

## 4 ENERGY AND PLANNING POLICY

### 4.1 INTRODUCTION

1. This Chapter of the Environmental Impact Assessment Report (EIA Report) sets out the energy and planning policy framework for the proposed Heathland Wind Farm (the Development).
2. This Chapter presents the existing and emerging local and national planning policy context applicable to the Development and relates these policies to the individual sections set out within the technical chapters of the EIA Report. The reference to specific planning policies and guidance within other chapters ensures that there is full knowledge and understanding of planning related issues within the EIA Report.
3. This Chapter does not provide an assessment of whether or not the proposal complies with extant policy. The Planning Statement, which accompanies the application for consent, provides a detailed assessment of the Development against the policies identified in this Chapter of the EIA Report. Although the two documents are complementary, this Chapter identifies the relevant energy and planning policy framework, to inform the other chapters and the Planning Statement, whilst the Planning Statement contains an assessment of the acceptability of the Development in energy and planning policy terms.
4. In the case of an application submitted to the Scottish Ministers under Section 36 of the Electricity Act 1989 (the Electricity Act), the local development plan (the LDP) does not have primacy in the decision-making process, but does still inform the Council's consultation response. Therefore, the following sections within this Chapter set out the energy policy considered applicable to the Development, whilst providing an overview of the LDP policies considered relevant to the Development.

### 4.2 RENEWABLE ENERGY POLICY CONTEXT

5. In recent years, European, United Kingdom (UK) and Scottish Government policies have all placed greater focus on concerns about climate change and have set numerous targets in order to try and curtail the effects of greenhouse gas emissions. In turn, each tier of Government has developed targets, policies and actions designed to achieve said targets.
6. In May 2019 for instance, the Committee on Climate Change (the CCC) published its landmark report entitled 'Net Zero – the UK's Contribution to Stopping Global Warming'<sup>1</sup> which responded to requests by the UK, Welsh and Scottish Governments for the CCC to reassess the long-term carbon emission targets for the UK. In relation to Scotland in particular, the report states that the nation *"has proportionately greater potential for emissions removal than the UK overall and can credibly adopt a more ambitious target. It should aim for net zero greenhouse gas emissions by 2045. Interim targets should be set for Scottish emissions reductions (relatively to 1990) of 70% by 2030 and 90% by 2040."*
7. On the 25 June 2020 the Committee on Climate Change (the CCC) published the 2020 report to Parliament, assessing progress in reducing UK emissions over the past year. The report highlights that although a limited number of steps have been taken over the past year to support the transition to a net-zero economy and improve the UK's resilience to the impacts of climate change, much remains to be done. The report indicates that reaching net zero emissions in the UK will require all energy to be delivered to consumers

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<sup>1</sup> Committee on Climate Change (May 2019) Net Zero – The UK's contribution to stopping global warming [Online] Available at: <https://www.theccc.org.uk/wp-content/uploads/2019/05/Net-Zero-The-UKs-contribution-to-stopping-global-warming.pdf> (Accessed 05/06/2020).

in zero-carbon form, i.e. renewables and nuclear, bioenergy and fossil fuels combined with carbon capture and storage.

8. In October 2020 the CCC published its latest report to the Scottish Parliament on progress in reducing carbon emissions<sup>2</sup>. The report notes the significant progress which the power sector has made towards reducing carbon emissions in Scotland and the UK as a whole. The switch to low carbon generation has contributed two thirds of the total fall in emissions in Scotland, driven by the increase in renewable generation from wind power, and the reduction in fossil fuel capacity – including the closure of all of Scotland's remaining coal fired plants.
9. The Committee identifies clear priorities for the Scottish Government. Central to these are producing a new Climate Change Plan before the year end, creating the pathway to deliver Net Zero by 2045, and putting in place a UK Emissions Trading system. Amongst the more detailed recommendations is the strong steer that the next National Planning Framework should be aligned closely with achieving Net Zero 2045 – providing a favourable planning framework to provide a low carbon and efficient energy system and climate resilient infrastructure. This should provide a positive consenting regime for onshore wind and other renewables consistent with other land use policies and promote repowering and life extensions. The context of delivering a green recovery from the COVID-19 crisis creates a further imperative for action.
10. The Renewable Energy Directive 2009/28/EC establishes 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.
11. In December 2018, the new revised Renewables Energy Directive (2018/2001) came into force – establishing a new binding renewable energy target for the EU for 2030 of at least 32%, with a clause of a possible upwards revision by 2023.
12. On 29 March 2017, the UK formally notified of its intention to leave the EU under Article 50 of the Treaty of the EU. On 31<sup>st</sup> January 2020, the UK officially left the EU as a member state. The European Union (Withdrawal Agreement) Act 2020 converts all EU laws, rules and targets into domestic governance. It is considered that the existing EU renewable energy targets for the UK, such as the requirements of the Renewable Energy Directive, will remain applicable despite the UK's departure from the EU.
13. 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.
14. The Scottish Government has published a number of policy documents and its own targets. The most relevant policy, legislative documents and recent Statements published by the Scottish Government include the following:
  - The 2020 Routemap for Renewable Energy in Scotland (2011)<sup>3</sup>;
  - The Electricity Generation Policy Statement (2013)<sup>4</sup>;

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<sup>2</sup> Climate Change Committee (October 2020) Reducing emissions in Scotland Progress Report to Parliament [Online] Available at: <https://www.theccc.org.uk/publication/reducing-emissions-in-scotland-2020-progress-report-to-parliament/> (Accessed 23/11/2020)

<sup>3</sup> Scottish Government (2011) 2020 Routemap for Renewable Energy in Scotland [Online] Available at: <https://www2.gov.scot/Publications/2011/08/04110353/0> (Accessed 16/03/20)

<sup>4</sup> Scottish Government (2013) Electricity Generation Policy Statement – 2013 [Online] Available at: <https://www.gov.scot/publications/electricity-generation-policy-statement->

- 2020 Routemap for Renewable Energy in Scotland – Update 19 December 2013<sup>5</sup>
- Letter from Chief Planner to all Heads of Planning in relation to energy targets and SPP (November 2015)<sup>6</sup>;
- Scottish Energy Strategy (December 2017)<sup>7</sup>;
- Onshore Wind Policy Statement (December 2017)<sup>8</sup>;
- The Scottish Climate Change Plan (2018)<sup>9</sup>;
- The Scottish Government’s declaration of a Climate Emergency (2019)<sup>10</sup>; and
- The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019<sup>11</sup> and the legally binding net zero target for 2045 and interim targets for 2020, 2030 and 2040.

