

# MORAY WEST

## OFFSHORE WINDFARM

### **Onshore Transmission Infrastructure Environmental Impact Assessment (EIA)**

Moray Offshore Windfarm (West) Limited

#### **Chapter 4 Planning Policy Context**





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Acronyms	
Acronym	Expanded Term
AC	Aberdeenshire Council
BAP	Biodiversity Action Plan
EIA	Environmental Impact Assessment
GWDTE	Groundwater Dependent Terrestrial Ecosystem
LDP	Local Development Plan
MC	Moray Council
Moray West	Moray Offshore Windfarm (West) Limited
NPF3	National Planning Framework 3
PAB	Planning Application Boundary
PAC	Pre-Application Consultation
PAN	Planning Advice Note
OnTI	Onshore Transmission Infrastructure
SDP	Strategic Development Plan
SEPA	Scottish Environment Protection Agency
SPP	Scottish Planning Policy
SUDS	Sustainable Urban Drainage Systems
The EIA Regulations	The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017
The Planning Act	The Town and Country Planning (Scotland) Act 1997 (as amended)
WMP	Waste Management Plan

## 4 Planning Policy Context

### 4.1 Introduction

4.1.1.1 This chapter of the Environmental Impact Assessment (EIA) Report sets out the key planning related legislation, planning policies and other material considerations applicable to the Moray West Onshore Transmission Infrastructure (OnTI). Applicable statutory provisions and individual planning policies are listed within the relevant technical assessments presented in chapters 5 to 13 of the EIA Report. It should be noted that this chapter does not assess the OnTI's accordance with planning policy, rather it outlines the planning policy context within which the planning application will be considered. Moray Offshore Windfarm (West) Limited (Moray West) has submitted a separate Planning Statement which provides such an assessment.

4.1.1.2 This chapter of the EIA Report has been prepared by Chris Pepper BA Hons mRPTI (Chartered Town Planner), Principal Consultant within the Planning, Transport and Design department of Wood Environment & Infrastructure Solutions UK Limited.

### 4.2 Planning Legislative Framework

4.2.1.1 The key planning legislation of relevance to the EIA process and the OnTI in general can be summarised as follows:

- The Town and Country Planning (Scotland) Act 1997 (as amended) (the Planning Act);
- The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (as amended);
- The Town and Country Planning (Development Hierarchy) Regulations (Scotland) 2009 (as amended);
- The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 (the EIA Regulations) (as amended);
- The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 (as amended); and
- The Town and Country Planning (Neighbouring Planning Authorities and Historic Environment) (Scotland) Direction 2015.

4.2.1.2 Under Section 25 of the Planning Act, the determination of all planning applications must be made in accordance with the statutory Development Plan for the relevant local authority area, unless material considerations indicate otherwise.

### 4.3 The Development Plan

4.3.1.1 Due to its location within two local authority areas, there are two statutory Development Plans of relevance to the Planning Application Boundary (PAB).

#### 4.3.2 *The Aberdeenshire Development Plan*

4.3.2.1 The current statutory Development Plan applicable to the PAB as it is located within Aberdeenshire comprises the approved Aberdeen City and Shire Strategic Development Plan (SDP) (2014), the adopted Aberdeenshire Local Development Plan (LDP) (2017) and adopted statutory Supplementary Guidance to the LDP.

#### **Aberdeen City and Shire Strategic Development Plan (2014)**

4.3.2.2 The Aberdeen City and Shire SDP outlines the stances of Aberdeen City Council and Aberdeenshire Council (AC) on nationally or regionally important issues. The SDP establishes a set of aims that provide guidance on the contents of LDPs, including:

- Promoting the need to use resources more efficiently and effectively;
- Take on the urgent challenges of sustainable development and climate change; and
- Protect and improve valued assets and resources, including the built and natural environment and our cultural heritage.

4.3.2.3 Supporting these aims are a set of objectives, the most relevant of which to EIA and the OnTI include:

- **Sustainable development and climate change** – To be a city region which takes the lead in reducing the amount of carbon dioxide released into the air, adapts to the effects of climate change and limits the amount of non-renewable resources it uses; and
- **Quality of the environment** – To make sure new development maintains and improves the region’s important built, natural and cultural assets.

