

Chapter 5: Statutory and Policy Framework

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Introduction

5.1 This chapter of the Environmental Impact Assessment Report (EIA Report) describes the legislative and policy background relevant to the Proposed Development. It refers to national energy and planning policy at a national and local level. It provides an objective summary of the energy and planning policy considerations that have been taken into account in the preparation of the EIA Report in order to ensure that it provides the appropriate information for the consideration of the application for consent.

5.2 This chapter does not include an assessment of the accordence of the Proposed Development against planning policy: a separate Planning Statement has been prepared to support the application and should be referred to for a detailed planning policy appraisal.

The Statutory Framework

The Electricity Act 1989

5.3 The Proposed Development will have an installed capacity of over 50 megawatts (MW). In Scotland, onshore renewable energy developments that have capacity to generate over 50MW require consent from the Scottish Ministers under the Electricity Act 1989 (the Electricity Act). In such cases, the Planning Authority is a statutory consultee in the development management process and procedures.

5.4 In an application under Section 36 of the Electricity Act, the Development Plan does not have primacy in the decision-making process. The provisions of Schedule 9 of the Electricity Act are relevant to the assessment of the Proposed Development.

5.5 Schedule 9, Sub-paragraph 3(2), requires the Scottish Ministers to have regard to “(a) the desirability of the matters mentioned in paragraph (a) of sub-paragraph (1) above; and (b) the extent to which the person by whom the proposals were formulated has complied with his duty under paragraph (b) of the sub-paragraph”.

5.6 The duties referred to in Schedule 9 sub-paragraph 3(1)(a) and (b) of the Electricity Act do not apply to the Applicant, but the matters set out in Sub paragraph 3(1)(a) to which the Scottish Ministers must have regard are “... 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;”.

5.7 At sub-paragraph 3(3), the Scottish Ministers [are required to...] “avoid, so far as possible, causing injury to fisheries or to the stock of fish in any waters”.

5.8 The provisions of Schedule 9 of the Electricity Act set out a number of features to which regard must be had by the Scottish Ministers and such features have been fully taken into account in the iterative design process set out in **Chapter 3: Site Selection and Design Strategy** and assessed in terms of the EIA process.

The Town & Country Planning (Scotland) Act 1997

5.9 The principal planning statute in Scotland is the Town and Country Planning Act (Scotland) 1997 (the 1997 Act) as amended by The Planning etc. (Scotland) Act 2006 and by the Planning (Scotland) Act 2019 (the 2019 Act).

5.10 Section 57(2) of the 1997 Act provides “On granting a consent under section 36 or 37 of the Electricity Act 1989 in respect of any operation or change of use that constitutes development, the Scottish Ministers may direct that planning permission for that development and any ancillary development shall be deemed to be granted, subject to any conditions (if any) as may be specified in the direction”.

5.11 Section 25 of the 1997 Act states that “Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise”.

5.12 Section 57(2) of the 1997 Act makes no reference to the provisions of section 25 which requires regard to be had to the provisions of the Development Plan. The Courts have confirmed that section 57(3) does not apply section 25 to a decision to make a direction to grant deemed planning permission pursuant to section 57(2)¹.

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

Renewable Energy Policy: Summary

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

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

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

- The Scottish Energy Strategy (December 2017);
- The Scottish Government’s declaration of a Climate Emergency (April 2019);
- The Scottish Climate Change Plan Update (2020);
- The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 and the legally binding net zero target for 2045 and interim targets for 2030 and 2040;
- The Scottish Government’s ‘Programme for Government’ (2022);
- The Onshore Wind Policy Statement (December 2022); and
- The Draft Energy Strategy and Just Transition Plan (January 2023).

5.17 The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 amends the Climate Change (Scotland) Act 2009 and requires that “The Scottish Ministers must ensure that the net Scottish emissions account for the net-zero emissions target year is at least 100% lower than the baseline (the target is known as the “net-zero emissions target”)”. The target year is 2045 and the Act also sets out challenging interim targets. It requires that “The Scottish Ministers must ensure that the net Scottish emissions account for the year—

- (a) 2020 is at least 56% lower than the baseline;
- (b) 2030 is at least 75% lower than the baseline; and
- (c) 2040 is at least 90% lower than the baseline.”

5.18 It is important to note that these targets are minimum targets, they are not maximums or aspirations. The targets legally bind the Scottish Ministers and have largely been legislated to set the framework for Scotland’s response to the Climate Emergency.

5.19 The Proposed Development relates to the generation of electricity from renewable energy sources and comes as a direct response to national planning and energy policy objectives.

¹ William Grant & Sons Distillers Limited, Court of Session (2012) CS1H 28

5.20 The Proposed Development would make a contribution to the attainment of emissions reduction, renewable energy and electricity targets at both the Scottish and UK levels. Detailed reference to the renewable energy policy framework is provided in the Planning Statement.

5.21 In terms of the two latest policy documents, namely the Onshore Wind Policy Statement and the Draft Energy Strategy and Just Transition Plan, these are detailed further below.

The Onshore Wind Policy Statement

5.22 The Scottish Government published an updated Onshore Wind Policy Statement (OWPS) on 21st December 2022. It replaces the version published in November 2017.

5.23 The Ministerial Foreword makes it explicitly clear that seeking greater security of supply and lower cost electricity generation are now key drivers for onshore wind alongside the need to deal with the climate emergency. In this regard, the Cabinet Secretary for Net Zero, Energy and Transport states (page 3) *“that is why we must accelerate our transition towards a net zero society. Scotland already has some of the most ambitious targets in the world to meet net zero but we must go further and faster to protect future generations from the spectre of irreversible climate damage... Scotland has been a frontrunner in onshore wind and, while other renewable technologies are starting to reach commercial maturity, continued deployment of onshore wind will be key to ensuring our 2030 targets are met”*.

