

# Chapter 5

## Planning Policy

### Introduction

**5.1** This chapter provides an overview of the planning and regulatory framework for consideration of the development consent applications<sup>1</sup> for the Glenmuckloch to Glenglass Reinforcement Project (GGRP), and the consultations 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 GGRP.

**5.2** This chapter refers in detail to the National Planning Framework 4 (NPF4), particularly to the energy transmission related provisions contained therein. As the GGRP is located entirely within the Dumfries and Galloway Council (D&GC) administrative area, consideration is also afforded to the relevant aims and objectives of the D&GC Local Development Plan 2 (LDP2) (2019) which was adopted on 3<sup>rd</sup> October 2019. This constitutes an important aspect of the overall policy framework and identifies the development plan policies of relevance to the GGRP by EIA topic area. The relevant wording of the identified development plan policies is noted below where appropriate.

**5.3** The chapter also includes a description of other material planning considerations which include supplementary planning guidance and national guidance and advice.

**5.4** A final Section on committed development in proximity to components to the GGRP is also included at the end of the chapter<sup>2</sup>.

**5.5** It is important to note that this chapter does not include an assessment of the GGRP's accordance with development plan 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**.

### The Planning and Regulatory Framework

**5.6** 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 20 kilovolt (kV) above ground. At the point of submission of the application for Section 37 consent required for the new 132kV overhead line (OHL), SP Energy Networks (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 new 132kV OHL and ancillary development which will include the construction of a new 132kV double circuit steel tower OHL of approximately 9.3km between the new Glenmuckloch substation to the existing 132kV substation at Glenglass as described in detail in **Chapter 4: Development Description**.

**5.7** 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 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.

**5.8** 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 decisions along with considerations.

**5.9** Development plan policies do not specifically address a development like the GGRP. 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. The duties imposed by Schedule 9 are addressed in detail in **Chapter 1**.

<sup>1</sup> 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 new 132kV OHL and all ancillary development.

**5.10** Consideration of the application for Section 37 consent and that seeking a direction that planning permission is deemed to be granted will involve striking a balance between the need for the GGRP, technical and economic considerations and the mitigation of likely environmental effects.

**5.11** As demonstrated in this EIA Report, SPEN has sought to conserve, where possible, the natural heritage and features of interest, and where environmental effects are envisaged, mitigation is proposed to seek to further reduce residual adverse effects. In this regard, SPEN considers that it has fulfilled its duties under Schedule 9 to the 1989 Act.

### Overview of Consultation Undertaken to Date

**5.12** Details of consultation relating to the GGRP are covered in more detail in the Routeing and Consultation Report (2019) and the GGRP Summary of Feedback from Consultation Report (August 2022) and are also summarised in **Chapter 3: Approach to the EIA**.

### National Planning Framework 4

**5.13** At the time of preparation of the EIA Report and throughout the design of the GGRP, National Planning Framework 3 (NPF3) and Scottish Planning Policy (SPP) were in force. These have now been effectively superseded by NPF4 which will come into force on 13 February 2023. Draft NPF4 was first laid before Parliament in November 2021 and has been subject to consultation and parliamentary scrutiny in the intervening period. The Revised Draft NPF4 was laid before Parliament on 8 November 2022, and was approved by the Scottish Parliament, without amendments, following a vote on 11<sup>th</sup> January 2023.

**5.14** NPF4 forms part of the statutory Development Plan and should therefore be afforded substantial weight in the overall decision-making process.

### The National Spatial Strategy – Delivery of Sustainable Places

**5.15** Part 1 of NPF4 sets out six spatial principles which form part of the 'National Spatial Strategy for Scotland to 2045':

- Just transition to net zero;
- Conserving and recycling assets, including making productive use of existing buildings, places, infrastructure and services;
- Local living, including ensuring people can easily access services, including work, locally;
- Compact urban growth, including optimising use of land to provide services and resources;
- Rebalanced development, including targeting development to create investment in areas of past decline; and
- Rural revitalisation.

