

5 Planning and Energy Policy Context

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5 Planning and Energy Policy Context

5.1 Introduction

5.1.1 This chapter describes the legislative and policy background to the application. The legislative basis for a decision by the Scottish Ministers is set out and reference made to energy policy and planning policy at both a national and local level. It also identifies other matters that would be material to the decision by the Scottish Ministers on the application. This chapter does not assess the accordance of the Proposed Development against 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 Legislation

The Electricity Act 1989

5.2.1 Section 36 of the Electricity Act 1989 provides that a generating station with a capacity in excess of 50 MW shall not be constructed, extended or operated except in accordance with a consent granted by the Scottish Ministers.

5.2.2 Paragraph 3(2) of Schedule 9 of the Act requires the Scottish Ministers, in considering any relevant proposals for which their consent is required under Section 36, to have regard to:

- the desirability of the matters mentioned in paragraph 3(1)(a) of the Schedule; and
- the extent to which the person by whom the proposals were formulated has complied with his duty.

5.2.3 The matters mentioned in paragraph 3(1)(a) are: the desirability of preserving natural beauty, conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings, and objects of architectural, historical, or archaeological interest.

5.2.4 The duty under paragraph 3(1)(b) requires the person who formulated the proposals to do what they reasonably can to mitigate any effect that the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects. Sub-paragraph 1 can be relevant to an applicant if they hold a Licence at the date a Section 36 application is made.

5.2.5 Paragraph 3(3) of Schedule 9 stipulates a further requirement to seek to avoid as far as possible, causing injuries to fisheries or to the stock of fish in any waters.

5.2.6 The Act does not say that these are the only matters to be taken into account. Scottish Ministers will take into account other matters which would be material to their decision. These will include: national energy policy, national and local planning policy as well as the full scope of the environmental information submitted with the application.

The Town and Country Planning (Scotland) Act 1997

5.2.7 The principal planning statute in Scotland is the Town and Country Planning Act (Scotland) 1997 (the Planning Act) as amended by The Planning etc. (Scotland) Act 2006.

5.2.8 Section 57 of the Planning Act addresses development with Government authorisation. Section 57(2) states that: *“On granting or varying a consent under section 36 or 37 of the Electricity Act 1989, the Scottish Ministers may give a direction for planning permission to be deemed to be granted, subject to such conditions (if any) as may be specified in the direction, for – (a) so much of the operation or change of use to which the consent relates as constitutes development; (b) any development ancillary to the operational change of use to which the consent relates”*.

5.2.9 As an application under the Electricity Act, the duty under Section 25 of the Planning Act, to determine the application in accordance with the provisions of the Development Plan unless material considerations indicate otherwise, does not apply. The Development Plan is however a relevant and important consideration.

5.3 Renewable Energy Policy Framework – Summary

5.3.1 In recent years, European, United Kingdom (UK) and Scottish Government policies have focussed increasingly on concerns about climate change. Each tier of Government has developed targets, policies, and actions to achieve the goal of halting climate change.

5.3.2 The targets set for the UK by the European Commission under the EU Renewables Directive (2009/28/EC) include a 16% reduction in UK greenhouse gas emissions by 2020 and for 15% of all energy consumed in the UK to come from renewable resources by 2020.

5.3.3 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 European targets can be achieved. Onshore wind generation, located in Scotland, is identified as an important component to achieve these various goals.

5.3.4 The Scottish Government has published a number of policy documents and its own targets. The Climate Change (Scotland) Act 2009 provides the statutory framework for greenhouse gas emissions reductions in Scotland. The 2009 Act requires reductions in greenhouse gas emissions of 42% by 2020 and 80% by 2050, and also provides for annual targets to be set.

5.3.5 The most relevant policy documents published by the Scottish Government include:

- The 2020 Routemap for Renewable Energy in Scotland (2011) and as updated in 2013 and in 2015; and the
- The Electricity Generation Policy Statement 2013.

5.3.6 In December 2017 the Scottish Government published two energy policy documents following a period of consultation, namely:

- the Scottish Energy Strategy ‘The Future of Energy in Scotland’; and
- the Onshore Wind Policy Statement.

