

**SG14 – Spatial Framework and Guidance for Wind Energy  
Development  
Supplementary Guidance  
SEA Statement**

**February 2016**



**Falkirk Council**  
*Development Services*

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## 1.0 INTRODUCTION

1.1 This report is the Strategic Environmental Assessment (SEA) Statement for the adopted Spatial Framework and Guidance for Wind Energy Development Supplementary Guidance (SG) which will apply to all new proposals for wind energy development within the Falkirk Council area (shown in figure 1 below)



Figure 1. The Falkirk Council area

1.2 The Environmental Assessment (Scotland) Act 2005 (the SEA Act) section 18(1)(a)(iii) requires that a 'statement' be made available to accompany the adopted plan, as soon as reasonably practicable upon adoption of the plan.

1.3 The SG was adopted by Falkirk Council in July 2015.

1.4 The content required in this statement is defined under section 18(3), as follows:

- how environmental considerations have been integrated into the plan or programme;
- how the environmental report has been taken into account;
- how the opinions expressed in response to the invitations mentioned in section 16 have been taken into account;
- how the results of any relevant consultation under regulation 14 of the Environmental Assessment of Plans and Programmes Regulations 2004 (S.I. 2004/1633) have been taken into account;

- the reasons for choosing the plan or programme as adopted, in the light of the other reasonable alternatives considered; and
- the measures that are to be taken to monitor the significant environmental effects of the implementation of the plan or programme.

1.5 To reflect these requirements, the format of this report is as follows:

- Background: A summary of the development of the SG and the SEA process to date.
- Strategic Environmental Assessment: Describes the need for SEA and how the SEA process has been undertaken for the SG
- Environmental Considerations During the Plan Making Process: A description of how environmental protection objectives and the SEA objectives informed the SG,
- Using the Environmental Report: How the Environmental Report has influenced the development of the SG and how mitigation identified both in the Environmental Report and during the finalisation of the SG has been included to prevent, reduce or offset significant negative effects and to enhance significant positive effects.
- Assessment of Alternatives to the SG: The scope of reasonable alternatives to the SPG which were considered.
- Consultation: How responses received from consultation on the Environmental Report were taken into account during the finalisation of SPG and Environmental Report.
- Adoption of the SPG: How the SG was adopted in light of reasonable alternatives
- Monitoring: The measures that are to be taken to monitor the implementation of the SG and any environmental effects it may have.

1.6 No trans-boundary consultations with other EU member states were required.

## **2.0 BACKGROUND TO THE SG**

### **2.1 Introduction**

2.1.1 The preparation of the SG fulfils a commitment made in the Falkirk Local Development Plan (LDP). A consultative draft SG and accompanying Environmental Report was published on 28<sup>th</sup> November 2014. Consultation closed on 16<sup>th</sup> January 2015. A finalised version of the SG was approved by the Council's Executive on 17<sup>th</sup> March 2015. The SG was adopted alongside the LDP in July 2015.

### **2.2 Policy Context**

2.2.1 The relationship of the SG with other plans, programmes and strategies is set out comprehensively at section 3 of the Environmental Report. The main documents influencing the SG are summarised below.

#### Scottish Government Economic Strategy

2.2.2 The Government Economic Strategy establishes a new Strategic Priority: "Transition to a Low Carbon Economy" to reflect the opportunity to place Scotland in an advantageous position within the global economy and ensure that the benefits of this transformational change are shared across the economy and all our communities. It builds on the Low Carbon Economic Strategy, which highlights the economic opportunities and the role of government in supporting this fundamental transformation of Scotland's economy.

2.2.3 In line with these changes, the Scottish Government has set itself the target of the equivalent to 100% of Scotland's demand for electricity to be met by renewables by 2020

2.2.4 It should be noted that The Scottish Government has considered the requirement for strategic environmental assessment of The Government Economic Strategy. A pre-screening exercise concluded that the Strategy itself - as a publication to provide an overarching framework - will have no or minimal environmental effects. However, it recognised that many of the proposals set out within it could have environmental implications when they are developed into more specific policies and actions.

#### Renewables Action Plan

2.2.5 Specific actions of the Renewables Action Plan were to create a supportive planning landscape and to ensure that the planning and consenting regimes better support investment in renewables in Scotland.

#### Scottish Planning Policy

2.2.6 Scottish Planning Policy requires planning authorities to set out in the development plan: a spatial framework identifying those areas that are likely to be most appropriate for onshore wind farms; an indication of the minimum scale of onshore wind development that the spatial framework is intended to apply to; and criteria that will be considered in deciding all applications for wind farms of different scales. It indicates that spatial frameworks should identify:

- Areas where wind farms will not be acceptable;
- Areas of significant protection where wind farms may be appropriate in some circumstances where significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation; and
- Areas with potential for wind farm development where wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria.