**5.16** The introductory text to the Spatial Strategy starts by stating (page 3):

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

**5.17** The principles summarised above are considered to play a key role in delivering the United Nations Sustainable Development Goals and the Scottish Government's National Performance Framework<sup>3</sup>.

**5.18** The Spatial Strategy is aimed at supporting the delivery of:

<sup>2</sup> Considered to be development that has either detailed planning permission or planning permission in principle or is allocated in an approved strategic development plan or an adopted local development plan..

<sup>3</sup> The Scottish Government National Performance Framework sets out 'National Outcomes' and measures progress against a range of economic, social and environmental 'National Indicators'.

- '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".

5.19 Page 6 of NPF4 addresses the delivery of sustainable places, noting the consequences of Scotland's changing climate:

*"Scotland's Climate Change Plan, backed by legislation, has set our approach to achieving net zero emissions by 2045, and we must make significant progress towards this by 2030.....Scotland's Energy Strategy will set a new agenda for the energy sector in anticipation of continuing innovation and investment."*

5.20 The National Spatial Strategy in relation to 'sustainable places' is described (page 7) as follows:

*"Scotland's future places will be net zero, nature-positive places that are designed to reduce emissions and adapt to the impacts of climate change, whilst protecting, recovering and restoring our environment.*

*Meeting our climate ambition will require a rapid transformation across all sectors of our economy and society. This means ensuring the right development happens in the right place.*

*Every decision on our future development must contribute to making Scotland a more sustainable place. We will encourage low and zero carbon design and energy efficiency, development that is accessible by sustainable travel, and expansion of renewable energy generation."*

5.21 Six National Developments support the delivery of sustainable places, number 3 being 'Strategic Renewable Electricity Generation and Transmission Infrastructure' which:

*"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".*

### National Developments

5.22 NPF4 sets the approach to planning and development to help achieve a net zero, sustainable Scotland by 2045. It identifies 18 'national developments' which are described as: "significant developments of national importance that will help to deliver the spatial strategy ... National development status does not grant planning permission for the development and all relevant consents are required". National development 3 relates to "strategic renewable electricity generation and transmission infrastructure" which is identified as being required for the whole of Scotland:

*"This national development supports renewable electricity generation, repowering, and expansion of the electricity grid.*

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

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

#### "Need

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

5.23 Reference is made to the designation and classes of development which would qualify under this national development category:

*"A development contributing to 'Strategic Renewable Electricity Generation and Transmission' in the location described, within one or more of the Classes of Development described below and that is of a scale or type that would otherwise have been classified as 'major' by 'The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009', is designated a national development:*

*(a) on and off-shore electricity generation, including electricity storage, from renewables exceeding 50 megawatts capacity;*

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

*(c) new and/or upgraded Infrastructure directly supporting on and offshore high voltage electricity lines, cables and interconnectors including converter stations, switching stations and substations."*

5.24 The GGRP, as a new onshore high voltage electricity transmission line of 132kV means it has national development status as per these provisions of NPF4, and is therefore of national importance for the delivery of the national Spatial Strategy.

### National Planning Policy

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

5.26 Policy 1 entitled 'Tackling the climate and nature crisis' states:

*"...when considering all development proposals significant weight will be given to the global climate and nature crisis".*

5.27 The aim of Policy 11 Energy is to expand renewable, low carbon and zero emission technologies with the following stated 'policy intent':

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

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

**5.29** Policy 11, Energy states:

*“a) development proposals for all forms of renewable, low carbon and zero emissions technologies will be supported these include:*

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

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

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

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

**5.30** The other policies of most relevance in NPF4, and identified amongst the 'key policy connections' for Policy 11, are as follows:

- Policy 3 Biodiversity: seeks to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks with an outcome of ensuring biodiversity is enhance and better connected.
- Policy 5 Soils: seeks to protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development;
- Policy 6 Forestry, Woodland and trees: seeks to protect and expand forests, woodland and trees.
- Policy 7 Historic assets and places: seeks to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places.

