

5 Renewable Energy & Planning Policy

Contents

5.1	<i>Introduction</i>	5-1
5.2	<i>The Legislative Framework</i>	5-1
5.3	<i>Renewable Energy Policy Summary</i>	5-2
5.4	<i>National Planning Policy</i>	5-3
5.5	<i>National Planning Advice</i>	5-5
5.6	<i>The Development Plan</i>	5-6
5.7	<i>Clydeplan</i>	5-7
5.8	<i>LDP (2015) Policies</i>	5-7
5.9	<i>Supplementary Guidance</i>	5-12
5.10	<i>The Landscape Capacity Study & related Guidance</i>	5-12
5.11	<i>The Emerging Development Plan</i>	5-13
5.12	<i>Conclusions</i>	5-14
5.13	<i>References</i>	5-15

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5 Renewable Energy & Planning Policy

5.1 Introduction

- 5.1.1 This chapter of the EIA Report describes the legislative and policy background relevant to the Proposed Development. It refers to energy and planning policy at a national and local level. This Chapter does not include an assessment of the accordance of the Proposed Development with reference to planning policy: a separate Planning Statement has been prepared to support the application and should be referred to for a detailed planning policy appraisal.

5.2 The Legislative Framework

The Electricity Act 1989

- 5.2.1 The Proposed Development will have an overall installed capacity over 50 Megawatts (MW). In Scotland, onshore renewable energy developments that have capacity to generate over 50 MW require consent from the Scottish Ministers under the Electricity Act 1989 (the Electricity Act). In such cases the Planning Authority is a statutory consultee in the development management process and procedures. The Planning Authority for the Proposed Development is South Lanarkshire Council (SLC).
- 5.2.2 In the case of an application under Section 36 of the Electricity Act 1989 (the Electricity Act) the Development Plan does not have primacy in the decision making process. Furthermore, the provisions of Schedule 9 of the Electricity Act impose duties on some applicants and the Scottish Ministers. For the purposes of this application the Applicant has sought to comply with the obligations set in schedule 9 despite not holding a generation licence or exemption. This report sets out how the applicant has approached the assessment and mitigation on the relevant receptors.
- 5.2.3 Schedule 9 sub-paragraph 3 (1) of the Electricity Act advises that a license holder (or person authorised by exemption):
- “(a) shall have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and*
- (b) shall do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.”*
- 5.2.4 Under sub-paragraph 3(2), in considering proposals, the Scottish Ministers are to have regard to:
- “(a) the desirability of the matters mentioned in paragraph (a) of sub-paragraph (1) above; and*
- (b) the extent to which the person by whom the proposals were formulated has complied with his duty under paragraph (b) of the sub-paragraph.”*
- 5.2.5 At sub-paragraph 3(3), it indicates that, without prejudice to the above provisions, a licence holder and the Scottish Ministers *“shall avoid, so far as possible, causing injury to fisheries or to the stock of fish in any waters.”*
- 5.2.6 The provisions of Schedule 9 of the Electricity Act set out a number of features to which regard must be had and such features have been addressed in the EIA process.

The Town & Country Planning (Scotland) Act 1997

- 5.2.7 The principal planning statute in Scotland is the Town and Country Planning Act (Scotland) 1997 (as amended). The provisions of the Planning (Scotland) Act 2019 are also starting to come into force.
- 5.2.8 Section 57(2) of the Planning Act provides:

“On granting a consent under section 36 or 37 of the Electricity Act 1989 in respect of any operation or change of use that constitutes development, the Scottish Ministers may direct that planning permission for that development and any ancillary development shall be deemed to be granted, subject to any conditions (if any) as may be specified in the direction”.

5.2.9 Section 25 of the Planning Act states that:

“Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise”.

5.2.10 Section 57(2) of the Planning Act makes no reference to the provisions of section 25 which requires regard to be had to the provisions of the Development Plan and the courts have confirmed that section 57(3) does not operate so as to apply section 25 to a decision to make a direction to grant deemed planning permission pursuant to section 57(2).

5.2.11 The Scottish Ministers will determine the application having regard to the statutory duties in Schedules 8 and 9 of the Electricity Act, so far as relevant, and all relevant material considerations, one of which will be relevant aspects of the statutory Development Plan.