5.24 The Foreword states that onshore wind has the ability to be deployed quickly, is good value for consumers and is also widely supported by the public. The Minister further states that *“This Statement, which is the culmination of an extensive consultative process with industry, our statutory consultees and the public, sets an overall ambition of 20GW of installed onshore wind capacity in Scotland by 2030. While imperative to meet our net zero targets it is also vital that this ambition is delivered in a way that is fully aligned with, and continues to enhance, our rich natural heritage and native flora and fauna, and supports our actions to address the nature crisis and the climate crisis”*.

5.25 The OWPS contains a mix of policy guidance and also technical information.

5.26 Chapter 1 ‘Ambitions and Aspirations’ (page 5) refers to current deployment of onshore wind in Scotland and states *“We must now go further and faster than before. We expect the next decade to see a substantial increase in demand for electricity to support net zero delivery across all sectors, including heat, transport and industrial processes”*.

5.27 Section 1.3 of the OWPS further refers to the new 20GW ambition and acknowledges that the Scottish Government’s Programme for Government 2022/2023 committed Government to enabling up to 12GW of onshore wind to be developed and it is stated that *“It is vital to send a strong signal and set a clear expectation on what we believe onshore wind capacity will contribute in the coming years. In line with this commitment, and reflecting the natural life cycles of existing wind farms, this statement sets a new ambition for the deployment of onshore wind in Scotland: A minimum installed capacity of 20GW of onshore wind in Scotland by 2030. This ambition will help support the rapid decarbonisation of our energy system, and the sectors which depend upon it, as well as aligning with a just transition to net zero whilst other technologies reach maturity”*.

5.28 This statement is followed by reference to the *“Legislative Context”*, in particular the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 and the related Net Zero greenhouse gas emissions targets. The OWPS states (paragraph 1.4.1) *“meeting these targets will require decisive and meaningful action across all sectors”*.

5.29 Paragraph 2.4.2 states that *“onshore wind will play a crucial role in delivering our legally binding climate change targets”*.

5.30 Chapter 3 of the OWPS ‘Environmental Considerations: Achieving Balance and Maximising Benefits’ refers to matters relating to specific environmental topics as follows:

- Shared Land Use;
- Peat and Carbon-Rich Soils;
- Forestry;
- Biodiversity;
- Landscape and Visual Amenity; and
- Noise.

The Draft Energy Strategy and Just Transition Plan

5.31 The Scottish Government published a new Draft ‘Energy Strategy and Just Transition Plan’ entitled ‘Delivering a fair and secure zero carbon energy system for Scotland’ on 10th January 2023. The new Strategy is to replace the one previously published in 2017. The consultation period on the draft runs up until 4th April 2023.

5.32 The Ministerial Foreword states *“The imperative is clear: in this decisive decade, we must deliver an energy system that meets the challenge of becoming a net zero nation by 2045, supply safe and secure energy for all, generate economic opportunities, and build a just transition... The delivery of this draft Energy Strategy and Just Transition Plan will reduce energy costs in the long term and reduce the likelihood of future energy cost crises. It is also clear that as part of our response to the climate crisis we must reduce our dependence on oil and gas as that Scotland is well positioned to do so in a way that ensures we have sufficient, secure and affordable energy to meet our needs, to support economic growth and to capture sustainable export opportunities. For all these reasons, this draft Strategy and Plan supports the fastest possible just transition for the oil and gas sector in order to secure a bright future for a revitalised North Sea energy sector focused on renewables”*.

5.33 The Foreword adds that the draft Strategy sets out key ambitions for Scotland’s energy future including:

- More than 20GW of additional renewal electricity on and offshore by 2030;
- Accelerated decarbonisation of domestic industry, transport and heat;
- Generation of surplus electricity, enabling export of electricity and renewable hydrogen to support decarbonisation across Europe;
- Energy security through development of our own resources and additional energy storage; and
- A just transition by maintaining or increasing employment in Scotland’s energy production sector against a decline in North Sea production.

5.34 The draft Strategy states (page 7, Executive Summary) that the vision for Scotland’s energy system is *“That by 2045 Scotland will have a flourishing, climate friendly energy system that delivers affordable, resilient and clean energy supplies for Scotland’s households, communities and business. This will deliver maximum benefit for Scotland, enabling us to achieve a wider climate and environmental ambitions, drive the development of a wellbeing economy and deliver a just transition for our workers, businesses, communities and regions. In order to deliver that vision, this Strategy sets out clear policy positions and a route map of actions with a focus out to 2030”*.

5.35 A fundamental part of the Strategy is expanding the energy generation sector. The Executive Summary states (page 8) that Scotland’s renewable resources mean that *“...we can not only generate enough cheap green electricity to power Scotland’s economy, but also export electricity to our neighbours, supporting jobs here in Scotland and the decarbonisation ambitions of our partners. We are setting an ambition of more than 20GW of additional low cost renewable electricity generation capacity by 2030, including 12GW of onshore wind... An additional 20GW of renewable generation will more than double our existing renewable generation capacity by 2030...”*.

5.36 In terms of policy and onshore wind, the Strategy cross refers to National Planning Framework 4 (NPF4) and the recently published OWPS and reiterates the new ambition for a deployment of a minimum further 12GW of onshore wind by 2030.

National Planning Framework 4

Procedure and Implementation

5.37 NPF4 has been subject to consultation and Parliamentary Scrutiny over the last year since it was first laid before Parliament in November 2021. The Revised Draft NPF4 was laid before Parliament on 8th November 2022, accompanied by an Explanatory Report setting out how the Scottish Government considered responses to the initial draft and explaining responses to scrutiny and consultation thereof. Revised Draft NPF4 was approved by the Scottish Parliament, without amendments, following a vote on 11th January 2023. NPF4 came into force at 9am on 13th February 2023.

5.38 Section 13, of the 2019 Act amends Section 24 of the 1997 Act regarding the meaning of the statutory Development Plan, such that for the purposes of the 1997 Act, the Development Plan for an area is taken to consist of the provisions of:

- The National Planning Framework (NPF);
- Any Strategic Development Plan; and

- Any Local Development Plan (LDP).

