

**ANGUS COUNCIL**

**ANGUS COUNCIL – 29 JUNE 2017**

**ANGUS LOCAL DEVELOPMENT PLAN - SUPPLEMENTARY GUIDANCE  
RENEWABLE AND LOW CARBON ENERGY DEVELOPMENT**

**REPORT BY STEWART BALL – HEAD OF HOUSING, REGULATORY AND PROTECTIVE  
SERVICES**

**ABSTRACT**

This report presents the response to the consultation on the Draft Renewable and Low Carbon Energy Development Supplementary Guidance and accompanying Environmental Report. The report recommends that the Council agrees to adopt the Renewable and Low Carbon Energy Development Supplementary Guidance and sets out the procedures to do so. The document supports Policy PV9 of the Angus Local Development Plan and when adopted will form part of the Development Plan.

**1. RECOMMENDATIONS**

It is recommended that the Council:

- (i) Note the representations received to the Draft Renewable and Low Carbon Energy Development Supplementary Guidance and accompanying Environmental Report and agree the Council's response to these as set out in the attached Statement of Publicity and Consultation (Appendix 1);
- (ii) Note and agree the revised and updated Environmental Report (Appendix 2) and Habitats Regulations Appraisal (Appendix 3);
- (iii) Authorise the Head of Housing, Regulatory and Protective Services to make minor drafting changes and any necessary amendments to the format, appearance, illustrations and technical details of the documents prior to submission to Scottish Ministers; and
- (iv) Agree to the adoption of the Renewable and Low Carbon Energy Development Supplementary Guidance (Appendix 4) following the completion of the relevant procedures.

**2. ALIGNMENT TO THE ANGUS COMMUNITY PLAN/SINGLE OUTCOME AGREEMENT/COPORATE PLAN**

This report does not directly contribute to the local outcomes contained within the Angus Community Plan and Single Outcome Agreement 2013-2016. It will however assist with the implementation of the Angus Local Development Plan.

The Angus Local Development Plan contributes to the following local outcomes contained within the Angus Community Plan and Single Outcome Agreement 2013-2016:

- We have a sustainable economy with good employment opportunities;
- Angus is a good place to live in, work and visit;
- Individuals and families are involved in decisions which affect them;
- Individuals are involved in their communities;
- Our communities are safe, secure and vibrant;
- We have improved the health and wellbeing of our people and inequalities are reduced;
- Individuals are supported in their own communities with good quality services;
- Our communities are developed in a sustainable manner;

- Our natural and built environment is protected and enjoyed; and
- Our carbon footprint is reduced.

### 3. BACKGROUND

The Angus Local Development Plan was adopted on the 23 September 2016. Supplementary Guidance, once adopted, will form part of the Angus Local Development Plan. It may only deal with the provision of further information or detail in respect of the policies or proposals set out in the Local Development Plan and matters which are expressly identified in a statement contained in the Plan.

At their meeting of 27 October 2016, Angus Council approved the Draft Supplementary Guidance for Renewable and Low Carbon Energy Development and accompanying Environmental Report and agreed their publication for a seven week period of consultation and representation (Report 374/16 refers).

### 4. CONSULTATION

The consultation period ran from Friday 18<sup>th</sup> November 2016 to Thursday 5 January 2017. This included notification to all those who made representations on the Proposed Angus Local Development Plan, Community Councils, internal and external stakeholders and a formal advert included in the local press. Details of the consultation and relevant documents were made available in all ACCESS Offices, Libraries and on the Council's website.

A total of 12 representations were received during the seven week consultation period on the Draft Supplementary Guidance. 10 of these were from external parties and 2 from internal stakeholder/consultees. A further 6 representations, all from external parties were received on the Environmental Report. Officers have reviewed the representations, responded and modified the Supplementary Guidance and Environmental Report where appropriate.

Representations received on the Draft Supplementary Guidance and Environmental Report and Angus Councils responses are included in the Statement of Publicity and Consultation as Appendices.

#### Renewable and Low Carbon Energy Development Supplementary Guidance:

The guidance has been prepared to support application and implementation of Policy PV9: Renewable and Low Carbon Energy Development and sets out the detailed criteria to assist the development and assessment of proposals for renewable and low carbon energy development. The document also sets out the Spatial Framework for onshore wind energy development as required by Scottish Planning Policy and is supported by an online interactive mapping facility to assist officers, applicants and the public in identifying the factors that will be considered when assessing development proposals.

