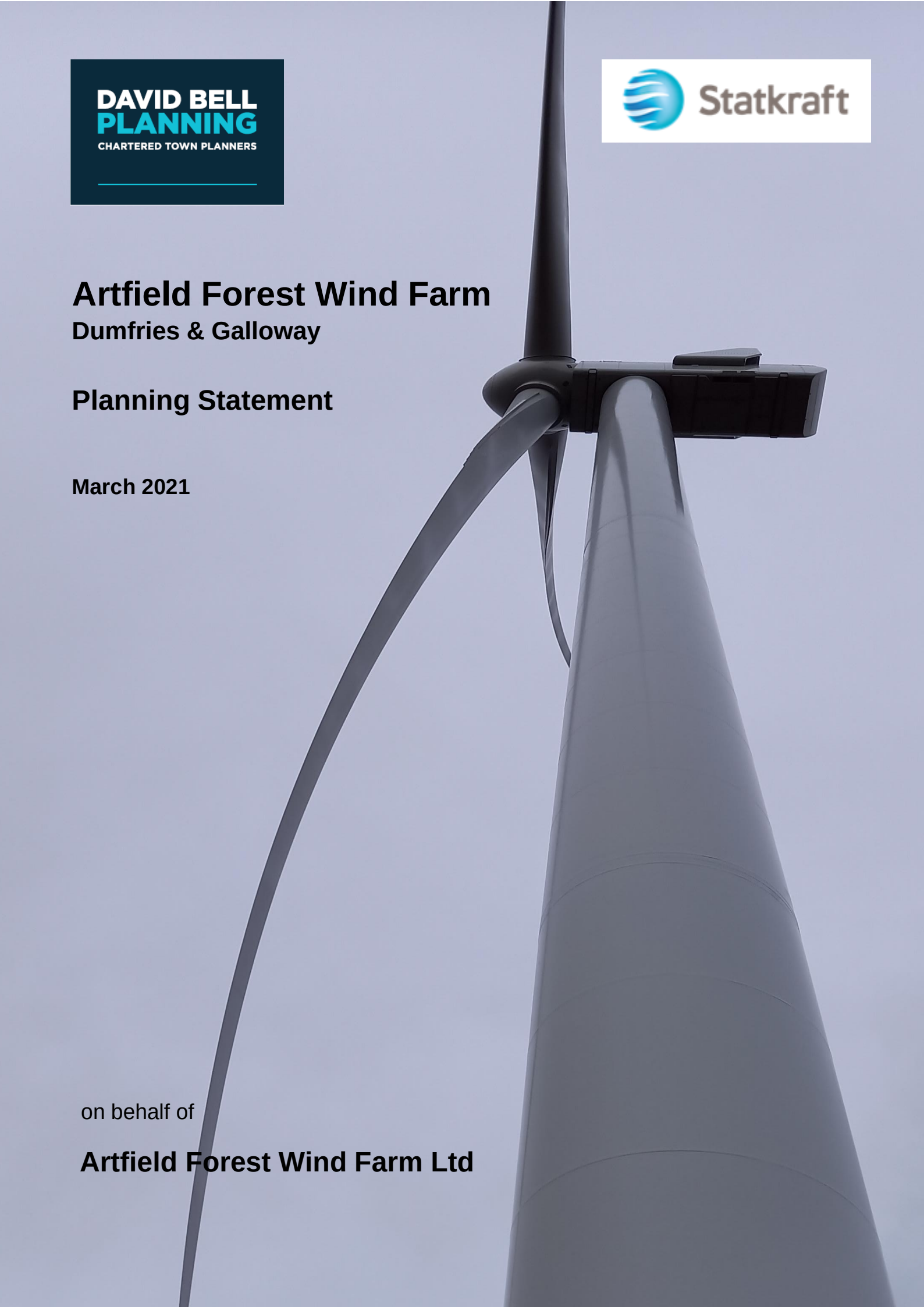


Artfield Forest Wind Farm

Dumfries & Galloway

Planning Statement

March 2021

on behalf of

Artfield Forest Wind Farm Ltd

Contents

1. Introduction

1.1 Background

1.1.1 This Planning Statement has been prepared by David Bell Planning Ltd (DBP) on behalf of Artfield Forest Wind Farm Ltd (the Applicant) to support a section 36 application under the Electricity Act 1989 (the 1989 Act), for consent to construct, operate a wind farm known as Artfield Forest Wind Farm, and associated infrastructure ("the Proposed Development"). In addition, the Applicant is also seeking consent for deemed planning permission under Section 57 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act), as amended.

1.1.2 The Proposed Development is located within the Dumfries and Galloway Council (DGC) area and will comprise up to 12 wind turbines with a total installed generating capacity in the order of 67.2[1] mega-watts (MW).

1.1.3 The application is accompanied by an Environmental Impact Assessment Report (EIA Report) which has been undertaken in accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (the EIA Regulations). The EIA Report presents information on the identification and assessment of the likely significant positive and negative environmental effects of the Proposed Development.

1.1.4 This Planning Statement makes various cross references to information contained in the EIA Report and presents an assessment of the Proposed Development against relevant policy with due regard given to the provisions of the statutory Development Plan for the DGC area, national energy and planning policy, and other relevant material considerations. The Planning Statement is supplementary to, and should be read in conjunction with, the EIA Report submitted with the application. The Planning Statement also considers the potential benefits and harm which may arise and concludes as to the overall acceptability of the Proposed Development in relation to the planning policy framework and relevant material considerations.

1.2 The Applicant

1.2.1 Artfield Forest Wind Farm Ltd (the Applicant), is wholly owned by Statkraft UK Ltd. Statkraft is Europe's largest renewable energy generator and is committed to building out at least 600 megawatts (MW) of onshore wind development in Scotland over the next five years. In Scotland, Statkraft operates three onshore wind farms with a combined capacity of 155.5 MW and are currently constructing another two onshore wind farms. The Scotland team is based in Glasgow.

1.3 The Statutory Framework

Schedule 9 to the Electricity Act 1989

1.3.1 A decision on the Application under the 1989 Act is the principal decision to be made. Paragraph 3 of Schedule 9 to the Electricity Act 1989 deals with preservation of amenity. In summary, the provisions set out a number of environmental features to which regard must be had and that mitigation must be considered. Sub-paragraph 1 can be relevant to an Applicant if they hold Generation License at the date a s.36 application is made. Sub-paragraph 2 applies in any event. Sub-paragraphs 1 and 2 state:

[1] Based on current wind turbine generator technology the typical generation capacity for a turbine of the size and design proposed would be between 5 – 7 MW.

(1) "*In formulating any relevant proposals, a licence holder or a person authorised by exemption to generate, transmit, distribute or supply electricity*

(a) shall have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archeological interest; and

(b) shall do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.

(2) In considering any relevant proposals for which his consent is required under section 36 or 37 of this Act, the Secretary of State shall have regard to—

(a) *the desirability of the matters mentioned in paragraph (a) of sub-paragraph (1) above; and*

(b) the extent to which the person by whom the proposals were formulated has complied with his duty under paragraph (b) of that sub-paragraph."

3) Without prejudice to sub-paragraphs (1) and (2) above, in exercising any relevant functions each of the following, namely, a licence holder, a person authorised by exemption to generate or supply electricity and the Secretary of State shall avoid, so far as possible, causing injury to fisheries or to the stock of fish in any waters".

1.3.2 The Applicant has sought to develop a project that takes full account of the Schedule 9 duties. It is relevant to note the use of the terms 'desirability' and 'reasonably' with regard to project design, siting and mitigation. This recognises that there are balances and reconciliations to be considered in decision making for this type of application.

1.3.3 Although the Applicant is not bound at the present time by the requirements of Schedule 9 of the 1989 Act, the Scottish Ministers will have to have regard to sub paragraph 2 and 3. As a consequence, the Applicant has considered these matters during the design of the Proposed Development. This is demonstrated by the robust evaluation and assessment of effects as set out within the EIA Report.

1.3.4 In the Fauch Hill / Harburnhead s.36 decision (page 5, paragraph 1) it was set out by the Reporters with regard to Schedule 9 of the 1989 Act that:

"*The provisions of Schedule 9 of the Electricity Act 1989 apply to the assessment of wind farms with an installed capacity of over 50 MW. The Scottish Government's position is that whether an applicant is licensed or not, Ministers will have regard to the Schedule 9 provisions and expect them to be addressed through the Environmental Statement. We are satisfied that both applications have submitted sufficient environmental information and that the relevant requirements have been complied with. We are also satisfied that both applications have had regard to the relevant environmental matters and within the parameters of their chosen design have done what they reasonably could to mitigate any impact*."

1.3.5 The EIA for the Proposed Development demonstrates that due regard has been paid to Schedule 9 of the 1989 Act and appropriate mitigation has been considered in detail.

The Role of the Development Plan

1.3.6 In considering the overall statutory and regulatory framework within which the Proposed Development should be assessed, the statutory Development Plan is a material consideration which should be taken into account in the round with all other relevant material considerations. It is important to note however, that section 25 of the 1997 Act is not engaged as there is no 'primacy' of

the Development Plan in an application made under the 1989 Act. This matter is now settled following various High Court and Court of Session cases in recent years[2].

1.4 Site Location & Description

1.4.1 The application site ("the Site") covers an area of approximately 800 hectares (ha) and is located approximately 8 km northwest of Kirkcowan and 15 km west of Newton Stewart. The majority of the Site is covered with coniferous plantation woodland.

1.4.2 Operational wind farms are an existing feature of the surrounding landscape, and in this regard, Kilgallioch wind farm is located to the north, Airies wind farm to the east, Glenchamber wind farm to the southwest and Artfield Fell and Balmurrie Fell wind farms are located directly west of the Site.

1.5 Proposed Development

1.5.1 The Proposed Development is described in detail in Chapter 2 of the EIA Report, however, in summary, the main elements of the proposal can be summarised as follows:

- 12 wind turbines (including internal transformers) of up to 180m to blade tip;
- crane hardstanding for each turbine;
- underground electrical cables located in trenches adjacent to access tracks;
- onsite control building and substation compound;
- an energy storage facility, to be located adjacent to the substation and containing battery containers;
- two temporary construction compounds;
- search areas for up to four borrow pits to win stone for construction;
- a permanent anemometer mast;
- vehicle turning heads and junctions and a secondary site access (for construction only);
- Approximately 8.3km of new permanent access tracks including nine passing places; and
- forestry felling and re-stocking.

1.5.2 As explained in Chapter 2 of the EIA Report, the Proposed Development will be fitted with lighting to comply with relevant Civil Aviation Authority (CAA) policy and regulations. Based on guidance at the time of writing, this will comprise a medium intensity light fitted to the nacelle and low intensity lights fitted at half the nacelle height, plus or minus 10 m to provide 360-degree visibility. All of the turbines would be lit with the exception of T3 and T9 , providing all 'perimeter' turbines with lighting.

1.5.3 The point of connection for the Proposed Development into the electricity grid system would be at the Newton Stewart Substation to the east of the Site, approximately 15 km from the on-site substation, via a distribution voltage connection. The grid connection would be the responsibility of the Distribution Network Operator (DNO) (Scottish Power Energy Networks) and would be subject to a separate consenting process. As such the details of the grid connection route are unknown at this stage.

[2] See R (on the application of Samuel Smith Old Brewery (Tadcaster) v Secretary of State for Energy & Climate Change; William Grant / Dorenell s.36 Wind Farm Judicial Review case of June 2012; and, Fauch Hill / Harburnhead s.36 Wind Farm Decision (July 2014).

1.5.4 The EIA assessment assumes that the operational lifespan of the Proposed Development would be 30 years, after which it would be appropriately decommissioned.

1.6 Design Evolution & Planning History

1.6.1 The siting and design of the Proposed Development has gone through an iterative process whereby the Applicant considered different turbine layouts and heights– as explained in Chapter 3 of the EIA Report (Design Evolution and Alternatives). This has resulted in a scheme which takes into account the planning history of the Site together with its current cumulative context and the various more localised site constraints and opportunities. The approach has been to ensure renewable energy generation is maximised whilst minimising significant environmental effects to an acceptable level.

1.6.2 As explained in Chapter 3 of the EIA Report, a review of the consented Gass Wind Farm by the previous developer concluded that there would be no economically viable route to market for the Gass Wind Farm project. However, an assessment by the Applicant identified the feasibility of developing an entirely new application for consent for a larger scheme across a wider landholding.

1.6.3 While the principle of wind farm development in this location was accepted for the Gass Wind Farm, the acceptability of a larger wind farm, such as the subject of this current section 36 application, would be subject to consideration on its own merits. Nevertheless the planning history of the Site and the previous consented development is a relevant consideration, for the purposes of this policy appraisal.

1.6.4 By including an additional landownership within the site boundary, the potential to accommodate up to 20 turbines was identified, with the majority of the potential development area located further north and west from the Gass Wind Farm consented layout. The larger site was assessed (at the feasibility stage) as benefiting from suitable terrain, wind resource, accessibility and secured a grid connection for 67.2 MW of capacity connecting at Newton Stewart in 2024. On the basis of the grid connection alone, the Site was identified as offering an opportunity to make a significant contribution to Statkraft's stated goal of deploying 600 MW of generation capacity by 2025. Furthermore, the deployment of 67.2 MW of generation here by 2024 would make a significant contribution to meeting national energy policy and climate emergency policy related goals of achieving net-zero emissions by 2045.

1.6.5 Following the completion of the site feasibility study, the Applicant has secured land agreements to develop the Site across a larger site area.

1.7 Structure of Planning Statement

1.7.1 The structure of this Planning Statement is as follows:

- **Chapter 2** describes the renewable energy policy framework.
- **Chapter 3** addresses relevant national planning policy and guidance.
- **Chapter 4** provides a summary of the relevant Development Plan and applicable Supplementary Guidance. The Proposed Development is considered against DGC's 'lead' policy which deals with renewable energy developments. The assessment also refers other Development Plan policies of relevance.
- **Chapter 5** sets out the benefits that would arise from the Proposed Development.
- **Chapter 6** presents overall conclusions.

2. Climate Emergency & the Renewable Energy Policy Framework

2.1 Introduction

2.1.1 This Chapter refers to the renewable energy policy framework with reference to relevant international, European, UK and Scottish energy policy provisions. The framework of international agreement, binding targets and climate change global advisory reports is the foundation upon which national energy policy is based. The international and national policy referred to demonstrates the need case for renewable energy from which the Proposed Development can draw a high level of support.

2.1.2 It is evident that there is unequivocal, clear and consistent policy support at all levels, from international to local, for the deployment of renewable energy generally and onshore wind particularly to combat global heating, diversify the mix of energy sources, achieve greater security of supply, and to attain legally binding renewable energy and emission reduction targets. The Proposed Development would make a valuable contribution to help Scotland meet its renewable energy and electricity production targets, while supporting greenhouse gas emissions reduction to combat global heating in the current Climate Emergency.

2.1.3 Government renewable energy policy and associated renewable energy and electricity targets are an important material consideration and it is important to be clear on the current position as it is a fast-moving topic of public policy. More fundamentally, there have been new legally binding targets introduced at both a UK and Scottish level and declared Climate Emergencies.

2.2 International Policy Considerations

International Agreements and Obligations – The COP21 UN Paris Agreement

2.2.1 The Paris Agreement (2015) is an agreement within the United Nations Framework Convention on Climate Change. The purpose of the Agreement is to strengthen the global response to the threat of climate change. The UK was the 111th country to ratify the Agreement. Under the Agreement, each country must determine, plan and regularly report on the contribution that it undertakes to mitigate global warming. In order to achieve this long-term temperature target, the text of Article 4 (page 4) states "*parties aim to reach global peaking of greenhouse gas emissions as soon as possible*". Article 2 (page 3) sets out

"*This Agreement, in enhancing the implementation of the Convention, including its objective, aims to strengthen the global response to the threat of climate change, in the context of sustainable development and efforts to eradicate poverty, including by: (a) Holding the increase in the global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels, recognizing that this would significantly reduce the risks and impacts of climate change.*"

2.2.2 It is clear that moving to a low carbon economy is a globally shared goal and will require absolute emission reduction targets. The UK Government's commitment under the Paris Agreement links through to the Committee on Climate Changes' (CCC) advice to both the UK and Scottish Governments on 'net zero' targets which have now, at both the UK and Scottish levels, been translated into new legislative provisions and targets for both 2045 (Scotland) and 2050 (UK). This is referred to below.

2.3 United Kingdom Energy Policy

Relationship of UK / Scottish Energy Policy

2.3.1 Energy policy is a matter reserved to the Westminster Parliament. The UK Government therefore retains control of the overall direction of energy policy including the attainment of UK national targets on renewable energy generation.

2.3.2 Although the overarching position in the UK is that energy policy is not a devolved matter, important policy documents such as the UK Renewable Energy Strategy (2009) and the UK Renewable Energy Roadmap (2011 and its various Updates) have embraced and encouraged actions across the UK as a whole. Such documents have also made clear that the Devolved Administrations play an important role in the attainment of overall UK and European targets for renewable electricity.

2.3.3 While the Scottish Government does not have the core competency over energy policy, it has not prevented them issuing a range of policy statements and 'Routemaps' for renewable energy and the low carbon agenda for their own territory. The Scottish Government has been engaged in policy making over successive Governments on the topic of renewable energy often going further and faster than UK wide policy and targets.

2.3.4 A key recent matter in terms of UK policy is the recommendations from the CCC and the UK Government's commitment to net zero emissions and the advice from the CCC on the recommended recovery approach from the COVID-19 crisis.

Committee on Climate Change Report (May 2019)

2.3.5 The CCC[3] published its landmark report entitled 'Net Zero – UK's Contribution to Stopping Global Warming' in May 2019. The report responds to requests from the Governments of the UK, Wales and Scotland, asking the CCC to reassess the UK's long-term carbon emissions targets.

2.3.6 The Foreword (page 8) sets out that the CCC has "*reviewed the latest scientific evidence on climate change, including last year's IPCC special report on global warming of 1.5˚C and considered the appropriate role of the UK in the global challenge to limit future temperature increases*". It adds, "*Net Zero is a more fundamental aim than previous targets. By reducing emissions produced in the UK to zero, we also end our contribution to rising global temperatures*".

2.3.7 The report makes recommendations for the UK economy including:

- UK overall: a new tougher emissions target of net zero[4] greenhouse gases (GHG) by 2050, ending the UK's contribution to global warming within 30 years. This would replace the previous target of an 80% reduction by 2050 from a 1990 baseline;
- Scotland: a target of net-zero GHG economy by 2045, reflecting Scotland's greater relative capacity to remove emissions than the UK as a whole;
- A net zero GHG target for 2050 would deliver on the commitment that the UK made by signing the Paris Agreement.

2.3.8 In terms of the UK and Scottish targets, the report makes it clear that, *"this is only possible if clear, stable and well designed policies to reduce emissions further are introduced across the economy without delay. Current policy is insufficient for even the existing targets*". (underlining added)

[3] The CCC is an independent, statutory body established under the Climate Change Act 2008. Its purpose is to advise the UK Government and Devolved Administrations on emissions targets and report to Parliament on progress made in reducing greenhouse gas emissions and preparing for climate change.