### Statutory Development Plan Policy

**5.31** The statutory development plan for Dumfries and Galloway is the adopted LDP2. LDP2 sets out a spatial strategy in which to guide the future use and development of land in towns, villages and is structured around the themes of economic development, housing, historic environment, natural environment, community services and facilities, infrastructure and transport.

**5.32** LDP2 recognises the importance of delivering supporting infrastructure and that provision of infrastructure is fundamental to the deliverability of development proposals and ensuring that infrastructure and service improvement requirements can be met.

**5.33** LDP2 is guided by the overarching principle that all development should support sustainable development, including the reduction of carbon and other greenhouse gas emissions. Of the broad principles to be incorporated into all development outlined within LDP2 (page 9), those of relevance to the GGRP are:

- use of sustainable construction techniques;
- use of a SuDS scheme; and
- maximise the use of existing infrastructure.

**5.34** Key elements of the D&GC's overall 20-year vision for the region are set out on page 10 of LDP2:

- promote a thriving region with a sustainable economy built on sustainable principles which recognise the importance of the landscape, natural and historic environment, promote growth, maximise the use of existing infrastructure and enhance connectivity;
- have maximised its location to attract investment to create employment and investment opportunities which will in turn attract people of working age to the region;
- towns across the region will occupy niche positions making the most of their geographical locations; and
- there will be opportunities in the rural area for economic development, housing and recreation.

**5.35** As well as the overarching 20-year vision, LDP2 sets out further aspects of the wider vision for achieving a viable rural economy and community; vibrant towns and villages; and a successful Regional Capital in Dumfries.

**5.36** Transposing the vision to a spatial context, LDP2 outlines its Spatial Strategy with the aim of situating the right type of development in the right place and meeting the needs of the community, whilst promoting a more sustainable pattern of development, creating opportunities for sustainable economic growth and active travel, reducing carbon emissions, and minimising the need to travel. The Spatial strategy is set out under seven distinct headings, namely: Economic Strategy, Business and Industry Land Requirement (2017-2037), Energy Strategy, Retail Strategy, Housing Strategy, Transport Strategy, Active Travel and Green Networks, and Waste Management Strategy.

**5.37** LDP2 includes a new energy strategy, outlining the D&GC's commitment to the development of a Regional Energy Strategy to reflect the Climate Change Bill and the decarbonisation of nation energy through:

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

5.38 The Energy Strategy further notes that:

*“National Planning Framework 3 identifies a need for an enhanced high voltage energy transmission network to facilitate renewable electricity development and its export, including improvements to the network that lies in Dumfries and Galloway. Significant investment in the network is anticipated during the plan period, which the council supports in principle in appropriate locations. Proposals will be assessed against the provisions of policies OP1 AND IN1.” (LDP2, paragraph 3.22)*

5.39 LDP2 sets out its policies under eight key policy headings, namely Overarching Policies (OP), Economic Development (ED), Housing (H), Historic Environment (HE), Natural Environment (NE), Community Services and Facilities (CF), Infrastructure (IN) and Transport (T). **Table 5.1** identifies LDP2 policies of relevance to the GGRP.

5.40 It is important to note that as a consequence of the routeing work outlined in **Chapter 2: The Routeing Process and Design Strategy**, many of the areas designated in the statutory development plan for their natural or cultural heritage value have been avoided.

**Table 5.1 Development Plan Policies of Relevance to the GGRP**

Topic Area	Dumfries and Galloway Local Development Plan 2 (adopted 2019)
Development Control and Design (including Noise)	OP1 - Development Considerations
	OP2 - Design Quality and Placemaking
Landscape and Visual	NE1 - Regional Scenic Areas
	ED10 - Galloway and Southern Ayrshire Biosphere
Hydrology, Hydrogeology, Water Resources and Peat	NE11 - Supporting the Water Environment
	NE12 - Protection of Water Margins
	IN8 - Surface Water Drainage and Sustainable Drainage Systems (SuDS)
	NE14 - Carbon Rich Soil
	NE15 - Protection and Restoration of Peat Deposits as Carbon Sinks
Cultural Heritage	HE3 - Archaeology
Traffic and Transport	CF4 - Access Routes
	T1 - Transport Infrastructure
	T2 - Location of Development / Accessibility
Forestry	NE8 - Trees and Development

### LDP2 Policies of Relevance to the Glenmuckloch to Glenglass Reinforcement Project

5.41 The wording of related adopted LDP2 policies set out in **Table 5.1** is detailed in full below and areas designated on LDP2 Proposals Maps within which components of the GGRP are located are also identified.