5.3.7 The Climate Change Plan was published in February 2018 and updated Scotland’s greenhouse gas emission targets. Together, these policy documents represent the Government’s intended energy and climate change strategy for the period to 2050. Detailed reference to the renewable energy policy context is provided in the Planning Statement.

5.4 National Planning Policy

Scotland’s Third National Planning Framework (NPF3)

5.4.1 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.

Scottish Planning Policy (SPP)

- 5.4.4 SPP is Scottish Government policy on how nationally important land use planning matters should be addressed.
- 5.4.5 It introduces a presumption in favour of development which contributes to sustainable development. Decisions are to be guided by a number of listed principles. These include making efficient use of existing infrastructure, supporting the delivery of new energy infrastructure, supporting climate change mitigation and protecting natural heritage, landscape and the wider environment.
- 5.4.6 In support of 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 would be taken into account when specific proposals are being assessed.
- 5.4.7 SPP requires planning authorities to set out in their development plan a Spatial Framework identifying those areas that are likely to be the most appropriate for wind farms. Table 1 of SPP shows the approach to be followed. Group 1 applies to areas where wind farms will not be acceptable. Group 2 applies to areas of significant protection. Group 3 applies to areas with potential for wind farm development, where it is likely to be acceptable subject to detailed consideration against identified policy criteria. A list of likely considerations for development proposals is provided at paragraph 169. Wind farms should be sited and designed so that impacts are minimised and to protect an acceptable level of amenity for adjacent communities.
- 5.4.8 More generally, 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.

Scottish Government Guidance for Onshore Wind Turbines

- 5.4.9 The Government's 'Onshore Wind Turbines' guidance is part of a suite of web-based advice on renewable energy. The list of 'Typical Planning Considerations in Determining Planning Applications for Onshore Wind Turbines' is similar to that in SPP. The Guidance is dated May 2014.
- 5.4.10 In December 2014, the Scottish Government released a document answering questions in relation to the SPP and Onshore Wind Turbines. The answers provided relate to the following topics: landscape capacity assessment; Spatial Frameworks; separation distances; areas of strategic capacity; cumulative impacts; the life span of wind farms; wild land; scenic routes; and the carbon calculator.

5.5 The Development Plan

- 5.5.1 The statutory Development Plan for the Proposed Development is the South Lanarkshire Local Development Plan (the LDP), adopted on 29 June 2015 and its associated Supplementary Guidance (SG) and Clydeplan (July 2017) – the Strategic Development Plan (SDP) for the Glasgow City Region.
- 5.5.2 The Clydeplan section of most relevance is entitled "City Region as a Low Carbon Place". A key vision of the SDP is to deliver 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. ClydePlan also outlines an onshore wind spatial strategy where areas with potential for wind farm development are identified. An assessment of the Proposed Development against the SDP is outlined in the Planning Statement.
- 5.5.3 The LDP policies of most relevance are detailed below on a topic basis reflecting the EIA topics. A comprehensive assessment against the Development Plan is provided separately within the Planning Statement.
- 5.5.4 Relevant LDP policies include the following, which are referenced below:

- Policy 1: Spatial Strategy;
- Policy 2: Climate Change;
- Policy 3: Green Belt and Rural Area;
- Policy 4: Development Management and Placemaking;
- Policy 11: Economic Development and Regeneration;
- Policy 14: Green Network and Greenspace;
- Policy 15: Natural and Historic Environment;
- Policy 16: Travel and Transport;
- Policy 17: Water Environment and Flooding;
- Policy 19: Renewable Energy.