5.39 NPF4 therefore now forms part of the statutory Development Plan and should be afforded substantial weight. A key provision of the 2019 Act is that in the event of any incompatibility between the provisions of NPF4 and a provision of an LDP then whichever of them is the later in date will prevail. That will include where a LDP is silent on an issue that is now provided for in NPF4.

5.40 Section 13 of the 2019 Act amends Section 24 of the 1997 Act to provide that *“In the event of any incompatibility between a provision of the National Planning Framework and a provision of a local development plan, whichever of them is the later in date is to prevail”*.

5.41 As explained, for the purposes of Section 36 decision making, Section 25 of the 1997 Act is not engaged, however NPF4 forms a significant material consideration in the overall decision-making process.

The National Spatial Strategy – Delivery of Sustainable Places

5.42 Part 1 of NPF4 sets out the Spatial Strategy for Scotland to 2045 based on six spatial principles which are to influence all plans and decisions. The introductory text to the Spatial Strategy starts by stating (page 3) *“The world is facing unprecedented challenges. The global climate emergency means that we need to reduce greenhouse gas emissions and adapt to the future impacts of climate change”*.

5.43 The principles are stated as playing a key role in delivering the United Nations Sustainable Development Goals and the Scottish Government’s National Performance Framework².

5.44 The Spatial Strategy is aimed at supporting the delivery of:

- ‘Sustainable Places’: *“where we reduce emissions, restore and better connect biodiversity”*;
- ‘Liveable Places’: *“where we can all live better, healthier lives”*; and
- ‘Productive Places’: *“where we have a greener, fairer and more inclusive wellbeing economy”*.

5.45 Page 6 of NPF4 addresses the delivery of sustainable places. Reference is made to the consequences of Scotland’s changing climate, and it states, inter alia *“Scotland’s Climate Change Plan, backed by legislation, has set our approach to achieving net zero emissions by 2045, and we must make significant progress towards this by 2030.....Scotland’s Energy Strategy will set a new agenda for the energy sector in anticipation of continuing innovation and investment”*.

5.46 The National Spatial Strategy in relation to ‘sustainable places’ is described (page 7) as follows *“Scotland’s future places will be net zero, nature-positive places that are designed to reduce emissions and adapt to the impacts of climate change, whilst protecting, recovering and restoring our environment. Meeting our climate ambition will require a rapid transformation across all sectors of our economy and society. This means ensuring the right development happens in the right place. Every decision on our future development must contribute to making Scotland a more sustainable place. We will encourage low and zero carbon design and energy efficiency, development that is accessible by sustainable travel, and expansion of renewable energy generation”*.

5.47 Six National Developments support the delivery of sustainable places, one being ‘Strategic Renewable Electricity Generation and Transmission Infrastructure’. A summary description of this National Development is provided at page 7 of NPF4 as follows *“Supports electricity generation and associated grid infrastructure throughout Scotland, providing employment and opportunities for community benefit, helping to reduce emissions and improve security of supply”*.

5.48 Page 8 of NPF4 sets out ‘Cross-cutting Outcome and Policy Links’ with regard to reducing greenhouse gas emissions. It states *“The global climate emergency and the nature crisis have formed the foundations for the spatial strategy as a whole. The regional priorities share opportunities and challenges for reducing emissions and adapting to the long-term impacts of climate change, in a way which protects and enhances our natural environment”*.

5.49 A key point in this statement is that the climate emergency and nature crisis are expressly stated as forming the foundations of the national Spatial Strategy. Recognising that tackling climate change and the nature crisis is an overriding imperative which is key to the outcomes of almost all policies within NPF4.

National Developments

5.50 NPF4 sets the approach to planning and development to help achieve a net zero, sustainable Scotland by 2045. It continues the planning policy approach of identifying ‘national developments’ which refers to the allocation of national development status to certain classes of development. There are three categories of national development proposed namely ‘liveable places, productive places and sustainable places’.

5.51 Page 97 of NPF4 sets out that 18 National Developments (NAD) have been identified. These are described as *“significant developments of national importance that will help to deliver the spatial strategy... National development status does not grant planning permission for the development and all relevant consents are required”*.

5.52 It adds that *“Their designation means that the principle for development does not need to be agreed in later consenting processes, providing more certainty for communities, businesses and investors... In addition to the statement of need at Annex B, decision makers for applications for consent for national developments should take into account all relevant policies”*.

5.53 Annex B of NPF4 sets out the various NADs and its related Statements of Need. It states (page 99) that *“The statements of need set out in this annex are a requirement of the Town and Country Planning (Scotland) Act 1997 and describe the development to be considered as a national development for consent handling purposes”*.

5.54 Page 103 of NPF4 describes NAD3 and it states *“This national development supports renewable electricity generation, repowering, and expansion of the electricity grid. A large and rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets. Certain types of renewable electricity generation will also be required, which will include energy storage technology and capacity, to provide the vital services, including flexible response, that a zero carbon network will require. Generation is for domestic consumption as well as for export to the UK and beyond, with new capacity helping to decarbonise heat, transport and industrial energy demand. This has the potential to support jobs and business investment, with wider economic benefits. The electricity transmission grid will need substantial reinforcement including the addition of new infrastructure to connect and transmit the output from new on and offshore capacity to consumers in Scotland, the rest of the UK and beyond. Delivery of this national development will be informed by market, policy and regulatory developments and decisions”*.

5.55 The location for NAD3 is set out as being all of Scotland and in terms of need it is described as *“Additional electricity generation from renewables and electricity transmission capacity of scale is fundamental to achieving a net zero economy and supports improved network resilience in rural and island areas”*.

