

ANGUS LOCAL DEVELOPMENT PLAN 2016

Environmental Assessment (Scotland) Act 2005

Supplementary Guidance –

Policy PV9 Renewable and Low Carbon Energy Development

Habitats Regulation Appraisal Record

ANGUS COUNCIL

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1. INTRODUCTION

This Annex to the Angus Local Development Plan Finalised Habitats Regulation Appraisal (HRA) record 2016 sets out sufficient information on the Supplementary Guidance for Renewable and Low Carbon Energy Development (SG) which supports Policy PV9 of the Adopted Angus Local Development Plan (ALDP) to satisfy the provisions of Article 6(3) and (4) of the Habitats Directive. The requirement to consider the effect on Natura 2000 sites of development plans is transposed into national legislation through the Conservation (Natural Habitats, &c.) Regulations 1994, as amended, and are normally referred to as the Habitats Regulations.

The Angus LDP establishes the use of Supplementary Guidance (page 2) to provide further information or detail in respect of policies or proposals set out in the Plan and specifies (page 55)

'Energy generation and use is a dynamic sector and the ALDP policies aim to establish robust locational guidance. Supplementary Guidance will further develop a locational framework for wind energy and detailed locational guidance for other forms of generation, setting out where supporting information will be required and highlighting other relevant policy and sources of guidance.'

This is confirmed in **Policy PV9 Renewable and Low Carbon Energy Development:-**

'Proposals for renewable and low carbon energy development will be supported in principle where they meet the following criteria:*

- *the location, siting and appearance of apparatus, and any associated works and infrastructure have been chosen and/or designed to minimise impact on amenity, landscape and environment, while respecting operational efficiency;*
- *access for construction and maintenance traffic can be achieved without compromising road safety or causing unacceptable change to the environment and landscape;*
- *the site has been designed to make links to the national grid and/or other users of renewable energy and heat generated on site;*
- *there will be no unacceptable impact on existing or proposed aviation, defence, seismological or telecommunications facilities;*
- *there will be no unacceptable adverse impact individually or cumulatively with other existing or proposed development on:*
 - *landscape character, setting within the immediate and wider landscape (including cross boundary or regional features and landscapes), sensitive viewpoints and public access routes;*
 - *sites designated for natural heritage (including birds), scientific, historic, cultural or archaeological reasons;*
 - *any populations of protected species; and*

- the amenity of communities or individual dwellings including visual impact, noise, shadow flicker.
- during construction, operation and decommissioning of the energy plant there will be no unacceptable impacts on:
 - groundwater;
 - surface water resources; or
 - carbon rich soils, deep peat and priority peatland habitat or geodiversity.

Where appropriate mitigation measures must be supported by commitment to a bond commensurate with site restoration requirements.

Consideration may be given to additional factors such as contribution to targets for energy generation and emissions, and/or local socio-economic economic impact.

Supplementary guidance will be prepared to set out a spatial framework to guide the location of onshore wind farm developments, consistent with the approach set out in Table 1 of Scottish Planning Policy. It will also provide further detail on the factors which should be taken into account in considering and advising on proposals for all types of renewable energy development.

(* infrastructure, activity and materials required for generation, storage or transmission of energy where it is within the remit of the council as local planning authority (or other duty). Includes new sites, extensions and/or repowering of established sites for onshore wind.)'

The importance of the protection and enhancement of designated sites is recognised in Policy PV9 and supported by Policy PV4 Sites Designated for Natural Heritage and Biodiversity Value which specifically refers to protection and/or enhancement of SACs and SPAs:-

'Angus Council will work with partner agencies and developers to protect and enhance habitats of natural heritage value. Development proposals which are likely to affect protected sites will be assessed to ensure compatibility with the appropriate regulatory regime.

