



Statkraft

Oliver Forest Wind Farm

Planning Statement

August 2024



Photomontage of Oliver Forest Wind Farm from south on the A701

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1. Introduction

1.1 Background

- 1.1.1 This Planning Statement has been prepared by David Bell Planning Ltd (DBP) on behalf of Oliver Forest Wind Farm Ltd (“the Applicant”) to support a Section 36 application submitted under the Electricity Act 1989 (“the 1989 Act”), for consent to construct and operate the proposed Oliver Forest Wind Farm (“the Proposed Development”). In addition, the Applicant is also seeking deemed planning permission under Section 57 of the Town and Country Planning (Scotland) Act 1997, as amended (“the 1997 Act”).
- 1.1.2 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 beneficial and adverse environmental effects of the Proposed Development.
- 1.1.3 This Planning Statement presents an assessment of the proposal against relevant policy with due regard given to the provisions of the statutory Development Plan now made up of both National Planning Framework 4 (NPF4) and the Local Development Plan (LDP) for the Scottish Borders Council (SBC) area, national energy and planning policy, and other relevant material considerations. The planning policy framework in Scotland changed significantly in early 2023 when NPF4 came into force and with the publication of the new Onshore Wind Policy Statement (OWPS) published in December 2022.
- 1.1.4 This Planning Statement is supplementary to, and should be read in conjunction with, the EIA Report submitted with the application. The Planning Statement considers the potential benefits and adverse environmental effects 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 The Applicant, Oliver Forest Wind Farm Limited, is a wholly owned subsidiary of Statkraft UK Limited (Statkraft).
- 1.2.2 Statkraft is a leading company in hydropower internationally and Europe’s largest generator of renewable energy. The Group produces hydropower, wind power, solar power and supplies district heating. Statkraft is a global company in energy market operations and has 6,000 employees in over 20 countries Statkraft produces hydropower, wind power, solar power and supplies district heating, generating 62 terawatt-hours (TWh) of renewable power.
- 1.2.3 Statkraft is at the heart of the UK’s energy transition. Since 2006, Statkraft has gone from strength to strength in the UK, building experience across wind, solar, hydro, storage, grid stability, electric vehicle (EV) charging, green hydrogen and a thriving markets business. Statkraft has invested over £1.3 billion into the UK’s renewable energy infrastructure and facilitated over 4 gigawatts (GW) of new-build renewable energy generation through Power Purchase Agreements (PPA). Statkraft develops, constructs, owns and operates renewable facilities across the UK and employs over 500 people in offices across Scotland, England and Wales.

1.3 The Statutory Framework

- 1.3.1 An application under Section 36 of the 1989 Act for consent for the construction of an electricity generating station whose capacity exceeds 50 megawatts (MW) is significantly different from an application for planning permission for a generating station whose capacity is 50MW or less.
- 1.3.2 Section 25 of the 1997 Act does not apply to the determination of applications under Section 36 of the 1989 Act as confirmed in the case of William Grant & Sons Distillers Ltd v Scottish Ministers [2012] CSOH 98 (paragraphs 17 and 18).
- 1.3.3 In addition, there are certain environmental duties in relation to preservation of amenity and fisheries provisions in Schedule 9, paragraph 3 that apply to the Scottish Ministers as decision maker.
- 1.3.4 The Applicant does not hold a generation licence or exemption under the 1989 Act and therefore the statutory duties set out in paragraph 3(1) of Schedule 9 to the 1989 Act do not currently apply to the Applicant when formulating proposals for consent under Section 36 of the 1989 Act. The Applicant has however, through the EIA process, had full regard to the matters set out in paragraph 3(1)(a) of Schedule 9.

- 1.3.5 The EIA Report identifies how various factors were taken into account in the formulation of the application. In addition, each EIA Report chapter includes assessment of the likely significant effects and also, where appropriate, the identification of appropriate mitigation. This includes both embedded mitigation which is integral to the design, construction and operation of the Proposed Development and also additional specific measures which have been identified.
- 1.3.6 In accordance with paragraph 3(2) of Schedule 9 to the 1989 Act, the Scottish Ministers are obliged to have regard to the desirability of the matters mentioned in paragraph 3(1)(a). The Applicant has provided sufficient information to enable the Scottish Ministers to address their duties under sub-paragraph 3(1)(a) of Schedule 9 to the 1989 Act. The duty on the Ministers is to have regard to the matters specified in Schedule 9 which is not a development management test.
- 1.3.7 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 determining an application made under the 1989 Act.

1.4 Site Location and Description

- 1.4.1 The site location and description is set out in detail in Chapter 2 of the EIA Report.
- 1.4.2 In summary, the site consists of forested land directly north-west of the A701 between Tweedsmuir and Glenbreck, approximately 12.5 km south of Broughton and approximately 19 km north of Moffat within the SBC administrative area.
- 1.4.3 All of the Proposed Development infrastructure would be located to the north of the A701. The site covers approximately 350 hectares (ha) and is comprised of commercial plantation forestry and open moorland, spread across the extent of three named hills, Upper Oliver Dod (490 m Above Ordnance Datum (AOD)); Weird Law (447 m AOD); and Glenmuck Height (472 m AOD). Elevations within the site decrease steeply from the north-east peak of Upper Oliver Dod to the River Tweed (south-east), at approximately 260 m AOD.
- 1.4.4 The portion of the site located to the south-east of the A701 adjoins the River Tweed, designated as a Special Area of Conservation (SAC). The Fruid, Talla and Meggett Reservoirs lie at approximate distances of 2 km, 1.7 km and 8 km (respectively) to the south and east of the site.
- 1.4.5 The immediate surrounding area of the site is rural in nature, and residential properties are restricted to the village of Tweedsmuir and the lower elevations of the Tweed Valley in proximity of the A701. There are several residential properties clustered just north of the four-way road junction at Tweedsmuir, east of the site boundary, and several others between Bield Burn and Tweedsmuir, north-east of the site boundary¹.
- 1.4.6 The site does not lie within any nationally designated landscapes. The Upper Tweeddale National Scenic Area (NSA) is located approximately 4 km north-west of the site encompassing the expanse between Broughton to Peebles in the north-east. Talla-Hart Fell Wild Land Area (WLA) lies approximately 5 km to the south of the site.
- 1.4.7 The site lies within the Tweedsmuir Uplands Special Landscape Area (SLA), a local landscape designation.
- 1.4.8 The pattern of wind farm development in wider area is one of large groups of wind turbines along the M74 corridor, with Clyde and its extension (the Clyde Group); the Andershaw/Middle Muir group and the Hagshaw group further north. The Clyde group extends north-eastwards over the hill ridges between the Clyde Valley and the Tweed Valley, and Glenkerie Wind Farm forms a small group of turbines along a ridge to the north-east of Clyde, overlooking a section of the Tweed Valley. Whitelaw Brae Wind Farm will be on the opposite side of the Upper Tweed Valley from the Clyde group. The Proposed Development would be located between Clyde Extension and Glenkerie, approximately 2.5 km along the ridge from Clyde Extension, south across the Tweed Valley from Whitelaw Brae approximately 3.1 km away, and across the Kingledoors Valley approximately 2.3 km from Glenkerie.

1.5 The Proposed Development

- 1.5.1 The Proposed Development would comprise of seven wind turbines with a combined rated capacity over 50 MW; and approximately 23 MW of battery energy storage system (BESS) giving a total site output of over 73 MW.

¹ The distances of residential properties to the nearest proposed turbines are set out in Table 1 in Technical Appendix 7.7 of the EIA Report.