### 4.3 NATIONAL PLANNING POLICY AND GUIDANCE

#### 4.3.1 The National Planning Policy Framework (NPF3)

15. NPF3 (2014) 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.
16. 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.
17. 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.
18. 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, which was passed by the Scottish Parliament in June 2019. It was anticipated that a consultation draft NPF4 would be issued around September 2020, however the COVID-19 pandemic has delayed this into 2021 and therefore it will not be considered within this Chapter. The Act includes a broad range of changes to be made across the planning system.

[2013/pages/3/#:~:text=This%20Electricity%20Generation%20Policy%20Statement,in%20Scotland's%20future%20energy%20mix.](#) (Accessed 05/06/2020)

<sup>5</sup> Scottish Government (2013) 2020 Routemap for Renewable Energy in Scotland – Update [Online] Available at: <https://t/resource/0044/004www2.gov.sco41628.pdf> (Accessed 23/11/2020)

<sup>6</sup> Scottish Government (2015) Energy targets and Scottish planning policy: Chief Planner letter [Online] Available at: <https://www.gov.scot/publications/energy-targets-and-scottish-planning-policy-chief-planner-letter/> (Accessed 05/06/2020)

<sup>7</sup> Scottish Government (2017) The future of energy in Scotland: Scottish Energy Strategy [Online] Available at: <https://www.gov.scot/publications/scottish-energy-strategy-future-energy-scotland-9781788515276/> (Accessed 05/06/2020)

<sup>8</sup> Scottish Government (2017) Onshore Wind Policy Statement [Online] Available at: <https://www.gov.scot/publications/onshore-wind-policy-statement-9781788515283/> (Accessed 05/06/2020)

<sup>9</sup> Scottish Government (2018) Climate Change Plan [Online] Available at: <https://www.gov.scot/publications/scottish-governments-climate-change-plan-third-report-proposals-policies-2018-9781788516488/> (Accessed 05/06/2020)

<sup>10</sup> Scottish Government (2019) The Global Climate Emergency – Scotland’s Response [Online] Available at <https://www.gov.scot/publications/global-climate-emergency-scotlands-response-climate-change-secretary-roseanna-cunninghams-statement/> (Accessed 05/06/2020)

<sup>11</sup> Scottish Government (2019) The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 [Online] Available at: <http://www.legislation.gov.uk/asp/2019/15/enacted> (Accessed 05/06/2020)

### 4.3.2 Scottish Planning Policy (SPP)

19. SPP<sup>12</sup> sets out national planning policies which reflect Scottish Ministers' priorities for the operation of the planning system and for the development and use of land. The SPP contains the policies which are applied to the authorisation of onshore renewable electricity generation schemes under Section 36 of the Electricity Act 1989.
20. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. The SPP is a material consideration in the determination process for planning applications and Section 36 applications.
21. SPP is a non-statutory document which sets out the Scottish Government's policy on land use planning and therefore should be afforded significant weight in the determination process for planning applications; however paragraph (iii) of SPP acknowledges that "*it is for the decision - maker to determine the appropriate weight in each case*".
22. Paragraphs 24 to 35 reaffirm the Scottish Government's commitment to "Sustainability". This is reflected in the Policy Principle which details "*a presumption in favour of development that contributes to sustainable development*". Paragraph 29 highlights a series of criteria which should guide decision making in this regard and the following provisions are considered relevant to the 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,
  - Avoiding over-development, protecting amenity and effects on water, soil and air.
23. 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% 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.
24. Onshore wind is referred to specifically in paragraphs 161 through 166 (development planning considerations) and paragraphs 169 through 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 the most appropriate for onshore wind farms.
25. 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

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<sup>12</sup> Scottish Government (2014) Scottish Planning Policy [Online] Available at: <https://www.gov.scot/publications/scottish-planning-policy/pages/2/> (Accessed 05/06/2020)

- Group 3: Areas with potential for wind farm development (where wind farms are likely to be acceptable subject to consideration of details).

### 4.3.3 Planning Advice Notes and Specific Advice Sheets

26. Planning Advice Notes (PANs) and Specific Advice Sheets set out detailed advice from the Scottish Government in relation to a number of planning issues. Relevant PANs and Specific Advice Sheets relevant to the Development are summarised in Table 4.1 below.

**Table 4.1: Relevant PANs and Specific Advice Notes**

Title	Summary of Document
PAN 1/2013 Environmental Impact Assessment <sup>13</sup>	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 <sup>14</sup>	Advises developers on the importance of discussing their proposals with the planning authority and NatureScot (formerly known as Scottish Natural Heritage) 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.
PAN 61 (2001) Sustainable Urban Drainage Systems <sup>15</sup>	Good practice drainage guidance.
PAN 68 (2003) Design Statements <sup>16</sup>	This PAN covers the importance of design statements, and provides flexible guidance on their preparation, structure, and content. The PAN also outlines the principles underpinning the production of design statements, as expected by the Scottish Government.
PAN 75 (2005) Planning for Transport <sup>17</sup>	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 <sup>18</sup>	This document provides advice on how to engage with local communities through the planning process.
PAN 1/2011 Planning and Noise <sup>19</sup>	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.

<sup>13</sup> Scottish Government (2013) PAN 1/2013: Environmental Impact Assessment [Online] Available at: <https://www.gov.scot/publications/planning-advice-note-1-2013-environmental-impact-assessment/> (Accessed 05/06/20)

<sup>14</sup> Scottish Government (2000) Planning for Natural Heritage: PAN 60 [Online] Available at: <https://www2.gov.scot/Publications/2000/08/pan60-root/pan60> (Accessed 05/06/20)

<sup>15</sup> Scottish Government (2001) PAN 61: Planning and Sustainable Urban Drainage [Online] Available at: <https://www2.gov.scot/Publications/2001/07/pan61> (Accessed 05/06/20)

<sup>16</sup> Scottish Government (2003) PAN 68: Design Statement [Online] Available at: <https://www.gov.scot/publications/planning-advice-note-68-design-statements/> (Accessed 05/06/20)

<sup>17</sup> Scottish Government (2005) PAN 75: Planning for Transport [Online] Available at: <https://www.gov.scot/publications/planning-advice-note-pan-75-planning-transport/> (Accessed 05/06/20)