5.56 Reference is made to the designation and classes of development which would qualify as NAD3, and it states in this regard *“A development contributing to ‘Strategic Renewable Electricity Generation and Transmission’ in the location described, within one or more of the Classes of Development described below and that is of a scale or type that would otherwise have been classified as ‘major’ by ‘The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009’, is designated a national development:*

- (a) on and off-shore electricity generation, including electricity storage, from renewables exceeding 50 megawatts capacity;
- (b) new and/or replacement upgraded on and offshore high voltage electricity transmission lines, cables and interconnectors of 132kv or more; and
- (c) new and/or upgraded Infrastructure directly supporting on and offshore high voltage electricity lines, cables and interconnectors including converter stations, switching stations and substations.”

5.57 The Proposed Development, having a capacity which exceeds the 50MW threshold set for a NAD means it would have national development status as per these provisions of NPF4. The Proposed Development is of national importance for the delivery of the national Spatial Strategy.

5.58 The Strategy requires a *“large and rapid increase”* in electricity generation from renewables and the National Spatial Strategy makes it clear (NPF4, page 6) that *“we must make significant progress”* by 2030.

² The Scottish Government National Performance Framework sets out ‘National Outcomes’ and measures progress against a range of economic, social and environmental ‘National Indicators’.

National Planning Policy

5.59 Part 2 of the NPF contains proposed new 'National Planning Policy'. The 'lead' policies of relevance to the Proposed Development are Policies 1 and 11.

5.60 Policy 1 entitled 'Tackling the climate and nature crisis' states that "when considering all development proposals significant weight will be given to the global climate and nature crisis".

5.61 Policy 11 – Energy has a stated intent "To encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This includes energy generation, storage, new and replacement transmission and distribution infrastructure and emerging low-carbon and zero emissions technologies including hydrogen and carbon capture utilisations and storage (CCUS)".

5.62 The desired outcome of this policy is stated as an "Expansion of renewable, low carbon and zero emissions technologies".

5.63 LDPs are directed to seek to realise their area's full potential for electricity and heat from renewable, low carbon and zero emissions sources by identifying a range of opportunities for energy development.

5.64 Policy 11 – Energy states:

- "a) Development proposals for all forms of renewable, low carbon and zero emissions technologies will be supported these include:
 - Wind farms including repowering, extending, expanding and extending the life of existing wind farms;
 - Enabling works such as grid transmission and distribution infrastructure;
 - Energy storage such as batter storage and pumped storage hydro;
 - Small scale renewable energy generation technology;
 - Solar arrays;
 - Proposals associated with negative emissions technologies and carbon capture; and
 - Proposals including co-location of these technologies.
- b) Development proposals for wind farms in National Park and National Scenic Areas will not be supported.
- c) Development proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.
- d) Development proposals that impact on international or national designations will be assessed in relation to Policy 4.
- e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:
 - i. Impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker;
 - ii. Significant landscape and visual impacts, recognising that some impacts are to be expected from some forms of renewable energy. Where impacts are localised and /or appropriate design mitigation has been applied, they will generally be considered to be acceptable.
 - iii. Public access, including impact on long distance walking and cycling routes and scenic routes;
 - iv. Impacts on aviation and defence interests including seismological recording;
 - v. Impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;
 - vi. Impacts on road traffic and on adjacent trunk roads, including during construction;
 - vii. Impacts on historic environment;
 - viii. Effects on hydrology, the water environment and flood risk;
 - ix. Biodiversity including impacts on birds;
 - x. Impacts on trees, woods and forests;
 - xi. Proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration;

- xii. The quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans; and
- xiii. Cumulative impacts.

In considering these impacts, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets.

Grid capacity should not constrain renewable energy development, it is for developers to agree connections to the grid with the relevant network operator. In the case of proposals for grid infrastructure, consideration should be given to underground connections where possible.

- f) Consents for development proposals may be time limited. Areas identified for wind farms are, however, expected to be suitable for use in perpetuity."

5.65 The other policies of most relevance in NPF4, are as follows:

- Policy 3 – Biodiversity;
- Policy 4 – Natural Places;
- Policy 5 – Soils;
- Policy 6 – Forestry, Woodland and Trees; and
- Policy 7 – Historic Assets and Places.

5.66 Policy 3 – Biodiversity seeks to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks with an outcome of ensuring biodiversity is enhance and better connected. Policy 3 states "LDPs should protect, conserve, restore and enhance biodiversity in line with the mitigation hierarchy. They should also promote nature recovery and nature restoration across the development plan area, including by: facilitating the creation of nature networks and strengthening connections between them to support improved ecological connectivity; restoring degraded habitats or creating new habitats; and incorporating measures to increase biodiversity, including populations of priority species.

- a) Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.
- b) Development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria:
 - i. The proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;
 - ii. Wherever feasible, nature-based solutions have been integrated and made best use of;
 - iii. An assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;
 - iv. Significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long-term retention and monitoring should be included, wherever appropriate; and
 - v. Local community benefits of the biodiversity and/or nature networks have been considered.
- c) Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. Applications for individual householder development, or which fall within scope of (b) above, are excluded from this requirement.

- d) Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration.”

5.67 Policy 4 – Natural Places seeks to protect, restore and enhance natural assets making best use of nature-based solutions and states “LDPs will identify and protect locally, regionally, nationally and internationally important natural assets, on land and along coasts. The spatial strategy should safeguard them and take into account the objectives and level of their protected status in allocating land for development. Spatial strategies should also better connect nature rich areas by establishing and growing nature networks to help protect and restore the biodiversity, ecosystems and natural processes in their area.