**The Aberdeenshire Local Development Plan (2017)**

4.3.2.4 The adopted Aberdeenshire LDP policies of relevance to the EIA process and the OnTI in general are outlined in Table 4.3.1.

Table 4.3.1: Relevant Aberdeenshire LDP Policies	
Policy	Summary
Policy R1 Special Rural Areas	This policy creates a coastal zone in which any development proposal’s <i>“social and economic benefits must outweigh any adverse environmental impact”</i> .
Policy E1 Natural Heritage	<p>This policy seeks to protect and preserve the natural environment under three categories.</p> <p><b>Nature Conservation Sites</b></p> <p>New development that will have an adverse effect on a nature conservation sites designated for their biodiversity or geodiversity importance will not be supported, except in the following circumstances:</p> <ul style="list-style-type: none"> <li>• For international sites, where there is deemed to be imperative reasons of overriding public importance and where there is no alternative solution. All developments that meet these criteria must implement suitable compensatory measures;</li> <li>• For national sites, a thorough assessment must demonstrate that the objectives of the site and the integrity of the designation are not compromised, unless it can be shown that any significant adverse effects are outweighed by social, environmental or economic benefits of national importance, all of which require to be supported by appropriate mitigation; and</li> <li>• For other designated sites, the public benefits / value of the development must outweigh the nature conservation value of the site and be supported by suitable mitigation.</li> </ul> <p><b>Protected Species</b></p> <p>Development proposals should seek to avoid detrimental impacts on protected species and should be supported by ecological surveys, including protection plans and recommendations on suitable mitigation. Development deemed likely to have a detrimental impact on protected species will not be approved unless:</p>

Table 4.3.1: Relevant Aberdeenshire LDP Policies

Policy	Summary
	<ul style="list-style-type: none"> <li>• For European protected species, there are imperative reasons of overriding public importance and the population will be maintained at a favourable conservation status; or for other (non-bird) species protected under further legislation, there are found to be significant social, environmental or economic benefits; and</li> <li>• In either of the above cases, it must be demonstrated that there is not satisfactory alternative solution.</li> </ul> <p><b>Biodiversity / Geodiversity</b></p> <p>A baseline ecological survey should be prepared for all major developments. AC will only approve development where it has been designed to avoid impacts where possible. Where impacts cannot reasonably be avoided, an ecological or geological management plan must demonstrate public benefits that outweigh the ecological or geological value of the site. Development will not be allowed if it fragments habitats or is not designed to minimise any adverse impact on the sites environmental quality, ecological status or viability.</p> <p>Policy P1 Layout, Siting and Design is referred to as it states that all developments should identify measures that will be taken to improve biodiversity and geodiversity in proportion to the potential opportunities available and the scale of the development.</p>
Policy E2 Landscape	<p>This policy outlines that a development proposal <i>“that causes unacceptable effects through its scale, location or design on key natural landscape elements, historic features or the composition or quality of the landscape character”</i> will be refused. Such effects can result from a development alone, or cumulatively from more than one development. Development should not significantly erode landscape characteristics as defined in the Landscape Character Assessments, or areas of local importance designated as Special Landscape Areas.</p>
Policy HE1 Protecting Historic Buildings, Sites and Monuments	<p>This policy explains that development proposals will not be approved where they will result in a <i>“negative effect on the character, integrity or setting of listed buildings, or scheduled monuments, or other archaeological sites”</i>. The policy goes on to state that <i>“Development on nationally or locally important monuments or archaeological sites, or on their setting, will only be allowed if there are imperative reasons of overriding public interest, including those of a social or economic nature, and there is no alternative site”</i>.</p>
Policy HE2 Protecting Historic and Cultural Areas	<p>This policy confirms that development proposals which do not preserve or enhance conservation areas or their setting will not be approved. Development proposals that impact upon battlefields, designated historic gardens or designed landscapes or their setting will only be permitted where their long-term social or economic benefits outweighs their adverse effects.</p>
Policy PR1 Protecting Important Resources	<p>This policy states that development proposals will not be approved where they <i>“have a negative effect on important environmental resources associated with the water environment..., prime agricultural land, peat and other carbon rich soils, open space, and important trees and woodland”</i>. Such development proposals will only be approved if they provide sufficient public economic or social benefits to <i>“clearly outweigh the value of the site to the local community, and there are no reasonable alternative sites”</i>. Development proposals are</p>