- 1.5.2 The key components of the Proposed Development comprise the following:
- seven variable pitch (three bladed) wind turbines, each with a maximum blade tip height of up to 200 m;
 - turbine foundations and crane hardstanding areas at each wind turbine location;
 - up to 1.5 km of new on-site access track with a typical running width of 5 m (wider on bends) and 3.5 km of upgraded existing access track (widened from 2.5 m to 5 m) and associated drainage, four turning heads and five passing places;
 - underground cabling and electrical infrastructure along access tracks to connect the turbine locations, and the on-site electrical substation;
 - one on-site substation compound which would accommodate a control building for the Scottish Power Energy Networks (SPEN) substation and the wind farm substation;
 - one SPEN construction compound which would be the location for the BESS following construction of the wind turbines;
 - two temporary construction compounds;
 - search area for up to three borrow pits;
 - clearance of 50 ha of on-site forest and replacement planting within the site of approximately 26 ha; and
 - a recreational heritage trail with associated car parking spaces and interpretation boards.
- 1.5.3 The BESS would store excess energy generated by the Proposed Development which would be exported to the grid at times of high demand. The BESS would also provide grid stability by absorbing excess power when production is high and dispatching it when demand is high. This feature enables BESS to significantly reduce the occurrence of power blackouts and ensure a more consistent electricity supply, particularly during extreme weather conditions.
- 1.5.4 Subject to confirmation by the network operator, the Proposed Development would likely connect to a new substation which is planned near Redshaw in South Lanarkshire, to the west of the site. The precise route of connection has not yet been determined by the network operator. The grid connection would require consent under Section 37 of the 1989 Act. The Section 37 application would be progressed by the network operator.
- 1.5.5 In order to be able to address any localised environmental sensitivities, unexpected ground conditions or technical issues that are found during detailed intrusive site investigations and construction, a 100 m micro-siting allowance for the Proposed Development is sought.
- 1.5.6 In total, approximately 9 ha of land would be used permanently for the Proposed Development including the upgraded sections of access tracks. The extent of the Proposed Development permanent infrastructure represents approximately 2.5 % of the area of the overall application site.
- 1.5.7 It is anticipated that the Proposed Development would have an operational life of up to 50 years. At the end of the operational life, the Proposed Development would be decommissioned, or an application may be submitted to extend the operational period or repower the site.

1.6 Structure of Statement

- 1.6.1 The structure of this Planning Statement is as follows:
- Section 2 sets out the up-to-date position with regard to the renewable energy policy and emission reduction legislative framework.
 - Section 3 summarises the benefits of the Proposed Development.
 - Section 4 addresses national planning policy and guidance with a focus on the policy provisions of NPF4.
 - Section 5 contains the consideration of the Proposed Development against the relevant policies of the Development Plan, with a focus on the lead Development Plan policy.
 - Section 6 presents overall conclusions.

2. The Renewable Energy Policy & Legislative Framework

2.1 Introduction

- 2.1.1 This Section refers to the renewable energy policy and emissions reduction legislative framework with reference to relevant international, UK and Scottish provisions. The framework of international agreements and obligations, legally binding targets and climate change global advisory reports is the foundation upon which national energy policy and greenhouse gas emissions (GHG) reduction law is based. This underpins what can be termed the need case for renewable energy from which the Proposed Development can draw a high level of support.
- 2.1.2 The Proposed Development requires to be considered against a background of material UK and Scottish Government energy and climate policy and legislative provisions, as well as national planning policy and advice. These taken together provide very strong support for onshore wind in principle.
- 2.1.3 It is evident that there is clear and consistent policy support at all levels, from international to local, for the deployment of renewable energy generally, and for onshore wind specifically, to combat the global climate crisis, diversify the mix of energy sources, achieve greater security of supply, and to attain legally binding emissions reduction targets.
- 2.1.4 The Proposed Development would make a valuable contribution to help Scotland meet its renewable energy and electricity production targets, while supporting emissions reduction to combat climate change in the current climate emergency.
- 2.1.5 UK and Scottish Government renewable energy policy and associated renewable energy and electricity targets are important considerations. It is important to be clear on the current position as it is a fast-moving topic of public policy. The context of international climate change commitments is set out. This is followed by reference to key UK level statutory and policy provisions and then a detailed description of relevant Scottish Government statutory and policy provisions is set out.

2.2 International Commitments

The Paris Agreement (2016)

- 2.2.1 In December 2015, 196 countries adopted the first ever universal, legally binding global climate deal at the Paris Climate Conference (COP21). It entered into force in November 2016. The Paris Agreement within the United Nations Framework Convention on Climate Change sets out a global action plan towards climate neutrality with the aims of stopping the increase in global average temperature to well below 2 °C above pre-industrial levels and to pursue efforts to limit global warming to 1.5 °C.
- 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 to the Climate Change Committee's (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.
- 2.2.3 The Paris Agreement does not itself represent Government policy in the UK or Scotland. However, the purpose of domestic and renewable energy and GHG reduction targets is to meet the UK's commitment in the Paris Agreement.

United Nations - Intergovernmental Panel on Climate Change

- 2.2.4 The Intergovernmental Panel on Climate Change (IPCC) is the United Nations Body for assessing the science related to climate change.
- 2.2.5 The IPCC prepares comprehensive assessment reports about the state of scientific, technical and socio-economic knowledge on climate change, its impacts and future risks and options for reducing the rate at which climate change is taking place. IPCC reports are commissioned by the worlds' Governments and are an agreed basis for COP² negotiations.
- 2.2.6 The IPCC's Special Report on Warming of 1.5 °C, published in 2018, was a key piece of evidence for the CCC's recommendation to the UK Government for a 2050 net zero greenhouse gas emission target. The IPCC's reports since 2018 have provided an up-to-date estimate of how close global temperatures are to 1.5 °C of warming above pre-industrial levels and the remaining volume of global cumulative carbon dioxide that could be emitted to be consistent with keeping global warming below any particular threshold (such as the 1.5 °C and 2 °C levels referred to in the Paris Agreement).

² United Nations Framework Convention on Climate Change, Conference of the Parties (COP).

- 2.2.7 The IPCC's 6th Assessment Report was published in March 2023. The Summary for Policymakers Report (page 10) states that it is likely that warming will exceed 1.5 °C during the 21st century and make it harder to limit warming 2 °C. It states (page 12):

“Continued greenhouse gas emissions will lead to increasing global warming, with the best estimate of reaching 1.5 °C in the near term in considered scenarios and modelled pathways. Every increment of global warming will intensify multiple and concurrent hazards (high confidence). Deep, rapid and sustained reductions in greenhouse gas emissions would lead to a discernible slowdown in global warming within around two decades, and also to discernible changes in atmospheric composition within a few years (high confidence)”.

- 2.2.8 Page 24 of the report states “There is a rapidly closing window of opportunity to secure a liveable and sustainable future for all (very high confidence)”.

COP 28, Dubai 2023

- 2.2.9 The United Nations Climate Change Conference (COP28) closed on 13 December 2023. The UN press release of the same date states that the agreement reached “Signals the ‘beginning of the end’ of the fossil fuel era by laying the ground for swift, just and equitable transition, underpinned by deep emissions cuts and scaled up finance.”

- 2.2.10 The statement adds:

“The stocktake recognises the science that indicates global greenhouse gas emissions need to be cut 43 % by 2030, compared to 2019 levels, to limit global warming to 1.5 °C. But it notes parties are off track when it comes to meeting their Paris Agreement goals.