- a) Development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported.
- b) Development proposals that are likely to have a significant effect on an existing or proposed European site (Special Area of Conservation or Special Protection Areas) and are not directly connected with or necessary to their conservation management are required to be subject to an “appropriate assessment” of the implications for the conservation objectives.
- c) Development proposals that will affect a National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve will only be supported where:
 - i. The objectives of designation and the overall integrity of the areas will not be compromised; or
 - ii. Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance. All Ramsar sites are also European sites and/or Sites of Special Scientific Interest and are extended protection under the relevant statutory regimes.
- d) Development proposals that affect a site designated as a local nature conservation site or landscape area in the LDP will only be supported where:
 - i. Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or
 - ii. Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.
- e) The precautionary principle will be applied in accordance with relevant legislation and Scottish Government guidance.
- f) Development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application.
- g) Development proposals in areas identified as wild land in the Nature Scot Wild Land Areas map will only be supported where the proposal:
 - i. Will support meeting renewable energy targets; or
 - ii. Is for small scale development directly linked to a rural business or croft, or is required to support a fragile community in a rural area. All such proposals must be accompanied by a wild land impact assessment which sets out how design, siting, or other mitigation measures have been and will be used to minimise significant impacts on the qualities of the wild land, as well as any management and monitoring arrangements where appropriate. Buffer zones around wild land will not be applied, and effects of development outwith wild land areas will not be a significant consideration.”

5.68 Policy 5 – Soils seeks to protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development and states “LDPs should protect locally, regionally, nationally and internationally valued soils, including land of lesser quality that is culturally or locally important for primary use.

- a) Development proposals will only be supported if they are designed and constructed:
 - i. In accordance with the mitigation hierarchy by first avoiding and then minimising the amount of disturbance to soils on undeveloped land; and

- ii. In a manner that protects soil from damage including from compaction and erosion, and that minimises soil sealing.
- b) Development proposals on prime agricultural land, or land of lesser quality that is culturally or locally important for primary use, as identified by the LDP, will only be supported where it is for:
 - i. Essential infrastructure and there is a specific locational need and no other suitable site;
 - ii. Small-scale development directly linked to a rural business, farm or croft or for essential workers for the rural business to be able to live onsite;
 - iii. The development of production and processing facilities associated with the land produce where no other local site is suitable;
 - iv. The generation of energy from renewable sources or the extraction of minerals and there is secure provision for restoration; and
 - In all of the above exceptions, the layout and design of the proposal minimises the amount of protected land that is required.
- c) Development proposals on peatland, carbon rich soils and priority peatland habitat will only be supported for:
 - i. Essential infrastructure and there is a specific locational need and no other suitable site;
 - ii. The generation of energy from renewable sources that optimises the contribution of the area to greenhouse gas emissions reductions targets;
 - iii. Small-scale development directly linked to a rural business, farm or croft;
 - iv. Supporting a fragile community in a rural or island area; or
 - v. Restoration of peatland habitats.
- d) Where development on peatland, carbon-rich soils or priority peatland habitat is proposed, a detailed site specific assessment will be required to identify:
 - i. The baseline depth, habitat condition, quality and stability of carbon rich soils;
 - ii. The likely effects of the development on peatland, including on soil disturbance; and
 - iii. The likely net effects of the development on climate emissions and loss of carbon. This assessment should inform careful project design and ensure, in accordance with relevant guidance and the mitigation hierarchy, that adverse impacts are first avoided and then minimised through best practice.

A peat management plan will be required to demonstrate that this approach has been followed, alongside other appropriate plans required for restoring and/or enhancing the site into a functioning peatland system capable of achieving carbon sequestration.

- e) Development proposals for new commercial peat extraction, including extensions to existing sites, will only be supported where:
 - i. The extracted peat is supporting the Scottish whisky industry;
 - ii. There is no reasonable substitute;
 - iii. The area of extraction is the minimum necessary and the proposal retains an in-situ residual depth of part of at least 1 metre across the whole site, including drainage features;
 - iv. The time period for extraction is the minimum necessary; and
 - v. There is an agreed comprehensive site restoration plan which will progressively restore, over a reasonable timescale, the area of extraction to a functioning peatland system capable of achieving carbon sequestration.”

5.69 Policy 6 – Forestry, Woodland and Trees seeks to protect and expand forests, woodland and trees and states “LDPs should identify and protect existing woodland and the potential for its enhancement or expansion to avoid habitat fragmentation and improve ecological connectivity, helping to support and expand nature networks. The spatial strategy should identify and set out proposals for forestry, woodlands and trees in the area, including their development, protection and enhancement, resilience to climate change, and

the expansion of a range of types to provide multiple benefits. This will be supported and informed by an up to date Forestry and Woodland Strategy.

- Development proposals that enhance, expand and improve woodland and tree cover will be supported.
- Development proposals will not be supported where they will result in:
 - Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition;
 - Adverse impacts on native woodlands, hedgerow and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy;
 - Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy; or
 - Conflict with Restocking Direction, Remedial Notice or Registered Notice to Comply issued by Scottish Forestry.
- Development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will most likely be expected to be delivered.
- Development proposals on site which include an area of existing woodland or land identified in the Forestry and Woodland Strategy as being suitable for woodland creation will only be supported where the enhancement and improvement of woodlands and the planting of new trees on the site (in accordance with the Forestry and Woodland Strategy) are integrated into the design.”

National Planning Guidance

5.70 Planning Advice Notes (PANs) set out detailed advice from the Scottish Government in relation to a number of land use planning topics. Relevant PANs are summarised in **Table 5.1** below.

Table 5.1: Relevant PANs

Title	Summary of Document
PAN 1/2013 Environmental Impact Assessment (as amended)	Provides information on the role local authorities and consultees play as part of the EIA process, and how the EIA can inform development management.
PAN 60 (2000) Planning for Natural Heritage	Advises developers on the importance of discussing their proposals with the planning authority and Scottish Natural Heritage (SNH) (now NatureScot) and use of the EIA process to identify the environmental effects of development proposals and seek to prevent, reduce and offset any adverse effects in ecology and biodiversity.
PAN 61 (2001) Sustainable Urban Drainage Systems	Good practice drainage guidance.
PAN 75 (2005) Planning for Transport	The objective of PAN 75 is to integrate development plans and transport strategies to optimise opportunities for sustainable development and create successful transport outcomes.
PAN 1/2011 Planning and Noise	This PAN provides advice on the role of the planning system in helping to prevent and/or mitigate any potential adverse effects of noise. It promotes the principles of good acoustic design and promotes a sensitive approach to the location of new development.
PAN 2/2111 Planning and Archaeology	The PAN is intended to inform local authorities and other organisations of how to process any archaeological scope of works within the planning process.
PAN 51 Planning, Environmental Protection and Regulation (Revised 2006)	Details the role of the planning system in relation to the environmental protection regimes.