#### Falkirk Local Development Plan

2.2.7 The Falkirk Local Development Plan (LDP) sets out a supportive policy framework for renewable energy within Policy RW01, and provides the immediate context and development plan 'hook' for this Supplementary Guidance as follows:

<b>Policy RW01</b>	<b>Renewable Energy</b>
	<p>1. Renewable energy developments will be supported subject to satisfactory assessment of their impacts on the environment and communities.</p> <p>2. Wind energy developments will be assessed in relation to the following factors, and the associated detailed guidance contained in Supplementary Guidance SG14 'Spatial Framework and Guidance for Wind Energy Developments':</p> <ul style="list-style-type: none"><li>• Landscape and visual impacts;</li><li>• Ecological impacts;</li><li>• Impact on green belt objectives;</li><li>• Impact on carbon rich and rare soils;</li><li>• Impact on the water environment;</li><li>• Impacts on the historic environment;</li><li>• Impacts on aviation and telecommunications interests;</li><li>• Impacts on communities, whether settlements or individual residential properties, including issues of noise, shadow flicker and air quality; and</li><li>• Cumulative impacts in relation to the above factors, arising from the combined effect of the proposal with other existing or approved wind energy developments.</li></ul>

## **2.3 Purpose of the SG**

2.3.1 The purpose of the Spatial Framework and Guidance for Wind Energy Development Supplementary Guidance (SG) is:

- to provide guidance to developers and other key stakeholders on the key areas which require protection, those subject to constraint, and those where wind energy can potentially be accommodated; and
- to provide guidance against which planning applications for wind turbine proposals can be assessed.

2.3.2 The SG is considered to be part of the Development Plan in the determination of planning applications for wind energy generation developments.

### 3.0 Strategic Environmental Assessment (SEA)

#### 3.1 Need for SEA

3.1.1 The likely nature, location and scale of environmental effects caused by the implementation of the SG are such that the Council, in its role as responsible authority for the implementation of the SPG, determined it should be subject to Strategic Environmental Assessment (SEA).

3.1.2 SEA is a key component of sustainable development, establishing important methods for protecting the environment and extending opportunities for participation in public policy decision making. SEA is a process by which the potential environmental effects of strategic actions, that is policy level actions rather than specific development proposals, are considered. In the case of this SPG, the strategic actions assessed in the SEA relate to the different elements of the environment which can be affected by wind energy developments.

#### 3.2 Legislation

3.2.1 The Environmental Assessment (Scotland) Act 2005 (The Act) came into force on 20 February 2006 and requires that all public plans, programmes and strategies in Scotland undergo a process of Strategic Environmental Assessment. This Act is now the implementing legislation for directive 2001/42/EC, known as the “strategic environmental assessment” or “SEA” Directive.

#### 3.3 SEA Process to Date

3.3.1 The process of environmental assessment has informed the SPG throughout its development, as shown in table 1 below:

**Table 1: Key Stages of SEA**

Stage	Requirement	Date Undertaken
Screening	to establish whether SEA is required	Submitted to the SEA Gateway - 28 <sup>th</sup> May 2014
Scoping	to determine what environmental issues need to be covered by the Environmental Report	Scoping report submitted to the SEA Gateway- 17 <sup>th</sup> September 2014
Environmental Report	Documents the environmental effect (both positive and negative) of the implementation of the SG	Environmental Report published for consultation on 28 <sup>th</sup> November 2014 alongside the consultative draft SG. Consultation period ran

Stage	Requirement	Date Undertaken
		until 16 <sup>th</sup> January 2015
SEA Statement	This report – documents how the adopted SG has incorporated environmental considerations and consultation responses.	

### 3.4 SEA Statement

3.4.1 According to the European Commission, SEA should ‘ensure that environmental consequences of certain plans and programmes are identified and assessed during their preparation and before their adoption.’ Therefore, the SEA process should inform the development of the plan or programme, and then assess the resultant likely environmental effects prior to its adoption.

3.4.2 Section 18(3)(a) and (b) of the SEA Act require that the SEA Statement demonstrates ‘...how environmental considerations have been integrated into the plan or programme’ and ‘how the environmental report has been taken into account’.

3.4.3 The remaining sections of the SEA Statement (this report) details how environmental considerations and consultee responses have been incorporated into the adopted SG.

## **4.0 ENVIRONMENTAL CONSIDERATIONS DURING PLAN MAKING PROCESS**

### **4.1 Legislative Requirement**

4.1.1 One of the core principles of SEA is to facilitate the consideration of the potential for positive and negative environmental effects during strategic decision-making. This section sets out how the environmental information gathered and analysed in the SEA and SG preparation processes, and the results of the assessment presented in the Environmental Report, have been used to inform the adopted SG.

### **4.2 Setting of SEA Objectives**

4.2.1 Environmental protection objectives were identified during a review of relevant international, national, regional and local policies at the Scoping stage; from these a set of SEA objectives were proposed to provide the basis against which the environmental effects of the draft SG would be assessed.

4.2.2 The process of setting these objectives, together with the baseline characterisation carried out at earlier stages of SEA, helped to identify the sensitive assets and key issues within the area covered by the plan, whilst the objectives themselves set benchmarks and aspirations for the plan to achieve. The SG has been developed and revised as appropriate and where practicable to best achieve these objectives.

### **4.3 Environmental Assessment of the SG**

4.3.1 The environmental assessment undertaken on the consultative draft SG was a transparent and objective means to demonstrate how environmental considerations had been incorporated into the consultative draft SG, and to consider the environmental effects that would have arisen from its implementation. The significance of these effects was weighed against the SEA objectives set earlier in the process. The process of environmental assessment was also intended to highlight areas where mitigation is required to prevent, reduce or offset adverse effects or to increase the value of positive effects.

4.3.2 The environmental assessment also identified areas where monitoring of environmental effects during the life of the SG was needed or were desirable to generate further baseline information for future plans and programmes.