The stocktake calls on parties to take actions towards achieving, at a global scale, a tripling of renewable energy capacity and doubling of energy efficiency improvements by 2030. The list also includes accelerating efforts towards the phase down of unabated coal power, phasing out inefficient fossil fuel subsidies, and other measures that drive the transition away from fossil fuels in energy systems, in a just, orderly and equitable manner, with developed countries continuing to take the lead.” (underlining added)

2.3 UK Climate Change & Energy Legislation & Policy

The Climate Emergency

- 2.3.1 A critical part of the response to the challenge of climate change was the climate emergency which was declared by the Scottish Government in April 2019 and by the UK Parliament in May 2019. The declaration of climate emergency needs to be viewed in the context in which it was declared (advice from the CCC) and in response to commitments under the Paris Agreement and what followed from it as a result of the declaration (new emissions reduction law).

The Climate Change Act 2008 & Carbon Budgets

- 2.3.2 The Climate Change Act 2008 (the 2008 Act) provides a system of carbon budgeting. Under the 2008 Act, the UK committed to a net reduction in GHG emissions by 2050 of 80 % against the 1990 baseline. In June 2019, secondary legislation was passed that extended that target to at least 100 % against the 1990 baseline by 2050, with Scotland committing to net zero by 2045.
- 2.3.3 The 2008 Act also established the CCC which advises the UK Government on emissions targets, and reports to Parliament on progress made in reducing GHG emissions.
- 2.3.4 The CCC has produced six four yearly carbon budgets, covering 2008 – 2037. These carbon budgets represent a progressive limitation on the total quantity of GHG emissions to be emitted over the five-year period as summarised in Table 2.1 below. Essentially, they are five yearly caps on emissions.
- 2.3.5 These legally binding ‘carbon budgets’ act as stepping-stones toward the 2050 target. The CCC advises on the appropriate level of each carbon budget and once accepted by Government, the respective budgets are legislated by Parliament. All six carbon budgets have been put into law and run up to 2037.

Table 2.1 – Carbon Budgets and Progress³

Budget	Carbon budget level	Reduction below 1990 levels	Progress on Budgetary Period
1 st carbon budget (2008 – 2012)	3,018 MtCO ₂ e	– 26 %	– -27 %
2 nd carbon budget (2013 – 2017)	2,782 MtCO ₂ e	– 32 %	– -42 %
3 rd carbon budget (2018 – 2022)	2,544 MtCO ₂ e	– 38 % by 2020	– 48.7 % ⁴
4 th carbon budget (2023 – 2027)	1,950 MtCO ₂ e	– 52 % by 2025	– n/a
5 th carbon budget (2028 – 2032)	1,725 MtCO ₂ e	– 57 % by 2030	– n/a
6 th carbon budget (2033 – 2037)	965 MtCO ₂ e	– 78 % by 2035	– n/a
7 th carbon budget (2038 – 2042)	To be set in 2025	– -	– n/a
Net Zero Target	100 %	– By 2050	–

2.3.6 The Sixth Carbon Budget (CB6) requires 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*” (CB6, page 13).

2.3.7 Page 23 of CB6 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. Key points from CB6 include:

- UK climate targets cannot be met without strong policy action in Scotland.
- 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.
- CB6 needs to be met 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.

2.3.8 Following the CB6, the UK Government announced on 20 April 2021 that it would set the world’s most ambitious climate change target into law (by the Carbon Budget Order 2021 (the Order)⁵) to reduce emissions by 78 % by 2035 compared to 1990 levels. This effectively brings forward the UK’s previous commitment of an 80 % reduction by 2050 by 15 years.

The UK Energy White Paper (December 2020)

2.3.9 The Energy White Paper ‘Powering our Net Zero Future’ was published on 14 December 2020, represents a sea change in UK policy, and highlights the importance of renewable electricity.

2.3.10 It sets out that “electricity is a key enabler for the transition away from fossil fuels and decarbonising the economy cost-effectively by 2050”. A key objective is to “accelerate the deployment of clean electricity generation through the 2020s” (page 38).

2.3.11 Electricity demand is forecast to double out to 2050, which will “require a four-fold increase in clean electricity generation with the decarbonisation of electricity increasingly underpinning the delivery of our net zero target” (page 42).

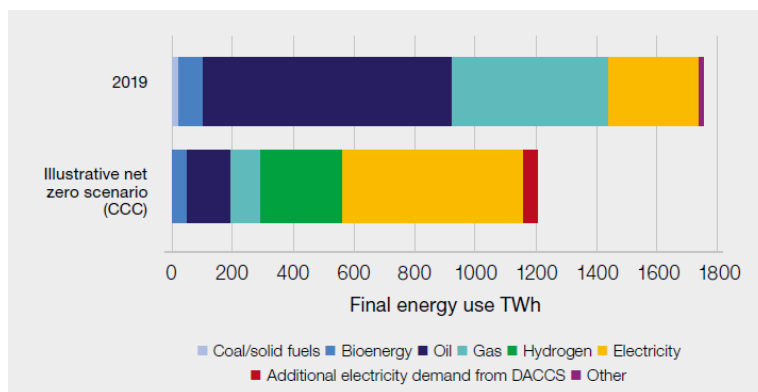
2.3.12 This anticipated growth of renewable electricity is illustrated in Figure 2.1.

³ Source: CCC.

⁴ This figure is a provisional estimate and will not be confirmed by HM Government until later in 2024.

⁵ The Order sets the carbon budget for the 2033-2037 budgetary period at 965 million tonnes of carbon dioxide equivalent. The net UK carbon account is defined in Section 27 of the Climate Change Act 2008.

Figure 2.1 – Illustrative UK Final Energy Use in 2050⁶



2.3.13 Figure 2.1 illustrates that achieving net zero requires a significant increase in the use of electricity, all of which must be generated from low-carbon sources.

2.3.14 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).

The British Energy Security Strategy (April 2022)

2.3.15 The British Energy Security Strategy (“the Strategy”) was published by the UK Government on 7 April 2022. The Strategy focuses on energy supply and states that in the future nuclear will have an expanded role and that renewables have an important role: the foreword states inter alia:

“Accelerating the transition away from oil and gas then depends critically on how quickly we can roll out new renewables....

The growing proportion of our electricity coming from renewables reduces our exposure to volatile fossil fuel markets.”

2.3.16 Reducing Scotland’s and the wider UK’s dependency on hydrocarbons has important security of supply, electricity cost and fuel poverty avoidance benefits. Those actions already urgently required in the fight against climate change are now required more urgently for global political stability and insulation against dependencies on rogue nation states.

Powering up Britain

2.3.17 On 30 March 2023 the UK Government (Department for Energy Security and Net Zero) published ‘Power Up Britain’ which comprises a series of documents including an Energy Security Plan, Carbon Budget Delivery Plan (CBDP) and Net Zero Growth Plan.

2.3.18 The CBDP is the means by which the UK Government satisfies Section 14 of the Climate Change Act 2008 to publish proposals and policies for enabling Carbon Budgets 4, 5 and 6 to be met. The CBDP was published in response to the High Court ruling⁷ that the Government’s 2021 Net Zero Strategy did not comply with the Climate Change Act. The Government has therefore had to provide a firmer public commitment to its plans, which has resulted in some changes in approach and ambition.