#### Development Control and Design

5.42 Policy **OP1: Development Considerations** within LDP2 is an overarching policy setting out some of the key considerations taken into account when assessing development proposals. These considerations are set out under seven main headings, namely: a) General Amenity; b) Historic Environment; c) Landscape; d) Biodiversity and Geodiversity; e) Transport and Travel; f) Sustainability; and g) Water Environment as outlined below.

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

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

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

*c) Landscape: Development proposals should respect, protect and/or enhance the region’s rich landscape character, and scenic qualities, including features and sites identified for their landscape qualities or wild land character as identified on the 2014 Scottish National Heritage map (or any subsequent revised or amended map) of wild land areas. They should also reflect the scale and local distinctiveness of the landscape. The detailed guidance set out in the Dumfries and Galloway Landscape Assessment, and any subsequent revised or amended document, will be a material consideration in the assessment of proposals..*

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

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

*f) Sustainability: Development proposals should limit the impacts of climate change and promote sustainable development by:*

- i. assisting the development of the local economy through sustainable economic growth;*
- ii. minimising adverse impacts on water, air and soil quality;*
- iii. reusing and/or regenerating previously used land and property, including derelict and contaminated land;*
- iv. making the most efficient use of land. This means looking for and where practical making use of opportunities to reduce greenhouse gas emissions, including low carbon district heating networks;*
- v. integrating with existing infrastructure where possible;*
- vi. supporting the Council’s waste resource management objectives;*
- vii. avoiding areas of significant flood risk;*
- viii. using sustainable drainage systems;*
- ix. supporting reduction in carbon emissions....:*

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

### Design Quality and Placemaking

**5.43** Policy **OP2: Design Quality and Placemaking** is an overarching LDP2 policy that addresses considerations related to design quality and sets out how new development should contribute positively to a sense of place and local distinctiveness:

*“Development proposals should achieve high quality design in terms of their contribution to the existing built and natural environment contributing positively to a sense of place and local distinctiveness. Where relevant proposals should:*

- x. relate well to the scale, density, massing, character, appearance and use of materials of the surrounding area and in so doing be sympathetic to the local built forms as well as respecting the important physical, historic and landscape features of the site and its vicinity.”*

### Infrastructure

**5.44** The GGRP connection is required to connect the consented Glenmuckloch Pumped Storage Hydro and Wind Farm projects to the existing electricity transmission network.

**5.45** In relation to supporting infrastructure LDP2 notes that:

*“The delivery of supporting infrastructure is important in mitigating the impact of development and helping to create balanced and sustainable communities. The provision of infrastructure is fundamental to the deliverability of a development proposal and in many circumstances development will not be allowed to proceed if the infrastructure and service improvement requirements cannot be met”.*

### Landscape and Visual

**5.46** The GGRP is located within the Galloway and South Ayrshire Biosphere Transition Area. The corresponding policy **ED10: Galloway and Southern Ayrshire Biosphere** is outlined below.

**5.47** **ED10: Galloway and Southern Ayrshire Biosphere** states that:

*“The Council supports the designation and aims of the Biosphere and will encourage development that demonstrates innovative approaches to sustainable communities and the economy, and supports the enhancement, understanding and enjoyment of the area as a world class environment. Development must be appropriate to the role of the different zones within the Biosphere.”*

### Hydrology, Geology, Hydrogeology and Peat

**5.48** The GGRP passes over, and is in proximity to, several major watercourses and include the River Nith, the Kello Water and the Euchar Water. Surface runoff during and after construction will be managed by SuDS (discussed within **Chapter 7: Hydrology, Hydrogeology, Geology and Peat** of the EIA Report) and the direct and indirect disturbance of peat during construction has been assessed.

