



# Chapter 4

## Renewable energy and planning policy

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Technical Appendix 4.1: Legislation, Planning Policy and Guidance



# Chapter 4

## Renewable energy and planning policy

### 4.1 Introduction

1. This Chapter outlines the renewable energy and planning policy that is considered to be relevant to the proposed Development. This has been done in order to set the proposed Development in the context of the adopted plans, objectives and strategies at the international, national and local levels. **Technical Appendix 4.1: Legislation, Planning Policy and Guidance**, provides a summary of specific relevant legislation, planning policy and guidance for each technical discipline considered in the Environmental Impact Assessment (EIA) Report.
2. In line with the Institute of Environmental Management & Assessment (IEMA) guidelines (2004) the detailed analysis of the policies is provided separately to this EIA Report. A more detailed analysis of the policies is contained in the Planning Statement, which is included in the submission to the Energy Consents Unit (ECU).
3. This EIA Report is prepared in respect of a development which will be considered in the context of Section 36 of the Electricity Act 1989 (Section 36 Application). In the consideration of the application the Scottish Ministers' have a duty to fulfil the requirements of Schedule 9 (paragraph 3) of the Electricity Act 1989. The applicant holds a Generation Licence and is therefore required to have regard to matters in formulating proposals. The applicant has had regard to the duties imposed upon them in terms of Schedule 9 and thereafter the Scottish Ministers will have to consider the *"desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest"*. In addition, the Scottish Ministers are required to assess whether the applicant has fulfilled the requirement to *"do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects"*.
4. In the case of Section 36 Applications the role of the Development Plan is not the same as in the case of the Town and Country Planning (Scotland) Act 1997. The test set out in Section 25 of the Town and Country Planning (Scotland) Act 1997 which sets out that development must accord with the terms of the Development Plan is not engaged in the case of a S36 application. The Development Plan is nonetheless material to the determination of the application. Through the EIA process the applicant has sought to develop a scheme that takes account of the duties set out in Schedule 9 of the 1989 Act. The matters that are raised in Schedule 9 have been considered in the EIA process and the findings are presented in this EIA Report.

### 4.2 Renewable energy policy

#### 4.2.1 International context

5. In order to understand the need for renewable energy generation in the UK it is important to consider the international drive towards addressing climate change. The policy framework for renewable energy development in the UK is largely motivated by international agreements on the reduction of emissions of greenhouse gases.
6. The United Nations Framework Convention on Climate Change (UNFCCC) came into force on 21 March 1994 and sought to stabilise the atmospheric concentrations of greenhouse gases at "safe levels". The Convention provides an overall framework for international government efforts to address the challenge posed by climate change. Currently there are 194 parties signed up to the Convention. The Convention embodies a series of review mechanisms. The first of these, the Kyoto Protocol, was adopted in December 1997. As a result of this Protocol the European Union was obliged to secure an 8 % reduction in greenhouse gas emissions from 1990 levels by 2012.

7. The United Nations Climate Change Conference in Doha, Qatar, took place in 2012 when the Kyoto Protocol was amended so that it would continue as of 1 January 2013.
8. The 21st session of the Conference of the Parties (COP 21) which was held in Paris in December 2015 resulting in a legally binding global climate change target agreed by all 196 member parties with the aim of capping climate change well below 2°C of warming.
9. The 22nd session of the Conference of the Parties (COP 22), the 12th session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP 12), and the first session of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (CMA 1) were held in Morocco in November 2016. The second part of the first session of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (CMA 1.2) took place from 6-17 November 2017 in Bonn, Germany. The Conferences successfully demonstrated to the world that the implementation of the Paris Agreement is underway and the constructive spirit of multilateral cooperation on climate change continues.

#### 4.2.2 EU Renewable Energy Directives

10. The European Union (EU) reduction target was the subject of an EU Renewable Energy Directive (2001/77/EC). The UK's commitment to the protocol was a reduction of greenhouse gases to 12 % below the 1990 levels by 2012.
11. Directive 2009/28/EC created, at clause 13, mandatory national targets consistent with a 20 % share of energy from renewable sources by 2020. The Directive, clause 15, advises that it is necessary to translate the European Community target into individual targets for each Member State, with due regard to an equitable allocation, this takes into account the different starting points of the Member States and their potential, including the current level of energy from renewable sources and the existing energy mix. The UK target for its share of energy from renewable sources, in gross final consumption of energy, is 15 % by 2020.
12. In January 2014 the European Commission presented 'A 2030 Framework for Climate and Energy Policies' stating that the target of a 40 % emissions reduction below the 1990 level would be met through domestic measures alone. An EU-wide binding target for renewable energy of at least 27 % of energy consumption by 2030 was introduced which will be enforced through a new governance system based on national energy plans.