[4] A net zero target would require 100% reduction in greenhouse gas emissions. It is referred to as 'net' as the expectation is that it would be met with some remaining sources of emissions which would need to be offset by removals of CO_2 from the atmosphere.

2.3.9 The report also adds for Scotland that:

"*Scotland has proportionately greater potential for emissions removal than the UK overall and can credibly adopt a more ambitious target. It should aim for net zero greenhouse gas emissions by 2045. Interim targets should be set for Scottish emissions reductions (relatively to 1990) of 70% by 2030 and 90% by 2040*".

2.3.10 The CCC report sets out various scenarios for UK net zero GHGs in 2050. These include one of extensive electrification, particularly of transport and heating. Page 23 of the Executive Summary states that this would need to be "*supported by major expansion of renewable and other low carbon power generation. The scenarios involve around a doubling of electricity demand, with all power produced from low carbon sources (compared to 50% today*)." (underlining added)

2.3.11 The Technical Annexe to the CCC report specifically addresses integrating variable renewables into the UK electricity system. The Annexe makes it clear that variable renewable electricity such as large-scale onshore wind is now the cheapest form of electricity generation in the UK and can be deployed at scale to meet UK electricity demands.

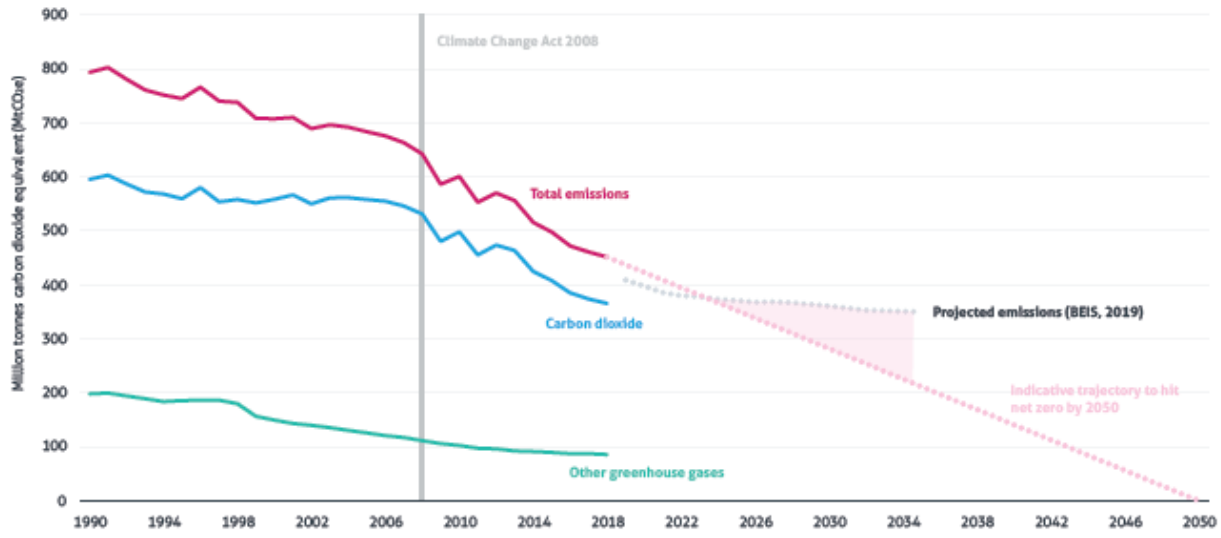
2.3.12 The report contains a number of key messages including that *"intermittency of renewables does not prevent full decarbonisation of the power system. Deployment of variable renewables, alongside system flexibility, is a low regret and low cost means of de-carbonising the UK's electricity system*".

The UK Net Zero Target

2.3.13 On 11 June 2019, the then Prime Minister Theresa May announced that the UK Government would bring forward legislation to set a Net Zero target into law. On 27 June 2019 the UK Government became the first major economy in the world (the first G7 country) to pass legislation to end its contribution to global warming by 2050 – by way of 100% reduction of greenhouse gas emissions. The target is now legally binding by way of an amendment to the Climate Change Act 2008.

2.3.14 The scale of the challenge of net zero has recently been highlighted in a report from the Institute of Government published in September 2020. The Institute refers to the CCC's latest assessment of June 2020 (see below) which states that "*not nearly enough progress had been made a year on from the net zero target being adopted*" (page 16). The extract from the report provided below as Figure 2.1, shows that the UK is on track to meet its third carbon budget (covering 2018-22), but is off track to meet its fourth (2023-27) and fifth (2028-32).

Figure 2.1: UK Emissions of GHG: Actual (1990-2018) and Projected (2019-35)



Source: Department for Business, Energy and Industrial Strategy, 'Final UK greenhouse gas emissions national statistics', February 2020, and 'Updated Energy & Emissions Projections: 2018'.

CCC Annual Report to UK Parliament (June 2020)

2.3.15 The CCC published its Annual Report[5] to the UK Parliament (required under the Climate Change Act 2008) on 25 June 2020.

2.3.16 The report includes new advice to the UK Government on securing a green and resilient recovery following the COVID-19 pandemic. It recommends that Ministers "*seize the opportunity to turn the COVID-19 crisis into a defining moment in the fight against climate change*". The CCC states that although a limited number of steps have been taken over the past year to support the transition to a net-zero economy and improve the UK's resilience to the impacts of climate change "*much remains to be done*".

2.3.17 With reference to COVID-19, the CCC sets out that recovery from it will reshape how the climate crisis is tackled. It states in the Executive Summary:

"*Choices in the coming months must steer a recovery that drives vital new economic activity, accelerates our transition to Net Zero and strengthens our resilience to the impacts of climate change. UK domestic climate ambition can be the basis for UK international leadership in 2021, in the Presidency of the delayed UN climate summit in Glasgow (COP26) and in the G7 Presidency. It is 12 months since Net Zero became law, requiring the UK to reduce net emissions of greenhouse gases to zero by 2050. Initial steps towards a net-zero policy package have been taken, but this was not the year of policy progress that the Committee called for in 2019*.

Net Zero has been adopted as a key goal of the Government ……but we are not making adequate progress in preparing for climate change. The delay of COP26 to November 2021 provides a window to address this policy deficit and establish a credible internationally-leading position".

2.3.18 In terms of building a resilient recovery from the COVID-19 crisis the CCC state:

- Net-zero emissions and improved climate resilience are integral to the COVID-19 recovery;
- Climate investments will help create jobs and stimulate economic recovery, while changing the course of UK emissions and improving our resilience to climate change for the coming decade and beyond; and
- The fundamental requirements to achieve Net Zero are largely unchanged by COVID-19.

2.3.19 The report adds that the steps that the UK takes to rebuild from the COVID-19 pandemic and its economic damage can also accelerate the transition to low-carbon activities and improve climate resilience.

2.3.20 At page 16 of the report, the CCC state that in April 2020, the CCC wrote to the Prime Minister and the First Ministers of Scotland, Wales and Northern Ireland setting out six principles for a resilient recovery from COVID-19 including, *inter alia*:

- Use climate investments to support the economic recovery and jobs;
- Ensure the recovery does not 'lock-in' greenhouse gas emissions or increased climate risk.

2.3.21 The report adds that the CCC 'Costs and Benefits Advisory Group on Net Zero', reconvened for the report endorsed these principles and concluded that "*the economic recovery from [COVID-19] gives the UK a chance to grow back in a way that is fit for the low-carbon future to which it aspires, and that can benefit from the industrial and economic developments that this future offers*."

2.3.22 In terms of specific reference to the power sector, the report welcomes plans to bring onshore wind back into the system of power auctions and states a clear timetable for future auctions would support delivery and development of supply chains.

[5] CCC 'Reducing UK emissions: 2020 Progress Report to Parliament' 25 June 2020.

2.3.23 A fundamental part of the report is (Chapter 5 'Planning a resilient recovery'). The CCC recommends that investments in low-carbon and climate adaptation infrastructure must be at the heart of measures to restore economic growth following COVID-19.

2.3.24 Page 169 sets out that where powers are reserved to the UK level, the devolved administrations have an important role in ensuring that the emissions reductions take place. In particular, the devolved administrations should focus on various areas including "planning", described as a "*useful lever over infrastructure that needs to be well aligned to objectives for emissions reduction*" by various means including "*a favourable planning regime for low-cost onshore wind*."

UK Government Response to CCC Progress Report (October 2020)

2.3.25 The Government published its response to the CCC Progress Report to Parliament in October 2020. The Executive Summary (page 7) sets out that attaining net zero will involve fundamental changes across the UK economy and: "*under any feasible scenario, meeting net zero will require reductions in emissions across the economy on a scale not previously seen; ambitious and early deployment of existing technologies and approaches; and innovation in new technologies… will enable us to offset emissions from sectors which cannot fully decarbonise*".

2.3.26 The report sets out that in recovering from Covid-19 "*we must build back better and greener and do that at the pace that this moment requires by investing in and accelerating infrastructure across the UK to promote a clean, green recovery*" (page 10).

2.3.27 In this regard it is recognised that green investments such as renewables is an effective means of delivering jobs and the Government clearly sets out that it is "*determined to seize the once in a generation economic opportunities of the net zero transition – creating new business opportunities and up to two million green jobs by 2030 across all regions of the UK*" (page 13).

2.3.28 The report adds "*the year ahead is critical for global progress on climate change and a major test of global cooperation after Covid-19. We agree that it will be crucial for the UK to demonstrate strong climate leadership*".

2.3.29 The report addresses sector specific action and power is addressed from page 15. A key objective is the delivery of more renewables. In this regard there is recognition of growing electricity demand and it is stated that "*by 2050, electricity demand could double as it is used to decarbonise heat and transport. We will need a substantial increase in low carbon generation and a mix of technologies to deliver a low carbon, low cost and reliable electricity system that can adapt to our needs*" (page 17).

2.3.30 In terms of the international leadership position, the Governments set out that "*the science is clear. To limit global warming to 1.5° Celsius, we need to halve global emissions over the next decade. However current commitments made under the Paris Agreement fall far short of what is required. We must scale up action to respond to the climate emergency, and the world must act together to achieve this*".

2.3.31 In terms of future policy, the Ministerial Foreword sets out that the Government intends to produce an energy White Paper and a comprehensive Net Zero Strategy in 2021: and that the strategy "*will set out the Government's vision for transitioning to a net zero economy, making the most of new growth and employment opportunities across the UK. These will raise ambition as we outline our path to hit our 2050 target*".

National Audit Office report 'Achieving Net Zero' (December 2020)

2.3.32 On 4 December 2020 the National Audit Office (NAO) published the report entitled 'Achieving Net Zero'. The report highlights the main risks the UK Government needs to manage to achieve net zero and importantly sets out a further position on the scale of the net zero challenge. This recent report underlines the importance of the new net zero target and policy objective.

2.3.33 In the introduction, the NAO report summarises the new legislative position in terms of net zero and how it delivers on the commitments the UK Government made by signing the Paris Agreement in 2016. Paragraph 2 sets out that reducing emissions to achieve net zero will require wide ranging changes to the UK economy, including further investment in renewable electricity. Key findings and recommendations include the following:

- In terms of the scale of the challenge – the report sets out that achieving net zero "*is a colossal challenge and significantly more challenging that Government's previous target to reduce emissions by 80% by 2050*".
- In terms of delivering the net zero strategy, the NAO Report notes that BEIS[6] plans to launch a net zero strategy prior to COP26[7] in November 2021 and this strategy is intended to set out the Government's vision for transitioning to a net zero economy by 2050. A recommendation made to Government is that establishing a clear strategy before COP26 is "*a critical step if the UK is to achieve net zero by 2050*".

2.3.34 Paragraph 20 of the report adds "*while emissions have reduced steadily over recent years, particularly in the power sector, achieving net zero will require wide ranging changes across society and the economy at a pace which leaves little room for delay*".

2.3.35 Key Points from the NAO Report include:

- Reducing emissions to achieve net zero will require wide ranging changes to the UK economy and society including further investment in renewable electricity.
- Achieving net zero is recognised as being "a colossal challenge" significantly more challenging than Government's previous targets.
- Achieving net zero will require changes "*unprecedented in their overall scale*" (page 22).
- In terms of the various changes the UK as a whole may need to make to meet net zero greenhouse gas emissions by 2050, page 22 of the report sets out that with regard to the power sector that this will require a "*fourfold increase in renewables*".

The UK's Sixth Carbon Budget (December 2020)

2.3.36 The CCC published the Sixth Carbon Budget 'the UK's Path to Net Zero' in early December 2020. The recommendations relate to the budget to run from 2033 to 2037. It builds upon the CCC's previous advice to Government in relation to net zero. The CCC recommends that the UK:

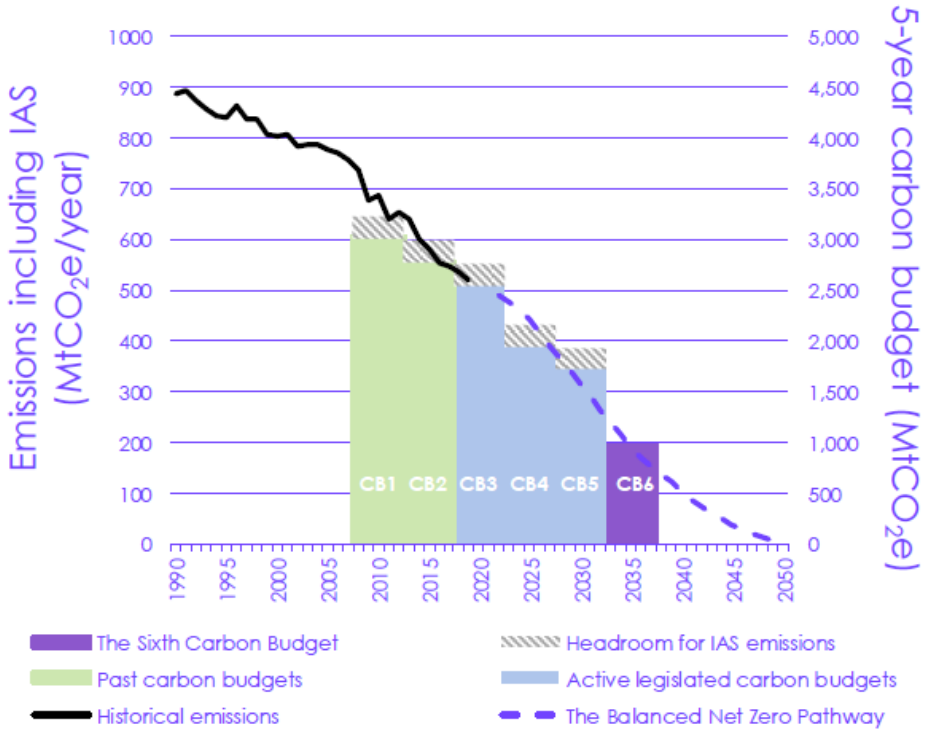
- Sets a Sixth Carbon Budget to require a reduction in UK greenhouse gas emissions of 78% by 2035 relative to 1990 levels;
- This is seen as a world leading commitment, placing the UK "*decisively on the path to net zero by 2050 at the latest with a trajectory that is consistent with the Paris Agreement*";
- It should be accompanied by an ambitious 2030 pledge to reduce emissions by at least 68% from 1990;
- The recommended budget would achieve well over half of the required emissions reduction to 2050 in the next 15 years.

2.3.37 Key benefits for the UK are seen as including the opportunity for low carbon investment – recognised at a time when it is needed to support the UK's economic recovery from the COVID-19 health crisis.

[6] Department of Business Energy and Industrial Strategy.
[7] UN Climate Change Conference of the Parties – to be held in Glasgow, November 2021.

2.3.38 Figure 2.2 below illustrates the recommended Sixth Carbon Budget showing how it relates to the first five budgets which are already legislated to 2032, the end of the Fifth Carbon Budget period. Although the budget extends to 2037, the CCC advice in this most recent CCC report covers the full path for emissions to net zero by 2050.

Figure 2.2: The Recommended Sixth Carbon Budget (CCC, December 2020)



Source: BEIS (2020) *Provisional UK greenhouse gas emissions national statistics 2019*; CCC analysis
Notes: Emissions shown include emissions from international aviation and shipping (IAS) and on an AR5 basis, including peatlands. Adjustments for IAS emissions to carbon budgets 1-3 based on historical IAS emissions data; adjustments to carbon budgets 4-5 based on IAS emissions under the Balanced Net Zero Pathway.

2.3.39 Page 23 refers to the devolved nations and sets out that "*UK climate targets cannot be met without strong policy action across Scotland, Wales and Northern Ireland" and recognises that although the main policy levers are held by the UK Government, Scotland can take action through complementary measures at the devolved level including supporting policies such as "planning and consenting*".

2.3.40 Page 29 sets out recommendations for action including "*delivering the actions required in the 2020s to meet the Sixth Carbon Budget requires policies to be strengthened now. Matching strong ambition with action is vital for the UK's credibility*…"

2.3.41 In terms of next steps, the Government needs to set the Sixth Carbon Budget in law by the end of June 2021 and this is to be followed "*as soon as is practicable by a set of policies and proposals that demonstrably would meet the budget*" (page 31).

2.3.42 The report sets out recommendations for policy and in relation to the devolved administrations and with regard to planning policy, sets out at page 235 that planning frameworks are a useful lever over infrastructure that needs to be well aligned to objectives for emissions reduction in devolved administrations including "*a favourable planning regime for low cost onshore wind*".

2.3.43 Key points from the Sixth Carbon Budget include:

- UK climate targets cannot be met without strong policy action in Scotland where action can be taken in terms of "planning and consenting".

- The CCC is clear in setting out that new demand for electricity will mean that electricity demand will rise 50% to 2035 and "*doubling or even trebling by 2050*".
- The Sixth Carbon Budget needs to be met /achieved and that will need more and faster deployment of renewable energy developments than has happened in the past.
- The related 'Methodology Report' from the CCC advice, states that in all scenarios for the carbon budget and looking ahead to 2050, the CCC sees "*new onshore wind generation being deployed by 2050*". They set out that their "*modelling reflects this by almost doubling onshore wind capacity to 20-30 GW in all scenarios by 2050*."
- Key benefits for the UK are seen as including the opportunity for low carbon investment – recognised at a time when it is needed to support the UK's economic recovery from the COVID-19 health crisis.

The UK Energy White Paper (December 2020)

2.3.44 The Energy White Paper 'Powering our Net Zero Future' was published on 14 December 2020. Key points include:

- The White Paper builds on the Prime Minister's 'Ten Point Plan' (18 November 2020) to set the energy-related measures and a long-term strategic vision for the energy system, consistent with net zero emissions by 2050.
- It sets out (page 2) that it "*puts net zero and our effort to fight climate change at its core*."
- It aims to support a 'green recovery' from COVID-19 and confirms that electricity demand could double by 2050.
- Whilst offshore renewables are expected to grow significantly, the White Paper also sets out that "*onshore wind and solar will be key building blocks of the future generation mix, along with offshore wind. We will need sustained growth in the capacity of these sectors in the next decade to ensure that we are on a pathway that allows us to meet net zero emissions in all demand scenarios*" (page 45).

