

## AGENDA ITEM 6

### FALKIRK COUNCIL

**Subject: FINALISED SUPPLEMENTARY PLANNING GUIDANCE:  
SPATIAL FRAMEWORK AND GUIDANCE FOR WIND  
ENERGY DEVELOPMENT**  
**Meeting: EXECUTIVE**  
**Date: 7 MAY 2013**  
**Author: DIRECTOR OF DEVELOPMENT SERVICES**

### INTRODUCTION

- 1.1 A programme of Supplementary Planning Guidance notes is being prepared and updated on a variety of topics to augment the policies contained in the statutory Development Plan. The role of the guidance is to provide a level of detailed advice on the implementation of policies which would not be appropriate in the Development Plan itself. The Planning etc. (Scotland) Act 2006 gives Supplementary Guidance a more formal, statutory basis and it is intended that this Finalised Supplementary Planning Guidance: Spatial Framework and Guidance for Wind Energy Development (SPG) will, in due course, form a part of the emerging Falkirk Local Development Plan.
- 1.2 Scottish Planning Policy states that planning authorities should prepare spatial frameworks for onshore wind farms in their area. Within the Falkirk Council area, there has been an increase in the number of applications for wind energy developments, confirming the need for such a spatial framework to provide guidance on where wind energy developments could potentially be located.
- 1.3 A Landscape Capacity Study to assess the overall potential for wind energy development within the Falkirk Council area was undertaken and the results used to inform this SPG, which is intended to guide developers to appropriate locations, and provide more certainty in terms of the broad range of constraints to wind energy development.
- 1.4 The SPG is intended to provide guidance to developers and other key stakeholders on the key areas which require protection, those which are subject to constraint and those where wind energy can potentially be accommodated. It is intended that the SPG will provide guidance against which planning applications for wind turbine proposals can be assessed and be regarded as a material consideration in the determination of such applications.
- 1.5 The SPG applies to a range of turbine typologies including single turbines and smaller groups of turbines, as well as larger wind energy developments. It is not intended to cover turbines of a domestic scale.

Members will recall that the Consultative Draft SPG was approved in September 2012 and that there was a subsequent 6-week consultation period. There have been a number of changes to the structure and content of the final document and these are set out in sections 4 and 5.

## **2 POLICY CONTEXT**

### ***National Policy***

- 2.1 The Scottish Government has set the ambitious target of 100% of Scotland's electricity generation to come from renewable sources by 2020. Scottish Planning Policy requires all local authorities to produce spatial frameworks for wind energy developments over 20 megawatts (MW). Authorities may incorporate wind farms of less than 20 MW in their spatial frameworks if considered appropriate. These are required to set out areas of significant protection, areas of potential constraint, and broad areas of search where wind energy developments could be accommodated. Guidance also sets out the process for preparing spatial frameworks.

### ***Development Plan Policy***

- 2.2 Policy ENV.13 of the Falkirk Council Structure Plan is broadly supportive of renewable energy in appropriate locations and is as follows:

*Proposals for the generation of energy from renewable sources will generally be supported subject to an assessment of individual proposals in relation to Structure Plan Policies ENV.1-ENV.7.*

*The Council will work in partnership with other agencies to set out, in the local plan, the criteria for the location and design of renewable energy developments.*

- 2.3 Policy ST20 of the Falkirk Council Local Plan is as follows:

*The Council will support development required for the generation of energy from renewable sources, and the utilisation of renewable energy sources as part of new development, subject to assessment of proposals against other Local Plan policies. Renewable energy development will be viewed as an appropriate use in the countryside where there is an operational requirement for a countryside location.*

- 2.4 Policy ST21 of the Falkirk Council Local Plan provides a more detailed criteria-base for assessing wind energy development. It states:

*Wind energy developments will be assessed in relation to the following factors:*

- *The visual impact of the development, having regard to the scale and number of turbines, existing landscape character, and views from settlements, main transport corridors and other key vantage points. Development will not necessarily be excluded from Green Belts or Areas of Great Landscape Value, but must demonstrate particular sensitivity in terms of scale and design where these designated areas are affected;*

