

## **Chapter 5**

### Planning Policy Context

## 5 Planning Policy Context

### Introduction

- 5.1 This section considers the legislative and policy context against which the application for planning permission for the proposed development will be assessed and determined by Dumfries and Galloway Council (D&GC). For details of the proposed development, reference should be made to **Chapter 4: Project Description and Construction, Operation and Maintenance**.
- 5.2 The chapter highlights the relevant aims and objectives of the statutory development plan, as this constitutes an important aspect of the overall policy framework, and identifies the development plan policies of relevance to the proposed development by EIA topic area. The full wording of relevant development plan policies is provided where relevant.
- 5.3 This chapter also includes a description of other material planning considerations which include emerging development plan policy, statutory and draft supplementary planning guidance, national planning policy and additional relevant planning policy, guidance and advice. It refers in detail to the National Planning Framework 3 (NPF3), Scottish Planning Policy 2014 (SPP), particularly to the energy transmission and EIA topic related provisions contained therein. A table listing additional relevant government guidance and Planning Advice Notes (PANs) is also provided.
- 5.4 A final section on committed development<sup>1</sup> in proximity to the proposed development is also included at the end of the chapter.
- 5.5 It is important to note that this chapter does not include an assessment of the **proposed development's** accordance with development plan policy and other material considerations. D&GC as the competent authority will consider the question of accordance in making their determination on the planning application as required under the Town and Country (Scotland) Act 1997.

### Stakeholder Engagement

- 5.6 SPEN attaches great importance to the effects that its work may have on the environment and on local communities. In seeking to achieve 'least disturbance', SPEN has sought to engage with key stakeholders, including nearby residents, the wider local community, and others who may have an interest in the project. This engagement process began at the early stages of the wider KTR Project and will continue into construction of the proposed development should planning permission be granted.
- 5.7 As detailed in **Chapter 3: Approach to the EIA**, specific consultation in relation to the proposed development has been undertaken, separate from that which has taken place for the wider KTR Project. This is detailed further below and also in the accompanying Pre-Application Consultation (PAC) Report. The PAC Report includes detailed feedback that was received through the consultation process and sets out how comments and feedback received have informed the design of the proposed extension to Glenlee substation and other works forming part of the proposed development.

### Legislative Requirements

- 5.8 As the proposed development consists of **"new and/or upgraded onshore sub stations directly linked to electricity transmission cabling of or in excess of 132 kilovolts"**, the development is being progressed as a national development in accordance with NPF3 Annex 3. The Town and Country Planning (Development Management Procedure) Regulations (Scotland) 2013, and the relevant provisions of the Town and Country (Scotland) Act 1997 (as amended), set out the planning application procedures which must be followed. This includes the requirements for statutory pre-application consultation on developments related to national and major development. This places importance on the involvement of

local communities and stakeholders in the planning process. In particular the planning legislation promotes the inclusion of local residents in the planning process.

### Pre-Application Consultation

- 5.9 Prior to the decision to progress the planning application for the proposed development in advance of the rest of the KTR Project, consultation on the KTR Project included information on the proposals for an extension to Glenlee substation. Full details of the consultation that was undertaken are set out in Chapter 2: Approach to the EIA and in the accompanying PAC Report.

### The Planning and Regulatory Framework

- 5.10 A planning application is being submitted under the Town and Country (Scotland) Act 1997 (as amended) for the proposed development which includes an extension to the existing 132 kilovolt (kV) Glenlee substation. The substation extension is required to support and operate the wider Kendoon to Tongland 132kV Reinforcement (KTR) Project.
- 5.11 Consideration of the application will involve striking a balance between the need for the substation extension, technical and economic considerations and the mitigation of likely environmental effects.
- 5.12 As demonstrated in this EIA Report, the Applicant has sought to conserve, where possible, the natural heritage and features of interest, and where environmental effects are envisaged, mitigation is proposed to seek to further reduce residual adverse effects.

### Statutory Development Plan

- 5.13 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended), require that planning decisions be made in accordance with the development plan, unless material considerations indicate otherwise. The statutory development plan in this instance is the adopted D&GC Local Development Plan (LDP) 2014. As the Dumfries and Galloway Local Development Plan 2 (LDP2) is at an advanced stage (with adoption expected in September 2019 following the issue of the Reporters Examination Report and subsequent D&GC acceptance of the recommendations), the D&GC LDP2 should be considered as a material consideration in the planning process. In this regard, this chapter provides details of both the relevant adopted and Proposed Plan policies which should be given consideration in the assessment of site suitability in planning policy terms.

#### *Dumfries and Galloway Council Local Development Plan, 2014*

- 5.14 As noted above, the statutory development plan is the LDP, with LDP2 nearing adoption following the issue of the Reporters Examination Report and Recommendations. LDP2 is discussed in the other material considerations section of this chapter.
- 5.15 The LDP sets a spatial strategy in which to guide the future use and development of land in towns, villages and the rural area. It also provides a snapshot of where development should happen and where it should not. The LDP sets out this strategy through planning policies, which outline the criteria by which acceptability of development proposals will be considered. The policies are structured around the themes of economic development; housing; historic environment; natural environment; community services and facilities; infrastructure; and transport. The LDP recognises the importance of delivering supporting infrastructure and that provision of infrastructure is fundamental to the deliverability of development proposals and ensuring that infrastructure and service improvement requirements can be met.
- 5.16 The LDP is guided by the overarching principle that all development should support sustainable development, including the reduction of carbon and other greenhouse gas emissions. Of the broad principles to be incorporated into all development outlined within the LDP (page 10), those of relevance to the proposed development are:
- use of sustainable construction techniques;
  - inclusion of a SuDS scheme;
  - maximise the use of existing infrastructure; and

<sup>1</sup> Considered to be development that has either full or planning permission in principle or is allocated in an adopted Local Development Plan