2.4 Scottish Government Policy and Renewable Energy Generation Targets

2.4.1 In recent years there has been a large number of Scottish Government policy documents (as well as statute) on the topic of climate change and renewable energy. In this section the following more recent documents are referred to, with key policy objectives and targets highlighted:

- The Scottish Energy Strategy (2017);
- The Onshore Wind Policy Statement (2017);
- Statements from the First Minister on the 'Climate Emergency';
- The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019;
- The CCC advice to the Scottish Government on recovery from the COVID-19 crisis (May 2020);
- The recommendations from the Scottish Government's Advisory Group on Economic Recovery (June 2020);
- The Report from the Climate Emergency Response Group (CERG) 'Eight Policy Packages for Scotland's Green Recovery' (July 2020);
- The Programme for Government (2020); and
- The Update to the Climate Change Plan 2018-2032 (December 2020).

The Scottish Energy Strategy (2017)

2.4.2 The Scottish Energy Strategy (SES) was published in December 2017 and sets a 2050 vision for energy in Scotland as "*a flourishing, competitive local and national energy sector, delivering secure, affordable, clean energy for Scotland's households, communities and businesses*".

2.4.3 The strategy also contains new whole system targets for 2030 as follows:-

- The equivalent of 50% of the energy for Scotland's heat, transport and electricity consumption to be supplied from renewable sources;
- An increase by 30% in the productivity of energy use across the Scottish economy.

2.4.4 The SES further states with regard to the 50% target: "*Scottish Government analysis underpinning this target, shows that renewable electricity ….could rise to over 140% of Scottish electricity consumption, ensuring its contribution to the wider renewable energy target for 2030. This assumes a considerably higher market penetration of renewable electricity than today – requiring in the region of 17 GW of installed capacity in 2030 (compared to 9.5 GW in June 2017)*." (underlining added).

2.4.5 The SES refers to "Renewable and Low Carbon Solutions" as a strategic priority (page 41) and states "*we will continue to champion and explore the potential of Scotland's huge renewable energy resource, its ability to meet our local and national heat, transport and electricity needs – helping to achieve our ambitious emissions reduction targets*".

2.4.6 The SES sets out what is termed the "opportunity" for onshore wind and there is explicit recognition that onshore wind is amongst the lowest cost forms of power generation. It is also recognised as "*a vital component of the huge industrial opportunity that renewables creates for Scotland*".

2.4.7 Reference is made to the employment levels and economic activity derived from onshore wind and the SES sets out that the Government is "*determined to build on these strengths*".

2.4.8 The SES sets out the Government's clear position on onshore wind namely:

"*our energy and climate change goals mean that onshore wind must continue to play a vital role in Scotland's future – helping to decarbonise our electricity, heat and transport systems, boosting our economy, and meeting local and national demand*."

"*That means continuing to support development in the right places, and – increasing the extension and replacement of existing sites with new and larger turbines, all based on an appropriate, case by case assessment of their effects and impacts and it means developers and communities working together and continuing to strike the right balance between environmental impacts, local support, benefits, and – where possible economic benefits deriving from community ownership*". (underlining added)

2.4.9 The SES adds:

"this can be done in a way which is compatible with Scotland's magnificent landscapes, including our areas of wild land. This means that the relevant planning and consenting processes will remain vitally important. A major review of the Scottish planning system is well underway and will continue as now to fully reflect the important role of renewable energy and energy infrastructure, in the right places".

2.4.10 The SES goes on to cross refer to further detail in relation to onshore wind as contained within the Onshore Wind Policy Statement (OWPS) which has been published alongside the SES. The SES therefore, in addition to setting new stretching renewable energy and electricity targets, gives unequivocal strong policy support for the further development of onshore wind. In short, there is a renewed and enhanced impetus being imparted, rather than just a continuation of previous support.

2.4.11 Page 69 references "near term actions" for onshore wind including:

- "*Build on the positive and practical provision for onshore wind in our planning system under the next National Planning Framework and Scottish Planning Policy; and*
- *Implement the new Onshore Wind Policy Statement, which underlines the continued importance of this established low-cost resource*". (underlining added).

2.4.12 On the basis of the near-term actions for onshore wind in the SES (see above), it can be anticipated that these new national planning policy documents, with their enhanced status, will reflect this strong support for onshore wind now set out in the SES and OWPS. A National Planning Framework 4 (NPF4) 'Position Statement' was published in late November 2020 – this is referred to below.

The Onshore Wind Policy Statement (2017)

2.4.13 The OWPS, published in December 2017 sets out the up-to-date national policy position in relation to onshore wind. The Ministerial Foreword sets out that "*there is no question that onshore wind is a vital component of the huge industrial opportunity that renewables more generally create for Scotland*".

2.4.14 It adds "*our energy and climate change goals mean that onshore wind will continue to play a vital role in Scotland's future – helping to substantively decarbonise our electricity supplies, heat and transport systems, thereby boosting our economy*."

2.4.15 Chapter 1 is entitled 'Route to Market' and it sets out (paragraph 2) that onshore wind, as a mature and established technology, is now amongst the lowest cost forms of generating electricity, renewable or otherwise. It adds "*we expect onshore wind to remain at the heart of a clean, reliable and low carbon energy future in Scotland*".

2.4.16 Establishing a route to market is essential to enable wider deployment and an increased contribution from onshore wind. In a subsidy free context, it will be the larger scale developments that can capture a good wind resource and which have cost effective grid connection arrangements which will make a valuable early contribution to targets.

2.4.17 Paragraph 3 continues: "*In order for onshore wind to play its vital role in meeting Scotland's energy needs, and a material role in growing our economy, its contribution must continue to grow. Onshore wind generation will remain crucial in terms of our goals for a decarbonised energy system, helping to meet the greater demand from our heat and transport sectors, as well as making further progress towards the ambitious renewable targets which the Scottish Government has set*".

2.4.18 The statement therefore makes it very clear that onshore wind is expected to make a significant contribution to Scotland's energy needs including renewable targets into the long term.

2.4.19 Paragraph 4 of Chapter 1 states that given the recognised contribution that onshore is expected to make to Scotland's future energy and renewable targets "*this means that Scotland will continue to need more onshore wind development and capacity, in locations across our landscapes where it can be accommodated*". This statement not surprisingly therefore continues the current approach as set out in SPP that, whilst there is a very strong need case for further onshore wind development, environmental considerations are factors to be taken into account in the operation of the planning system. This principle is reflected throughout the OWPS.

2.4.20 Paragraph 8 of Chapter 1 emphasises the industrial opportunity presented by a growing onshore wind sector and it states that "*the extent to which we can continue to capture these benefits, remains a top priority for Scottish Ministers*".

2.4.21 The role of onshore wind in sustaining and further growing the supply chain for the sector is therefore a very important consideration and this is recognised in SPP at paragraph 169.

2.4.22 Paragraph 23 states that the Scottish Ministers "*acknowledge that onshore wind technology and equipment manufacturers in the market are moving towards larger and more powerful (i.e. higher capacity) turbines and that these by necessity – will mean taller towers and blade tip heights*". (underling added)

The declared Climate Emergency in Scotland

2.4.23 Scottish First Minister Nicola Sturgeon declared a "Climate Emergency" in her speech to the SNP Conference in April 2019, stating:

"As First Minister of Scotland, I am declaring that there is a climate emergency. And Scotland will live up to our responsibility to tackle it." Referring to the recently published CCC advice, Ms Sturgeon added *"if that advice says we can go further or go faster, we will do so*".

2.4.24 Subsequently, Climate Change Secretary Roseanna Cunningham made a statement on 14 May 2019? to the Scottish Parliament on the 'Global Climate Emergency'. Again, with reference to the recent CCC Report:

" There is a global climate emergency. The evidence is irrefutable. The science is clear and people have been clear: they expect action The Intergovernmental Panel on Climate Change issued a stark warning last year the world must act now By 2030 it will be too late to limit warming to 1.5 degrees.

We acted immediately with amendments to our Climate Change Bill to set a 2045 target for net zero emissions - as we said we'd do. If agreed by Parliament, these will be the most stringent legislative targets anywhere in the world and Scotland's contribution to climate change will end, definitively, within a generation. The CCC was clear that this will be enormously challenging...."

2.4.25 The Minister also highlighted the important role of the planning system stating:

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

The Scottish Government has therefore begun to act on the stark warnings issued by the IPCC who have stated that by 2030 it would be too late to limit global heating to 1.5 degrees – but there is much more to be done".

2.4.26 The current situation is more urgent and more grave than that which prevailed in 2014 when SPP and NPF3 where published and that must therefore go to the matter of weight to be attributed to the benefits of the Proposed Development and the need case.

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

2.4.27 It is important to take into account the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 ('the 2019 Act'). The Scottish Government, having taken advice from the Committee on Climate Change, progressed this legislation which received Royal Assent on 31 October 2019. The Act sets a legally binding target of 'net zero' emissions for Scotland by 2045 at the latest, five years ahead of the date set for the whole of the UK. The Act amends the Climate Change (Scotland) Act 2009.

2.4.28 It is also relevant to note that at Stage 3 of the Bill in Parliament the interim target for 2030 was amended and strengthened from a 70% to a 75% reduction in emissions lower than the baseline of 1990 levels (and 90% for 2040)[8]. The new targets were brought into force by way of Commencement Regulations on 23 March 2020[9]. Table 2.1 below sets out the annual targets for every year to net-zero.

2.4.29 The Scottish Government publishes an Annual Target Report[10] that sets out whether each annual emissions reduction target has been met. The latest report is for the 2018 target year which was published in June 2020. The Report states that the 'GHG Account' reduced by only 50% between

[8] Progress against the targets is measured against 1990 levels of carbon dioxide, methane and nitrous oxide and 1995 levels of hydroflurocarbons, perflurocarbons, sulphur hexafluoride and nitrogen trifluoride.
[9] The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 (Commencement) Regulations 2020.
[10] Scottish Government, Official Statistics, Scottish Greenhouse Gas Emissions 2018, (June 2020).

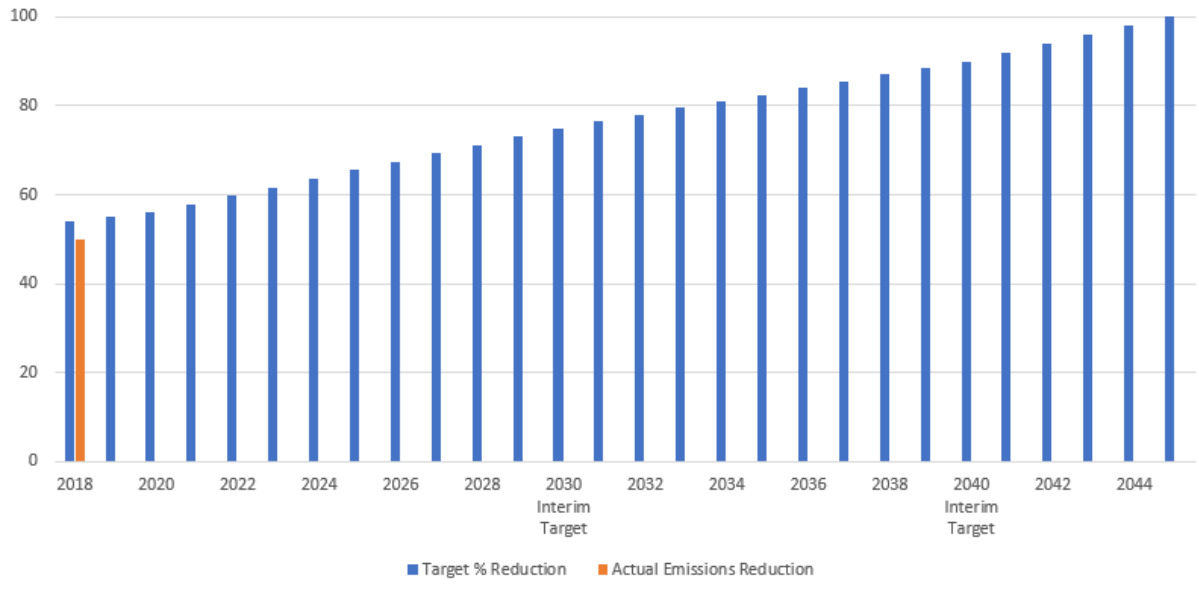
the baseline period and 2018. As noted, the 2019 Act specifies a 54% reduction over the same period – therefore the target for 2018 has not been met.

Table 2.1: Scotland's Annual Emission Reduction Targets to Net Zero

Year	% Reduction Target	Actual Emissions Reduction %	Year	% Reduction Target
2018	54	50	2032	78
2019	55	-	2033	79.5
2020	**56**	Interim Target	2034	81
2021	57.9	-	2035	82.5
2022	59.8	-	2036	84
2023	61.7	-	2037	85.5
2024	63.6	-	2038	87
2025	65.5	-	2039	88.5
2026	67.4	-	**2040**	**90 (Interim)**
2027	69.3	-	2041	92
2028	71.2	-	2042	94
2029	73.1	-	2043	96
2030	**75**	Interim Target	2044	98
2031	76.5	-	**2045**	**100% NET ZERO**

2.4.30 This target position is illustrated in Figure 2.3 below.

Figure 2.3: Scotland's Annual Emission Reduction Targets to Net Zero – Current Position



2.4.31 The Scottish Government has now updated the 2018 Climate Change Plan to reflect the increased ambition of the targets set in the 2019 Act, to help ensure delivery of the long-term targets for every year to net-zero. This is referred to below.

CCC Response to Scottish Government on advice for a Green Recovery (May 2020)

2.4.32 The CCC wrote to the Scottish Government (6 May 2020) following a request for advice on 'a green recovery for Scotland' in light of the COVID-19 crisis. The CCC advice relates to how climate policy can play a core part of the Government's approach to 'rebuilding' after the COVID-19 crisis.

2.4.33 In the letter, the CCC set out that "*reducing greenhouse gas emissions and adapting to climate change should be integral to any recovery package. These remain scientific, economic and social imperatives and will only be delivered if ambitious steps are taken by the Scottish Government*". The CCC make it clear that there are clear economic, social and environmental benefits for immediate expansion including "*investment in low carbon and climate resilient infrastructure*".

2.4.34 The CCC also comment that delaying the update to Scotland's Climate Change Plan Update was the right decision and it is welcomed in terms of it being 'reframed' in the context of a 'green pathway' to aid an economic recovery and to be in line with Scotland's statutory net zero targets. The Update was published in December 2020.

2.4.35 The CCC set out various principles for a resilient recovery which include comprehensive plans to reduce emissions and prepare for climate change – the CCC notes that these are not yet in place and that "*strong policies from across Government are needed to reduce our vulnerability and to the destructive risks of climate change and to avoid the disorderly transition to net zero*".

2.4.36 The Annex to the letter adds that the UK and Scottish Governments have already declared their intentions to deliver large scale national infrastructure programmes. The CCC state that "*many of these projects are critical to preparing for climate change and achieving net zero emissions*." Reference is specifically made in this regard to matters such as electric vehicle charging infrastructure, hydrogen production and "onshore wind". The letter adds that "*acceleration of these projects should take priority*". (underlining added)

The Report of the Advisory Group on Economic Recovery (June 2020)

2.4.37 The Scottish Government received the report of the Advisory Group on Economic Recovery - entitled 'towards a robust, resilient well-being economy for Scotland' in June 2020. The group was established by the Scottish Government in April 2020 as a response to the long term impact of COVID-19 and was specifically asked to focus on Scotland's economic recovery with the emphasis on the period after the immediate emergency created by COVID-19 had been addressed.

2.4.38 The report provides advice to the Scottish Government on actions across businesses sectors and regions throughout Scotland and the solutions are intended to enable a swift economic recovery and one that also ensures the Scottish economy will emerge stronger and more resilient.

2.4.39 The report recognises amongst various measures that there is a need now to considerably increase the pace and scale of deployment of renewables to meet low carbon generating targets over the next 25 years and to enable Scotland to: "*grasp the tremendous opportunities for a green recovery which such a transition offers*".

2.4.40 It adds: "*This imperative presents increased and urgent challenges for the existing policy, planning and licensing framework to identify and consent suitable projects with a sufficient level of impact in the light of the climate emergency at a scale and to a timetable to deliver on Scotland's net zero targets*".

2.4.41 The report sets out that the economic recovery will be long, but action needs to start now. It recommends that the Scottish Government needs to define and execute its recovery plan with purpose and urgency.

The Report of the Climate Emergency Response Group to the Scottish Government (July 2020)

2.4.42 The Report from the Climate Emergency Response Group[11] (CERG) entitled 'Eight Policy Packages for Scotland's Green Recovery' was published in July 2020.

2.4.43 The Report sets out that the CCC has written to the Scottish Government with their own initial advice on 'Building a resilient recovery from the COVID-19 crisis' which has now been followed with more detail in its 2020 Progress Report to the UK Parliament. The CERG has developed its policy packages, building on the CCC advice as well as providing CERG principles for a green recovery.

2.4.44 The Report recognises that there has been an enormous impact on the economy in Scotland as a result of COVID-19, potentially of a scale not seen since the Great Depression of the 1920s. It adds:

"*Going into this crisis, the Scottish Government's response to the climate emergency was beginning to gather pace following the Programme for Government announcements in September 2019. New policies were being developed across sectors, and new finance had been allocated to key areas by the 2020/21 Scottish Budget. However, gaps remained in translating policy ambition into policy delivery, and to this extent the necessary refocussing of government attention by the current COVID-19 crisis may have temporarily delayed our response to the climate emergency*." (page 8)

2.4.45 This report is focussed on delivering practical, workable, solutions that the Scottish Government can implement now, in order to move Scotland towards a net-zero economy, while recovering from the COVID-19 crisis.

2.4.46 The recommendations include eight policy packages identified as priorities for accelerating Scotland's climate emergency response as part of a wider economic recovery package for a fairer and greener Scotland. The policy packages are divided into four priority areas for economic recovery and four priority strategies which describe the policy and fiscal approaches which are recommended.

2.4.47 One of the four priority strategies, is entitled 'Unlocking private investment with greater policy certainty'. It states:

"The recovery must be investment-led, and the demand for high-quality investments remains much greater than the supply – evidenced by very low interest rates, resilient stock markets, etc. The Scottish Government can secure additional investment by creating an attractive policy environment for investors, resulting in stronger business cases for a climate neutral economy and channelling investment in the right direction. This securing of private investment through greater policy certainty will be at least as important as the role of public sector investment."

2.4.48 Set out under what can be achieved in the near term (next 6-12 months) is reference to planning and onshore wind as follows:

"*Planning policy. Update existing planning guidance to enable new and existing onshore wind planning consents and enhance the competitiveness of Scottish projects. This will help ensure that Scotland secures a high share of Contract for Difference or alternatively financed onshore renewable projects in the coming years*."

2.4.49 The CERG Report states that the Group:

[11] The CERG comprises leaders spanning Scotland's private, public and third sectors, delivery organisations and membership bodies. The group aims to inform and influence the Scottish Government's response to the climate emergency by providing practical, workable solutions that can be implemented – now. After launching in August 2019, the group's 12-point plan for action was adopted by the Scottish Government as part of its 2019 Programme for Government to support its target of achieving net zero carbon emissions by 2045.

"*encourages the Scottish Government to embrace these policy packages as key components of its economic recovery plans for a fairer and greener Scotland. These commitments should be reflected in the key milestones over the next few months – starting with the Government's response to the report from the Advisory Group on Economic Recovery, and continuing with the Programme for Government, the review of the Infrastructure Investment Plan, and the new Climate Change Plan*".