<sup>18</sup> Scottish Government (2010) PAN 3/2010: Community Engagement [Online] Available at: <https://www.gov.scot/publications/planning-advice-note-3-2010-community-engagement/> (Accessed 05/06/20)

<sup>19</sup> Scottish Government (2011) PAN 1/2011: Planning and Noise [Online] Available at: <https://www.gov.scot/publications/planning-advice-note-1-2011-planning-noise/> (Accessed 05/06/20)

Title	Summary of Document
PAN 2/2011 Planning and Archaeology <sup>20</sup>	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) <sup>21</sup>	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) <sup>22</sup>	Details the role of the planning system in relation to the environmental protection regimes.
Online Planning Advice on Flood Risk (2015) <sup>23</sup>	Provides advice on the role of the planning system and the assessment and management of flood risk.
Onshore wind planning: frequently asked questions (2016) <sup>24</sup>	Provides answers to a range of questions in relation to the planning considerations for onshore wind turbine development.

#### 4.3.4 Scotland's Forestry Strategy

27. Scotland's Forestry Strategy was published in 2019. It sets out a strategic framework for taking forward forestry in Scotland as a cultural, environmental, and economic resource in a sustainable manner. It sets out a vision that *"In 2070, Scotland will have more forests and woodlands, sustainably managed and better integrated with other land uses. These will provide a more resilient, adaptable resource, with greater natural capital value, that supports a strong economy, a thriving environment, and healthy and flourishing communities."*
28. The Strategy establishes three objectives in order to help achieve the vision:
  - Increase the contribution of forests and woodlands to Scotland's sustainable and inclusive economic growth;
  - Improve the resilience of Scotland's forests and woodlands and increase their contribution to a healthy and high-quality environment; and
  - Increase the use of Scotland's forest and woodland resources to enable more people to improve their health, well-being and life chances.
29. The priorities for action over the next 10 years which underpin the three objectives are intended to be multipurpose and applicable at local, regional, and national scales. These are as follows:
  - Ensuring forests and woodlands are sustainably managed;

<sup>20</sup> Scottish Government (2011) PAN 2/2011: Planning and Archaeology [Online] Available at: <https://www.gov.scot/publications/pan-2-2011-planning-archaeology/> (Accessed 05/06/20)

<sup>21</sup> Scottish Government (2014) Onshore Wind Turbines: Planning Advice [Online] Available at: <https://www.gov.scot/publications/onshore-wind-turbines-planning-advice/> (Accessed 05/06/20)

<sup>22</sup> Scottish Government (2006) PAN 51: Planning, Environmental Protection and Regulation [Online] Available at: <https://www.gov.scot/publications/planning-advice-note-pan-51-revised-2006-planning-environmental-protection/> (Accessed 05/06/20)

<sup>23</sup> Scottish Government (2015) Flood Risk: Planning Advice [Online] Available at: <https://www.gov.scot/publications/flood-risk-planning-advice/> (Accessed 05/06/20)

<sup>24</sup> The Scottish Government (2016). Onshore wind planning: frequently asked questions [Online]. Available at: <https://www.gov.scot/publications/onshore-wind-planning-faq/> (Accessed 18/01/2021)

- Expanding the area of forests and woodlands, recognising wider land-use objectives;
  - Improving efficiency and productivity, and developing markets;
  - Increasing the adaptability and resilience of forests and woodlands;
  - Enhancing the environmental benefits provided by forests and woodlands; and,
  - Engaging more people, communities and businesses in the creation, management and use of forests and woodlands.
30. The Strategy identifies a number of strategic drivers which are considered important to its delivery. The priorities for action also respond to these. The driver, "integrated land use", is of particular relevance to the Development, as the Strategy recognises the importance of improved integration between forestry and other land uses in achieving the objectives and realising the vision of the Strategy.

#### **4.3.5 Control of Woodland Removal Policy**

31. This Policy (2009) sets out the strategic framework for appropriate woodland removal in Scotland, with the objectives of supporting and expanding forest cover in Scotland whilst mitigating and adapting to climate change.
32. Further implementation guidance was published in 2013, and updated in 2015 and 2019 to aid Forestry and Land Scotland and Scottish Forestry staff in achieving the objectives of this policy. The guidance provides in-depth details of what Forestry and Land Scotland expects to see within an EIA Report and also in terms of compensatory planting.

### **4.4 LEGISLATIVE PLANNING FRAMEWORK**

#### **4.4.1 The Electricity Act 1989**

33. The Development will have a generation capacity of at least 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. Given the layout of the Development, there are two Planning Authorities required to be consulted. The majority of the turbines are located within the South Lanarkshire Council (SLC) authority boundary, however West Lothian Council (WLC) are also required to be consulted due to four turbines being located within the WLC boundary.
34. Schedule 9 sub-paragraph 3 (1) of the Electricity Act requires a license holder or person authorised by an exemption to:
- "(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."
35. 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 - para graph."

36. 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."
37. The provisions of Schedule 9 of the Electricity Act apply to the assessment of the Development. They set out a range of environmental matters to which regard must be had.
38. A recent decision by the Scottish Ministers provides clarification in relation to how the Schedule 9 duty should be applied. In the decision on a Section 36 Application for an extension to the Fallago Rig wind farm<sup>1</sup> (by the Applicant). In their decision Ministers noted that "*Schedule 9 of the Electricity Act contains no substantive development management tests*".

#### **4.4.2 Town and Country Planning (Scotland) Act 1997**

39. 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 and now the Planning (Scotland) Act 2019. Section 57(2) of the 1997 Act provides:
40. "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".
41. 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".
42. 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)<sup>25</sup>.
43. Accordingly, 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 any other relevant material considerations, one of which will be relevant aspects of the statutory Development Plan.
44. The Development Plan forms a basis for West Lothian Council and South Lanarkshire Council (the Councils) consultation responses to the Development. The following sections set out the relevant Development Plan policies and other material considerations at a local and national level.

### **4.5 MATERIAL CONSIDERATIONS**

#### **4.5.1 The Existing Development Plans**

45. Both of the Councils' administrative areas within which the Development boundary falls are informed by overarching Strategic Development Plans (SDP) which aim to communicate strategic level and cross-boundary planning policy and apply national policy and guidance from the Scottish Government. The SDP for South Lanarkshire comprises the 2017 Clydeplan, with the South East Scotland Plan (SES Plan) 2013 covering West Lothian Council.
46. Each Local Authority within Scotland also then has a duty under the Planning (Scotland) Act 2006 to prepare a local development plan (LDP). The LDP(s) relevant to the

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<sup>25</sup> William Grant & Sons Distillers Ltd, respondent Scottish Government, [2012] CSOH

Development consist of both the South Lanarkshire Local Development Plan 2015 (SLLDP) and the Adopted West Lothian Local Development Plan 2018 (AWLLDP).