- *The ecological impact of the development, having regard to Policies EQ24 and EQ25, including impacts on both designated sites and protected species. In particular, developers will be required to demonstrate that there will be no adverse impact on migratory birds;*
- *regard to Policies EQ12, EQ14, EQ16, EQ17 and EQ 18;*
- *The impact on aviation and telecommunications, with particular regard to the safeguarding zones and operational needs associated with Edinburgh, Glasgow and Cumbernauld airports;*
- *The impact on settlements and residential properties by virtue of noise and 'shadow flicker'; and*
- *Cumulative impacts in relation to the above factors, where there are existing developments in the area, or the development is one of a number of proposals for an area.*

2.5 The SPG is intended to provide further spatial guidance on the application of the various constraints and considerations set out in Policy ST21.

2.6 Policy RW01 in the recently approved Falkirk Local Development Plan: Proposed Plan, states that renewable energy developments will be assessed against impacts on the environment and communities. Wind energy developments will be assessed against a range of specified factors, an assessment to be informed in detail by supplementary guidance.

### **3 CONSULTATION PROCESS**

3.1 The consultation period ran from 21<sup>st</sup> September to 2<sup>nd</sup> November 2012. A range of stakeholders were consulted including Community Councils, neighbouring authorities, Scottish Government, community organisations and Renewable Energy Developers.

3.2 Copies of the Consultative Draft SPG were also placed in Abbotsford House and a notice was placed on the Falkirk Council website advertising the availability of the SPG for comment.

### **4 CONSULTATION RESPONSES**

4.1 A total of 13 responses were received, including submissions from a number of key stakeholders, including the Scottish Government, SNH, Historic Scotland, SEPA, RSPB and representatives from the aviation industry. In terms of neighbouring authorities, a response was received from Stirling Council. There were also two renewable energy developers, two Community Councils and a member of the public who submitted comments.

4.2 The most critical response came from the Scottish Government. The Scottish Government was concerned that the structure of the SPG was not in accordance with the 3-stage methodology set out in Scottish Planning Policy. This requires planning authorities to identify Areas of Search, Areas of Potential Constraint and Areas of Significant Protection for wind energy developments of 20MW and above. The changes made to the SPG as a result of the Scottish Government response are explained further in Section 5 of this report.

- 4.3 The responses from other key stakeholders including SNH, SEPA, Historic Scotland and the Forestry Commission focused on additional guidance to be included, or amendments to the content of the guidance to reflect best practice and recent policy positions. These changes have been incorporated into the SPG, where appropriate.
- 4.4 A number of renewable energy developers raised concerns that the SPG was too prescriptive, and that the broad areas of search were not robust. It is considered that the changes proposed will partly address this.
- 4.5 Stirling Council broadly supported the SPG approach, and reiterated the importance of safeguarding cross-border heritage assets.
- 4.6 Comments were received from Polmont Community Council and Larbert, Stenhousemuir and Torwood Community Council. The latter raised concerns about the lack of a requirement for community benefit as part of the SPG. However, it is not the role of the planning process to negotiate directly with developers regarding community benefits. Any local requirement for community benefit would require to be separate from the planning process.

## **5 SUMMARY OF CHANGES**

- 5.1 The Consultative Draft SPG was structured according to each constraint and each section set out:
- The broad nature of the constraint.
  - The relevant policies in the Local Plan.
  - The spatial definition of the constraint across the area, and an assessment of the implications for wind energy development capacity.
  - Any relevant additional guidance.
- 5.2 The Finalised SPG is now a two-part document as follows:
- Part 1: Spatial Framework for Wind Energy Development of over 20MW;
    - Areas of Significant Protection (including international/national ecological designations, Antonine Wall and Buffer Zone and Green Belt)
    - Areas of Potential Constraint (including local ecological and landscape constraints, aviation and a 2km buffer around communities)
    - A single Area of Search (Map 1D on page 79 of the SPG). This area of search is located to the south east of Limerigg, broadly where a 13-turbine Burnhead development was granted planning consent on appeal in November 2012.

