

## 6 Planning and Policy Context

### 6.1 Introduction

- 6.1.1 This chapter sets out the renewable energy and planning policy context applicable to the proposed development.
- 6.1.2 Due to the proposed electricity generation capacity exceeding 50 MW, an application for consent is submitted to the Scottish Ministers under the terms of Section 36 of the Electricity Act 1989 (as amended). If Section 36 consent is granted the Scottish Ministers may also give a direction that planning permission for the development is deemed to be granted under Section 57(2) of the Town and Country Planning (Scotland) Act 1997.
- 6.1.3 Following receipt of all views and representations, Scottish Ministers will determine the application for consent in one of two ways:
- consent the proposed development, with or without conditions attached; or
  - reject the proposed development.
- 6.1.4 In determining whether to grant Section 36 consent, the Scottish and United Kingdom (UK) Governments renewable energy policies are significantly relevant as are national planning policy and the terms of the Development Plan, along with other material considerations. This chapter outlines and describes the renewable energy policy context, the relevant provisions of the Development Plan, national planning policy and other material considerations.
- 6.1.5 It is important to note that this chapter does not include an assessment of the proposed development's accordance with the Development Plan and other material considerations. This would inevitably involve a degree of subjective interpretation, which is contrary to advice on Environmental Statement (ES) preparation, including good practice guidance on Environmental Impact Assessment (EIA) which states that discussions of planning policy in an ES should be objective.
- 6.1.6 It should be noted that the Applicant has submitted a separate Planning Statement, which considers the extent of accordance of the proposed development, in detail, with the relevant Development Plan policies, national and renewable energy policy and other material considerations in the context of the proposed development. The Planning Statement also presents conclusions on the extent to which the obligations under Schedule 9 of the Electricity Act have been met. The Planning Statement does not form part of the ES.

### 6.2 Renewable Energy Policy Context

- 6.2.1 This section explains the need case for the proposed development which is predominantly based on international, national and Scottish Government renewable energy policy. Such policies are very relevant material considerations that deserve significant weight in decision making. The relevant aspects of renewable energy policy are set out below.

#### *European Energy Policy*

- 6.2.2 In January 2008 the European Commission published a '20-20-20' targets package. This included proposals for :
- a reduction in the European Union's (EU) greenhouse gas emissions of at least 20 % below 1990 levels;
  - increasing the proportion of final EU energy consumption from renewable sources to 20 %; and
  - a 20 % reduction in primary energy use compared with projected levels, to be achieved by improving energy efficiency.

6.2.3 Targets are to be achieved by 2020, as set out in the Renewable Energy Directive from the European Commission, published in its final form in March 2009.

6.2.4 The targets are split between Member States. For the UK, the European Commission's proposals include 16 % reduction in UK greenhouse gas emissions by 2020 and for 15 % of all energy consumed in the UK to come from renewable sources by 2020.

#### ***United Kingdom Energy Policy***

6.2.5 The UK Government retains control of the overall direction of energy policy throughout all of the UK, including the attainment of UK national targets on renewable energy generation. Since devolution in 1999, some energy policy issues have been devolved to Scotland, such as energy efficiency and renewable energy (including consents for generating plants covered by the Electricity Act 1989). Encouraging more electricity generation from renewable sources is an important element of both the UK and Scottish climate change programmes.

6.2.6 In light of the significant increase in renewable energy required by the EU Directive, the UK Government published a strategy in July 2009 in order to implement the obligations contained within the Directive and to enable a significant increase in the contribution that renewable energy makes to energy generation in the UK.

#### ***UK Renewable Energy Strategy (2009)***

6.2.7 The UK Renewable Energy Strategy (UKRES) states that the UK needs to radically increase the use of renewable electricity. The document sets out the means by which the UK can meet the legally binding target of 15 % of energy consumption from renewable sources by 2020. This will mean a very substantial increase in the share of renewables in about a decade.

6.2.8 The UKRES contains a 'lead scenario', which suggests that more than 30 % of electricity should be generated from renewables in the UK by 2020, an increase from approximately 5.5 % in 2009. The majority of this is expected to come from wind power, both on and offshore.

6.2.9 A key element of the new strategy is that it sets out the EU requirement that they will report steps every two years by which the achievement of delivery against the trajectory set for the 2020 target has to be tested and reported to the EU. The purpose of the milestone reporting is to ensure that a trajectory is maintained towards 2020.

6.2.10 Under the Directive, the UK has interim targets to achieve the following shares for renewables in the energy mix:

- 4.0 % in 2011 – 2012;
- 5.4 % in 2013 – 2014;
- 7.5 % in 2015 – 2016; and
- 10.2 % in 2017- 2018.

6.2.11 The UKRES states that the earliest interim target (2011 – 2012) "will be most challenging" (paragraph 2.38).

6.2.12 The UKRES refers explicitly to economic and employment opportunities: these are highlighted and the aspiration is for the UK to be at the forefront of global competition in the low carbon economy. The Government estimates that the Strategy will deliver a range of benefits including:

- Putting the UK on a path towards decarbonising the production of energy in the UK, alongside nuclear and carbon capture and storage;

- Contributing to the security of energy supplies in the UK through reducing demand for fossil fuels by around 10 % and gas imports by between 20 – 30 % against forecast use in 2020;
- Bring outstanding business opportunities and enable the UK to restructure into a low carbon economy, providing around £100 billion of investment opportunities and contribute to the creation of up to 0.5 million more jobs in the UK renewable energy sector; and
- The strategy is expected to deliver significant environmental benefits, in particular by contributing to global action against climate change. It recognises that there will also be some pressures on the local environments and natural heritage from new infrastructure provision.

6.2.13 The document makes it clear that the UKRES is an integral part of the Government's overall UK Low Carbon Transition Plan and that the Devolved Administrations have a leadership role to ensure the strategy is implemented.

#### ***UK Low Carbon Transition Plan (2009)***

- 6.2.14 Along with the UKRES, the UK Government published the UK Low Carbon Transition Plan as a White Paper in July 2009. The plan seeks to deliver greenhouse gas emission cuts of 18 % on 2008 levels by 2020 (and over a third reduction on 1990 levels), and emphasises that the UK will need to drive major changes to the way energy is used and supplied.
- 6.2.15 It seeks to ensure that the UK will get 40 % of electricity from low carbon sources by 2020, with policies to produce approximately 30 % of UK electricity from renewables by 2020, by substantially increasing the requirement for electricity suppliers to sell renewable electricity.

#### ***The Coalition Government***

- 6.2.16 The Coalition Government in 'Our Programme for Government' (May 2010) stated with regard to energy and climate change that:

*"The Government believes that climate change is one of the gravest threats we face, and that urgent action at home and abroad is required. We need to use a wide range of levers to cut carbon emissions, decarbonise the economy and support the creation of new green jobs and technologies...we will seek to increase the target for energy from renewable sources, subject to the advice of the Climate Change Committee".*

- 6.2.17 In July 2010, the Government published an 'Annual Energy Statement' and a report entitled '2050 Pathways Analysis'. In the Energy Statement, Chapter 2 refers to 'low carbon energy' and it states:

*"There are two important reasons why the UK needs to wean itself off such a high carbon energy mix: to reduce greenhouse gas emissions and to improve the security, availability and affordability of energy through diversification" (page 8) (The UK Renewable Energy Road Map Update, 2012).*

- 6.2.18 The UK Renewable Energy Road Map Update was published on 27th December 2012. It sets out the progress and changes delivered in the renewable sector over the past year and sets out challenges and actions for the year ahead. The Executive Summary (page 6) states the Coalition Government *"is committed to increasing the deployment of renewable energy across the UK"*.

- 6.2.19 Paragraph 1.3 states that whilst the Roadmap focuses on reaching 2020 targets:

*"it is clear that renewables will have a pivotal role to play in the UK energy mix in the decades beyond"*.

6.2.20 For example, it makes reference to the Climate Change Act requirement for the UK to reduce greenhouse gas ("GHG") emissions by at least 80 % below 1990 levels by 2050. It adds that recent DECC analysis shows that electricity demand is likely to increase by between 30 % and 100 % by 2050.

6.2.21 It is clear therefore, that whilst 2020 is an important milestone in relation to certain mandatory targets, Government policy and targets go well beyond this. This recognised in the Annual Energy Statement (2012).

6.2.22 On page 10 of the Update, DECC sets out analysis of the deployment of renewable energy to 2020. Paragraph 2.5 states that the Government continues to believe that encouraging a diverse mix of energy sources including renewables in the best way to meet decarbonisation objectives and to "*ensure the lights stay on*". It adds that:

*"it remains true, as stated in the overarching National Policy Statement for Energy, that there is an urgent need for new large scale renewable energy projects to ensure that we meet the 2020 target and wider decarbonisation ambitions".*

6.2.23 Paragraph 2.6 refers to the Roadmap of 2011 and states that it provided an analysis of potential deployment to 2020, taking into account factors such as technology costs, build rates and policy framework. However it adds that these variables were modelled:

*"to produce illustrative 'central ranges' for deployment based on analysis using published literature and discussions with the industry overlain by industry high and low scenarios for each technology around central ranges".*

*"These central ranges did not represent technology specific targets or the level of our ambition. We are committed to update our analysis annually to reflect the evolution of policy and observe levels of deployment".*

6.2.24 Paragraph 2.8 refers to key uncertainties which continue to include future energy demand, cost trajectories of various technologies and the level of actual renewable energy deployment which industry believes can be achieved. Deployment of offshore wind remains one of the main areas affected by high costs and paragraph 2.9 states with regard to offshore that there are "clearly big challenges to overcome".

6.2.25 Paragraph 2.10 makes reference to onshore wind and refers to the suggestion in the 2011 Roadmap that there could be around 13 GW of onshore wind capacity by 2020. It states that over the last year there has been an increase of 1.3G W of operational onshore capacity and the onshore wind pipeline holds an additional 6.1 GW of projects waiting or under construction, as well as 7 GW awaiting planning approval.