General Policy Considerations

- 5.5.5 The LDP includes overarching policies that set out the key considerations that need to be taken into account when assessing development proposals.
- 5.5.6 The key aim of the LDP is *“to ensure that future development takes place in a sustainable way, whilst recognising the need for economic growth and regeneration”*.
- 5.5.7 The overall strategic vision is *“to promote the continued growth and regeneration of South Lanarkshire by seeking sustainable economic and social development within a low carbon economy whilst protecting and enhancing the environment”* (pg. 8).
- 5.5.8 **Policy 1: Spatial Strategy** is an overarching policy and states that:
“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.”*
- 5.5.9 Policy 1 provides that development should maximise the use of existing infrastructure and transport links. Specifically, the LDP supports renewable energy development in locations with landscape and infrastructure capacity. In addition, development should enhance and safeguard the environment; protecting areas of natural or built heritage, pursuing redevelopment of appropriate brownfield sites in the countryside and safeguarding green networks.
- 5.5.10 **Policy 4: Development Management and Placemaking** states that:
“all development proposals will require to take account of and be integrated with the local context and built form.”
- 5.5.11 The LDP notes that development should not have any significant adverse impacts on local communities and where appropriate should enhance the environment. In addition, the six qualities of placemaking should be addressed; Distinctive; Safe and pleasant; Easy to move around; Welcoming; Adaptable; and Resource efficient.
- 5.5.12 Policy 4 states that when assessing development proposals, in addition to the relevant policies within the LDP and SG, the Council will consider the following points,

- 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,*
- 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

- 5.5.13 **Policy 19: Renewable Energy** notes that applications for renewable energy infrastructure development will be supported by the Council subject to an assessment against principles set out in SPP (2014). Renewable energy proposals should comply with considerations outlined in SPP paragraph 169, and in relation to onshore wind development, proposals should meet the in terms within Table 1: Spatial Frameworks.
- 5.5.14 Supplementary Guidance 10 Renewable Energy has been produced in accordance with SPP (2014), which contains the spatial framework for onshore wind energy, and sets detailed policy considerations against which all proposals for renewable energy infrastructure development will be assessed. This is further referenced below.
- 5.5.15 **Policy 2 Climate Change** states that:
- “Proposals for new development must seek to minimise and mitigate against the effects of climate change by:*
- i. *Being sustainably located;*
 - ii. *Maximising the reuse of vacant and derelict land;*
 - iii. *Utilising renewable energy sources;*
 - iv. *Being designed to be as carbon neutral as possible;*
 - v. *Using, where appropriate low and zero carbon energy generating technologies, that reduce predicted carbon dioxide emissions to meet current building standards within new buildings;*
 - vi. *Avoiding areas of medium to high flood risk;*
 - vii. *Having no significant adverse impacts on the water and soil environment, air quality, biodiversity and green networks;*
 - viii. *Ensuring new development includes opportunities for active travel routes and provisions for public transport and for the creation and enhancement of green networks;*

- ix. *Providing electric vehicle recharging infrastructure in new developments to encourage the adoption of low carbon vehicles; and*
- x. *Minimising waste.*

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

- 5.5.16 The LDP actively supports development proposals that will help to meet the Scottish Government’s target of generating 100% of Scotland’s electricity demand from renewable resources by 2020. The policy requirements of meeting these targets are outlined further within Policy 19 Renewable Energy and SG.
- 5.5.17 The vision, themes, objectives, and spatial strategy of the plan recognise the need for new development to respond and adapt to the challenges of climate change whilst pursuing growth and regeneration.

Landscape and Visual Amenity

- 5.5.18 In relation to landscape and visual amenity, **Policy 4: Development Management and Placemaking** states that development proposals should have no significant adverse impact on landscape character or on amenity as a result of light, noise, odours, dust or particulates. In addition, where relevant, development proposals should include appropriate integrated and accessible open space, green infrastructure, and landscape provision.
- 5.5.19 The LDP notes the expanse of the Green Belt in South Lanarkshire which is a national, strategic, and local resource. Beyond the Green Belt the remainder of the area is more rural with a dispersed settlement pattern. The plan aims to direct development (where possible) towards existing communities and to control development in the Green Belt to ensure there is no adverse impact on the environment, local services, or infrastructure.
- 5.5.20 **Policy 3: Green Belt and Rural Area** notes that the Green Belt and rural area functions primarily for agriculture, forestry, recreation, and other uses appropriate to the countryside.
- 5.5.21 Policy 3 provides that development will be expected to be accommodated within existing settlements identified on the proposals map, unless the following circumstances are demonstrated:
 - i. *“Where it is demonstrated that there is a specific locational requirement and established need for a proposal;*
 - ii. *The proposal involves the redevelopment of derelict or redundant land and buildings where significant environmental improvements can be shown;*
 - iii. *The proposal is for conversion of traditional buildings and those of a local vernacular;*
 - iv. *The proposal is for limited development within clearly identifiable infill, gap sites and existing building groups;*
 - v. *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.”*
- 5.5.22 Policy 3 states that, *“In both the Green Belt and Rural Area, isolated and sporadic development will not be supported.”*
- 5.5.23 The LDP also recognises the importance of the green network and greenspace in delivering a range of benefits. **Policy 14: Green Network and Greenspace** states that development proposals should safeguard the local green network whilst contributing towards placemaking, mitigating greenhouse gases through carbon storage, supporting biodiversity, enhancing health and quality of life, providing food storage and areas of leisure activity.