5.3 Renewable Energy Policy Summary

5.3.1 In recent years, European, United Kingdom (UK) and Scottish Government policies have focussed increasingly on mitigating the effects of climate change. Each tier of Government has developed targets, policies and actions to achieve targets to deal with the climate crisis and generate more renewable energy and electricity.

5.3.2 The Renewable Energy Directive 2009/28/EC on the promotion of the use of energy from renewable sources established an overall policy for the production and promotion of energy from renewable sources in the European Union (EU). It requires the EU to fulfil at least 20% of its total energy needs with renewables by 2020 – to be achieved through the attainment of individual national targets. All EU countries must also ensure that at least 10% of their transport fuels come from renewable sources by 2020.

5.3.3 In December 2018, the revised Renewables Energy Directive (2018/2001) entered into force – establishing a new binding renewable energy target for the EU for 2030 of at least 32%, including a clause for a possible upwards revision by 2023.

5.3.4 On 29 March 2017, the UK formally notified of its intention to leave the EU under Article 50 of the Treaty of the EU. The European Union (Withdrawal Agreement) Act 2020 received Royal Assent on 23 January 2020 and converts all EU laws, rules and targets into domestic UK governance. The existing EU renewable energy targets for the UK, such as the requirements of the Renewable Energy Directive, remain applicable despite the UK’s intention to formally leave the EU.

5.3.5 The UK Government retains responsibility for the overall direction of energy policy, although some elements are devolved to the Scottish Government. The UK Government has published a series of policy documents setting out how the EU targets can be achieved. Onshore wind generation, located in Scotland, is identified as an important component to achieve these various goals.

5.3.6 The Scottish Government has published a number of policy documents and its own targets. The most relevant policy, legislative documents and more recent statements published by the Scottish Government include:

- The Letter from Chief Planner to all Heads of Planning in relation to energy targets and SPP (November 2015);
- Scottish Energy Strategy (December 2017);
- Onshore Wind Policy Statement (December 2017);

- The Scottish Climate Change Plan¹ (2018);
 - The Scottish Government's declaration of a Climate Emergency (April 2019);
 - The Scottish Government's 'Programme for Government' (September 2019); and
 - The Climate Change (Scotland) Act 2009 as amended by The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 which introduced the legally binding net zero target for 2045 and interim targets for 2030 and 2040.
- 5.3.7 The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 requires that “The Scottish Ministers must ensure that the net Scottish emissions account for the net-zero emissions target year is at least 100% lower than the baseline (the target is known as the “net-zero emissions target”).” The target year is 2045 and the Act also sets out challenging interim targets. It requires that:
- “The Scottish Ministers must ensure that the net Scottish emissions account for the year—*
- (a) 2020 is at least 56% lower than the baseline,*
- (b) 2030 is at least 75% lower than the baseline, and*
- (c) 2040 is at least 90% lower than the baseline.”*
- 5.3.8 It is important to note that these targets are minimum targets, they are not maximums or aspirations. There are also annual targets set for every year to 2045. The targets legally bind the Scottish Ministers and have largely been legislated to set the framework for Scotland’s response to the Climate Emergency.
- 5.3.9 The Proposed Development relates to the generation of electricity from renewable energy sources and comes as a direct response to national planning and energy policy objectives.
- 5.3.10 The Proposed Development would make a contribution to the attainment of emissions reduction, renewable energy and electricity targets at both the Scottish and UK levels. Detailed reference to the renewable energy policy context is provided in the Planning Statement.

5.4 National Planning Policy

The National Planning Framework 3 (NPF3)

- 5.4.1 National Planning Framework 3 (2014) (NPF3) is a long-term strategy for Scotland. It is the spatial expression of the Scottish Government’s Economic Strategy, and of plans for development and investment in infrastructure.
- 5.4.2 Part of the vision is of Scotland as a low carbon place, where the opportunities arising from the ambition to be a world leader in low carbon energy generation have been seized. NPF3 is informed by, and aims to help achieve, the Scottish Government’s climate change and renewable energy targets.
- 5.4.3 NPF3 acknowledges that the energy sector accounts for a significant share of the country’s greenhouse gas emissions, and that addressing this requires capitalising on Scotland’s outstanding natural advantages, including its significant wind resource. NPF3 makes it clear that onshore wind will continue to play a significant role in de-carbonising the energy sector and diversifying energy supply.
- 5.4.4 National Planning Policy Framework 4 (NPF4) is under preparation and will include all aspects of national planning policy as per the provisions of the Planning (Scotland) Act 2019. It is anticipated that a NPF4 ‘Position Statement’ will be issued in November 2020 and a consultation draft NPF4 will be issued in September 2021.