- consider future proofing development to accommodate any future changing requirements, including infrastructure.
- 5.17 Key elements of the **D&GC's** overall 20 year vision for the region are set out on page 11 of the LDP:
- to promote a thriving region with a sustainable economy built on sustainable principles that safeguard the landscape, natural and historic environment, promote growth, maximise the use of existing infrastructure and enhance connectivity;
  - to have maximised its location to attract investment to create employment and investment opportunities which will in turn attract people of working age to the region;
  - that towns across the region will occupy niche positions making the most of their geographical locations; and
  - to provide opportunities in the rural area for economic development, housing and recreation.
- 5.18 As well as the overarching 20 year vision, the LDP sets out further aspects of the wider vision for achieving a viable rural economy and community; vibrant towns and villages; and a successful Regional Capital in Dumfries.
- 5.19 Transposing the vision to a spatial context, the LDP outlines its Spatial Strategy with the aim of situating the right type of development in the right place and meeting the needs of the community, whilst promoting a more sustainable pattern of development, creating opportunities for sustainable economic growth, reducing carbon emissions, and minimising the need to travel. The Spatial Strategy is set out under seven distinct headings, namely: the Economic Strategy, Business and Industry Land Requirement (2012-2032), Retail Strategy, Housing Strategy, Transport Strategy, Active Travel and Green Networks and Waste Management Strategy.
- 5.20 The LDP sets out its policies under eight key policy headings, namely Overarching Policies (OP), Economic Development (ED), Housing (H), Historic Environment (HE), Natural Environment (NE), Community Services and Facilities (CF), Infrastructure (I) and Transport (T).
- 5.21 **Table 5.1** identifies the LDP policies and emerging LDP2 policies of relevance to the proposed development. These have been identified on the basis of the physical location of components of the proposed development within, or in proximity to, areas designated for their natural or cultural heritage value or as a consequence of potentially significant environmental effects of the proposed development on the resources covered by a particular policy, prior to the application of good practice measures or mitigation. This is structured by EIA topic area. These policies have also been considered by the EIA topic specialists to inform their assessments.
- 5.22 As noted above, the adopted LDP is expected to be replaced by the new LDP2 in September 2019, however many of the policies in the draft LDP2 remain broadly similar as those in the LDP. **Table 5.3** identifies the LDP2 policies of relevance to the proposed development (and identifies policies which have proposed amendments through the LDP2 process including the Reporters Examination Report).

**Table 5.1: Development Plan Policies of Relevance to the proposed development**

Topic Area	Dumfries and Galloway Local Development Plan (adopted 2014)
Development Control and Design (including Noise)	OP1 - Development Considerations
Landscape and Visual Amenity	NE2 – Regional Scenic Areas
Hydrology, Hydrogeology and Water Resources and Peat	NE11 - Supporting the Water Environment
	NE12 - Protection of Water Margins
	IN7 - Flooding and Development
	IN8 - Surface Water Drainage and Sustainable Drainage Systems (SuDS)
	ED14 – Mineral Safeguarding
	ED16 - Protection and Restoration of Peat Deposits as Carbon Sinks
	NE13 - Agricultural Soil

Topic Area	Dumfries and Galloway Local Development Plan (adopted 2014)
Ecology	NE4 – Species of International Importance
Cultural Heritage	HE1 - Listed Buildings
	HE3 – Archaeology
	HE6 - Gardens and Designed Landscapes
Traffic & Transport	T1 - Transport Infrastructure
	T2 - Location of Development / Accessibility
Forestry	NE7 - Trees and Development

## Adopted LDP Policies of Relevance to the Proposed Development

- 5.23 This section of the chapter provides the wording of relevant adopted LDP policies set out in **Table 5.1** in full where relevant, and also identifies areas designated on the LDP Proposals Maps within which components of the proposed development are located.

### Development Control and Design

- 5.24 Policy OP1: Development Considerations within the LDP is an overarching policy setting out some of the key considerations taken into account when assessing development proposals. These considerations are set out under seven main headings, namely: a) General Amenity; b) Historic Environment; c) Landscape; d) Biodiversity and Geodiversity; e) Transport and Travel; f) Sustainability; and g) Water Environment as outlined below:

#### "a) General Amenity

*Development proposals should be compatible with the character and amenity of the area and should not conflict with nearby land uses. The following issues which may result from the development will be a material consideration in the assessment of proposals:*

- noise and vibration;*
- odour and fumes;*
- potential loss of privacy, sunlight and daylight on nearby properties;*
- emissions including dust, smoke, soot, ash, dirt or grit or any other environmental pollution to water, air, or soil; and*
- light pollution.*

*b) Historic Environment Development proposals should protect and/or enhance the character, appearance and setting of the region's rich historic environment principally by ensuring they are sympathetic to nearby buildings, sites and features, integrate well and complement the surrounding area. The information contained within the Council's Historic Environment Record and Scottish Historic Environment Policy, and any subsequent revised or amended document, will be a material consideration in the assessment of proposals.*

*c) Landscape Development proposals should respect, protect and/or enhance the region's rich landscape character, scenic qualities and features and sites designated for their landscape quality at any level. They should also reflect the scale and local distinctiveness of the landscape. Principles established in the European Landscape Convention and the Dumfries and Galloway Landscape Assessment, and any subsequent revised or amended document, will be a material consideration in the assessment of proposals.*

*d) Biodiversity and Geodiversity Development proposals should respect, protect and/or enhance the region's rich and distinct biodiversity, geodiversity and sites designated for their contribution to the natural environment at any level including ancient and semi-natural woodland. The guidance contained within the Local Biodiversity Action Plan, and any subsequent revised or amended document, will be a material consideration in the assessment of proposals.*

e) Transport and Travel Development proposals should minimise the need for travel by car and encourage active and other more sustainable forms of travel whilst avoiding or mitigating any adverse impact on the transport network or road safety

"f) Sustainability

Development proposals should limit the impacts of climate change and promote sustainable development by:

- assisting the development of the local economy through sustainable economic growth;
- minimising adverse impacts on water, air and soil quality;
- reusing and/or regenerating previously used land and property, including derelict and contaminated land;
- making the most efficient use of land;
- integrating with existing infrastructure where possible;
- supporting the Council's waste resource management objectives;
- avoiding areas of significant flood risk;
- using sustainable drainage systems (SuDS);
- incorporating sustainable principles by demonstrating that in all new buildings at least 10% of the carbon emissions reduction standard set by Scottish Building Standards has been met through the installation and operation of zero carbon generating technologies. This percentage will increase to 15% from the beginning of 2015 and will be reviewed in 2017.\*

g) Water Environment Development proposals should maintain or enhance water quality, and take account of the need to manage water quantity, including flooding. In securing these objectives they should also seek to contribute positively to the general environmental quality of their area.