International Designations

Development proposals or land use change which alone or in combination with other proposals could have a significant effect on a Ramsar site or a site designated or proposed under the Birds or Habitats Directive (Special Areas for Conservation and Special Protection Areas) and which is not directly connected with or necessary to the management of the site, will only be permitted where:

- an appropriate assessment demonstrates the proposal will not adversely affect the integrity of the site; or
- there are no alternative solutions; and
- there are imperative reasons of overriding public interest, including those of social or economic nature; and

- *compensatory measures are provided to ensure that the overall coherence of the Natura Network is protected.*

The Council will seek to protect and enhance the nature conservation interests within the River Tay and River South Esk Catchment areas. In order to ensure no adverse effects on the River Tay SAC or the River South Esk SAC, development proposals should take account of the detailed advice on the types of appropriate information and safeguards to be provided in support of planning applications.*

National Designations

Development proposals which affect Sites of Special Scientific Interest will only be permitted where:

- *the proposed development will not adversely affect the integrity of the area or the reasons for which it was designated either individually or in combination with other proposals; or*
- *any adverse effects on the qualities of any designated site are outweighed by social, environmental or economic benefits of national significance; and*
- *mitigation and restoration measures are provided.*

Development affecting sites and species protected by national or international legislation may require to be accompanied by an Environmental Impact Assessment and/or a Habitats Regulation Appraisal.

Further information on protected sites and species and their influence on proposed development will be set out in a Planning Advice Note.

** "River Tay Special Area of Conservation (2011)" and "River South Esk Special Area of Conservation (2011)" guidance produced jointly by SNH, Angus Council and SEPA, available on SNH website at www.snh.gov.uk'*

The ALDP and policies therein (including PV9) were subject to a Habitats Regulation Appraisal and subsequent Appropriate Assessment. This SG is additional to that and therefore through Circular 2/2013 is also subject to HRA consideration.

To avoid repetition and to ensure continuity and consistency, reference should be made to the ALDP HRA Record (Post Examination) for stages 1-4 of the HRA process:

1. Legislative Requirement to undertake HRA
2. European (Natura 2000) Sites within and adjacent to the ALDP Area (which could be affected by the SG). The Outer Firth of Forth and St Andrews Bay Complex SPA (Consultation – now closed) has been included here as it was not identified at the time at the ALDP preparation.
3. Collate/compile relevant information for European Sites

4. Establish scope and assessment methodology

This Annex addresses HRA Stage 5 – Screening of the Draft Renewable and Low Carbon Energy SG for likely significant effects.

2. ASSESSMENT

Screening of the Draft Renewable and Low Carbon Energy SG for likely significant effects (Stage 5)

The SG for Renewable and Low Carbon Energy Development is limited to the provision of further information or detail in respect of Policy PV9 as set out in the Adopted ALDP. It does not introduce any areas of additional policy or new development proposals. Supplementary Guidance meets the regulatory definition of a land use plan and is therefore subject to Habitats Regulations Appraisal (HRA) in its own right.

'Policy PV9 Renewable and Low Carbon Energy Development' was subject to HRA at the Proposed Plan Stage and at the review of Post inquiry Modifications. Policy PV9 was screened out of the Appropriate Assessment on the grounds that there would be no likely effect as follows:

- *Criteria based policy for assessing proposals for renewable and low carbon energy development.*
- *The policy will not in itself lead to development or change in the use of land and/or buildings.*
- *Criteria (d) contains direct reference to ensuring that such development has no unacceptable adverse impact on:*
- *"sites designated for natural heritage (including wild land), scientific, historic and archaeological reasons:"*
- *Future Supplementary Guidance prepared in the context of the Angus Landscape Capacity Assessment will be subject to the SEA and HRA process as part of its preparation.'*

The main objectives of the Renewable and Low Carbon Energy Development SG are:-

- Establish a spatial framework for onshore wind energy development;
- Provide advice on the interpretation of ALDP Policy PV9 to provide a consistent approach to decision-making for all renewable and low carbon energy development;
- Guide new development to appropriate and sustainable locations, where impact including on landscape quality, amenity, and natural and built heritage can be minimised; and

- Develop policy guidance from the Scottish Government on development management considerations for renewable and low carbon energy development.