47. Both the SDPs and LDPs for both Councils are summarised within the following section, with policies listed where relevant.

#### **4.5.1.1 South Lanarkshire Council SDP: ClydePlan 2017**

48. Clydeplan 2017 is the overarching SDP for South Lanarkshire and was approved by Scottish Ministers on 24<sup>th</sup> July 2017. It replaced the original SDP for Glasgow and Clyde Valley, passed in 2012. The SDP encompasses a total of eight local authorities, including:

- East Dunbartonshire;
- East Renfrewshire;
- Glasgow City;
- Inverclyde;
- North Lanarkshire;
- Renfrewshire;
- South Lanarkshire; and
- West Dunbartonshire

49. One of the key aims of the SDP is to encourage low carbon places, reducing carbon emissions and adapting to the increasing effects of climate change. The SDP provides a spatial framework for onshore wind development and Policy 10 states that Local Authorities should finalise the spatial framework for onshore wind within their specific areas in accordance with SPP. LDPs should also set out the considerations which will apply to proposals for wind energy development within the Local Authorities' area, including landscape capacity and impacts on communities and natural heritage.

#### **4.5.1.2 West Lothian Council SDP: SES Plan 2013**

50. The South East Scotland Plan (SESPlan) 2013 is the overarching SDP for West Lothian, and encompasses The City of Edinburgh, East Lothian, Fife, Midlothian and Scottish Borders. The SESPlan sets out a spatial strategy which recognises existing development commitments and promotes a sustainable pattern of growth. Key issues which drive the strategy and policy of the SDP include addressing the effects of Climate Change and Sustainable Economic Growth.
51. In particular, Policy 10 Sustainable Energy Technologies of SESPlan specifically sets a framework to promote sustainable energy sources and requires Local Authorities to promote the use of renewable energy and encourage development that will contribute towards meeting national renewable energy targets.
52. Following SESPlan's introduction, SESPlan 2 was submitted to Scottish Ministers for examination in June 2017, with the examination period commencing in August 2017. The Planning and Environmental Appeals Division (DPEA) completed their examination in July 2018. However, in May 2019, it was announced that the Scottish Ministers had decided to reject the proposed SESPlan 2 and as of this moment in time it remains unapproved.

#### **4.5.1.3 The South Lanarkshire Local Development Plan 2015**

53. The SLLDP was adopted on 29<sup>th</sup> June 2015 and seeks to guide development within the local authority area from the years 2015 to 2020. The plan sets out a framework in order to continue the growth and regeneration of South Lanarkshire, encouraging sustainable development within both the urban and rural environment. It is important to note that the LDP for South Lanarkshire is currently under review, with the Local Development Plan 2 (LDP2) due to be adopted at some point within 2020. Despite not being in force at the time of writing, LDP2 must be considered a material consideration at this stage as it possible that the development will be assessed against this new LDP by the time of the

application being submitted. The relevant policies emerging within the LDP2 are highlighted within Sections 4.5.5 and 4.5.6 below.

#### **4.5.14 The Adopted West Lothian Local Development Plan 2018**

54. The AWLLDP was adopted on 4<sup>th</sup> September 2018 and seeks to guide development within the local authority area over an initial ten-year period from the years 2014 to 2024, while also providing further guidance on a framework beyond the year 2024. The plan aims to encourage development to take place in a way that is sustainable, meets the challenges of climate change and renewable energy, and which is sensitive to the area's many built and natural heritage assets.

#### **4.5.2 Relevant Policies and Supplementary Guidance**

55. The following policies and supplementary guidance documents are considered relevant to a development of this nature. In the interests of brevity, synopses are provided below for both of the policies and guidance. The full wording is available within the relevant Local Development Plans and Supplementary Guidance documents.

#### **4.5.2.1 South Lanarkshire Council Local Development Plan Policies (SLLDP) (2015)**

##### **Policy 1: Spatial Strategy**

56. Policy 1 states that the SLLDP will encourage sustainable economic growth and regeneration, protect and enhance built and natural environment and move towards a low carbon economy. This will be achieved by:
- Supporting regeneration activities and maximising regeneration and local economic benefits;
  - Delivery of the development proposals identified in Table 3.1 and Appendix 3 (of the SLLDP); and
  - Development that accords with and supports the policies and proposals in the development plan and supplementary guidance.

##### **Policy 2: Climate Change**

57. Policy 2 states that development within the South Lanarkshire area must, where possible, seek to minimise and mitigate against the effects of climate change. Some relevant examples to the development of how the Council look for this to be done are listed below:
- Utilising renewable energy sources;
  - Being sustainably located; and
  - Having no significant effect on the water and soils environment, air quality, biodiversity (including Natura 2000 and protected species) and green networks.

##### **Policy 3: Green Belt and Rural Areas**

58. Policy 3 refers to green belt and rural areas as functioning primarily for agricultural, forestry, recreation and other such uses relevant to a countryside setting. Development proposals within such areas must demonstrate an acceptable reasoning for being sited within the such locations, such as for instance a specific locational requirement and established need for the development in the area.

##### **Policy 15: Natural and Historic Environment**

59. Policy 15 states that the Council will assess the effect of each proposal upon the character and amenity of the natural and built environment. The Council will seek to protect important natural and historic sites and features from adverse effects including cumulative Any significant effects of a development upon the area must be shown to be outweighed by the potential economic and social benefits of a national importance.

##### **Policy 16: Travel and Transport**

60. Policy 16 states that any new development proposal 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.

**Policy 17: Water Environment and Flooding**

61. Policy 17 states that any development deemed to have a significant adverse effect on the local water environment will not be permitted. The plan takes a precautionary approach to managing flood risk by considering flooding from all sources and working towards sustainable flood management.