¹ The Plan is currently subject to review, given the new emission reduction targets and an updated Plan is due to be published by the end of 2020.

Scottish Planning Policy (SPP)

- 5.4.5 Scottish Planning Policy (2014) (SPP) is Scottish Government policy on how nationally important land use planning matters should be addressed.
- 5.4.6 SPP contains a number of principal policies, one of which crucially expresses “*a presumption in favour of development that contributes to sustainable development*” (page 9). Paragraph 28 goes on to state that:
- “the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development”.*
- 5.4.7 Paragraph 29 highlights a series of criteria which should guide decision-making in this regard and the following provisions are considered relevant to the Proposed Development:
- Net economic benefit;
 - Economic issues, challenges and opportunities;
 - Good design and qualities of successful places;
 - Delivery of infrastructure;
 - Climate change mitigation and adaptation;
 - Principles of sustainable land use as set out in the land use strategy;
 - Protecting, enhancing and promoting cultural heritage;
 - Protecting, enhancing and promoting natural heritage and landscape;
 - Reducing waste; and
 - Over-development, amenity and effects on water, soil and air.
- 5.4.8 To support in achieving the outcome of making Scotland a low carbon place, the planning system should support the change to a low carbon economy, including deriving the equivalent of 100% of electricity demand from renewable sources by 2020. It should support the development of electricity generation from a diverse range of renewable sources. It should guide development to appropriate locations and advise on the issues that should be taken into account when specific proposals are being assessed.
- 5.4.9 Onshore wind is referred to specifically in paragraphs 161 to 166 (development planning considerations) and paragraphs 169 to 174 (development management considerations) of SPP within the ‘Low Carbon Place’ outcome. Development planning guidance for onshore wind includes reference to the need for planning authorities to set out in their development plans a Spatial Framework identifying those areas that are likely to be most appropriate for onshore wind farms. Table 1 in SPP provides guidance on how spatial frameworks should be set out. They should identify three types of areas including:
- Group 1: Areas where wind farms will not be acceptable (National Parks and National Scenic Areas);
 - Group 2: Areas of significant protection (i.e. national and international designations, nationally important environmental interests, community separation for considering visual impact); and
 - Group 3: Areas with potential for wind farm development (where wind farms are likely to be acceptable subject to consideration of details).
- 5.4.10 More generally, SPP advises that the siting and design of development should take account of local landscape character. Decisions should take account of potential effects on landscapes and the natural and water environment, including cumulative effects. Applicants should seek to minimise adverse impacts through careful planning and design. Planning permission should be refused where

the nature or scale of a development would have an unacceptable impact on the natural environment.

5.4.11 Beyond the Spatial Framework for wind farms the following considerations, outlined in paragraph 169, should be taken into account (where applicable) when determining development proposals:

- Net economic impact;
- Scale of contribution to renewable energy generation targets;
- Effect on greenhouse gas emissions;
- Cumulative impacts;
- Impact on communities and dwellings (including visual impact, residential amenity, noise and shadow flicker);
- Landscape and visual impacts (including wild land);
- Effect on natural heritage (including birds);
- Impacts on carbon rich soils (using carbon calculator);
- Impact on public access (including long distance walking and cycling routes and scenic routes);
- Impacts on the historic environment (including scheduled monuments, listed buildings and their setting);
- Impacts on tourism and recreation;
- Impacts on aviation and defence interests and seismological recording;
- Impacts on telecommunications and broadcasting installations;
- Impacts on transportation (road traffic and adjacent trunk roads);
- Effects on hydrology (water environment and flood risk);
- Opportunities for energy storage; and
- Conditions relating to decommissioning of development, including ancillary infrastructure and site restoration.

5.5 National Planning Advice

5.5.1 Planning Advice Notes (PANs) and Specific Advice Sheets set out detailed advice from the Scottish Government in relation to a number of planning issues. PANs and Specific Advice Sheets relevant to the Proposed Development are summarised in Table 5.1 below.

