

Chapter 5

Planning Policy

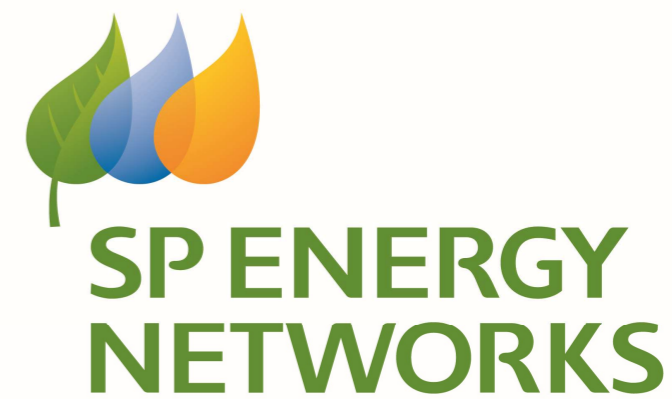


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5.1 Introduction

1. This chapter provides an overview of the planning and regulatory framework for consideration of the development consent applications¹ for the proposed development, and the planning consultation undertaken to date. It also details the national and local planning policy and guidance taken into account when considering the likely significant environmental effects of the proposed development.
2. This chapter refers to the National Planning Framework 3 (NPF3), Scottish Planning Policy 2014 and the Revised Draft NPF4, particularly to the energy transmission and EIA topic related provisions contained therein. Consideration is given to climate change policy as the proposed development would facilitate the transmission of green energy from Kennoxhead Wind Farm to the grid. Consideration is also afforded to 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 relevant wording of development plan policies is provided.
3. The chapter also includes a description of other material planning considerations which include supplementary planning guidance and national guidance and advice (summarised in a table).
4. A final section on committed development in proximity to components to the proposed development is also included at the end of the chapter.
5. It is important to note that this chapter does not include an assessment of the proposed development's accordance with relevant planning policy and other material considerations. The Scottish Ministers as competent authority will consider the question of accordance in making their determinations on the development consent applications as well as the discharge of the duties regarding the preservation of amenity etc. under Schedule 9 of the Electricity Act 1989 as set out in detail in **Chapter 1: Introduction**.

5.2 The Planning and Regulatory Framework

6. Under section 37 of the Electricity Act 1989 (the 1989 Act), consent is required from the Scottish Ministers to install (and keep installed) an electric line exceeding 20kV above ground². At the point of submission of the application for section 37 consent required for the proposed development SPEN will also request that Scottish Ministers direct that planning permission be deemed to be granted under section 57(2) of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act) for the proposed development and ancillary development as described below:
7. The proposed development comprises the construction of a new 17 km 132 kV single circuit wood pole (Trident) OHL and two sections of underground cable, totalling approximately 3.5 km, at each end of the OHL to allow connection, connecting the consented Kennoxhead Wind Farm Substation and the existing Coalburn Substation.
8. Reference should be made to the detailed proposed development description provided in **Chapter 4: Development Description**.
9. There is a distinction to be drawn between the grant of an application for section 37 consent and a direction that planning permission is deemed to be granted under section 57(2) of the 1997 Act. Deemed planning permission can only be given upon the granting of the consent under section 37 of the 1989 Act. It is a matter for the discretion of the Scottish Ministers as to whether they consider it appropriate to make such a direction. The decision to grant section 37 consent is the principal decision.

¹ Applications for 1) consent for the new 132kV OHL under section 37 of the Electricity Act 1989 and 2) seeking a direction that planning permission is deemed to be granted under section 57(2) of the Town and Country Planning (Scotland) Act 1997 for the OHL and ancillary development.

10. With applications for section 37 consent and deemed planning permission, there is no 'primacy' of the development plan. The provisions of section 25 of the 1997 Act do not apply. However, the development plan is a relevant consideration to the decisions along with considerations such as those identified under Schedule 9 of the 1989 Act, national policy, the environmental effects of proposals and the views of consultees.
11. Development plan policies do not specifically address a development like the proposed development. The weight to be afforded to the development plan in the decision-making process must therefore be considered in this context and the specific considerations arising from Schedule 9 to the 1989 Act.
12. Consideration of the applications for section 37 consent and deemed planning permission will involve striking a balance between the need for the proposed development, technical and economic considerations and the mitigation of likely environmental effects.
13. As demonstrated in this EIA Report, SPEN has sought to conserve, where possible, the natural heritage and features of interest, and where significant environmental effects are envisaged, mitigation is proposed to seek to further reduce residual adverse effects. In this regard, SPEN considers that it has fulfilled its duties under Schedule 9 to the 1989 Act.
14. The proposed development falls within the administrative area of South Lanarkshire Council (SLC). In this regard, the relevant development plan comprises the following:
 - Clydeplan Strategic Development Plan 2017;
 - South Lanarkshire Local Development Plan 2 (SLLDP2).

5.3 National Planning Policy

15. National planning policy is contained in The National Planning Framework 3 (NPF3) and Scottish Planning Policy (SPP). These documents date from 2014.
16. The draft NPF4 was laid in Parliament on 10th November 2021. A public consultation was undertaken at the same time as the Parliamentary scrutiny, and this closed on 31st March 2022. On 8th November 2022 a Revised Draft NPF4 was laid in the Scottish Parliament for approval along with an Explanatory Report that outlines the changes from draft NPF4 to the Revised Draft. The 1997 Act requires that NPF4 must be approved by the Scottish Parliament before it can be adopted by Scottish Ministers. This is now expected to take place in January 2023. The NPF4 will incorporate updated SPP which will contain detailed national policy on a number of planning topics. Once adopted, the NPF4 will form part of the Development Plan. NPF3 and SPP remain in place until the NPF4 has been adopted by Scottish Ministers.
17. The following text sets out the key matters which are raised in NPF3 and SPP. It also considers the Revised Draft NPF4.

5.3.1 National Planning Framework for Scotland (NPF3)
18. 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.
19. 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:

"2 – Description of Classes of Development: Development consisting of:

² Subject to certain limited exceptions

- a) new and/or upgraded onshore electricity transmission cabling of or in excess of 132 kilovolts, and supporting pylons
- b) new and/or upgraded onshore sub stations directly linked to electricity transmission cabling of or in excess of 132 kilovolts.”
20. On the basis of the above, the proposed development is considered as a ‘National Development’ within NPF3 will assist in ensuring security of energy supply, which is a key objective for the Scottish Government.
21. Chapter 3 focuses on the promotion and achievement of a low carbon economy and the ambition to reduce greenhouse gas emission by 80% by 2050. The proposed development is closely related to achieving A Low Carbon Place due to its importance in supporting the connection of a consented onshore windfarm to the electricity network. NPF3 notes that strengthening the electricity grid will be essential in unlocking renewable resources.
22. 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).
23. NPF3 identifies that:
- “both terrestrial and marine planning have a key role to play in reaching these ambitious targets³ by facilitating development, linking generation with consumers and guiding new infrastructure to appropriate locations” (NPF3, para 3.12).
24. 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, which is part of the Low Carbon Place strategy, 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.”
- 5.3.2 Scottish Planning Policy**
25. Scottish Planning Policy (SPP) 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.
26. SPP sets out planning outcomes. Three of the four are considered to be relevant to the consideration of the proposed development. These are:
- Outcome 1: A successful sustainable place - supporting sustainable economic growth and regeneration, and the creation of well-designed, sustainable places;
 - Outcome 2: A low carbon place - reducing our carbon emissions and adapting to climate change; and
 - Outcome 3: A natural resilient place - helping to protect and enhance our natural and cultural assets and facilitating their sustainable use.
27. In relation to the delivery of heat and electricity, the SPP indicates that the planning system should support the change to a low carbon economy and be consistent with national objectives and targets (e.g., deriving the equivalent of 100% of electricity demand from renewable sources, by 2020). Paragraph 156 notes that strategic development plans should support national priorities for the construction or improvement of strategic energy infrastructure, including transmission and distribution networks.
28. Paragraph 4 of SPP is clear that the planning service should seek to focus on outcomes, maximising benefits and balancing competing interests. The proposed development has been designed to avoid and minimise environmental impacts and mitigate the likely significant environmental effects that are predicted, wherever possible. The proposed mitigation is presented at **Appendix 2.5: Schedule of Mitigation and Monitoring**.
29. SPP creates a presumption in favour of development that contributes to sustainable development. Paragraph 28 advises that:
- “the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of the proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.”
30. Paragraph 29 of SPP advises that planning policies and decision should support sustainable development. To assess whether a policy or proposed development supports sustainable development the following principles should be considered:
- giving due weight to net economic benefit;
 - responding to economic issues, challenges and opportunities, as outlined in economic strategies;
 - supporting good design and the six qualities of successful places;
 - making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;
 - supporting delivery of infrastructure, for example transport, education, energy, digital and water;
 - improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;
 - having regard to the principles for sustainable land use set out in the Land Use Strategy;
 - protecting, enhancing and promoting access to cultural heritage, including the historic environment;
 - protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;
 - reducing waste, facilitating its management and promoting resource recovery; and
 - avoiding over-development, protecting the amenity of new and existing development; and
 - considering the implications of development for water, air and soil quality.
31. With regards to the proposed development, SPP notes that:
- “maintaining a high-quality environment and passing on a sustainable legacy for future generations.” (SPP, para 27)
- “Our spatial strategy facilitates the development of generation technologies that will help to reduce greenhouse gas emissions from the energy sector” (SPP, para 152)
- “Terrestrial and marine planning facilitate development of renewable energy technologies, link generation with consumers and guide new infrastructure to appropriate locations. 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; and

³ Targets as detailed in paragraph 3.8 of NPF3 including electricity consumption from renewables.

- *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).

32. The SPP states that local development plans should set out the criteria that will be considered in deciding all applications for proposals for energy infrastructure developments of different scales. It is noted, at paragraph 169 of SPP, that considerations will vary, relative to the scale of the proposal and area characteristics, but are likely to include:

- net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities;
- the scale of contribution to renewable energy generation targets;
- effect on greenhouse gas emissions;
- cumulative impacts - planning authorities should be clear about likely cumulative impacts arising from all of the considerations below, recognising that in some areas the cumulative impact of existing and consented energy development may limit the capacity for further development;
- impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker;
- landscape and visual impacts, including effects on wild land;
- effects on the natural heritage, including birds;
- impacts on carbon rich soils, using the carbon calculator;
- public access, including impact on long distance walking and cycling routes and scenic routes identified in the NPF;
- impacts on the historic environment, including scheduled monuments, listed buildings and their settings;
- impacts on tourism and recreation;
- impacts on aviation and defence interests and seismological recording;
- impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;
- impacts on road traffic;
- impacts on adjacent trunk roads;
- effects on hydrology, the water environment and flood risk;
- the need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration;
- opportunities for energy storage; and
- the need for a robust planning obligation to ensure that operators achieve site restoration.

33. These criteria cover and go beyond the matters which are identified in Schedule 9 for consideration in S37 applications. The key findings of the environmental effects of the proposed development which are presented in **Chapter 6-11**.

34. 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.

5.3.2.1 Cultural Heritage

35. The following SPP guidance is relevant for consideration in the cultural heritage assessment of the proposed development:

“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);

“Proposals for development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance” (SPP, para 142);

“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);

“Planning authorities should protect archaeological sites and monuments as an important, finite and non-renewable resource and preserve them in situ wherever possible. Where in situ preservation is not possible, planning authorities should, through the use of conditions or a legal obligation, ensure that developers undertake appropriate excavation, recording, analysis, publication and archiving before and/or during development. If archaeological discoveries are made, they should be reported to the planning authority to enable discussion on appropriate measures, such as inspection and recording” (SPP, para 150); and

“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).

5.3.2.2 Landscape

36. The following text from SPP is relevant for consideration in the LVIA:

“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); and

“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).

5.3.2.3 Geology, Hydrogeology and Hydrology

37. The following text from SPP is relevant in the context of the assessment of potential effects on hydrology, hydrogeology, water resources and peat:

“Where peat and other carbon rich soils are present, applicants should assess the likely effects of development on carbon dioxide (CO2) emissions. Where peatland is drained or otherwise disturbed, there is liable to be a release of CO2 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); and

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

5.3.2.4 Ecology

38. The following text from SPP is relevant for consideration in the ecological assessment:

“Sites designated as Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) make up the Natura 2000 network of protected areas. Any development plan or proposal likely to have a significant effect on these sites which is not directly connected with or necessary to their conservation management must be subject to an “appropriate assessment” of the implications for the conservation objectives. Such plans or proposals may only be approved if the competent authority has ascertained by means of an “appropriate assessment” that there will be no adverse effect on the integrity of the site” (SPP, para 207);

“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); and

“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).

5.3.2.5 Forestry and Woodland

39. The following text from SPP is relevant for consideration in the assessment of effects on forestry and woodland:

“The Scottish Government’s Control of Woodland Removal Policy includes a presumption in favour of protecting woodland. Removal should only be permitted where it would achieve significant and clearly defined additional public benefits. Where woodland is removed in association with development, developers will generally be expected to provide compensatory planting. The criteria for determining the acceptability of woodland removal and further information on the implementation of the policy is explained in the Control of Woodland Removal Policy⁴, and this should be taken into account when preparing development plans and determining planning applications” (SPP, para 218).

5.3.3 Revised Draft National Planning Framework 4

40. The Revised Draft NPF4 was laid in the Scottish Parliament on the 8th November 2022 and will be before Scottish Parliament for six weeks. The Planning Act requires that NPF4 must be approved by the Scottish Parliament before it can be adopted by Scottish Ministers. Once adopted, the NPF4 will become part of the statutory development plan, replacing both the NPF3 and SPP.

41. The Revised Draft NPF4 is the Scottish Government’s national spatial strategy for Scotland, and it sets out the Scottish Government’s spatial principles, regional priorities, national developments, and national planning policy.

5.3.3.1 National Spatial Strategy

42. The opening paragraph to the Spatial Strategy (page 3) states:

“The world is facing unprecedented challenges. The global climate emergency means that we will need to reduce greenhouse gas emissions and adapt to the future impacts of climate change.”