Hydrology, Hydrogeology, Geology, Peat, and Contaminated Land

- 5.5.24 The LDP states that the water environment comprises groundwater, surface water, watercourses, the associated riparian zone, watercourse catchments and wetland networks. The LDP aims to protect and enhance the water environment and to prevent development taking place on the floodplain or where it would impact on its function. The water environment plays an important role in biodiversity, supporting wildlife including protected species, recreational and leisure uses, and tourism.
- 5.5.25 **Policy 17: Water Environment and Flooding** states that:
“Any development proposals which will have a significant adverse impact on the water environment will not be permitted.”
- 5.5.26 In determining proposals, consideration will be given to water levels, flows, quality, features, flood risk and biodiversity within the water environment. The use of buffers and no development zones will be introduced to protect riparian zones.
- 5.5.27 In relation to flooding, policy 17, states that the avoidance principle of flood risk management set out in SPP must be met. Development proposals will not be accepted within the functional floodplain except where a specific location is required for operational reasons and appropriate mitigation measures are undertaken. Sites where flood risk may be an issue will be required to produce a local flood risk management assessment.

Ecology and Ornithology

- 5.5.28 The protection and enhancement of the natural environment is a key objective of the LDP. South Lanarkshire contains a diverse range of natural resources with large areas of the region afforded statutory protection at the international and national level through a number of designations.
- 5.5.29 **Policy 15 Natural and Historic Environment** identifies a hierarchy of natural designations where different degrees of protection will be required based on international, national, and local interests. The council will seek to protect natural sites and features from adverse impacts resulting from development including any cumulative impacts.
- 5.5.30 With regard to international designations, Policy 15 states that:
“development which could affect Special Protection Areas and Special Areas of Conservation will only be permitted where an appropriate assessment of the proposal demonstrates that it will not adversely affect the integrity of the site following implementation of any mitigation measures.”
- 5.5.31 The LDP also recognises the importance of the green network and greenspace in delivering ecological benefits. **Policy 14: Green Network and Greenspace** states that development proposals should safeguard the local green network whilst contributing towards supporting biodiversity.

Cultural Heritage

- 5.5.32 **Policy 15: Natural and Historic Environment** identifies a hierarchy of historic designations where different degrees of protection will be required. The Council will seek to protect historic sites and features from adverse impacts resulting from development including cumulative impacts.
- 5.5.33 Category 1 sites contain historic designations of international importance. Within South Lanarkshire, the Council will seek to protect and preserve the Outstanding Universal Value of New Lanark World Heritage Site. Development proposals impacting the site and its setting will be assessed against detailed policy within the SG.
- 5.5.34 Category 2 sites contain historic designations of national importance. Policy 15 notes that within these areas, development will only be permitted where the objectives of the designation and overall integrity of the area are not compromised following the implementation of mitigation measures. In addition, any significant adverse impacts must be clearly outweighed by social or economic benefits of national importance. Category 2 historic designations include scheduled monuments, Category A

Listed Buildings, Inventory of Historic Battlefields and Inventory of Gardens and Designed Landscapes.

- 5.5.35 Category 3 sites contain historic designations of local importance. Within these areas, development will only be permitted where there is no significant adverse impact on the protected resource following mitigation measures being implemented.

Noise

- 5.5.36 Noise is specifically referred to in **Policy 4: Development Management and Placemaking**. The policy states that when assessing proposals, the Council will ensure that there is no significant adverse impact on landscape character, built heritage, habitats or species, biodiversity and protected species nor on amenity as a result of noise.