\*Supplementary guidance shall provide further detail on this including its application to existing buildings and the circumstances where exceptions should apply.

### Landscape and Visual Amenity

5.25 The Glenlee substation extension is located within the Galloway Hills, identified as a Regional Scenic Area (RSA) within the Dumfries and Galloway LDP Proposal Maps. The corresponding Policy NE2: Regional Scenic Areas states that:

"The siting and design of development within a Regional Scenic Area should respect the special qualities of the area. Development within, or which affects Regional Scenic Areas (RSAs), may be supported where the local Council is satisfied that:

- the landscape character and scenic interest for which the area has been designated would not be significantly adversely affected; or
- there is a specific need for the development at that location which could not be located in a less sensitive area."

5.26 **Chapter 6: Landscape and Visual Amenity** assesses the impact of the proposed development upon the Galloway Hills Regional Scenic Area.

### Hydrology, Hydrogeology and Water Resources and Peat

5.27 The proposed development is located in the vicinity of several major tributaries of the River Dee including the Water of Ken and Coom Burn. Surface runoff during and after construction will be managed by SuDS (as discussed further in this EIA Report in **Chapter 4: Development Description, Construction and Operation and Maintenance** and **Chapter 7: Hydrology and Water Resources**) and the direct and indirect disturbance of peat during construction has been assessed.

5.28 The corresponding policies **NE11: Supporting the Water Environment**, **NE12: Protection of Water Margins**, **IN7: Flooding and Development**, **IN8: Surface Water Drainage and Sustainable Drainage Systems** are outlined below.

5.29 **NE11: Supporting the Water Environment** states that:

"The Council will not permit development which would result in deterioration in the status of a waterbody or which would likely impede the improvements in waterbody status as set out in the Solway Tweed River Basin Management Plan (2009) or any update or adopted review of it, unless there are exceptional justifying circumstances.

Development proposals should not normally include the culverting of any waterbody. If culverting would be the only way to enable a proposed development, then permission could be granted if the Council is satisfied that there would be acceptable mitigation measures to protect habitats, passage of fauna, and river form and flow.

Other physical alterations and changes to waterbodies should, if possible, be avoided.

Existing culverted or canalised watercourses in redevelopment and land rehabilitation schemes should be restored when this is practical, neutral or positive in respect of flood risk elsewhere, and consistent with the relevant Regulations.

Development proposals which could adversely affect Drinking Water Protection Areas identified by the Scottish Government will be subject to consultation with SEPA. Where the likely adverse effect cannot be avoided or mitigated against, the development will not be permitted."

5.30 **NE12: Protection of Water Margins** states that:

"Where new development is proposed adjacent to or in the vicinity of waterbodies, the water margins will, subject to Policy NE11 and Section 18 of the Flood Risk Management (Scotland) Act 2009, be protected unless there are compelling reasons to justify why this should not be done."

5.31 **IN7: Flooding and Development** states that:

"The avoidance principle is the most sustainable form of flood management, in accordance with the first principle of SPP relating to sustainable development and the Flood Risk Management (Scotland) Act 2009.

Where proposed development could lead to an unacceptable onsite or off site flood risk, as defined by the Risk Framework in SPP, then it will not be permitted. Where a proposed development could lead to an unacceptable flood risk, it may be that a Flood Risk Assessment (FRA) is able to clarify to the satisfaction of the Council and SEPA that the level of risk both on and off site would be acceptable. For any site a Drainage Impact Assessment (DIA) may be required to ensure that surface water flows are properly taken into account in the development design. Consideration should be given to pluvial flows especially those which exceed the capacity of the proposed drainage systems. Design of development must avoid flood risk from exceedance flows. (See also Policy IN8 for Surface Water Drainage and SuDS.)

In order to satisfy the Council in respect of FRAs and DIAs, parties will be expected to provide independent verification of their professional competence, unless it is clear that this is not required."

5.32 **IN8: Surface Water Drainage and Sustainable Drainage Systems** states that:

"With the exception of single houses and those with direct discharges to coastal waters, Sustainable Drainage Systems (SuDS) will be a required part of all proposed development as a means of treating the surface water and managing flow rates. Surface water management arrangements must form part of any Planning in Principle submission.

For any site a Drainage Impact Assessment (DIA) may be required to ensure that surface water flows are properly taken into account in the development design.

Planning applications must include details of the proposed SuDS which should:

- ensure the system is designed to avoid flood risk from exceedance flows;
- be accommodated within the proposed site, and understood as an essential factor in determination of the overall capacity of any site;
- be based on a unified approach to cover surface water drainage from on site roads and from the remainder of the site;
- contribute positively to the biodiversity and general amenity of the area of the proposal;
- include a coordinated approach between new developments that are adjacent to one another;
- include the arrangements for its long term maintenance.

*There should be appropriate arrangements for surface water drainage during the construction phase of a development site. This could be by way of a SuDS scheme or some alternative interim solution.”*

### Ecology

5.1 The Glenlee substation extension is not considered likely to have any effects sites of international/national interest for biodiversity as identified within the Dumfries and Galloway LDP Proposal Maps however potential effects during construction are assessed for certain European protected species as set out in **Chapter 8: Ecology**. The corresponding policy in relation to the potential effects on ecological interests is set out in **NE4: Species of International Importance**.