Table 4.3.1: Relevant Aberdeenshire LDP Policies	
Policy	Summary
	<p>required to consider the freshwater objectives and targets within relevant Biodiversity Action Plans (BAPs).</p> <p>This policy also advises that Ground Water Dependent Terrestrial Ecosystems (GWDETs) and prime agricultural land should be avoided where possible. If this is not possible, further surveys of GWDETs and appropriate mitigation will be required.</p> <p>Development proposals that will result in the loss of trees but have a significant overriding public interest are acceptable so long as the development proposal incorporates suitable compensatory planting, protects trees that are not to be removed, and seeks to remove as few trees as possible.</p> <p>Prime agricultural land, as defined as classes 1, 2 and 3.1 of the Soil Survey for Scotland, Land Capability for Agriculture series, should not normally be developed unless it is allocated in the LDP. This notwithstanding, time limited proposals for renewable energy generation may be acceptable on prime agricultural land, providing the site will be restored and returned to its original status.</p>
Policy C4 Flooding	<p>This policy requires that development proposals located within areas of medium to high flood risk, and within areas of low flood risk in certain circumstances, are required to submit a flood risk assessment.</p> <p>The policy states that <i>“Development should also avoid areas of medium to high risk, functional floodplain or other areas where risks are assessed as heightened or unacceptable, except where:</i></p> <ul style="list-style-type: none"> <li>• <i>It is a development to effect flooding or erosion (e.g. flood prevention works);</i></li> <li>• <i>It is consistent with the flood storage function of a floodplain;</i></li> <li>• <i>It would otherwise be unaffected by flooding; and/or</i></li> <li>• <i>It is essential infrastructure”.</i></li> </ul> <p>In addition, development proposals within identified flood risk locations should acknowledge the potential future effects of climate change and be flood resilient, maintaining buffers with existing waterbodies.</p>
Policy RD1 Providing Suitable Services	<p>This policy has several stipulations regarding the provision of new accesses, including that they must be safe and convenient for cyclists, pedestrians and public transport. Accesses onto public roads must be designed to the satisfaction of AC’s Road Development department, or Transport Scotland for trunk roads. Transport Assessments may be required for development proposals that could have significant effects existing transport infrastructure and services.</p> <p>There is also a requirement for development proposals to incorporate a Waste Management Plan (WMP), which outlines how waste has been minimised and how it will be recycled or disposed of.</p>



### Aberdeenshire Supplementary Guidance

- 4.3.2.5 As noted, the Aberdeenshire LDP is accompanied by a suite of statutory Supplementary Guidance documents, a number of which carry the same weight in planning determinations as the adopted LDP policies.
- 4.3.2.6 Policy R1 is supported by the Coastal Zones Supplementary Guidance, which provides a more detailed picture of where the coastal zones are, and reaffirms the need for developments within them to be appropriate to the location. Parts of Sandend and the surrounding area are within a coastal zone.
- 4.3.2.7 Policy E1 is supported by the Local Nature Conservation Sites Supplementary Guidance, which provides information on why Local Nature Conservation Sites are designated. This in turn provides developers with additional contextual information on what makes these areas special and what aspects of these areas require particular protection. This guidance highlights Policy E1 where it states that development will not be permitted within these sites *“except where public benefits clearly outweigh the nature conservation value of the site”*.
- 4.3.2.8 Policy E2 is supported by the Proposed Aberdeenshire Special Landscape Areas Supplementary Guidance, which provides for the designation of ten Special Landscape Areas and reinforces the need for development proposals within these areas to provide *“social, environment or economic benefits of at least local public importance”* and for these proposals to mitigate their potential adverse effects through careful *“layout, siting and design”*.
- 4.3.2.9 Policy PR1 is supported by the Aberdeenshire Forestry and Woodland Strategy Supplementary Guidance, which requires development proposals to protect woodlands and their important biodiversity, and requires them to consider how to maintain or enhance these important natural assets.