Access, Traffic, and Transport

- 5.5.37 **Policy 16: Travel and Transport** states that:

“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.”

- 5.5.38 Policy 16 also supports the development of walking, cycling and public transport networks, and the safeguarding of existing routes. In addition to relevant policies and SG, proposals must conform to the Local Transport Strategy, Core Path Plan, and the Council Guidelines for Development Roads.

Socio-Economics (including recreation and tourism)

- 5.5.39 The LDP identifies tourism as an important sector within the South Lanarkshire economy. The location of South Lanarkshire on the edge of the Central Belt, key major transport links and the high quality historic and natural environment give the area a large potential tourist market. The LDP seeks to encourage sustainable tourism development in appropriate locations, whilst promoting existing attractions and protecting these from inappropriate development activity.

- 5.5.40 **Policy 11: Economic Development and Regeneration** states that:

“The council will support activities that maximise economic development and regeneration particularly through implementation of the policies within the LDP and proposals listed in Appendix 3. The LDP prioritises development that will deliver physical and community regeneration and positively contribute to the local economy.”

5.6 Adopted Supplementary Guidance

- 5.6.1 Many of the LDP policies referred to above are supported by Supplementary Guidance (SG). The SG of most relevance is referred to in **Policy 19: Renewable Energy**, where it is noted that further detailed policy and guidance on assessing the acceptability of any proposed wind energy development is provided in **Supplementary Guidance 10 Renewable Energy**.

- 5.6.2 **SG 10 Renewable Energy** was adopted in 2015. Due to the timing of the LDP preparation and the publication of SPP, the LDP sets out the basis of the spatial framework approach for wind energy, whilst the SG provides the detail of the spatial framework within South Lanarkshire and sets out policy considerations against which all proposals for renewable energy infrastructure will be assessed.

- 5.6.3 The SG adopted in 2015 remains the current extant SG as part of the Development Plan. However, a new draft is coming forward together with the emerging LDP2 which is outlined below.

- 5.6.4 The SG is a detailed document covering the following chapters: policy context; wind energy context; spatial framework for wind energy; renewable energy developments; development management considerations; and an assessment checklist and monitoring and review section. The SG sets out, in accordance with SPP, the criteria that will be considered in deciding all applications for wind farms

of different scales and a spatial strategy identifying areas that are most appropriate for wind farms as a guide for developers and communities. Within South Lanarkshire, the minimum scale of onshore wind development that the spatial framework will apply to is turbines of 15 m or greater in height.

5.6.5 The SG recognises that wind farms with a capacity below 50 MW will be determined under planning legislation. Applications for wind farms of over 50 MW generating capacity within the Council area will be determined by the Scottish Ministers under the terms of Section 36 of the Electricity Act 1989. As the relevant Planning Authority, the Council is a statutory consultee in this process, the LDP and SG will apply to both categories of development.

5.6.6 **Policy RE1: Spatial Framework for Wind Energy** states that, “Applications for onshore wind turbine developments of a height to blade tip of 15 m or over must accord with the Spatial Framework and meet the relevant criteria set out in:

- Section 6 Development Management considerations for the assessment of renewable energy proposal.
- Table 7.1 Assessment Checklist for Renewable Energy Proposals.”

5.6.7 The SG states that, in considering proposals, the Planning Authority will take a balanced approach in assessing the applicable factors outlined below and a consideration of relevant policies within the LDP. The factors listed in the Table 6.1 of the SG (pg. 27) are the key SPP considerations and are listed below:

Net Economic Impact

5.6.8 All applications for renewable energy must provide a socio-economic impact assessment. This should include an assessment of cumulative effects including effects on businesses, employment, and other investment in the local economy. Proposals will be assessed on their individual merits taking into consideration the relevant environmental, economic, and social effects of each project.

Contribution to Renewable Energy Targets

5.6.9 Proposals should contribute to the Scottish Government’s target of at least 30% of overall energy demand from renewables by 2020 including generating the equivalent of at least 100% of gross electricity consumption from renewables.

Effect on Greenhouse Gas Emissions

5.6.10 Renewable energy developments are key in contributing to reducing greenhouse gas emissions. Applications should contain a statement setting out how the proposal contributes to reducing greenhouse gas emissions.