43. Page 4 of the Revised Draft NPF4 outlines the six overarching spatial principles which will be used for planning future places which are:

- **Just transition.** We will empower people to shape their places and ensure the transition to net zero is fair and inclusive.
- **Conserving and recycling assets.** We will make productive use of existing buildings, places, infrastructure and services, locking in carbon, minimising waste, and building a circular economy.
- **Local living.** We will support local liveability and improve community health and wellbeing by ensuring people can easily access services, greenspace, learning, work and leisure locally.
- **Compact urban growth.** We will limit urban expansion so we can optimise the use of land to provide services and resources, including carbon storage, flood risk management, blue and green infrastructure and biodiversity.
- **Rebalanced development.** We will target development to create opportunities for communities and investment in areas of past decline, and manage development sustainably in areas of high demand.
- **Rural revitalisation.** We will encourage sustainable development in rural areas, recognising the need to grow and support urban and rural communities together.”

44. The principles are stated as playing a key role in delivering the United Nations Sustainable Development Goals and the Scottish Government’s national outcomes.

⁴In February 2019, Scottish Forestry published guidance on implementing the Scottish Government’s Control of Woodland Removal Policy.

45. The spatial principles will support the delivery of:

- **“sustainable places,** where we reduce emissions, restore and better connect biodiversity;
- **Liveable places,** where we can all live better, healthier lives; and
- **productive places,** where we have a greener, fairer and more inclusive wellbeing economy.”

5.3.3.2 National Developments

46. There are eighteen national developments which will support the strategy. The proposed development falls under national development “Strategic Renewable Electricity Generation and Transmission Infrastructure” which is summarised on page 7 of the revised draft NPF4 as:

“supports electricity generation and associated grid infrastructure throughout Scotland, providing employment and opportunities for community benefit, helping to reduce emissions and improve security of supply.”

47. Annex A (page 97) of the Revised Draft NPF4 states that national developments are:

“...significant developments of national importance that will help to deliver the spatial strategy.”

48. Annex A continues by stating:

“Their designation means that the principle of the development does not need to be agreed in later consenting processes, providing more certainty for communities, business and investors.”

49. Annex B of the Revised Draft NPF4 contains the statements of need and page 103 contains the statement of need for national development 3. Strategic Renewable Electricity Generation and Transmission Infrastructure which:

“...supports renewable electricity generation, repowering, and expansion of the electricity grid.

A large and rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets. Certain types of renewable electricity generation will also be required, which will include energy storage technology and capacity, to provide the vital services, including flexible response, that a zero carbon network will require. Generation is for domestic consumption as well as for export to the UK and beyond, with new capacity helping to decarbonise heat, transport and industrial energy demand. This has the potential to support jobs and business investment, with wider economic benefits.

The electricity transmission grid will need substantial reinforcement including the addition of new infrastructure to connect and transmit the output from new on and offshore capacity to consumers in Scotland, the rest of the UK and beyond. Delivery of this national development will be informed by market, policy and regulatory developments and decisions.”

50. The location for this national development is all of Scotland and in relation to need page 103 states:

“Additional electricity generation from renewables and electricity transmission capacity of scale is fundamental to achieving a net zero economy and supports improved network resilience in rural and island areas.”

51. The designation and classes of development includes:

“a) On and off shore electricity generation, including electricity storage, from renewables exceeding 50 megawatts capacity’

b) New and/or replacement upgraded on and offshore high voltage electricity transmission lines, cables and interconnectors of 132kv or more; and

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c) New and/or upgraded infrastructure directly supporting on and offshore high voltage electricity lines, cables and interconnectors including converter stations, switching stations and substations.”

5.3.3.3 National Planning Policies

52. Part 2 (page 36) of the Revised Draft NPF4 provides the national policies. It is considered the key policy for the proposed development is Policy 11 Energy. Its policy intent is:

“To encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This includes energy generation, storage, new and replacement transmission and distribution infrastructure and emerging low-carbon and zero emissions technologies including hydrogen and carbon capture utilisation and storage (CCUS).”

53. Policy 11 states:

“a) Development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported. These include:

ii. enabling works, such as grid transmission and distribution infrastructure;”

54. Policy 11 includes a number of impacts which are to be addressed and states:

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

55. Other relevant policies include:

- Tackling the climate and nature crises – Policy 1.
- Biodiversity – Policy 3.
- Natural places – Policy 4.
- Soils – Policy 5.
- Forestry, woodland and trees – Policy 6.
- Historic assets and places – Policy 7.

5.3.4 Additional Relevant Planning Policy, Guidance and Advice

56. 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 proposed development is provided in **Table 5.1** below.

PANs and Additional Planning Guidance	Description
PAN 51: Planning, Environmental Protection and Regulation (2006)	This PAN is intended to support the existing policy on the role of the planning system in relation to the environmental protection regimes that operate alongside the land use planning system, to ensure that development takes place in suitable locations and is sustainable, whilst also providing protection for the environment against inappropriate development. Pre-application discussions, as recommended by this PAN, have been undertaken by SPEN with bodies such as SEPA and SNH, in addition to the SLC, at the different stages of the project development.
PAN 60 Planning for Natural Heritage 2000 (amended 2008)	PAN 60 provides advice about natural heritage designations at the international, national and local levels. Natural

PANs and Additional Planning Guidance	Description
	heritage has been fully considered as part of the Environmental Impact Assessment (EIA).
PAN 68 Design Statements (2003)	This PAN explains what a design statement is, why it is a useful tool, when it is required and how it should be prepared and presented.
PAN 69: Flooding Risk (2015)	This PAN is intended for planning authorities to provide understanding of flooding and flood risk and the role of planning in preventing flooding. It is useful as a point of reference for developers when considering the potential impacts of a development on flood risk and the criteria against which the development will be determined.
PAN 79: Water and Drainage (2006)	This PAN provides advice on good practice in relation to the provision of water and drainage in a planning context. In the context of the proposed switching station and replacement OHL, it will be important to ensure that the requirements of the Water Environment (Controlled Activities) (Scotland) Regulations 2005 are fully complied with. Chapter 7: Geology, Hydrogeology and Hydrology has considered this aspect of the project
PAN 1/2011 Planning and Noise (2011)	Noise can have a significant impact upon health, quality of life and the environment generally. The purpose of the PAN is to demonstrate the role of the planning system in preventing and limiting the adverse impacts of noise without prejudicing investment in development, enterprise and transport. In respect of the proposed development, both construction noise and operational noise have been assessed (Technical Appendix 2.3: Noise Technical Statement).
PAN 2/2011 Planning and Archaeology (2011)	This PAN includes advice on the handling of archaeological matters within the planning process and on the separate controls over scheduled monuments under the Ancient Monuments and Archaeological Areas Act 1979. The archaeological assessment of the proposed development is reported in Chapter 10: Archaeology and Cultural Heritage of the EIA Report.
PAN 1/2013 Environmental Impact Assessment (2013)	This PAN explains how EIA can be integrated into the development management process. It is also intended as a point of reference for those preparing the EIA Report on the role they have to play in working toward the Scottish Government’s aim of more efficient and effective EIA.
Planning Circular 1/2017 The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations (2017)	This Circular provides guidance on the Town and Country Planning (Environmental Impact Assessment (Scotland) Regulations 2017 ⁵ .

Table 5.1: Scottish Government Guidance

⁵ Deemed planning permission is being sought and the Circular provides guidance on the EIA process.

5.4 Development Plan Policy

57. The Development Planning system in Scotland has a key role in delivering the strategy and policy set out in the Scottish Government’s National Planning Framework (NPF) and Scottish Planning Policy (SPP). Development Plans are also the starting point for making decisions on planning applications.