#### 4.2.3 A 2030 Framework for Climate and Energy Policies

13. In January 2014 the European Commission presented 'A 2030 Framework for Climate and Energy Policies' stating that the target of a 40 % emissions reduction below the 1990 level would be met through domestic measures alone. An EU-wide binding target for renewable energy of at least 27 % of energy consumption by 2030 was introduced which will be enforced through a new governance system based on national energy plans.

#### 4.2.4 UK context

14. The main responsibilities for policy development in relation to energy production and regulation in Scotland are retained by Westminster. This section sets out in summary the UK Government's approach to renewable energy generation since 2008. This provides the framework for the development of renewable energy generation across the UK and provides a background for the emergence of Scottish renewable energy generation and wind energy policy.

#### 4.2.5 Climate Change Act, 2008

15. The Climate Change Act (the 2008 Act) became law on 26 November 2008. Scotland is a partner in delivering the UK emissions reduction target set out in the 2008 Act.
16. Two key aims underpin the Act, these are:
  - to improve carbon management and help the transition towards a low carbon economy in the UK; and
  - to demonstrate strong UK leadership internationally.
17. The 2008 Act introduced for the first time a legally binding framework to tackle the challenges of climate change. It sets legally binding targets for the UK to reduce carbon dioxide emissions by at least 80 % by 2050 relative to 1990 levels. Energy generated from renewable sources was identified as a key component for meeting the challenge of reducing carbon emissions and the fight against climate change.

#### 4.2.6 National Renewable Energy Action Plan, 2010

18. The National Renewable Energy Action Plan for the UK was published in July 2010 and advises that the UK needs to radically increase its use of renewable energy. It states that:

*“The UK Government believes that climate change is one of the gravest threats we face, and that urgent action at home and abroad is required.... The development of renewable energy sources, alongside nuclear power and the development of carbon capture and storage, will also enable the UK to play its part in international efforts to reduce the production of harmful greenhouse gases.”*

#### 4.2.7 2050 Pathways Analysis, 2010

19. The 2050 Pathways Analysis (published July 2010 and updated in 2013 by the Department of Business Energy Infrastructure and Strategy (BEIS) (BEIS, 2010; BEIS, 2013) presents a framework through which to consider some of the trade-offs and choices which will have to be made over the next 40 years. It is system wide and covers all parts of the economy and all greenhouse gas emissions in the UK. It demonstrates that it is possible for the 80 % emissions reduction target to be achieved in a range of ways. The document invited feedback on the choices that were to be made at the time.

#### 4.2.8 UK Renewable Energy Roadmap, 2011

20. The UK Renewable Energy Roadmap (DECC, 2011a) sets out a comprehensive action plan to speed up the UK’s deployment and use of renewable energy and to place the country on a path to achieving the targets for 2020, whilst reducing the cost of renewable energy over time. It identifies eight technologies, including onshore wind, that have the potential to assist the UK in meeting the targets in a cost effective way or that offer the greatest potential for the future.

21. The UK Renewable Energy Roadmap Update 2013 (published November 2013) advised that the UK was at that time on track to meet the first interim target towards the ambitious target of 15 % renewable energy by 2020. The Executive Summary reaffirms the Coalition Government’s commitment to increasing the deployment of renewable energy across the UK. The Executive Summary also noted that the UK Government projections of energy consumption in 2020 had been revised downwards, and the estimated amount of renewable energy required to meet the 15 % target of renewable energy production (for heat, transport and electricity) had also been revised downwards in line with this projection of energy consumption.

#### 4.2.9 UK Carbon Plan, 2011

22. The UK Carbon Plan December 2011 (DECC, 2011b) set out how the then Government proposed to tackle climate change and build a green economy through specific, practical action across government, with clear targets and milestones. The UK Carbon Plan is set in the context of Scotland’s role in leading the way to a low carbon society, explaining what is meant by a low carbon society and economy, and why Scotland is ideally placed to be at the forefront of this transition. The UK Carbon Plan set a target to generate 31 % of final electricity demand from renewables by the end of 2011.

