from renewable resources by 2020 into account. The document also acknowledges that onshore wind and hydroelectric power are the main contributors to renewable energy in Scotland at present.
- 2.85 SPP sets down the Scottish Government's policy framework for renewable energy and is a transitional link between the aims of national energy policy and the content of Development Plans.
- 2.86 The key policy directives from SPP that refer to renewable energy are:
- 2.87 Paragraph 182, page 37
"The commitment to increase the amount of electricity generated from renewable sources is a vital part of the response to climate change. Renewable energy generation will contribute to more secure and diverse energy supplies and support sustainable economic growth".
- 2.88 Paragraph 184, page 37
"Planning authorities should support the development of a diverse range of renewable energy technologies, guide development to appropriate locations and provide clarity on the issues that will be taken into account when specific proposals are assessed. Development plans should support all scales of development associated with the generation of energy and heat from renewable sources, ensuring that an area's renewable energy potential is realised and optimised in a way that takes account of relevant economic, social, environmental and transport issues and maximises benefits".
- 2.89 Paragraph 185, page 37
"Planning authorities should ensure that the Development Plan or supplementary guidance clearly explain the factors that will be taken into account in decision making on all renewable energy generation developments. Factors relevant to the consideration of applications will depend on the scale of the development and its relationship with the surrounding area, but are likely to include impact on the landscape, historic environment, natural heritage and water environment, amenity and communities, and any cumulative impacts that are likely to arise".
- 2.90 In reference to wind farm development, SPP instructs planning authorities to support the development of wind farms in areas where the technology can be operated efficiently and the impacts on communities and the environment can be satisfactorily addressed. It also sets out that local authorities should adopt frameworks that promote and encourage renewable and low-carbon energy generation.
- 2.91 SPP instructs Development Plans to set out the potential for wind farm development in the area and specify the criteria that will be considered in determining applications. SPP details that planning authorities should set out a spatial framework for onshore wind farms of over 20 MW generating capacity. SPP also stipulates that planning authorities should not make assumptions on technical constraints when formulating wind farm spatial frameworks within renewable energy policy. It highlights that regardless of whether a site is above or below 20 MW it should be determined on the basis of individual site assessment against the following criteria which are likely to include:

- Landscape and visual impact;
- Effects on the natural heritage and historic environment;
- Contribution of the development to renewable energy generation targets;
- Effect on the local and national economy and tourism and recreation interests;
- Benefits and disbenefits for communities;
- Aviation and telecommunications;
- Noise and shadow flicker; and
- Cumulative impact.

- 2.92 The primary conclusion that can be derived from national planning policy guidance is that wind farm developments will be supported and welcomed in Scotland if compliant with the relevant Development Plan policy and assessment criteria. It is also concluded from national planning policy guidance that the expansion of renewable energy development across Scotland cannot be to the significant detriment of local communities or the environment.

Community Engagement

- 2.93 Paragraphs 31 and 32 of SPP highlight the importance of public consultation, and explain that the Scottish Government presumes that this will occur from the initial stages of any planning application, in order to establish the views of the local community effectively. The requirements for such consultation are specified in the 1997 Act (as amended).
- 2.94 The public maintain the right to comment on all planning applications once they have been submitted to the planning authority, and all "legitimate public concern or support" should be taken into consideration.

Sustainable Development

- 2.95 Paragraphs 34-40 identify the Scottish Government's commitment towards achieving sustainable development, building on the policy directive set out within the 2006 Act. 2006.
- 2.96 SPP also recognises the need to combat climate change in paragraphs 41-44 making direct reference to the Climate Change (Scotland) Act 2009. The document states *"The need to help mitigate the causes of climate change and the need to adapt to its short and long term impacts should be taken into account in all decisions throughout the planning system."*

Historic Environment

- 2.97 The key aim of this section, contained within paragraphs 110 - 124 of the document is to ensure the protection of the historic environment within Scotland through appropriate development plan policy and planning application determination. SPP guidance, in conjunction with the Scottish Historic Environment Policy and Historic Scotland's 'Managing Change in the Historic Environment' guidance note should be taken into account by the planning authorities when considering planning applications for any development which may affect the historic environment.

Landscape and Natural Heritage

- 2.98 Paragraphs 125-148 of SPP sets out guidance in relation to Scotland's Landscape and Natural Heritage. This policy recognises the importance which the landscape and natural heritage have to the economy. Promoting the sustainable use of this resource is a key Government objective. These paragraphs set out the policy in relation to the various resources which exist within Scotland.