Table 5.1: Relevant PANs and Specific Advice Notes

Title	Summary of Document
PAN 1/2013 Environmental Impact Assessment	Provides information on the role local authorities and consultees play as part of the EIA process, and how the EIA can inform development management.
PAN 60 (2000) Planning for Natural Heritage	Advises developers on the importance of discussing their proposals with the planning authority and NatureScot (formerly Scottish Natural Heritage (SNH)) and use of the EIA process to identify the environmental effects of development proposals and seek to prevent, reduce and offset any adverse effects in ecology and biodiversity.

Title	Summary of Document
PAN 61 (2001) Sustainable Urban Drainage Systems	Good practice drainage guidance.
PAN 75 (2005) Planning for Transport	The objective of PAN 75 is to integrate development plans and transport strategies to optimise opportunities for sustainable development and create successful transport outcomes.
PAN 3/2010 Community Engagement	This document provides advice on how to engage with local communities through the planning process.
PAN 1/2011 Planning and Noise	This PAN provides advice on the role of the planning system in helping to prevent and/ or mitigate any potential adverse effects of noise. It promotes the principles of good acoustic design and promotes a sensitive approach to the location of new development.
PAN 2/2011 Planning and Archaeology	The PAN is intended to inform local authorities and other organisations of how to process any archaeological scope of works within the planning process.
Online Renewables Planning Advice - On Shore Wind Turbines (updated 2014)	This Specific Advice Sheet provides an overview of the use of the carbon calculator in estimating the carbon savings resulting from wind farm developments. NB: Please note that this Specific Advice Sheet pre-dates SPP, so the areas covered therein in relation to 'spatial framework', 'spatial planning' and 'areas of search' are no longer relevant.
PAN 51 Planning, Environmental Protection and Regulation (Revised 2006)	Details the role of the planning system in relation to the environmental protection regimes.
Online Planning Advice on Flood Risk (2015)	Provides advice on the role of the planning system and the assessment and management of flood risk.
Online Planning Guidance, COVID 19 Emergency and Pre-Application Consultation and Requirements for a Public Event (April 2020)	Provides guidance on the effect of the Town and Country Planning (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2020 which makes temporary suspension of public meetings / events and on alternative online consultation and expected practice.

5.6 The Development Plan

5.6.1 The statutory Development Plan for the Proposed Development comprises

- The Glasgow and the Clyde Valley Strategic Development Plan (“Clydeplan”) (Approved with modification July 2017).
- The South Lanarkshire Local Development Plan (the “LDP”) (adopted 29th June 2015); and
- Supplementary Guidance 10: Renewable Energy (2015) (the “SG”).

5.6.2 Reference is also made below to the emerging new LDP, known as “LDP2”.

5.7 Clydeplan

- 5.7.1 Section 7 of Clydeplan is entitled ‘City Region as a low carbon place’ – it sets out that delivering a low carbon future in support of the Scottish Government’s ambition to achieve at least an 80% reduction in greenhouse gas emissions by 2050 is central to the vision and development strategy of the plan (paragraph 7.3).
- 5.7.2 The plan presents a high level onshore wind Spatial Framework (paragraph 7.8) and in Diagram 6 illustrates this on a high-level basis.
- 5.7.3 Policy 10 of Clydeplan states that *“in support of the transition to a low carbon economy and realisation of the Vision and Spatial Development Strategy, support should be given, where appropriate to alternative, renewable technologies and associated infrastructure”*.
- 5.7.4 In terms of onshore wind, the policy states:
“In order to support onshore wind farms, Local Development Plans should finalise the detailed spatial framework for onshore wind for their areas in accordance with SPP, confirming which scale of development it relates to and the separation distances around settlements. Local Development Plans should also set out the considerations which will apply to proposals for wind energy development, including landscape capacity and impacts on communities and natural heritage. Proposals should accord with the spatial framework set out in Diagram 6 and finalised in Local Development Plans.”
- 5.7.5 The policy requires LDPs to contain finalised detailed spatial frameworks in accordance with SPP and to confirm separation distances around settlements.
- 5.7.6 Policy 10 also requires LDPs to set out the various considerations that would apply to proposals for wind energy development. In this regard the LDP policy 19 makes specific reference to the requirements listed at paragraph 169 of SPP.

5.8 LDP (2015) Policies

- 5.8.1 Table 5.2 sets out the LDP policies which are of relevance to the consideration of the Proposed Development.