2.4.50 The Report concludes by stating that:

"*Scotland's response to COVID-19 is a massive opportunity to catapult and prioritise a just transition to a net-zero economy….this report has identified specific policy proposals which can help make that a reality - directly addressing the economic concerns resulting from the public health crisis while stepping up our response to the climate crisis – an existential emergency that has not gone away. The packages have also been designed to make the most of the wider social, health and well-being benefits*."

The Programme for Government (2020)

2.4.51 The Scottish Government's Programme for 2020-21 was published in September 2020. Chapter 1 of the document is entitled 'a National Mission to Create New Jobs, Good Jobs and Green Jobs'.

2.4.52 Page 4 sets out that central to the economic recovery is a new national mission in terms of employment creation. It adds:

"*our economic recovery must be a green recovery. Even before the pandemic, we knew we had significant work to do in order to improve the state of nature and meet our statutory commitment to be a net zero society by 2045. The impact of the crisis has reinforced the need for that, but also the opportunities it presents.*

We will immediately put a clear new focus on our updated Climate Change Plan, ensuring it reflects our new starting point and the central importance of a green recovery to Scotland's progress".

2.4.53 Page 36 sets out that "*the Government's response will ensure that a green recovery is at the heart of the economic recovery" and it states that "an updated Climate Change Plan will be published before the end of 2020*".

The Update to the Climate Change Plan (2018-2032) (December 2020)

2.4.54 The Scottish Government published the update to the Climate Change Plan (CCP) 'Securing a Green Recovery on a Path to Net Zero' on 16 December 2020. The plan covers the period 2018-2032 and responds to the new net zero targets aimed at ending Scotland's contribution to climate change by 2045. The period it covers refers to the timescale in which the Government has committed to reduce greenhouse gas emissions by 75% by 2030 (compared with 1990 levels).

2.4.55 A key part of the plan is the green recovery and it states (page 1) that:

"*It is essential that a recovery from the pandemic responds to the climate emergency, and puts us on a pathway to deliver our statutory climate change targets and a just transition to net zero, by ensuring our actions in the immediate term are in line with our long term goals*".

"*The Scottish Government has been clear in its commitment to securing a just and green recovery, which prioritises economic, social and environmental well-being, and responds to the twin challenges of the climate emergency and biodiversity loss*".

2.4.56 The various policies and actions in the update are set out on a sector-by-sector basis, however, there is emphasis on the need to achieve climate change targets by what is termed a "joined up" approach. This is explained by reference to the development of renewable energy which is aimed at supporting "*decarbonisation across the whole energy system, including electricity, transport, industry and buildings" and "integrating climate change action into all of the decisions we make across Government*" (page 9).

2.4.57 In terms of electricity, the CCP update announces, "*further policies to continue the rapid growth in renewable generation over the past 20 years, moving from a low to a zero-carbon electricity system*".

2.4.58 Reference is also given to the intention to prepare an Energy Strategy update in 2021 and an updated Electricity Generation Policy Statement by 2022. Page 18 refers to the "pathway to 2032" and sets out what the policies mean in practice. It states:

"*by 2032 our energy system will be in the midst of a major transformation, integrating new ways of producing, transporting and using energy with existing technologies. This transformation will be planned and developed through a systems led approach, ensuring that decisions take account of the benefits across all of the energy sectors as well as the economic and social benefits they create for everyone in Scotland. By 2032 we will generate at least the equivalent of 50% of our energy across heat, transport and electricity demand from renewable sources*".

"*our electricity system will have deepened its transformation for the better, with over 100% of Scotland's electricity demand being met by renewable sources. More and more households, vehicles, businesses and industrial processes will be powered by renewable electricity, combined with green hydrogen production. There will also be a substantial increase in renewable generation, particularly through new offshore and on shore wind capacity*" (page 18). (underlining added)

2.4.59 Chapter 1 addresses electricity. Paragraph 3.1.4 recognises that as Scotland transitions to net zero, a growing and increasingly decarbonised electricity sector "*is critical to enabling other parts of our economy to decarbonise – notably transport, buildings and industry*". Other key points include:

2.4.60 Annex A of the CCP contains policies and proposals. For the electricity sector, 'outcome 1' is that "*the electricity system will be powered by a high penetration of renewables, aided by a range of flexible and responsive technologies*".

2.4.61 In addition, the target is maintained of "*a new renewable all energy consumption target of 50% by 2030, covering electricity, heat and transport*".

2.4.62 In terms of the coordinated approach needed, Section 2.5 refers to the planning system and the forthcoming NPF4. Planning is seen as a "*key delivery mechanism for many of the policies within this climate change plan update, across all sectors*".

2.4.63 Key points from the Climate Change Plan Update include:

- Government views it as essential that a recovery from the pandemic responds to the climate emergency and puts Scotland on a pathway to deliver statutory climate change targets and a transition to net zero.
- A growing and increasingly decarbonised electricity sector is seen as critical to enabling other parts of the economy to decarbonise, particularly transport, buildings and industry.
- Planning is recognised as remaining as a "*critical enabler of rapid renewables deployment in Scotland*".
- The need to invest in renewable generation and related infrastructure to reduce greenhouse gas emissions is critical to creating good, green jobs as part of the green recovery and longer-term energy transition.
- Renewable generation is expected to increase substantially between now and 2032 with an expectation of development of between 11 and 16 Giga Watts (GW) of new capacity during this period, "helping to decarbonise our transport and heating energy demand" (page 40).
- Electricity demand is expected to have grown considerably over this period.

2.5 Progress to the Scottish Renewable Energy & Electricity Targets

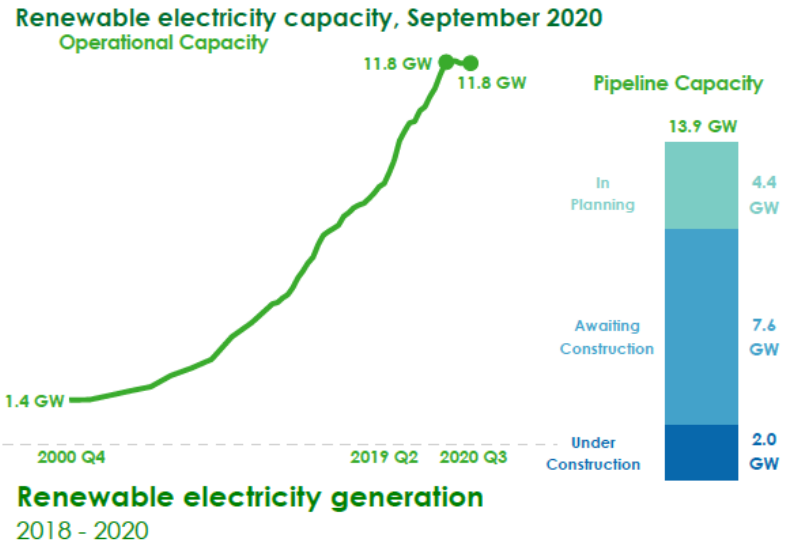
Renewable Energy

2.5.1 The Scottish Government's targets are to achieve 30% of total Scottish energy use from renewable sources by 2020 and 50% by 2030. The Government's 'Energy Statistics for Scotland' (December 2020) show that in 2019, 24% of total Scottish energy consumption came from renewable sources.

Renewable Electricity

2.5.2 The Scottish Government estimates that in 2019, renewable sources generated the equivalent of approximately 89.5% gross electricity consumption[12]. The target was 100% by 2020.

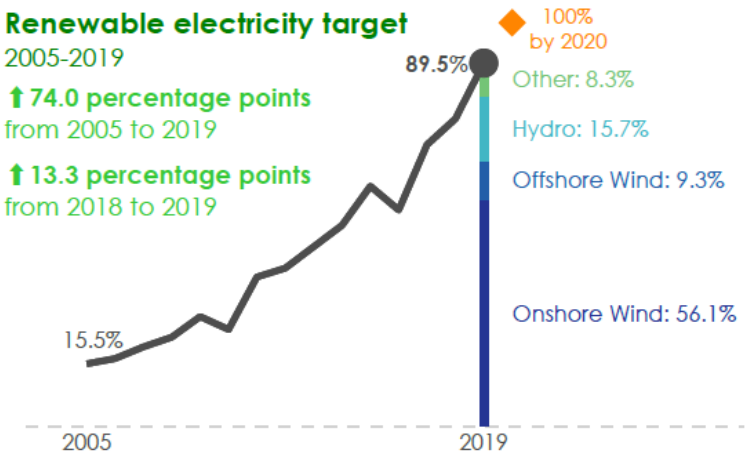
Figure 2.4: Renewable Electricity in Gross Electricity Consumption



Renewable Electricity Capacity

2.5.3 The Scottish Government's[13] statistics show that as of September 2020, Scotland had 11.9 Giga-Watts (GW) of installed (operational) renewable electricity generation capacity, with an additional 1.5 GW of capacity under construction and 7.9 GW consented. Figure 2.5 below illustrates Scotland's renewable capacity by stage in the planning process.

Figure 2.5: Renewable Capacity in Scotland by Planning Stage, as of September 2020



[12] Scottish Government, Renewable Energy Statistics, December 2020.

[13] *ibid.*

2.5.4 The Proposed Development would make a valuable contribution to Scotland's renewable energy, electricity and emissions reductions targets. Government has consistently recognised that not all consented capacity will be built out, for various reasons. Many projects will need variations to increase scale. The figures underline that Scotland is off track to meet the challenging 2030 target.

2.5.5 The Committee on Climate Change (CCC) sets out in the Sixth Carbon Budget (referenced above) that if the UK government is to meet its net zero target by 2050, this would require a significant acceleration of onshore wind deployment. Modelling by the CCC for the Carbon Budget, indicates that onshore wind requires to be doubled to 25-30GW in all scenarios by 2050. There also has to be recognition that many onshore wind projects will require to be decommissioned in the 2030s – not all projects will be repowered.

2.6 Conclusions on the Renewable Energy Policy Framework

2.6.1 The Scottish Energy Strategy (SES) (2017), which preceded many of the important events and publications referred to above, already sets out that onshore wind is recognised as a key contributor to the delivery of renewable energy targets – specifically the 2030 50% energy from renewable sources target.

2.6.2 The SES did not and could not take account of what may be required in terms of additional renewable generation capacity to attain the new legally binding 'net zero' targets. Regardless, the Government's 2020 renewable electricity target remains unmet and has been supplemented by the stretching 2030 targets and as noted, those relating to net zero emissions.

2.6.3 One of the key messages in the OWPS is the recognition that onshore wind is to play a "vital role" in meeting Scotland's energy needs, a "material" role in growing the economy and it is specifically stated that the technology remains "crucial" in terms of Scotland's goals for an overall decarbonised energy system and to attain ambitious renewable targets for the milestone dates of 2020, 2030 and 2045.

2.6.4 This language on the role of onshore wind is demonstrably stronger than that in the NPF and SPP published in 2014. Even if a view is taken that the language is no different, the context within which the NPF / SPP policy statements were given is demonstrably different by way of more stretching targets and no certainty on route to market for onshore wind. The increased importance of the contribution that onshore wind is expected to make to targets and meeting future energy needs to be recognised.

2.6.5 The OWPS also makes specific reference to the move *"towards larger and more powerful (i.e. higher capacity) turbines and that these by necessity – will mean taller towers and blade tip heights*". Notice is therefore given of market reality and evolving technological change and the benefits larger turbines can bring in terms of energy yield and a consequent larger contribution to targets.

2.6.6 Whilst the SES and the OWPS are evidence of a continuum of ever stronger positive advice on onshore wind development as part of the Scottish Government's renewables strategy, the latest documents and legally binding targets for net zero introduced in 2019 go further.

2.6.7 When it was enacted, the Climate Change (Scotland) Act 2009 set world leading greenhouse gas emissions reduction targets, including a target to reduce emissions by 80% by 2050. However, the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 sets even more ambitious targets – which reflect the recommendations of the CCC for a net zero GHG emissions target by 2045 at the latest, with challenging interim stages – a 75% reduction target by 2030 and 90% by 2040. This means the trajectory, in terms of scale and pace of action to reduce carbon dioxide emissions, is steeper than before.

2.6.8 The scale of the challenge presented by the new targets for net zero within the timescale adopted by the Scottish Government on the advice of the CCC is considerable, especially given the requirements for decarbonisation of heat and transport – this will require very substantial increases in renewable generation.

2.6.9 The Scottish Energy Minister[14] has stated that in light of adopting the CCC recommendations "*this means we have the most stringent statutory targets in the world*". Moreover, the CCC is unambiguous in stating that "*Current policy is insufficient for even the existing targets".*

2.6.10 A climate emergency is a grave situation that requires urgent action and cannot wait for new policies to emerge in years to come. Decisions through the planning system must be responsive to wider Government policy and Ministerial statements where there are clear planning implications and bring these material matters into play in planning determinations, by according these factors proper weight through the application of the planning balance. The current situation must therefore go to the matter of weight to be attributed to benefits and the need case for the Proposed Development.

2.6.11 The benefits of the Proposed Development would help attain these policy objectives – the net zero target which the NAO say is "a colossal challenge". Moreover, the Proposed Development would deliver economic benefits at a time of severe economic recession – consistent with the green recovery being sought by both the UK and Scottish Governments.

The Weight to be given to Renewable Energy Policy

2.6.12 It has to be acknowledged that the need case with regard to renewable generation and emissions reduction targets as set out in NPF3 and SPP, drafted in 2014, are more than 6 years old and do not reflect the new reality for the reasons outlined above. The documents are under review and have to a large extent been overtaken by new statutory provisions and related policy on renewable energy targets and GHG emissions reductions.

2.6.13 We can only expect the expression of the need case to intensify in future policy documents such as NPF4 which will need to facilitate the meeting of the new targets set by the 2019 Act.

2.6.14 The events of the last 18 months described above do not need formal planning policy articulation in order to be given weight in planning decisions by a decision maker. Significant weight should be given to the recent new law and net zero related pronouncements which clearly go much further than the current targets in SPP and NPF3.

2.6.15 The current situation is more urgent and more grave than that which prevailed in 2014 when SPP and NPF3 where published - that must therefore go to the matter of weight to be attributed to the benefits of the Proposed Development and the need case.

2.6.16 The Applicant does not suggest that the planning balance that needs to be struck should not reflect the advice in SPP. The fundamental planning principle that needs to be acknowledged and followed is that it is open to a decision maker to place the weight he or she thinks fit on a material consideration.

2.6.17 Any suggestion that the Climate Emergency does not give rise to an urgent need for action simply because, as yet, planning advice and guidance has not been amended would be misguided. As set out above, it is wholly legitimate for the planning system to take account of updated and emerging issues as material considerations in arriving at a decision on a proposal.

2.6.18 The Update to the Climate Change Plan is settled policy – it is clear that by 2032 there needs to be a substantial increase in renewable generation, particularly through new offshore and onshore wind capacity and the planning system is seen as a critical enabler of the rapid renewables deployment that is required. The CCP Update published in December 2020 is not a draft and should be afforded significant weight.

2.6.19 The Applicant's position is that the planning balance clearly needs to take into account SPP and NPF3 since they remain important material considerations unless and until replaced. However, as noted, other legislative interventions and statements of Government policy such as described above are also material considerations of relevance that should be afforded weight. Ultimately the

[14] Paul Wheelhouse, Minister for Energy, Connectivity and the Islands, Ministerial Foreword of the 'Annual Energy Statement 2019' Scottish Government.

amount of weight is for the decision maker to determine. In cases where older policy is out of step with newer relevant policy on a matter, it is not unusual to attach greater weight to the more recent policy as it stands to reason that the more recent document is more likely to reflect current requirements. In other words, the Applicant is not saying the current national planning policy framework is to be disregarded, but it does not currently reflect the weight that needs to be afforded to benefits and the speed of response of renewable deployment that is needed, as set out by the provisions of the 2019 Act. SPP and NPF3 are of their time and place and did not predict the scale of the transformation needed to a carbon free society however it is clear now (by way of the 2019 Act) that Scotland was not moving fast enough to achieve the necessary emissions reduction.

Relevant Recent Decisions

2.6.20 A recent Appeal Decision Notice helps to illustrate this approach. The Millenderdale Farm Appeal Decision Notice 16 April 2020 (DPEA Reference: PPA-370-2077) involved a five-turbine wind farm in South Ayrshire which was the subject of an Appeal following a refusal of planning permission by South Ayrshire Council. Although the Appeal was not upheld, the reasoning within it is informative on the matter of energy policy and how it should be addressed by way of a material consideration in a planning or indeed an Electricity Act determination.

2.6.21 In the decision, the Reporter at paragraph 78 states that both SPP and NPF3 offer strong support for onshore wind farms. At paragraph 80 she acknowledges that:

> "*SPP and NPF3 refer to, and are reflective of, the then legislative and policy context in relation to renewable energy and climate change. However, as the Appellant points out, this context has changed in the meantime*".

2.6.22 The Reporter went on at paragraph 81 to refer to new matters including the SES (2017) and the associated OWPS and the new Emissions Reduction Targets Act of 2019. Furthermore, the Reporter made a point of noting that as of 2019 the UK had not met its EU 2020 target for renewable energy and that there are further targets to be met by 2030 under that Directive which remain legally binding notwithstanding the UK's departure from the EU. The declared Climate Emergency in Scotland is also referenced.

2.6.23 At paragraph 83 of the decision, the Reporter states:

> *"I agree with the Appellant that all of this (and the various related documents supplied by the Appellant) demonstrates that they need to respond to climate change, the urgency and scale of that challenge, and the contribution of wind and other renewable energy in doing so, are all considerably heightened and important. I agree that, as a material consideration, this increases the value that should attach to the renewable energy benefits of the proposed development".*

2.6.24 The Reporter went on to state that those benefits would still need to be weighed in the overall planning balance. That is the approach that the Applicant is advocating in this case: namely that SPP and NPF3 provide the broad planning framework, in particular by way of the Spatial Framework and at paragraph 169 where there is reference to the various 'considerations' that need to come into play in a planning judgment.

2.6.25 SPP does not advise decision makers on the amount of weight that needs to be afforded to any given material consideration. It is clear from Millenderdale Wind Farm that the Reporter in that case placed greater weight on the benefits that would flow from a wind farm as a result of the 'considerably heightened' importance "of the need to respond to climate change".

2.6.26 It is informative to refer to the latest Scottish Minsters' Section 36 consent for a wind farm, namely Pauls' Hill II[15] which related to a seven turbine, 24 MW extension development in Moray. The Scottish Minsters granted consent on 11 December 2020. The Inquiry Report (IR) is dated 10 July 2020 and key points from an energy policy perspective include the following:

[15] Scottish Ministers' Decision Letter dated 11 December 2020. Case Reference WIN-300-3 and Inquiry Report dated 10 July 2020.