Cumulative Impacts

5.6.11 Key cumulative impacts of wind energy development include; landscape and visual; the natural heritage including species and habitats; and noise. The Landscape Capacity Study (2016) has allowed the identification of areas where the cumulative impact of existing and consented development may limit the capacity for future development. The SG provides guidance on areas of significant cumulative development in South Lanarkshire.

Impacts on Communities and Individual Buildings

5.6.12 Individual properties and settlements will be protected by the safeguards set out in LDP policy and development management considerations. The Council will assess all proposals on their merits considering turbine height, rotor diameter and number of blades, local topography, and landscape features. The requirement of a Residential Visual Amenity Survey will be on a case by case basis.

Landscape and Visual Impacts

- 5.6.13 All proposals will be assessed for potential impacts on landscape and visual amenity. Attention will be given to proposals affecting areas designated for landscape qualities such as Special Landscape Areas. For developments of four or more turbines a landscape and visual impact assessment must be prepared in accordance with SNH guidance.

Effects on the Natural Heritage including Birds

- 5.6.14 All types of renewable energy development must accord with the specific policies for international and national designations set out in SG 9: Natural and Historic Environment. Proposals should take account of further guidance within the SG including existing biodiversity strategies and designations, protected species, bird sensitivity and the cumulative impact on natural heritage of development.

Impacts on Carbon Rich Soils

- 5.6.15 Developers are expected to follow best practice for minimising carbon emissions and disturbance of peat. If a wind energy development is located in areas of peat, a detailed peat survey will be required.

Public Access

- 5.6.16 Impacts of renewable energy developments on core paths and other access network routes require to be fully assessed and if appropriate mitigation measures identified. Proposals should also account for the importance of wind farm array road networks for recreational access purposes and for the potential to extend the access network provision for local communities.

Impacts on the Historic Environment

- 5.6.17 All proposals will be assessed for their impact on the historic environment. The policies in the LDP for the protection of the historic environment provide an adequate basis for assessing renewable energy proposals. Applications for renewable energy should identify historic assets and consider direct and indirect impacts.

Impacts on Tourism and Recreation

- 5.6.18 The SG seeks to ensure that wind energy development will not adversely impact upon views from key tourist routes and attractions.

Impacts on Aviation and Defence Interests

- 5.6.19 All proposals will be assessed for their impact on aviation and defence interests. The Council will continue to assess wind energy proposals on a case by case basis. Developers of wind turbines are advised to engage at an early stage with relevant consultees to determine the nature of any issues and identify possible mitigation.

Impacts on Telecommunications and Broadcasting Installations

- 5.6.20 Wind turbines must take account of radio, television, telecoms, and other communication systems to ensure that transmission links are not compromised.

Impacts on Road Traffic

- 5.6.21 Road and traffic impacts require to be identified in the application submission. Where appropriate, pre-application discussions should be held with relevant parties and a transport assessment will be required for wind farms of three or more turbines.

Effects on Hydrology, the Water Environment and Flood Risk

- 5.6.22 Applications for wind energy should hold pre-application consultations with SEPA and where appropriate submit a Water Quality Management Plan pre-construction. The Council's Flood Risk Management requirements must be adhered to, including providing details and information on Sustainable Drainage Design (SuDS) and flood risk where relevant.

The Need for Conditions Relating to the Decommissioning of Developments

- 5.6.23 Developers are required to satisfy the Council that the plan for decommissioning and restoration of the proposed development is robust and any consent granted will require to have a decommissioning and restoration condition attached.

Opportunities for Energy Storage

- 5.6.24 Energy storage allows renewable energy to be captured and stored. These technologies are developing, however further investment in research and development is required. The Council anticipates more developments of this nature will come forward and they will deal with proposals on a case by case basis.

The Need for a Robust Planning Obligation to Ensure that Operators Achieve Site Restoration

- 5.6.25 In addition to decommissioning and restoration plans, the Council requires a financial bond or guarantee to be put in place to ensure that all the expected costs of the proposed decommissioning phase are met.