#### 4.3.3 The Moray Development Plan

- 4.3.3.1 The current statutory Development Plan applicable to the PAB as it is located within Moray comprises the adopted Moray LDP (2015) and associated Supplementary Guidance. Moray LDP policies of relevance to the EIA process and the OnTI in general are outlined in Table 4.3.2

Policy	Summary
PP1 Sustainable Economic Growth	This policy is supportive of developments which accord with the Moray Economic Strategy, deliver sustainable economic growth and contribute to Moray’s transitions towards a low carbon economy. However, such development proposals must safeguard environmental quality and meet policy and site-specific requirements.
Policy PP2 Climate Change	Establishes a set of criteria development proposals with buildings in excess of 500 m <sup>2</sup> will be assessed against, including: <i>“Be in sustainable locations that make efficient use of land and infrastructure; Utilise sustainable construction techniques and materials; Prevent further development that will be at risk of flooding or coastal erosion; and Minimise disturbance to carbon rich soils and in cases where it is agreed that trees can be felled, to incorporate compensatory tree planting”</i> .
Policy E2: Local Nature Conservation Sites and Biodiversity	This policy requires development proposals which are <i>“likely to have a significant adverse effect on Local Nature Reserves, native woodlands identified in the Native Woodland Survey of Scotland, raised peat bog, wetlands, protected species, Wildlife Sites or other valuable local habitat or conflict with the objectives of Local</i>

Table 4.3.2: Relevant Moray LDP Policies	
Policy	Summary
	<i>Biodiversity Action Plans</i> ” to demonstrate over-riding local public benefits and a specific locational need. Planning applications must be supported by appropriate ecological surveys, and acceptable mitigation measures are required where development proposals could adversely affect any habitats or species protected under this policy.
Policy E3 Protected Species	This policy seeks to protect European and nationally protected species, through requiring development proposals likely to have an adverse effect on these species to demonstrate: “i. <i>There is no satisfactory alternative; ii. The development is required to preserve public health or public safety or for other reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment; and iii. The development will not be detrimental to the maintenance of the population of species concerned at a favourable conservation status of the species concerned</i> ”.  For all development proposals, protected species surveys must be undertaken as appropriate.
Policy E4 Trees and Development	This policy only permits woodland removal “ <i>where it will achieve significant and clearly defined additional public benefits</i> ”. Compensatory planting will generally be expected where woodland removal facilitates development.
Policy BE1 Scheduled Monuments and National Designations	This policy seeks to protect scheduled monuments and nationally important archaeological sites and their settings. Applicants for development proposals resulting in significant adverse effects must “ <i>prove that any significant adverse effect on the qualities for which the site has been designated are clearly outweighed by social or economic benefits of national importance</i> ”. The policy also seeks to protect sites of local archaeological importance and their settings through requiring proposals adversely affecting these sites to demonstrate that: “ <i>a. Local public benefits clearly outweigh the archaeological value of the site, and b. There is no suitable alternative site for the development, and c. Any adverse effects can be satisfactorily mitigated at the developer’s expense</i> ”.  The policy also encourages in-situ preservation of archaeological features. Where this is not possible, excavation and recording of archaeological features must be undertaken by the developer.
Policy BE2 Listed Buildings	This policy states that development proposals will be refused where they will have a detrimental effect on the character, integrity or setting of a listed building.
Policy EP5 Surface Water Drainage: Sustainable Urban Drainage Systems (SUDS)	This policy requires the use of SUDS and for developers to agree long term maintenance arrangements for SUDS with Moray Council (MC) in consultation with Scottish Environment Protection Agency (SEPA) and Scottish Water. Applications for development proposals extending to at least 500 m <sup>2</sup> must also be supported by a Drainage Impact Assessment.
Policy EP6 Waterbodies	This policy requires development proposals to “ <i>avoid adverse impacts upon the water environment and should seek opportunities for restoration</i> ”. A minimum buffer strip of 6 m between all water features and new development proposals is required.
Policy EP7 Control of Development in Flood Risk Areas	The policy requires development proposals within flood risk areas to be supported by a flood risk assessment, which “ <i>must demonstrate that any risk from flooding can be satisfactorily mitigated without increasing flood risk elsewhere</i> ”. The policy includes detailed assessment criteria for development proposals in low, medium and high flood risk areas.