5.2 **NE4: Species of International Importance** states that:

*“Development proposals that would be likely to have an adverse effect on a European Protected Species will not be permitted unless it can be shown that:*

- there is no satisfactory alternative, and*
- the development is required for preserving public health or public safety or for other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment, and*
- the development would not be detrimental to the maintenance of the population of the species at a favourable conservation status in its natural range.”*

### Cultural Heritage

5.3 The proposed development is located in the vicinity of a number of listed structures and Non-Inventory Gardens. Use of Coom Bridge, which is a category C Listed Building, is proposed during construction however no works will be required on the bridge to facilitate construction of the proposed development. There are a number of other Listed Buildings in the vicinity of the site, including the Power Station and bridge which are both Category B Listed and slightly further afield to the south east are the various Glenlee Park Category B Listed structures (including bridge, steading, sarcophagus, Park, Urn and pedestal). Given the proximity to these receptors, the impacts on Listed Buildings in the wider surrounding environment are also considered in **Chapter 9: Cultural Heritage**. The corresponding Policies, **HE3: Archaeology** and **HE6: Gardens and Designed Landscapes**, are outlined below<sup>2</sup>.

5.4 **HE3: Archaeology** states that:

*“a) The Council will support development that protects significant archaeological and historic assets, and the wider historic environment from adverse effects.*

*In considering development proposals the Council will need to be satisfied that:*

- the development preserves or enhances the appearance, fabric or setting of the site or asset in-situ; and/or*
- where there is uncertainty about the location, extent or significance of these assets an agreed scheme of assessment and evaluation to inform the application is included with the proposal; and/or*
- due consideration has been given to the significance and value of the site or asset in relation to the long-term benefit and specific need for the development in the location proposed.*

*b) Where, due to exceptional circumstances, development is to proceed and the preservation of historic assets in-situ including buildings is not possible, a scheme of mitigation involving excavation, recording, analysis, publication and archiving and any other measures appropriate to the case has been agreed with the Council.”*

5.5 **HE6: Gardens and Designed Landscapes** states that:

*“a) The Council will support development that protects or enhances the significant elements, specific qualities, character, integrity and setting, including key views to and from, gardens and designed landscapes included in the Inventory of Gardens and Designed Landscapes or the Non-Inventory List.*

*In considering development proposals the Council will need to be satisfied that:*

- the development protects or enhances the significant elements of the garden or landscape in-situ; and*
- due consideration has been given to the significance and value of the asset in relation to the long-term benefit and specific need for the development in the location proposed.*

*b) Developers will be required to submit the results of an assessment of the impact of their proposals on the sites and their settings plus details of any potential mitigation measures.*

*c) Proposals that would have a detrimental effect on the specific quality, character or integrity of a garden or designed landscape will not be approved unless it is demonstrated that the proposal has benefits of overriding public interest.”*

### Traffic & Transport

5.6 The corresponding policies in relation to the potential traffic and transport effects associated with the construction of the proposed development are set out in **CF4: Access Routes**, **T1: Transport Infrastructure** and **T2: Location of Development / Accessibility**. The relevant content of the policies is set out below and further assessment is provided in **Chapter 11: Access, Traffic and Transport**.

5.7 **CF4: Access Routes** states that<sup>3</sup>:

*“a) Development Affecting Existing Access Routes: The Council as Access Authority will assert, protect and keep open and free from obstruction any route, waterway or other means by which access rights may reasonably be exercised. Development proposals should not impact adversely on any of the aforementioned access routes and Core Paths. The Council will not grant planning permission to development proposals which would result in the loss of such access routes unless a satisfactory alternative route or mitigating measures can be secured. In such cases, future access provision, including any changes to existing access, must be shown in an Access Route Plan.*

...

*The Council will seek reasonable opportunities from developers to create, manage, maintain and improve access through planning conditions or legal agreements.”*

5.8 **T1: Transport Infrastructure** states that:

*“Proposals for the improvement of existing transport infrastructure and, where appropriate, the provision of new transport infrastructure and/or services will be supported provided they accord with the Regional and Local Transport Strategies; and where it can be demonstrated to the satisfaction of the Council that following appropriate assessment (where needed), the proposal has no adverse effects either alone or in combination on the integrity of any Natura site.*

*Development of facilities for cyclists and pedestrians will be supported.*

*a) Strategic Network The strategic transport network includes the trunk road, motorway and rail networks. Development proposals that have the potential to affect the performance or safety of the strategic transport network need to be appraised to determine their effects. The national and strategic role of these routes should not be compromised by development which individually or incrementally materially reduces the level of service of a route.*

*b) Regional Network Development which involves a new direct access onto the regional road network should not, individually or incrementally, materially reduce the level of service of a route”.*

5.9 **T2: Location of Development/Accessibility** states that:

*“...All development proposals will be expected to..*

- incorporate appropriate on and/or off site mitigation measures, where required, which might include: improvements, enhancements or additions to the walking/cycling network (connecting into existing local pedestrian or cycle networks or wider green networks) and public transport services, as well as road improvements and new roads;*

...

<sup>2</sup> **H1: Listed Buildings** relates to proposals for alterations to or demolition/partial demolition of listed buildings which is not proposed as part of the proposed development.

<sup>3</sup> Potential effects on recreation and access have been scoped out of detailed assessment however the wording of this policy is included for reference due to the proximity of Core Path 30 to the proposed development, effects on which are considered in terms of visual amenity in **Chapter 6: Landscape and Visual Amenity**.

In certain circumstances developers may be required to:

- prepare and implement travel plans to support a development proposal that will result in significant travel generation, by virtue of its size, nature, or location (as determined by the Council).<sup>4</sup>

### Forestry

5.10 As noted in **Chapter 4: Development Description, Construction, and Operation and Maintenance**. It will be necessary to remove some trees and hedgerows to facilitate construction and operation for the Glenlee substation extension and planting is also proposed as screening. The LDP notes that developers are expected to give priority to the retention of trees and hedgerows on development sites in accordance with British Standard "BS5837:2012 – Trees in relation to design, demolition and construction". Where there are no Tree Protection Orders (TPOs) covering these trees, and where the trees are not within a forestry or woodland, as is the case with the proposed development, the following policy is considered of relevance **NE7: Trees and Development** as outlined below.