58. The Development Plan for the proposed development comprises of the:

- Clydeplan Strategic Development Plan 2017; and
- South Lanarkshire Local Development Plan 2 (SLLDP2)

59. The following section of this chapter addresses the Development Plan policies together with statutory supplementary guidance of relevance to the proposed development

5.4.1 Clydeplan Strategic Development Plan 2017

60. Clydeplan seeks to create “a resilient, sustainable compact city region attracting and retaining investment and improving the quality of life for people and reducing inequalities through the creation of a place which maximises its economic, social and environmental assets ensuring it fulfils its potential as Scotland’s foremost city region” (Clydeplan, page 8). It is envisaged that by 2036, the City Region will be contributing to the Scottish Governments strategic objectives which include creating “Low carbon heat and power, waste management and green networks, contributing to ecologically sustainable economy and lifestyles” (Clydeplan, page 8).

61. **Table 5.2** below details the policies within Clydeplan which are considered relevant to the proposed development. Each policy is taken in turn and the wording of each policy is detailed in the following paragraphs. The policies have also been considered by the EIA topic specialists to inform their assessments.

Topic	Clydeplan Strategic Development Plan (2017)
Routeing and Design	Policy 1: Placemaking Policy 2: Leadership in the Delivery of the Vision and Spatial Development Strategy Policy 14: Green Belt
Geology, Hydrology, Hydrogeology, Water Resources and Peat	Policy 16: Improving the Water Quality Environment and Managing Flood Risk and Drainage
Forestry	Policy 13: Forestry and Woodland

Table 5.2: Clydeplan Policies relevant to the proposed development

5.4.1.1 Routing and Design

Policy 1: Placemaking

“New development should contribute towards the creation of high-quality places across the city region. In support of the Vision and Spatial Development Strategy new development proposals should take account of the Placemaking Principle set out in Table 1”.

62. Table 1 of page 13 of Clydeplan contains details of the considerations which new development proposals should take account of in their design process. In this regard, not all of the placemaking principle criteria would apply to the proposed development; those which are considered to be relevant have been set out below for ease of reference.

Principle	Criteria
Distinctive Supporting a Successful and Sustainable city region, Natural, Resilient city region	<ul style="list-style-type: none"> • Safeguards national and regionally important locations for tourism and recreational development in support of the sustainable growth of the visitor economy • Safeguards and promotes significant environmental, historic and cultural assets • Maintains and enhances an area’s landscape character and supports the objectives of the Glasgow and Clyde Valley Green Belt.
Safe and Pleasant Supporting a Successful and Sustainable city region, Low Carbon city region, Natural, Resilient city region, Connected city region	<ul style="list-style-type: none"> • Maintains or improves air quality.
Resource Efficient Supporting a Successful and Sustainable city region, Low Carbon city region, Natural, Resilient city region	<ul style="list-style-type: none"> • Optimises the use of existing infrastructure. • Protects and improves the water environment particularly in relation to flood risk, surface water management and water quality.

Table 5.3: Placemaking Principle (relevant principles/considerations to the proposed development only)

Policy 2: Leadership in the Delivery of the Vision and Spatial Development Strategy

“In support of the delivery of the Vision and Spatial Development Strategy by 2036, Clydeplan will encourage continued joint working and a multiagency approach aligned to corporate leadership and decision making, in both the public and private sector which gives priority to the delivery of the Vision and Spatial Development Strategy.

This will be achieved through:

- *Local Authorities: implementation of policies and actions set out in Local Development Plans and related corporate documents including Local Housing Strategies, Local Transport Strategies, Economic Development Strategies, Single Outcome Agreements, Community Planning and the Glasgow and Clyde Valley City Deal;*
- *Scottish Government: implementation of policies and actions set out in National Planning Framework, Scottish Planning Policy and related investment programmes;*
- *Key Agencies: co-ordination and implementation of their investment programmes;*
- *Infrastructure bodies: co-ordination and implementation of their future capital investment programmes; and,*
- *Development and Investment sector: co-ordination and implementation of development proposals and investment strategies.”*

Policy 14: Green Belt

“In support of the Vision and Spatial Development Strategy, Local Authorities should:

- *designate within Local Development Plans, the inner and outer boundaries of the Green Belt to ensure the objectives set out in paragraph 8.15 are achieved; and,*
- *collaborate to ensure consistency across Local Development Plan areas when defining or altering Green Belt boundaries.”*

5.4.1.2 Geology, Hydrogeology and Hydrology

Policy 16: Improving the Water Quality Environment and Managing Flood Risk and Drainage

“To support the Vision and Spatial Development Strategy and to achieve the objectives set out in paragraph 8.28 Local Development Plans and development proposals should protect and enhance the water environment by

- *adopting a precautionary approach to the reduction of flood risk;*
- *supporting the delivery of the Metropolitan Glasgow Strategic Drainage Plan;*

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- supporting the delivery of the Glasgow and the Clyde Valley Green Network; and,
- safeguarding the storage capacity of the functional floodplain and higher lying areas for attenuation.”

5.4.1.3 Forestry

Forestry Policy 13: Forestry and Woodland

“In support of the Vision and Spatial Development Strategy and to achieve the national woodland coverage targets set out in the Scottish Forestry Strategy (2006), development proposals, where appropriate, should

- support the retention and expansion of forestry and woodland (or multi-functional woodland resource) in keeping with the Forestry and Woodland Strategy and related Spatial Framework (Background Report 12); and,
- minimise the loss of existing trees and include, where appropriate, the planting of new trees, woodlands and forestry in support of the Scottish Government’s Control of Woodland Removal Policy or as replaced by Supplementary Guidance referred to below.

Supplementary Guidance will be produced to replace the Forestry and Woodland Strategy (Background Report 12). This will update the information and guidance currently contained within in it, including that set out at paragraph 8.12. The Supplementary Guidance should be submitted to Ministers within 1 year of the date of approval of this plan.”

Forestry and Woodland Strategy for Glasgow City Region 2020

63. The Forestry and Woodland Strategy for Glasgow City Region was published in December 2020. Its purpose “is to guide woodland expansion and management of woodlands in the Glasgow City Region area, providing a policy and spatial framework to optimise the benefits for the local economy, communities and the environment.”

5.4.2 South Lanarkshire Local Development Plan 2 (SLLDP2)

64. SLLDP2 was adopted on Friday 9 April 2021. The SLLDP2 sets out SLC’s vision statement and spatial strategy for the area alongside the policies against which development will be assessed. The proposed development has been considered in the context of the SLLDP2, and the most relevant policies are identified and considered below.

65. The vision and key objectives have been informed by the key challenges facing South Lanarkshire. The overall vision is:

“To promote the continued growth and regeneration of South Lanarkshire by seeking sustainable economic and social development within a low carbon economy whilst protecting and enhancing the environment.” (SLLDP2, page 9)

66. The policies in the SLLDP2 (Volumes 1 and 2) that are considered relevant to the proposed development are shown below in Table 5.4. 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.