Table 5.2: Relevant LDP Policies

Policy Topic	LDP (2015) Policies
General Policies	Policy 1: Spatial Strategy
	Policy 4: Development Management and Placemaking
Renewable Energy	Policy 19: Renewable Energy
	Policy 2: Climate Change
Landscape and Visual	Policy 3: Green Belt and Rural Area
Cultural Heritage and Archaeology	Policy 15: Natural and Historic Environment
Ecology	Policy 15 Natural and Historic Environment
Geology and Hydrology	Policy 17: Water Environment and Flooding
Access, Traffic, and Transport	Policy 16: Travel and Transport
Socio-economics (including recreation and tourism)	Policy 11: Economic Development and Regeneration

- 5.8.2 These policies are set out below. Policy 19 has been specifically formulated to deal with renewable energy including wind energy developments.

General Policies

5.8.3 Policy 1: ‘Spatial Strategy’ states:

“The South Lanarkshire Local Development Plan will encourage sustainable economic growth and regeneration, protect and enhance the built and natural environment and move towards a low carbon economy by:

- *Supporting regeneration activities and maximising regeneration and local economic benefits;*
- *Delivery of the development proposals identified in Table 3.1 and Appendix 3.*
- *Development that accords with and supports the policies and proposals in the development plan and supplementary guidance.”*

5.8.4 Policy 4: ‘Development Management and Placemaking’ states:

“All development proposals will require to take account of and be integrated with the local context and built form. Development proposals should have no significant adverse impacts on the local community and where appropriate, should include measures to enhance the environment as well as address the six qualities of placemaking (as detailed in Appendix 1 of DMPDSG). When assessing development proposals, the council will ensure that:

- i. There is no significant adverse impact on adjacent buildings or streetscape in terms of layout, scale, massing, design, external materials, or amenity;*
- ii. There is no significant adverse impact on landscape character, built heritage, habitats, or species including Natura 2000 sites, biodiversity, and Protected Species nor on amenity as a result of light, noise, odours, dust or particulates;*
- iii. The proposed development is accessible for all, provides suitable access and parking, encourages active travel, and has no adverse implications for public safety;*
- iv. The proposal includes appropriate integrated and accessible infrastructure, open space, green infrastructure, and landscape provision;*
- v. Sustainability issues are addressed through energy efficient design, layout, site orientation and building practices;*
- vi. The development does not result in any significant adverse impact on the water environment as required by the Water Framework Directive and related regulations and as appropriate, mitigation to minimise any adverse effects is provided, and*
- vii. There are no significant adverse effects on air quality (particularly in and around Air Quality Management Areas), or on water or soil quality, and, as appropriate, mitigation to minimise any adverse effects is provided; and*
- viii. Risks to new development from unstable land resulting from past mining activities are fully assessed and, where necessary. Mitigated prior to development.”*

Renewable Energy Policies

5.8.5 LDP Policy 19: ‘Renewable Energy’ states that:

“Applications for renewable energy infrastructure developments will be supported subject to an assessment against the principles set out in the 2014 SPP, in particular, the considerations set out in paragraph 169 and additionally, for onshore wind developments, the terms of Table 1: Spatial Frameworks.

The council will produce statutory supplementary guidance, which accords with the 2014 SPP, and which contains the spatial framework for onshore wind energy and sets policy considerations against which all proposals for renewable energy infrastructure developments will be assessed.

Development proposals must also accord with other relevant policies and proposals in the development plan and with supplementary guidance."

5.8.6 Policy 19 outlines the overall approach to the assessment of proposed renewable energy infrastructure developments. Specifically, applications relating to onshore wind developments will be subject to an assessment against the principles set out in SPP.

5.8.7 As referred to in policy 19 above, following the adoption of the LDP in 2015, SLC produced and adopted SG 10: Renewable Energy in 2015. The SG provides detailed policy and guidance for developers on the requirements for wind energy and other renewable energy development.