These objectives confirm the role of the SG in implementing Policy PV9 in a consistent manner and providing guidance and information to support delivery of appropriate development in appropriate locations. Protection of the conservation interests of Natura 2000 sites are specifically addressed through the Spatial Framework for Onshore Wind Turbines and development management considerations. This SG includes the following elements:

- Renewable and Low Carbon Energy Development
- Guidance for Applicants
- Wind Energy
- Other Renewable and Low Carbon Energy Proposals Guidance
- Interactive Map
- Appendices

3. SCREENING THE SG FOR LIKELY SIGNIFICANT EFFECTS

This SG has been screened in line with the methodology set out in Section 3 of the Angus LDP HRA. The inserts of the screening process on applicable elements of the SG are set out in Table 1 below.

Table 1 - HRA Screening:

Section	Effect	Screened In/Out	Reason/Commentary
2 Renewable and Low Carbon Energy Development	No likely effect	OUT	Sets context for determining applications and policy context.
3 Guidance for Applicants.	No likely effect	OUT	This Section identifies potential planning matters that may arise.
4 Wind Energy - establishes a spatial Framework and development management criteria for Wind Turbine Development in accordance with Scottish Planning Policy,	No likely effect	OUT	In accordance with SPP and the ALDP this section maps out the areas of significant constraint and areas with potential for wind farm development. There are only two of the Groups identified in in in SPP within the ALDP boundary, and therefore Areas where wind farms will not be acceptable. The strategic nature of the Spatial Framework means it is not possible to identify direct or indirect effects on

	TAYplan Strategic Development Plan Policy and ALDP policy PV9			any particular European site. Potential effects/impacts of development on any European site will require to be assessed once the scale and location of development is known. The SG provides information on mitigation which includes specific guidance for Natura sites. This is further supported by Policy PV4 Sites Designated for Natural Heritage and Biodiversity Value which includes the requirement for an HRA where necessary.
5	Other Renewable and Low Carbon Energy Proposals Guidance - defines development management considerations within the context and Policy PV9 and Scottish Planning Policy.	No likely effect	OUT	Reviews development management considerations in accordance with the Angus LDP and Scottish Planning Policy 2014 (paragraph 169)
	Interactive map - incorporating spatial framework which may affect a renewable or low carbon energy development proposal.	No likely effect	OUT	Graphics tool allowing individuals to access and map spatial factors which may require to be considered in relation to renewable and low carbon energy development proposals.
	The Appendices include information on development management criteria and sources of information and guidance.	No likely effect	OUT	Identifies where further information can be accessed.

There are no sections of the SG with minor residual effects.

4. IN-COMBINATION ASSESSMENT

All elements of the SG have been screened out and consequently there is no need to carry out an in-combination assessment either within the plan or with other plans or projects.

5. CONCLUSION

The HRA for the Angus Local Development Plan identified and mapped all current Natura 2000 sites potentially affected by implementation of the ALDP and screened all policies for likely effects. This forms the basis for this HRA. All elements of this SG have also been screened and identified as having no likely effect.

No remaining elements of the SG likely to have a significant effect either alone or in combination were identified as requiring an appropriate assessment and no requirement to screen cumulatively within the SG or with other plans or projects as all elements of this SG has been screened out.

Angus Council concludes that with mitigation incorporated throughout both the SG and ALDP there will be no adverse effect on Natura sites either individually or in combination with other plans and projects resulting from implementation of this SG.