4.3.3 The results of the environmental assessment, set out in the Environmental Report, were taken into account in the finalisation of the SG. It should be noted that the adopted SG did not necessarily have to take on board all the recommendations made in the Environmental Report and in consultation on the Environmental Report and consultative draft SG; however it is vital that these

recommendations and other observations are clearly taken into consideration in finalisation of the plan.

4.3.4 Table 2 below sets out the SEA objectives and results of the environmental assessment against each of the key baseline assets in the Falkirk Council area which were scoped into the assessment process, and shows how they have been taken into account in the adopted SG.

**Table 2 Assessment of SG against SEA Objectives**

SEA Objective	Integrated into Plan (Yes/No)	How Integrated/Taken Into Account Or Reason For Not Being Taken Into Account
<b>Biodiversity, Flora and Fauna</b>		
Demonstrate no adverse effect on the integrity of Natura 2000 sites.	Yes	A Habitats Regulations Appraisal has been produced for the SG which demonstrates that the implementation of the SG will not have an adverse effect on the integrity of any Natura 2000 site as the SG would not give rise to any likely significant effects on any Natura 2000 site.
Protect and enhance Sites of Special Scientific Interest and Wildlife Sites	Yes	<p>The Spatial Framework identifies SSSI as areas of significant protection where wind farms may be appropriate in some circumstances and identifies wildlife sites areas with potential for wind farm development where wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria.</p> <p>Although wildlife sites are identified as having potential for wind farm development and that wind farms are likely to be acceptable here, the SG makes clear that development will not be permitted unless it can be demonstrated that the overall integrity of the site, habitat or species is not compromised, or any adverse effects are clearly outweighed by economic benefits of substantial local importance.</p>
Protect and enhance other locally designated sites of biodiversity value	Yes	<p>The Spatial Framework identifies Sites of Importance for Nature Conservation (SINC) as areas with potential for wind farm development where wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria.</p> <p>Although SINC are identified as having potential for wind farm development and that wind farms are likely to be acceptable here, the SG makes clear that development will not be permitted unless it can be demonstrated that the overall integrity of the site, habitat or species is not compromised, or any adverse effects are clearly outweighed by economic benefits of substantial local importance.</p>
Protect ancient, long established and semi	Yes	The Spatial Framework identifies areas of ancient, long established and semi

SEA Objective	Integrated into Plan (Yes/No)	How Integrated/Taken Into Account Or Reason For Not Being Taken Into Account
natural woodlands as a habitat resource of irreplaceable value		<p>natural woodlands as areas with potential for wind farm development where wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria.</p> <p>Although these areas of woodland are identified as having potential for wind farm development and that wind farms are likely to be acceptable here, the SG makes clear that these areas will be protected as a habitat resource of irreplaceable value.</p>
<b>Population and Human Health</b>		
Prevent risk to human health through increased impacts from ice throw and shadow flicker.	Yes	The SG sets out details of industry best practice for avoiding shadow flicker and indicates that safety issues including the potential for ice throw must be considered when siting a wind turbine in close proximity to roads, public paths and railway lines.
Avoid increasing noise nuisance	Yes	The SG indicates that developers will be required to demonstrate that impacts due to noise are acceptable.
Avoid the increased production of waste peat	Yes	<p>The spatial framework identifies areas of carbon rich soil as areas of significant protection where wind farms may be appropriate in some circumstances.</p> <p>The SG then clarifies that development affecting carbon rich soils will not be permitted unless development of the site is necessary to meet an overriding local or national need where no other suitable site is available. It also notes that it may be difficult for applicants to demonstrate that no other suitable site is available.</p>
<b>Soil</b>		
Protect carbon rich soils and other rare soils	Yes	The spatial framework identifies areas of carbon rich soil as areas of significant protection where wind farms may be appropriate in some circumstances. It also identifies rare soils as areas with potential for wind farm development where wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria.

SEA Objective	Integrated into Plan (Yes/No)	How Integrated/Taken Into Account Or Reason For Not Being Taken Into Account
		The SG then clarifies that development affecting carbon rich soils or rare soils will not be permitted unless development of the site is necessary to meet an overriding local or national need where no other suitable site is available. It also notes that it may be difficult for applicants to demonstrate that no other suitable site is available.
<b>Material Assets</b>		
Maximise the contribution that the Falkirk Council area makes towards meeting the Scottish Government's target of sourcing 100% of electricity demand from renewable energy generation by 2020.	No	<p>The SG will act cumulatively to have a significantly restrict the potential to generate energy from renewable sources across the Council area. The main reasons for this are because:</p> <ul style="list-style-type: none"> <li>• the proposed community separation areas cover such a significant proportion of the Council area which has historically seen the majority of wind energy development applications; and</li> <li>• the relatively conservative approach adopted to assessing the impact of wind energy developments on local landscape character.</li> </ul> <p>The only way to mitigate this would be to adopt a much more permissive approach to the assessment of impacts on local landscape character by pursuing a landscape objective of "protection" in only those landscape character areas with low capacity to accommodate wind energy development. Doing this would cause significant negative effects on the distinctive character of the landscape. On balance it was considered to be more important to protect the distinctive character of the landscape and ensure new wind energy development does not exceed the capacity of the landscape to accommodate it than to maximise the contribution that the Council area makes towards meeting the Scottish Government's renewable energy generation targets.</p>
<b>Cultural Heritage</b>		
Protect the historic environment.	Yes	The Spatial Framework identifies World Heritage Sites as areas of significant protection where wind farms may be appropriate in some circumstances. Other elements of the historic environment are areas with potential for wind farm development where wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria.