5.8.8 **Policy 2: 'Climate Change'** states that:

"Proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change by;

- *Being sustainably located;*
- *Maximising the reuse of vacant and derelict land;*
- *Utilising renewable energy sources;*
- *Being designed to be as carbon neutral as possible;*
- *Using, where appropriate, low and zero carbon energy generating technologies, that reduce predicted carbon dioxide emissions to meet current building standards within new buildings;*
- *Avoiding areas of medium to high flood risk;*
- *Having no significant adverse impacts on the water and soils environment, air quality, biodiversity (including Natura 2000 sites and protected species) and green networks;*
- *Ensuring new development includes opportunities for active travel routes and provisions for public transport and for the creation and enhancement of green networks;*
- *Providing electric vehicle recharging infrastructure in new developments to encourage the adoption of low carbon vehicles;*
- *Minimising waste.*

Developments proposals must also accord with other relevant policies and proposals in the development plan and other appropriate supplementary guidance."

Landscape and Visual Policies

5.8.9 Beyond Policy 19 and SG10, the other landscape related policy of relevance is Policy 3.

5.8.10 **Policy 3 'Green Belt and Rural Area'** states:

"The Green Belt and rural area functions primarily for agriculture, forestry, recreation and other uses appropriate to the countryside. Development which does not require to locate in the countryside will be expected to be accommodated within the settlements identified on the proposals map, other than in the following circumstances;

- *Where it is demonstrated that there is a specific locational requirement and established need for a proposal;*
- *The proposal involves the redevelopment of derelict or redundant land and buildings where significant environmental improvements can be shown;*

- *The proposal is for conversion of traditional buildings and those of a local vernacular;*
- *The proposal is for limited development within clearly identifiable infill, gap sites and existing building groups;*
- *The proposal is for extension of existing premises or uses providing it is of a suitable scale and design. Any new built form should be ancillary to the main use.*

In the Rural Area limited expansion of an existing settlement may be appropriate where the proposal is proportionate to the scale and built form of the settlement, it is supportive of the sustainability of the settlement and a defensible settlement boundary is maintained.

In both the Green Belt and rural area isolated and sporadic development will not be supported.

Development proposals must also accord with other relevant policies and proposals in the development plan and other appropriate supplementary guidance. Appropriate uses in the Green Belt and rural area are contained within supplementary guidance."

Cultural Heritage, Archaeology & Ecology Policy

5.8.11 Policy 15: 'Natural and Historic Environment' states:

"The Council will assess all development proposals in terms of their effect on the character and amenity of the natural and built environment. In addition, where specific designations are affected, as Listed in Table 6.1 – Natural and Historic Environment Designations and as shown on the proposals map, the following applies:

Category 1, 2 and 3 sites

The Council will seek to protect important natural and historic sites and features, as listed in Table 6.1, and shown on the proposals map, from adverse impacts resulting from development, including cumulative impacts.

In Category 1 areas:

Development which could affect Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) (Natura 2000 sites) will only be permitted where an appropriate assessment of the proposal demonstrates that it will not adversely affect the integrity of the site following the implementation of any mitigation measures. Proposals where it cannot be ascertained that it would not adversely affect the integrity of the site will only be permitted where there are no alternative solutions and there are imperative reasons for overriding public interest.

The Council will seek to protect and preserve the Outstanding Universal Value of New Lanark World Heritage Site. Development Proposals affecting the world heritage site and its setting will be assessed against the detailed criteria set out in supplementary guidance. Development proposals within the buffer zone will be assessed for their potential impact on the site's outstanding universal value.

In Category 2 areas, development will be permitted where the objectives of the designation and the overall integrity of the area can be shown not to be compromised following the implementation of any mitigation measures. Any significant adverse effects must be clearly outweighed by social or economic benefits of national importance.

In Category 3 areas, development which would affect these areas following the implementation of any mitigation measures will only be permitted where there is no significant adverse impact on the protected resource.

Where possible, any development proposals which affect natural and historic designations should include measures to enhance the conservation value of the site affected.

Protected Species

Development which will have an adverse effect on protected species following the implementation of any mitigation measures will not be permitted unless it can be justified in accordance with the relevant protected species legislation.

Development proposals must also take account of other relevant policies and proposals in the development plan and appropriate supplementary guidance.

Cultural heritage and archaeology matters have been addressed in detail in the context of SG10 above and the appraisal is not repeated”.