2.3.19 The Energy Security Plan sets out the steps that the UK Government is taking to ensure that the UK is more energy independent, secure and resilient. It builds upon the British Energy Security Strategy and the Net Zero Strategy. The report sets out that the Government is aiming for a doubling of Britain’s electricity generation capacity by the late 2030s in line with the aim to fully decarbonise the power sector by 2035, subject to security of supply.

2.3.20 The introduction of the Net Zero Growth Plan states (page 5):

“Energy Security and net zero are two sides of the same coin. The energy transition and net zero are among the greatest opportunities facing this country and we are committed to ensuring that the UK takes advantage of its early mover status. Global action to mitigate climate change is essential to long term prosperity...”

⁶ Source: Energy White Paper page 9 (2020).

⁷ The High Court ruled in July 2022 (*R (Friends of the Earth & Others) v Secretary of State for Business, Energy and Industrial Strategy* [2022] EWHC 1841) that the UK Government’s Net Zero Strategy unlawful as it did not meet its obligations under the Climate Change Act 2008 to clearly evaluate how the Government intended to achieve its Carbon Budgets.

CCC – Report to Parliament 2023

2.3.21 The CCC published its report to Parliament ‘Progress in Reducing Emissions’ in June 2023. It sets out (page 13) that despite the UK Government having issued the CBDP, *“policy development continues to be too slow and our assessment of the CBDP has raised new concerns. Despite new detail from Government, our confidence in the UK meeting its medium-term targets has decreased in the past year”*.

2.3.22 The CCC adds that:

“At COP26, the UK made stretching 2030 commitments in its Nationally Determined Contribution (NDC) – now only 7 years away. To achieve the NDC goal of at least a 68% fall in territorial emissions from 1990 levels, the rate of emissions reduction outside the power sector must almost quadruple. Continued delays in policy development and implementation mean that the NDCs achievement is increasingly challenging”.

2.3.23 Key messages include (pages 14 and 15):

- A lack of urgency – the CCC note that the net zero target was legislated in 2019 but there remains a lack of urgency over its delivery. It states, *“the Net Zero transition is scheduled to take around three decades, but to do so requires a sustained high-intensity of action. This is required all the more, due to the slow start to policy development so far. Pace should be prioritised over perfection”*.
- Planning policy needs radical reform to support net zero – the CCC state in this regard that: *“In a range of areas, there is now a danger that the rapid deployment of infrastructure required by the Net Zero transition is stymied or delayed by restrictive planning rules. The planning system must have an overarching requirement that all planning decisions must be taken given full regard to the imperative of Net Zero”*.

The UK Battery Strategy (2023)

2.3.24 The UK Government published the UK Battery Strategy on 26 November 2023. The Strategy brings together Government activity to achieve a globally competitive battery supply chain by 2030 that supports economic prosperity and the net zero transition in the UK.

2.3.25 In summary, the Government’s vision is for the UK to continue to grow a thriving battery innovation system and to become a world leader in sustainable design, manufacture and use.

2.3.26 The Strategy was developed with the UK Battery Strategy Task Force, drawing upon a call for evidence and engagement with business and stakeholders. The Strategy is based around the design, build, sustain approach with the key objectives that the UK will:

- design and develop batteries for the future;
- strengthen the resilience of UK manufacturing supply chains; and
- enable the development of a sustainable battery industry.

2.3.27 In the foreword to the document, the Minister of State for Industry and Economic Security at the Department of Business and Trade states that (page 3):

“Batteries will play an essential role in our energy transition and our ability to successfully achieve net zero by 2050.”

2.3.28 Batteries are seen as key to the net zero transition as they enable more flexible use of energy such as maximising use of intermittent low carbon generation.

CCC - Report on COP28: Key Outcomes and Next Steps for the UK (January 2024)

2.3.29 The CCC issued a report and related Statement⁸ in January 2024 with reference to COP28 and next steps for the UK. The Statement set out that:

“2023 was the hottest year on record, with worsening extreme weather events across the world. With global greenhouse gas emissions at an all-time high, COP28 took important steps to try to change the direction of travel.

The UK played an important role in this hard-fought COP28 outcome. We may be further into the decarbonisation journey than many nations, but the obligation on every country is now to push even harder. This also frames the economic challenge for the UK. We must rapidly replace fossil fuels with low-carbon alternatives to get back on track to meet our 2030 goal.”

2.3.30 In terms of next steps for the UK, the Statement sets out that:

⁸ CCC Statement ‘COP28 outcomes must lead to acceleration of action in the UK’ (30 January 2024).

"In June 2023, the Committee noted a significant delivery gap to the UK's Nationally Determined Contribution (NDC) of reducing emissions by 68% by 2030. The agreements made at COP28 require a sharper domestic response and time is now short for the gap to be bridged.

2.3.31 Achieving the 2030 NDC will require the rate of emission reductions outside of the electricity sector to quadruple from that of recent years. Addressing these gaps in a transparent way remains one of the most important ways for the UK to show climate leadership."

2.3.32 The related Outcomes Report, in addressing next steps for the UK sets out the following points (page 5) inter alia:

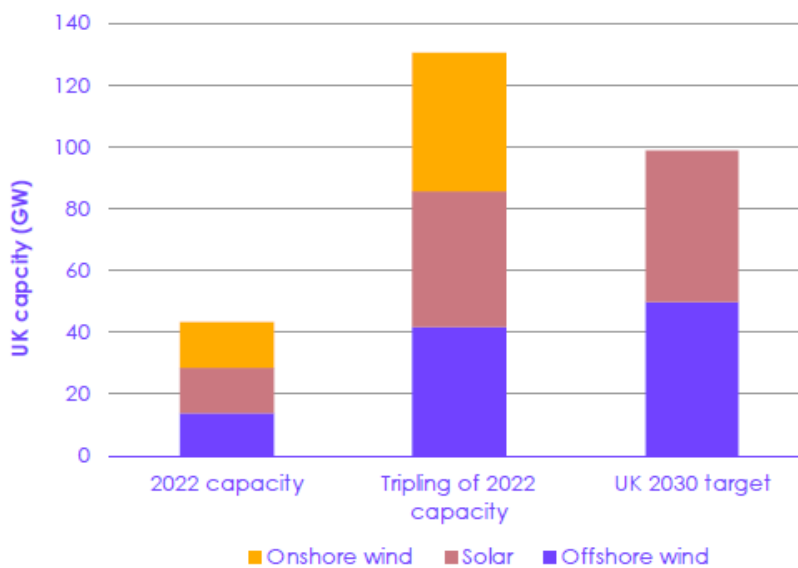
- "The Global Stocktake undertaken at COP28 marks the first formal assessment of progress of the Paris Agreement process and it reinforced the growing momentum in renewables and other low carbon technology deployment.
- Countries were called upon to support a tripling of renewables globally..... Alongside this was the crucial brokering of recognition of the need to transition away from all fossil fuels to achieve a net zero energy system by 2050.
- The UK can continue to lead by example and support actions elsewhere to accelerate the pace of the low carbon transition and develop resilience to climate impacts. It must demonstrate delivery towards its ambitious 2030 and 2035 targets on the path to Net Zero."