#### 4.2.10 The Fifth Carbon Budget, 2015

23. In November 2015, the Committee on Climate Change (CCC) advised the Westminster Government to set the fifth carbon budget to reduce UK greenhouse gas emissions in 2030 by 57 % relative to 1990 levels. In June 2016 that advice was accepted. At this time provisional figures showed that in 2015 UK emissions were 38 % below 1990 levels (Source CCC).

24. In June 2016 the CCC laid its annual progress report before Parliament. That report emphasised the need then to bring forward policies and proposals that would achieve the levels of reduction set out in the fifth carbon budget.

25. To meet these targets, the Government has set five-yearly carbon budgets which currently run until 2032. They restrict the amount of greenhouse gas the UK can legally emit in a five year period. The UK is currently in the third carbon budget period (2018 to 2022). The need to bring forward policies and proposals that would achieve the levels of reduction is set out in the fifth carbon budget.

#### 4.2.11 Reducing UK Emissions: 2018 Progress Report to Parliament

26. Reducing emissions and preparing for climate change 2018 Progress Report to Parliament (the 2018 Progress Report) is the ninth and most recent report to Parliament on progress in reducing emissions to meet carbon targets, as required under the Climate Change Act. In this report, the Committee sets out four key messages to Government to put emissions reductions on track, based on the lessons of the last decade. The Committee’s four key messages to Government are:

- support the simple, low-cost options;
- commit to effective regulation and strict enforcement;

- end the chopping and changing of policy; and
- act now to keep long-term options open.

27. The 2018 Progress Report advises that overall, UK emissions are down 43 % compared to the 1990 baseline while the economy has grown significantly over the same period. It advises that most of this reduction is due to excellent progress in reducing emissions from electricity generation, noting that the reductions in other sectors have stalled.

28. The foreword of the 2018 Progress Report notes that since 2013 emissions outside the sectors of power and waste have plateaued. The Committee have chosen the 2018 Progress Report to send a strong message to the Government, the message is *“Act now, climate change will not pause while we consider our options. And act in the consumer interest: pursue the low-cost, low-risk options, like onshore wind, and enforce the standards that will reduce emissions from vehicles and buildings, where consumers have been cheated by misleading industry claims.”*

29. The Executive Summary of the 2018 Progress Report advises that the UK is entering a new decade of action to address climate change. It advises that thus far the *“governance framework under the Climate Change Act has worked to deliver overall UK emissions reduction, but a much tougher challenge is presented by the fourth and fifth carbon budgets.”* It further advises that the UK is not on course to meet the legally binding fourth and fifth carbon budgets.

#### 4.2.12 Scottish context

30. Tackling climate change is a devolved matter and therefore the Scottish Government has a responsibility to set policy to ensure compliance with targets set at EU and UK level. To encourage the production of renewable energy in 2011 the Scottish Government introduced a ‘2020 target’ for the production of renewable energy as a percentage of the total gross annual electricity consumption. This 2020 target for renewables production has steadily increased from 40 % to 50 % in November 2007 and further upwards to 80 % in September 2010, due to developments in the sector and changing expectations particularly for the deployment of offshore wind. As of May 2011 the target remains at 100 %.

31. In order to set the context for the need for renewable energy development in Scotland it is important to understand the obligations that Scotland has to generate renewable energy. The Climate Change Delivery Plan: Meeting Scotland’s Statutory Climate Change Targets was published in 2009, setting out the high level measures required in each sector to meet Scotland’s statutory climate change targets to 2020. The Climate Change (Scotland) Act was passed in August 2009, creating a statutory framework for greenhouse gas emission reductions and required Scottish Ministers to set annual targets for Scottish emissions from 2010 to 2050. The following text identifies key Scottish Renewable Energy targets and policy that are relevant at the current time.

#### 4.2.13 Energy Generation Policy Statement, 2013

32. The Scottish Government published the Electricity Generation Policy Statement (EGPS) in 2013. The EGPS set out the pathway to meeting the Scottish Government target of delivering the equivalent of at least 100 % of gross electricity consumption from renewables by 2020. It set out how Scotland generated electricity at that time, and the changes that were needed to meet Scottish Government targets and deliver a low carbon generating mix.