Geology & Hydrology Policy

5.8.12 Policy 17: Water Environment and Flooding states:

“Any development proposals which will have a significant adverse impact on the water environment will not be permitted. This includes engineering works, such as culverting. In determining proposals consideration shall be given to water levels, flows, quality, features, flood risk and biodiversity within the water environment. The use of buffer and no development zones will be introduced to protect the riparian zone. These measures have been identified as having a key role to play in ensuring that protection and improvement of the water environment in accordance with the Water Framework Directive (WFD) and the underlying aims of River Basins Management Plans (RBMPs).

The avoidance principle of flood risk management as set out in the SPP must be met. Within areas identified as functional floodplain the Council will not support any development proposals except where a specific location is essential for operational reasons and appropriate mitigation measures can be taken that meet the principles of flood risk management.

Sites where flood risk may be an issue (due to the breaching of watercourses, surface water and run off and impact of the proposal on groundwater) shall be the subject of a local flood risk management assessment. Any development where the flood risk cannot be appropriately managed to prevent a significant adverse increase in the risk of flooding, either on the site or elsewhere, will not be permitted.

The plan will take a precautionary approach to managing flood risk by considering flooding from all sources and working towards sustainable flood management.

Development proposals must also accord with other relevant policies and proposals in the development plan and with supplementary guidance”.

Access, Traffic and Transport Policy

5.8.13 Policy 16 ‘Travel and Transport’ states:

“New development proposals, must consider, and where appropriate, mitigate the resulting impacts of traffic growth, particularly development related traffic, and have regard to the need to reduce the effects of greenhouse gas emissions and at the same time, support and facilitate economic recovery, regeneration and sustainable growth.

Development of walking, cycling and public transport networks which provide a viable and attractive alternative to car travel, thus reducing the effects of transport on the environment, will be supported. In addition, existing and proposed walking and cycling routes will be safeguarded, including former railway lines which can provide walking, cycling and horse riding opportunities.

Development proposals must also accord with other relevant policies and proposals in the development plan and with appropriate supplementary guidance. In particular proposals must conform to the Local Transport Strategy, Core Path Plan and the Council Guidelines for Development Roads.”

Socio-Economic Policy

5.8.14 **Policy 11: Economic Development and Regeneration'** states:

"The Council will support activities that maximise economic development and regeneration particularly through implementation of the policies in this plan and the proposals listed in Appendix 3. Priority will be given to development proposals that deliver physical and community regeneration and positively contribute to the local economy."

5.9 Supplementary Guidance

Supplementary Guidance 10

5.9.1 The SLC Supplementary Guidance 10 ("SG10") (2015) forms part of the Development Plan. SG10 supports Policy 19 'Renewable Energy' in the LDP by providing more detailed policy and guidance for developers on the requirements for wind energy (and other renewable energy technologies). The relevant content of SG10 can be summarised as:

- Chapter 2 sets out the policy context for renewable energy developments;
- Chapter 3 provides information on cumulative wind energy developments and proposals in the SLC area and sets out the overall approach to assessing wind energy developments;
- Chapter 4 sets out the Spatial Framework for wind energy;
- Chapter 6 sets out development management considerations to be used in the assessment of all scales and types of renewable energy proposals. It includes matters listed in paragraph 169 of SPP and other relevant considerations.
- Chapter 7 sets out an 'Assessment Checklist' for renewable energy proposals. The checklist broadly reflects the development management considerations set out at paragraph 169 of SPP. Chapter 7 also contains **Policy RE2 'Renewable Energy Developments'** which states:

"Applications for renewable energy developments will only be acceptable if they accord with the relevant guidance set out in:

- *Section 6 'Development Management considerations for the assessment of renewable energy proposals;*
- *Table 7.1 'Assessment Checklist' for renewable energy proposals."*

5.10 The Landscape Capacity Study & related Guidance

Landscape Capacity Study for Wind Energy (February 2016) (LCS)

5.10.1 The LCS 2016 is a technical study supporting the LDP and SG10. The study considers the capacity of the SLC area landscape to accommodate wind energy development. The study is based on an assessment of the landscape sensitivity and value of the different landscape character types and areas in South Lanarkshire.

Tall Wind Turbines: Landscape Capacity, Siting and Design Guidance (2016)

5.10.2 The Tall Turbines Guidance is an Addendum to the LCS. The report updates the elements of the LCS relating to turbine height by assessing the capacity of the landscape to accommodate taller turbines (120m +) and provides further guidance on local siting and design. It supplements, and should be read in conjunction with, the LCS and the Council's SG10. The guidance covers:

- A review of landscape and visual issues associated with tall turbines including aviation warning lighting and matters associated with size and scale;
- Siting and design guidance; and
- Local siting and design guidance with geographic references to parts of the SLC area.