6.2.26 Page 36 records the onshore wind capacity as of the end of June 2012 as being 5.3 GW.

6.2.27 The Update states that the current pipeline for onshore wind is likely to have the potential to provide the appropriate quantity of deployment:

*"to fulfil our ambition outlined last year. However, we cannot be certain how much of the capacity in the pipeline project will go forward as not everything in the pipeline will be consented and not everything consented will be built".*

6.2.28 Paragraph 2.13 states that the potential for key technologies (namely biomass, offshore wind, onshore wind, marine energy, solar pv etc.) needed to deliver the 2020 target are similar to that anticipated in 2011. However, it adds that the uncertain nature of deployment across the portfolio of different technologies, as well as the relative cost effectiveness, means that generation could end up at the high end of one technology's deployment range and therefore requiring less deployment of others.

- 6.2.29 Paragraph 2.4 records that using the EU Renewable Energy Directive methodology, some 3.8 % of UK energy consumption in 2011 came from renewable sources up from 3.2% in 2010. This needs to be read against the 15% target for 2020.
- 6.2.30 Page 25 of the Update addresses renewable electricity and paragraph 2.2 states the contribution of all renewables to UK electricity generation was 10.4 % for the period July 2011 to June 2012. This needs to be read against the 30 % target for 2020. As stated at the start of this section, a more recent publication by DECC records that the contribution of renewables to electricity generation in 2012 as a whole, was 10.8 %.
- 6.2.31 The Update addresses the various renewable technologies and onshore wind is addressed at page 36. Here it is stated that:
- “the Government is committed to onshore wind as part of a diverse energy mix contributing to a security of supply and carbon reduction targets”.*
- 6.2.32 It adds that onshore wind provides substantial economic benefits and that Government is seeking to remove barriers to the development of appropriately sited projects, whilst giving local communities more influence. This is referenced in the context of the NPPF having delivered reform of the planning system to support growth and give local communities a stronger voice.
- 6.2.33 The onshore wind section (page 36) also makes reference to the results of the DECC public attitudes tracking survey which it states shows that the majority of the public support the growth of onshore wind in the UK. There is also reference to the Government’s call for evidence on costs, engagement and benefits, “looking at how communities can have more of a say over, and receive greater benefit from, hosting onshore wind in their area”.
- 6.2.34 Paragraph 2.31 reiterates that there is a healthy pipeline of projects that have entered the formal planning system, but adds that not everything in the pipeline will be consented and not everything consented will be built.
- 6.2.35 Paragraph 2.32 adds that there is expected to be significant attrition at the planning and pre-construction stages due to a number of factors such as project delays or extra costs associated with radar interference.
- 6.2.36 Paragraph 2.33 states that whilst the Government cannot be certain which projects will go forward; the current pipeline is likely to represent:
- “the appropriate quantity of deployment to fulfil the central estimated range in the 2011 renewable energy road map for onshore wind deployment (around 10 – 13GW capacity)”.*
- 6.2.37 However, as noted above, section 2.6 of the Update states that this figure is an:
- “illustrative central range for deployment” and does “not represent technologies specific targets or the level of our ambition”.*

### **Scottish Government Policy and Renewable Energy Generation Targets**

- 6.2.38 In Scotland, policy and commitment generally reflects that of the UK Government. In 2007 the Scottish Government set a target that 50 % of gross electricity consumption should come from renewable sources by 2020, with an interim target of 31 % by 2013. On 23 September 2010, the Scottish Government announced that Scotland’s electricity target for 2020 would be raised to 80 %. Making the announcement, Scotland’s First Minister stated:
- “Scotland is ideally placed to help lead the renewables revolution and taking account of the levels of planned investment over the next decade, I believe it is now time to aim higher and to go further”.*

6.2.39 The Scottish Government's 'Renewables Action Plan', (June 2009) set out Scotland's renewable energy targets and stated that Scotland is committed to achieve a headline target of 20 % of total Scottish energy use coming from renewable sources by 2020.

6.2.40 The Action Plan contains a vision for onshore wind:

*"continued expansion of portfolio of onshore wind farms to help meet renewables target, with robust planning framework supporting timely processing of consents applications and ensuring wind farms are consented where they are environmentally acceptable".*

6.2.41 It is important to note the importance of properly understanding the nature of the renewable energy targets that have been set. First of all, the targets relate to installed capacity, not cumulative developments or schemes at various stages in the planning system. Little weight should be placed upon potential capacity which is said to be *"in the pipeline"* and should focus on what the targets themselves are concerned with achieving, namely installed capacity. That is what matters as that in policy terms is how the targets are expressed.

6.2.42 Secondly, the targets themselves are expressed in terms of the number of MW of installed capacity, which is to be achieved *"by"* certain dates. Thus, the target date is an end point by which the target level of installed capacity is to be achieved

#### ***The Climate Change (Scotland) Act 2009***

6.2.43 The Climate Change (Scotland) Act 2009 received Royal Assent on 4th August 2009 following a comprehensive period of Parliamentary scrutiny. The Bill was passed unanimously by members of the Scottish Parliament.

6.2.44 Part 1 of the Act sets the statutory framework for greenhouse gas emission reductions in Scotland by setting an interim (world leading) 42 % reduction target for 2020 and an 80 % reduction target for 2050, from the baseline, which for CO<sub>2</sub>, is based on 1990 emission levels. Part 1 of the Act also requires The Scottish Ministers to set annual targets in secondary legislation, for Scottish emissions from 2010 to 2050 to ensure that the 2050 target is attained. Part 1 of the Act also requires the Scottish Government to publish a Land Use Strategy by 31st March 2011 setting out land use objectives to aid the achievement of the 2020 and 2050 targets.

6.2.45 Part 2 of the Act contains provisions which will allow the Scottish Ministers to establish a Scottish Committee on Climate Change or to designate an existing body to exercise advisory functions should it be decided that this is appropriate. Part 3 places duties on the Scottish Ministers requiring them to report regularly to the Scottish Parliament on Scotland's emissions and on the progress being made towards meeting the emissions reduction targets as set out in the Act.

6.2.46 Reductions in greenhouse gas emissions for energy generation are a key component to achieve the above targets. The Act places a statutory requirement on The Scottish Ministers to set appropriate levels for energy generation to contribute to meeting the targets.

#### ***Scottish Climate Change Delivery Plan (2009)***

6.2.47 The Scottish Government issued the Climate Change Delivery Plan in June 2009. The Plan emphasises that the Scottish Government is already taking action to tackle climate change, but states that Scotland requires a more co-ordinated approach. The Delivery Plan sets out all the actions that can be delivered over the next decade and beyond, in order to achieve the targets set out in the Climate Change (Scotland) Act 2009.

#### ***The Scottish Renewables Action Plan (SRAP) (2009)***

6.2.48 The Scottish Government issued the Renewables Action Plan ("SRAP") in June 2009. This identifies what needs to happen in the renewables sector in order to achieve Government objectives.

6.2.49 The RAP refers to the “imperative” for action to address climate change demonstrated by Scotland’s world leading carbon reduction target of 42 % (see the Climate Change (Scotland) Act above). It makes reference to the Scottish Government’s commitment to achieve a headline target of 20 % of total Scottish energy use coming from renewable sources by 2020. Specific targets refer to 50 % of electricity demand by 2020 (now 100 %) and the SRAP sets out the framework for action in the specific area of renewable energy.

6.2.50 Key objectives are summarised as follows:

- to establish Scotland as a UK and EU leader in the field;
- to ensure maximum returns for the Scottish domestic economy; and
- to meet targets for energy from renewables, and for emissions reductions, to 2020 and beyond; (RAP, Executive Summary, page 5).

6.2.51 The SRAP makes it clear that the Scottish Government is continuing to engage very closely with the UK Government on the shape and scope of renewable energy legislation and the financial incentives that they create. There is reference to the Renewables Obligation (“RO”) mechanism and the RAP states that the Scottish Government is working with “UK colleagues on the further changes to the RO required to align it with the demands of the EU 20 % target...” (page 17).

6.2.52 Section 4 of the SRAP highlights that each technology will have its own part to play in helping Scotland meet its energy targets “and ministers are committed to a diverse renewables mix to maximise the scope to match supply with demand and to enhance security of supply” (page 20).

***A Low Carbon Economic Strategy for Scotland, - ‘Scotland – a Low Carbon Society’***

6.2.53 The Scottish Government issued this policy document In November 2010. In the foreword, John Swinney MSP, Cabinet Secretary for Finance and Sustainable Growth, stated:

*“This low carbon economic strategy builds on the responses from Scottish business, industry and research base...it provides a Scottish focus, alongside UK Government initiatives, on what action is required to transform Scotland’s industries and infrastructure, into exemplars to the world of what can be achieved in the pursuit of a low carbon economy”.*

6.2.54 In the report (page 6), the Government states that the aspiration is that within less than 10 years, 80 % of electricity will be generated from renewables. In addition, the Government has developed an ambitious set of targets which will include the decarbonisation of electricity generation by 2030.