**Policy 19: Renewable Energy**

62. Policy 19 states that applications for any form of renewable energy development will be supported subject to an assessment against the principles found within SPP 2014 and in particular, considerations set out in Paragraph 169 of the aforementioned. The Council will produce statutory supplementary guidance which accords with SPP and contain the spatial framework for the development of onshore wind energy developments, and set policy considerations against which renewable energy developments within South Lanarkshire will be assessed
63. Further consideration of each of the SLLDP policies, in the context of the Development, is provided in the relevant technical chapters of the EIA Report.

**South Lanarkshire Council Supplementary Guidance 10: Renewable Energy**

64. This Supplementary Guidance (SG) document was prepared under the provisions of Section 22 of the Planning etc. (Scotland) Act 2006 and Regulation 27 of the Town and Country Planning (Development Planning) (Scotland) Regulations 2006. The purpose of the SG is to support Policy 19: Renewable Energy and ensure that more detailed policy is provided for developers to adhere to, providing guidance on the Council requirements for wind energy and other renewable energy development. The SG is structured as follows:
- **Chapter 2: Policy Context** – Sets out the policy context for renewable energy developments in South Lanarkshire;
  - **Chapter 3: Wind Energy Context** – Provides information on current wind energy developments and proposals within South Lanarkshire and sets out the Council's overall approach to assessing the suitability of such proposals;
  - **Chapter 4: Spatial Framework for Wind Energy** – Sets out the spatial framework for wind energy development within South Lanarkshire and defines areas of significant protection, applicable to turbines 15m and above;
  - **Chapter 5: Renewable Energy Developments** – Provides information on other renewable energy technologies;
  - **Chapter 6: Development Management Considerations** – Sets out the considerations to be used in the assessment of all scales and types of renewable energy proposals. This includes the matters listed in Paragraph 169 of SPP 2014;
  - **Chapter 7: Assessment checklist for Renewable Energy Proposals** – Sets out the Council's Assessment Checklist for proposals, split into small or single turbines, wind farms, and other renewable energy proposals. The Council recommend that any applicant reads the checklist first, prior to the remaining contents of the SG; and
  - **Mapping:** The SG is also accompanied by Map 1 which shows the spatial framework group 2 areas of significant protection (SG section 4) and Map 2 which shows the development management considerations for renewable energy developments (SG section 6).

### **South Lanarkshire Supplementary Guidance 1: Sustainable Development and Climate Change**

65. This SG document was formed under the same national level guidance as noted above. The purpose of the SG is to support Policy 2: Climate Change and ensure that more detailed policy is provided for developers to adhere to, providing guidance on the Council requirements for all new developments proposed to minimise, mitigate and adapt against the effects of climate change. In order to be concise, not all of the SG chapters are listed below. As such, only the chapters which are deemed to have relevance to the Development are listed below. For the full list of chapters, please refer to the main SG document:

- **Chapter 2: Policy Context:** Sets out the policy context for how developments can assist in mitigating the effects of climate change in South Lanarkshire;
- **Chapter 3: Addressing the Climate Change Agenda:** Briefly addresses overall how South Lanarkshire Council aims to address the issue of climate change through its policies and supplementary guidance;
- **Chapter 6: The Water Environment, Flooding and SuDS:** Addresses how the Council aims to create efficient planning of developments in order to reduce the effect of flooding and hydrological issues within the surrounding environment; and
- **Chapter 9: Environmental Noise:** States how the Council aims to address the potential effects of new development upon the noise level and character of the areas chosen for development. The chapter states that specific advice for wind developments and potential noise impacts can be found within the Renewable Energy SG document.

### **South Lanarkshire Council Supplementary Guidance 2: Green Belt and Rural Area**

66. This SG document was formed under the same national level guidance as noted above. The purpose of the SG is to support Policy 3: Green Belt and Rural Area and ensure that more detailed policy is provided for developers to adhere to, providing guidance on the Council requirements for all new developments proposed to minimise, mitigate and adapt against the effects of development proposed within the Green Belt and Rural Areas of South Lanarkshire. In order to be concise, not all of the SG chapters are listed below. As such, only the chapters which are deemed to have relevance to the Development are listed below. For the full list of chapters, please refer to the main SG document.

- **Chapter 2: Context:** Sets out the policy context for how developments can assist in mitigating the effects of new development upon the green belt and rural areas in South Lanarkshire;
- **Chapter 3: The Green Belt and Rural Area:** Explores the correlation between SPP and the Council green belt and rural area policies. The Council state that any development proposal within the greenbelt which can be demonstrated to be necessary for the furtherance of agriculture, forestry, horticulture, recreation, or other appropriate green belt uses, will be supported so long as the appropriate criteria can be met;

It is noted that the Development would not be in the greenbelt so only the rural areas policies apply.

- **Chapter 4: Economy/Business Related Developments:** States that the aim for new development within rural areas should be to support prosperous and sustainable communities whilst enhancing and protecting environmental quality of both the development and the area it is located within. All new development should respond to the specific character found within its location, fit well within the landscape and seek to achieve a high level of design and environmental standards, particularly in relation to energy efficiency; and

- **Appendix 2 Appropriate Uses:** Provides information on the range of developments that are appropriate, in principle, with the green belt and rural area of South Lanarkshire, subject to criteria being met. Included within the list is 'natural resource industries', which includes Windfarms and wind turbines.

### **South Lanarkshire Council Supplementary Guidance 3: Development Management, Placemaking and Design**

67. This SG document was formed under the same national level guidance as noted above. The purpose of the SG is to support Policy 4: Development Management and Placemaking and ensure that more detailed policy is provided for developers to adhere to, providing guidance on the Council requirements for all new developments proposed to achieve the required qualities of placemaking and development management. The SG is structured as follows (only chapters relevant to the Development are considered):

- **Chapter 2: Context:** Sets out the policy context and how to assist in the consideration and assessment of all development within South Lanarkshire with regards to development design and placemaking in South Lanarkshire; and
- **Chapter 3: Development Management, Placemaking and Design Framework:** Sets out the criteria for the successful design of development in South Lanarkshire.

### **South Lanarkshire Council Supplementary Guidance 8: Green Network and Greenspaces**

68. This SG document was formed under the same national level guidance as noted above. The purpose of the SG is to support Policy 14: Green Network and Greenspaces and ensure that more detailed policy is provided for developers to adhere to, providing guidance on the Council requirements for all new developments proposed to minimise, mitigate and adapt against the effects of developments upon the natural and historic features of South Lanarkshire. The SG is structured as follows (only chapters relevant to the Development are considered):

- **Chapter 2: Context:** Sets out the policy context and how to assist in the consideration and assessment of all development within South Lanarkshire with regards to impact on green network and greenspaces, mitigating the effects of new development upon the green belt and rural areas in South Lanarkshire;
- **Chapter 3: South Lanarkshire Strategic Green Network:** Focuses on promoting actions such as access improvements, woodland management and enhancing biodiversity in areas of importance that provide a link between urban and rural environments;
- **Chapter 5: Settlement Profiles:** Provides visualisations of the Local Green Network and details of community growth areas; and
- **Appendix 1: Priority Areas of Greenspace:** Provides a list of all recognised priority areas of greenspace.