- The Reporter sets out his conclusions on the policy context from paragraph 2.96 *et seq*.
- At paragraph 2.130 the Reporter stated *"there is also the issue clearly identified by the CCC (and discussed below) that large scale electrification of heating and transportation in the future are likely to increase significantly, the requirement for electrical energy. This electricity will have to be generated by low carbon methods if compliance with recent net zero legislation (also discussed below) is to be achieved*."
- The Reporter adds at paragraph 2.132 "*turning to more recent developments, although the CCC's 2019 reports are not, in themselves, expressions of either UK or Scottish Government policy, I agree with the applicant that they are material considerations*." The Reporter added "*I agree with the applicant that some regard needs to be had to this expression by an independent advisor (informed by experts in the field) that a 'business as usual' approach is unlikely to deliver the emissions reductions (leading to net zero emissions (in Scotland) by 2045) that are now required by law*".

2.6.27 The Reporter also makes reference to the technical report that accompanied the CCC's net zero report (May 2019) which he states "*finds that emissions from the UK's electricity system can be reduced by approximately 97% whilst meeting increased electricity demands for transport and heat sectors, potentially doubling the size of today's electricity system. This will require what the CCC describes as 'sustained and increased deployment of renewables along with some flexible power generation……*".

2.6.28 The Reporter addressed the planning balance in Chapter 8 of the IR and with regard to additional energy policy material considerations concluded (paragraph 8.33):

"*For the reasons I set out in Chapter 2, I find the support this proposal can draw from SPP has been strengthened by the publication of subsequent policy and strategy documents such as the OWPS and SES. Very recent changes to legislation that commits Scotland to net zero carbon emissions by 2045 add some further support to the proposal, given the clear policy position that onshore wind energy is a positive contributor to the objective of lower carbon emissions. Further support can be drawn from the clear recognition by the CCC with the need for much greater progress on carbon emission reduction in the future, which has led to the declaration of a climate emergency*".

2.6.29 The increased weight to be given to benefits is justified on the basis of the new material considerations that have arisen since SPP and NPF3 were published in 2014. As the Reporters in these two cases rightly highlight, the context since then has considerably changed and that is what needs to be taken into account in planning decisions.

2.6.30 In the most recent renewable energy policy documents referred to, there is a consistent and what might be termed a 'green thread' which ties a number of related policy matters together: namely the 'colossal' and urgent challenge of net zero and the need to substantially increase renewable capacity and the need to make substantial progress by 2030. At the same time, there is the need to take advantage of the renewable and low carbon sector to drive the green recovery from the current coronavirus pandemic that has so devastated the UK economy. This is a consistent message at both the UK and Scottish Government levels which comes through clearly.

2.6.31 The conclusion remains that the need case is a very important consideration: not an over-riding matter, but one which should be afforded significant weight in this case – and these very recent material considerations strengthen that position, for the reasons set out.

3. Planning Policy & Guidance

3.1 Introduction

3.1.1 Relevant national planning policy guidance and advice is addressed in this Chapter. Reference is made to the National Planning Framework, Scottish Planning Policy (SPP) and Scottish Government advice on renewable developments. National planning policy is a very important consideration: amongst other matters it sets the framework of development management factors and the approach to Spatial Frameworks for onshore wind energy.

3.2 The National Planning Framework 3

3.2.1 The National Planning Framework 3 (NPF3) was published on 23 June 2014. NPF3 is a long-term strategy for Scotland and, pending the (overdue) fourth NPF, remains the spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Together, NPF3 and SPP (2014), applied at the strategic and local levels, are intended to help the planning system deliver the Scottish Government's vision and outcomes for Scotland and to contribute to the Government's central purpose of sustainable economic growth.

3.2.2 High level support for renewables is provided through the "vision" which is referred to as *inter alia*:

- A successful, sustainable place – *"we have a growing low carbon economy which provides opportunities…*";
- A low carbon place - *"we have seized the opportunities arising from our ambition to be a world leader in low carbon generation, both onshore and offshore…*";
- A natural resilient place - "*natural and cultural assets are respected; they are improving in condition and represent a sustainable economic, environmental and social resource for the nation…*".

3.2.3 Further support is provided in Chapter 3 "A Low Carbon Place" which sets out the role that Planning will play in delivering the commitments set out in 'Low Carbon Scotland: The Scottish Government's Proposals and Policies'. It states:

"*the priorities identified in this spatial strategy set a clear direction of travel which is consistent with our world leading climate legalisation*".

3.2.4 The introduction to Chapter 3 states that the Scottish Government's ambition "*is to achieve at least an 80% reduction of greenhouse gas emissions by 2020*".

3.2.5 Paragraph 3.7 states onshore wind is *"…recognised as an opportunity to improve the long-term resilience of rural communities*".

3.2.6 Paragraph 3.8 states that the Government's aim is to meet at least 30% of overall energy demand from renewables by 2020 – this includes generating the equivalent of at least 100% of gross consumption from renewables.

3.2.7 Paragraph 3.9 states:

"*Our Electricity Policy Statement sets out how our energy targets will be met. We are making good progress in diversifying Scotland's energy generation capacity, and lowering the carbon emissions associated with it, but more action is needed. Maintaining security of supplies and addressing fuel poverty remain key objectives. We want to continue to capitalise on our wind resource…*".

3.2.8 Paragraph 3.23 states that "*onshore wind will continue to make a significant contribution to diversification of energy supplies*".

3.2.9 In conclusion, it is clear that onshore wind development is recognised as a key technology in the energy mix which will contribute to Scotland becoming 'a low carbon place' which in turn will be a key part of the 'vision' for Scotland (as set out at paragraph 1.2 of NPF3). Furthermore, the Scottish Government has made it unequivocally clear that it wants to continue to *"capitalise on our wind resource*". The Development would contribute to the renewable electricity and energy targets as set out in NPF3 and to longer term Government policy objectives and targets.

3.2.10 Together NPF3 and SPP (see below) applied at the national, strategic and local level will help the planning system to deliver the vision and outcomes for Scotland for a sustainable and low carbon economy. The Development is consistent with the provisions of the NPF3, as it is considered that it makes a use of the natural wind resources to produce low carbon energy and diversify the energy mix. It is assessed to accord with the principle of sustainable development as it is designed and sited to minimise the effects on the environment, whilst bringing benefits to the local community and contributing to economic development.

3.3 Scottish Planning Policy

3.3.1 SPP was published on 23 June 2014 and amended in December 2020. The purpose of SPP is to set out national planning policies which reflect Scottish Government Ministers' priorities for the operation of the planning system, and for the development and use of land. Paragraph (iii) states that the content of SPP is a material consideration that carries significant weight, although it is for the decision maker to determine the appropriate weight to be afforded to it in each case.

Relationship of SPP to National Outcomes

3.3.2 Paragraph 9 of SPP refers to 'Outcomes' as they relate to the Scottish Government's 'Purpose' "*of creating a more successful country, with opportunities for all of Scotland to flourish through increasing sustainable economic growth*…".

3.3.3 Paragraph 10 adds that the Scottish Government's 16 national outcomes articulate in more detail on how the Purpose is to be achieved. It adds that the pursuit of these outcomes provides the impetus for other national plans, policies and strategies and many of the principles and policies set out in them are reflected in both SPP and NPF3.

3.3.4 Paragraph 13 introduces four planning outcomes which explain "*how planning should support the vision*" for the planning system in Scotland. These are further referred to below.

3.3.5 Paragraph 18 makes reference to the Climate Change (Scotland) Act 2009 which has set a target of reducing greenhouse gas emissions by at least 80% by 2050, with an interim target of reducing emissions by at least 42% by 2020. As explained below, the Government has now set updated emission reduction targets for 2030, 2040 and 2045.

Principal Policies of SPP

3.3.6 SPP contains two Principal Policies, namely 'sustainability' and 'placemaking'[16]. Sustainability is addressed at Page 9. SPP states at paragraph 24 that:

"*the Scottish Government's central purpose is to focus Government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth*".

3.3.7 Paragraph 27 cross refers to the Government's Economic Strategy which it states *"indicates that sustainable economic growth is the key to unlocking Scotland's potential … and to achieving a low carbon economy* …". It also makes reference to the need to maintain a high quality environment and to pass on "*a sustainable legacy for future generations*".

[16] 'Placemaking' is not addressed in this Planning Statement as it is directed at the built environment and not development of this type, in the countryside.

Presumption in Favour of Sustainable Development

3.3.8 An important 'Policy Principle' in the planning system, introduced by SPP is the updated presumption in favour of sustainable development.

3.3.9 The Scottish Government made changes to the presumption in SPP in December 2020, following a period of consultation. The previous paragraph 27 of SPP referred to a presumption in favour of development that contributed to sustainable development. The Scottish Government has now re-worded the presumption "*in favour of development that contributes to sustainable development*" so that it can be applied in a more straightforward way.

3.3.10 Page 24 of the Government's 'Finalised Amendments' to SPP make amendments to policy "*so that it more clearly supports sustainable development. It will now provide that there is a presumption in favour of sustainable development"* (page 24). The changes were made largely in light of housing matters, however the changes are relevant to all types of development. The changes relate to paragraphs 28 through to 33 of SPP.

3.3.11 Paragraph 28 states:

"*the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost*".

3.3.12 The amended policy principle is now set out as follows at paragraph 29 "*planning policies and decisions should support sustainable development. For the purposes of this policy, to assess whether a policy or proposal supports sustainable development, the following principles should be taken into account*". The various principles remain unchanged and are as set out in Table 3.1 below.

SPP Principles

3.3.13 Paragraph 29 of SPP sets out that policies and decisions should be guided by a number of principles. Those of relevance are listed in Table 3.1 below together with a summary response of the extent to which the Proposed Development would be consistent or otherwise with the respective principles, so far as relevant.

Table 3.1: SPP paragraph 29 'Principles'

Policy Principle	Proposed Development
1. Giving due weight to net economic benefit.	There would be net positive socio-economic effects.
2. Respond to economic issues, challenges and opportunities, outlined in local economic strategies.	The Proposed Development fits with the drive to encourage renewable energy development in the LDP.
3. Supporting good design and the six qualities of successful places.	Limited relevance as the six qualities are framed with traditional buildings etc. in mind - but in the particular context of commercial-scale wind development the Proposed Development represents good design as a successful layout has been achieved that fits with landscape character and local context while meeting functionality requirements - without unacceptable effects
4. Supporting delivery of infrastructure, for example transport, education, energy, digital and water.	The Proposed Development would deliver large scale energy infrastructure.
5. Supporting climate change mitigation and adaptation including taking account of flood risk.	The Proposed Development would help to support climate change mitigation by replacing fossil fuel energy generation with renewable energy, thereby reducing emissions of climate changing gases.
6. Improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation.	This principle is not of particular relevance to the proposal.
7. Having regard to the principles for sustainable land use set out in the Land Use Strategy.	The Land Use Strategy (2016-21) is a key commitment in the Climate Change (Scotland) Act 2009. The Strategy cross refers to development plans and their policies including landscape, biodiversity, and renewable energy development which, through planning decision making will help deliver the Strategy and the principles for sustainable land use. There would be natural capital benefit achieved through balancing the ongoing use of the land for productive forest, combined with renewable energy generation and enhanced biodiversity value through the implementation of the proposed Habitat Management Plan, which includes the restoration of permanent felling areas (which are currently overplanted with conifer plantation but will be cleared to facilitate the Proposed Development).
8. Protecting, enhancing and promoting access to cultural heritage, including the historic environment.	The Proposed Development would have a neutral effect in relation to this principle.
9. Protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment.	The Proposed Development would not restrict access and whilst there would be some significant landscape effects, the landscape has the capacity for the development at the scale proposed.
10. Avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.	There would be no conflict with this policy principle. The EIAR demonstrates a consideration of implications for the water environment, air and soils. The entire site is within the catchment of the Tarf Water (part of the River Bladnoch SAC), with the qualifying feature being Atlantic Salmon. No significant residual effects are predicted for water, air or soil quality.

3.3.14 As set out above, the Proposed Development satisfies the relevant principles set out at paragraph 29 of SPP and it would also assist in delivering SPP Outcomes (see further below) in particular Outcomes 1 and 2 (namely a successful sustainable and low carbon place) – indicating that overall the proposal is sustainable development. SPP sets out a presumption in favour of sustainable development. Furthermore, the proposal is considered to be acceptable when considered against the development management considerations in relation to renewable energy developments as set out at paragraph 169 of SPP.

3.3.15 The Proposed Development therefore benefits from the presumption in favour of sustainable development.

SPP & National Outcomes

3.3.16 Paragraph 9 of SPP refers to 'Outcomes' as they relate to the Scottish Government's 'Purpose' "*of creating a more successful country, with opportunities for all of Scotland to flourish through increasing sustainable economic growth*…".

3.3.17 Paragraph 10 adds that "*The Scottish Government's 16 national outcomes articulate in more detail on how the Purpose is to be achieved". It adds that "The pursuit of these outcomes provides the impetus for other national plans, policies and strategies and many of the principles and policies set out in them are reflected in both SPP and NPF3*".

3.3.18 Paragraph 13 of SPP introduces four planning outcomes which explain "*how planning should support the vision*" for the planning system in Scotland. Three of these outcomes are particularly relevant namely:

- Outcome 1: a successful sustainable place – supporting sustainable economic growth and regeneration, and the creation of well designed, sustainable places;
- Outcome 2: a low carbon place – reducing our carbon emissions and adapting to climate change; and
- Outcome 3: a natural, resilient place – helping to protect and enhance our natural and cultural assets and facilitating their sustainable use.

3.3.19 In particular, the Proposed Development would assist in delivering sustainable economic growth in line with Outcome 1.

3.3.20 The Proposed Development, given its nature and use would clearly assist in achieving Outcome 2 'a low carbon place'.

3.3.21 The Proposed Development would also assist in achieving Outcome 3 'a natural, resilient place', by reference to paragraph 21 in particular, which deals with the concept of a natural, resilient place in a wider context than merely visual amenity or landscape character. The Proposed Development would contribute to a natural, resilient place through the part it plays in mitigating the effects of climate change. As explained below, the Site can be regarded as a Group 3 location meaning that it is free of national level designations and many other types of constraints and is in a location in which wind farms are likely to be acceptable.

3.3.22 It also needs to be noted that very few developments would be able to contribute to all four outcomes – that the Proposed Development contributes positively to three (and the fourth one is not relevant) is to its credit and reinforces the engagement of the presumption.

Conclusions on the Presumption

3.3.23 The Proposed Development can be regarded as sustainable development and following consideration of the principles set out at paragraph 29 of SPP and the desired SPP 'outcomes' the proposal should benefit from the presumption.

SPP: Development Management for Energy Infrastructure Developments

3.3.24 Paragraph 169 of SPP states that proposals for wind farms should always take into account Spatial Frameworks for wind energy developments. It adds that considerations will vary relative to the scale of a proposal and area characteristics, but are likely to include:

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

3.3.25 Given the findings of the EIA and in light of the policy appraisal set out in this Planning Statement, the Proposed Development is considered to be acceptable overall in terms of the above considerations.

SPP Subject Policies – A Low Carbon Place

3.3.26 SPP addresses 'A Low Carbon Place' as a 'subject policy' on page 36 and refers to 'delivering electricity'. Paragraph 152 refers to the NPF context and states that NPF3 is clear that planning must facilitate the transition to a low carbon economy and help to deliver the aims of the Scottish Government. It is stated that Scotland has significant renewable energy resources, both onshore and offshore.

3.3.27 Paragraph 153 states that terrestrial planning "facilitates" development of renewable energy technologies, and guides new infrastructure to appropriate locations. It adds that "*efficient supply of low carbon and …. generation of …. electricity from renewable energy sources are vital to reducing greenhouse gas emissions*…". It explains that renewable energy also presents a significant opportunity for associated development, investment and growth of the related supply chain.

3.3.28 In terms of 'Policy Principles', Paragraph 154 states that the planning system should:

- Support the transformational change to a low carbon economy, consistent with national objectives and targets, including deriving:
  - 30% of overall energy demand from renewable sources by 2020;
  - The equivalent of 100% of electricity demand from renewable sources by 2020.
- Support the development of a diverse range of electricity generation from renewable energy technologies – including the expansion of renewable energy generation capacity;
- Guide development to appropriate locations and advise on the issues that will be taken into account when specific proposals are being assessed.

3.3.29 As explained in the previous Chapter, renewable energy and emissions reductions targets have however considerably 'moved on' relative to those set out in SPP which dates from 2014. The clear direction of policy now is to attain 'net zero' not simply a 'low carbon place' as per the current SPP.

Onshore Wind

3.3.30 Onshore wind is specifically addressed at Paragraph 161 *et seq* of SPP. Detailed guidance is provided for Planning Authorities with regard to the preparation of Spatial Frameworks for onshore wind development.

SPP: Spatial Framework Approach

3.3.31 With reference to the Spatial Framework approach set out in Table 1 of SPP (see below) the Site is largely within a Group 3 location: 'Areas with Potential for Wind Farm Development'.

Table 3.2: SPP Table 1: Spatial Frameworks

Table 1: Spatial Frameworks

<table>
<tr><td colspan="3">Group 1: Areas where wind farms will not be acceptable:
National Parks and National Scenic Areas.</td></tr>
<tr><td colspan="3">Group 2: Areas of significant protection:
Recognising the need for significant protection, in these areas wind farms may be appropriate in some circumstances. Further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.</td></tr>
<tr><td>National and international designations:
• World Heritage Sites;
• Natura 2000 and Ramsar sites;
• Sites of Special Scientific Interest;
• National Nature Reserves;
• Sites identified in the Inventory of Gardens and Designed Landscapes;
• Sites identified in the Inventory of Historic Battlefields.</td><td>Other nationally important mapped environmental interests:
• areas of wild land as shown on the 2014 SNH map of wild land areas;
• carbon rich soils, deep peat and priority peatland habitat.</td><td>Community separation for consideration of visual impact:
• an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge. The extent of the area will be determined by the planning authority based on landform and other features which restrict views out from the settlement.</td></tr>
<tr><td colspan="3">Group 3: Areas with potential for wind farm development:
Beyond groups 1 and 2, wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria.</td></tr>
</table>

3.3.32 A review of the SNH Carbon Rich Soil and Deep Peat and Peatlands Habitat Map (2016) confirms that areas of peat and organic material are present across the Site. Most of the Site is however Class 5, 'areas of peat soil but no peatland habitat recorded'. There is a small pocket of Class 1 ('nationally important carbon rich soils, deep peat and priority peatland habitat') and some areas of Class 2 (('nationally important carbon rich soils, deep peat and priority peatland habitat') located in the south of the Site (south of Mid Hill). The majority of the Site is covered with coniferous plantation woodland.

3.3.33 No significant areas of priority peatland habitat have been identified (other than the areas close to the southern boundary of the Site) and the design approach has generally avoided these areas.

3.3.34 The only other feature within the Site defined as an 'area of significant protection' (Group 2) is the Tarf Water as part of the River Bladnoch Special Area of Conservation (SAC). The SAC bisects the Site however any significant effects have been avoided.

3.3.35 There are no significant effects predicted in relation to carbon rich soils, deep peat and priority peatland habitat, or on the SAC, therefore, the Site can be regarded as Group 3 – namely an area with potential for wind farm development and in which wind energy development is likely to be acceptable subject to consideration against development management criteria.

3.3.36 In terms of development management, paragraph 169 of SPP sets out considerations for energy infrastructure and these have been referred to above.

NPF4 Position Statement (November 2020)

3.3.37 National Planning Framework 4 (NPF4) is being prepared by the Scottish Government to replace NPF3 and SPP and will represent a new National Plan and for the first time will become part of the statutory Development Plan. The NPF4 'Position Statement' was published by the Scottish Government on 26th November 2020.