Advice Note on Renewable Energy - Online Replacement to PAN 45 Renewable Energy Technologies (2002)

- 2.99 PAN 45 has been replaced by web based renewables advice which will be regularly updated. It was last updated in February 2011.
- 2.100 The online guidance provides advice to planning authorities on a range of issues related to wind energy for development planning and management purposes. The most relevant aspects of this guidance are the typical planning considerations in determining planning applications for onshore wind development. These include:
- Landscape impact;
 - Impacts on wildlife and habitat;
 - Impacts on communities (which includes shadow flicker and noise);
 - Aviation matters;
 - Military aviation and other Defence matters;
 - Road traffic impacts; and
 - Cumulative impacts.
- 2.101 The guidance also includes good practice during construction and decommissioning as relevant planning considerations.

Draft Dumfries & Galloway Interim Planning Policy: Wind Energy Development (D&G IPP)

- 2.102 The D&G IPP: Wind Energy Development is interim policy pending completion of the D&G Local Development Plan which is currently in preparation. This draft was presented to Committee on the 10th May 2011 and has been subject to a public consultation period of six weeks which ended 22nd July 2011. The Council will re-draft in light of comments received during this period and a finalised draft was due to be presented to Committee sometime in the autumn 2011. Once completed, it is envisaged that the wind energy IPP will be split into a Wind Energy Supplementary Planning Guidance with the relevant policies incorporated into the new LDP.
- 2.103 The IPP identifies Landscape Character Areas as amended by the D & G Landscape Windfarm Capacity Study and sets out a sensitivity assessment for each. It identifies that the turbines from the proposed wind farm falls within the Foothills Landscape Character Type (LCT). The access track from the proposed wind farm falls within the Upland Fringe and Flow Plateau LCTs. These three areas have the following sensitivities:
- Flow Plateau: Landscape: high sensitivity; visual: high sensitivity; values: low sensitivity.
 - Upland Fringe: high sensitivity; visual: high sensitivity; values: high to medium sensitivity.
 - Foothills: high to medium sensitivity; visual: high sensitivity; values: high to medium sensitivity.
- 2.104 The IPP further sets out Spatial Policies, of which the following are identified by maps 3 - 5 as being applicable to the proposed wind farm:
- 2.105 **IP WESP 1 - Areas Requiring Significant Protection** states that areas of significant protection are considered to be of high sensitivity to wind energy development. Wind energy developments within

these areas should have no adverse effect on the overall integrity and objectives of the designation and also satisfactorily resolve all relevant criteria within the Development Management Criteria as set out within the IPP.

- 2.106 **IP WESP 3 - Landscape Sensitivity** states that proposals for wind energy development will be favoured in areas of lowest landscape sensitivity for each typology. In all sensitivities, proposals must: be in accordance with Development Plan policies; satisfactorily resolve all relevant criteria within the Development Management Criteria as set out within the IPP; and comply with the guidance contained in the detailed sensitivity assessments for all typologies in Appendix C of this IPP and demonstrate how they avoid the potential adverse effects on the constraints that are identified and detailed in this guidance.
- 2.107 **IP WEDM 1 - Development Management Policy** states that proposals for onshore wind energy development and any associated infrastructure will be assessed against the Development Management Criteria, any relevant policy in the approved D&G Development Plan and any other material planning consideration.
- 2.108 The Development Management Criteria covers the following topic areas:
- Landscape and Visual Issues;
 - Landscape and Visual Cumulative issues;
 - Design;
 - Historic Environment and Cultural Identity;
 - Biodiversity;
 - Forests and Woodlands;
 - Geodiversity;
 - Local Amenity and Communities;
 - Tourism and Recreation;
 - Aviation and Defence;
 - Broadcasting Installations and Communications;
 - Project Viability;
 - Water Resources;
 - Soil and Ground Stability;
 - Minimisation of Waste Materials;
 - Ancillary Development; and
 - Decommissioning and Reinstatement.
- 2.109 The Policy states that this is not an exhaustive list and accordingly specific proposals may identify additional issues which will be assessed on a case by case basis.

Local Development Plan (LDP) Main Issues Report

- 2.110 The LDP Main Issues Report is a discussion document which highlights what are considered to be the main planning issues for Dumfries and Galloway. It states that an aim of the LDP is to have a positive influence on climate change and the need for carbon reduction. It states that, “*the LDP will need to consider policies for ensuring the continued development of renewable energy sources*”

and how we might better design and construct places which have a reduced impact on our local environment and contribute to reducing the impacts of climate change.” It is proposed that Dumfries and Galloway Council will report all of the comments and representations received to the Main Issues Report to Committee alongside the Proposed Plan.