Table 4.3.2: Relevant Moray LDP Policies	
Policy	Summary
Policy EP8 Pollution	This policy states that development proposals which “ <i>may cause significant pollution in terms of noise, air, water and light emissions</i> ” must be supported by a detailed assessment regarding the level, character and transmission of potential pollution, with appropriate mitigation also proposed.
Policy EP9 Contaminated Land	Establishes the following criteria which developments located on potentially contaminated land must follow in order to be approved: “ <i>a) The applicant can demonstrate through site investigations and risk assessment that the site is in a condition suitable for the proposed development is not causing significant pollution of the environment; and b) Where necessary, effective remediation measures are agreed to ensure the site is made suitable for the new use and to ensure appropriate disposal and/or treatment of any hazardous material</i> ”.
Policy EP12 Air Quality	Seeks to protect air quality by requiring development proposals that could result in adverse effects to provide information on how they will be sufficiently mitigated.
Policy ER2 Development in Woodlands	This policy states that development involving the loss of woodland will be refused where this will result in “ <i>unacceptable adverse effects on the amenity, landscape, biodiversity, economic or recreational value of the woodland or prejudice the management of the forest</i> ”. Support will also not be given to woodland removal within native woodlands, ancient semi natural and woodlands within sites protected under the terms of policies E1 and E2. To be supported by this policy, proposals for woodland removal must demonstrate that “ <i>the impact on the woodland is clearly outweighed by social or economic benefits of national, regional and local importance</i> ”, and provide acceptable compensatory planting.
Policy ER6 Soil Resources	Development proposals must assess their likely effects with regard to important soil resources, especially peat, and mitigate any adverse effects. Major developments are required to demonstrate that unnecessary disturbance of important soils has been avoided and that “ <i>best practice in the movement, storage, management and reinstatement of soils</i> ” has been demonstrated. Further to this, major developments dealing with deep peat (defined as 1.0m or more) will only be permitted where: a) the economic social and/or environmental benefits of the proposal outweigh any potential detrimental effect on the environment (in particular with regard to the release of carbon dioxide into the atmosphere); and b) it has been clearly demonstrated that there is no viable alternative”.
Policy T2 Provision of Access	This policy requires development proposals to provide “ <i>the highest level of access for end users including residents, visitors, and deliveries appropriate to the type of development and location</i> ”. This includes the provision of safe access and egress developments, adequate junction and road bend visibility, and appropriate mitigation or modification of transport networks where required.
Policy T7 Safeguarding and Promotion of Walking, Cycling, and Equestrian Networks	This policy sets out requirements to protect the amenity value, convenience and safe use of any public access route affected by development proposals.
Policy IMP1 Developer Requirements	This policy sets out detailed design, environmental and amenity related criteria which all development proposals will be assessed against. The assessment against these criteria should demonstrate that development proposals are “ <i>sensitively sited, designed and serviced appropriate to the amenity of the surrounding area</i> ”.

Table 4.3.2: Relevant Moray LDP Policies	
Policy	Summary
	This policy is also supported by Developer Obligations Supplementary Guidance, which reaffirms MC's stance on requiring development proposals to ensure they will not result in adverse effects.
Policy IMP2 Development Impact Assessments	This policy requires applicants to undertake an EIA, Transport Assessment and other technical assessments where required under regulations, or by virtue of the potential for effects to arise from a development proposal.
Policy IMP3 Developer Obligations	This policy provides the MC's position on Developer Obligations and is further supported by the Developer Obligations Supplementary Guidance. The aim of this policy is to ensure that where a development would have a measurable negative impact upon existing infrastructure, community facilities or amenity, it would be possible for a developer to make a financial contribution to reduce, eliminate or compensate for that impact; where deemed appropriate by MC.