5.11 The Emerging Development Plan

5.11.1 On 25 April 2019 SLC submitted the South Lanarkshire Local Development Plan 2 (“LDP2”) and associated documents to the Department for Planning and Environmental Appeals (DPEA) and the Examination commenced on 1 October 2019.

5.11.2 The LDP2 documentation includes:

- **Proposed Plan Volume 1:** which contains a Vision and Strategy and development management policies. Those of relevance include:
 - *Policy 1 – Spatial Strategy;*
 - *Policy 2 – Climate Change;*
 - *Policy 4 – Green Belt and Rural Area;*
 - *Policy 5 – Development Management and Placemaking;*
 - *Policy 14 – Natural and Historic Environment;*
 - *Policy 15 – Travel and Transport;*
 - *Policy 16 – Water Environment and Flooding; and*
 - *Policy 18 – Renewable Energy.*
- **Proposed Plan Volume 2:** which contains additional policies and furthermore detailed criteria against which development proposals are to be considered. Relevant policies include:
 - *Policy SDCC2 – Flood Risk;*
 - *Policy SDCC3 – Sustainable Urban Drainage Systems;*
 - *Policy GBRA1 – Rural Design and Development;*
 - *Policy GBRA2 – Business Proposals within Green Belt and Rural Area;*
 - *Policy NHE2 – Archaeological Sites and Monuments;*
 - *Policy NHE3 – Listed Buildings;*
 - *Policy NHE4 – Gardens and Designed Landscapes;*
 - *Policy NHE6 – Conservation Areas;*
 - *Policy NHE7 – Nature 2000 Sites;*
 - *Policy NHE8 – National Nature Reserves and Sites of Special Scientific Interest;*
 - *Policy NHE9 – Protected Species;*
 - *Policy NHE11 – Peatland and Carbon Rich Soils;*
 - *Policy NHE12 – Water Environment and Biodiversity;*
 - *Policy NHE13 – Forestry and Woodland;*
 - *Policy NHE15 – Local Nature Reserves;*

- *Policy NHE16 – Landscape;*
- *Policy NHE18 – Walking, Cycling and Riding Routes;*
- *Policy NHE20 – Biodiversity;*
- *Policy NHE21 – Geodiversity;*
- *Policy RE1 - Renewable Energy.*

5.11.3 Appendix 1 of Volume 2 contains the ‘renewable energy assessment checklist’ similar to that contained in SG10.

- **‘Renewable Energy’ Supporting Planning Guidance (“SPG”)** – this is intended to supplement the renewable energy policies in LDP2, particularly Policy 18 in LDP2 which sets out general policy relating to renewable energy and Policy RE1 (in Volume 2) which relates to the assessment of proposals for renewable energy developments. The document is very similar to SG10 and references development management considerations and an assessment checklist as per SG10 and is proposed as non-statutory guidance.

5.11.4 The Report of the Examination, which includes the Reporters’ recommendations for each issue, was made public by the DPEA on their website on Monday 17 August 2020.

5.11.5 The recommendations contained in the Examination Report are largely binding on SLC. A modified Proposed Local Development Plan 2 taking account of these recommendations will now be prepared, and approval from the SLC Planning Committee will be sought to submit this to the Scottish Ministers. Unless directed otherwise by Scottish Ministers, SLC can then formally adopt LDP2. It is understood that this is currently programmed for early 2021. However, this timeline is subject to change due to the ongoing Covid-19 pandemic.

5.12 Conclusions

5.12.1 This chapter has set out the legislative background, a summary of the renewable energy policy framework, and the national and local planning policies and guidance relevant to the consideration of the Proposed Development. It provides an objective summary of the energy and planning policy considerations that have been taken into account in the preparation of the EIA Report in order to ensure that it provides the appropriate information for the consideration of the Section 36 application.

5.12.2 As noted, the policy appraisal for the Proposed Development is contained in a separate Planning Statement.

5.13 References

South Lanarkshire Local Development Plan (LDP) (2015) [Online] Available at:

https://www.southlanarkshire.gov.uk/downloads/file/7600/south_lanarkshire_local_development_plan_proposed

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