5.7 South Lanarkshire Landscape Capacity Study for Wind Energy

- 5.7.1 The South Lanarkshire Landscape Capacity Study for Wind Energy (SLLCS) adopted in February 2016 is a technical study which supports and informs the SG for Wind Energy. The study supersedes two previous capacity studies informing earlier SG. The SLLCS has been prepared considering policy changes in SPP (2014) and to address increasing development pressure for wind energy in the local authority area.

- 5.7.2 The SLLCS considers the capacity of South Lanarkshire's landscape to accommodate wind energy development. The study is based on an assessment of both landscape sensitivity and the value of different landscape character types in South Lanarkshire. The SLLCS outlines where there is existing capacity and where significant protection from further development may be required through the development management process.

- 5.7.3 The Council highlights that this study is a strategic level document, providing context for the capacity and cumulative effects of existing and potential wind development, and that no site-specific conclusions should be drawn from it. In addition, all wind energy proposals should be considered on a site by site basis, considering unique locational and design characteristics as well as their strategic context. All proposals should be subject to appropriate landscape, visual, environmental, and cumulative impact assessments.

5.8 South Lanarkshire Tall Wind Turbines: Landscape Capacity, Siting, and Design Guidance (Draft)

- 5.8.1 The South Lanarkshire Tall Wind Turbines: Landscape Capacity, Siting and Design Guidance (SLTWT) (2017) is an addendum to the SLLCS (2016) which focuses on the capacity of the landscape in South Lanarkshire to accommodate taller turbines and provides further guidance on local siting and design. This study supplements the SLLCS and should be read in conjunction with it.

- 5.8.2 This study proposes two new size categories of turbines beyond those noted in the SLLCS; 120m to <150m and 150m to ca. 200m. The guidance focuses on the effects of the tall turbines on a) the landscape and, b) the appropriate levels of landscape change to be accommodated. In addition, this

study highlights key issues associated with larger turbines; horizontal and vertical scale, aviation lighting, extensions and siting near smaller turbines, and repowering.

- 5.8.3 In relation to horizontal and vertical scale, the guidance notes that large turbines are best suited to landscape types of the largest scale, with gradual slopes, indistinct landforms, simple patterns and few or no smaller scale elements or features. Within the SLLCS (2016) three landscape character types were identified as having underlying capacity for 120m+ turbines; Plateau Moorlands, Rolling Moorlands, and Southern Moorlands. The study notes that these areas are likely to best accommodate taller turbines of 150-200m in height.
- 5.8.4 The guidance highlights that the Civil Aviation Authority require all structures of 150m or greater to have medium intensity steady red lights mounted on top of the nacelle allowing 360° visibility, with three lower intensity lights mounted on the tower at half nacelle height. The SLTWT notes that the effects of aviation warning lighting for wind turbines is an increasingly frequent consideration as turbines increase in height. This study notes this is due to aviation lighting extending the landscape and visual effects of a development into low light periods.
- 5.8.5 The SLTWT also provides guidance on extensions and siting near smaller turbines as this can make a development appear uncoordinated or unbalanced, as well as influencing perception of distances or perspectives. The generic considerations of scale, lighting and size contrast covered by the SLLCS will apply.
- 5.8.6 The SLTWT provides brief guidelines with regards to the location of tall turbines but does not provide guidance on landscape sensitivity. Notably in relation to the Proposed Development the guidance states that:
- “Most of the areas in which the [tall] turbines could be most comfortably located either already host substantial wind energy development, or have similar developments consented. Turbines vary between 55m and 149.9m height. The addition of larger turbines could therefore often be, or at least perceived as, an extension to an operational or consented windfarm, or would be a repowering exercise, replacing existing turbines at the end of their commercial or consented life”.*