APPENDIX 1 Natura Sites potentially affected by this SG – for details of designations please see Habitats Regulation Appraisal for the ALDP Appendices 1-3 - http://www.angus.gov.uk/downloads/download/165/draft_habitats_regulations_appraisal

Special Areas of Conservation (SACs)

SACs are selected for a number of habitats and species, both terrestrial and marine, which are listed in the Habitats Directive. The SACs within and adjacent to the Angus LDP area are listed in Figure 5.1.

Table 1: SACs within and adjacent to the Angus LDP area:

Please note that the Isle of May SAC and Moray Firth SAC are also included in Table 5.1 as their conservation interests could potentially be affected by the Proposed ALDP.

SAC Site	Responsible Local Authority
Barry Links	Angus
Firth of Tay and Eden Estuary*	Angus, Dundee City, Fife and Perth & Kinross
River South Esk	Cairngorms NP, Angus and Aberdeenshire
River Tay	Angus, Perth & Kinross
Caenlochan (within Cairngorms National Park)	Cairngorms NP, Angus, Perth & Kinross and Aberdeenshire
Isle of May	Fife
Moray Firth	Highland and Moray

* Ramsar Site

Special Protected Areas (SPAs)

SPAs are selected for a number of rare, threatened or vulnerable bird species listed in Annex I of the Birds Directive, and also for regularly occurring migratory species. The SPAs within and adjacent to the Angus LDP area are listed in Figure 5.2.Table 2: SPAs within and adjacent to the Angus LDP area:

SPA Site	Responsible Local Authority
Lochnagar	Cairngorms NP, Angus and Aberdeenshire
Firth of Tay and Eden Estuary *	Angus, Dundee City, Fife and Perth & Kinross
Loch of Kinnordy*	Angus
Loch of Lintrathen*	Angus
Montrose Basin*	Angus
Outer Firth of Forth and St Andrews Bay Complex Special Protection Area (Consultation)	
Cairngorms Massif (within Cairngorms National Park)	Cairngorms NP, Angus, Perth & Kinross and Aberdeenshire
Caenlochan	Cairngorms NP, Angus, Perth & Kinross and Aberdeenshire

* Ramsar Site

Not addressed with the ALDP HRA but included in SG

Outer Firth of Forth and St Andrews Bay Complex Proposed Special Protection Area –

This proposed SPA in the south-east of Scotland stretches from Arbroath to St Abb's Head and encompasses the Firth of Forth, the outer Firth of Tay and St Andrews Bay. The Firth of Forth and St. Andrew's Bay area attracts one of the largest and most diverse concentrations of marine sea birds in Scotland. Over 21,000 eiders and over 500 velvet scoter, representing a third of the British (GB) wintering population spend winter here. In addition, a staggering 61,000 puffin, 12,000 kittiwake, 28,000 guillemot and the largest Scottish populations of little gull, black-headed gull and common tern use these waters as vital feeding grounds during the breeding season.

The numerous firths, inlets and sandy bays provide sheltered areas in which birds can moult, rest, roost and feed. The site supports a wide range of marine habitats with rich mud sediments forming a belt in the mid Firth of Forth to the clean sands and gravels of Firth of Tay. This variety of habitats supports an equal diversity of fish and invertebrates (such as marine worms, crabs and mussels), which the birds feed on. Divers, grebes, puffins, shags and sea duck feed by surface diving, whilst gannets and terns dive from flight. These rich and sheltered waters provide excellent foraging habitat for both wintering and breeding birds.

Qualifying interest

Breeding: Arctic tern, Atlantic puffin, common guillemot, common tern, European shag, herring gull, kittiwake, Manx shearwater, northern gannet.

Non-breeding: Black-headed gull, common eider, common goldeneye, common guillemot, common gull, common scoter, European shag, herring gull, kittiwake, little gull, long-tailed duck, razorbill, red-breasted merganser, red-throated diver, Slavonian grebe, velvet scoter.

For details and map see <http://www.snh.gov.uk/protecting-scotlands-nature/protected-areas/proposed-marine-spas/firth-of-forth-and-st-andrews-bay/>