SEA Objective	Integrated into Plan (Yes/No)	How Integrated/Taken Into Account Or Reason For Not Being Taken Into Account
		Although the majority of the features of the historic environment are identified as having potential for wind farm development and that wind farms are likely to be acceptable here, The SG clarifies that LDP policies protecting the historic environment (D08 – D13) represent the criteria which acceptability of proposals will be assessed against.
<b>Landscape</b>		
Protect the distinctive character of the landscape and ensure new wind energy development does not exceed the capacity of the landscape to accommodate it.	Yes	The spatial framework identifies special landscape areas and other landscape character areas as areas with potential for wind farm development where wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria.
Ensure that areas of visual sensitivity are protected from inappropriate development	Yes	Although these areas are identified as having potential for wind farm development and that wind farms are likely to be acceptable here, The SG indicates that decisions on wind energy development applications will be informed by the Council's landscape capacity study which identifies the capacity for wind energy development within each of the landscape character units. The landscape capacity study has been calibrated to ensure that new wind energy development does not exceed the capacity of the landscape to accommodate it and to ensure that areas of visual sensitivity are protected from inappropriate development.

## **5.0 Using the Environmental Report**

### **5.1 Introduction**

5.1.1 This section aims to show how the Environmental Report has influenced the development of the SG.

### **5.2 Changes made as a result of the Environmental Report**

5.2.1 The main ways in which the preparation of the Environmental Report has influenced the development of the SG are through:

- Identifying the environmental protection objectives set at national and local level which the SG needed to respond to;
- Translating those objectives into discreet SEA objectives and assessment questions against which the SG was to be assessed;
- Highlighting the most environmentally beneficial alternatives;
- Highlighting where additional guidance is need to mitigate the significant negative effects of wind energy development; and
- Highlighting opportunities to increase the environmental benefits of alternatives through rewording.

### **5.3 Details of mitigation measures**

5.3.1 There is a great deal of uncertainty about the likelihood of predicted significant negative environmental effects from wind energy developments of 50m to tip or above as there is often an inherent conflict between a constraint's status within the spatial framework and the way the SG deals with the constraint in its guidance for all wind energy development.

5.3.2 To illustrate this, take the example of a wind energy development proposal on an area of ancient, long established or semi natural woodland. On one hand the spatial framework is quite clear that these areas have potential for wind farm development and that wind farms are likely to be acceptable here. On the other hand the guidance for all wind energy developments indicates that these areas will be protected as a habitat resource of irreplaceable value. If wind farms are likely to be acceptable in these areas then it follows that they cannot be protected. Equally if they are protected as a habitat resource of irreplaceable value then wind farms developments are unacceptable in these areas. If, as the SG indicates both the spatial framework and the guidance for all wind energy developments apply to wind energy developments of over 50m to tip, then which approach will take precedence?

5.3.3 Table 3 below highlights the mitigation measures which will help to reduce the magnitude of the significant negative environmental effects caused by the implementation of the SG:

**Table 3: Mitigation measures to prevent, reduce or offset significant negative effects**

Environmental Effect	Mitigation Measures	Party Responsible
<b>Material Assets</b>		
<p>Restriction of the potential for energy generation from renewable sources</p>	<p>The SG indicates that applications for proposals of above 50m to tip within the community separation zones will be required to specifically address the potential for visual impact from the settlement edge, and within the settlement and that this should be illustrated through the Landscape and Visual Impact Assessment process.</p> <p>In practice this should mean that some wind energy developments of over 50m should be acceptable within the community separation distances despite the area being identified as one of significant protection.</p> <p>The SG does not specifically define what “<i>economic benefits of substantial local importance</i>” (the policy test for developments affecting locally designated nature conservation sites) or “<i>development necessary to meet an overriding local or national need</i>” (the policy test for development affecting carbon rich or rare soil) means. However, it does clarify that the following will be material considerations:</p> <ul style="list-style-type: none"> <li>• Net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities; and</li> <li>• The scale of contribution to renewable energy generation targets;</li> </ul> <p>In practice, this will mean that the need to protect</p>	<p>Falkirk Council as planning authority The Department of Planning Environmental Appeals</p>

Environmental Effect	Mitigation Measures	Party Responsible
	locally designated nature conservation sites and areas of carbon rich and rare soil can be balanced against the contribution the scheme makes to meeting renewable energy targets and any other associated economic benefits. In theory this will reduce the restrictions placed on wind energy developments which have the potential to adversely affect locally designated nature conservation sites or areas of carbon rich or rare soil.	
<b>Cultural Heritage</b>		
adverse impacts on the setting of the Antonine Wall WHS	Significant negative effects on cultural heritage assets can be mitigated through application of criteria set out in policies D07; D08; D09 and D10 of the LDP.	Falkirk Council as planning authority The Department of Planning Environmental Appeals
adverse impacts on scheduled ancient monuments, listed buildings and conservation areas and their setting		
<b>Landscape</b>		
Adverse impacts on the distinctive character of the landscape;	Significant negative effects on landscape assets can be mitigated through application of policy GN02 of the LDP, the landscape and visual impact guidance within the SG and the development management landscape guidance for new landscape character units at appendix 2 of the SG.	Falkirk Council as planning authority The Department of Planning Environmental Appeals
The capacity of the landscape to accommodate development could be breached.		
Areas of visual sensitivity could be adversely affected.		
Adverse impacts on the landscape setting of settlements	Policy CG02 of the LDP indicates that within the greenbelt, development will not be permitted unless it can be demonstrated that it will not undermine the strategic purpose of the greenbelt. One of the strategic purposes of the greenbelt is to protect the landscape setting of settlements	