3.3.38 A call for ideas for NPF4 was undertaken by the Scottish Government in early 2020 and the Position Statement "*sets out our current thinking to inform further discussions on the content of a draft revised framework for consultation. It aims to support those discussions and is not, in itself, a document setting out policy*".

3.3.39 The Statement makes it clear that the current NPF3 and SPP "*remain in place until NPF4 is adopted by Ministers*". Page 40 of the Statement states however that "*the Position Statement provides an idea of the direction of travel*" to inform a full draft of NPF4.

3.3.40 The plan looks ahead to 2050 and it is clear that a central element is a planning approach to deliver 'net-zero' emissions. The introductory section entitled 'Our Future Places' states that:

- "*a significant shift is required to achieve net-zero emissions by 2045*"; and that
- "*we will have to rebalance the planning system so that climate change is a guiding principle for all plans and decisions*".

3.3.41 It is also clear that a central part of the new policy approach will be to help stimulate the green economy.

Key Opportunities

3.3.42 In terms of future places, the Government has set out twelve "*key opportunities to achieve this*" and with specific reference to renewables, 'Opportunity 8' states "*supporting renewable energy developments, including the re-powering and extension of existing wind farms …* " (page 3).

Outcomes

3.3.43 The Statement sets out various outcomes for 2050 (page 5) and states that the long-term strategy "*will be driven by the overarching goal of addressing climate change. We must play our full part in tackling the global climate emergency by reducing greenhouse gas emissions in line with our legal targets*." The four key outcomes for NPF4 are expected to be as follows:

- Net-Zero Emissions;
- A Well-being Economy;
- Resilient Communities; and
- Better, Greener Places.

3.3.44 The Statement addresses each of these outcomes in turn, covering a summary of the principal consultation responses on these matters, emerging spatial priorities and outlines potential policy changes. In terms of the net-zero emissions outcome, the Statement sets out "*a plan for net-zero emissions*". Key points in this include that the Government will build on the Climate Change Plan and take forward the advice provided by the UK Committee on Climate Change. The Statement sets out that the new spatial strategy will:

- Prioritise emissions reduction – in this regard it states: "*climate change will be the overarching priority for a spatial strategy. To achieve a net-zero Scotland by 2045 and meet the interim emissions reduction targets of 75% by 2030 and 90% by 2040, an urgent and radical shift in our spatial plan and policies is required. Scotland's updated Climate Change Plan will be published later this year, setting a course for achieving the targets in the Climate Change (Emissions Reductions Targets) (Scotland) Act 2019. NPF4 will take forward proposals and policies to support it*."
- Deliver infrastructure to reduce emissions – it states: "*we expect that NPF4 will confirm our view that the Global Climate Emergency should be a material consideration in considering applications for appropriately located renewable energy developments*." (page 9).

Potential National Planning Policy Changes

3.3.45 In terms of potential policy changes (page 10), there are various proposals which are intended to "*support a spatial strategy for net-zero emissions*" and those of particular relevance include:

- "*Strengthening our support for re-powering and expanding existing wind farms*"; and
- *"Updating the current spatial framework for onshore wind to continue to protect National Parks and National Scenic Areas, whilst allowing development outwith these areas where they are demonstrated to be acceptable on the basis of site-specific assessments*".

3.3.46 In terms of the Wellbeing Economy outcome, the Statement sets out that the new spatial strategy will support a sustainable and green economic recovery and references the need to recover from the impacts of COVID-19 through "*a sustainable, green economic recovery, as recognised in the 2020 report by the Advisory Group on Economic Recovery*" (page 22).

Next Steps on NPF4 & Key Points

3.3.47 The Government is continuing its engagement process on NPF4 and has opened a further consultation period running up to 19 February 2021. A full draft of NPF4 is to be published in September 2021 at which time it will be laid before the Scottish Parliament and will also be the subject of wider public consultation with a view to being adopted in 2022.

3.3.48 Key points in the Position Statement include:

- Whilst the Statement does not yet provide any detail of any changes to spatial planning for onshore wind, the document is an expression of the Government's clear direction of travel of policy – involving a "rebalance" of the planning system "*so that climate change is a guiding principle for all plans and decisions*".
- The new spatial strategy will "*prioritise emissions reduction*" – which is underpinned and made necessary by the changes in energy policy and the law (in terms of emissions reduction targets).

- Onshore wind is the specific renewable technology referenced in the "key opportunities" and is expected to play a significant role in the plan for net-zero emissions.
- The Scottish Government is following the clear recommendations of the CCC, recognising an "*urgent and radical shift in our spatial plan and policies is required*".
- Recognises that the climate emergency should be a material consideration in considering applications for renewable energy developments.

3.3.49 It is clear that the Government is following the clear recommendations of the CCC, namely the need for an urgent and radical shift in policies and recognition that the climate emergency should be a material consideration in considering applications for renewable energy developments. Whilst the document does not represent formal planning policy, it is, as noted, a clear insight into the direction of travel of planning policy and the Statement represents a material consideration in the determination of the application.

3.4 Scottish Government Advice Notes & Renewables Guidance

Online Renewables Guidance & Planning Advice Notes

3.4.1 The Scottish Government's online renewables guidance is dated May 2014 and is currently under review. No conflict is identified with the national online guidance.

Spatial Planning for Onshore Wind Turbines – Natural Heritage Considerations – Guidance

3.4.2 Scottish Natural Heritage (SNH, now renamed NatureScot) published a policy document on the topic of spatial planning in June 2015 entitled 'Spatial Planning for onshore Wind Turbines – Natural Heritage Considerations – Guidance'. The document replaces the SNH 'Strategic Locational Guidance' for onshore wind farms. The guidance also makes the links between the SPP section on onshore wind (paras 161-172) and other parts of the policy which relate to natural heritage. The guidance states in the introduction on page 3:

"*SPP identifies a clear need for wind energy development to be accommodated in appropriate locations across Scotland to meet energy generation targets and mitigate climate change. Most planning authorities should therefore assume that there will be a future level of landscape change within some of their areas from wind turbines; obvious exclusions will include the National Park Authorities and the most densely populated areas. This guidance seeks to help planning authorities plan for this change and is focused on helping to guide development to the right locations* (SPP para 39)".

3.5 Conclusions on National Planning Policy & Guidance

3.5.1 Both NPF3 and SPP set out a strong position of support in relation to renewable energy and renewable energy targets and recognise the significant energy resource provided by onshore wind. This is clearly not at any cost and development continues to be guided to appropriate locations and environmental effects need to be judged to be acceptable when weighed against the benefits of such schemes before consents are forthcoming.

3.5.2 The Proposed Development benefits from the presumption in favour of sustainable development. The Proposed Development can also be considered the right development in the right place (paragraph 28 of SPP) and not only because the proposal is in accordance with the guiding principles relevant to this type of development set out in paragraph 29 of SPP, but also because what is proposed has a strong consistency with the declared desirable planning Outcomes within SPP. The Site previously hosted the previously consented Gass Wind Farm.

3.5.3 The Proposed Development footprint is in a location that can be regarded as a Group 3 location in which wind farms are likely to be acceptable subject to consideration of the criteria at paragraph 169 of SPP with regard to specific site and design approach circumstances.

3.5.4 Finally, with regard to national planning policy, it has to be acknowledged that the need case with regard to renewable generation and emissions reduction targets as set out in NPF3 and SPP is both out of date and out of step with current targets. The documents are under review and have to a large extent been overtaken by new renewable energy targets and statutory provisions on Greenhouse Gas (GHG) emissions reductions which have been explained in the previous Chapter.

3.5.5 Whilst the NPF4 Position Statement does not yet provide any detail of any changes to spatial planning for onshore wind, the document is an expression of the Government's clear direction of travel of policy involving a "rebalance" of the planning system "*so that climate change is a guiding principle for all plans and decisions*".

3.5.6 Furthermore, in terms of planning policy provisions set out in SPP, there is now a clear shift from what was then (in 2014) termed the move to a 'low carbon economy' – there is now an ambitious policy imperative to move to a 'net zero economy and society'. The Proposed Development can help achieve that clear policy objective.

4. The Development Plan & Onshore Wind Guidance

4.1 Introduction

4.1.1 The Development Plan for the DGC area is as follows:

- the Dumfries and Galloway Local Development Plan 2 (the "LDP") (adopted October 2019); and
- LDP2 'Wind Energy Development: Development Management Considerations' Supplementary Guidance (February 2020) (the "SG").

4.1.2 The SG contains at Appendix C, the 'Dumfries and Galloway Wind Farm Landscape Capacity Study' (the "DGWLCS").

4.1.3 The SG provides further detail in support of the development management considerations contained in LDP Policy IN2 'Wind Energy'. It sets out a statement on the main factors that are to be taken into account in reaching planning decisions and details the criteria contained in the policy. The SG does not introduce any new policy 'tests' as such.

4.1.4 Policy IN1 'Renewable Energy' relates to renewable energy proposals in general, and Policy IN2 is specific to wind energy.

4.1.5 Both policies are referenced below but the key policy within the LDP against which the Proposed Development should be assessed is Policy IN2. It is acknowledged that the SG sets out at Section 2.1 that proposals will be assessed against "all relevant policies in LDP2" – however it is considered that the policy provides an adequate policy basis against which to assess the development as its criteria are wide ranging. Nevertheless, for a comprehensive policy appraisal, other policies of the LDP are also referenced.

4.2 LDP Policy IN1 'Renewable Energy'

4.2.1 As noted, Policy IN1 is a general renewable energy policy therefore it would apply to technologies such as biomass, solar as well as wind energy. The policy sets out a position of support subject to assessment against various considerations.

4.2.2 Policy IN1 is as follows:

"*The Council will support development proposals for all renewable energy generation and/or storage which are located, sited and designed appropriately. The acceptability* of any Proposed Development will be assessed against the following considerations:*

- *landscape and visual impact;*
- *cumulative impact;*
- *impact on local communities and individual dwellings, including visual;*
- *impact, residential amenity, noise and shadow flicker;*
- *the impact on natural and historic environment (including cultural heritage and biodiversity);*
- *the impact on forestry and woodlands;*
- *the impact on tourism, recreational interests and public access.*

To enable this assessment sufficient detail should be submitted, to include the following as relevant to the scale and nature of the proposal:

- *any associated infrastructure requirements including road and grid connections (where subject to planning consent);*
- *environmental and other impacts associated with the construction and operational phases of the development including details of any visual impact, noise and odour issues;*
- *relevant provisions for the restoration of the site;*
- *the scale of contribution to renewable energy generation targets;*
- *effect on greenhouse gas emissions; and*
- *net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.*

Acceptability will be determined through an assessment of the details of the proposal including its benefits and the extent to which its environmental and cumulative impacts can be satisfactorily addressed."

4.2.3 Sufficient information has been provided with the application in terms of the matters listed in Policy IN1. The various considerations listed are also reflected in Policy IN2 referred to below.

4.3 LDP Policy IN2 'Wind Energy'

4.3.1 Policy IN2 is the 'lead' policy with regard to dealing with onshore wind developments.

4.3.2 The introduction section to Policy IN2 in the LDP makes reference to the Spatial Framework for onshore wind development – which follows the approach set out in Scottish Planning Policy (SPP).

4.3.3 The site is in a 'Group 3' location – i.e. an area with potential for wind farm development. SPP states that in such areas, wind farms are likely to be acceptable subject to detailed consideration against policy criteria. Policy IN2 and the related SG provide the relevant criteria – which reflect the various considerations listed at paragraph 169 of SPP.

4.3.4 The supporting text at paragraph 4.103 *et seq* of the LDP refers to the context of Scottish Government targets. Reference is made to the importance and recognition of evolving technologies and it is stated that the Council continues to be supportive of a diverse range of renewable sources, balanced against the impacts that such developments can have on the environment.

4.3.5 The preamble text to Policy IN2 cross refers to the SG with regard to the "*issues that will be taken into account for all specific proposals, assessed through the development management process*". The DGWLCS is referenced as a supportive study and an Appendix to the SG. It adds that consideration of the DGWLCS "*does not replace the need to assess the landscape or visual impacts of individual wind energy proposals*".

4.3.6 Policy IN2 is as follows:

Policy IN2: Wind Energy

Assessment of all Wind Farm Proposals
The Council will support wind energy proposals that are located, sited and designed appropriately. The acceptability* of any proposed wind energy development will be assessed against the following considerations:

Renewable energy benefits
The scale of contribution to renewable energy generation targets, effect on greenhouse gas emissions and opportunities for energy storage.

Socio-economic benefits
Net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.

Landscape and visual impacts
- The extent to which the landscape is capable of accommodating the development without significant detrimental landscape or visual impacts, including effects on wild land; and
- That the design and scale of the proposal is appropriate to the scale and character of its setting, respecting the main features of the site and the wider environment and that it addresses fully the potential for mitigation.

Cumulative impact
The extent of any cumulative detrimental landscape or visual impact or impacts on existing patterns of development from two or more wind energy developments and the potential for mitigation.

Impact on local communities and residential interests
The extent of any detrimental impact on communities, individual dwellings, residents and local amenity, including assessment of the impacts of noise, shadow flicker, visual dominance and the potential for associated mitigation.

Impact on infrastructure
The extent to which the proposal addresses any detrimental impact on road traffic, adjacent trunk roads and telecommunications, particularly ensuring transmission links are not compromised.

Impact on aviation and defence interests
The extent to which the proposal addresses any impacts arising from location within an area subject to potential aviation and defence constraints, including the Eskdalemuir Safeguard Area.

Other impacts and considerations
a) the extent to which the proposal avoids or adequately resolves any other significant adverse impact on the natural environment, including biodiversity, forests and woodland, carbon-rich soils, hydrology, the water environment and flood risk, the historic environment, cultural heritage, tourism and recreational interests and public access.

b) the extent to which the proposal addresses any physical site constraints and appropriate provision for decommissioning and restoration.

Further details on this assessment process, including its application to smaller wind farms and more detailed development management considerations, are provided through supplementary guidance on Wind Energy Development. This will also include separate mapping of the constraints relevant to the considerations above.

The Spatial Framework Map** (Map 8) provides strategic guidance. However, it must be read in conjunction with the supplementary guidance and its Appendix, the Dumfries and Galloway Wind Farm Landscape Capacity Study. The landscape capacity study is a supportive study, the consideration of which does not replace the need to assess the landscape or visual impacts of individual proposals.

* Acceptability will be determined through an assessment of the details of the proposal including its benefits and the extent to which environmental and cumulative impacts can be addressed satisfactorily.

** The Spatial Framework Map relates to one turbine or more over 20 metres.

4.3.7 The Proposed Development has been considered against the provisions of the policy and a summary position, drawn where relevant from the findings of the EIA Report is set down below.

Renewable Energy Benefits

4.3.8 The Proposed Development have a generating capacity in the order of 67MW. Chapter 2 has set out the renewable energy policy framework and explains the various challenging and legally binding targets which the renewable energy output from the Proposed Development would contribute to.

Socio-Economic Benefits

4.3.9 The construction phase of the Proposed Development would generate an estimated 227-327 job years of employment. There would be wider socio-economic benefits arising from supply chain indirect and induced economic effects. The capital expenditure would be in the range £50.4-£72 million.

Landscape and Visual Impacts

4.3.10 Before referring to the various landscape and visual effects of the Proposed Development, it is informative to note the siting and design priorities that were applied; these included:

- Location of the development set back from sensitive receptors including settlement and individual dwellings;
- Location of the development away from distinctive landscape features the scale and form of which could be compromised;
- Positioning of turbines on lower elevations of the plateau to create an even composition;
- Positioning within the existing cluster of wind developments so that the Artfield Forest development would appear as an extension of the existing Kilgallioch wind development and Kilgallioch Extension and is in effect, 'land-locked' by Artfield Fell and Balmurrie Fell Wind Farms to the west and south, and Airies turbines to the east;
- Positioning of the turbines to ensure that the spread of wind development does not extend beyond the existing overall footprint of wind developments (the Proposed Development would be located in between existing Kilgallioch Wind Farm, Kilgallioch Extension, existing Airies turbines and the in-scoping Airies II development, with Artfield Fell and Balmurrie Fell turbines to the west;
- Minimise the extent to which the Proposed Development would be seen without the context of the Kilgallioch and Airies wind farms (and their extensions in the event that they are consented);
- The overall fit of the Proposed Development is consistent with the emerging cumulative pattern of development with larger turbines on the plateau and smaller turbines on the transitioning slopes of the upland fringe landform;
- The careful consideration of topography ensures that the maximum blade tip elevation of the proposed turbines would be level or lower than the small wind developments of Artfield Fell and Balmurrie Fell; and
- Minimise the amount of site infrastructure and ancillary elements required, and carefully position these to take full advantage of the local topography undulations in order to screen such elements from receptors outwith the Site.
- It is explained in Chapter 5 of the EIA Report that by taking this overall approach the Proposed Development has been designed to minimise visual complexity that may occur when wind farms of varying sizes are situated within close proximity to one another.

4.3.11 Furthermore, it is important to note that the proposed turbines have been located as far north as possible within the site area in order to:

- relate more closely to the operational Kilgallioch development;
- fit with the in-planning Kilgallioch Extension; and
- to fit within the existing pattern of larger scale development sited more centrally within the plateau with the smaller developments leading onto the edges of the plateau and neighbouring landscape character types.

Effects on Landscape Character

4.3.12 The Proposed Development is located in the Plateau Moorland with Forest – Dumfries and Galloway Landscape Character Type (LCT)174.

4.3.13 It is explained in Chapter 5 of the EIA Report that based on the assessment undertaken, significant residual effects were found to be restricted to the local landscape character of host LCT 174. No significant effects were predicted on the other LCTs within the landscape and visual impact Assessment (LVIA) study area. The findings of the assessment are largely due to the landscape fit of the Proposed Development, the magnitude of impact of which is limited, in summary as follows:

- To the west and northwest the small fells, namely Artfield Fell, Balmurrie Fell, Green Top, Quarter Fell and Big Craigenlee largely screen the Proposed Development. The Proposed Development is situated on elevations over 100m lower and any views would have the Artfield Fell and Balmurrie Fell turbines intervening;
- To the north are the existing, extensive turbine arrays relating to Kilgallioch Wind Farm as well as several fells including Ha' Hill, Craigmoddie Fell, Craig Airie Fell, White Fell, Far Cairn and Benbrake Hill which limit visibility (as borne out in the ZTV in the EIA Report) and ensure that the Proposed Development turbines would appear to be indistinguishable from Kilgallioch in potential views from the north;
- Eastwards there are further fell landforms (Eldrig Fell and Urrall Fell) and extensive forestry plantations, which combine to effectively screen the Proposed Development from the lower land and valleys to the east; and
- Visibility south-eastwards is interrupted by Fell End, Barskeoch Fell, Culvennan Fell and Barfad Fell, and south-westwards Carscreugh Fell and Bught Fell, in addition the Carscreugh Wind Farm and Airies turbines would intervene in views to the south-west and south-east respectively.

4.3.14 The significant effects on the local landscape character of LCT 174 relate to the lower area surrounding the Proposed Development and up to the Fells noted above, beyond which the influence of the proposed turbine decreases quickly due to the combination of the higher landform, forestry and/or existing wind turbines.