**5.49** The corresponding policies **NE11: Supporting the Water Environment**, **NE12: Protection of Water Margins**, **IN8: Surface Water Drainage and Sustainable Drainage Systems**, **NE14: Carbon Rich Soils**, and **NE15: Protection and Restoration of Peat Deposits as Carbon Sinks** are outlined below.

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

*“The Council will not permit development which would result in deterioration in the status of a waterbody or which would likely impede the improvements in waterbody status as set out in the Solway Tweed River Basin Management Plan (2015) or any update or adopted review of it, unless there are exceptional justifying circumstances. This includes minor watercourses draining into the waterbodies identified in the Solway Tweed plan. Development proposals should not normally include the culverting of any waterbody. If culverting would be the only way to enable a proposed development, then permission could be granted if the Council is satisfied that there would be acceptable mitigation measures to protect habitats, passage of fauna, and river form and flow.*

*Other physical alterations and changes to waterbodies should, if possible, and in general be avoided. An exception to this is where re-naturalisation or natural flood management is proposed. Thus, existing culverted or canalised watercourses or barriers to fish movement in redevelopment and land rehabilitation schemes should be restored when this is practical, neutral or positive in respect of flood risk elsewhere, and consistent with the relevant Regulations.*

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

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

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

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

*“With the exception of single houses and those with direct discharges to coastal waters, SuDS will be a required part of all proposed development as a means of treating the surface water and managing flow rates. Surface water management arrangements must form part of any planning in principle proposal.*

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

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

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

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

*Supplementary guidance provides further detail on the levels and requirements for Drainage Impact Assessments.”*

#### 5.54 NE14: Carbon Rich Soil states<sup>4</sup>:

*"Support for the role of soils as natural carbon sinks will be material in development decisions. Developments proposed on areas of carbon rich soil<sup>2</sup> will need to clearly justify the loss of the carbon sink. Development may be permitted if it can be demonstrated that in accordance with the Scottish Government's 'carbon calculator' or other equivalent independent evidence the balance of advantage in terms of climate change mitigation lies with the development proposal.*

*All developments should take account of soil carbon content and, as appropriate, should adopt:*

*xvii. means of minimising impact on carbon rich soil; and*

*xviii. management measures relative to carbon rich soil.*

*Any proposal affecting peat accumulations will be subject to Policy NE15."*

<sup>2</sup> Categories 5 and 6 (over 12% organic carbon concentration) on Scotland's Soils website Map 'topsoil organic carbon concentration.

#### 5.55 NE15: Protection and Restoration of Peat Deposits as Carbon Sinks states that:

*"The role of natural carbon sinks in retaining carbon dioxide will be maintained by safeguarding and protecting peat deposits<sup>3</sup>, including those not already designated for habitat conservation.*

*The Council will support peatland restoration, including rewetting.*

*Developments proposed affecting peat deposits not already designated for habitat conservation reasons may be permitted in the following circumstances.*

*(a) In areas of degraded peatland where all of the following apply.*

*xix. The deposits have been significantly damaged by human activity; and*

*xx. The conservation value is low; and*

*xxi. Restoration to functioning peatland is not possible.*

*In all such cases appropriate site restoration measures, to something other than functioning peatland, will be required."*

## Cultural Heritage

5.56 The GGRP is located within 2km of several listed buildings as well as being located approximately 1.5km from St Connel's Church and Graveyard Scheduled Monument (SM13747). The corresponding policy **HE3: Archaeology** is set out below.