## **6.0 Assessment of Alternatives to the SG**

### **6.1 Introduction**

6.1.1 The SEA process provides a means to consider and address environmental considerations at several stages in the preparation of plans, as described above in Section 3.

6.1.2 Once an alternative has been selected as the preferred option to bring forward as a plan or programme, the SEA process will inform the preparation of that plan or programme at two key stages: setting of objectives and environmental assessment.

### **6.2 Legislative Requirement**

6.2.1 Section 14(2) of the SEA Act requires the likely significant environmental effects of the plan or programme together with reasonable alternatives, to be identified, described and evaluated in the Environmental Report taking into account the objectives and geographical scope of the plan. Section 18(3) goes on to require that an SEA Statement provides the reasons for choosing the adopted plan or programme in light of these reasonable alternatives.

### **6.3 Consideration of reasonable alternatives**

6.3.1 The scope of reasonable alternatives considered by the Environmental Report of the SG was restricted by a number of key choices which had already been made by higher tier documents:

- Scottish Planning Policy effectively dictates which categories of constraint qualify as “areas of significant protection” and “areas with potential for wind farm development”
- The LDP contain policies relating to the protection of natural heritage, the green belt, the water environment, built and cultural heritage, outdoor access, and aviation which the approach of the SPG cannot contradict.

6.3.2 The scope of reasonable alternatives considered was therefore reduced to exclude the strategic decisions outlined above.

6.3.3 The consideration of reasonable alternatives was therefore limited to a number of key policy choices:

- Deciding the scale of onshore wind development that the spatial framework should apply to;

- Deciding on the size of separation zone around the towns and villages identified within the LDP which will be defined as an area of significant protection within which visual impact will be considered;
- The criteria set out in the guidance that will be considered when deciding if a development is necessary to meet a local or national need
- The criteria set out in the guidance that will be considered in deciding applications for wind farms of different scales within this separation zone; and
- The criteria set out in the guidance that will be considered in deciding applications for wind farms of different scales within the different landscape character areas and special landscape areas across the Council area.

## **7.0 CONSULTATION**

### **7.1 Legislative Requirement**

7.1.1 Another of the key principles underlying SEA is consultation and the opportunity for the Consultation Authorities and the general public to comment on the evolution of the plan or programme and on the SEA process and outcomes.

7.1.2 The European Commission notes that ‘the public and environmental authorities can give their opinion and all results are integrated and taken into account in the course of the planning procedure. After the adoption of the plan or programme the public is informed about the decision and the way in which it was made. SEA will contribute to more transparent planning by involving the public and by integrating environmental considerations. This will help to achieve the goal of sustainable development.’

7.1.3 To reflect this, section 18(3)(c) of the SEA Act requires that the SEA Statement demonstrates ‘...how the opinions expressed in response to the invitations mentioned in section 16 have been taken into account’.

7.1.4 Section 16 of the SEA Act identifies the Environmental Report and the qualifying plan to which it relates as the relevant documents to be consulted upon. The consultation required by section 16 includes the Consultation Authorities (CAs) and the public.

### **7.2 Summary of Consultation**

7.2.1 Consultation has been undertaken during the development of the SG, to ensure key stakeholders had an early and effective opportunity to contribute to its content. Formal consultation on the draft SG and its accompanying Environmental Report was carried out between 28<sup>th</sup> November 2014 and 16<sup>th</sup> January 2015.

#### **Consultee Responses to Environmental Report**

7.2.2 Responses to the consultation on the Environmental Report were considered by the Council officers. Details of the opinions expressed on the Environmental Report are outlined in table 4 below.



**Table 4** How comments raised by Consultation Authorities and other respondents were considered in finalising and in deciding to adopt the Spatial Framework and Guidance for Wind Energy Development SG