4.3.15 The existing wind energy developments which, as explained, would almost surround the Proposed Development, help to minimise the potential effects of it, and they highlight the emerging cumulative pattern of development at this location.

4.3.16 It is explained in the EIA Report that the addition of the Proposed Development, between the Kilgallioch and Airies wind farms and back-dropped by Artfield Fell and Balmurrie Fell turbines atop the small hills, would not significantly alter the baseline characteristics of the LCTs within the LVIA study area, except locally within a few kilometres of the Site. As noted, localised significant effects are predicted for the landscape immediately surrounding the Proposed Development and to the south and southeast, around the Loch Ronald area.

4.3.17 The assessment of cumulative impacts on the LCTs concludes that;

- There would be no significant in-addition cumulative on the LCTs;
- All but seven of the twenty-four LCTs in the LVIA study area would have significant in-combination cumulative effects (but with a negligible contribution from the Proposed Development); and
- There would be no significant in-addition or in-combination cumulative effect on the Seascape Character Types (SCTs).

Visual Effects

4.3.18 The LVIA reported in Chapter 5 of the EIA Report addresses potential visual effects in relation to various visual receptors in detail including:

- Transportation Routes:
  - The A75 between Crocketford and Stranraer;
  - The A714 between Girvan and the A746; and
  - The A747 between Glasserton and Glenluce.
- Recreational Routes:
  - The B7005 and National Cycle Route 73 – Wigtown to Alticry;
  - The Southern Upland Way;
  - The Mull of Galloway Trail; and
  - Various Core Paths.
- Settlements:
  - Glenluce;
  - Newton Stewart;
  - Stranraer;
  - Wigtown; and
  - Whithorn.

4.3.19 In addition, in terms of visual effects, 21 viewpoints have been selected to verify the effect of the Proposed Development from representative viewpoints within the LVIA study area. The Viewpoint Assessment is contained in Technical Appendix 5.3 of the EIA Report and it assesses the viewpoints in respect of their baseline context and residual effects arising from the operational phase of the Proposed Development.

4.3.20 As described in Chapter 12 of the EIA Report (Aviation and Telecommunications) all but two of the Proposed Development turbines are expected to be fitted with steady red 2,000 candela aviation obstruction lights on their nacelles and intermediate low intensity lights of 32 candela on turbine columns.

4.3.21 It is noted that the lights would be capable of being dimmed to 10% of the maximum intensity during periods of meteorological visibility that exceed 5km. Additionally, it is noted in Chapter 5 of the EIA Report, that the Applicant is currently seeking a technical mitigation solution, such as transponder or radar activated lighting. Should this be agreed with the Civil Aviation Authority and formally adopted for the scheme, the incidence of the lighting being activated is expected to be infrequent and of short duration.

4.3.22 The Applicant is also proposing a planning condition that allows for flexibility to include re-design of the lighting scheme, prior to construction, which may take into account the lighting status of adjacent developments and continue to provide warning to airspace users of the perimeter of the wider cumulative area of wind turbines. It is explained in the EIA Report that these measures taken together would ensure that no significant operational effects on the landscape and visual resource would arise as a result of aviation lighting.

4.3.23 Notwithstanding the specification and design of the lighting system, an assessment of potential lighting impacts has been undertaken, based on the current lit scheme, and its findings presented in Technical Appendix 5.7. The assessment concludes that there would be no significant effects arising as a result of lighting on landscapes that are sensitive to light (Wild Land, Dark Skies Park and remote mountains).

4.3.24 In terms of visual amenity, significant effects from aviation lighting would be confined mainly to road users in vehicles on the minor road along the southern boundary of the Site and for night-time walkers along discrete sections of the of the SUW mainly within the Kilgallioch Wind Farm part of the route.

Effects on Landscape Designations

4.3.25 A detailed assessment has been made of the potential effects of the Proposed Development on five local designations – Regional Scenic Areas (RSAs) four Gardens and Designed Landscapes (GDLs) and one Wild Land Area (WLA). The assessment concludes that there would be significant in combination cumulative effects in relation to the Galloway Hills and the Mochrum Lochs RSA and also in relation to the Scenic Area within South Ayrshire but very limited 'in addition' effects. The in combination cumulative effects are largely as a result of current and emerging context of extensive wind farm development on the upland plateau, to which the Proposed Development makes a negligible to minor additional contribution. This is reported in Technical Appendix 5.1 of the EIA Report which should be referred to for its detail. There would be no significant effects arising in relation to the WLA. Furthermore, there would be no adverse effects arising in relation to the GDLs because views are screened by policy planting and/or agricultural field boundaries and shelterbelts.

Cumulative Impact

4.3.26 It is important to consider the operational life (and potential overlap of operational life) of the Proposed Development with Artfield Fell Wind Farm and Balmurrie Fell Wind Farm[17]. The Proposed Development (assumed to become operational in say 2024 and for c.30 years) would potentially coexist with Artfield Fell (in its current form) for around a quarter of the proposed operational life, assuming that Artfield Fell would be either repowered or decommissioned around 2032. The Proposed Development would potentially coexist with Balmurrie Fell for less than half of the operational life of the Proposed Development. This would alter the cumulative situation.

4.3.27 The Cumulative Context plan (Figure 5.7 in the EIA Report) illustrates the wind developments within the LVIA study area and just beyond it. It differentiates the operational schemes from consented and those 'in planning'. Also shown is the proposed extension to Airies - Airies II – which is at Scoping stage - this development would be an immediate neighbour to the Proposed Development.

4.3.28 It is explained in Chapter 5 of the EIA Report that examination of the cumulative context reveals that operational developments largely form three clusters: two large and one smaller one, as follows:

- One large cluster of developments is situated to the northeast of the LVIA study area (including Windy Standard I, II and III, and Benbrack, South Kyle, Enoch Hill, Afton and Windy Rig);

[17] It is set out in Chapter 5 of the EIA Report that Artfield Fell Wind Farm was commissioned c. 2007 and therefore it is anticipated that the operational life and planning permission would end in c. 2032 (assuming a 25-year permission), which would have eight years of overlap with the proposed development. Balmurrie Fell was commissioned five years later c. 2012, and therefore could have up to 13 years of overlap.

- A smaller cluster of wind development (including Hadyard Hill, Assel Valley and Tralorg) is located within the northern part of the study area in South Ayrshire; and
- The third large grouping of wind developments relates to the plateau landform (LCT 173: Plateau Moorland and LCT174: Plateau Moorland with Forest) both within the DGC and South Ayrshire Council areas.

4.3.29 This emerging 'spine of development' extends southwards from the operational Arecleoch scheme which is immediately next to the consented Chirmorie and Stranoch Wind Farms. The operational Kilgallioch scheme and Airies Wind Farm continue the pattern of large scale wind turbines southwards over the plateau core.

4.3.30 As the plateau begins to transition to the slopes of the upland fringe (LCT172) the height of turbines also decreases as exemplified by the Glenchamber development. The Carscreugh Wind Farm has smaller again turbines as it sits on the edge of the upland fringe.

4.3.31 The smaller Artfield Fell and Balmurrie Fell wind farms also form part of this cluster of wind development, but they do not conform to the large-scale-turbines-on-the-plateau-floor pattern. Instead, these developments comprise small turbines on small distinctive conical fells within the plateau. Nonetheless, the LVIA explains that the vertical extent of these smaller turbines on top of hills reach similar heights as the taller existing turbines and those of the Proposed Development.

4.3.32 The 'in-planning' Stranoch 2, Arecleoch Extension and Kilgallioch Extension emerging pattern of development follows the trend towards larger turbines on the core of the plateau, as does the Airies II development (in Scoping).

4.3.33 The Proposed Development would also conform to this emerging pattern, consolidating the existing Kilgallioch and Airies developments, being located between these two existing schemes. In general, this approach would result in the Proposed Development rarely being visible in isolation, and as it is designed to sit between (and behind) the Kilgallioch, Airies and Artfield Fell developments, it would appear behind existing turbines in views from the north, east, west and southwest.

4.3.34 Should Kilgallioch Extension and/or Airies II be consented, the Proposed Development would also be situated behind larger development in views from the east and northeast.

Impact on Local Communities and Residential Interests

Residential Visual Amenity

4.3.35 There would be no unacceptable effects arising in terms of visual aspects of residential amenity terms of individual properties or settlements, as referenced above with regard to visual effects.

4.3.36 A Residential Visual Amenity Assessment (RVAA) has been undertaken which considers the potential impacts on individual properties that may be close enough to the proposed turbines to be subjected to potentially "overbearing effects". The RVAA (Technical Appendix 5.4 in the EIA Report) noted three properties within 2 km of the Proposed Development and concludes that there would not be overbearing effects on the visual amenity form these dwellings.

Noise

4.3.37 Chapter 11 of the EIA Report addresses noise. The acoustic impact of the Proposed Development's operation on nearby residential properties has been assessed in accordance with the guidance on wind farm noise as issued in the DTI publication 'The Assessment and Rating of Noise from Wind Farms', otherwise known as ETSU-R-97, and Institute of Acoustics Good Practice Guide (IoA GPG), as recommended for use by relevant planning policy.

4.3.38 An assessment has been made of the potential for significant effects of the Proposed Development on the acoustic aspects of the local environment.

4.3.39 Construction noise will be limited in duration and confined to working hours as specified by the Council and therefore can be adequately controlled through the application of good practice measures and secured by planning condition. This will ensure that any noise from the Site during construction will be adequately controlled.

4.3.40 For the operational stage, predicted noise levels and previously measured background noise levels indicate that for dwellings neighbouring the Site, wind turbine noise would meet the site specific noise limits established in accordance with ETSU-R-97 and the IOA GPG for both the Proposed Development alone and taken in combination with other cumulative developments.

4.3.41 The Proposed Development therefore complies with the relevant guidance on wind farm noise and the impact on the amenity of all nearby residential properties would be regarded as acceptable.

Shadow Flicker

4.3.42 Shadow flicker is addressed in Chapter 15 of the EIA Report. Under certain combinations of geographical position and time of day, the sun may pass behind the rotors of a wind turbine and cast a shadow over neighbouring properties. Shadow flicker is an effect that can occur when the shadow of a blade passes over a small opening (such as window), briefly reducing the intensity of light within the room, and causing a flickering to be perceived. Shadow flicker effects only occur inside buildings where the blade casts a shadow across an entire window opening.

4.3.43 The assessment indicates that there would be zero shadow flicker hours experienced at the one property identified within the shadow flicker study area.

Impact on Infrastructure

4.3.44 Chapter 10 of the EIA Report considers the likely significant effects on traffic and transport associated with the construction, operation and decommissioning of the Proposed Development.

4.3.45 In summary, following the application of mitigation measures, it is predicted that the development would not result in any significant impacts on traffic and transport interests either during construction or operation. Furthermore, a Traffic Management Plan (TMP) is proposed and would be secured by way of a planning condition.

4.3.46 In terms of telecommunications infrastructure, there are no material infrastructure assets on the Site or likely to be affected off site by the Proposed Development. Chapter 12 of the EIA Report confirms that no communication links would be adversely affected by the Proposed Development.

Impact on Aviation and Defence Interests

4.3.47 Chapter 12 of the EIA Report assesses the Proposed Development in terms of aviation radar and other systems associated with aviation and national defence and in relation to low flying aircraft. No adverse effects are predicted in this regard.

4.3.48 Lighting will be fitted to all turbines except Turbines 3 and 9, in accordance with CAA requirements. Infra-red lighting to MoD specifications will be fitted to all turbines. A lighting condition will provide flexibility for alterations to the lighting scheme prior to construction, to take account of cumulative lighting requirements. It is proposed to draft a lighting condition that allows for re-design of the lighting scheme, prior to construction, which may take into account the lighting status of adjacent developments and continue to provide warning to airspace users of the perimeter of the cumulative area of wind turbines.

Other Impact Considerations

4.3.49 The EIA Report covers other topics including hydrology and hydrogeology, nature conservation, ornithology, archaeology and cultural heritage. No significant adverse effects are predicted with regard to these matters with the exception of cultural heritage, which is addressed below.

Hydrology & Hydrogeology

4.3.50 Hydrology and Hydrogeology is addressed in Chapter 9 of the EIA Report – no significant effects are predicted. Most of the developable area of the Site (areas on which the development of site infrastructure is proposed) has either no peat present or has a shallow depth of peaty soil. Peat soils on the Site are shown to comprise predominantly Class 5 peat soils (i.e. no peatland habitat recorded). The Proposed Development avoids impacts on any areas of priority peatland habitat. All turbines are located outwith areas of deep peat.

4.3.51 It is explained in the EIA Report that it is considered that there is potential for a minimum of 30 ha of beneficial peatland habitat restoration in the Site. Further detail of this is provided in EIA Report Technical Appendix 7.3: Outline Habitat Management Plan.

Ecology

4.3.52 Chapter 7 of the EIA Report addresses ecology. This covers habitats and vegetation, terrestrial mammals, bats, fisheries; and additional species. The River Bladnoch SAC (qualifying interest, Atlantic salmon) is within the Site. The Kirkowan Flow, Kilhern Moss and Blood Moss Sites of Special Scientific Interest (SSSI) (qualifying interests of blanket bog) are within 5km of the Site. There are no non-statutory designated sites located within 2 km of the Site. The assessment reported in Chapter 7 concludes that there would be no significant effects arising in terms of ecological receptors.

Ornithology

4.3.53 Chapter 8 of the EIA Report address ornithology. Within the EIA study are there are various sites designated for ornithological interest, the closest being the Derekelpin Moss SSSI, some 5.6km southeast of the Site (qualifying interests include Dunlin, breeding bird assemblage and hen harrier). The assessment reported in Chapter 8 concludes that there would be no significant effects arising in terms of ornithological receptors.

Cultural Heritage

4.3.54 Chapter 6 of the EIA Report addresses archaeology and cultural heritage matters. Fifteen known heritage assets are within the Site, however no significant impacts are expected upon these as the iterative design process has largely allowed for mitigation through avoidance.

4.3.55 Operational effects include impacts upon the settings of designated assets. There are no designated heritage assets within the Site although there are some 93 Scheduled Monuments within 5 km.

4.3.56 There are two Listed Buildings within 1 km of the Site, three Category B Listed Buildings and three Category C Listed Buildings within 5 km of the Site boundary and a further four Category A Listed Buildings are located between 5 km and 10 km of the Site boundary.

4.3.57 This assessment has identified moderate and significant effects upon two heritage assets resulting from the operational phase of the Proposed Development. These would result from impacts upon the settings of the Scheduled Wood Cairn (Site 242) and the non-designated High Eldrig Cairn (Site 328). Significant cumulative effects are also expected upon Wood Cairn (Site 242) and High Eldrig cairn (Site 328). The operational effects of the Proposed Development alone would not have an adverse effect on the integrity of the setting of the respective assets, and this is also the case for the majority of the theoretical cumulative scenarios.

4.3.58 It is explained in the EIA Chapter that in a currently theoretical situation where the cumulative scenario includes the Proposed Development along with the proposed Kilgallioch Extension and proposed Airies II, the cumulative impact may affect the integrity of the setting of Wood Cairn and High Eldrig cairn. However, it is noted that the most harmful effects would result from Kilgallioch Extension and Airies II, These developments could potentially bring turbines within 310m of Wood Cairn and as the turbines of these cumulative developments would intervene between Wood Cairn and the broadly contemporary assets on the upland plateau, where High Eldrig cairn is located, they would affect key characteristics of the assets' settings.

4.3.59 Overall, given the findings above, it is considered that the Proposed Development is in accordance with Policy IN2.

4.4 Other LDP Policies

4.4.1 Other relevant policies within the LDP are listed below with a response on each. In order to provide a proportionate assessment, the focus is primarily on any residual adverse effects which have been identified as significant within the EIA Report following the application of the mitigation measures proposed. It should be noted however that the topics below are already largely contained in the lead renewable energy Policy IN2, therefore only brief summaries are provided below.

4.4.2 **Policy OP1 'Development Considerations'** is an overarching policy that sets out general development considerations. It highlights that development will be assessed against various considerations depending on the scale, nature and location of the proposal including general amenity; historic landscape; landscape; biodiversity and geodiversity; transport and travel; sustainability; and the water environment. It is considered that no unacceptable effects would arise in relation to these matters.

4.4.3 **Policy OP2 'Design Quality and Placemaking'** is an overarching policy that sets out general considerations in relation to design quality of new development. It highlights that 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. The Proposed Development is considered to be of an appropriate design and layout for the Site.

4.4.4 **Policy ED11 'Dark Skies'** relates to the Council's support for the Galloway Forest Dark Sky Park. The Council will assess proposals for development on their merit where they do not adversely affect the objectives of the Dark Sky Park designation. Turbine lighting and the proposed mitigation approach has been referenced in the context of Policy IN2 above and is covered in detail in Chapter 5 of the EIA Report. No significant effects are predicted in relation to the Dark Sky Park.

4.4.5 **Policy HE1 'Listed Buildings'** sets out certain considerations that apply to development proposals that impact on the character or appearance of a listed building or its setting. There would be no significant effects on the setting of any Listed Buildings.

4.4.6 **Policy HE2 'Conservation Areas'** sets out that the Council will support development within or adjacent to a Conservation Area that preserves or enhances the character and appearance of the area. There would be no significant effects on the setting any Conservation Areas.

4.4.7 **Policy HE3 'Archaeology'** sets out that the Council will support development and protect significant archaeological and historic assets and the wider historic environment from adverse effects. Effects in relation to cultural heritage matters have been addressed in the context of Policy IN2 above.

4.4.8 **Policy HE4 'Archaeologically Sensitive Areas'** sets out that the Council will support development that safeguards the character, archaeological interest and setting of Archaeologically Sensitive Areas as designated by the Council. No archaeologically sensitive areas would be adversely affected.

4.4.9 **Policy HE6 'Gardens and Designed Landscapes'** sets out that the Council will support development that protects or enhances the significant elements, specific qualities, character, integrity and setting, including key views to and from, gardens and designed landscapes included in the Inventory of Gardens and Designed Landscapes (GDL) or the Non-Inventory List. Proposals that would have a detrimental effect on the specific quality, character or integrity of a garden or designed landscape will not be approved unless it is demonstrated that the proposal has benefits of overriding public interest. No GDLs would be adversely affected by the Proposed Development.

4.4.10 **Policy NE2 'Regional Scenic Areas'** sets out that development within, or which affects Regional Scenic Areas, may be supported where the Council is satisfied that the landscape character and scenic interest for which the area has been designated would not be significantly adversely

affected. Effects in relation to Regional Scenic Areas have been addressed in the context of Policy IN2 above.

4.4.11 **Policy NE4 'Sites of international importance for biodiversity'** sets out that development proposals likely to have a significant effect on an existing or potential Special Protection Area, existing or candidate Special Area of Conservation or Ramsar site, including developments outwith a site, will require an appropriate assessment and will only be permitted where inter alia the development does not adversely affect the integrity of the site. Technical Appendix 7.4 of the EIA Report provides information to inform an appropriate assessment under the terms of The Conservation (Natural Habitats, &c.) Regulations 1994, as amended (the habitats regulations). The competent authority for the appropriate assessment will be the Scottish Ministers. Technical Appendix 7.4 concludes that likely significant effects (under the terms of the habitats regulations) cannot be excluded due to the likely connectivity with the River Bladnoch SAC. Taking account of best available scientific information, the proposed mitigation (which is known to work) and in view of the conservation objectives for the site, no adverse effects on the integrity of the River Bladnoch SAC are predicted. As such, the Proposed Development is in accordance with Policy NE4.