2.3.33 Section 1.2.2 of the Outcomes Report specifically addresses 'next steps for the UK'. Reference is made to opportunities for climate leadership and in terms of energy there is a clear statement (page 21) which refers to a number of actions that will be important for ensuring domestic action is consistent with the language the UK signed up to at COP28. This includes inter alia:

- Delivering rapid deployment of renewables. The report states that solar and onshore wind is progressing too slowly due to barriers around planning and consenting and access to network connections, despite being the cheapest form of generation.
- In terms of the UK's 2030 NDC, the report states that the UK must continue to focus on addressing delivery gaps to the 2030 NDC. Reference is made to the CCC's 2023 Progress Report which established that if the UK is to achieve its 2030 NDC then the rate of emissions reduction "outside electricity supply must almost quadruple from 1.2 % annual reductions to 4.7 %".
- In terms of the tripling of renewable energy capacity by 2030, the Outcomes Report sets out (page 23) that the UK Government only has renewables deployment targets for offshore wind (aiming for up to 50 GW by 2030) and solar PV (aiming for up to 70 GW by 2035).

2.3.34 Figure 2.2 below contrasts the level of deployment implied by a tripling of 2022 levels with UK targets.

Figure 2.2 - The tripling of Renewable Energy Capacity in a UK Context⁹



⁹ Source: CCC, COP28: Key Outcomes and next steps for the UK, page 24, (January 2024).

- 2.3.35 Given the current lack of policy support for onshore wind in England, the onshore wind capacity will only come forward at the present time in Scotland and Wales.
- 2.3.36 The CCC report makes it clear that (page 23) that:
"UK targets for offshore wind and solar PV are broadly consistent with COP28 calls to triple renewable energy capacity by 2030. However, a tripling of total renewable energy capacity (on 2022 levels) would also require growth in onshore wind."
- 2.3.37 The CCC also highlight that their 2023 Progress Report (referred to above) showed that the Government is currently off-track to meeting its renewables targets. It states that in order to support the ambitions agreed at COP28 "and to meet the target of a decarbonised electricity supply by 2035, the Government must increase efforts to deliver against its existing targets on time". (page 23)
- Labour Government & Commitment to Renewables (2024)**
- 2.3.38 The recent UK Government change at Westminster and a Labour administration for the UK is of relevance in terms of the new UK Government policy in terms of the approach to net zero. The Labour Party Manifesto states that it has "*a national mission for clean power by 2030*" and it explicitly states that this is achievable "*and should be prioritised*". The Manifesto sees the clean energy transition as a huge opportunity to generate growth and also to tackle the cost-of-living crisis. This objective is set out as Labour's "second mission" for the UK.
- 2.3.39 The policy detail has yet to be seen, however from the information available it is clear that the new administration will accelerate the pace of renewable development in order to achieve net zero. Energy policy is reserved to Westminster and although the Scottish Government has progressed its own energy policy in parallel with its full devolved authority over the planning system in Scotland, UK Government policy is an important material consideration.
- 2.3.40 The Department for Energy Security and Net Zero issued a Statement on 08 July 2024 which included a reference to double UK onshore wind capacity from its current level of approximately 15 GW to a planned capacity of 30 GW by 2030.

2.4 Climate Change & Renewable Energy Policy: Scotland

The Climate Emergency

- 2.4.1 The former Scottish First Minister Nicola Sturgeon declared a "Climate Emergency" in her speech to the SNP Conference in April 2019. Furthermore, Climate Change Secretary Roseanna Cunningham made a statement on 14 May 2019 to the Scottish Parliament on the 'Global Climate Emergency' and stated:
"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 or 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...."
- 2.4.2 The key issue in relation to these statements is that they acknowledge the very pressing need to achieve radical change and that by 2030 it will be too late to limit warming to 1.5 °C. The Scottish Government therefore acted on the climate emergency in 2019 by bringing in legislation.
- 2.4.3 Furthermore, the declaration of the climate emergency is not simply a political declaration, it is now the key priority of the Scottish Government at all levels. Indeed, defining the issue as an emergency is a reflection of both the seriousness of climate change and its potential effects and the need for urgent action to cut carbon dioxide and other GHG emissions.
- 2.4.4 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 electricity generation by the 2030's.
- The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019**
- 2.4.5 Against this severe backdrop, the Scottish Government has set legal obligations to decarbonise and reduce emissions. Most notably, the Scottish Government has a statutory target to achieve "net zero" by 2045. It is clear that to have any hope of achieving the net zero target, significant expansion of renewable generation capacity needs to continue into the 2030s.
- 2.4.6 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 amended the 2009 Act and has set the even more ambitious targets.

- 2.4.7 The Cabinet Secretary for Wellbeing Economy, Net Zero and Energy made a Statement to the Scottish Parliament on 18 April 2024 with regard to the report to the Scottish Parliament prepared by the (CCC, 'Progress in reducing emissions in Scotland' (March 2024)). The Statement focussed on the implications the CCC report contains for Scottish emission reduction targets as set out in legislation, namely as set out in the Climate Change (Scotland) Act 2009. The Statement sets out that the Scottish Government will bring forward expedited legislation to address matters raised by the CCC and this is expected to be a change to the 2030 emissions reduction target. This is further referenced below.

The Scottish Energy Strategy (2017)

- 2.4.8 The Scottish Energy Strategy (SES) was published in December 2017. The SES preceded the important events and publications referred to above but nevertheless sets out that onshore wind is recognised as a key contributor to the delivery of renewable energy targets – specifically 50 % energy from renewable sources to be attained by 2030. 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 so it is out of date in that respect.
- 2.4.9 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"*.
- 2.4.10 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".
- 2.4.11 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." (page 44)

CCC, Progress in reducing emissions in Scotland Report to Parliament (December 2022)

- 2.4.12 The report from the CCC published in December 2022 addresses Scotland's progress in emissions reduction. The report is specifically referenced in the Inquiry Report for the Corriearth Wind Farm Extension, which was prepared by Reporters (21 August 2023) and which informed the decision on the Corriearth Wind Farm Extension by the Scottish Ministers (20 December 2023). At paragraph 128 of the Inquiry Report, the Reporters state that with regard to the CCC report it *"includes several findings that are relevant to this application"*. The Reporters then note the following from the report:
- Scotland met its 2020 target because of the impact of the Covid-19 pandemic.
 - To date, Scotland has missed 7 out of its 11 annual targets.
 - There is a significant risk of the remaining annual targets for 2020s being missed.
 - A stepped change in action across all sectors of the economy will be required.
 - If targets for the 2020s and early 2030s are not met, there will require to be compensatory overperformance against the later targets; and
 - It is not yet clear how much overperformance would be required in that later period.
- 2.4.13 The Reporters go on at paragraph 129 to state:
"On the basis of those findings, together with NPF4 Policy 1 on giving significant weight to the climate crisis, we conclude that the fact the proposed development would contribute towards reducing Scotland's greenhouse gas emissions, and achieving its targets thereon, should be given significant weight in the planning balance for this case."

2.5 Scottish Emission Reduction Targets

Current Progress against Emission Reduction Targets

- 2.5.1 The Scottish Government publishes an annual report that sets out whether each annual emissions reduction target has been met. Table 2.2 below sets out the annual targets for every year to net zero. The targets for 2018, 2019, 2021 and 2022 were not met.

Table 2.2 – Scotland’s Annual Emission Reduction Targets to Net Zero

Year	Original % Reduction Target	New Targets (2023)	% Actual Emissions Reduction	Year	Original % Reduction Target
2018	54	-	50	2032	78
2019	55	-	51.5	2033	79.5
2020	56	48.5	58.7	2034	81
2021	57.9	51.1	49.9	2035	82.5
2022	59.8	53.8	50.0	2036	84
2023	61.7	56.4	-	2037	85.5
2024	63.6	59.1	-	2038	87
2025	65.5	61.7	-	2039	88.5
2026	67.4	64.4	-	2040	90 (Interim)
2027	69.3	67.0	-	2041	92
2028	71.2	69.7	-	2042	94
2029	73.1	72.3	-	2043	96
2030	75	75	Interim Target	2044	98
2031	76.5		-	2045	100% Net Zero

2.5.2 The targets set out in the above Table clearly illustrate the speed and scale of change that is required, up to and beyond 2030. If there is a continuous growing shortfall each year, then it will be increasingly difficult to attain targets.