- Part 2: Guidance for all Wind Energy Developments. This section covers:
    - Ecology
    - Landscape and Visual
    - Green Belt.
    - Flood Risk Areas.
    - Soils.
    - The Water Environment.
    - Air Quality.
    - The Historic Environment.
    - Aviation.
    - Telecommunications.
    - Community Impacts.
- 5.3 All typologies of wind energy development, from single turbines to larger-scale wind energy developments will be assessed against guidance set out in Part 2. In addition, proposals will be assessed against the detailed Development Management Landscape Guidance for each Landscape Character Unit. This is intended to ensure that turbines are sited in appropriate locations, and that the key landscape and visual sensitivities of each of the landscape units are addressed and adequately protected.
- 5.4 The Landscape Capacity Study assessed Landscape Character Areas in terms of overall capacity for wind energy development from low to moderate-high. (See Map 4 on Page 83 of the SPG). Within those areas which were assessed as having moderate-high capacity, the study identified 7 broad strategic zones which in landscape and visual terms, may be able to accommodate wind energy typologies of around 20MW or above. These were included within the Consultative Draft SPG but once the 3-stage methodology set out by the Scottish Government was applied, most of these areas have been excluded due to other constraints such as natural heritage designations.
- 5.5 The SPG concludes with an overview of the key areas of constraint which are present within each Landscape Character unit.
- 5.6 There is also additional guidance on the EIA Screening process and the requirements for landscape and visual information for all applications.

## **6 STRATEGIC ENVIRONMENTAL ASSESSMENT**

- 6.1 Falkirk Council is required to undertake a Strategic Environmental Assessment of any plan, programme or strategy which is likely to have significant environmental effects. The Environmental Report which will accompany the SPG sets out the likely significant environmental effects of its implementation and is attached as a background paper to this report.

- 6.2 In summary, the Environmental Report concludes that the proposed approach set out in the SPG is likely to provide a level of protection to the vast majority of our existing environmental assets, which ensures that no significant negative effects are caused by wind energy development. The one exception is for locally designated natural heritage sites. Whilst these are identified as areas of potential constraint for wind energy developments of 20MW and above, these may be significantly affected by wind energy development if it can be demonstrated that the proposed development provides social or economic benefits of substantial local importance which clearly outweigh any adverse effects.
- 6.3 It should be recognised that by providing protection for our existing environmental assets, the SPG may restrict the scale of renewable wind energy development within the Council area. This would not assist the desired reduction of greenhouse gas emissions caused by fossil fuel based electricity generation.

## **7 IMPLICATIONS**

- 7.1 Financial: none.
- 7.2 Legal: none.
- 7.3 Personnel: the SPG would assist planning officers in undertaking their regulatory duties.
- 7.4 Policy: the SPG would become a material consideration in the determination of planning applications and fulfil the policy requirements of the Council's Development Plan and Scottish Planning Policy.

## **8. RECOMMENDATION**

- 8.1 **That Committee agrees to approve the finalised Supplementary Planning Guidance: Spatial Framework and Guidance for Wind Energy Development as appended.**

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**Director of Development Services**  
18 April 2013

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## **APPENDICES**

Appendix 1: Finalised Supplementary Planning Guidance: Spatial Framework and Guidance for Wind Energy Development.

Appendix 2: Summary of consultation responses received and proposed Council responses.

### **LIST OF BACKGROUND PAPERS**

1. Falkirk Council Structure Plan 2007.
2. Falkirk Council Local Plan 2010.
3. Falkirk Local Development Plan: Proposed Plan 2013.
4. Landscape Capacity Study for Wind Energy Development in the Falkirk Council Area 2012.
5. Strategic Environmental Assessment: Environmental Report.

Any person wishing to inspect the background papers listed above should contact Alexandra Lewis on 01324 504738