6.2.55 The Low Carbon Economic Strategy is an integral part of the Governments overall Economic Strategy and seeks to establish strong policy direction around Scotland’s key low carbon economic opportunities. It is stated that:

*“Scotland has the natural resources to become the green energy power house of Europe” (page 10).*

6.2.56 The energy sector is referred to in section 2.2 of the Report and onshore wind is specifically addressed on page 49. The Report states that:

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

### ***2020 Routemap for Renewable Energy in Scotland***

- 6.2.57 The Scottish Government published the 2020 Routemap for Renewable Energy in Scotland in July 2011 (hereafter referred to as "*the Routemap*"). The Executive Summary of the Routemap notes that "*The Routemap for Renewable Energy in Scotland 2011 is an update and extension to the Scottish Renewables Action Plan 2009... This updated and expanded Routemap reflects the challenge of our new target to meet an equivalent of 100 % demand for electricity from renewable energy by 2020*" (page 3). The Routemap is therefore an important Scottish Government policy document.
- 6.2.58 The Executive Summary concludes by stating that:
- "Across all scales of renewable generation, from householder to community to large-scale commercial schemes, the Scottish Government is working to make Scotland the renewables powerhouse of Europe. The benefits are not only in terms of energy generation and future security of supply, but can underpin our economic recovery over the next decade and beyond.*
- This Routemap for Renewable Energy in Scotland sets out how we can meet our challenging targets in harmony with the local environment and make a wider contribution to emission reductions through the displacement of fossil fuel generation."* (page 8).
- 6.2.59 Chapter 1 of the Routemap is entitled 'Scotland's renewables ambition and paths to delivery'. It is noted that the new renewables target of 100 % equates to the equivalent of, circa, 16 GW of installed capacity, which "*is based on the fundamental wealth of renewables resource available, our analysis of deployment trajectories on the onshore side...and our concerted efforts to ensure a supportive policy framework for growth*" (page 17).
- 6.2.60 The Routemap specifically recognises the "*scale of the challenge*" that requires to be addressed to meet the revised 2020 targets. It is noted that meeting the challenge "*will be heavily dependent on regulatory processes, which we will seek to influence but over which we do not currently have control*" (page 19).
- 6.2.61 The Routemap provides a 'synopsis of the main challenges' that require to be addressed to meet the 2020 renewables targets, one of which is 'consents and planning'. With respect to consents and planning, the Routemap identifies that a "*Further increase in consenting / deployment rates [is] required...*" (page 19).
- 6.2.62 Chapter 1 of the Routemap also provides an analysis of past deployment trajectories for onshore renewables (the amount of renewables that have been deployed over recent years). The analysis considers deployment rates from October 2005 to October 2011 and provides four deployment 'scenario' projections up to October 2021, which are based on different deployment assumptions.
- 6.2.63 The Routemap illustrates that the scenarios considered will not meet the 2020 target of 100 % Scottish electricity consumption being met from renewable sources by 2020. Importantly, the Routemap states that "*The successful delivery of the capacity required to deliver the equivalent of 100% of Scottish electricity consumption will demand a significant and sustained improvement over the deployment levels seen historically*" (page 26).
- 6.2.64 Chapter 2 of the Routemap is entitled 'Crosscutting Challenges' and notes that there are a number of cross cutting challenges that require to be faced by all sectors that make up the renewables industry if the 2020 targets are to be realised. One of the 'Crosscutting Challenges' identified is 'Planning and Consents'.
- 6.2.65 The Routemap states that in order to meet the 2020 target of 100 % renewables "*a further increase in consenting and deployment rates will be required...This will be achieved by driving excellence in planning and consenting processes...*" (page 40).

6.2.66 In order to increase the rate of deployment of renewables the Routemap sets out a number of priorities for the planning and consenting systems, which include:

- further streamlining the consenting process;
- simplifying planning advice;
- overcoming barriers to deployment, particularly aviation/radar issues but also including all relevant environmental issues;
- promoting community engagement in the design and siting of Development proposals;
- developing the agenda and advice on cumulative impact and environmental issues;
- promoting community benefit; and
- driving best practice.

6.2.67 In addition to the above, the Routemap also states that the Scottish Government will "*tackle barriers to deployment*" by engaging with relevant stakeholders and promoting best practice.

6.2.68 Under the heading 'Key Actions', the Routemap also identifies that the planning system "*must continue to balance environmental sensitivities with the need to make progress on renewables targets*" (page 70). This is a very important policy statement as it highlights that decision makers should be balancing the environmental effects of a Development against the contribution that the Development would make to achieving the 2020 targets.

6.2.69 The Routemap provides conclusions within Chapter 4 and states that "*This Routemap sets out a comprehensive path of actions to deliver on Scotland's ambition to be the green powerhouse of Europe. By setting Europe's most ambitious target for renewable electricity and putting in place the measures required to deliver it we are creating a competitive advantage for Scotland which will secure a prosperous and sustainable low carbon economy for the future*" (page 115).

#### ***Scottish Government Economic Policy***

6.2.70 An important material consideration is the Government's Economic Strategy, which was issued on 12th September 2011. The Foreword (page 4) states that the Government Economic Strategy sets out the measures that are to be taken to accelerate Scotland's recovery and support jobs. It states that a new Strategic Priority has been established – 'Transition to a low carbon economy'. The opportunity is set out to reindustrialise the nation and create thousands of new jobs by 2020. The Foreword states that the Government is "*determined to deliver on this ambition*". It regards that "*in addition this sector, above all others, will provide a focus on new private sector capital investment in Scotland*".

6.2.71 The strategy for the transition to a low carbon economy is set out in detail on page 51 of the document. It states that the transition will be central to maximising Scotland's sustainable economic growth rate, particularly in the long term. It adds "*we will do this through our shift towards renewable energy... this is vital to deliver our ambitious sustainability target which is focused on substantially reducing our greenhouse gas emissions*".

6.2.72 The document states (page 52) that the transition to a low carbon economy will create opportunities for all of Scotland with strong prospects for rural Scotland, particularly in the renewable energy sector.

6.2.73 On page 53 of the document there is reference to transformational changes, including decarbonisation of electricity generation by 2030.

6.2.74 In terms of jobs in the low carbon sector these are estimated to grow by 4 % a year to 2020, rising from 70,000 to 130,000 persons, equating to over 5 % of the Scottish work force.

6.2.75 Page 54 of the document states that in the context of the Government Economic Strategy, there are three overarching themes that are considered as priorities in delivering low carbon growth, namely:

- making Scotland a leading low carbon investment destination;
- maximising the social and economic opportunities of energy and resource efficiency; and
- encouraging consumer and business demand for low carbon products and services.

6.2.76 It is clear that the Government views renewable energy as key to the delivery of sustainable economic growth and key to accelerating Scotland's economic recovery, including job creation.

### *The Draft Electricity Generation Policy Statement 2012, Scotland – A Low Carbon Society*

6.2.77 The Scottish Government issued a Draft Electricity Generation Policy Statement (“EGPS”) for consultation in early 2012. The consultation period ran until 7th May 2012. It states in paragraph 1 of the Executive Summary that electricity generation and the economic and environmental benefits which could arise from a shift from fossil fuel generation to a portfolio comprising renewable and cleaner thermal generation are matters of considerable importance to the Scottish Government.

6.2.78 The EGPS is the most recent policy statement issued by the Scottish Government that is of relevance to renewable energy. It examines the way Scotland generates electricity and considers the changes necessary to meet the various renewables targets set by the Scottish Government.

6.2.79 Paragraph 2 states that the report is built upon a sustainable, low carbon vision of Scotland's energy future and it states *“the need for a rapid expansion of renewable electricity across Scotland...”*. The report takes account of the changing policy context in Scotland, the UK and the EU since the National Planning Framework 2 was published in June 2009.

6.2.80 Paragraph 8 states that the report will assist the Scottish Government to comply with further statutory requirements under the Climate Change (Scotland) Act 2009. It also reiterates that the Government is committed to securing the transition to a low carbon economy, which is one of the six ‘strategic priorities’ laid out in the refreshed Government Economic Strategy.

6.2.81 The report summarises the Scottish Government's targets. These are:

- delivering the equivalent of at least 100 % of gross electricity consumption from renewables by 2020 as part of a wider, balanced electricity mix;
- enabling local and community ownership of at least 500 MW of renewable energy by 2020; and
- seeking increased interconnection and transmission upgrades capable of supporting projected growth and renewable capacity.

6.2.82 The report highlights that these targets underpin the Government's vision of a stable and desirable future generation mix for Scotland, built around the following key principles (paragraph 13):

- a secure source of electricity supply;

- at an affordable cost to consumers;
- which can be largely de-carbonised by 2030; and
- which achieves the greatest possible economic benefit and competitive advantage for Scotland.

6.2.83 In terms of economic benefit, the report states that it is expected that there would be, over the decade to 2020, from renewables alone, a provision of up to 40,000 jobs and £30 billion of investment to the Scottish economy and a transformational opportunity for local ownership and benefits.

6.2.84 Paragraph 15 states that the 2020 target:

*“is a challenge – to the energy supply sector, to our renewable industry and innovators and to Scotland’s communities; it is both a statement of intent and a rallying call, embodying our firm belief that Scotland can and must exploit its huge renewables potential to the fullest possible extent – to help meet demand here and in Europe. It is as much about the value and importance of the journey as it is about the destination”.*

6.2.85 Paragraph 16 states that the Government estimates that the 100 % target will require around 14-16 GW of installed capacity to be deployed.

6.2.86 Figure 1 (page 8) in the report illustrates that, at the time of writing, the status of renewable capacity is broadly as follows:

- installed capacity - 4.4 GW;
- under construction - 1.1 GW;
- resolution to consent – 2.2 GW;
- in the planning system– 4 GW;
- in the Appeal process – 0.5 GW; and
- in ‘scoping’ – 16.6 GW.

6.2.87 Page 9 of the report explains that the UK target is to produce 15 % of all energy from renewable sources and an estimated 30 % of electricity from renewable sources by 2020 and that this:

*“will require connection to Scotland’s vast energy resource and we will continue to work to connect Scotland to an ever more integrated UK and EU market”.*

6.2.88 The report cross refers to the 2020 Routemap for renewable energy in Scotland, which is reviewed within the original Planning Statement. Paragraph 29 reiterates the EU context and states that Scotland has the potential to make a *“major contribution to the EU’s overall renewables target”*.

***Ministerial Letter from Derek McKay MP and Fergus Ewing MP Dated 19th June 2012 Regarding Spatial Strategies***

6.2.89 This letter is addressed to the Heads of Planning Scotland and it sets out the Scottish Government’s priorities for consenting renewable energy development. It also sets out the Government’s commitment to requiring Councils to prepare spatial strategies for wind energy development and to integrate them within their respective Development Plans.