5.11 **NE7: Trees and Development** states that:

"In assessing development proposals the Council will support proposals that promote additional tree planting and also:

- maintain trees, woodlands (in particular ancient and semi-natural woodlands), and hedgerows (hereafter referred to as the 'woodland resource') and require developers to incorporate, wherever feasible, the existing woodland resource into their schemes;
- appropriately incorporate the woodland resource into the overall design of the scheme;
- show how existing trees will be appropriately protected during the construction period.

If it is demonstrated to the satisfaction of the local Council that it is not possible to retain the woodland resource then an appropriate replacement planting will be required and agreed by the Council. Any such replacement planting scheme should be located where possible within the region and follow guidance contained within the Forestry and Woodland Strategy. This strategy is a relevant consideration for all proposals likely to impact on the woodland resource.

The processes and recommendations contained in BS 5837:2012, and any subsequent revised or amended document, should be taken into account in designing and implementing development proposals."

### Statutory Supplementary Guidance<sup>4</sup>

#### Dumfries and Galloway Council Local Development Plan Statutory Supplementary Guidance

5.12 Consideration has also been given to the various statutory supplementary planning guidance documents associated with the adopted LDP. **Table 5.2** below provides a summary of the guidance notes considered in relation to the adopted LDP:

**Table 5.2: Adopted Statutory Supplementary Guidance**

Topic Area	Adopted Statutory LDP Supplementary Guidance
Hydrology	Protection of Water Margins (December 2014)
	Flooding and Development (December 2014)
	Surface Water and Sustainable Urban Drainage Systems (August 2015)
Traffic and Transport	Travel Plans (December 2014)
Cultural Heritage	Historic Built Environment (June 2017)
Forestry	Trees and Development (October 2015)

<sup>4</sup> The LDP includes statutory supplementary guidance which forms part of the development plan. It should be noted that the Planning (Scotland) Act 2019 abolishes statutory supplementary guidance although as at August 2019, the provision has not yet come into force. This will be done through secondary legislation. After this has been done, supplementary guidance will in future be non statutory.

## Other Material Considerations

5.13 Emerging LDP policies, draft supplementary planning guidance, national planning policy and policy guidance produced by the Scottish Government are material planning considerations and are detailed below.

### Dumfries and Galloway Council Local Development Plan 2 (Proposed Plan January 2018)

5.14 Emerging LDP policies of relevance to the proposed development are summarised in **Table 5.3** below. The current target is to have adopted LDP2 by September 2019. As with the adopted LDP, LDP2 aims to set out a spatial strategy in which to guide the future use and development of land in towns, villages and similar to the LDP is structured around the themes of economic development, housing, historic environment, natural environment, community services and facilities, infrastructure and transport.

**Table 5.3: Proposed Plan Local Development Plan 2 Policies of Relevance to the proposed development (including Examination process recommendations)**

Topic Area	Proposed alteration to the Dumfries and Galloway Local Development Plan 2 (January 2018) (including the Examination process recommendations April 2019)	Amendments to the LDP2 policy when compared to the adopted LDP 2014 policy equivalent
Development Control and Design (including Noise)	OP1 – Development Considerations	Amendment to the wording of parts (c) and (f)
Landscape and Visual Amenity	NE2 – Regional Scenic Areas	Minor alteration to the policy wording in second bullet point in relation to sensitive areas
Hydrology, Hydrogeology and Water Resources and Peat	NE10 - Supporting the Water Environment	Minor updates to the wording to reflect study updates
	NE11 - Protection of Water Margins	Minor updates to reflect reference to other LDP policies
	IN7 - Flooding and Development	No amendments to the policy wording
	IN8 - Surface Water Drainage and Sustainable Drainage Systems (SuDS)	Minor alterations to the policy wording (additional clarity provided)
	ED13 – Minerals	Policy wording of adopted ED14 and ED15 now combined
	ED14 - Protection and Restoration of Peat Deposits as Carbon Sinks	Minor alterations to policy wording
	NE12 - Agricultural Soil	No amendments to the policy wording
Ecology	NE5 - Species of International Importance	No amendments to the policy wording
Cultural Heritage	HE1 - Listed Buildings	Minor amendments to the policy wording (updates to HES Policy Statement)
	HE3 – Archaeology	Minor amendment to policy wording (to include reference to supplementary guidance)
	HE6 - Gardens and Designed Landscapes	No amendments to the policy wording
Traffic & Transport	T1 - Transport Infrastructure	No amendments to the policy wording
	T2 - Location of Development / Accessibility	Amendments to policy wording (inclusion of additional criterion)
Forestry	NE7 - Trees and Development	Amendments to policy wording (further policy considerations/criteria included)

5.15 A key alteration of the LDP2 in relation to the proposed development is the provision of a new energy strategy, included in the LDP2 draft Spatial Strategy, outlining the Council's commitment to the development of a Regional Energy Strategy to reflect the National draft Climate Change Plan and the decarbonisation of national energy use through:

"a combination of energy efficiency measures and changes of energy supplies from fossil fuels to those generated by renewable sources and low carbon supplies such as hydrogen, biomass, bioethanol or methane gas." (LDP2, para 3.20)