### **South Lanarkshire Council Supplementary Guidance 9: Natural and Historic Environment**

69. This SG document was formed under the same national level guidance as noted above. The purpose of the SG is to support Policy 15: Natural and Historic Environment and ensure that more detailed policy is provided for developers to adhere to, providing guidance on the Council requirements for all new developments proposed to minimise, mitigate and adapt against the effects of developments upon the natural and historic features of South Lanarkshire. The SG is structured as follows:

- **Chapter 2: Policy Context:** Sets out the policy context for how developments can assist in mitigating the effects of new development upon the natural and historic assets in South Lanarkshire;

- **Chapter 3: Historic Environment:** Sets out the various designations which the Council use in order to protect the historic environment, in addition to providing the reader with information on key considerations taken into account when assessing planning applications which are deemed as having potential to affect historic assets;
- **Chapter 4: Natural Environment:** Sets out the details of international, national and local natural heritage designations within South Lanarkshire. The chapter considers protected species as well as wider biodiversity outwith any designated areas. Guidance is provided to highlight the principal factors which the Council will consider when assessing planning applications, in relation to the potential to affect the natural environment assets;
- **Chapter 5: Species:** Details the planning requirements which must be adhered to when creating a development within areas with potential for legally protected species, in addition to cover non-native invasive species;
- **Chapter 6: Biodiversity and Geodiversity:** Sets out guidance on the wider biodiversity and geodiversity resources within South Lanarkshire (outside of designated areas) and describes the role of the planning system in helping to conserve these areas often not given as much focus as designated locations; and
- **Appendices:** The SG document is further supported by a number of appendices relevant to the chapters contained within. These include the following:
  - **Appendix 1:** List of Natural and Historic Designations in South Lanarkshire;
  - **Appendix 2:** List of relevant legislation and guidance;
  - **Appendix 3:** Protected Species checklist;
  - **Appendix 4:** Biodiversity checklist for development sites;
  - **Appendix 5:** Acronyms; and
  - **Appendix 6:** List of Contacts.

#### 4.5.3 West Lothian Council Policies and Supplementary Guidance (2018)

##### **Policy DES 1: Design Principle**

70. Policy DES 1 states that all proposals should take account of and be integrated with the local context and built form. The design of a development should ensure that there are no significant adverse impacts on: landscape character, built heritage, habitats and species, biodiversity, noise, water environment and soils.

##### **Policy ENV 1: Character and Special Landscape Areas**

71. Policy ENV 1 states that development will not be permitted where it may significantly and adversely affect local landscape character. Proposals which are likely to have a significant landscape impact must be accompanied by a landscape and visual impact assessment.

##### **Policy ENV 3: Other development in the countryside**

72. Policy ENV 3 states that proposals for other development aside from housing in the countryside will only be supported subject to meeting certain criteria. Where a proposal by virtue of its design, location and landscape setting makes an exceptional contribution to the appearance of the countryside, exceptions to policy may be made. Proposals should seek to make best use of resources, integrate with services and facilities and demonstrate the highest standards in design and environmental quality to protect and enhance the established landscape character.

##### **Policy ENV 9: Woodland, Forestry, Trees and Hedgerows**

73. Overall, Policy ENV 9 states that there will be a presumption against development which is deemed to potentially adversely affect woodland areas unless there is a proven locational need and where a sustainable environmental gain can be had through the replanting or replacement of trees appropriate to the area, in accordance with the

Scottish Government's "Control of Woodland Removal" Policy (2009) and "The right tree in the right place" (2010).

**Policy ENV 17: Protection of International Nature Conservation Sites**

74. Policy ENV 17 states that proposals within or affecting areas of international importance (including SACs and SPAs) will not be permitted unless the sites are proven to not be adversely affected or overriding reasons to consent the proposals exist.

**Policy ENV 18: Protection of National Nature Conservation Sites**

75. Policy ENV 18 states that proposals within or affecting areas of national importance (including NNRs and SSIs) will not be permitted unless it can be demonstrated that it will not compromise the objectives or integrity of the designation or overriding reasons to consent the proposals exist.

**Policy ENV 19: Protection of Local Biodiversity Sites and Local Geodiversity Sites**

76. Policy ENV 19 states that there is a presumption against development affecting areas of regional or local natural heritage (including LNRs, LBSs and LGSs) unless the integrity and objectives of the areas are uncompromised or there are overriding social or economic factors.

**Policy ENV 32: Archaeology**

77. Policy ENV 32 states that developments will not be supported where there is deemed to be a significant adverse effect on an identified regionally or locally important archaeological or historical site or setting. This is unless it can be demonstrated that effects can be successfully mitigated, or there is no alternative location for the development.

**Policy NRG 1: Climate Change and Sustainability**

78. Sets out the Council's standpoint and strategy with regards to the continued aim of reducing carbon emissions within West Lothian. Aims include the following:
- To assist in achieving the Scottish Government's energy targets set out within the 2009 Climate Change (Scotland) Act; and
  - To assist in achieving the Scottish Government's Climate Change Adaption Programme (2014), aimed at addressing identified impacts and building resilience for a climate change ready natural environment, society, buildings and infrastructure networks.
79. The Council expects development to accord with relevant principles contained within the above Policy and any further detailed policy within the LDP relating to climate change and increasing sustainability. The Council has also prepared a Climate Change Strategy (2015-2020), identifying the areas which must be addressed in order to help meet the challenges of climate change.

**Policy NRG 3: Wind Energy Development**

80. Policy NRG 3 states that the Council supports the development of wind energy in principle. All wind energy proposals will be assessed against the spatial framework and associated criteria, detailed within the Onshore Wind Supplementary Guidance document. Developments will only be supported where it can be demonstrated that proposals will not individually or cumulatively have an adverse impact on local communities, the natural and historic environment, public safety and the economy of the local area. The Council will have regard to the precautionary principle when assessing wind energy proposals where nationally or internationally important landscape and natural heritage features are impacted.