2.5.3 This means the trajectory, in terms of the scale and pace of action to reduce carbon dioxide emissions, is steeper than before and although the 2020s is a critical decade, all the indicators are that the 2030s will be even more critical, because of slower-than-planned action to date.

CCC Report to Scottish Parliament – Progress in reducing emissions in Scotland (March 2024)

2.5.4 The CCC produced a report to the Scottish Parliament entitled ‘Progress in reducing emissions in Scotland’ in March 2024. The related press release of the same date states that Scotland’s 2030 climate goals are no longer credible. It states:

“Continued delays to the updated Climate Change Plan and further slippage in promised climate policies mean that the Climate Change Committee no longer believes that the Scottish Government will meet its statutory 2030 goal to reduce emissions by 75 %. There is no comprehensive strategy for Scotland to decarbonise towards Net Zero.

The Scottish Government delayed its draft Climate Change Plan last year despite the 2030 target being only six years away. This has left a significant period without sufficient actions or policies to reach the target; the required acceleration in emissions reduction in Scotland is now beyond what is credible.”

2.5.5 The CCC calls in the report for Scotland’s Climate Change Plan to be published urgently in order that the CCC can assess it and identify the actions which will deliver on its future targets.

2.5.6 The press release states that there is a path to Scotland’s post-2030 targets, but stronger action is needed to reduce emissions across the economy.

2.5.7 The main report (page 10) states that *“The Scottish Government should build on its high ambition and implement policies that enable the 75 % emissions reduction target to be achieved at the earliest date possible.”*

2.5.8 Page 18 of the report addresses electricity supply, and it states that there has been some progress in delivering renewable electricity generation in Scotland. Reference is made to the Government aim to develop 8-11 GW of offshore wind and 20 GW on onshore wind capacity, both by 2030. The report notes that *“The growth in onshore wind capacity has slowed, however, and is slightly off track to deliver its 2030 target, which will require operational capacity to more than double.”*

2.5.9 Page 40 states that in terms of onshore wind, Scotland must increase the deployment rate by more than a factor of 4 to an average annual rate of 1.4 GW.

Statement to Scottish Parliament (18 April 2024) on 2030 Emissions Reduction Target

2.5.10 In light of the CCC Report, the Cabinet Secretary made a statement to the Scottish Parliament on 18 April 2024 entitled ‘Climate Change Committee Scotland Report – Next Steps: Net Zero Secretary Statement’.

2.5.11 The key points in the statement include:

- The Scottish Government has an *“unwavering commitment to ending our contribution to global emissions by 2045 at the latest, as agreed by Parliament on a cross-party basis”*.

- The Cabinet Secretary states that she is “*announcing a new package of climate action measures which we will deliver with partners to support Scotland’s transition to net zero*” and the Statement goes out to reference these specific measures.
- The Statement sets out that in terms of the policies for these measures that “*they sit alongside extensive ongoing work that will be built upon through our next Climate Change Plan and Green Industrial Strategy.*”
- The Cabinet Secretary states that, “*The Climate Change Committee is clear that the ‘UK is already substantially off track for 2030’ and achieving future UK carbon budgets ‘will require a sustained increase in the pace and breadth of decarbonisation across most major sectors’. Indeed, we do see climate backtracking at UK level.*”

2.5.12 The Cabinet Secretary adds:

“And with this in mind, I can today confirm that, working with Parliament on a timetable, the Scottish Government will bring forward expedited legislation to address matters raised by the CCC and ensure our legislative framework better reflects the reality of long term climate policy making.”

2.5.13 The last reference in the Statement (as set out above) is key, namely that the Scottish Government intends to work with Parliament to amend existing legislation. This is anticipated to be a change from the current 75 % emissions reductions target by 2030 to a lower figure, possibly around 65 % to match the UK position.

2.5.14 A further key point in the Statement is that the Scottish Government has reiterated its commitment to achieving net zero by 2045. It would seem therefore that the proposed approach to dealing with the position set out by the CCC in relation to the 2030 target being unachievable, is to amend the emissions reduction target for 2030 such that it better reflects reality and move to a multi year carbon budget approach to measuring emissions reduction (instead of annual targets) which would bring the Scottish Parliament in line with the Welsh and UK approaches. There is as yet, no clarity on what the new target will be, however it will remain a ‘stepping stone’ en route to achieving the net zero legally binding target by 2045.

2.5.15 In addition, the CCC wrote to the Scottish Government (14 May 2024) advising on an approach to carbon budgets. They recommended a five yearly approach in line with UK and Wales. Among the key messages in this letter is:

“The Committee strongly urges the Scottish Government to act quickly to implement a new legal framework, bringing its approach in line with the other nations of the UK. This is crucial to restore confidence and avoid a vacuum of ambition around Net Zero.”

2.6 The Onshore Wind Policy Statement (2022)

2.6.1 The Scottish Government published an updated Onshore Wind Policy Statement (OWPS) on 21 December 2022. It replaces the version published in November 2017.

2.6.2 The Ministerial Foreword makes it explicitly clear that seeking greater security of supply and lower cost electricity generation are now key drivers alongside the need to deal with the climate emergency. In this regard, the Cabinet Secretary for Net Zero, Energy and Transport states (page 3):

“that is why we must accelerate our transition towards a net zero society. Scotland already has some of the most ambitious targets in the world to meet net zero but we must go further and faster to protect future generations from the spectre of irreversible climate damage”.

“Scotland has been a frontrunner in onshore wind and, while other renewable technologies are starting to reach commercial maturity, continued deployment of onshore wind will be key to ensuring our 2030 targets are met”.

2.6.3 The Foreword states that onshore wind has the ability to be deployed quickly, is good value for consumers and is also widely supported by the public. The Minister further states that:

“This Statement, which is the culmination of an extensive consultative process with industry, our statutory consultees and the public, sets an overall ambition of 20 GW of installed onshore wind capacity in Scotland by 2030.

While imperative to meet our net zero targets it is also vital that this ambition is delivered in a way that is fully aligned with, and continues to enhance, our rich natural heritage and native flora and fauna, and supports our actions to address the nature crisis and the climate crisis”.

2.6.4 The OWPS is structured on the basis of eight chapters which contain a mix of policy guidance and also technical information. Key content of relevance to the Proposed Development is referenced below.

Increasing the Rate of Deployment & Forecast Increase in Electricity Demand

2.6.5 Chapter 1 “Ambitions and Aspirations” (page 5) refers to current deployment of onshore wind in Scotland and states:

“We must now go further and faster than before. We expect the next decade to see a substantial increase in demand for electricity to support net zero delivery across all sectors, including heat, transport and industrial processes.”

2.6.6 It is explained that National Grid's Future Energy Scenarios¹⁰ project concludes that Scotland's peak demand for electricity will at least double within the next two decades and that this will require a substantial increase in installed capacity across all renewable technologies.

Onshore Wind Target & Development Pipeline

2.6.7 In terms of existing deployment, paragraph 1.1.5 of the OWPS states that as of June 2022 the UK had 14.6 GW of installed onshore wind, with around 8.7 GW of this capacity within Scotland. Reference is made to a figure of 11.3 GW of onshore wind “currently in the pipeline, spread over 217 potential projects”.