Consultee / Respondent	Summary Of Comments	Responses and Modifications to the SG
Historic Scotland	<p>The draft SG appears to suggest that the identified policy criteria against which proposals in Group 3 Areas (the level of lowest protection in the spatial framework hierarchy) will be assessed are the same criteria (LDP policies and the guidance provided in part 2 of the SG) against which proposals which fall below the spatial framework threshold will be considered. In view of this it would have been helpful to provide fuller information in support of the underpinning assumption that the spatial framework set out in SPP is more permissive than application of LDP policies alone, particularly in relation to the assessment of Scale Options.</p>	<p>The underpinning assumption that application of the spatial framework is more permissive than application of the LDP alone is based on a number of factors.</p> <p>Taking an example from the historic environment, the spatial framework indicates that the buffer zone of a world heritage site is an area with potential for wind farm development where wind farms are likely to be acceptable whereas policy D07 of the LDP indicates that there is a presumption against development which would have an adverse impact on the site and its setting. Quite clearly in this case the spatial framework is more permissive than the LDP policy as it is highly unlikely that a wind energy development of over 50m to tip within the WHS buffer zone would be able to avoid having an adverse impact on the site and its setting.</p>
Scottish Natural Heritage (SNH)	<p>Paragraph 5.4.4 includes reference to "...adverse impacts on Natura 2000 site supporting habitats". This differs from the SEA objective and assessment question (as set out in Appendix 1, section 2.5), apparently taking emphasis away from adverse effect on site integrity towards a focus on adverse effect on habitats which support Natura 2000 sites. We suggest that 5.4.4 should simply read "...adverse impacts on Natura 2000 sites".</p>	<p>The reason this paragraph has been worded in this way is because the spatial framework identifies Natura 2000 sites as areas of significant protection but the areas of supporting habitat as areas with potential for wind farm development where wind farms are likely to be acceptable. As such the preferred alternative ensured that any significant negative effects through adverse impacts on Natura 200 site supporting habitats caused by allowing the spatial framework to apply to a smaller scale of wind energy development</p>

Consultee / Respondent	Summary Of Comments	Responses and Modifications to the SG
		were less likely to happen and considered to be not significant.
SNH	<p>Your approach has been to include bean goose fields around the Slamannan Plateau SPA and also potential supporting habitat for species from the Firth of Forth SPA. Our understanding of the groupings set out in Table 1 of Scottish Planning Policy (SPP) is that additional measures that would move Group 3 areas into Group 2 such as site buffers or supporting areas are not to be included in the spatial framework. We recommend that the potential supporting habitat for the Firth of Forth SPA is removed from the spatial framework.</p> <p>However, in the case of the Slamannan Plateau SPA we consider it valid to include the supporting habitat outwith the SPA as the geese show a strong fidelity to this discrete area. We recommend that you confirm any such changes to the approach set out in SPP with Scottish Government and, if need be, update the spatial framework and SEA accordingly.</p>	<p>The Firth of Forth SPA supporting habitat is shown on Map 2B, but is not included in Group 2, and is not represented within the areas of significant protection on Map 1. To clarify the status of this supporting habitat an explanatory note was attached to para 8.6 and Map 2B: <i>“Firth of Forth SPA supporting habitat is not included as an area of significant protection for the purposes of the Spatial Framework, due to the broad extent of the area and the lack of information on its use”</i></p> <p>The consultative draft spatial framework identified the bean goose fields as an area of significant protection. The Scottish Government were consulted on the draft SG and raised no issue with this. They were then passed the finalised SG alongside the finalised LDP for further scrutiny and after a period of consideration gave us clearance to adopt. Again the government raised no issue with including the bean goose fields within the area of significant constraint.</p>
SNH	We agree with the proposed monitoring, rationale and methods and measures set out in Appendix 3.	Support welcomed.
Scottish Environmental Protection Agency (SEPA)	We consider that the Environmental Report (ER) provides a succinct and clear assessment of the potential significant environmental effects of the Falkirk Council SG14 Spatial Framework and Guidance for Wind Energy Development Supplementary Guidance (SG). In addition, we are pleased to note that the ER has largely taken account of the comments provided in our scoping response.	Support welcomed.
SEPA	We commented on Consultative Draft Spatial Framework for Wind Energy Development Supplementary Planning Guidance (SEA/00659/ER, our ref:	This is correct.

Consultee / Respondent	Summary Of Comments	Responses and Modifications to the SG
	PCS/122484) in November 2012, however we understand that the content and scope of the guidance has changed from the previous version in order to take into consideration the requirements of the new Scottish Planning Policy (SPP) published in June 2014.	
SEPA	We responded to the scoping report consultation (SEA/00941) on the 22 October 2014 (our ref: PCS/135928). Now that the SG has been published with the ER for consultation, we considered in more detail if and how our previous advice has been taken into account for this response. We are therefore pleased to see that some advice from the 2012 response has been implemented in the ER and directly in the SG (e.g. consideration of waste peat).	Support welcomed.
SEPA	We consider that the Non-Technical Summary provides a clear summary of the findings of the ER and the information required under paragraphs 1 to 9 of Schedule 3 of the Environmental Assessment (Scotland) Act 2005.	Support welcomed.
SEPA	At scoping stage we accepted the scoping out of water, however in reflection we should have asked the Falkirk Council to scope it back in, as we did in 2012, as considering the impact on water and especially Ground Water Dependent Terrestrial Ecosystems (GWDTE) may have highlighted different results in the assessment of the alternatives. We are however content that, as mentioned in Appendix 4 Record of Scoping Comments, section 12 of the SG deals with the impact on water and therefore significant negative effects on the water environment are going to be avoided or mitigated through the implementation of the guidance. Section 12 mentioned wetlands, water quality and flooding.	Comment noted.
SEPA	As we mentioned in our separate response to the SG, please note that rather than just water quality, the quality of the water environment should be considered, of which water quality is only a sub-category, in accordance with the River Basin Management Plan (RBMP).	Comment noted, paragraphs 12.1, 12.2 and 12.3 of the SG were amended accordingly