### **Moray Supplementary Guidance**

- 4.3.3.2 As noted, the Moray LDP is accompanied by a suite of statutory Supplementary Guidance documents, some of which are material considerations in planning determinations, and support the adopted LDP policies.
- 4.3.3.3 Policy PP2 is supported by Climate Change Supplementary Guidance, which requires developments to reduce their greenhouse gas emissions during construction and operation, use resources efficiently and be resilient to the current and future effects of climate change.
- 4.3.3.4 Policy E4 is supported by the Trees and Development Supplementary Guidance. This establishes a variety of standards development proposals will be held to with regard to trees. It reaffirms the requirement for lost woodland to be replaced "*on a like for like basis*" and for replacement trees to be of a suitable size and species for the area. This guidance also outlines that before trees can be removed, a felling licence may be required from the Forestry Commission Scotland and encourages applicants, where applicable, to submit a Tree Survey and Tree Protection Plan in support of planning applications affecting trees. This TPP should identify areas of protective fencing around retained trees to minimise effects during construction and should set out any proposed long-term woodland management plans.
- 4.3.3.5 The Developer Obligations Supplementary Guidance provides MC's requirements in terms of Developer Obligations which will be sought for different types of developments and supports the implementation of Moray LDP Policy IMP3.

## **4.4 Material Considerations**

- 4.4.1.1 The following section provides an overview of applicable material considerations, including non-statutory and emerging local guidance, and national planning policy, advice and guidance.

### *4.4.2 Non-Statutory and Emerging Supplementary Guidance*

#### **Draft Moray Woodland & Forestry Strategy (2017)**

- 4.4.2.1 The Draft Moray Woodland & Forestry Strategy seeks to balance the three key themes of economic, environment and social issues that exist between woodlands and potential developments. The strategy reinforces the importance of woodlands to Moray's economy and its role to play in achieves the Scottish Government aim of sustainable economic growth.

### **Aberdeenshire Council Planning Advice**

4.4.2.2 AC has published planning advice to aid development proposals in understanding what the Aberdeenshire LDP and Supplementary Guidance require and how to meet these requirements. The following is a list of relevant planning advice:

- 1/2015 Protected Species Surveys;
- 4/2015 Biodiversity and Development;
- 5/2015 Opportunities for Biodiversity Enhancement;
- 11/2015 Trees and Development; and
- 13/2015 Landscape Design Guidance.

### **4.4.3 National Planning Policy**

4.4.3.1 National planning policy is contained within both the National Planning Framework (NPF) 3 and the Scottish Planning Policy (SPP), both of which were published on 23 June 2014. Subject specific national planning policies of potential relevance to the proposed development are contained within numerous Planning Circulars and Advice documents.

### **National Planning Framework 3 (2014)**

4.4.3.2 The NPF3 provides the statutory basis for orientation of Scotland's long-term spatial development. The NPF3 highlights the spatial planning implications of multiple national policy documents and commitments, including the binding decarbonisation targets enshrined within the Climate Change (Scotland) Act 2009.

4.4.3.3 Overall the NPF3 emphasises the Scottish Government's commitment to increasing sustainable economic growth across all areas of Scotland and therefore orientates the efforts of Scotland's planning system towards this purpose. In its introduction, the NPF3 notes the importance of maintaining economically active and vibrant rural areas whilst "*safeguarding our natural and cultural assets and making innovative and sustainable use of our resources*". The national spatial strategy of the NPF3 is structured around four key themes, namely:

- A successful, sustainable place;
- A low carbon place;
- A natural, resilient place; and
- A connected place.

4.4.3.4 Annex A of the NPF3 sets out the statements of need and technical descriptions for 'national developments', as defined within The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 (as amended). Within statement of need and technical description 4 (High Voltage Electricity Transmission Network), it is considered that the OnTI falls under development class 2C, described as "*new and/or upgraded onshore converter stations directly linked to onshore and/or offshore electricity transmission cable(s) of or in excess of 132 kilovolts*".

4.4.3.5 Consequently, the planning application for the OnTI must be subject to a statutory Pre-Application Consultation (PAC) process under the Planning Act and the planning application submission should be accompanied by a PAC report.