The Local Development Plan and Relevant Policies

5.71 The current in force Local Development Plan (LDP) for the area comprises the Argyll and Bute LDP (adopted in March 2015). Supplementary Guidance (SG) was adopted in March 2016.

5.72 The following section provides an overview of the planning policies and SG of relevance to the Proposed Development by environmental/land use topic. As noted above, further details of the planning policy framework and discussion as to how the Proposed Development accords with the policy framework are included in the Planning Statement which accompanies the application for consent.

General LDP Policies

LDP Policy

5.73 Policy LDP STRAT 1 – Sustainable Development highlights the sustainable development considerations that Argyll and Bute Council (ABC) shall have when deciding planning applications including:

- “a) Maximise the opportunity for local community benefit;
- d) Maximise the opportunities for sustainable forms of design including minimising waste, reducing our carbon footprint and increasing energy efficiency;
- h) Conserve and enhance the natural and built environment and avoid significant adverse impacts on biodiversity, natural and built heritage resources;
- i) Respect the landscape character of an area and the setting and character of settlements;
- k) Avoid having significant adverse impacts on land, air and water quality.”

Supplementary Guidance

5.74 SG LDP Sustainable – Sustainable Siting and Design Principles states that all new developments should be designed, sited and built in a sustainable manner. Moreover, it provides guiding principles which developers should consider to ensure this, including environmental impact, positioning, protection of agricultural assets, energy efficiency, lifecycle, flooding, water supply/drainage and habitats and species.

Renewable Energy Policies

LDP Policy

5.75 Policy LDP 6 – Supporting the Sustainable Growth of Renewables states that “The Council will support renewable energy developments where these are consistent with the principals of sustainable development and it can be adequately demonstrated that there is no unacceptable significant adverse effect, whether individual or cumulative, including on local communities, natural and historic environments, landscape character, visual amenity and that proposals would be compatible with adjacent land uses”. The policy also highlights that the Council will prepare a Spatial Framework for wind farms and wind turbine developments over 50m high, which will be produced as SG.

Supplementary Guidance

5.76 ABC’s SG provides further detail on the factors which the Council will take into consideration when determining applications for renewable energy development and supports policy LDP 6. In particular, the SG contains a Spatial Framework for onshore wind energy developments as required by SPP. Consistent with Policy LDP 6, the Spatial Framework applies to all turbines where the maximum blade tip height exceeds 50m.

Landscape and Visual Amenity Policies

LDP Policy

5.77 Policy LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment sets out the points which the Council considers will jeopardise its conservation and enhancement aims for the development management zones. Part (B) states

that a development will be contrary to these aims where it “does not protect, conserve or where possible enhance the established character and local distinctiveness of the landscape and seascape in terms of its location, scale, form and design”. In addition, Part (C) states that a development proposal will not be supported where it “does not protect, conserve or where possible enhance the established character of the built environment in terms of its location, scale, form and design”.

5.78 Policy LDP 9 – Development Setting, Layout and Design addresses development setting, development layout and density, and development design. It stipulates that developments should have due regard to the context in which they are located, development layouts should integrate into the urban or countryside setting and the design of developments should be compatible with the local surroundings.

Supplementary Guidance

5.79 SG LDP ENV 9 – Development Impact on Areas of Wild Land provides additional detail to policy LDP 3 and states that “Argyll and Bute Council will resist development proposals where it is determined that the proposal would significantly diminish the wild character of a Wild Land Area, as identified on the 2014 SNH map of wild land areas, unless it is clearly demonstrated that these adverse effects can be substantially overcome by siting, design or other mitigation”.

5.80 SG LDP ENV 12 – Development Impact on National Scenic Areas (NSAs) provides additional detail to policy LDP 3 and emphasises that the Council will resist development proposals which are likely to adversely affect the integrity and special qualities of NSAs unless there are overriding social, economic or environmental benefits at a national level. Moreover, developments within NSAs will be required to demonstrate the highest quality of siting and design, and must comply with Policy LDP 9 – Development Setting, Layout and Design, associated SG and the findings of the Argyll and Bute Landscape Capacity Assessment.

5.81 SG LDP ENV 13 - Development Impact on Areas of Panoramic Quality (APQs) provides additional detail to policy LDP 3 and reiterates the points within SG LDP ENV 12, with an emphasis on APQs.

5.82 SG LDP ENV 14 – Landscape states that outwith NSAs and APQs, ABC will consider landscape impact when assessing development proposals, and will resist development when its scale, location or design will have a significant adverse impact on the character of the landscape unless it is demonstrated that:

- “(A) Any such effects on the landscape quality are clearly outweighed by social, economic or environmental benefits of community wide importance; and
- (B) The Council is satisfied that all possible mitigation measures have been incorporated into the development proposal to minimise adverse effects.”

Hydrology, Hydrogeology and Soils

LDP Policy

5.83 Policy LDP Strat 1 – Sustainable Development part (k) states that ABC will ensure that development proposals “avoid having significant adverse impacts on land, air and water environment”.

5.84 Policy LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment Part A states that a development will not be in accordance with the policy whereby it “does not protect, conserve or where possible enhance... geodiversity, soils and peat...”.

5.85 Policy LDP10 – Maximising our Resources and Reducing Our Consumption states that the Council will support developments where they minimise the impact on the water environment both in terms of pollution and abstraction, and also avoid areas subject to flood risk or erosion.

Supplementary Guidance

5.86 SG LDP ENV7 – Water Quality and the Environment provides additional detail to policy LDP 3 and states that “in all Development Management Zones proposals for development that could affect the water environment will be assessed with regard to their potential impact on:

- (A) Water quality and quantity;
- (B) Riparian habitats and wildlife;

- (C) Geomorphic processes;
- (D) Leisure and recreational facilities and users;
- (E) Economic activity;
- (F) The resources protected by Policy LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment and other relevant Local Development Plan policies and SG.”