- 6.2.90 The letter notes the Scottish Government's commitment to meeting the 2020 target and in this regard states, "*the Scottish Government is strongly committed to renewable energy. We have a target that renewables could provide the equivalent of 100 % of our demand for electricity by 2020 – and there is no question that onshore wind developments will continue to play a vital role in achieving that goal*".
- 6.2.91 With regard to spatial strategies, the letter notes that "*the clear identification of areas of search for wind farms is in everyone's interest – planning authorities, developers and the wider public. For that reason, the Scottish Government will in future require spatial frameworks to form part of the Development Plan as required by Scottish Planning Policy rather than as interim Supplementary Planning Guidance*."
- 6.2.92 This letter is a very relevant expression of the Scottish Governments up-to-date position on the importance of onshore wind energy to meeting the 2020 target. The letter is also of relevance to determining the weight that should be attributed to existing spatial strategy.

***Renewable EU / DECC Report: On-Shore Wind Direct and Wider Economic Impacts, 2012***

- 6.2.93 On the subject of the tourism economy, paragraph 6.6 of the Report acknowledges that objectors to wind farm development often cite alleged negative impacts to tourism as an example of negative economic impact of wind farms. The Report notes that there has been "*no evidence of actual negative impacts on tourism*".
- 6.2.94 This Report finds that onshore wind farms can have wider positive impacts on tourism, recognising that in rural areas tourism is often one of the key sectors and therefore crucial to economic development and prosperity. The study further recognises the improvements that can result from wind farms including infrastructure and funding to improve path networks, improving tourist attractions and the creation of tourism facilities (e.g. Whitelee wind farm visitor centre).
- 6.2.95 The study further recognises (paragraph 6.6.1) that the spending of wind farm construction workers will benefit accommodation, food and drink providers locally, occurring at all stages of the wind farm development cycle.
- 6.2.96 Case study projects were examined and reported on within the report and used to provide examples of what this magnitude of impact could be. Based on the case studies examined it was estimated that "*for every MW constructed £7,500 is spent in the local area on accommodation and on food and drink*".
- 6.2.97 In summary, the study supports the overall conclusion that the Talladh-a-Beithe Wind Farm is not likely to have a significant negative effect on the tourism resource, and indeed that it is likely to have a positive and beneficial effect in terms of wider economic impact. This study supports the conclusions presented within the ES.

***Scotland's Renewable Energy Sector in Numbers (Scottish Renewables August 2012)***

- 6.2.98 On 10th August 2012, Scottish Renewables published a number of statistics relevant to the Scottish renewable energy industry. The statistics provide up to date information on the growth of Scotland's renewables capacity, current renewable energy output, current electricity consumption versus renewables output, renewable electricity output and renewable electricity generation in Scotland by fuel type, amongst a number of other matters.
- 6.2.99 In terms of capacity the document notes that, as of the end of 2011, Scotland had an installed capacity figure of 4,842 megawatts (MW) across all forms of renewables generation, noting that "*this growth has been powered mainly by significant investment in onshore wind*" (page 1). In terms of renewables capacity that is either consented or in construction the figure is 4,042 MW. Therefore, as of April 2011, the total installed, consented and in construction renewables capacity in Scotland is in the order of 8,900 MW.
- 6.2.100 In terms of jobs in Scotland, the document notes that there are 11,136 jobs within the renewables sector and of this 2,235 jobs are within the onshore wind sector, which is the by far the largest employer by electricity

generation type. This confirms the importance of the onshore wind energy industry to the Scottish economy in terms of supporting a significant numbers of employees. This is a particularly relevant consideration during the current time of high unemployment and slow economic growth.

6.2.101 In terms of investment in renewables, the document notes that since the start of 2009 it is estimated that £1.6 billion has been invested in onshore wind energy development within Scotland. This again is a significant figure in the context of wider economic investment.

6.2.102 In conclusion, this document confirms the importance of the onshore wind energy industry to meeting renewable energy generation targets and also to the wider health of the Scottish economy, of which the proposed development would make a valid contribution.

### 6.3 The Development Plan

#### *Introduction*

6.3.1 Under the terms of the Town and Country Planning (Development Planning) (Scotland) Regulations 2008, Planning Authorities within Scotland are required to prepare and keep up to date statutory Development Plans. The Development Plan provides the land use planning policy framework for each of the Planning Authority's respective administrative areas.

6.3.2 The site lies in the Strategic Development Planning Authority ("SDPA") of Dundee City, Perth and Kinross, Angus and Fife Councils. The site is within the local administrative boundary of Perth and Kinross Council (PKC). The SDPA received approval of the first SDP in June 2012 and since its approval has replaced the Perth and Kinross Structure Plan.

6.3.3 The TAYplan Strategic Development Planning Authority are currently in the process of preparing the next SDP. Consultation on the Main Issues Report ("MIR") opened on Tuesday 15th April and runs until Friday 27th June 2014.

6.3.4 The Perth and Kinross Council ("PKC") Local Development Plan was adopted on 3rd February 2014. A list of the relevant policies contained within the LDP will be looked at later in this chapter.

6.3.5 Therefore, at present, the adopted Perth and Kinross Development Plan consists of:

- TAYplan Strategic Development Plan 2012-2032; and
- Perth and Kinross Local Development Plan 2014.

#### *The TAYplan Strategic Development Plan 2012-2032*

6.3.6 TAYplan covers the Dundee City, Angus, Perth & Kinross (including the newly designated part of the Cairngorm National Park) and North Fife regions. The Plan sets out the policies for where development should be over the next 20 years, at its heart are *"sustainable economic growth and a better quality of life through a stronger and more resilient economy, better quality places, reduced resource consumption and better resilience to climate change and peak oil"*.

6.3.7 The plan highlights the region's significant potential to support growth in the renewable energy industry, particularly through the growth of Dundee and Montrose ports to support offshore renewable energy. An important aspect of the plan is the mitigation of and adaptation to climate change. A shift to a low carbon and zero waste economy is crucial to achieving this and can be done by using the land and resources more efficiently.

6.3.8 TAYplan sets out a vision and various objectives to achieve this vision. The vision for the area as set out in the plans states that *"By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs"*.

The following objectives are considered relevant to the proposed development:

- Strengthen the economic base to support the renewable energy and low carbon technology sectors, the further and higher education sector including commercialisation and research, the region's ports, food research, forestry, life sciences, digital media and tourism;
- Protect and enhance the quality of the TAYplan area's built and water environments, landscape, biodiversity and natural resources;
- Promote and enhance places and landscapes as economic drivers and tourist destinations; and, support the region's town centres as accessible business and service locations;
- Support the switch to a low carbon and zero waste economy by providing for appropriate infrastructure and improvements in our resilience to climate change and other potential risks
- Support an advanced, thriving and diverse economy occupying a competitive position within European and World Markets;
- Promote prosperous and sustainable rural communities that support local services, including the provision of additional housing and related development proportionate to local need, available infrastructure and environmental capacity; and
- Ensure that new development makes best use of existing networks of infrastructure, movement corridors and ecosystems.

6.3.9 This vision and various objectives will dictate how the region will be in 2032 and what needs to occur to bring about the changes. The Plan includes a number of policies which will help achieve the vision for the area. Those of most relevance to the proposed development are set out below. The proposed development is not assessed against the policies here. This will be set out in a separate Planning Statement which accompanies the ES.

**Policy 2 – 'Shaping better quality places' states:**

*"A. Ensure that climate change resilience is built into the natural and built environments through:*

*i. a presumption against development in areas vulnerable to coastal erosion, flood risk and rising sea levels; including the undeveloped coast. To ensure flood risk is not exacerbated, mitigation and management measures; such as those envisaged by Scottish Planning Policy, should be promoted;*

*ii. reducing surface runoff including through use of sustainable drainage systems;*

*iii. protecting and utilising the water and carbon storage capacity of soils, such as peatlands, and woodland/other vegetation; and,*

*iv. Identifying, retaining and enhancing existing green infrastructure and spaces whilst making the best use of their multiple roles.*

*B. Integrate new development with existing community infrastructure and work with other delivery bodies to integrate, concentrate and co-locate additional new infrastructure to optimise its coverage and capability.*

*C. Ensure the integration of transport and land use to: reduce the need to travel and improve accessibility by foot, cycle and public transport; make the best use of existing infrastructure to achieve a walkable environment combining different land uses with green space; and, support land use and transport development by transport assessments/ appraisals and travel plans where appropriate, including necessary on and offsite infrastructure.*

*D. ensure that waste management solutions are incorporated into development to allow users/occupants to contribute to the aims of the Scottish Government's Zero Waste Plan.*

*E. ensure that high resource efficiency is incorporated within development through the orientation and design of buildings, the choice of materials and the use of low and zero carbon energy generating technologies to reduce carbon emissions and energy consumption to meet the Scottish Government's standards.*

*F. ensure that the arrangement, layout, design, density and mix of development and its connections are the result of understanding, incorporating and enhancing present natural and historic assets\*, the multiple roles of infrastructure and networks and local design context, and meet the requirements of Scottish Government's Designing Places and Designing Streets and provide additional green infrastructure where necessary."*

6.3.10 This policy requires new development to be fit for place, supporting more sustainable ways of life for people and businesses. This plan requires all types of new development within the TAYplan region to be fit for place and be capable of supporting more sustainable ways of life for the people and businesses that use them. Policy 2 seeks to help achieve this objective.

6.3.11 A key focus for Policy 2 is ensuring that new development helps to mitigate and adapt to climate change and becomes integral part of its surroundings rather than exclusive from them.

### **Policy 3 – 'Managing TAYplan's Assets'**

6.3.12 This policy states that Local Development Plans should identify land to ensure responsible management and safeguarding of TAYplan's assets. Such assets include employment land, greenbelts, natural and historic assets, transport and finite resources. Many elements of this policy are not directly relevant to the proposed development. The policy aims to support the growth of emerging sectors of the economy in a way that does not place unacceptable burdens on environmental capacity and increase exposure of users or inhabitants to risks. This can be achieved by directing development to specific locations (Policies 1,4,5,6 and 7).