33. Paragraph 5 of the Executive Summary of the EPGS advised that the EPGS is constructed around a number of relevant targets and related requirements which include the following:

*“delivering the equivalent of at least 100% of gross electricity consumption from renewables by 2020 as part of a wider, balanced electricity mix, with thermal generation playing an important role though a minimum of 2.5GW of thermal generation progressively fitted with Carbon Capture and Storage (CCS); and enabling local and community ownership of at least 500MW of renewable energy by 2020”.*

#### 4.2.14 2020 Routemap for Renewable Energy – Update 2015

34. In September 2015, the Scottish Government published the 2020 Routemap for Renewable Energy in Scotland Update 2015. The foreword of this document advises that provisional figures show that renewable sources generated 49.8 % of gross electricity consumption in 2014. While this suggests that Scotland was on target to meet the interim target of 50 % by 2015 it is clear that Scotland should not underestimate the challenge of meeting the 2020 target of 100 % renewable generation.

35. The document is clear that onshore wind has a pivotal role in delivering the 2020 renewable energy targets for Scotland. It confirms that the Scottish Government policy on windfarm applications strikes a careful balance between making the most of Scotland’s renewable energy potential and protecting environmental issues and residential amenity.

36. The document identified the potential for energy storage to enable the integration of renewables into the grid, and balance supply and demand thus enhancing the security of supply.

#### 4.2.15 Reducing Emissions in Scotland 2018

37. The seventh report on Scotland's progress towards meeting emission reduction targets, as requested by Scottish Ministers under the Climate Change (Scotland) Act 2009, was published in September 2018 by the Committee on Climate Change. The 2018 Report assessed latest emission trends across the economy and for energy supply; homes and communities; business and the public sector; transport; agriculture; rural land use and forestry and waste.

38. The report concluded that Scotland met its 'net' emissions annual target in 2016. The target was 44.9 MtCO<sub>2e</sub>, while Scotland's actual emissions were 41.5 MtCO<sub>2e</sub>. It advised that Scottish net emissions were 45 % below 1990 levels in 2016, and Scotland is currently outperforming the interim target for at least a 42 % reduction in net emissions by 2020.

39. The Report advised that many sectors have not seen significant reductions in CO<sub>2</sub> emissions in the last few years and more needs to be done outwith electricity generation in order to continue meeting future targets.

#### 4.2.16 Climate Change Plan: The Third report on Proposals and Policies 2018-2032

40. The Climate Change Plan (CCP) (Scottish Government, 2018b), is the third report on proposals and policies for meeting Scotland's annual greenhouse gas emissions targets that the Scottish Ministers must lay before the Scottish Parliament as required by the 2009 Act.

41. CCP 2018 outlines the Scottish Government revised target of reducing greenhouse gas emissions by 66 % by 2032. The reduction figure is to be measured against the 1990 baseline figures. The CCP 2018 envisages that by 2030 Scotland's electricity system will be wholly decarbonised and with electricity supplying a growing share of Scotland's energy needs, e.g. transport and heat.

#### 4.2.17 Scottish Energy Strategy 2017

42. The Scottish Government published the Scottish Energy Strategy in December 2017 (the SES) (Scottish Government, 2017f). The Energy Strategy sets out the Scottish Government's vision for the future energy system in Scotland, for the period to 2050. The strategy is designed to provide a long term vision to guide detailed energy policy decisions over the coming decades. It articulates the priorities for an integrated system-wide approach that considers both the use and the supply of energy for heat, power and transport. The main document was published alongside three policy statements. Those documents are:

- Onshore Wind Policy Statement;
- Local Heat & Energy Efficiency Strategies and District Heating; and
- Scotland's Energy Efficiency Programme (SEEP).

43. The main points from the SES and accompanying documents, as they are relevant to the proposed Development are summarised from paragraphs 45 to 53.

44. The SES sets out the 2050 vision for energy in Scotland is to have a "flourishing, competitive local and national energy sector, delivering secure, affordable, clean energy for Scotland's households, communities and businesses". The vision is centred around six priorities, including the following:

- "innovative local energy systems which empower communities; and
- exploiting Scotland's huge renewable energy resources".

45. The SES advises that for Scotland to meet the domestic and international climate change targets, the Government will set a new 2030 'all-energy' target for the equivalent of 50 % of Scotland's heat, transport and electricity consumption to be supplied from renewable sources.

46. The SES advises that onshore wind development is essential to Scotland's transformation to a fully decarbonised energy system by 2050 and brings opportunities which underpin our vision to grow a low carbon economy and build a fairer society.

47. The SES notes that the Scottish Government want to "see a significant increase in shared ownership of renewable energy projects in Scotland – putting energy into the hands of local communities, and delivering a lasting economic asset to communities across Scotland".