### **Policy EMG 5: Noise**

81. Policy EMG 5 states that there is a presumption against any development that may have the potential to affect the noise character of its immediate surroundings. By guiding development to the right locations and through promoting good design, the planning process can help avoid or minimise any such noise issues arising from developments;

### **West Lothian Council Supplementary Guidance (DRAFT) Document 2015: Wind Energy Development**

82. This SG document was first drafted in 2015 as an interim supplementary guidance document, intended to eventually inform the new West Lothian Council LDP (2018). At the time of writing, it is not found to have been adopted but was previously used to formulate response to the original consented Heathland Wind Farm (ECU Reference: ECU00003124) (the Consented Wind Farm).
83. The document provides the planning policy context for wind energy development within West Lothian; a spatial framework and spatial guidance; landscape character guidance; specific guidance on single and small wind turbine development; policy framework considerations; technical feasibility and site development information; guidance on how the cumulative impacts of wind energy will be assessed; and information on community energy and its benefits.

### **West Lothian Council Supplementary Guidance Document: Planning and Noise**

84. The aim of this SG document is to provide developers with further information on dealing with the planning process where new noise sensitive developments are planned near to existing noise sources and where potentially noisy developments are introduced into existing noise sensitive areas. This SG was prepared in connection with the LDP and as such forms part of the LDP in line with Section 25 of the Planning etc (Scotland) Act 2006.
85. The document takes into account current policy in relation to planning and noise, including The Scottish Government's Planning Advice Note (PAN 1/2011). The SG is not intended to provide guidance for wind turbine noise, and directs the reader to a separate SG document - *Planning Guidance – Assessment of Wind Farm Noise*. This states that all proposals for wind turbine development must be accompanied by a noise assessment in accordance with ETSU-R-97 and the Institute of Acousticians Good Practice Guide.

### **West Lothian Council Supplementary Guidance Document: Planning for Nature – Development Management and Wildlife (2020)**

86. The aim of this SG document is to help developers and agents understand how their proposals impact on the biodiversity (wildlife and habitats) and geodiversity (rocks, soils and fossils) of the West Lothian area and how this should be taken into account when formulating proposals. The guidance will also be a material consideration which the council will have regard to when it considers applications for planning permission.
87. Applicants are encouraged to refer to this guidance at the earliest opportunity since it contains important information on potential wildlife and habitats requirements, constraints and opportunities allied to new development.

## **4.5.4 The Emerging Development Plans**

88. Whilst not statutorily adopted documents, emerging draft local development plans do indicate the direction that a Council intends to take with regards to spatial strategy and policies, therefore these can be assessed as material considerations for the determination of the application.

#### 4.5.5 South Lanarkshire Council Emerging Local Development Plan 2: Volume 1

89. The emerging South Lanarkshire Local Development Plan 2 (SLLDP2) is a material consideration at the time of writing, due to the likelihood of the plan being adopted within 2020. The plan states that SLLDP2 will build upon the strategy and policies outlined within SLLDP and will remain broadly similar with regards to its vision. The SLLDP2 is separated into two volumes. Volume 1 contains the main strategy and policies, and in Volume 2, in place of supplementary guidance documents, a number of detailed policies has been compiled which will provide guidance on a range of topics in support of the main policies in Volume 1, providing further guidance for developers and applicants.
90. The new Planning Act will bring into effect changes in the development plan system with less reliance on supplementary guidance. In light of this, South Lanarkshire has changed its approach to providing SG. However, the Council still intends to provide separate guidance on topics relevant to the Development such as renewable energy and the Natural and Historic Environment.
91. The overall strategic vision of the Plan is to address the land use issues arising from the impact of climate change. Assessment of development proposals should take account of future climate change impacts and allow flexibility and scope for adjustment, with one of the main aims of Council policy included within SLLDP2 being to support the use of renewable, low and zero carbon energy generating technologies and reduce South Lanarkshire's reliance on fossil fuels.
92. The following policies have been considered of particular relevance to the Development. For full policy wording please refer to the Proposed SLLDP2 document:

##### **Policy 1: Spatial Strategy**

93. The spatial strategy of SLLDP2 will encourage sustainable economic growth and regeneration, move towards a low carbon economy, protect the natural and historic environment and mitigate against the impacts of climate change. The Council aims to do this in a number of ways. Those deemed relevant to the Development include:
  - *Ensure that proposals for new development seek to minimise and mitigate against the effects of climate change, including flood risk;*
  - *Protect and enhance the natural and historic environment;*
  - *Support renewable energy developments in appropriate locations.*

##### **Policy 2: Climate Change**

94. This policy states that in order to fulfil SLLDP2's overall strategic vision and to meet Scottish Government targets relating to climate change and the reduction of greenhouse gases, any new development proposals should seek to minimise and mitigate against such effects. The policy remains broadly similar to SLLDP. Some relevant examples to the development of how the Council look for this to be done are listed below:
  - *Utilising renewable energy sources;*
  - *Being sustainably located;*
  - *Avoid areas of medium to high flood risk; and*
  - *Having no significant effect on the water and soils environment, air quality, biodiversity (including Natura 2000 and protected species) and green networks*

##### **Policy 4: Green Belt and Rural Area**

95. As the Development is not within the Green Belt the relevant aspect of Policy 4 is in regards to the Rural Area. The aim of the policy within the Rural Area is to protect the amenity of the countryside, while at the same time, supporting small scale development in the right places that is appropriate in land use terms and is of high environmental quality that will support the needs of the community.

### **Policy 5: Development Management and Placemaking**

96. The relevant criteria of Policy 5 states that the Council will ensure that:
- There is no significant adverse impact on adjacent buildings or streetscape in terms of layout, scale, massing, design, external materials or amenity;
  - The development shall not have a significant adverse impact on the amenity of any nearby residential properties in terms of overshadowing, overlooking or loss of residential amenity as a result of light, noise, odours, dust or particulates or other emissions;
  - Sustainability issues are addressed through carbon reduction measures and energy efficient design, layout, site orientation and building practices;
  - The development will have no significant impact on the natural or historic environment and no adverse impact on the integrity of any Natura 2000 sites;
  - The development does not result in, or can mitigate against, any significant adverse impact on quiet areas, the water environment, air quality or soil quality; and
  - The proposal includes: utility and roads infrastructure; open space, green infrastructure and landscape provision; and water management and Sustainable Drainage Systems (SuDS).
97. This Policy remains largely the same as it is in the adopted SLLDP and it is considered that the any changes would not impact the Development's compliance with planning policy.