5.87 The policy also advises that developments which are likely to have detrimental impacts on the water environment will not be permitted unless any adverse effects can be fully mitigated so as to ensure non-deterioration of waterbody status as required by the EU Water Framework Directive and the River Basin Management Plans covering Argyll and Bute.

5.88 SG LDP ENV 11 – Protection of Soil and Peat Resources provides additional detail to policy LDP 3 and states “Development that would potentially have a significant adverse effect on soil resources and functions or peat structure and function in terms of disturbance, degradation or erosion will not be supported unless it is satisfactorily demonstrated that:

- (A) Such adverse effects are clearly outweighed by social, environmental or economic benefits of community wide importance arising from the development proposal; and
- (B) A soil or peatland management plan is submitted which clearly demonstrates how unnecessary disturbance, degradation or erosion of peat and soils will be avoided and how any impacts mitigated as much as possible. Evidence of the adoption of best practice in the movement of, storage, management, reuse and reinstatement of soils must be submitted along with any planning application.”

5.89 SG LDP SERV 2 – Incorporation of Natural Features/Sustainable Drainage Systems (SuDS) provides additional detail to Policy LDP 10 and states that “the Council will encourage developers to incorporate existing ponds, watercourses or wetlands as positive environmental features in development schemes”.

5.90 SG LDP SERV 3 – Drainage Impact Assessment (DIA) also provides additional detail to Policy LDP 10 and advises on the need for a DIA.

5.91 SG LDP SERV 7 – Flooding and Land Erosion – The Risk Framework for Development states that developments will be resisted where they are located on a functional floodplain. The SG also highlights that if required, flood risk assessments, drainage impact assessments and erosion risk appraisals should be developed in consultation with the Scottish Environment Protection Agency (SEPA) or with ABC.

Ecology Policies

LDP Policy

5.92 Policy LDP Strat 1 – Sustainable Development part (h), states that ABC will ensure that development proposals are in line with sustainable development principles and “conserve the natural and built environment and avoid significant adverse impacts on biodiversity, natural and built heritage resources”.

5.93 Part (A) of Policy LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment states that a development will not be in accordance with the policy where it “does not protect, conserve or where possible enhance biodiversity, geodiversity, soils and peat, woodland, green networks, wild land, water environment and the marine environment”.

5.94 Policy LDP 10 – Maximising our Resources and Reducing Our Consumption states that the Council will support developments which maximise resources whilst reducing consumption where they minimise the impact on biodiversity and the natural environment and avoid the loss of trees and woodland.

Supplementary Guidance

5.95 SG LDP ENV 1 – Development Impact on Habitats, Species and our Biodiversity provides additional detail to Policy LDP 3 and sets out the key protected species legislation against which developments will be assessed including the Habitats Directive and Wildlife and Countryside Act 1981. It states that if species of European, national and/or local importance are found on a development site, then the Council will require the developer to prepare and submit a specialist survey of the site’s natural environment, and if necessary a mitigation plan.

5.96 SG LDP ENV 2 – Development Impact on European Sites provides additional detail to Policy LDP 3 and highlights that developments which would adversely affect the integrity of a European protected species site or Ramsar site will not be permitted unless it can be demonstrated that there is no other alternative and there are imperative reasons of overriding public interest relating to human health, public safety or beneficial consequences of primary importance to the environment.

5.97 SG LDP ENV 4 – Development Impact on Sites of Special Scientific Interest (SSSIs) and National Nature Reserves provides additional detail to Policy LDP 3, emphasises the importance of conserving SSSIs within the Argyll and Bute area and highlights that development proposals will not be permitted whereby they would adversely affect SSSIs and National Nature Reserves, unless they will not affect the integrity of the site, or where social, economic, environmental or safety considerations of national importance outweigh the ecological interest of the site.

5.98 SG LDP ENV 5 – Development Impact on Local Nature Conservation Sites (LNCS) provides additional detail to policy LDP 3 and does not permit developments which would adversely affect the integrity of LNCSs unless:

- *“(A) Such adverse effects are clearly outweighed by social, environmental or economic benefits of community wide importance arising from the development proposal; and*
- *(B) The Council is satisfied that all possible mitigation measures have been incorporated to minimise the adverse effects on the interests of the site.”*

5.99 The policy goes on to state that where a development is permitted which would adversely affect a LNCS, then the developer must demonstrate that adequate measures will be taken to conserve and enhance the site’s ecological interest.

5.100 SG LDP ENV 6 – Development Impact on Trees/Woodland provides additional detail to Policy LDP 3 and states that *“Argyll and Bute Council will also resist development likely to have an adverse impact on trees by ensuring through the development management process that adequate provision is made for the preservation of and where appropriate the planting of new woodland/trees, including compensatory planting and management agreements”*. The policy highlights the features of important woodland to be protected.

Ornithology Policies

LDP Policy

5.101 As referenced above, **Policy LDP Strat 1 – Sustainable Development** part (h), **Policy LDP 3 Supporting the Protection, Conservation and Enhancement of our Environment** and **Policy LDP 10 – Maximising our Resources and Reducing Our Consumption** are relevant to ornithology.

Supplementary Guidance

5.102 The SG referenced above under ‘Ecology’ also applies to ornithology.

Cultural Heritage

LDP Policy

5.103 Policy LDP Strat 1 – Sustainable Development part (h) states that ABC will ensure that development proposals are in line with sustainable development principles and *“conserve the natural and built environment...”*.