### **Policy 6 – 'Energy and Waste / Resource Management Infrastructure'**

6.3.13 This is the most relevant policy against which the proposed development should be assessed. The policy ensures that energy and waste / resource management infrastructure is situated in the most appropriate locations. The policy identifies how the region will deliver a low / zero carbon future and contribute to meeting Scottish Government energy and waste targets:

*"A. Local Development Plans should identify areas that are suitable for different forms of renewable heat and electricity infrastructure and for waste/resource management infrastructure or criteria to support this; including, where appropriate, land for process industries (e.g. the co-location/proximity of surplus heat producers with heat users).*

*B. Beyond community or small scale facilities waste/resource management infrastructure is most likely to be focussed within or close to the Dundee and/or Perth Core Areas (identified in Policy 1).*

*C. Local Development Plans and development proposals should ensure that all areas of search, allocated sites, routes and decisions on development proposals for energy and waste/resource management infrastructure have been justified, at a minimum, on the basis of these considerations:*

- *The specific land take requirements associated with the infrastructure technology and associated statutory safety exclusion zones where appropriate;*
- *Waste/resource management proposals are justified against the Scottish Government's Zero Waste Plan and support the delivery of the waste/resource management hierarchy;*
- *Proximity of resources (e.g. woodland, wind or waste material); and to users/customers, grid connections and distribution networks for the heat, power or physical materials and waste products, where appropriate;*
- *Anticipated effects of construction and operation on air quality, emissions, noise, odour, surface and ground water pollution, drainage, waste disposal, radar installations and flight paths, and, of nuisance impacts on off-site properties;*
- *Sensitivity of landscapes (informed by landscape character assessments and other work), the water environment, biodiversity, geo-diversity, habitats, tourism, recreational access and listed/scheduled buildings and structures;*
- *Impacts of associated new grid connections and distribution or access infrastructure;*
- *Cumulative impacts of the scale and massing of multiple developments, including existing infrastructure;*
- *Impacts upon neighbouring planning authorities (both within and outwith TAYplan); and,*
- *Consistency with the National Planning Framework and its Action Programme."*

**Policy 8 – 'Delivering the Strategic Development Plan'** states:

*"To ensure that quality is designed-in to development and places developer contributions shall be sought for new development:*

*to mitigate any adverse impact on infrastructure, services and amenities brought about by development including contributions towards schools, affordable housing, transport infrastructure and facilities (including for road, rail, walking, cycling and public transport), and other community facilities in accordance with the Scottish Government Circular 1/2010."*

6.3.14 This policy sets out requirements for developer contributions. It is important that developer contributions ensure that the additional burdens placed on infrastructure and services as a result of a development are mitigated by the Applicant.

## 6.4 Perth & Kinross Local Development Plan

6.4.1 The Perth and Kinross Local Development Plan (LDP) was adopted on 3rd February 2014 and is the current LDP covering the site.

6.4.2 The site is within the Highland Perthshire area and is not covered by any specific development allocations.

*"In order to address potential energy scarcity issues in the future, development needs to be located and designed in a way that maximises energy efficiency. The benefit of development which delivers more secure and diverse energy supplies will also need to be recognised".*

6.4.3 The spatial strategy for Highland Perthshire (Section 6.1 of the LDP) identifies that this area covers approximately 1,000 sq. miles which represents half of the land area of Perth and Kinross.

6.4.4 Table 6.1 below provides a list of the LDP policies considered to be of potential relevance to the EIA. Process, which also contain the relevant policies with which to assess the proposed development.

**Table 6.1: Relevant Local Development Plan Policies**

Policy	Policy Title
Policy ER1	Renewable and Low Carbon Energy Generation
Policy PM2	Design Statements
Policy CF2	Public Access
Policy HE1	Scheduled Monuments and Non-Designated Archaeology
Policy HE2	Listed Buildings
Policy HE4	Gardens and Designed Landscapes
Policy NE1	Environment and Conservation Policies
Policy NE2	Forestry, Woodland and Trees
Policy NE3	Biodiversity
Policy ER6	Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Area's Landscapes
Policy EP2	New Development and Flooding
Policy EP3	Water Environment and Drainage
Policy EP8	Noise Pollution

6.4.5 **Policy ER1 – 'Renewable and Low Carbon Energy Generation'** states:

*"Policy ER1A: New proposals*

*Proposals for the utilisation, distribution and development of renewable and low carbon sources of energy will be supported subject to the following factors being taken into account:*

*(a) The individual or cumulative effects on biodiversity, landscape character, visual integrity, the historic environment, cultural heritage, tranquil qualities, wildness qualities, water resources, aviation, telecommunications and the residential amenity of the surrounding area.*

*(b) The contribution of the proposed development towards meeting carbon reduction targets.*

*(c) The effects on the elements listed in criterion (a) of the connection to the electricity distribution or transmission system.*

*(d) The transport implications, and in particular the scale and nature of traffic likely to be generated, and its implications for site access, road capacity, road safety, and the environment generally.*

*(e) The hill tracks and borrow pits associated with any development.*

*(f) The effects on carbon rich soils.*

*(g) Any positive or negative effects they may have on the local or Perth & Kinross economy including tourism and recreation interests either individually or cumulatively.*

*(h) In the case of large-scale onshore wind energy developments, their fit with the spatial framework for wind energy developments.*

*Proposals for the development of renewable and low carbon sources of energy by a community will be supported provided it has been demonstrated that the factors (a) - (h) itemised above have been fully considered.*

*Policy ER1B: Extensions of Existing Facilities*

*Proposals for the extension of existing renewable energy facilities will be assessed against the same factors and material considerations as apply to proposals for new facilities.*

*In all cases the Council will require the removal of the development and associated equipment and the restoration of the site whenever the consent expires or the project ceases to operate for a specific period.*

***Note:** Supplementary Guidance will provide a spatial framework for large-scale wind energy developments, and further explain the locational, technological, environmental, and design requirements for developers to consider in making their applications for a range of other renewable and low carbon energy generating developments, including: small-scale wind energy developments and single turbines, hydro-schemes, woody biomass, landfill gas, energy from waste, anaerobic digestion, energy storage, large photovoltaic arrays, and micro-generation."*

6.4.6 Policy ER1 is a key policy in relation to the proposed development and is supportive of renewable and low carbon sources of energy provided a number of criteria are met.

6.4.7 Policy PM2 – 'Design Statements' states:

*"Design statements will normally need to accompany a planning application if the development:*

*(a) comprises five or more dwellings; or*

*(b) is a non-residential use greater than 0.5 ha in area; or*

*(c) affects the character and/or appearance of a Conservation Area, Historic Garden, Designed Landscape, or the setting of a Listed Building or Scheduled Monument.*

*A design statement may also be required to accompany a Planning Application for other forms of development where design sensitivity is considered a critical issue. If applicants are uncertain as to whether a design statement is expected, or on the level of scope and detail that will be appropriate, then the views of the Council should be sought.*

*Note: Further guidance can be found in Planning Advice Note (PAN) 68 Design Statements."*

#### 6.4.8 Policy CF2 – ‘Public Access’ states:

*“Development proposals that would have an adverse impact upon the integrity of any (proposed) core path, disused railway line, asserted right of way or other well used route will be refused. Development proposals that would affect unreasonably public access rights to these features will be refused unless these adverse impacts are adequately addressed in the plans and suitable alternative provision is made.”*

#### 6.4.9 Policy HE1 – ‘Scheduled Monuments and Non-Designated Archaeology’ states:

*“Policy HE1A: Scheduled Monuments*

*There is a presumption against development which would have an adverse effect on the integrity of a Scheduled Monument and its setting, unless there are exceptional circumstances.*

*Policy HE1B: Non-Designated Archaeology*

*The Council will seek to protect areas or sites of known archaeological interest and their settings. Where development is proposed in such areas, there will be a strong presumption in favour of preservation in situ. Where, in exceptional circumstances, preservation of the archaeological features is not feasible, the developer, if necessary through appropriate conditions attached to the granting of planning permission, will be required to make provision for the survey, excavation, recording and analysis of threatened features prior to development commencing.*

*If discoveries are made during any development, work should be suspended, the local Planning Authority should be informed immediately and mitigation measures should be agreed.”*

#### 6.4.10 Policy HE2 – ‘Listed Buildings’ states:

*“There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use, and any proposed alterations or adaptations to help sustain or enhance a building’s beneficial use should not adversely affect its special interest.*

*Encouragement will be given to proposals to improve the energy efficiency of listed buildings within Perth and Kinross, providing such improvements do not impact detrimentally on the special interest of the building.*

*Enabling development may be acceptable where it can be shown to be the only means of retaining a listed building. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building’s character, appearance and setting.”*

#### 6.4.11 Policy HE4 – ‘Gardens and Designed Landscapes’ states:

*“Gardens and designed landscapes make a significant contribution to the character and quality of the landscape in Perth and Kinross. The Council will seek to manage change in order to protect and enhance the integrity of those sites included on the current Inventory of Gardens and Designed Landscapes. The Council may require the submission of a management plan with any application for development within areas included in the current Inventory.*

*As resources permit, the Council will continue with the process of identification of non-Inventory sites in Perth and Kinross and the associated task of devising an approach to their future management.”*

#### 6.4.12 Policy NE1 – ‘Environment and Conservation Policies’ states:

*“Policy NE1A: International Nature Conservation Sites*

*Development which could have a significant effect on a site designated or proposed under the Habitats or Birds Directive (Special Areas of Conservation and Special Protection Areas) or Ramsar site, will only be permitted where:*

- (a) an appropriate assessment has demonstrated that it will not adversely affect the integrity of the site, or*
- (b) there are no alternative solutions, and*
- (c) there are imperative reasons of overriding public interest, including those of social or economic nature.*

*Policy NE1B: National Designations*

*Development which would affect a National Park, National Scenic Area, Site of Special Scientific Interest or National Nature Reserve, will only be permitted where the Council as Planning Authority is satisfied that:*