2.6.8 The Onshore Wind Sector Deal (page 14) states that by the end of 2023 an analysis will be provided of the expected pipeline of new onshore wind projects, extensions to existing projects, life extensions and repowering projects expected in the period between 2023 and 2030. The information is to be updated at least bi-annually to enable Government and statutory consultees to plan ahead for the resources that would be required to process applications. In this regard a report entitled ‘Scotland Onshore Wind Pipeline Analysis 2023-2030’ was published by BVG Associates in November 2023.

2.6.9 The report presents the database and initial pipeline analysis, providing insights into different scenarios under which Scotland could achieve its ambition of 20 GW of onshore wind by 2030. It examines various sensitivities to assumptions on key parameters including matters such as the duration of the planning process for applications, repowering and also project viability. The assumptions in relation to the planning process reflect the aims of the Onshore Wind Sector Deal. If these are not met then there will be negative consequences for the onshore wind pipeline.

2.6.10 The BVG report provides an update as of August 2023 of Scotland’s pipeline of onshore wind developments and the breakdown of projects is consistent with the project lifetime stages that were set out in the OWPS.

Table 2.3 also shows the onshore wind pipeline figures as contained in the OWPS but also contains the summary of the BVG Associates analysis allowing a comparison of the various pipeline category figures between those in the OWPS (June 2022) and the BVG figures of August 2023. The relative differences between the various categories are also shown.

Table 2.3 – Onshore Wind Development Pipeline (OWPS & BVG Report)

Status of Onshore Wind Projects	OWPS (GW)	BVG Report (GW)	Difference 2022 v 2023 (GW)	Comments
In the Planning / Process	5.53	6.80	+ 1.27	Footnote on page 6 of OWPS applies. Not all projects will receive consent.
Awaiting Construction	4.56	6.14	+ 1.58	The figures are subject to some duplication – e.g. where some projects have consent but are also subject say to applications for tip height increases.
Under Construction	1.17	0.96	- 0.21	
Sub Total	11.26	13.09	+ 1.83	
Operational Onshore Wind in Scotland	8.70	9.32	+ 0.62	A number of projects will reach the end of their operational life. Not all will necessarily be repowered or life extended. A proportion of the operational capacity will have passed its notional design life by

¹⁰ National Grid has set out a range of different, credible ways to decarbonise the energy system with regard to attaining Net Zero for the UK by 2050.

Status of Onshore Wind Projects	OWPS (GW)	BVG Report (GW)	Difference 2022 v 2023 (GW)	Comments
				2030 and will be under consideration for decommissioning or repowering.
Total	19.96	22.41	+ 2.45	

- 2.6.11 The footnote to the figures set out on page 6 of the OWPS is pertinent and is as follows:
“Developments in the planning/consenting process have not yet been considered and given permission to proceed. Some of these projects will receive consent, but some may not, and it is unlikely that all of this noted capacity will be fully realised. A degree of duplication within the planning system must also be considered, where developments which have consent re-apply to adjust the parameters of that consent. This will also reduce the capacity which is deliverable from this overall figure”.
- 2.6.12 The analysis of the pipeline in the BVG Report is based upon a model which applies several filters which result in projects being removed from the pipeline and these include matters such as:
- projects which remain in the same development status for too long which is a reasonable indication that they are likely to be dormant and therefore are not likely to proceed;
 - projects with turbine attributes which today would likely put that project at a commercial disadvantage such as relatively low blade tip height such as 150 m or less; and
 - application of an attrition rate in relation to applications being refused consent.
- 2.6.13 The BVG Report sets out that with the application of all the nine filters considered in the model, then the expected onshore wind operating capacity by 2030 would be around 18.8 GW (page 9 of the BVG Report).
- 2.6.14 Although the Report sets out some suggested actions which could increase the likelihood of reaching 20 GW in 2030, these have various limitations. For example, the suggested actions include:
- Reinstating projects removed by the limits of 150 m tip height. The Report acknowledges that this approach ignores the practicalities that may be required in reality, such as preparing applications for consent for larger turbines and there is also the much more limited availability in the market for turbines of that relatively low tip height.
 - An action is suggested to reduce the default planning determination duration times to shorter ones, however this would be very much dependent upon the allocation of additional resources in the planning system and there is no evidence of that happening at the present time.
 - A further action is to assume repowering of all onshore wind developments at end of their life and assuming an uplift on original capacity of 100 %. Again, this assumption has its limitations and there is also no evidence that widespread repowering is going to be undertaken on such a basis. Extensions of operational life is likely to remain an attractive option in many cases.
- 2.6.15 Overall, the BVG Report states that based on the analysis undertaken: “reaching a target of 20 GW by 2030 with the current pipeline is possible”.
- 2.6.16 However, this relies upon various actions coming to fruition which cannot be assumed with high confidence. Therefore, whilst the overall tenor of the BVG Report is positive, it is considered that it remains imperative that schemes that are acceptable progress through the planning system swiftly and that as much capacity as possible is consented such that it can be deployed by 2030 or as soon as possible thereafter.
- 2.6.17 Furthermore, as noted above, the CCC advised in March 2024 that a Scotland must increase the deployment rate by more than a factor of 4 to an average annual rate of 1.4 GW.
- 2.6.18 In this case, as set out in this Planning Statement, the Applicant’s position is that the Proposed Development is acceptable.
- 2.6.19 Section 1.2 of the OWPS refers to the Deployment Ambition to 2030. Reference is made to the Climate Change Committee’s position as set out in their exploratory scenarios for emissions to 2050 and also as referred to within the Sixth Carbon Budget CB6.
- 2.6.20 Paragraph 1.2.2 of the OWPS states that: "These estimate that, in every scenario, the UK will require a total of 25-30 GW of installed onshore wind capacity by 2050 to meet government targets - which would mean doubling the current UK installed capacity".
- 2.6.21 Section 1.3 of the OWPS further refers to the new 20 GW ambition and acknowledges that the Scottish Government’s Programme for Government 2022/2023 committed Government to enabling up to 12 GW of onshore wind to be developed and it is stated that:

"It is vital to send a strong signal and set a clear expectation on what we believe onshore wind capacity will contribute in the coming years.

In line with this commitment, and reflecting the natural life cycles of existing wind farms, this statement sets a new ambition for the deployment of onshore wind in Scotland:

A minimum installed capacity of 20 GW of onshore wind in Scotland by 2030.

This ambition will help support the rapid decarbonisation of our energy system, and the sectors which depend upon it, as well as aligning with a just transition to net zero whilst other technologies reach maturity".

- 2.6.22 This statement is followed by reference to the "Legislative Context", in particular the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 and the related net zero greenhouse gas emissions targets. The OWPS states (paragraph 1.4.1) "*meeting these targets will require decisive and meaningful action across all sectors*".
- 2.6.23 Paragraph 2.4.2 states that "*onshore wind will play a crucial role in delivering our legally binding climate change targets*".
- 2.6.24 The Scottish Government has made clear that the 20 GW ambition of installed capacity is a "minimum". In short, there is a substantial shortfall to address in order to attain that figure and projects that are not yet in the planning system are unlikely to provide installed capacity by 2030. This underlines the importance of the benefits that the Proposed Development can deliver – namely near-term delivery of a substantial volume of installed capacity.
- 2.6.25 This means that the Scottish Government's ambition, as stated in December 2022, is to increase the installed capacity of onshore wind in Scotland by a minimum amount equivalent to about 130 % of the entire installed capacity of all current operational onshore wind farms in Scotland in a period of around eight years. The Proposed Development and its contribution must be considered in the context of the sheer scale and urgency of the stated Scottish Government policy position.