48. The ambition is for at least half of newly consented renewable energy projects by 2020, to have an element of shared ownership. The Scottish Government believe that "Shared ownership will play a key part in helping to meet our targets of 1GW of community and locally-owned energy by 2020 and 2GW by 2030." The Scottish Government "expect community involvement in onshore wind developments to continue to play a vital role in reaching these targets."

49. The Onshore Wind Policy Statement (the OWPS) (Scottish Government, 2017e) is one of three policy statements accompanying the SES and was published in December 2017. The OWPS has been prepared to reaffirm the existing Scottish Government's onshore wind policy set out in previous publications. It includes separate sections on key priority areas as follows:

- route to market;
- repowering;
- developing a strategic approach to new development;
- barriers to deployment;
- protection for residents and the environment;
- community benefits; and
- shared ownership.

50. The OWPS states that Scotland will continue to need more onshore wind developments in order to meet renewable energy targets. Also highlighted in the OWPS is an acknowledgement by the Scottish Government that windfarm design is moving in the direction of bigger turbines and that larger turbines should be supported where appropriate.

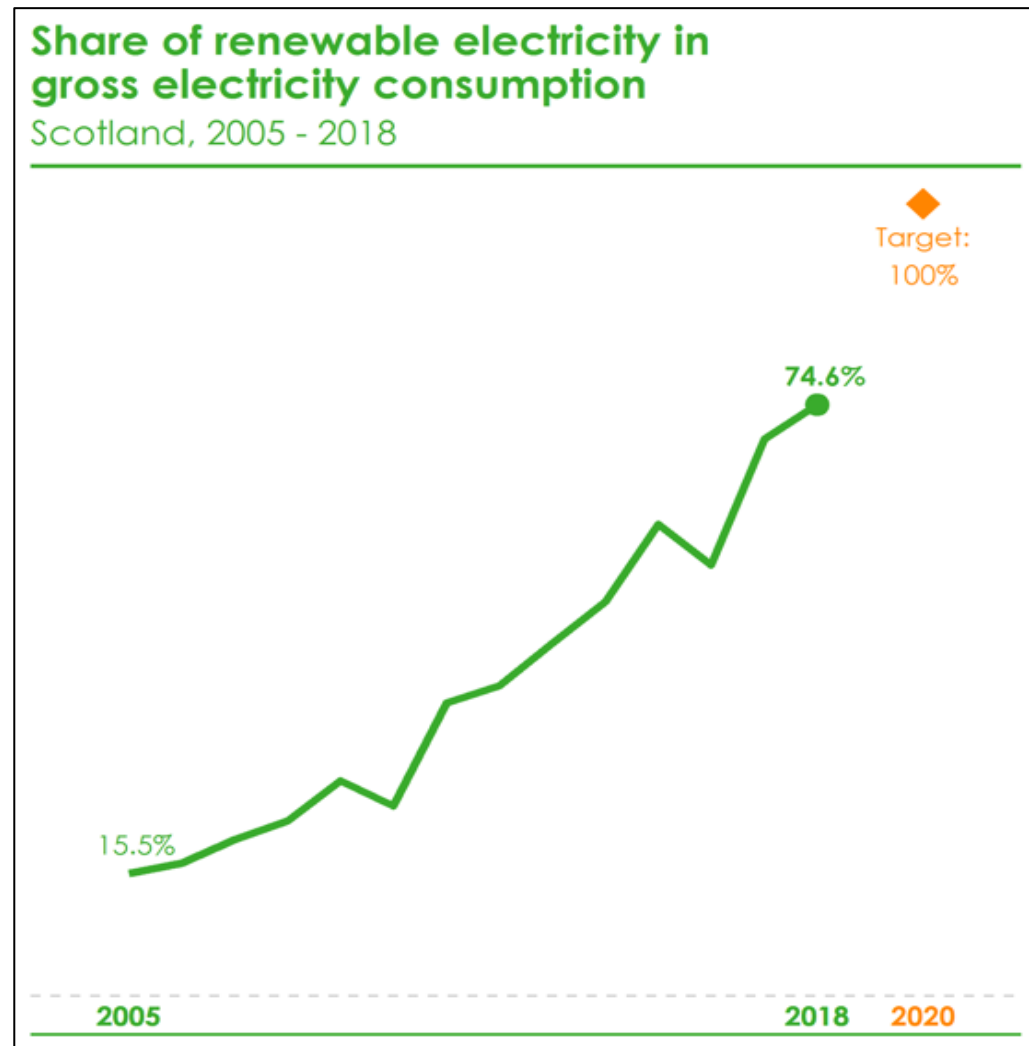
51. The OWPS outlines the Scottish Government's position that new onshore wind projects should be developed at no additional subsidy cost to consumers, adding that some limited market intervention is required to protect projects against variations in the wholesale price of power.