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

*Policy NE1C: Local Designations*

*Development which would affect an area designated by the Planning Authority as being of local conservation or geological interest will not normally be permitted, except where the Council as*

*Planning Authority is satisfied that:*

- (a) the objectives of designation and the overall integrity of the designated area would not be compromised; or*
- (b) any locally significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social and economic benefits."*

**6.4.13 Policy NE2 – ‘Forestry, Woodland and Trees’ states:**

*"Policy NE2A*

*The Council will support proposals which:*

- (a) deliver woodlands that meet local priorities as well as maximising benefits for the local economy, communities, sport and recreation and environment;*
- (b) protect existing trees, woodland, especially those with high natural, historic and cultural heritage value;*
- (c) seek to expand woodland cover in line with the guidance contained in the Perth and Kinross Forestry and Woodland Strategy;*
- (d) encourage the protection and good management of amenity trees, or groups of trees, important for amenity sport and recreation or because of their cultural or heritage interest;*
- (e) ensure the protection and good management of amenity trees, safeguard trees in Conservation Areas and trees on development sites in accordance with BS5837 "Trees in Relation to Construction";*

*(f) seek to secure establishment of new woodland in advance of major developments where practicable and secure new tree planting in line with the guidance contained in the Perth and Kinross Forestry and Woodland Strategy.*

*Policy NE2B*

*Tree surveys, undertaken by a competent person, should accompany all applications for planning permission where there are existing trees on a site. The scope and nature of such surveys will reflect the known or potential amenity, nature conservation and/or recreational value of the trees in question and should be agreed in advance with the council. The Council will follow the principles of the Scottish Government Policy on Woodland Removal. In accordance with that document, there will be a presumption in favour of protecting woodland resources except where the works proposed involve the temporary removal of tree cover in a plantation, which is associated with clear felling and restocking. In exceptional cases where the loss of individual trees or woodland cover is unavoidable, the Council will require mitigation measures to be provided.*

*Note: The Council is preparing as Supplementary Guidance a Forestry and Woodland Strategy which will provide locational guidance and seeks to:*

- promote multi-objective woodland management that delivers environmental, economic and social benefits;*
- enhance the condition of existing woodland cover and expand them to develop habitat networks that complement the landscape character and other landuses;*
- enhance landscapes through sensitive restructuring or removal of inappropriately sited and commercially unviable forest blocks;*
- encourage sustainable forestry that contributes to adaptation and mitigation of a changing climate;*
- enhance habitat connectivity both within and between river catchments using the most appropriate species and or land management options;*
- conserves and expand riparian woodlands using appropriate species for the benefit of biodiversity and flood alleviation purposes;*
- promote community participation in woodland planning and management;*
- promote the value of trees and woodlands as a sustainable tourism asset;*
- apply the guidance and advice in the Scottish Government's Control of Woodland Removal Policy when considering proposals for tree removal;*
- To identify trees and woodlands in the Perth and Kinross area where nature conservation is of primary importance."*

**6.4.14 Policy NE3 - 'Biodiversity' states:**

*"The Council will seek to protect and enhance all wildlife and wildlife habitats, whether formally designated/protected or not, taking into account the ecosystems and natural processes in the area.*

*The Council will apply the principles of the Tayside Biodiversity Partnership Planning Manual and will take account of the Tayside Local Biodiversity Action Plan (LBAP) and relevant national and European legislation relating to protected species when making decisions about applications for development.*

*Proposals that have a detrimental impact on the ability to achieve the guidelines and actions identified in these documents will not be supported unless clear evidence can be provided that the ecological impacts can be satisfactorily mitigated. In particular developers may be required to:*

- (a) ensure a detailed survey is undertaken by a qualified specialist where one or more protected or priority species is known or suspected. Large developments that will have an impact on the environment may require an Environmental Impact Assessment;*
- (b) demonstrate all adverse effects on species and habitats have been avoided wherever possible. A Landscape Plan may be required to demonstrate the impact of the development and how good design and site layout can enhance the existing biodiversity;*
- (c) include mitigation measures and implementation strategies where adverse effects are unavoidable;*
- (d) enter into a Planning Obligation or similar to secure the preparation and implementation of a suitable long-term management plan or a site Biodiversity Action Plan, together with long-term monitoring.*

#### *European Protected Species*

*Planning permission will not be granted for development that would, either individually or cumulatively, be likely to have an adverse effect upon European protected species (listed in Annex IV of the Habitats Directive (Directive 92/43/EEC)) unless the Council as Planning Authority is satisfied that:*

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

*In no circumstances can a development be approved which would be detrimental to the maintenance of the population of a European protected species at a favourable conservation status in its natural range.*

#### *Other protected species*

*Planning permission will not be granted for development that would be likely to have an adverse effect on protected species unless it can be justified in accordance with the relevant protected species legislation (Wildlife and Countryside Act 1981 (as amended) and the Protection of Badgers Act (1992).)*

*Note: Supplementary Guidance on biodiversity has been prepared for householder and developer as a guide to incorporating biodiversity into development."*

#### **6.4.15 Policy ER6 – ‘Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Area’s Landscapes’ states:**

*“Development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross’s landscapes. Accordingly, development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross. They will need to demonstrate that either in the case of individual developments, or when cumulatively considered alongside other existing or proposed developments:*

- (a) they do not erode local distinctiveness, diversity and quality of Perth and Kinross’s landscape character areas, the historic and cultural dimension of the area’s landscapes, visual and scenic qualities of the landscape, or the quality of landscape experience;*

*(b) they safeguard views, viewpoints and landmarks from development that would detract from their visual integrity, identity or scenic quality;*

*(c) they safeguard the tranquil qualities of the area's landscapes;*

*(d) they safeguard the relative wildness of the area's landscapes;*

*(e) they provide high quality standards in landscape design, including landscape enhancement and mitigation schemes when there is an associated impact on a landscape's qualities;*

*(f) they incorporate measures for protecting and enhancing the ecological, geological, geomorphological, archaeological, historic, cultural and visual amenity elements of the landscape;*

*and*

*(g) they conserve the experience of the night sky in less developed areas of Perth and Kinross through design solutions with low light impact.*

*Note: Until it is possible to assess the acceptability of development proposals against Perth and Kinross-wide Supplementary Guidance on Landscape, priority will be given to safeguarding and enhancing the landscape of National Scenic Areas. The Tayside Landscape Character Assessment will be used for assessing development proposals, along with other material considerations."*

#### 6.4.16 Policy EP2 – 'New Development and Flooding' states:

*"There will be a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. In addition, built development should avoid areas at significant risk from landslip, coastal erosion and storm surges.*

*Where a risk of flooding is known or suspected the Council will use the flood risk framework shown in the diagram overleaf and considers that areas of:*

*(i) medium to high flood risk are not suitable for essential civil infrastructure;*

*(ii) low to medium flood risk are suitable for most forms of development; and*

*(iii) little or no flood risk shown present no flood related constraints on development.*

*All development within areas of medium to high flood risk must incorporate a 'freeboard' allowance and the use of water resistant materials and forms of construction appropriate to its function, location, and planned lifetime relative to the anticipated changes in flood risk arising from climate change.*

*To allow for adaption to increased flood risk associated with climate change, development should not:*

*(a) Increase the rate of surface water run-off from any site;*

*(b) Reduce the naturalness of the river;*

*(c) Add to the area of land requiring flood protection measures;*

*(d) Affect the flood attenuation capability of the functional flood plain; nor*

*(e) Compromise major options for future shoreline or river management.*

*Note: Please refer to the further detailed guidance on flood risk and flood risk assessment which is contained within the Supplementary Guidance accompanying this Plan."*

#### 6.4.17 Policy EP3 – ‘Water Environment and Drainage’ states:

##### *Policy EP3A: Water Environment*

*The Scottish River Basin Management Plan has protection and improvement objectives which aim to ensure that there is no deterioration of water body status and where possible secure long term enhancements to water body status. Proposals for development which do not accord with the Scotland River Basin Management Plan and any relevant associated Area Management Plans will be refused planning permission unless the development is judged by the Council to be of significant specified benefit to society and/or the wider environment.*

##### *Policy EP3B: Foul Drainage*

*Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer. In settlements where there is little or no public sewerage system, a private system may be permitted provided it does not have an adverse effect on the natural and built environment, surrounding uses and amenity of the area. For a private system to be acceptable it must comply with the Scottish Building Standards Agency Technical Handbooks.*

##### *Policy EP3C: Surface Water Drainage*

*All new development will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.*

##### *Policy EP3D: Reinstatement of Natural Watercourses*

*The Council will not support development over an existing culvert or the culverting of watercourses as part of a new development unless there is no practical alternative. Where deemed necessary it will be essential to provide adequate access for maintenance. Existing culverts should be opened and redundant water engineering structures removed whenever possible to benefit wildlife and improve amenity."*

#### 6.4.18 Policy EP8 – ‘Noise Pollution’ states:

*"There will be a presumption against the siting of development proposals which will generate high levels of noise in the locality of existing or proposed noise sensitive land uses and similarly against the locating of noise sensitive uses near to sources of noise generation.*

*In exceptional circumstances, where it is not feasible or is undesirable to separate noisy land uses from noise sensitive uses, or to mitigate the adverse effects of the noise through the negotiation of design solutions, the Council may use conditions attached to the granting of planning consent, or if necessary planning agreements, in order to control noise levels. A Noise Impact Assessment will be required for those development proposals where it is anticipated that a noise problem is likely to occur."*

## 6.5 Material Considerations

6.5.1 Material considerations by their very nature can be wide in scope and far reaching. For the purposes of the proposed development only those material considerations of most relevance are described below.