- 5.16 Through the Examination process, the Reporters Report has recommended the inclusion of further additional text in relation to the new energy strategy where it is noted that:
- "National Planning Framework 3 identifies a need for an enhanced high voltage energy transmission network to facilitate renewable electricity development and its export, including improvements to the network that lies in Dumfries and Galloway. Significant investment in the network is anticipated during the plan period, which the council supports in principle in appropriate locations. Proposals will be assessed against the provisions of policies OP1 AND IN1<sup>5</sup>"* (LDP2, Reporters Examination Report, page 3).
- 5.17 The policies considered as part of the adopted LDP remain largely unchanged, with only relatively minor wording alterations or amendments to the policies (the principles of the policies remain consistent). With reference to **Table 5.1**, where there have been amendments to the policy wording between the adopted plan and the Proposed Plan LDP2 (including via the Reporters Examination Report), this has been noted. For clarity, and in line with **Table 5.1**, the following updated LDP2 Proposed Plan January 2018 (including Reporters Examination Report Amendments) policies have been provided below: **OP1: Development Considerations, NE2: Regional Scenic Areas, T2: Location of Development/Accessibility, HE1: Listed Buildings, NE7: Trees and Development, and IN8: Surface Water Drainage and Sustainable Drainage Systems (SuDS)**. Note: where there have been no amendments to the policy wording, or there are only minor amendments when compared to the adopted LDP policy wording, these policies have not been duplicated below.
- 5.18 Part (c) of LDP 2 Proposed Plan Policy OP1: Development Considerations has been amended to read as follows:
- "Development proposals should respect, protect and/or enhance the region's rich landscape character, and scenic qualities, including features and sites identified for their landscape qualities or wild land character as identified on the 2014 Scottish National Heritage map (or any subsequent revised or amended map) of wild land areas. They should also reflect the scale and local distinctiveness of the landscape. The detailed guidance set out in the Dumfries and Galloway Landscape Assessment, and any subsequent revised or amended document, will be a material consideration in the assessment of proposals."*
- 5.19 Bullet point no.9 of Part (f) of LDP 2 Proposed Plan **Policy OP1: Development Considerations** has been amended and states the following:
- "supporting reduction in carbon emissions through:*
- *A reduction in carbon dioxide emissions through the introduction of energy efficiency measures and, where feasible, the installation of on-site renewable energy generation technology (information on this matter is provided in supplementary guidance: Design Quality and Placemaking);*
  - *passive aspects of design, including consideration of: location, layout, orientation, massing, materials, detailed design, topography, and vegetation; and*
  - *all new buildings being required to demonstrate that a proportion of the carbon emissions reduction standard set by Scottish Building Regulations will be met through the installation and operation of low and zero carbon technologies. The relevant building standards and percentage contribution required is set out in supplementary guidance. The supplementary guidance will be kept under review to ensure that the proportion of the carbon emissions reduction standard to be met by these technologies will increase over time."*
- 5.20 LDP 2 Proposed Plan Policy **NE2: Regional Scenic Areas** states:
- "The siting and design of development within a Regional Scenic Area should respect the special qualities of the area. Development within, or which affects Regional Scenic Areas (RSAs), may be supported where the local Council is satisfied that:*
- *the factors taken into account in designating the area would not be significantly adversely affected;*
  - *or*

- *there is a specific need for the development at that location."*

- 5.21 The preamble to LDP2 Proposed Plan Policy **HE1: Listed Buildings** has been updated to include the following text:

*"Development within the setting or vicinity of a listed building should avoid harm to the special interest and character of the listed building and should not compromise its future use through the unacceptable loss of amenity space".*

- 5.22 LDP2 Proposed Plan **Policy NE7: Trees and Development** states:

*"In assessing development proposals, the Council will support proposals that:*

- *promote additional tree planting;*
- *protect and enhance ancient woodland sites;*
- *maintain trees, woodlands (in particular ancient and semi-natural woodlands), and hedgerows (thereafter referred to as the 'woodland resource') and require developers to incorporate, wherever feasible, the existing woodland resource into their schemes;*
- *encourage planting of a type, scale, design, composition and species mix that is appropriate to its locality and appropriately incorporates the woodland resource into the overall design of the scheme; and*
- *show how existing trees will be appropriately protected during the construction period.*

*In submitting development proposals, details should be provided of the arrangements to be made for the long term maintenance of both the existing woodland resource and any proposed new planting, including providing adequate room for further growth.*

*If it is demonstrated to the satisfaction of the Council that it is not possible to retain the woodland resource then an appropriate replacement planting scheme will be required to be agreed by the Council. Any such replacement planting scheme should normally be located within the site.*

*The processes and recommendations contained in BS 5837:2012, and any subsequent revised or amended document, should be taken into account in designing and implementing development proposals.*

*Where the works to a protected tree or trees forms part of a development proposal, the applicant should also demonstrate that:*

- *the benefits of the development, including any replacement planting, will outweigh the loss of or potential harm caused by the works to the tree or trees; and*
- *the development has been designed and located in order to minimise potential adverse impacts on the protected tree or trees.*

*Supplementary guidance provides further advice and guidance in respect of survey work, designing around trees, new planting, protection during construction, maintenance and removing existing trees".*

- 5.23 LDP2 Proposed Plan Policy **IN8: Surface Water Drainage and Sustainable Drainage Systems (SuDS)** has been updated to state:

*"With the exception of single houses and those with direct discharges to coastal waters, Sustainable Drainage Systems (SuDS) will be a required part of all proposed development as a means of treating the surface water and managing flow rates and must form part of any planning permission in principle proposal.*

*Consideration of drainage issues is a planning requirement for every planning proposal. This consideration should be initiated as part of any preliminary site assessment and should progressively inform the generation of schemes as they develop. For any site a Drainage Impact Assessment (DIA) at the appropriate level may be required to ensure that surface water flows are properly taken into account in the development design.*

*Planning applications must include appropriate and proportionate details of the proposed SuDS to show how they will:*

- *ensure the system is designed to avoid flood risk from exceedance flows;*

<sup>5</sup> Policy IN1: Renewable Energy relates to development proposals for renewable energy and is therefore not directly relevant to the proposed development.