Policies in Volume 1	Policies in Volume 2
<ul style="list-style-type: none"> • Policy 1: Spatial Strategy • Policy 2: Climate Change • Policy 3: General Urban Areas • Policy 4: Green Belt and Rural Areas • Policy 5: Development Management and Placemaking • Policy 11: Housing • Policy 14: Natural and Historic Environment • Policy 15: Travel and Transport • Policy 16: Water Environment and Flooding 	<ul style="list-style-type: none"> • Policy SDCC2: Flood Risk • Policy GBRA1: Rural Design and Development • Policy DM20: Supporting Information • Policy NHE1: New Lanark World Heritage Site • Policy NHE2 Archaeological Sites and Monuments • Policy NHE3: Listed Buildings • Policy NHE4: Gardens and Designed Landscapes • Policy NHE5: Historic Battlefields • Policy NHE6: Conservation Areas • Policy NHE7: Natura 2000 Sites • Policy NHE8: National Nature Reserves and Sites of Special Scientific Interest • Policy NHE9: Protected Species • Policy NHE11: Peatland and Carbon Rich Soils • Policy NHE12: Water Environment and Biodiversity • Policy NHE13 Forestry and Woodland • Policy NHE20: Biodiversity • Policy NHE21: Geodiversity

Table 5.4: SLLDP2 policies

67. A number of Supplementary Guidance documents were prepared and adopted as part of the previous South Lanarkshire Local Development Plan (SLLDP) and with the adoption of the SLLDP2 they are now classified as non-statutory guidance. The Supplementary Guidance documents which are considered to be of relevance to the proposed development are contained within the sections below.

5.4.2.1 Routing and Design

Policy 1 Spatial Strategy

68. The aim of Policy 1 is to:

“Encourage sustainable economic growth and regeneration, move towards a low carbon economy, protect the natural and historic environment and mitigate against the impacts of climate change.”

69. The principles of Policy 1 relevant to the proposed development include those to:

- “Ensure that proposals for new development seek to minimise and mitigate against the effects of climate change, including flood risk”; and
- “Protect and enhance the natural and historic environment”.

Policy 2: Climate Change

“In order to fulfil the plan’s overall strategic vision, as defined in paragraph 3.2, and to meet Scottish Government targets relating to climate change and the reduction of greenhouse gases, any new development proposals should seek to minimise and mitigate against such effects.”

70. The following criteria, which is relevant to the proposed development, is included under Policy 2. Development should ensure that they:

- “are sustainably located”;
- “avoid areas of medium to high flood risk”;
- “protect ecosystem services by ensuring no significant adverse impacts on the water and soil environment, air quality, biodiversity and blue/green networks, have no adverse effect on the integrity of any Natura 2000 sites and identify opportunities for enhancement of the natural heritage”; and
- “avoid or minimise disturbance of carbon-rich soils and, where appropriate, include provision for restoration of damaged peatlands”.

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Policy 3: General Urban Areas and Settlements

71. The proposed development crosses the outer edge of the settlement of Coalburn and would be in the vicinity of the boundary Glespin. Therefore, it is subject to policy 3, which states:

“Developments which would be detrimental to the amenity of residents and the wider community or to the character of the surrounding area will not be permitted. This particularly applies to ‘bad neighbour’ uses which can affect neighbours by virtue of visual impact, noise, smell, air pollution, disturbance, traffic or public safety.”

Policy 4: Green Belt and Rural Areas

72. Overall the aim of this policy is to control development in the Green Belt and Rural Area and ensure there is no unacceptable significant adverse impact on the environment or on local services and infrastructure.

73. The proposed development will traverse a rural area so will be subject to Policy 4. The policy wording in relation to rural areas is as follows:

“Within the Rural Area the Council seeks to protect the amenity of the countryside while, at the same time, supporting small scale development in the right places that is appropriate in land use terms and is of high environmental quality that will support the needs of communities... Development which does not require to locate in the countryside will be expected to be accommodated within the settlements identified on the proposals map. Isolated and sporadic development will not be supported.”

74. Under Policy 4, Policy GBRA1: Rural Design and Development applies to the proposed development:

“Within the Green Belt and Rural Area all proposed developments will require to adhere to the following criteria:

1. *Developments shall be sited in a manner that respects existing built form, land form and local landscape character and setting.*
2. *Proposed developments shall be well related to locally traditional patterns of scale and shall avoid the introduction of suburban-style developments into the rural environment. Proposals specifically for residential development should not be isolated or sporadic.*
3. *Proposals shall be of a high quality, of either traditional or contemporary innovative design which interprets and adapts traditional principles and features.*
4. *Proposals shall make use of appropriate materials which respect and reinforce local character and identity.*
5. *Developments shall have no unacceptable adverse impacts on existing residential amenity, particularly in terms of overlooking or overshadowing of existing residential properties.”*

Policy 5 Development Management and Placemaking

75. Policy 5 builds upon the guidance of SPP where there is a presumption for development to contribute to the creating of a successful place using the six key qualities (distinctive, resource efficient, safe and pleasant, adaptable, easy to move around and welcoming).

76. The policy wording of Policy 5 is set out below:

“In order to ensure that development takes account of the principles of sustainable development, all proposals require to be well designed and integrated with the local area. Proposals should have no unacceptable significant adverse impacts on the local community and the environment. Where appropriate, proposals should include measures to enhance the environment and address the six qualities of placemaking.”

77. Policy 5 identifies factors which contribute to a successful place and factors which should be given consideration when preparing development proposals. Of relevance to the proposed development, it is considered that the following factors have been considered through the design and routeing strategy:

- *“the development shall not have an unacceptable significant adverse impact on the amenity of any nearby residential properties in terms of overshadowing, overlooking or other loss of residential amenity as a result of light, noise, odours, dust or particulates or other emissions”;*
- *“risks to new development from unstable land resulting from past mining activities are fully assessed and, where necessary, mitigated prior to development”;*

- *“the development will have no unacceptable significant impact on the natural or historic environment and no adverse effect on the integrity of any Natura 2000 sites”;* and
- *“the development does not result in, or can mitigate against, any unacceptable significant adverse impact on quiet areas, the water environment, air quality or soil quality.”*

78. Policy DM20: Supporting Information of SLLDP2 Volume 2 falls under Policy 5. It states that.:

“All applications submitted to the Council must be accompanied by sufficient information and supporting documents to enable the application to be assessed and determined...”

Early engagement with the Council on the likely scope and content of supporting information is recommended.”

79. SLC were involved in pre-application consultation at the routing and scoping stages.

Development Management, Placemaking and Design

80. The Development management, placemaking and design Supplementary Guidance provides support to decision making in relation to requirements for new development. It was prepared in the context of the previous South Lanarkshire Local Development Plan and is therefore non-statutory guidance.

Policy 11: Housing

81. The proposed development crosses an area within the Coalburn Settlement Boundary identified as housing land supply in the SLLDP2. Policy 11 states that housing development will be supported within the housing land supply areas.

82. Outline planning permission was granted for a housing development on 9th September 2008 (Application Reference: CL/08/0313) on the area of housing land supply. A Section 42 application (Application Reference: CL/13/0334) to extend the time period for development by 3 years was approved on 20th November 2013 with a further Section 42 application (Application Reference: CL/16/0356) to extend the time period for a further 3 years was approved on 2nd November 2016. In 2019, a Section 42 application was submitted to amend planning conditions 1(e) and 3, relating to boundary planting, to amend planting details and devise a scheme for ongoing maintenance of boundary planting of planning permission reference: CL/16/0356. This application was approved on 11th March 2020. To date, no detailed application has come forward.