### **Scottish Planning Policy**

4.4.3.6 The SPP sets out the Scottish Government's expectations regarding specific issues within development planning and development management. The document aims to contribute to the Scottish Government's overarching purpose of achieving sustainable economic growth.

- 4.4.3.7 The SPP's Principal Policy on Sustainability (paragraphs 24 to 35) includes a presumption in favour of development that contributes to sustainability, based on identifying the need for, and acceptability of a proposal. To implement this, the SPP (paragraph 29) identifies 13 sustainable development principles which should guide planning policies and decisions.
- 4.4.3.8 Paragraph 156 of the SPP requires strategic development plans to support developments relating to the transmission of electricity and associated infrastructure. The SPP advises that consideration should be given to underground grid connections where possible (paragraph 165).
- 4.4.3.9 The SPP also establishes detailed provisions which relate to the OnTI regarding the following Subject Policies:
- Promoting Rural Development (paragraphs 74 – 91);
  - Valuing the Historic Environment (paragraphs 135 – 151);
  - Planning for Zero Waste (paragraph 175 – 192);
  - Valuing the Natural Environment (paragraph 193 – 233); and
  - Managing Flood Risk and Drainage (paragraphs 254 – 268).
- 4.4.3.10 The above listed Subject Policies detail provisions to safeguard designated ecological and historical assets; ensure developments are sustainable and do not contain any unacceptable environmental and amenity effects; and ensure net socio-economic benefits are considered in planning determinations.

#### **Historic Environment Scotland Policy Statement (2016)**

- 4.4.3.11 This document sets out Scottish Ministers' policies for the historic environment and provides policy direction for Historic Scotland. At paragraph 1.9 the document identifies a number of key principles which underpin it, including that *"there should be a presumption in favour of preservation of individual historic assets and also the pattern of the wider historic environment; no historic asset should be lost or radically changed without adequate consideration of its significance and of all the means available to manage and conserve it"*.

#### **Scottish Government Control of Woodland Removal (2009)**

- 4.4.3.12 This document provides a national policy position to inform decisions on all woodland removal across Scotland. According to the guiding principles of the policy there is a *"strong presumption in favour of protecting Scotland's woodland resources"* and in all cases woodland should only be removed where it will achieve *"significant and clearly defined additional public benefits"*. The concept of additionality is therefore central to the application of the Policy.

#### **4.4.4 National Planning Advice and Circulars**

- 4.4.4.1 National planning policy is supported by numerous Scottish Government Planning Circulars, Planning Advice Notes (PANs), Advice Sheets and guidance documents prepared by Key Agencies of the Scottish Government. Annex A to Scottish Government Planning Circular 3/2013: Development Management Procedures (Revision 1.0) reaffirms that these types of documents should be considered as potential material considerations in the determination of a planning application depending on the individual context of the case. The following documents are considered to be of relevance to the OnTI:
- PAN 1/2013: Environmental Impact Assessment (Revision 1.0) (June 2017);
  - Planning Circular 1/2017: Environmental Impact Assessment Regulations 2017 (May 2017);
  - Finalised Carbon and Peatland Map 2016 (Scottish Natural Heritage, June 2016);
  - Draft Advice on Net Economic Benefit and Planning (March 2016);

- Planning Circular 3/2013: Development Management Procedures (Revision 1.0) (September 2015);
- Online Planning Advice regarding Flood Risk (published 18th June 2015);
- Planning Circular 2/2013: Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Amendment Regulations 2013 (March 2013);
- PAN 2/2011 Planning and Archaeology (July 2011);
- PAN 1/2011 Planning and Noise (March 2011);
- PAN 3/2010 Community Engagement (August 2010);
- PAN 60 Planning for Natural Heritage (2000, revised January 2008);
- PAN 81 Community Engagement (March 2007);
- PAN 51 Planning, Environmental Protection and Regulation (Revised October 2006);
- PAN 79 Water and Drainage (September 2006);
- Planning Circular 1/2004: The Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Regulations 2004; and
- PAN 61 Planning and Sustainable Urban Drainage Systems (July 2001).

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