5.9 The Emerging Development Plan

- 5.9.1 The Council is currently preparing a new LDP for South Lanarkshire which will replace the existing LDP (2015). The consultation period for the proposed LDP2 (pLDP2) and the supporting documents including the Renewable Energy SG concluded in September 2018. The Council are currently preparing for the examination phase of the pLDP2 which is due to commence in May 2019. Following this stage, SLC are anticipating adoption of the LDP in May/June 2020.
- 5.9.2 The pLDP2 is made up of two volumes. Volume one provides an overview of the main policies within the plan, and volume 2 provides detailed policy guidance to be used when assessing planning applications.
- 5.9.3 The overall strategic vision of the pLDP2 is to: *“Promote the continued growth and regeneration of South Lanarkshire by seeking sustainable economic and social development within a low carbon economy whilst protecting and enhancing the environment”* (Pg. 9).
- 5.9.4 LDP2 supports development which will help to meet Scottish Government targets of 50% of Scotland’s heat, transport and electricity consumption being supplied by renewable sources by 2030 (Pg.14).
- 5.9.5 Paragraph 3.19 of the pLDP2 states that: *“the plan recognises the need for the location and design of new developments to respond and adapt to meet the challenges of climate change, whilst having regard to the need to pursue growth and regeneration.”*
- 5.9.6 Renewable energy is referenced in Policy 2: Climate Change, in that new proposals should seek to help meet Government targets relating to climate change and reducing greenhouse gases by ensuring that they utilise renewable energy sources.

- 5.9.7 On pg. 46 the pLDP2 acknowledges that onshore wind is the most significant renewable energy sector within South Lanarkshire, and that the Council has taken a positive approach to accommodating such development in line with Scottish Government targets.
- 5.9.8 The pLDP2 acknowledges that the repowering of onshore wind development is becoming more significant as developments mature. Repowering can result in additional environmental impacts therefore the policies outlined within LDP2 will equally apply to repowering proposals.
- 5.9.9 As with the existing LDP, the pLDP2 has a policy entitled 'Policy 18 Renewable Energy' which sets out the overall approach to the assessment of proposed renewable energy infrastructure developments and includes a Spatial Framework for Wind Energy development.
- 5.9.10 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. In terms of the two most relevant policies, namely draft Policy 2, and Policy 18, these are set out below.
- 5.9.11 **Draft Policy 2: Climate Change** aims to support Scottish Government targets and supports development which is: sustainably located, reuses vacant or derelict land, and utilises renewable energy among other considerations.
- 5.9.12 **Draft Policy 18: Renewable Energy** states that: *"Applications for renewable energy infrastructure developments will be supported, subject to an assessment against the principles set out in the SPP, in particular, the considerations set out at paragraph 169. The Spatial Framework for Wind Energy set out in Table 7.2 and shown on Figure 7.1 applies to applications for wind energy developments of 15m or greater in height, including extensions and repowering proposals."* In addition, all renewable energy proposals shall be assessed against relevant criteria set out in the Assessment Checklist for Renewable Energy Proposals in Volume 2. Development must also accord with other relevant policies in the LDP.

5.10 Emerging Supplementary Guidance

- 5.10.1 As noted above, 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 18 'Renewable Energy' within the pLDP2.
- 5.10.2 As above, the Council have concluded their consultations on the pLDP2 and supporting documents including the SG on Renewable Energy and are currently preparing for the examination phase of the Proposed Plan.
- 5.10.3 The draft SG supplements the renewable energy policies within pLDP2 by providing more detailed policy guidance for wind energy and other renewable developments. Policy RE1 in Volume 2 relates to the assessment of proposals for renewable energy developments.
- 5.10.4 The principal topics in Chapter 5 of the SG which form the development management considerations are based on SPP, and there is minimal change from the requirements of the extant SG.
- 5.10.5 As with the pLDP2, the draft SG may well be subject to change as a result of the consultation exercise: adoption is not expected until 2020.

5.11 Conclusion

- 5.11.1 This chapter has set out the legislative background, the national energy policy, and the national and local planning policies and guidance relevant to the consideration of the Section 36 application and the deemed planning permission. 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 application.
- 5.11.2 As noted, the policy appraisal for the Proposed Development is contained in a separate Planning Statement.

5.12 References

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

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

ClydePlan (2017) [Online] Available at:

<https://www.clydeplan-sdpa.gov.uk/images/ApprovedPlanHighRes.pdf>

Scottish Planning Policy (2014) [Online] Available at:

<https://www.gov.scot/publications/scottish-planning-policy/>

National Planning Framework 3 (2014) [Online] Available at:

<https://www.gov.scot/publications/national-planning-framework-3/>