- Renewable Energy policy and legislation (set out above);
- The National Planning Framework 2;
- The National Planning Framework 3 Parliamentary Draft (2014);

- Scottish Planning Policy (2010);
- Consultation draft Scottish Planning Policy (2013);
- Scottish Governments Web Based Renewables Guidance;
- Planning Advice Notes;
- Scottish Historic Environment Policy (SHEP);
- Supplementary Planning Guidance; and
- Ministerial policy statements (set out above).

### ***The National Planning Framework 2 (NPF 2)***

- 6.5.2 The Planning etc. (Scotland) Act 2006 has provided the National Planning Policy Framework with a statutory footing in the Scottish Planning System, and by so doing, sets the context for framing planning policy and making consenting decisions. The framework has been implemented in order to set a national context for all development plans and consenting decisions, and informs the on-going programmes of the Scottish Government, public agencies and local authorities.
- 6.5.3 NPF 2 is concerned with Scotland in its wider context and addresses major challenges including climate change. It contains targets for energy supply and the reduction of greenhouse gas emissions (paragraph 3). NPF 2 takes forward the spatial aspects of the Scottish Government's policy commitments on sustainable economic growth and climate change, which paragraph 5 of the document notes "*will see Scotland move towards a low carbon economy*".
- 6.5.4 NPF 2 refers to sustainable development (page 6) and states: "The Scottish Government's commitment to sustainable development is reflected in its policies on matters such as climate change, transport, renewable energy...".
- 6.5.5 Energy is specifically referred to in paragraph 25 in NPF 2. It states that: "*tackling climate change and reducing dependence on finite fossil fuels are two of the major global challenges of our time ... addressing these challenges will demand profound changes in the way we produce, distribute and use energy over the coming decades*".
- 6.5.6 Paragraph 26 notes that the EU has now set a commitment to derive 20 % of its energy use from renewable sources by 2020. Reference is also made to the Scottish Government support for this objective and Scotland's own, higher target for electricity generated from renewable sources (now 100 % by 2020).
- 6.5.7 NPF 2 also notes that the main elements of the spatial strategy to 2030 are to inter alia "*realise the potential of Scotland's renewable energy resources and facilitate the generation of power and heat from all clean, low carbon sources*".
- 6.5.8 In terms of sustainable growth, paragraph 65 notes that energy is a major resource for rural areas and it states that "*the Government is committed to realising the power generating potential of renewable sources of energy*".
- 6.5.9 It should also be noted that paragraph 145 in NPF 2, with regard to energy, notes that the Government is committed to establishing Scotland as a leading location for the proposed development of renewable energy technology and an energy exporter over the long term. It notes "*the aim of national planning policy is to develop Scotland's renewable energy potential while safeguarding the environment and communities*".

6.5.10 Overall the NPF 2 sets out the Government's commitment to the further development of renewable energy in Scotland and confirms the importance of this resource as a key element of achieving the spatial strategy for the country up to 2030 and indeed, as a key element to attaining the Government's central purpose of increasing sustainable economic growth.

### ***National Planning Framework 3 Parliamentary Draft***

6.5.11 The National Planning Framework 3 (Parliamentary Draft) ("NPF 3 Draft") was lodged with Scottish Ministers for consideration on 14th January 2014. The Scottish Government anticipates the NPF 3 being formally approved in June 2014.

6.5.12 The Structure of the NPF 3 Draft is markedly different from NPF 2. The NPF 2 is structured on the basis of a number of topics, whereas the NPF3 Draft is based on a number of themes, each considering 'Scotland today', 'Scotland tomorrow' and 'spatial priorities for change'. The Scottish Government's policy position on onshore wind energy development is provided under the theme entitled 'A low carbon place'.

6.5.13 It is emphasised at the start of section 3 that *"our ambition is to achieve at least an 80 % reduction in greenhouse gas emissions by 2050"*.

6.5.14 Policy support for onshore wind energy development is set out in section 3 of the document with the following being the most relevant policy statements:

6.5.15 *"A planned approach to development has ensured that onshore wind energy development largely avoids our internationally and nationally protected areas. Whilst there is strong public support for wind energy as part of the renewable energy mix, views on onshore wind in particular locations can vary. In some areas, concern is expressed about the scale, proximity and impacts of proposed wind energy developments. In others, it is recognised as an opportunity to improve the long-term resilience of rural communities. We are seeing more communities benefiting from both locally-owned and commercial-scale developments with at least 247 MW of community and local schemes installed by 2012, across 3,400 sites."* (paragraph 3.6)

6.5.16 *"...Maintaining security of supplies and addressing fuel poverty remain key objectives. We want to continue to capitalise on our wind resource, and for Scotland to be a world leader in offshore renewable energy. In time, we expect the pace of onshore wind energy development to be overtaken by a growing focus on our significant marine energy opportunities, including wind, wave and tidal energy."* (paragraph 3.8)

6.5.17 *"Onshore wind will continue to make a significant contribution to diversification of energy supplies. We do not wish to see wind farm development in our National Parks and National Scenic Areas. Scottish Planning Policy will set out the required approach to spatial frameworks which will guide new wind energy development to appropriate locations."* (paragraph 3.22)

6.5.18 From NPF3 it is clear that the Government has expressed a very strong commitment to achieving a low carbon economy and onshore wind is to play a significant role in achieving the various targets set out for 2020 and beyond.

### ***Scottish Planning Policy***

6.5.19 On 4th February 2010, the Scottish Ministers issued 'Scottish Planning Policy' (SPP). This consolidated SPP provides a shorter, clearer and more focused statement of the Scottish Government's planning policy on land use matters. The SPP supersedes all previous statements of national planning policy.

6.5.20 In addition to the policy advice summarised above, the SPP provides more detailed planning policy advice with regard to specific subject areas, as summarised below.

## Renewable Energy

6.5.21 Paragraphs 182-195 of the SPP relate to renewable energy. The document also acknowledges that onshore wind and hydroelectric power are the main contributors to renewable energy in Scotland at present.

6.5.22 The key policy matters from SPP that refer to renewable energy are:

- *“The commitment to increase the amount of electricity generated from renewable sources is a vital part of the response to climate change. Renewable energy generation will contribute to more secure and diverse energy supplies and support sustainable economic growth” (paragraph 182, page 37);*
- *“Planning authorities should support the development of a diverse range of renewable energy technologies, guide development to appropriate locations and provide clarity on the issues that will be taken into account when specific proposals are assessed. Development plans should support all scales of development associated with the generation of energy and heat from renewable sources, ensuring that an area’s renewable energy potential is realised and optimised in a way that takes account of relevant economic, social, environmental and transport issues and maximises benefits” (paragraph 184, page 37); and*
- *“Planning authorities should ensure that the Development Plan or supplementary guidance clearly explain the factors that will be taken into account in decision making on all renewable energy generation developments. Factors relevant to the consideration of applications will depend on the scale of the development and its relationship with the surrounding area, but are likely to include impact on the landscape, historic environment, natural heritage and water environment, amenity and communities, and any cumulative impacts that are likely to arise” (paragraph 185, page 37).*

6.5.23 The SPP also requires the design and siting of wind farms to reflect the scale and character of the landscape and in considering cumulative impact, the SPP requires consideration of wind farms that are built, those subject to extant but unimplemented consents and those subject to valid but undetermined applications.

6.5.24 In reference to wind farm development, the SPP instructs planning authorities to support the proposed development of wind farms in areas where the technology can operate efficiently and the impacts on communities and the environment can be satisfactorily addressed. It also sets out that local authorities should adopt frameworks that promote and encourage renewable and low-carbon energy generation.

6.5.25 The SPP requires Development Plans to set out the potential for wind farm development in the area and specify the criteria that will be considered in determining applications. The SPP details that planning authorities should set out a spatial framework for onshore wind farms of over 20 MW generating capacity. However, these frameworks should not be used to put in place a sequential approach to determining applications which requires applicants proposing development out with an area of search to show that there is no capacity within areas of search.

6.5.26 The SPP also stipulates that planning authorities should not make assumptions on technical constraints when formulating wind farm spatial frameworks within renewable energy policy. It highlights that regardless of whether a site is above or below 20 MW it should be determined on the basis of individual site assessment against the following criteria which are likely to include:

- landscape and visual impact;
- effects on the natural heritage and historic environment;
- contribution of the proposed development to renewable energy generation targets;
- effect on the local and national economy and tourism and recreation interests;

- benefits and disbenefits for communities;
- aviation and telecommunications;
- noise and shadow flicker; and
- cumulative impact.

#### Community Engagement

6.5.27 Paragraphs 31 and 32 of the SPP highlight the importance of public consultation, and explain that the Scottish Government presumes that this will occur from the initial stages of any planning application, in order to establish the views of the local community effectively. The requirements for such consultation are specified in the Town and Country Planning (Scotland) Act 1997 (as amended).

#### Sustainable Development

6.5.28 The SPP notes that increasing sustainable economic growth and sustainable development are an overarching principle of the Scottish Government and that the: *"planning system should promote development that supports the move towards a more economically, socially and environmentally sustainable society"*.

6.5.29 Paragraph 37 states that the decision making process within the planning system should: *"contribute to the reduction of greenhouse gas emissions in line with the commitment to reduce emissions by 42 % by 2020 and 80 % by 2050, contribute to reducing energy consumption and to the development of renewable energy generation opportunities"*.

6.5.30 Climate Change, and the need to reduce greenhouse gas emissions, is prominent within the SPP and reaffirms the position of Section 44 of the Climate Change (Scotland) Act 2009 which places a statutory duty on all public bodies to act:

- in the way best calculated to contribute to the delivery of the emissions targets in the Act;
- in the best way calculated to help deliver the Government's climate change adaptation programme; and
- in a way that it considers is most sustainable.

6.5.31 The 2020 and 2050 greenhouse gas reduction targets are noted and it is stated at paragraph 42 of the SPP that: *"the causes of climate change and the need to adapt to its short and long terms impacts should be taken into account in all decisions throughout the planning system"*.