- *be accommodated within the proposed site , and understood as an essential factor in determination of the overall capacity of any site;*
- *be based on a unified approach to cover surface water drainage from on-site roads and from the remainder of the site;*
- *contribute positively to the biodiversity, general amenity and water quality of the area of the proposal*
- *include a coordinated approach between new developments that are adjacent to one another;*
- *include the arrangements for its long term maintenance.*

*There should be appropriate arrangements for surface water drainage during the construction phase of a development site. This could be by way of a SuDS scheme or some alternative interim solution. Supplementary Guidance provides further detail on the levels and requirements for Drainage Impact Assessments”.*

### LDP2 Draft Supplementary Guidance

#### *Dumfries and Galloway Council Local Development Plan 2 Proposed Plan Draft Supplementary Guidance*

- 5.24 Consideration has also been given to the various draft supplementary planning guidance documents associated with the Proposed Plan LDP2. Following the adoption of LDP2, it seems likely that the Council will seek to adopt the supplementary guidance in Table 5.4 as non-statutory supplementary guidance<sup>6</sup> (following a formal consultation period that was undertaken between 29<sup>th</sup> January and 30<sup>th</sup> April 2018). **Table 5.4** below provides a summary of the draft supplementary guidance notes considered:

**Table 5.4: LDP2 Draft Supplementary Guidance**

Topic Area	Proposed Plan LDP2 Supplementary Guidance (still to be adopted)
Hydrology, Hydrogeology and Water Resources and Peat	Flooding and Development (January 2018)
	Surface Water and Sustainable Urban Drainage Systems (January 2018)
Forestry	Trees and Development (January 2018)

### National Planning Framework for Scotland (NPF3)

- 5.25 NPF3, which was laid in the Scottish Parliament on 23rd June 2014, is the long term spatial expression of the Scottish Government’s Economic Strategy and plans for infrastructure investment and development priorities over the next 20 to 30 years with a focus on supporting sustainable economic growth and the transition to a low carbon economy.
- 5.26 The classes of development considered to be national development and that fulfil this need are defined in NPF3: paragraph (2) (a) of Annex A’s fourth development priority statement:  
*“Description of Classes of Development: Development consisting of...new and/or upgraded onshore sub stations directly linked to electricity transmission cabling of or in excess of 132 kilovolts.”*
- 5.27 On the basis of the above, the proposed development is considered as a ‘National Development’ within NPF3.
- 5.28 Chapter 3 of NPF3 focuses on the promotion and achievement of a low carbon economy and the ambition to reduce greenhouse gas emission by 80% by 2050. NPF3 acknowledges that:  
*“electricity grid enhancements will facilitate increased renewable electricity generation across Scotland”* (NPF3, para 3.28);  
*“an updated national development focusing on enhancing the high voltage transmission network supports this”* (NPF3, para 3.28) and;  
*“strengthening the electricity grid will be essential in unlocking renewable resources, both onshore and offshore”* (NPF3, para 3.40).

- 5.29 The proposed development, in association with the wider KTR Project, will assist with the reduction of carbon emissions through the enhancement of the electricity grid network which also facilitates the ability to increase renewable energy generation in this area and beyond.
- 5.30 NPF3 identifies that *“both terrestrial and marine planning have a key role to play in reaching these ambitious targets by facilitating development, linking generation with consumers and guiding new infrastructure to appropriate locations”* (NPF3, para 3.12).
- 5.31 NPF3 strengthens the link between strategy and delivery through 14 national development priorities identified within Annex A (of NPF3). In relation to development priority number four of Annex A, ‘An Enhanced High Voltage Electricity Network’, the statement of need is as follows:  
*“These classes of development are needed to support the delivery of an enhanced high voltage electricity transmission grid which is vital in meeting national targets for electricity generation, statutory climate change targets, and security of energy supplies.”*
- 5.32 The next version of The NPF, NPF4 was expected to commence in 2018 with a view to adoption in 2020. However it has been delayed, in part due to the passage of the Planning (Scotland) Bill. As at the time of writing, no further progress has been made on the delivery of NPF4. The Planning (Scotland) Act 2019 requires that the NPF must be reviewed no later than 23 June 2024 although **this is a ‘no later than’ date**. A fuller, collaborative programme for preparing NPF4 and for the Scottish Planning Policy to be reviewed in parallel is expected in due course. A participation statement will reflect methods for engaging with people, including measures to actively engage children and young people in the development of the policies. The early indication is that the NPF and Scottish Planning Policy (SPP) are to be combined and have a statutory status in decision making on planning applications.

### Scottish Planning Policy

- 5.33 The updated SPP document was published in June 2014 and is a statement of Scottish Government policy on nationally important development and land use planning. In general terms, SPP seeks to direct the right development to the right places, and guide new infrastructure to appropriate locations.
- 5.34 With regards to the proposed development, SPP notes that:  
*“Our spatial strategy facilitates the development of generation technologies that will help to reduce greenhouse gas emissions from the energy sector”* (SPP, para 152)  
*“Efficient supply of low carbon and low cost heat and generation of heat and electricity from renewable energy sources are vital to reducing greenhouse gas emissions”* (SPP, para 153)  
*“The planning system should support the development of a diverse range of electricity generation from renewable energy technologies – including the expansion of renewable energy generation capacity”* (SPP, para 154)  
*“The planning system should guide development to appropriate locations”* (SPP, para 154)  
*“help reduce emissions and energy use...from new infrastructure by enabling development at appropriate locations that contribute to:*
  - *Energy efficiency;*
  - *Heat recovery;*
  - *Efficient energy supply and storage;*
  - *Electricity and heat from renewable sources”* (SPP, para 154)*“Strategic development plans should support national priorities for the construction or improvement of strategic energy infrastructure, including generation, storage, transmission and distribution networks”* (SPP, para 156)”.
- 5.35 With regard to the built and natural environment (cultural heritage, landscape, ground conditions, ecology, woodland/forestry, flooding and drainage), the SPP guidance detailed below is relevant for consideration in the assessment of the proposed development.

### Cultural Heritage

- 5.36 The following SPP guidance is relevant for consideration in the cultural heritage assessment of the Glenlee substation project and aligns with the policies considered at the local level through the LDP:

<sup>6</sup> The Planning (Scotland) Act 1997 abolishes statutory supplementary guidance although the provision has not yet come into effect.



"The siting and design of development should take account of all aspects of the historic environment" (SPP, para 140);

"Where planning permission and listed building consent are sought for development to, or affecting, a listed building, special regard must be given to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the character and appearance of the building and setting" (SPP, para 141).