4.4.12 **Policy NE5 'Species of international importance'** sets out that development proposals that would be likely to have an adverse effect on a European Protected Species (EPS) will not be permitted unless it can be shown inter alia that the development would not be detrimental to the maintenance of the population of the species at a favourable conservation status in its natural range, and that there is no satisfactory alternative and the development is required for preserving public health or safety or for other areas of overriding public interest. Chapter 7 of the EIA Report provides a comprehensive account of the potential for adverse effects on EPS and concludes that there would be no residual significant effects. As such it follows that the Proposed Development is in accordance with Policy NE5.

4.4.13 **Policy NE6 'Sites of national importance for biodiversity and geodiversity'** sets out that development affecting Sites of Special Scientific Interest and other national nature conservations will only be permitted where inter alia it will not adversely affect the integrity of the area or the qualities for which it has been designated or that any such adverse effects are clearly outweighed by social, environmental or economic benefits of national importance. No sites of national importance would be affected by the Proposed Development.

4.4.14 **Policy NE7 'Forestry and Woodland'** sets out that proposals should seek to ensure that ancient and semi-natural woodlands and other woodlands with high nature conservation value are protected and enhanced. Chapter 14 of the EIA Report notes the presence of two small areas of 'wet woodland', one highlighted by Scottish Forestry through the EIA scoping consultation and another found on the Native Woodland Survey of Scotland (NWSS) dataset, which is considered to be of high nature conservation value. Chapter 14 confirms that no ancient and semi-natural woodland, or other woodland of high nature conservation value would be affected by the proposal and only 0.02 ha of wet woodland would be affected.

4.4.15 **Policy NE8 'Trees and Development'** sets out that where it is not possible to retain woodland then appropriate replacement planting will be required. Any such replacement planting scheme would be located where possible within the region and follow guidance contained within the Forestry and Woodland Strategy. The Site contains four commercial forestry units, much of which is already within the restructuring phase or is reaching maturity (and thus would likely be felled in the absence of the Proposed Development). Forest restructuring, including permanent felling in is required to accommodate the Proposed Development. Compensatory planting to offset the loss of productive woodland is proposed, as explained in Chapter 14 of the EIA Report.

4.4.16 **Policy NE11 relates to the water environment**. It sets out 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, unless there are exceptional justifying circumstances. The policy further sets out that if culverting of waterbodies should only be carried out where acceptable mitigation measures would be put in place to protect habitats, passage of fauna, and river form and flow. No significant effects are predicted in terms of hydrology or hydrogeology.

4.4.17 **Policy NE12 'Supporting the Water Environment'** relates to protection of water margins. It sets out that where new development is proposed adjacent to or in the vicinity of waterbodies, the water margins will be protected unless there are compelling reasons to justify why this should not be done. No significant effects are predicted in terms of hydrology or hydrogeology.

4.4.18 **Policy NE15 'Protection and Restoration of Peat Deposits as Carbon Sinks'** relates to the protection and restoration of Peat Deposits as Carbon Sinks. It sets out that the Council will safeguard and protect peat deposits. Where renewable energy generating development is proposed the balance of advantage in terms of climate change mitigation must be with the Proposed Development. This is supported by the conclusions of Chapter 16: Climate in the EIA Report, which report a payback period of less than 2 years, taking account of peat carbon losses and embodied carbon in the Proposed Development, balanced against the displacement of fossil fuel based energy generation in the National Electricity Transmission system. The Site can be regarded as 'Group 3' as per SPP and whilst there are some peat deposits within the Site, no significant effects on this resource are predicted. The carbon storage potential of the peat present on the Site has been compromised in part through historic afforestation and the associated ploughing and drainage of peatland areas. The Proposed Development includes for a minimum of 30 ha of peatland habitat restoration in the Site, as set out in Technical Appendix 7.3 of the EIA Report.

4.4.19 **Policy T1 'Transport Infrastructure'** sets out that development proposals will be appraised to determine their effects on the performance of the strategic and regional highway network. The Proposed Development will lead to increased traffic volumes on a number of roads in the vicinity of the Site during the construction phase however, these will be of a temporary timescale and transitory in nature.

4.4.20 The conclusion is reached that the Proposed Development would be consistent with the above polices within the LDP.

4.5 The Supplementary Guidance

4.5.1 The SG (February 2020) contains further information in relation to Policy IN2 'Wind Energy' of the LDP. The DGWLCS forms an Appendix to the SG. The SG describes "*the main factors that will be taken into account in reaching planning decisions and details the criteria contained in the policy*".

4.5.2 The SG (section 3) makes it clear that in considering proposals, the Planning Authority will make an assessment "*by balancing all applicable factors….and considering against all relevant policies contained within the LDP. Although a proposal may be detrimental in terms of one or more of these factors this does not automatically result in a proposal being recommended for refusal". It adds that "Proposals will be considered favourably ……through an assessment of the details of the proposal including its benefits and the extent to which its environmental and cumulative impacts can be satisfactorily addressed*".

4.5.3 Under 'Development Management Considerations' section 'c' is 'landscape and visual impacts and design of proposals'.

4.5.4 Reference is made to all proposals being assessed against various considerations including "*reflecting the guidance within the DGWLCS*".

4.5.5 With regard to the DGWLCS sensitivity of the landscape type, the Site is located within LCT17a: 'Plateau Moorland with Forest', and the neighbouring landscape character type is LCT17b: 'Plateau Moorland'.

4.5.6 The DGWLCS allocates a High sensitivity to both the Plateau Moorland with Forest – Dumfries and Galloway (host LCT), and the neighbouring Plateau Moorland – Dumfries and Galloway LCT. This is primarily due to the potential for cumulative impacts that may arise given the smaller turbines of Artfield Fell and Balmurrie Fell. If due care were not given to design of the layout of proposed schemes, the results may be cumulative discord and dissonance which would downgrade the landscape quality. The need for careful design and consideration of the cumulative composition of

wind development within these LCTs is noted and has been undertaken by careful design (as set out in the LVIA in Chapter 5 of the EIA Report and in Chapter 3: Design Evolution and Alternatives).

4.5.7 The various topics reflect the content of Policy IN2. The landscape and visual matters arising have been addressed above in relation to Policy IN2 and are not repeated here. The Proposed Development is considered, on the basis of the reasoning set out in relation to Policy IN2 – to be consistent with the SG.

4.6 Conclusions

4.6.1 No effects would arise that are considered unacceptable, individually or cumulatively, with other developments having specific regard to the criteria contained within the key renewable energy Policy IN2.

4.6.2 Moreover, through consideration of the other relevant policies of the LDP, including the SG, against a focus on those significant effects identified in the EIA Report, it is considered that the Proposed Development accords with those other policy provisions and with the Development Plan when it is read as whole, insofar as that is a relevant consideration in an Electricity Act case.

5. The Benefits of the Proposed Development

5.1 The Benefits: Summary

5.1.1 The Proposed Development would result in a wide range of benefits as follows:

- With an indicative installed capacity of approximately 67.2 MW, the Proposed Development would make a valuable contribution to the attainment of the UK and Scottish Government policies of encouraging renewable energy developments; and in turn contribute to the achievement of UK and Scottish Government currently unmet targets for renewable energy and electricity generation. The Government has confirmed its long-term commitment to the decarbonisation of electricity generation and the proposal would help advance this policy objective.
- The UK legally binding target of net zero GHG emissions by 2050 and the Scottish Government target of a 75% reduction of such emissions by 2030 and net zero by the earlier date of 2045 are major challenges. The Government has made it clear that onshore wind plays a vital role in the attainment of future targets in relation to helping to combat the crisis of global heating.
- Use of the carbon calculator with best estimate values, based on available information, indicates that the Proposed Development would result in an estimated carbon saving of 88,104 tCO_2 per annum when compared to a current 'fossil fuel mix' carbon intensity factor. The expected carbon losses associated with the Proposed Development are calculated to be 169,699 tCO_2 equivalent. As a result the Proposed Development would 'pay back' the carbon emissions associated with its construction, operation and decommissioning in a 1.9 year period.
- The Proposed Development would generate enough power to supply approximately 57,500 average UK households[18].
- The project has the potential to deliver supply chain benefits. The Proposed Development would provide opportunities for the involvement of local, regional and Scottish suppliers in a range of activities, including research and development, design, project management, civil engineering, component fabrication / manufacture, installation and maintenance.
- Chapter 12 of the EIA Report sets out socio-economic benefits and in summary, it is estimated that:
  - the development and construction costs would be in the order of £50.4-£72 million;
  - there would be employment generated during the construction and operational phases;
  - Non-domestic rates payments of approximately £0.8 million annually.
- Based on an installed capacity of 67.2 MW, the Proposed Development will generate £336,000 as a Community Benefit contribution to local communities per annum. It is acknowledged that community benefit payments are not a material planning consideration.

18 Based on the following: 67.2 MW installed capacity x 0.35 capacity factor x 8,760 hours / 3.578MWh annual consumption (DBEIS Statistics Dec 2020) for an average household = 57,584 homes powered equivalent; URL for average household consumption: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/946968/sub-national-electricity-and-gas-consumption-summary-report-2019.pdf

5.1.2 The importance of the economic benefits arising from the Proposed Development cannot be under estimated in today's circumstances. The Office of Budget Responsibility (OBR) has set out clear warnings in July 2020 that unemployment in the UK is likely to rise beyond levels seen in the 1980s as the nation struggles to regain its pre-COVID-19 virus footing. The OBR's position is that 2020 has seen the biggest collapse in economic activity since records began and there is now a significant likelihood of lasting economic 'scarring'.

5.1.3 Reference has been made in Chapter 2 to the recent advice to the Scottish Government from their Advisory Group on Economic Recovery and from the Government's Climate Emergency Response Group – the consistent strong recommendation is that there is an economic and environmental imperative to seek to deliver projects that can contribute to the economic recovery and indeed which can make a positive response to the Climate Emergency. The Proposed Development can make such a valuable contribution.

6. Conclusions

6.1 The Electricity Act 1989

6.1.1 The statutory context for a s.36 application is now well established. The Proposed Development requires to be considered under the terms of the 1989 Act, in particular the Schedule 9 duties.

6.1.2 Paragraph 3(2) of Schedule 9 to the 1989 Act provides a specific statutory requirement on the Scottish Ministers to have regard to various matters when considering development proposals. The information that is contained within the individual topic sections of the EIA documentation addresses these. It is considered that the detailed work undertaken for the EIA has confirmed and provides confidence that the Proposed Development is environmentally acceptable. On this basis the Applicant has fulfilled the obligations under Schedule 9 of the Electricity Act.

6.1.3 The Schedule 9 duties apply whatever the relevant local policy circumstances expressed through a Development Plan may be. Therefore, the approach required in this case is fundamentally different to the conventional approach for planning decisions under s.25 of the 1997 Act. As has been explained, there is no primacy of the Development Plan in an Electricity Act case. Development Plan policies are relevant to understanding in a local context, the generic duties under Schedule 9 to the Electricity Act.

6.1.4 It is also important to note that Schedule 9 does not contain any substantive development management tests. This was recently confirmed in the Scottish Minister's Decision in relation to the Fallago Rig Wind Farm Extension issued on 25 June 2020. In that Decision, the Reporter had taken a position that the Applicant had "failed to fulfil their duty under Schedule 9" as a result of taking a particular design approach to the development. At Page 8 of the Decision letter, the Ministers state that they disagreed with the views of the Reporter on this particular matter and they stated:

"*Scottish Ministers note that Schedule 9 of the Electricity Act contains no substantive development management tests. Ministers consider that the environmental information sufficiently accounts for the consideration of the design of the proposed development and its impacts on the environment. The company has demonstrated throughout their ES that they have had regard to the relevant environmental matters and, within the parameters of their chosen design, taking account of the environment as a whole, they have done what they reasonably could to mitigate any impact. Ministers are therefore satisfied that the relevant requirements have been complied with*".

6.2 Climate Emergency & the Renewable Energy Policy Framework

6.2.1 The Scottish Energy Strategy (SES) (2017) sets out that onshore wind is recognised as a key contributor to the delivery of renewable energy targets - specifically the new 2030 50% energy from renewable sources target. The SES did not take account of what may be required in terms additional renewable generation capacity to attain the new legally binding 'net zero' targets.

6.2.2 One of the key messages in the Onshore Wind Policy Statement (OWPS) is the recognition that onshore wind is to play a "vital role" in meeting Scotland's energy needs, a "material" role in growing the economy and it is specifically stated that the technology remains "crucial" in terms of Scotland's goals for an overall decarbonised energy system and to attain ambitious renewable targets for the milestone dates of 2020, 2030 and 2045.

6.2.3 This language on the role of onshore wind is demonstrably stronger than that in the current NPF and SPP. Even if a view is taken that the language is no different, the context within which the NPF / SPP policy statements were given is demonstrably different by way of more stretching targets and no guarantee of subsidy or certainty on route to market for onshore wind.

6.2.4 The OWPS also makes specific reference to the move *"towards larger and more powerful (i.e. higher capacity) turbines and that these by necessity – will mean taller towers and blade tip heights*". Notice is therefore given of market reality and evolving technological change and the benefits larger turbines can bring in terms of energy yield and consequent larger contribution to targets.

6.2.5 This Planning Statement has identified the more urgent need for onshore wind: an increase of this renewable energy technology is supported through a number of policy documents and by Scottish Government commitments. The technology was already viewed and described as "vital" to the attainment of targets in 2017.

6.2.6 This imperative has only increased since a 'climate emergency' was declared by the Scottish First Minister in April 2019 and, in line with the recommendations made by the CCC (2019) 'net zero' publication. Furthermore, the drive to attain net zero emissions is now legally binding at the UK and Scottish Government levels by way of recent amendments to the Climate Change Act 2008 and in Scotland with the provisions of the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019.

6.2.7 The benefits of the Proposed Development would help attain these policy objectives – the net zero target which the NAO say is "a colossal challenge". Moreover, the project and would deliver economic benefits at a time of severe economic recession – consistent with the green recovery being sought by both the UK and Scottish Governments.

6.2.8 Overall, the renewable energy policy framework is a very important consideration and one that should attract significant weight in the balance of factors in the determination of the application. It also needs to be acknowledged that the need case with regard to renewable generation and emissions reduction targets as set out in NPF3 and SPP are now dated. The documents are under review and have to a large extent been overtaken by new statutory provisions on renewable energy targets and GHG emissions reductions.

6.3 National Planning Policy & Guidance

6.3.1 NPF3 and SPP set out a strong position of support in relation to renewable energy and renewable energy targets and recognise the significant energy resource that can be provided by onshore wind. This is clearly not at any cost and environmental effects need to be judged to be acceptable.

6.3.2 Furthermore, each of the relevant sustainable development principles introduced through Paragraph 29 of SPP have been considered and it was shown through this appraisal that the Proposed Development would be consistent with each relevant principle and should benefit from the presumption in favour of sustainable development.

6.3.3 The Proposed Development is in an appropriate location and it is considered that the development is consistent with the relevant provisions of national planning policy and advice.

6.3.4 Whilst the NPF4 Position Statement does not yet provide any detail of any changes to spatial planning for onshore wind, the document is an expression of the Government's clear direction of travel of policy involving a "rebalance" of the planning system "*so that climate change is a guiding principle for all plans and decisions*". Moreover, onshore wind is the specific renewable technology referenced in the "key opportunities" and is expected to play a significant role in the plan for net-zero emissions.

6.4 The Development Plan

6.4.1 The relevant policies of the Development Plan have been considered. The focus of the assessment was on those effects identified as significant through the EIA process following the application of mitigation measures proposed. This was in order for the assessment to be proportionate and the EIA assessment process is a key consideration in determining the significance of receptors and in turn informing the overall acceptability of the Proposed Development.

6.4.2 The significant effects identified relate to landscape and visual and cultural heritage matters. However, taking into account other policy considerations relating to suitable wind resource, renewable energy targets and positive local economic effects and the various benefits, the Proposed Development is considered to accord with the lead Policy IN2 with regard to landscape and visual effects and cultural heritage matters, and indeed with regard to the various other environmental topics set out in the policy.

6.4.3 The Proposed Development is also considered to be consistent with other relevant policies of the adopted LDP and with relevant aspects of the Onshore Wind Supplementary Guidance.

6.4.4 The conclusion reached is that the Proposed Development would be consistent with all relevant policies of the adopted Development Plan when it is read as a whole, insofar as it is a relevant consideration in an Electricity Act case.

6.5 Overall Conclusions

6.5.1 It has therefore not only been demonstrated that the Proposed Development accords with local and national planning policy, but that there is additionally a substantial need for this type of development in order that pressing future targets in relation to the global heating crisis and renewable energy generation and greenhouse gas emission reductions can be met in time.

6.5.2 The benefits of the Proposed Development have been set out in the context of the current Climate Emergency and economic crisis – they would help address the issue of global heating and challenging 'net zero' targets and moreover, would deliver economic benefits at a time of severe economic recession. It is considered that the scale of the benefits that would arise would significantly outweigh the relatively limited adverse effects that would result.

6.5.3 As a result of a combination of design-led mitigation and additional construction phase mitigation measures (which are known to work), the EIAR concludes that likely significant effects are limited to landscape and visual effects (in localised areas within 6 km of the Site) and on two heritage assets (within 1 km of the Site).

6.5.4 No residual significant effects are identified for considering ecology, ornithology, hydrology, hydrogeology, geology (including peat), noise, traffic and transport, aviation, telecommunications, shadow flicker, socioeconomics, forestry and climate.

6.5.5 As set out in Chapter 2, the increased weight to be given to benefits is justified on the basis of the new material considerations that have arisen since SPP and NPF3 were published in 2014. As the Reporters in the Millenderdale and Paul's Hill II cases rightly highlighted, the context since 2014 has considerably changed and that is what needs to be taken into account in planning decisions.

6.5.6 The socio-economic benefits are now of particular importance given the unprecedented current economic crisis and recession in Scotland and the wider UK. The Letter from the Chief Planner dated 03 April 2020 entitled 'Planning Procedures and COVID-19' is clear in stating that "*planning has a crucial part to play within and beyond the immediate emergency*" and makes reference to the planning system's critical role in our "*future economic and societal recovery*". The importance of this matter has been further confirmed in the Programme for Government published in September 2020 – it has stated that a 'green recovery' is at the heart of the Government's new programme.

6.5.7 The renewable energy policy framework remains an extremely important consideration. It is of course not an over-riding matter, but it is one that should attract significant weight in the balance of factors in the determination of the application. The current situation is more urgent and more grave than that which prevailed in 2014 when SPP and NPF3 were published and that must therefore go to the matter of weight to be attributed to the benefits of the Proposed Development and the need case.

6.5.8 The overall conclusion reached is that the Proposed Development satisfies the terms of Schedule 9 of the 1989 Act taking into account other policy considerations including the relevant Development Plan policies. On this basis, it is recommended that Section 36 consent and deemed planning permission should be granted for the Proposed Development.

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