52. Shared ownership is promoted in the OWPS, with developers encouraged to include elements of shared ownership within their proposals. The OWPS reiterates the Scottish Governments target for at least 50 % of newly consented renewable energy projects to have an element of shared ownership by 2020. The OWPS refers to the Scottish Governments 2015 'Good Practice Guidance for Shared Ownership of Onshore Renewable Energy Developments' indicating that this guidance should be used by developers when working with communities on this matter. Further to this the OWPS highlights the letter issued by the Chief Planner in 2015, to the Heads of Planning, which stresses the relationship between shared ownership and net economic benefit in the SPP.

#### 4.2.18 Progress Towards Targets

53. The 2020 100 % electricity target is approximately 16GW of installed renewables capacity. It is acknowledged that the proposed Development would not be operational at that time. However, for reasons set out in the Planning Statement, it is considered likely that the current targets will not be met. It is expected that the policies and targets will be updated in due course and are anticipated to further promote and build upon current renewable energy targets, reaffirming a commitment to 100 % of electricity to be produced by renewable means, all in a context where other sectors are expected to rely more heavily on electricity (e.g. Transport and heat) thereby requiring a target which is likely to exceed 16GW. For this reason, it is considered that the proposed Development would make a valuable contribution to renewable energy targets post 2020.

54. The Scottish Government figures show that, for 2018, renewable sources generated the equivalent of approximately 74.6 % of gross electricity consumption (Energy Statistics for Scotland Q4 (Scottish Government 2019)). **Graph 4.1** shows the position for the 2018 figures (latest available).



Graph 4.1: Renewable Electricity in Scotland  
Source: Energy Statistics for Scotland – Q4 Figures

## 4.3 Other material considerations

55. In addition to the material considerations set out in respect of renewable energy and the Development Plan there are a number of other matters which are material to the consideration of the application. These are considered in the following text.

### 4.3.1 National Planning Policy and guidance

56. National planning policy advice and guidance which are considerations relevant to the proposed Development include the following documents:

- The National Planning Framework 3 (June 2014 (NPF 3));
- Scottish Planning Policy (June 2014) (SPP);
- Onshore Wind Turbines Specific Advice Sheet (updated May 2014);
- PAN 1/2011 Planning and Noise (March 2011);
- PAN 2/2011 Planning and Archaeology (July 2011);
- PAN 1/2013 Environmental Impact Assessment (August 2013);
- PAN 51 Planning, Environmental Protection and Regulation (October 2006);
- PAN 60 Planning for Natural Heritage (January 2008);
- PAN 69 Planning and Building Standards Advice on Flooding (August 2004);

- PAN 75 Planning for Transport (August 2005); and
- PAN 79 Water and Drainage (September 2006).

### 4.3.2 National Planning Framework 3 (NPF3)

57. There is high level support for the promotion of renewable energy developments throughout many parts of NPF3. Chapter 3 of NPF3, 'A low carbon place' identifies that planning will play a key role in delivering the Scottish Government commitments set out in Low Carbon Scotland: the Scottish Government's report on proposals and policies. The priorities which are set out in this strategy set a clear approach which is consistent with Scottish climate change legislation.

58. The introduction states the Scottish Government's ambition to achieve at least an 80 % reduction in the emission of greenhouse gases by 2020. Paragraph 3.1 states that "the priorities identified in this spatial strategy set a clear direction of travel which is a consistent with our world leading climate change legislation."

59. Paragraph 3.7 of NPF3 states that the planned approach to onshore wind energy development has ensured that the proposed development largely avoids internationally and nationally protected areas. It is also recognised that, whilst opinions about onshore wind in particular locations can vary, there is strong public support for wind energy as part of the energy mix.

60. Paragraph 3.9 of NPF3 makes it clear that the Scottish Government wants to continue to capitalise on the wind resource of Scotland.

61. NPF3, at paragraph 18 refers to the 2009 Climate Change Act which sets a target of reducing greenhouse emissions by at least 80 % by 2050 and an interim target of reducing emissions by at least 42 % by 2020. This target has now been met, however the Scottish Government has announced further carbon emission targets in its new Climate Change Plan, Third Report on Proposals and Policies 2018-2032. This sets out the requirement, in section 44 of the 2009 Act, for all public bodies to act in the following ways:

- in the best way calculated to contribute to the delivery of emissions targets in the 2009 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.