"Where there is potential for a proposed development to have an adverse effect on a scheduled monument or on the integrity of its setting, permission should only be granted where there are exceptional circumstances" (SPP, para 145)

"Planning authorities should protect and, where appropriate, seek to enhance gardens and designed landscapes included in the Inventory of Gardens and Designed Landscapes and designed landscapes of regional and local importance" (SPP, para 148)

"There is also a range of non-designated historic assets and areas of historical interest, including historic landscapes, other gardens and designed landscapes, woodlands and routes such as drove roads which do not have statutory protection. These resources are, however, an important part of Scotland's heritage and planning authorities should protect and preserve significant resources as far as possible, in situ wherever feasible" (SPP, para 151)

#### Landscape

- 5.37 The following text from SPP is relevant for consideration in the LVIA and aligns with the policies considered at the local level through the LDP:

"The siting and design of development should take account of local landscape character. Development management decisions should take account of potential effects on landscapes and the natural and water environment, including cumulative effects. Developers should seek to minimise adverse impacts through careful planning and design, considering the services that the natural environment is providing and maximising the potential for enhancement" (SPP, para 202).

"Planning permission should be refused where the nature or scale of proposed development would have an unacceptable impact on the natural environment. Direct or indirect effects on statutorily protected sites will be an important consideration, but designation does not impose an automatic prohibition on development" (SPP, para 203).

#### Hydrology, Hydrogeology and Water Resources and Peat

- 5.38 The following text from SPP is relevant in the context of the assessment of potential effects on hydrology, hydrogeology, water resources and peat, and aligns with the policies considered at the local level through the LDP:

"Where peat and other carbon rich soils are present, applicants should assess the likely effects of development on carbon dioxide (CO<sub>2</sub>) emissions. Where peatland is drained or otherwise disturbed, there is liable to be a release of CO<sub>2</sub> to the atmosphere. Developments should aim to minimise this release" (SPP, para 205).

"Flood Risk Assessments (FRA) should be required for development in the medium to high category of flood risk, and may be required in the low to medium category in the circumstances described in the framework above, or where other factors indicate heightened risk. FRA will generally be required for applications within areas identified at high or medium likelihood of flooding/flood risk in SEPA's flood maps" (SPP, para 266).

"Drainage Assessments, proportionate to the development proposal and covering both surface and foul water, will be required for areas where drainage is already constrained or otherwise problematic, or if there would be off-site effects" (SPP, para 267).

"Proposed arrangements for SuDS should be adequate for the development and appropriate long-term maintenance arrangements should be put in place" (SPP, para 268).

#### Ecology and Landscape

- 5.39 The following text from SPP is relevant for consideration in the ecological assessment and aligns with the policies considered at the local level through the LDP:

"Where non-native species are present on site, or where planting is planned as part of a development, developers should take into account the provisions of the Wildlife and Countryside Act 1981 relating to non-native species" (SPP, para 206).

"Development that affects a National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve should only be permitted where:

- the objectives of designation and the overall integrity of the area will not be compromised; or
- 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" (SPP, para 212).

#### Traffic and Transport

- 5.40 The following text from SPP is relevant for consideration in the traffic and transport assessment and aligns with the policies considered at the local level through the LDP:

"Consideration should be given to appropriate planning restrictions on construction and operation related transport modes when granting planning permission, especially where bulk material movements are expected" (SPP, para 291).

#### Additional Relevant Planning Policy, Guidance and Advice

- 5.41 At national level, planning policy is supported by Scottish Government guidance on a range of planning matters, including Planning Advice Notes (PAN), Design Advice and Web Advice. The nationally produced guidance considered relevant to the Glenlee substation Project is provided in **Table 5.5** below.

**Table 5.5: Scottish Government Guidance**

PANs and Additional Planning Guidance	
<b>Development Control and Design</b>	
PAN 68:	Design Statements (2003)
<b>Landscape and Visual Amenity</b>	
PAN 60:	Planning for Natural Heritage 2000 (amended 2008)
<b>Hydrology, Hydrogeology and Water Resources and Peat</b>	
PAN 51:	Planning, Environmental Protection and Regulation (2006)
PAN 61:	Planning and Sustainable Urban Drainage Systems (2001)
PAN 69:	Flooding Risk (2015)
PAN 79:	Water and Drainage (2006)
<b>Ecology and Ornithology</b>	
PAN 60:	Planning for Natural Heritage 2000 (amended 2008)
<b>Traffic and Transport</b>	
PAN75:	Planning for Transport (2005)
	Transport Assessment Guidance (Transport for Scotland) (2012).
<b>Construction Noise</b>	
PAN 1/2011	Planning and Noise (2011)
PAN 51:	Planning, Environmental Protection and Regulation (2006)
<b>Cultural Heritage</b>	
PAN 2/2011	Planning and Archaeology (2011)
<b>Other Issues (including Coal, Telecommunications and Air Quality)</b>	
PAN 51:	Planning, Environmental Protection and Regulation (2006)
<b>Assessment of Development</b>	
PAN 1/2013	Environmental Impact Assessment (2013) (revision 1.0 updated in May 2017 following the introduction of the 2017 EIA Regulations)
Circular 1/2017	The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017

## Committed Development

- 5.42 A 'committed development' is considered to be a development that has either full planning permission, planning permission in principle, or is allocated in an approved strategic development plan or in an adopted local development plan. For the KTR Project, which initially also included the proposed development, a 150m 'trigger zone for consideration' of a proposed route or substation location was included as a routeing/siting criterion. As such, this distance was used to identify further committed development, with attention focussed only on residential developments and other potentially sensitive receptors.
- 5.43 Committed developments were identified through consultation with D&GC who provided the boundaries for the planning permissions for the area, which were subsequently mapped to identify the location of potential developments more accurately. No committed developments which meet the criteria outlined above (i.e. residential developments and other sensitive receptors) were identified as being likely to be affected by the proposed development.