*"a) The Council will support development that protects significant archaeological and historic assets, and the wider historic environment from adverse effects. In considering development proposals the Council will need to be satisfied that:*

*xxii. the development preserves or enhances the appearance, fabric or setting of the site or asset in situ; and/or*

*xxiii. where there is uncertainty about the location, extent or significance of these assets an agreed scheme of assessment and evaluation to inform the application is included with the proposal; and/or*

*xxiv. due consideration has been given to the significance and value of the site or asset in relation to the long-term benefit and specific need for the development in the location proposed.*

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

*The Historic Built Environment Supplementary Guidance provides further advice in respect of this policy."*

<sup>4</sup> Peat carbon rich soil greater than 0.5m depth is found in limited areas across the route of the GGRP as illustrated on **Figure 7.7**.

## Traffic and Transport

5.57 The relevant policies in relation to the potential traffic and transport effects associated with the construction of the GGRP connection and ancillary works are set out in **CF4: Access Routes**, **T1: Transport Infrastructure** and **T2: Location of Development / Accessibility**. The content of the policies is set out below.

5.58 **CF4: Access Routes** states:

*"a) Development Affecting Existing Access Routes.*

*The Council as Access Authority will assert, protect and keep open and free from obstruction any route, waterway or other means by which access rights may reasonably be exercised. Development proposals should not impact adversely on any of the aforementioned access routes and Core Paths.*

*The Council will not grant planning permission to development proposals which would result in the loss of such access routes unless a satisfactory alternative route or mitigating measures can be secured. In such cases, future access provision, including any changes to existing access, must be shown in an Access Route Plan."*

5.59 **T1: Transport Infrastructure** states:

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

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

a) *Strategic Network.*

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

b) *Regional Network.*

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

5.60 **T2: Location of Development / Accessibility** states:

*Access Requirements*

*In certain circumstances developers may be required to:*

*xxv. prepare a Transport Statement or Transport Assessment in accordance with Transport Scotland's Transport Assessment Guidance and implement appropriate mitigation measures where required."*

## Forestry

5.61 The GGRP will require the felling of a total of approximately 50.4 hectares (ha) of forestry<sup>5</sup>, with the majority of the trees proposed for felling comprising mature conifers. The corresponding policy **NE8: Trees and Development** is outlined below.

<sup>5</sup> Further detail is provided in Chapter 4: Table 4.2.

**NE8: Trees and Development** states:

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

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

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

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

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

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

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

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

**LDP2 Supplementary Guidance**

**5.62** LDP2 supplementary guidance was formally adopted in line with the recently adopted LDP2. It forms part of the development plan and is thus given the same weight in the decision-making process. **Table 5.2** below provides a summary of the supplementary guidance documents considered relevant to the GGRP.

**Table 5.2: LDP2 Supplementary Guidance**

Topic Area	Proposed Plan LDP2 Supplementary Guidance
Hydrology, Hydrogeology and Water Resources and Peat	Flooding and Development (February 2020)
	Surface Water and Sustainable Urban Drainage Systems (February 2020)
Cultural Heritage	Historic Built Environment (February 2020)
Forestry	Trees and Development (February 2020)

**Other Material Considerations**

**5.63** D&GC is currently reviewing a suite of documents which were previously adopted as supplementary guidance to the first LDP (2014). These documents need to be updated and issued for consultation prior to them being readopted as supplementary guidance

to the newly adopted LDP2. At the time of writing, the Council is reviewing four previously adopted supplementary guidance documents for re-adoption; of relevance to the GGRP is the Dumfries and Galloway Forestry and Woodland Strategy (December 2014).

**Committed Development**

**5.64** A 'committed development' is considered to be a development that has either full planning permission, planning permission in principle, or is allocated in an approved strategic development plan or in an adopted Local development plan. As existing developments located within a 150m 'trigger zone for consideration' of a proposed route or substation location were included as a routing /siting criterion for the GGRP, further committed development within this distance was also identified, with attention focussed only on residential developments and other potentially sensitive receptors.

**5.65** Committed developments were identified through a review of the D&GC planning portal to check for any planning application boundaries within 150m of the final route as well as checking the status of the applications. This was followed up by contacting D&GC to confirm this information however no response had been received at the time of writing<sup>6</sup>.

<sup>6</sup> The search was updated on 2nd September 2022.