83. Consideration was given to this in the routing of the proposed development. There is a requirement to cross the outer extent of the allocated site and this has been discussed with the landowner who is content with the proposed development.

Natural Environment

Policy 14: Natural and Historic Environment

84. SLC will assess all development proposals in terms of their impact on the natural and historic environment, including biodiversity, geodiversity, landscape and townscape.

85. SLC have classified all natural and historic sites, each category has a different value under this policy and the threshold for development that could affect a site differs based on its category. The proposed development has potential to adversely affect Coalburn Moss Special Area of Conservation (SAC), which is classed as a category 1 site, Coalburn Moss Site of Special Scientific Interest (SSSI), which is category 2, and Douglas Valley Special Landscape Area (SLA) and multiple core paths and rights of way, which are category 3.

86. Under Policy 14, development that might affect category 1 sites:

“Will only be permitted where an appropriate assessment of the proposal demonstrates that there will be no adverse effect on the integrity of the site, following the implementation of any mitigation measures. Where it cannot be ascertained that there will be no adverse effect on the integrity of the site, proposals will only be permitted where there are no alternative solutions, there are imperative reasons of overriding public interest and compensatory measures are provided to ensure that the overall coherence of the Natura network is protected.”

87. Development with the potential to affect SSSI sites are also subject to Policy NHE7: Natura 2000 Sites:

88. The appropriate assessment referenced in Policy NHE7 is a Habitats Regulation Assessment (HRA) and must be conducted by relevant planning authority; however, a report to inform the HRA will be submitted as part of the application and will assess what effects within the Coalburn Moss, if any, are likely as result of the proposed development.

89. Under Policy 14, development that might affect category 2 sites:

“Will only be permitted where the objectives of the designation and the overall integrity of the area can be shown not to be compromised following the implementation of any mitigation measures. Any significant adverse effects must be clearly outweighed by social or economic benefits of national importance.”

90. Development with the potential to affect SAC sites are also subject to Policy NHE8: National Nature Reserves and Sites of Special Scientific Interest:

“Development that affects a Site of Special Scientific Interest/National Nature Reserve will only be permitted where an appraisal has demonstrated:

- 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.”*

91. Under Policy 14, in category 3 areas, development that:

“Would have a significant adverse impact following the implementation of mitigation measures will only be permitted where the effects are outweighed by significant social or economic benefits.”

92. The Natural and Historic Environment Supplementary Guidance provides guidance on development that may have an impact on the natural and historic environment and the requirements that a planning application must meet.

93. Policies NHE9: Protected Species and NHE20: Biodiversity. NHE9 are also considered to be relevant. Policy NHE9 states:

- “Development that would impact on a European Protected Species will not be permitted unless it can be shown that:*
 - 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,*
 - there is no satisfactory alternative,*
 - the development would not be detrimental to the maintenance of the population of the species at a favourable conservation status in its natural range.*
- Development which would be likely to have an adverse impact on an animal or plant species protected under the Wildlife and Countryside Act 1981 (as amended) will not be permitted unless it can be shown that:*
 - the development will contribute to significant social, economic or environmental benefit,*
 - there is no other satisfactory solution,*
 - there will be no significant negative impact on the conservation status of the species.*
- Development likely to have a significant effect on any other protected species following the implementation of any mitigation measures will not be permitted unless it can be justified in accordance with the relevant legislation.*
- Where invasive non-native species (INNS) are present on a development site, or where planting is proposed as part of the development, planning permission will only be granted where developers can demonstrate that the provisions of the Wildlife and Countryside Act 1981 (as amended) relating to non-native species have been fully accounted for.*

All these requirements will be given full consideration in the assessment of development proposals and developments that cannot meet the terms of the above policy shall be judged not to accord with the plan.”

94. Policy NHE20: Biodiversity states:

“In order to further the conservation of biodiversity;

- Development proposals should demonstrate that they have no significant adverse impact on biodiversity, including cumulative impacts.*
- Development proposals likely to lead to significant loss of biodiversity will only be supported if adequate mitigation and offsetting measures are agreed with the Council. Development proposals affecting designated nature conservation sites shall be assessed against the requirements set out in the relevant LDP2 policy for that designation.*
- Development proposals should consider opportunities to contribute positively to biodiversity conservation and enhancement, proportionate to the scale and nature of the proposal.”*

95. The SLLDP2 also states that:

“Developers should also take account of the Local Biodiversity Strategy 2018-2022.”

96. The SLLDP supplementary guidance, Natural and Historic Environment, provides planning guidance on biodiversity assets to ensure that proposed developments take account of non-designated sites.

97. The Natural and Historic Environment supplementary guidance states that:

“all applications which may impact upon a biodiversity asset will be accompanied by an appropriate ecological assessment to allow a full appraisal to be made.”

98. An ecological assessment has been conducted as part of the EIA and is described in **Chapter 8: Ecology and Biodiversity**.

99. Development with the potential to affect SLA sites are also subject to Policy NHE16: Landscape:

“Development proposals within the Special Landscape Areas (SLA) identified on the Strategy Map will only be permitted if;

- they accord with LDP2 policies and guidance on Green Belt and Rural Area, and*
- they can be accommodated without having an unacceptable significant adverse effect on the landscape character, scenic interest and special qualities and features for which the area has been designated.”*

100. Policy 14 also states that:

“Development proposals should take account of the guidance in the South Lanarkshire Landscape Character Assessment 2010.”

5.4.2.2 Geology, Hydrogeology and Hydrology

Policy 16 Water Environment and Flooding

101. The key policy wording is as follows:

“Any development proposals which will have an unacceptable impact on the water environment will not be permitted. This includes engineering works such as culverting. In determining proposals consideration shall be given to water levels, flows, quality, features, flood risk and biodiversity within the water environment...”

The avoidance principle of flood risk management as set out in SPP must be met. This approach is key to the delivery of sustainable flood management. Within areas identified as functional floodplain the Council will not support any development proposals, except where a specific location is essential for operational reasons and appropriate mitigation measures can be taken that meet the principles of flood risk management. All development must take account of the requirements in SEPA’s development plan guidance on flood risk.”

102. Related to Policy 16 are the SLLDP2 Volume 2 policies SDCC2 and NHE12.

103. SDCC2: Flood Risk states:

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“In accordance with the precautionary principle and the risk framework as set out in SPP, the Council will seek to prevent any increase in the level of flood risk by refusing permission for new development where it would be at risk from flooding or increase the risk of flooding elsewhere...”

In line with the SPP, and to ensure sustainable development avoiding increased flood risk, all development will require to be accompanied by a flood risk assessment or other appropriate information which demonstrates that the proposal is consistent with the requirements of SPP.”

104. NHE12: Water Environment and Biodiversity states:

“Development proposals should protect and where possible enhance the water environment in accordance with the Water Framework Directive. Development proposals which will have a significant adverse impact on the water environment will not be permitted. Consideration will be given to water levels, flows, quality, features, flood risk and biodiversity within the water environment.

New development proposals should be designed to minimise impact on the water environment... Physical changes to the water environment should be avoided (for example culverting for land gain).”