5.104 Policy LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment parts (C) and (D) states that a development will not be in accordance with the policy whereby it:

- *“(C) does not protect, conserve or where possible enhance the established character of the built environment in terms of its location, scale, form and design; and*
- *(D) has not been ascertained that it will avoid adverse effects, including cumulative effects on the integrity or special qualities of international or nationally designated natural and built environment sites.”*

Supplementary Guidance

5.105 SG LDP ENV 15 – Development Impact on Historic Gardens and Designed Landscape provides additional detail to Policy LDP 3 and states that *“In assessing proposals for development in, or adjacent to, gardens or designed landscapes, particular attention will be paid to the impact of the proposal on:*

- *(A) The archaeological, historical or botanical interest of the site;*
- *(B) The site’s original design concept, overall quality and setting;*
- *(C) Trees and Woodland and the site’s contribution to local landscape character within the site including the boundary walls, pathways, garden terraces or water features; and*
- *(D) Planned or significant historic views of, or from, the site or buildings within it.”*

5.106 SG LDP ENV 16(a) – Development Impact on Listed Buildings provides additional detail to Policy LDP 3 and states *“Development affecting a listed building or its setting shall preserve the building or its setting, and any features of special architectural or historic interest that it possesses. All developments that affect listed buildings or their settings must be of the highest quality, and respect the original structure in terms of setting, scale, design and materials”*.

5.107 SG LDP ENV 19 – Development Impact on Scheduled Ancient Monuments advises that *“There will be a presumption in favour of retaining, protecting, preserving and enhancing Scheduled Ancient Monuments and the integrity of their settings. Developments that have an adverse impact on Scheduled Ancient Monuments and their settings will not be permitted unless there are exceptional circumstances”*.

5.108 SG LDP ENV 20 – Development Impact on Sites of Archaeological Importance stipulates that *“There is a presumption in favour of retaining, protecting, preserving and enhancing the existing archaeological heritage and any future discoveries found in Argyll and Bute”*.

Noise and Vibration Policy

5.109 There are no LDP policies which directly address noise and vibration. However, Policy LDP 6 – Supporting the Sustainable Growth of Renewables states that *“The Council will support renewable energy developments where these are consistent with the principals of sustainable development and it can be adequately demonstrated that there would be no unacceptable significant adverse effect, whether individual or cumulative, including on local communities...”*. This policy therefore relates indirectly to potential noise effects on nearby communities.

Traffic and Transport Policies

LDP Policy

5.110 Policy LDP Strat 1 – Sustainable Development (Part f) relates to traffic and transport and states that the use of public transport corridors and active travel networks will be taken into account by ABC when considering development proposals.

5.111 Policy LDP 11 – Improving our Connectivity and Infrastructure states that ABC will support development proposals which seek to maintain and improve existing internal and external connectivity and which make best use of existing infrastructure.

Supplementary Guidance

5.112 SG LDP TRAN 2 – Development and Public Transport Accessibility provides additional detail to Policy LDP 11 and states that where considered appropriate by the planning authority, a traffic impact assessment may be required to justify the proposal. Developers will also be required, where necessary, to mitigate the impacts of their developments, thus preserving the performance and safety of the strategic trunk road network.

Socio-Economics, Tourism and Recreation Policies

LDP Policy

5.113 Policy LDP STRAT1 – Sustainable Development states that ABC will seek to ensure that developments maximise both opportunities for local communities, and the use of existing services when considering applications.

5.114 Policy LDP5 – Supporting the Sustainable Growth of Our Economy supports development proposals for new industry and business opportunities which will help to promote sustainable economic growth throughout Argyll and Bute.

5.115 Policy LDP8 – Supporting the Strength of Our Communities highlights that Argyll and Bute Council will encourage sustainable development proposals which seek to strengthen the communities of Argyll and Bute, making them better places to live, work and visit.

5.116 Policy LDP11 – Improving our Connectivity and Infrastructure states that the Council will support development proposals which safeguard Rights of Way (RoW) and public access, make provision for new public access within the development and consider the core path network and wider green network.

Supplementary Guidance

5.117 SG LDP TRAN 1 – Access to the Outdoors provides additional detail to Policy LDP 11 and states that development proposals should preserve and enhance rights of access to the outdoors, including core paths, claimed RoW and public rights of access to land and water and advises on the production of Access Plans.

5.118 The SG highlights that where development proposals will have an adverse effect on public access interests, then the developer shall make provision for route diversions or the inclusion of affected routes into the development proposals, at their expenditure.

Forestry

LDP Policy

5.119 Policy LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment part (A) is relevant to forestry and states that development proposals will not be supported when they do not protect, conserve or enhance woodland.

5.120 Policy LDP10 – Maximising our Resources and Reducing Our Consumption states that the Council supports development proposals where they avoid the loss of trees and woodland.

Supplementary Guidance

5.121 SG LDP ENV 6 – Development Impact on Trees/Woodland provides additional detail to Policy LDP 3 and states *“Argyll and Bute Council will also resist development likely to have an adverse impact on trees by ensuring through the development management process that adequate provision is made for the preservation of and where appropriate the planting of new woodland/trees, including compensatory planting and management agreements”*.

The Emerging LDP

5.122 The current LDP for Argyll and Bute is over five years old and a replacement LDP is under preparation. The Council has sent Proposed Local Development Plan 2 (LDP2) and all unresolved representations (including objections in relation to the LDP2 renewable energy policies) to the Scottish Government requesting an Examination into the issues raised. The Scottish Government appointed a Reporter to conduct the independent Examination which will start in May 2022. The Examination has now concluded and the new LDP2 is expected to be adopted in Spring 2023.

The Argyll and Bute Landscape Wind Energy Capacity Study

5.123 The Argyll and Bute Landscape Wind Energy Capacity Study assesses the sensitivity of landscape character types to different sizes of wind turbine development. The aim of the study is to inform strategic planning for wind energy development and to provide guidance to be used when considering specific development proposals. The study was originally undertaken in 2012 and was updated in 2017.

5.124 The Main Study Report provides details of the background and methodology of the study, a description of the baseline landscape character, and summary sensitivity assessments for each landscape character type. The Appendix Report provides detailed sensitivity assessments for each of the landscape character types. The study is non-statutory and is a relevant consideration.

Conclusions

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

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