Consultee / Respondent	Summary Of Comments	Responses and Modifications to the SG
SEPA	SEPA has now published further guidance in relation to GWDTE that should be taken into account. Please refer to our separate response to the SG for further details or check the planning pages of the SEPA website. We have made suggestions for additional information to be included in section 12 of the SG and we would be available to meet with the Falkirk Council and SEPA Local Regulatory Team in order to review the situation and discuss in more detail this particular aspect.	The current suite of SNH guidance specifically addressed GWDTE. This is referenced in Section 12 and also within Appendix 6.
SEPA	Climatic factors have been scoped out too and we confirm that we are content with this because relevant aspects have been considered as part of soil and materials assets. We are content with this approach for the purpose of proportionality and also because we note that an assessment question has been added to the SEA objective for soil ('does the option safeguard against the release of green house gasses and carbon from soils?') which addresses the climate change mitigation part of climatic factors. Material assets also consider the contribution of the SG to meeting the Scottish Government targets.	Support welcomed.
SEPA	We understand that three reasonable alternatives have been assessed for each policy choices as detailed in section 5.2: permissive, balanced and conservative. We are content with the assessment in Appendix 2 and the proposed mitigation and enhancements opportunities suggested.	Support welcomed.
SEPA	We are satisfied with the content and level of detail provided regarding the monitoring proposals.	Support welcomed.

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## **8.0 ADOPTION OF THE SPATIAL FRAMEWORK AND GUIDANCE FOR WIND ENERGY DEVELOPMENT**

8.1 The SG was adopted by Falkirk Council in July 2015. A consolidated version of the plan is now available via the Council's website.

8.2 The reasons for choosing the SG as adopted in light of the other reasonable alternatives considered is presented in table 5 below.

8.3 The preferred option for each set of alternatives does not necessarily reflect the most environmentally beneficial option. Nevertheless, decisions have all been made with a full understanding of the environmental consequences of their implementation.



**Table 5: Reasons for choosing preferred alternatives as adopted.**

Option	Alternative Chosen	Reason for Choosing Alternative
Scale of wind energy developments to which the spatial framework applies	Alternative 2 was chosen: the spatial framework will apply to wind energy developments of over 50m to tip	This alternative reduced the magnitude of the significant negative environmental effects on biodiversity, population and human health and soil which would have been caused if a smaller height of wind energy development had been chosen and also acted as a less significant constraint to wind energy development than would have been the case if a higher height of wind energy development had been chosen.
Community separation distance	Alternative 2 was chosen: 2km all settlements other than the following exceptions: <ul style="list-style-type: none"> <li>• 1.5 km from Whitecross and the Loan.</li> <li>• 1km from Grangemouth; Shieldhill; California; Standburn; Avonbridge; Limerigg and east, west and south of Slamannan.</li> </ul>	This alternative reduced the magnitude of the significant environmental effects on cultural heritage and landscape
Definition of “Overriding Local or National Need” and “Economic Benefits of Substantial Local Importance”	Alternative 1 was chosen: LDP policy approach always takes precedence despite the “is likely to be acceptable” wording in the SPP.	This alternative was chosen as the frequency of significant negative effects on locally designated nature conservation sites and carbon rich and rare soils were likely to be less frequent than alternative 2 and the negative effects through restricting the potential for energy generation from renewable sources were likely to be less significant than alternative 3.
Criteria for the assessment of wind energy developments within community separation areas.	Alternative 1 was chosen: Wind turbines of above 50m within the community separation areas will be required to specifically address the potential for visual impact from the settlement edge, and within the settlement.	This alternative was chosen to allow maximum flexibility in decision making even though the environmental effects could not be predicted.
Criteria for assessment of wind energy developments on local landscape character	Alternative 2 was chosen: A landscape objective of protection will be pursued in landscape character areas with Low potential to accommodate wind energy developments; protection and accommodation will be pursued in landscape character areas with Moderate-Low and Moderate potential to accommodate wind	This alternative was chosen as it avoided the significant negative effects on landscape character caused by alternative 1 and reduced the magnitude of the significant negative through restricting the potential for energy generation from renewable sources caused by alternative 3.

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Option	Alternative Chosen	Reason for Choosing Alternative
	energy developments; and protection, accommodation/ change will be pursued in landscape character areas with Moderate-High potential to accommodate wind energy developments.	

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## 9.0 PROPOSALS FOR MONITORING

### 9.1 Legislative Requirement

9.1.1 Monitoring of the environmental performance of the SG during its life is a key requirement of SEA. The SEA Act schedule 3 para 9 requires 'a description of the measures envisaged concerning monitoring in accordance with section 19'. The monitoring measures proposed are based on the different environmental issues identified as potentially being subject to significant environmental effects from the SPG.

### 9.2 Monitoring Proposals

9.2.1 Table 6 sets out the details of the proposed monitoring, the rationale for the selection and the methods and measures of monitoring. Monitoring will be conducted by the Council, in their capacity as the Responsible Authority for this SEA.

9.2.2 The production of an SEA monitoring report will provide key information about the environmental performance of this SG and enable changes to improve the environmental of performance of the SG to be identified in advance of its review as part of the LDP2 review process. As such the Council will endeavour to produce an SEA monitoring report before the SG is reviewed as part of the LDP2 review process.