### 4.3.3 Scottish Planning Policy (SPP)

62. SPP creates a presumption in favour of development that contributes to sustainable development. Sustainable development is focussed on throughout the SPP. Paragraph 28 advises that: "the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of the proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost."

63. Paragraph 29 of SPP advises that planning policies and decisions should be guided by a number of principles, including:

- giving due weight to net economic benefit; and
- making efficient use of existing capacities of land.

64. Onshore wind is specifically considered in SPP starting at paragraph 161. SPP advises that Planning Authorities should set out in the Development Plan a spatial framework identifying areas likely to be most appropriate for onshore windfarms where there is the greatest potential for onshore wind development. Table 1 of SPP is as presented in **Table 4.1**.

<p><b>Group 1:</b> Areas where wind farms will not be acceptable: National Parks and National Scenic Areas.</p>		
<p><b>Group 2:</b> Areas of significant protection: Recognising the need for significant protection, in these areas wind farms may be appropriate in some circumstances. Further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.</p>		
<p>National and international designations:</p> <ul style="list-style-type: none"> <li>World Heritage Sites;</li> <li>Natura 2000 and Ramsar sites;</li> <li>Sites of Special Scientific Interest;</li> <li>National Nature Reserves;</li> <li>Sites identified in the Inventory of Gardens and Designed Landscapes;</li> <li>Sites identified in the Inventory of Historic Battlefields.</li> </ul>	<p>Other nationally important mapped environmental interests:</p> <ul style="list-style-type: none"> <li>areas of wild land as shown on the 2014 SNH map of wild land areas;</li> <li>carbon rich soils, deep peat and priority peatland habitat.</li> </ul>	<p>Community separation for consideration of visual impact:</p> <ul style="list-style-type: none"> <li>an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge. The extent of the area will be determined by the planning authority based on landform and other features which restrict views out from the settlement.</li> </ul>
<p><b>Group 3:</b> Areas with potential for wind farm development: Beyond groups 1 and 2, wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria.</p>		

Table 4.1: SPP Spatial Frameworks

## 4.4 Local Development Plan

65. The majority of the Site is located within the administrative area of SAC. The Site entrance is located within the administrative area of D&GC. The Development Plan for the Site therefore comprises:

- South Ayrshire Local Development Plan (2014) and associated Supplementary Guidance; and
- Dumfries and Galloway Local Development Plan (2014) and associated Supplementary Guidance.

66. The Development Plan will be considered for the proposed Development within that administrative area. As the proposed turbines would be located in SAC the Development Plan policies relevant to windfarm development will be considered. In the case of the development in D&GC the development relates to traffic and the traffic and transport policies will be considered.

### 4.4.1 South Ayrshire Local Development Plan 2014

67. The South Ayrshire Local Development Plan was adopted in September 2014 (the SALDP). Preparation of a new Local Development Plan (SALDP2) is underway with the proposed plan due to be published in the summer of 2019 and a period of consultation to follow. It is expected that SALDP2 will be adopted in 2020. The SALDP is therefore considered to be a relevant and currently up to date Local Development Plan. The Wind Energy Policy is considered to be the most relevant SALDP Policy to the proposed Development. The SALDP Wind Energy Policy states that proposals will be supported if:

- a) they are capable of being accommodated in the landscape in a manner which respects its main features and character (as identified in the South Ayrshire Landscape Wind Capacity Study or in any subsequent updates to that study), and which keeps their effect on the landscape and the wider area to a minimum (through a careful choice of Site, layout and overall design);
- b) they do not have a significant detrimental visual impact, taking into account views experienced from surrounding residential properties and settlements, public roads and paths, significant public viewpoints, and important recreational assets and tourist attractions;
- c) they do not have any other significant detrimental effect on the amenity of nearby residents, including from noise and shadow flicker;
- d) they do not have a significant detrimental effect on natural heritage features, including protected habitats and species, and taking into account the criteria in LDP policy: natural heritage;

- e) they do not have a significant detrimental effect on the historic environment, taking into account the criteria in LDP policy: historic environment and LDP policy: archaeology;
- f) they do not adversely affect aviation, defence interests and broadcasting installations; and
- g) their cumulative impact in combination with other existing and approved wind energy developments, and those for which applications for approval have already been submitted, is acceptable.”