#### Historic Environment

6.5.32 The SPP sets out the Scottish Government's policy on the protection, conservation and enhancement of the historic environment and the role of the planning system. Paragraph 111 notes that: *"In most cases, the historic environment (excluding archaeology) can accommodate change which is informed and sensitively managed, and can be adapted to accommodate new uses whilst retaining its special character"*.

6.5.33 The SPP makes reference to the need to take into account Historic Scotland policy in the determination of applications affecting the historic environment; which include Scottish Historic Environment Policy and the 'Managing Change in the Historic Environment' guidance note series.

6.5.34 Paragraph 115 of the SPP is relevant to conservation areas and states that *"any proposal out with the conservation area that will impact on its appearance, character or setting, should be appropriate to the character and setting of the conservation area"*.

6.5.35 Paragraph 122 of the SPP also refers to Gardens and Designed Landscapes and requires change to be appropriately managed.

#### Landscape and Natural Heritage

6.5.36 The SPP provides policy guidance for the conservation, enhancement and sustainable use of Scotland's landscape and natural heritage. In paragraph 125 et seq. natural heritage is identified as including flora, fauna, geological and physiographical features, its natural beauty and amenity (Natural Heritage (Scotland) Act 1991). It notes that: Planning Authorities are directed to take a broader approach to landscape and natural heritage than just conserving designated sites and species. Integrated habitat networks are encouraged in terms of their important contribution to allowing habitats and species to respond to changes in climate.

6.5.37 The SPP also states that the *"Landscape in both the countryside and urban areas is constantly changing and the aim is to facilitate positive change whilst maintaining and enhancing distinctive character."* It continues: *"Different landscapes will have a different capacity to accommodate new development, and the siting and design of development should be informed by the local landscape character"* (paragraph 127).

6.5.38 Paragraph 131 of the SPP states that *"While the protection of the landscape and natural heritage may sometimes impose constraints on development, with careful planning and design the potential for conflict can be minimised and the potential for enhancement maximised"*.

6.5.39 With regard to designated sites, the SPP advises that *"Statutory natural heritage designations are important considerations where they are directly or indirectly affected by a development proposal. However, designation does not necessarily imply a prohibition on development"* (paragraph 131).

6.5.40 In terms of national designations such as National Scenic Areas, SSSIs, and National Parks; SPP notes at paragraph 137 that development which could have a significant effect upon a national designation will only be permitted where:

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

6.5.41 The SPP also provides guidance of relevance to international natural heritage designations at paragraph 134 and to local designations at paragraph 140.

6.5.42 In terms of National Parks, SPP advises:

*"National parks are designated under the National Parks (Scotland) Act 2000 because they are areas of national importance for their natural and cultural heritage. The four aims of national parks are to:*

6.5.43 Conserve and enhance the natural and cultural heritage of the area,

- promote sustainable use of the natural resources of the area,
- promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public, and
- promote sustainable economic and social development of the area's communities.

*In circumstances where conflict between the objectives arises and cannot be resolved, the 2000 Act requires that the conservation of the natural and cultural heritage should take precedence. The management strategy for each*

*park is set out in the National Park Plan. Development plans within park areas should be consistent with the National Park Plan."*

### Rural Development

- 6.5.44 The SPP provides the Scottish Government's planning guidance on rural development at paragraphs 92 - 96. Significant emphasis is placed on supporting sustainable economic growth within rural areas and the planning system has a large role to play in achieving this. It is recommended that the Development Plan should reflect the "overarching aim of supporting diversification and growth in the rural economy" (paragraph 93).
- 6.5.45 Good quality design and high environmental standards are required for rural development and paragraph 95 states that "All new development should respond to the specific local character of the location, fit in with the landscape and seek to achieve high design and environmental standards, particularly in relation to energy efficiency".
- 6.5.46 The SPP also seeks to provide protection to 'prime quality agricultural land' from inappropriate development, but with regard to renewable energy developments notes that "Renewable energy generation or minerals extraction may be acceptable where restoration proposals will return the land to its former status" (paragraph 97).

### **Scottish Planning Policy Consultation Draft – May 2013**

- 6.5.47 The consultation draft of Scottish Planning Policy (SPP) was published for consultation on 30th April 2013. The consultation follows from an open consultation towards the end of 2012 which requested views on what should change within a revised SPP.
- 6.5.48 The 2013 consultation draft of the SPP provides the Scottish Government's Planning Policy in a different structure to the existing draft, with a focus on principle policies and subject policies. In terms of the proposed policy changes with respect to renewable energy development, the SPP proposes significant changes to the way in which the Scottish Government expects Local Authorities to prepare their spatial framework for onshore wind energy development. In terms of the proposed development management tests for the assessment of renewable energy development, these have not significantly changed from those set out within the existing SPP.
- 6.5.49 It should be noted that the SPP consultation draft could change significantly prior to the formal adoption of the revised SPP by the Scottish Government, which is expected to be published towards the end of June 2014.

### **Scottish Government Renewables Advice**

- 6.5.50 Pan 45 'Renewable Energy Technologies' (including Annex 2) has been replaced by web based renewables guidance, which the Scottish Government's website notes will be regularly updated and indeed since publication has been subject to a number of updates. The first tranche of guidance provided on the Scottish Government's website includes guidance on planning for onshore wind turbines and developing spatial frameworks for onshore wind farm development. The relevant headings of the guidance are noted below:

- landscape impact;
- impacts on wildlife and habitat, ecosystems and biodiversity;
- assessing impact on wildlife and habitat;
- buffer zones;
- impact on communities;

- separation distances;
- aviation matters;
- historic environment impacts;
- road traffic impacts;
- cumulative impacts; and
- decommissioning.

### ***Planning Advice Notes (PANs)***

6.5.51 Table 6.2 identifies and summarises PAN's of relevance to the proposed development. They are published by the Scottish Government and provide advice on good practice and information on technical planning matters.

**Table 6.2: Planning Advice Notes**

Guidance	Title	Summary
PAN2/2011	Archaeology and Planning	Provides best practice advice on addressing archaeological matters within the planning process and sits alongside SPP, SHEP and Managing Change in the Historic Environment Guidance Notes.
Scottish Government Web-based Renewables Advice	Scottish Government Web-based Renewables Advice	Replaced PAN 45 Renewable Energy Technologies (2002); with Scottish Government renewables advice, which offers guidance to Planning Authorities on the matters that they may wish to consider in determining an application for consent for onshore wind energy development. The guidance also offers advice to Planning Authorities in preparing their spatial frameworks to guide the proposed development of wind energy development.
PAN1/2011	Planning and Noise	Demonstrates the role of the planning system in preventing and limiting the adverse effects of noise without prejudicing investment in enterprise, development and transport.
PAN1/2013	Environmental Impact Assessment	Relates specifically to environmental impact assessment for development projects authorised under planning legislation. It provides information and advice on: the legislative background to EIA, EIAs in Scotland, the process of EIA, environmental studies and statements, the evaluation of environmental information by PKC, and

Guidance	Title	Summary
		implementation through planning decisions. The PAN identifies the aim of EIA as to avoid, reduce, and offset any adverse impacts.
PAN 60	Planning for Natural Heritage (2000)	Gives basic advice in relation to development and natural heritage. It reiterates the Government's Commitment to the protection and enhancement of the natural heritage.
PAN 75	Planning for Transport (2005)	Provides advice on the requirement to link transport strategies and development plans and the need to take into account accessibility, location, modal split parking and design.
PAN 1/2010	Community Engagement	Advice to Planning Authorities and developers on how communities should be properly engaged in the planning process.

### ***Scottish Historic Environment Policy***

- 6.5.1 The Scottish Historic Environment Policy ("SHEP"), issued in October 2008 and subsequently updated in July 2009, sets out the Scottish Government's policies on historic environment matters.
- 6.5.2 The key principles of SHEP include policy on the need to ensure that *"where change is proposed, it is appropriate, carefully considered, authoritatively based, properly planned and executed, and (if appropriate) reversible"* (paragraph 1.15).

### ***Supplementary Planning Guidance***

- 6.5.3 Other policy guidance of relevance within the PKC area comprises Supplementary Planning Guidance ("SPG") and emerging Supplementary Guidance ("SG"). In 2005 PKC approved 'Supplementary Planning Guidance for Wind Energy Proposals in Perth and Kinross'.
- 6.5.4 The SPG contains a general policy of encouragement for renewable energy projects, however the document is to be replaced with new SG. The document contains various policies and guidelines as follows:
- Wind Energy Policy 1;
  - Wind Energy Policy 2;
  - Guidance 1 Landscape Impact;
  - Guidance 2 Visual Impact;
  - Guideline 3 Cumulative Visual and Landscape Impacts;
  - Guideline 4 Impact on Biodiversity;
  - Guideline 5 Cumulative Impact on Ornithology Interests;

- Guideline 6 Operational Impacts;
- Guideline 7 Water Resources;
- Guideline 8 Aviation Interests;
- Guideline 9 Maintaining Carbon Sinks;
- Guideline 10 Decommissioning and Site Reinstatement; and
- Guideline 11 Protection of Wind Energy Developments.

6.5.5 Although the SPG contains encouragement for renewable energy projects, the detailed policies and guidelines of the SPG have, in various planning appeal decisions, been found to be unduly restrictive and contrary to national planning policy provisions by Scottish Government Reporters.

6.5.6 Given this criticism and also the fact that the guidelines are currently the subject of review; it is considered that limited weight should be attached to them.

6.5.7 PKC is also preparing new Supplementary Guidance on wind energy and this will replace the 2005 guidance. The new SG will include a spatial framework and guidelines for wind energy developments; however, it remains work in progress with PKC. It is understood that a draft is not yet available.

## 6.6 Summary

6.6.1 This chapter has provided a summary of the regulatory, planning and energy policy frameworks applicable to the assessment of the proposed development.

6.6.2 A separate analysis of the proposed development's accordance with the Development Plan and other material considerations is provided within the Planning Statement that is submitted with the application for consent. The Planning Statement provides the Applicant's assessment of how the proposed development relates and responds to the requirements of the Development Plan and relevant material considerations.