**Table 6 Proposed Monitoring**

SEA Objectives	Monitoring Proposed	Rationale	Methods & Measures
<b>Biodiversity, Flora and Fauna</b>			
Demonstrate no adverse effect on the integrity of Natura 2000 sites	Appropriate Assessments carried out for applications for wind energy development	If the Habitats Regulations Appraisal procedure is carried out correctly then wind energy developments which have a likely significant effect on Natura 2000 sites will have to go through a procedure of appropriate assessment	Liaison with Development Management and SNH
Protect and enhance Sites of Special Scientific Interest and Wildlife Sites	Number of Local Nature Reserves designated	A reduction in the number of these sites will indicated that they are not being safeguarded	Existing Development Plan Monitoring Report indicator

SEA Objectives	Monitoring Proposed	Rationale	Methods & Measures
	Overall area and number of ecological sites protected by local/national designations	A reduction in the number or extent of these sites will indicate that they are not being safeguarded	Existing Development Plan Monitoring Report indicator
	Loss/damage to ecological sites	The less damage caused to ecological sites the better they are being safeguarded	Existing Development Plan Monitoring Report indicator
Protect ancient, long established and semi-natural woodlands as a habitat or irreplaceable value	Area of ancient, long established and semi natural woodlands lost to wind energy development	If none of these areas are lost then the objective will be being met	Liaison with Development Management
<b>Population and Human Health</b>			
Prevent risk to human health through increased impacts from ice throw and shadow flicker.	No monitoring proposed	Risk to human health from ice throw and shadow flicker is to be prevented through applying set back distances for wind turbines to paths, roads, homes, businesses and community facilities. If these are applied then increased impacts should not occur.	
Avoid increasing noise nuisance	Noise nuisance complaints associated with wind energy developments.	If noise nuisance complaints do not increase then this SEA objective will be met	Liaison with the Council's Environmental Health officers.
Avoid the increased production of waste peat	Volume of waste peat produced.	If no waste peat is being produced as a result of wind energy development then this objective will be met	Liaison with SEPA
<b>Soil</b>			
Protect carbon rich soils and other rare soils	Impacts on carbon rich or rare soils identified in EIA and other environmental studies accompanying wind energy development applications.	Through monitoring the impacts of different developments on carbon rich and rare soil an impression of whether they are being protected sufficiently will be able to be formed.	Desktop analysis of approved applications for wind energy development.
<b>Material Assets</b>			

SEA Objectives	Monitoring Proposed	Rationale	Methods & Measures
Maximise the contribution that the Falkirk Council area makes towards meeting the Scottish Government's target of sourcing 100% of electricity demand from renewable energy generation by 2020.	Electricity generation capacity of wind energy developments consented within the Council area	Monitoring the amount of electricity generated from wind energy development in the Council area will allow Falkirk's contribution towards the government's target to be tracked. Monitoring whether this contribution is maximised will not be possible	Liaison with development management
	Percentage of annual electricity consumption in Scotland and Falkirk which is produced by wind energy electricity generation in Falkirk	Monitoring the amount of electricity generated from wind energy development in the Council area will allow Falkirk's contribution towards the government's target to be tracked. Monitoring whether this contribution is maximised will not be possible	Department of Energy and Climate Change statistics. Liaison with development management.
<b>Cultural Heritage</b>			
Protect the historic environment.	Number of planning consents granted for wind energy developments where the Antonine Wall WHS, scheduled ancient monuments, inventory battlefields and/or gardens and designated landscapes are affected.	If this number is very low then it can be assumed that the historic environment is being adequately protected.	Through liaison with the Development Management unit and Historic Scotland
<b>Landscape</b>			
Protect and enhance the distinctive character of the landscape and ensure new wind energy development does not exceed the capacity of the landscape to accommodate it.	Landscape Capacity Studies	The landscape capacity study undertaken to inform the consultative draft SG identified landscape capacity for wind energy development for all landscape character units within the Council area. Any future wind energy developments within these area will be likely to affect their landscape capacity which any future revised landscape	No further landscape capacity studies are planned in the near future given the resources involved in undertaking the first one. As more wind energy developments are consented and become operational there may be a growing demand to review the first landscape capacity study

SEA Objectives	Monitoring Proposed	Rationale	Methods & Measures
		capacity study should detect.	
	Number of wind energy developments constructed in different landscape character units (LCU)	LCU have different capacities for wind energy development. By monitoring the number of wind energy developments constructed within each LCU an impression of the likelihood of a breach of capacity can be formed	Liaison with development management
	Number of wind energy developments refused planning permission in different landscape character units (LCU)	Some LCU are more sensitive to wind energy development than others. By monitoring the number of wind energy developments refused in different landscape character units (LCU) an impression should be formed of the level of protection they are being afforded by the planning system.	Liaison with development management
Ensure the strategic purpose of the greenbelt is not undermined.	Number of wind energy developments permitted which contravene green belt policy.	One of the caveats of policy CG02 of the LDP is that development will be permitted unless it can be demonstrated that it does not undermine and of the strategic purposes of the Green Belt. One of the strategic purposes of the greenbelt is to protect the landscape setting of settlements. If wind energy developments contravene green belt policy it is most likely that this is because they have an adverse effect on the landscape setting of settlements, therefore if no applications contravene greenbelt policy, this objective will be met.	Liaison with development management
Ensure that areas of visual sensitivity are protected from inappropriate development.	Identified impact of wind energy development on iconic, important and key views as identified in the SG	If wind energy developments are not causing significant impact on the iconic, important and key views identified within the SG then this objective will be met.	Analysis of Landscape and Visual Impact Assessments submitted with wind energy development applications and liaison with development management