Representations largely raised comments on matters of detail and accessibility across the document and supporting information.

All comments and representations received on the Draft Supplementary Guidance have been taken into account in finalising the Supplementary Guidance and accompanying Environmental Report. Representation received on the Draft SG and Angus Councils responses are included in the Statement of Publicity and Consultation as Appendix 3. All representations are set out in document order.

#### Environmental Report:

Strategic Environmental Assessment (SEA) is a legal requirement under the Environmental Assessment (Scotland) Act 2005 that applies to all qualifying plans, programmes and strategies, including policies. This Supplementary Guidance falls under the scope of Section 5(3) and therefore an SEA is required.

The Draft Environmental Report was published for consultation alongside the Draft Supplementary Guidance. Comments and representations received on the Draft Environmental Report, including those from Historic Environment Scotland, Scottish Environment Protection Agency and Scottish Natural Heritage have been taken into account

in finalising the Supplementary Guidance and accompanying Environmental Report. Representations received on the Environmental Report and Angus Councils responses are included in the Statement of Publicity and Consultation as Appendix 4.

#### Habitats Regulations Appraisal:

The Angus Local Development Plan and Policy PV9 Renewable and Low Carbon Energy Development were subject to Habitats Regulations Appraisal (HRA). This Supplementary Guidance has also been subject to HRA, in particular the spatial framework. This is an annexe to the HRA record for the Local Development Plan, as agreed with Scottish Natural Heritage.

The Habitats Regulations Appraisal undertaken on the Supplementary Guidance concludes that it will have no significant direct or indirect effects on the conservation interests of any European designated site. The Supplementary Guidance is at a strategic level and it is not possible to identify when or where proposals will be promoted and/or implemented or which, if any, European sites may be affected. The Habitats Regulations Appraisal is being finalised in consultation with SNH. The completed HRA record once agreed by SNH will be submitted to Ministers along with the finalised Supplementary Guidance and accompanying Environmental Report.

## **5. ADOPTION OF THE SUPPLEMENTARY GUIDANCE**

The next stage is the submission of the Supplementary Guidance to Scottish Ministers along with the Statement of Publicity and Consultation. Until formally adopted as part of the Local Development Plan, the Supplementary Guidance will be a material consideration in the planning process.

As the principle of the Policy PV9 Renewable and Low Carbon Energy Development that the Supplementary Guidance seeks to support has already been established through the Local Development Plan process, scrutiny by Scottish Ministers is likely to focus on ensuring that the principles of public engagement have been followed and link with the Local Development Plan maintained. Following a 28 day period Angus Council may proceed to adopt the Supplementary Guidance, unless Scottish Ministers have directed otherwise.

Once adopted as part of the Angus LDP the Supplementary Guidance will be made available on the Council's website, and in paper form at all Council Libraries, ACCESS Offices and at Planning Reception, County Buildings, Forfar.

## **6. FINANCIAL IMPLICATIONS**

The publication of the Supplementary Guidance will incur costs associated with postage, printing, advertising and publishing. These costs are all contained within the Planning Revenue Budget.

## **7. OTHER IMPLICATIONS**

### **Risks**

Delay in the adoption of Supplementary Guidance could result in a lack of clarity in application of the Policy PV9 Renewable and Low Carbon Energy Development contained within the adopted Angus LDP.

**NOTE:** The background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) which were relied on to any material extent in preparing the above report are:

- Angus Local Development Plan (adopted 23 September 2016)
- Report 374/16 Angus Local Development Plan Draft Supplementary Guidance, 27 October 2016

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List of Appendices:

Appendix 1 - Renewable and Low Carbon Energy Development Supplementary Guidance, Statement of Publicity and Consultation;

Appendix 2 - Renewable and Low Carbon Energy Development Supplementary Guidance, Environmental Report;

Appendix 3 - Renewable and Low Carbon Energy Development Supplementary Guidance, Habitats Regulations Appraisal Record (Annex);

Appendix 4 - Finalised Renewable and Low Carbon Energy Development Supplementary Guidance, June 2017