68. The following policies are also considered to be relevant to the proposed Development and will be considered during the design and development of the proposed windfarm:

- LDP Policy: Renewable Energy;
- LDP Policy: Landscape Quality;
- LDP Policy: Protecting the Landscape;
- LDP Policy: Woodland and Forestry;
- LDP Policy: Preserving Trees;
- LDP Policy: Historic Environment;
- LDP Policy: Archaeology;
- LDP Policy: Natural Heritage;
- LDP Policy: Land use and Transport;
- LDP Policy: Outdoor Public Access and Core Paths;
- LDP Policy: Water Environment;
- LDP Policy: Agricultural Land;
- LDP Policy: Air, Noise and Light Pollution;
- LDP Policy: Minerals and Aggregates; and
- LDP Policy: Dark Skies.

### 4.4.2 South Ayrshire Local Development Plan Supplementary Guidance: Wind Energy 2015

69. The South Ayrshire Local Development Plan Supplementary Guidance: Wind Energy 2015 (the SGWE) adopted in December 2015 outlines the Spatial Framework for wind energy development within South Ayrshire. This Spatial Framework identifies areas which have potential for windfarm development and those which do not, or those which require significant protection. The site for the proposed Development is located in areas identified as 'Areas with potential for Windfarm development' and 'Area of significant protection'.

70. In addition to the SGWE, the Supplementary Guidance refers to the South Ayrshire Landscape Wind Capacity Study (SALWCS) (updated in 2018) which provides advice on landscape sensitivities, thresholds and cumulative issues amongst other things. The SALWCS places the Site within a Landscape Character Type (LCT) that has been identified as a Search Area for the Large Typology (Turbines >70m).

### 4.4.3 Dumfries and Galloway Local Development Plan (2014)

71. The Dumfries and Galloway Local Development Plan (DGLDP) was adopted in September 2014. D&GC are currently working on a new Local Development Plan which will supersede the DGLDP, however this is not expected to come into force until September 2019. The DGLDP is therefore considered to be a relevant and up to date Local Development Plan Policy. Policy T1: Transport Infrastructure is considered to be the most relevant DGLDP policy to the proposed Development. Policy T1: Transport Infrastructure states that proposals relating to existing and new transport infrastructure should accord with the regional and local transport strategies and also not have any adverse effects on designated Natura Sites.

72. DGLDP Policy IN2: Wind Energy, also has some relevance as the proposed Development would include a Site access for windfarm development. Policy IN2 states that proposals will be assessed against set considerations, including the following:

- landscape and visual impact;
- cumulative impact;
- impact on local communities; and
- impact on aviation and defence interests.

73. The impact on local communities as a result of the transportation of the turbines will be considered in the EIA process.

74. There is no relevant Supplementary Guidance which relates to the type of works proposed in the Dumfries & Galloway Council (D&GC) area.

## 4.5 Community benefit and investment

75. The principle of community benefit and investment is supported within the planning framework in National Planning Framework 3 and Scottish Planning Policy. National Planning Framework 3 advises that:
- *there is potential for renewable energy developments to bring new employment, reverse population decline, stimulate demand for development and services and make a significant contribution to the diversification of energy supplies.*
76. Scottish Planning Policy advises that:
- *“where a proposal is acceptable in land use terms, and consent is being granted, local authorities may wish to engage in negotiations to secure community benefit in line with the Scottish Government Good Practice Principles for Community Benefits from Onshore Renewable Energy Developments; and*
  - *net economic benefits are considered to be a material planning consideration.”*
77. In addition to this the Scottish Government supports the principle of shared ownership as part of renewable energy developments. Good Practice Principles for Community Benefits from Onshore Renewable Energy Developments advises that the Scottish Government is in favour of the following:
- *“create a new paradigm for “mutual benefit”, with support for community investment”;*
  - *“is very keen to see communities get the chance to invest in local developments so that they have a direct stake in the energy being generated locally”;*
  - *“renewable energy projects making an offer of shared ownership as standard”;*
  - *“where a planning application provides evidence of the following points, there will be greater certainty that expected benefits to the economy from the proposed shared ownership arrangement will be delivered”;* and
  - *“well progressed shared ownership opportunity”.*
78. A Low Carbon Place sets out considerations which are to be taken into account when considering proposals for energy infrastructure development including windfarms – these include economic benefits and the scale of the contribution to renewable targets.
79. Details in relation to SPR’s plans for community benefit and investment are provided in **Chapter 3: Description of the Development** and **Chapter 14: Land Use and Socio Economics**, of this EIA Report.

## 4.6 References

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