Policy 14: Natural and Historic Environment

105. Related to Policy 14, Policy NHE11: Peatland and Carbon Rich Soils of SLLDP2 Volume 2 includes the following wording:

“The council shall seek to protect peatland and carbon rich soils from adverse impacts resulting from development. Where peat and other carbon rich soils are present, applicants should assess the likely effects of development on carbon dioxide (CO2) emissions...”

development proposals affecting peat must be accompanied by a full peat survey, carried out in accordance with current Scottish Government Guidance on Developments on Peatland, and a peatland habitat assessment.

Proposals must demonstrate how the peat survey and habitat assessment have been used to avoid or minimise impacts on peat and peatland habitats. Where appropriate, applications should be accompanied by: a schedule of mitigation measures to minimise impact on peat a method statement for post-construction re-instatement of disturbed peatland and a peatland management and/or enhancement plan showing how any significant losses of peatland habitat are to be compensated for.

For ancillary extraction of peat associated with other developments, the council will seek to ensure that best practice is used for the handling, storage and restoration of the peat, in order to minimise potential degradation and promote active peat formation and, where appropriate, the creation of habitats of nature conservation interest.”

106. Related to Policy 14, Policy NHE21: Geodiversity of SLLDP2 Volume 2 includes the following wording:

“In order to further the conservation of geodiversity:

1. *Development proposals should demonstrate that they have no significant adverse impact on geodiversity, including cumulative impacts.*
2. *Where there is potential for local geodiversity features to be affected by a proposal, these should be retained in situ wherever feasible. Where it is not feasible to retain such features, the developer should make provision for these to be recorded and documented in advance of development.*

Any applications which are considered to affect geodiversity will be considered on a case by case basis.”

107. The Natural and Historic Environment Supplementary Guidance provides non-statutory guidance in terms of the geology, hydrogeology and hydrology.

5.4.2.3 Cultural Heritage

Policy 14: Natural and Historic Environment

108. Policies NHE1 New Lanark World Heritage Site, NHE2: Archaeological Sites and Monuments, NHE3: Listed Buildings, NHE4 Gardens and Designed Landscapes, NHE5 Historic Battlefields and NHE6 Conservation Areas in Volume 2 of SLLDP2 relate to Policy 14 in Volume 1 of SLLDP2.

109. Policy NHE1 seeks to protect, conserve and enhance the New Lanark World Heritage Site and includes criteria which will be applied when assessing proposals

110. Policy NHE2 states the following:

“Scheduled Monuments and their Setting

Scheduled monuments shall be preserved in situ and in an appropriate setting.

Developments which have an adverse effect on scheduled monuments or the integrity of their setting shall not be permitted unless there are exceptional circumstances.

Non-scheduled Archaeological Sites and Monuments

All non-scheduled archaeological resources shall be preserved in situ wherever feasible. The Council will weigh the significance of any impacts on archaeological resources and their settings against other merits of the development proposals in the determination of planning applications.

The developer may be requested to supply a report of an archaeological evaluation prior to determination of the planning application. Where the case for preservation does not prevail, the developer shall be required to make appropriate and satisfactory provision for archaeological excavation, recording, analysis and publication, in advance of development.”

111. Policy NHE3 states:

“Development affecting a Listed Building or its setting shall, as a first principle, seek to preserve the building and its setting, and any features of special architectural interest which it has.”

112. Policy NHE3 is supported by the Natural and Historic Environment supplementary guidance to help ensure unnecessary loss or damage to historic structures and ensure proposals will not diminish their interest.

113. Policy NHE4 outlines:

“Development affecting sites listed in the Inventory of Gardens and Designed Landscapes shall protect, preserve and, where appropriate, enhance such places and shall not significant impact adversely upon their character, upon important views to, from and within them, or upon the site or setting of component feature which contribute to their value. “

114. Policy NHE5 outlines:

“Any development affecting sites listed in the current Inventory of Historic Battlefields shall take cognisance of the battlefield and its setting and shall demonstrate how the development will protect, conserve or, where appropriate, enhance the key landscape characteristics and special qualities of the site.”

115. Policy NHE6 states:

“Development and demolition within a Conservation Area or affecting its setting shall preserve or enhance its character and be consistent with any relevant Conservation Area appraisal or management plan that may have been prepared for the area.

The design, materials, scale and siting of any development shall be appropriate to the character of the Conservation Area and its setting.”

5.4.2.4 Traffic and Transport

Policy 15: Travel and Transport

116. The relevant policy wording is as follows:

“Existing walking and cycling routes including former railway lines will be safeguarded and enhanced where appropriate...”

In certain circumstances the Council will require developers to prepare a Transport Assessment (TA) or Transport statement (TS) prior to the assessment of any planning application.”

117. Policy 15 is supported by Policy NHE18: Walking, Cycling and Riding Routes in Volume 2:

“The Council will seek to safeguard existing and proposed walking, cycling and riding routes, core water routes and water access/egress points within South Lanarkshire as identified in the Core Paths Plan...”

Where appropriate, linear routes, such as former railway lines, will be safeguarded to provide walking, cycling and riding opportunities. Development proposals adjacent to or on the line of any route will require to take account of the route in the design and layout of their scheme.”

5.4.2.5 Forestry and Woodland

Policy 14: Natural and Historic Environment

118. Policy NHE13: Forestry and Woodland in Volume 2 of SLLPD2 supports Policy 14 in Volume 1 of SLLDP2. Policy NHE13 states that:

“Development proposals should seek to manage, protect and enhance existing ancient semi-natural woodland (ASNW), other woodlands, hedgerows and individual trees. Proposals likely to impact on woodlands, hedgerows or individual trees should be accompanied by a full tree survey and written justification for any losses. Proposals should accord with the Council’s Tree Strategy.”

In all cases involving the proposed removal of existing woodland, the acceptability of woodland removal and the requirement for compensatory planting will be assessed against the criteria set out in the Scottish Government’s Policy on Control of Woodland Removal. Removal for development purposes will only be permitted where it would achieve significant and clearly defined public benefits.”

119. The Natural and Historic Environment Supplementary Guidance provides non-statutory guidance in relation to forestry and woodland.

5.4.3 South Lanarkshire Council Strategies and Guidance

120. SLC have a number of strategies and guidance which are considered relevant to the proposed development. These are detailed below:

5.4.3.1 South Lanarkshire Economic Strategy 2013 - 2023

121. The South Lanarkshire Economic Strategy states the following in regard to electricity transmission infrastructure and its role in the local economy:

“There will still need to be major investment in water, drainage, power supply and telecommunications networks to ensure they... meet the needs of domestic and business users, facilitate future development and improve our environment”

5.4.3.2 Sustainable Development and Climate Change Strategy 2017-2022

122. To achieve overall vision of SLC to “sustainable economic and social development within a low carbon economy whilst protecting and enhancing the environment”, the SLLDP2 is underpinned by a Sustainable Development and Climate Change Strategy 2017-2022 (SDCCS). The strategy sets out how SLC aim to achieve sustainable development and tackle climate change until 2022. The strategy outlines key themes and outcomes. To deliver on the theme of sustainable communities SLC intend to support:

“Renewable energy generation across South Lanarkshire helping to reduce the area’s carbon emissions and promote economic growth.” (SDCCS, Annex 3)

5.4.3.3 South Lanarkshire Biodiversity Strategy 2018-2022

123. The Local Biodiversity Strategy sets out how the Lanarkshire Biodiversity Partnership will ensure the delivery of the 2020 Challenge for Scotland’s Biodiversity. It describes the current status of biodiversity in South Lanarkshire and outlines the vision for the future environment.