### **Policy 13: Green Network and Green Space**

98. Protecting and enhancing green networks, priority greenspace and green infrastructure is a key objective of SLLDP2.

### **Policy 14: Natural and Historic Environment**

99. Protecting and enhancing the natural and historic environment is a key objective of SLLDP2. The Policy remains broadly similar with that of SLLDP and states that in determining applications the Council will assess all development proposals in terms of their impact on the natural and historic environment, including biodiversity, geodiversity, landscape and townscape. The Council will seek to protect important natural and historic sites and features. Any significant effects of a development upon the area must be proven to be outweighed by the potential economic and social benefits of a national importance.
100. Development affecting protected species will not be permitted unless it can be justified in accordance with the relevant protected species legislation. Development proposals should seek to manage, protect and enhance existing trees and woodland, in accordance with the Council's Tree Strategy. In addition, Development proposals should take account of the guidance in the South Lanarkshire Landscape Character Assessment 2010 and, where relevant, the Landscape Capacity Study for Wind Energy 2017.

### **Policy 15: Transport and Travel**

101. This Policy states that development proposals should consider the effects of transport and travel with regards to air pollution and greenhouse gas emissions. The Policy remains broadly similar with that of the adopted SLLDP.

### **Policy 16: Water Environment and Flooding**

102. Policy 16 states that any development proposals which will have a significant adverse impact on the water environment will not be permitted. The Policy once more remains similar to that of SLLDP, aiming to give consideration to the effect development proposals could have upon water levels, flows, quality, features, flood risk and biodiversity within the water environment. The plan will take a precautionary approach to managing flood risk by considering flooding from all sources and working towards sustainable flood management.

### **Policy 18: Renewable Energy**

103. Policy 18 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. Once more, the Policy remains broadly similar to SLLDP, aiming to assess all renewable energy proposals against the relevant criteria and requirements set out in the Assessment Checklist for Renewable Energy Proposals contained in Volume 2 of SLLDP2.
104. Policy 18 sets out the overall approach to the assessment of proposed renewable energy infrastructure developments, and includes the Spatial Framework for Wind Energy development. Further policies and requirements for all renewable energy developments including onshore wind are set out in SLLDP2 Volume 2 and detailed guidance is contained in supporting planning guidance on Renewable Energy. Wind Energy developments must also take account of the guidance in the Landscape Capacity Study for Wind Energy 2016 and its 2019 addendum Tall Wind Turbines Landscape Capacity, Siting and Design Guidance, which are material planning considerations.

#### **4.5.6 South Lanarkshire Council Emerging Local Development Plan 2: Volume 2**

105. As noted within Section 4.5.4, SLLDP2 for South Lanarkshire is split into two volumes. Volume 2 contains additional policies intended to provide further policy guidance that will be used when assessing planning applications. This document replaces the need for individual supplementary guidance documents. The following chapters are considered relevant:

- Sustainability and Climate Change;
- Green Belt and Rural Area;
- Natural and Historic Environment;
- Renewable Energy.

#### **4.5.7 South Lanarkshire Council Emerging Local Development Plan 2: Further Planning Guidance**

106. The following documents are also considered to be material planning considerations, designed to inform and support the emerging SLLDP2 once adopted:

##### **Supporting Planning Guidance: Renewable Energy**

107. This document supplements the renewable energy policies in SLLDP2, by providing more detailed advice and requirements for wind energy and other renewable energy developments. Policy 18 in Volume 1 of SLLDP2 sets out the general policy relating to renewable energy, including the Spatial Framework for Wind Energy, as required by SPP. Policy RE1 in Volume 2 relates to the assessment of proposals for renewable energy developments.
108. In particular, the assessment checklist for renewable energy development in Appendix 1 of SLLDP2 Volume 2, which forms part of the development plan, contains criteria which require developers to follow the guidance contained in the relevant sections of this SPG. Together the LDP policies, the assessment checklist, this document and the associated technical guidance listed below form the basis for the consideration of proposals for renewable energy developments.

##### **Renewable Energy Maps 1 and 2**

109. Both of these documents are in map form and are designed to provide the spatial framework for onshore wind, development management considerations for renewable energy development and highlight areas offered specific protection within South Lanarkshire.

### **South Lanarkshire Council Landscape Capacity Study for Wind Turbines 2016**

110. This document supports South Lanarkshire Council's current supplementary guidance for wind energy, and will also support SLLDP2 and its associated policies once adopted. The document aims to consider the capacity of the South Lanarkshire landscape to accommodate increasing levels of wind energy development. The study is based on an assessment of landscape sensitivity and value of the different landscape character types and areas in South Lanarkshire.

### **South Lanarkshire Council: Tall Wind Turbines: Landscape Capacity, Siting and Design Guidance**

111. This document was created as a 2019 addendum to the Landscape Capacity study detailed above. The document was commissioned by South Lanarkshire Council in response to the increasing size of commercial wind turbines being deployed in wind energy developments. It aims to update the elements of the Capacity Study relating to turbine height by assessing the capacity of the landscape to accommodate taller turbines and provides further guidance on local siting and design. It should be read in accordance with the 2016 capacity study and the Council's 2019 guidance on Renewable Energy SPG document mentioned above.

#### **4.5.8 Other Material Considerations**

112. The following document can also be considered a material consideration to the application.

### **Protecting Scotland's Future: The Government's Programme for Scotland 2019-2020:**

113. This Programme for Government was published in September 2019 and sets out key actions which are hoped to take place within the year in order to further progress Scotland economically, socially and environmentally. The programme primarily sets out some of the next steps on Scotland's journey to net zero emission, detailing how Scotland aims to tackle the climate emergency, through investment and increased focus upon key environmental concerns across all sectors of the economy, particularly against the backdrop of the United Kingdom's withdrawal from the European Union. Amongst a host of other key target areas, the programme highlights the need for continued investment in renewable energy sources in order to help achieve a zero-emission nation.

#### **4.6 SUMMARY**

114. This chapter has identified the relevant energy, and national and local planning policy framework relevant to the Development. A separate Planning Statement, not part of this EIA Report, discusses the policy considerations in greater detail and provides planning balance and conclusions on the acceptability of the Development in planning terms.