5.4.3.4 Core Paths Plan

124. The Core paths plan, which was adopted in November 2012, has been reviewed to identify core paths that would be affected in some way during the construction and/or operation of the proposed development. The potential effects on core paths have been addressed in **Chapter 2: Approach to the EIA**.

5.5 Committed Developments

125. A ‘committed development’ is considered to be a development that has either full planning permission, planning permission in principle, is allocated in an approved strategic development plan or in an adopted local development plan.

126. Committed developments (including any local development which were allocated in the SDP or LDP2) were identified through consultation with South Lanarkshire Council who provided the planning application boundaries for the area. These, were subsequently mapped to identify the location of potential developments more accurately.

127. Several committed developments were identified within 500 m of the proposed OHL. They are detailed below:

- A mixed-use development: ‘The M74 Heat and Power plant’ (planning reference – CL/17/0157) comprising Class 4 (Business), 5 (General Industrial) and 6 (Storage and distribution) located west of junction 11 of the M74 at Coalburn received planning permission in principle in 2017. The route of the proposed development was carefully designed to avoid or minimise any potential significant impact.
- As detailed previously, the proposed development would cross an area identified as housing land supply in the SLLDP2. Consideration was given to this in the routing and there is a requirement to cross the outer extent of the allocated site which has been discussed with the landowner who is content with the proposed development.
- A former colliery spoil heap (Auchlochan No. 9 Spoil Heap), also known as a bing, in Coalburn, (NGR NS 2814 6360) is currently proposed for reclamation and has been granted planning permission subject to a legal agreement. Restoration work also includes extraction of any appropriate material for construction and building so is classified as an existing extractive site. The proposed route will cross the north-western portion of the bing. The route of the proposed development was carefully designed to minimise any potential significant impact. Although technically falling outwith the definition of committed as there is only a resolution to grant it is fully expected that this permission will be formally approved.

5.6 Other Material Considerations

128. This section of the Chapter provides a summary of energy policy and guidance which is considered relevant to the proposed development.

5.6.1 Renewable Energy Policy Framework

129. In 2019, the Scottish Government declared a climate emergency. In a speech to the Scottish Parliament the Climate Change Secretary stated:

“The Climate Change Committee has been stark in saying that the proposed new targets will require “a fundamental change from the current piecemeal approach that focuses on specific actions in some sectors to an explicitly economy wide approach”. To deliver the transformational change that is required, we need structural changes across the board: to our planning, procurement, and financial policies, processes and assessments. And as I’ve already said, that is exactly what we will do.”

130. The Climate Change Secretary went onto say that:

“subject to the passage of the Planning Bill at stage 3, the next National Planning Framework and review of the Scottish Planning Policy will include considerable focus on how the planning system can support our climate change goals.”

131. As the proposed development would enable the connection of an onshore wind farm to the grid, therefore supporting the provision of green energy to meet our 'climate change goals', it is considered relevant to examine the Scottish legislation and renewable energy policy framework.

5.6.1.1 The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019

132. The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 was passed by the Scottish Parliament in 2019 and its measures were brought into force in March 2020. It amends the Climate Change (Scotland) Act 2009 and sets targets to reduce Scotland's emissions of all greenhouse gases to net-zero by 2045 at the latest, with interim targets for reductions of at least 56% by 2020, 75% by 2030, 90% by 2040.

5.6.1.2 Scottish Energy Strategy

133. Scotland's first Energy Strategy was published in December 2017 and sets out the Scottish Government's vision for the future energy system in Scotland. It identifies six energy priorities for a whole-system approach that considers both the use and supply of energy for heat, power and transport.

134. It advises that it has a vision for:

"a flourishing, competitive local and national energy sector, delivering secure, affordable, clean energy for Scotland's households, communities and businesses."

135. The priorities of most relevance to the switching station and replacement OHL are:

- system security and flexibility; and
- renewable and low carbon supplies.

136. Two new targets have been set for the Scottish energy system, by 2030:

- the equivalent of 50% of the energy for Scotland's heat, transport and electricity consumption to be supplied from renewable sources to meet the domestic and international climate change targets; and
- an increase by 30% in the productivity of energy use across the Scottish economy.

137. With regard to system security and flexibility, the Energy Strategy states that:

"Scotland should have the capacity, the connections, the flexibility and resilience necessary to maintain secure and reliable supplies of energy to all our homes and businesses as our energy transition takes place."

138. An April 2018 update relating to Targets, Priorities and Actions states that:

"Scottish Government analysis shows that renewable electricity – which has already outperformed our interim 2015 target of 50% – could rise to over 140% of Scottish electricity consumption, ensuring its contribution to the wider renewable energy target for 2030"

139. The importance of securing grid connections for renewable energy generation is of significant importance to realise Scotland's potential and can draw support from Scotland's energy strategy.

140. The proposed development would form part of the overall energy strategy for Scotland, supporting the generation of renewable energy by providing connections for wind farms to the transmission network.

141. On the 16th of March 2021, the Scottish Government released the Scottish Energy Strategy Position Statement, which provides an update on how the energy strategy is responding to the targets of net zero greenhouse gas emissions by 2045 and a 75% reduction by 2030. It summarises how the Scottish Energy Strategy can support the aims of the CCP Update. The statement highlights the Scottish Government's view that:

"there is vital role that energy networks will play in meeting Scotland's more ambitious decarbonisation and net zero targets."

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

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

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

5.6.1.4 Climate Change Plan 2018-2032 Update

144. Following the revised climate change targets, net zero greenhouse gas emissions by 2045 and a 75% reduction by 2030, established in the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 The Scottish Government released their Climate Change Plan 2018-2032 Update (CCP Update) on the 16th of December 2020, which outlines the key policies that will facilitate Scotland's pathway to meeting the emissions reduction targets over the period to 2032. Furthermore, it identifies how sectors can promote a green recovery from the Covid-19 pandemic. In relation to electricity, the report states the following:

"The need to invest in renewable generation, networks and related infrastructure to reduce greenhouse gas emissions is also critical to creating good, green jobs as part of our green recovery and longer term energy transition... decarbonising our electricity generation and networks will provide a range of opportunities for existing and new Scottish companies... Approximately £1 billion is spent each year on maintaining and developing electricity networks, leading to substantial work for local supply chains." (Para 3.1.12-3.1.18)

145. It is clear that the CCP Update identifies investment in improving energy networks is a key objective for meeting the net zero targets and delivering a green recovery.

5.6.1.5 A Vision for Scotland's Electricity and Gas Networks

146. The Scottish Government published 'A vision for Scotland's Electricity and Gas Networks' in March 2019.

147. Chapter 2: Developing the Network Infrastructure includes the Scottish Government's vision for Electricity Networks by 2030 which states:

"there will have been the necessary substantial investment in new capacity for our electricity networks, including transmission links to our island groups and new undersea cables linking to the rest of Britain between Scotland, England and Wales. There will be a strategic focus on security of supply and resilience when design these networks and the systems that they connect to..."

148. Page 17 recognises:

"But we need more investment in new transmission infrastructure to connect the levels of renewable generation we want by 2030."

5.7 References

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