Delivering the Government's 20 Giga Watt Ambition for Onshore Wind

- 2.6.26 Chapter 2 of the OWPS entitled 'Delivering on our Ambition for Onshore Wind in Scotland' states that the Scottish Government is to form an Onshore Wind Strategic Leadership Group (SLG) and "*will task this SLG with taking forward the aspirations of this policy statement, and the development of an Onshore Wind Sector Deal*". This reflects the importance of the onshore wind sector.
- 2.6.27 Section 2.3 refers to a "Vision for Onshore Wind in Scotland" and states that Scottish Renewables, on behalf of the sector in Scotland, has produced a Vision Statement which the Government considers "*to lay the basis of a more detailed sector deal that the SLG will develop*".
- 2.6.28 The Onshore Wind Sector Deal was finalised and published in September 2023 and is referenced further below.
- 2.6.29 The Vision Statement is contained within Annex 5 of the OWPS (page 66). A summary of the Vision for the onshore wind industry in Scotland is a future where:
- An additional 12 GW of new onshore wind generation is constructed by 2030.
 - Onshore wind continues to play a key role in decarbonising the power sector, reducing consumer costs and ensuring security of supply whilst playing a key role in the electrification of heat and transport.
 - The selection of wind farm locations and technologies enables the use of the most productive modern turbines and balances the need to respect biodiversity and natural heritage.
 - Land use for onshore wind is optimised and combined with other initiatives including reforestation and peatland restoration, as well as providing enhanced access to green space for recreation.
 - New and repowering projects consistently receive high levels of public support.
 - High skilled and sustainable jobs are created, including long term jobs in the operational phase.
 - Material use is optimised, and carbon impact is minimised, through the principles of a circular economy.
 - Community benefit and shared ownership provides lasting social and economic benefits.
 - Onshore wind plays a central role in ensuring a just transition for communities and people.
- 2.6.30 The Vision Statement states (page 67) that:
- "Onshore wind remains vital to meeting this increasing demand, providing fast deployment whilst minimising cost to the consumer. This will be achieved by deploying the most productive modern*

turbines that are taller than older models, by re-powering existing sites where possible and by maximising the use of our exceptional natural wind resource where environmental effects are acceptable."

Balancing Environmental Considerations and Benefits

- 2.6.31 Chapter 3 of the OWPS "Environmental Considerations: Achieving Balance and Maximising Benefits" refers to matters relating to specific environmental topics as follows:
- shared land use;
 - peat and carbon-rich soils;
 - forestry;
 - biodiversity;
 - landscape and visual amenity; and
 - noise.
- 2.6.32 Landscape and Visual Amenity is addressed at Section 3.6 in Chapter 3 of the OWPS with direct cross references to NPF4. Paragraph 3.6.1 states (original emphasis):
- "Meeting our climate targets will require a rapid transformation across all sectors of our economy and society. This means ensuring the right development happens in the right place. Meeting the ambition of a minimum installed capacity of 20 GW of onshore wind in Scotland by 2030 will require taller and more efficient turbines. This will change the landscape."*
- 2.6.33 As referenced below, NPF4 policy expressly recognises that significant landscape and visual impacts are to be expected and the OWPS emphasises that as a result there will be changes in Scotland's landscape.
- 2.6.34 Paragraph 3.6.2 of the OWPS, in cross-referencing NPF4, makes it clear that outside of National Parks and National Scenic Areas "the criteria for assessing proposals have been updated, including stronger weight being afforded to the contribution of the development to the climate emergency, as well as community benefits".
- 2.6.35 There is therefore express direction of greater weight attaching to the benefits of the development in terms of how it contributes to tackling the climate emergency. The removal of the Spatial Framework for onshore wind farms, as previously required by Scottish Planning Policy (SPP), also gives rise to fewer locational constraints.
- 2.6.36 Paragraph 3.6.5 makes reference to Landscape Sensitivity Studies and makes it clear that these should not be used in isolation to determine matters of acceptability but can be a useful tool in assessing specific sensitivities within an area. It should be noted that the term is now landscape sensitivity, in comparison with SPP paragraph 162 which encouraged Landscape Capacity Studies. This reflects NatureScot's 2022¹¹ guidance.
- 2.6.37 Paragraph 3.6.3 also makes reference to the NPF4 Policy 11 criteria with regard to energy development stating that "where impacts are localised and/or appropriate design mitigation has been applied, they will generally be considered to be acceptable".
- ### **Energy Systems & Regulation**
- 2.6.38 Chapter 8 of the OWPS deals with 'Onshore Wind, Energy Systems and Regulation'. Section 8.2 refers to network planning and delivery and states:
- "Delivering our ambition of 20 GW of onshore wind by 2030 will create demands on our electricity infrastructure. New developments will need to connect quickly to Scotland's distribution and transmission networks. Networks must be able to invest quickly and ahead of need in order to ensure swift and efficient connections for onshore wind developments".*
- 2.6.39 It should also be noted that NPF4 Policy 11 advises that grid capacity should not constrain renewable energy development, therefore any challenges facing developers in getting connected, including delays, are not matters for the planning decision makers to be concerned with.
- 2.6.40 Section 8.4 of the OWPS refers to security of supply and storage potential. Paragraph 8.4.1 recognises that onshore wind can play a greater part in helping to address the substantial challenges of maintaining security of supply and network resilience in a decarbonised electricity system.

¹¹ NatureScot, Landscape Sensitivity Assessment Guidance, paragraph 8 (2022).

Battery Storage

- 2.6.41 The OWPS makes specific reference to battery storage at Section 8.4 (Security of Supply and Storage Potential) and it states (paragraph 8.4.1) that the Scottish Government believes that: *“Onshore wind can play a greater part in helping to address the substantial challenges of maintaining security of supply and network resilience in a decarbonised electricity system”*.
- 2.6.42 At paragraph 8.4.5 the OWPS states that there has been an increase in onshore wind development co-located with battery storage facilities and:
- “as we continue to progress towards the decarbonisation of our energy system, battery storage will be more and more prevalent. On site battery storage not only reduces pressures from the grid, but enables more locally focused energy provision, and reduces costs to consumers.*
- The Scottish Government will continue to support the co-location of both battery storage and hydrogen production facilities with onshore wind developments to help balance electricity demand and supply, add resilience to the energy system and support the production of renewable hydrogen to meet our future demands.”*

OWPS Conclusions

- 2.6.43 Page 49 of the OWPS sets out overall conclusions and these include inter alia the following key points:
- Deployment of onshore wind is *“mission critical for meeting our climate targets”*.
 - As an affordable and reliable source of electricity generation, *“we must continue to maximise our natural resource and deliver net zero in a way that is fully aligned with, and continues to protect our natural heritage and native flora and fauna”*.
 - A renewed commitment to this technology will ensure we keep *“leading the way in onshore wind deployment and support within the UK”*.
 - The Scottish Government has established *“a clear expectation of delivery with our ambition for a **minimum installed capacity of 20 GW** of onshore wind in Scotland by 2030 and providing a vehicle for that delivery through the creation of [the] Onshore Wind Strategic Leadership Group”* (emphasis added).
- 2.6.44 It is stated that *“Onshore wind will remain an essential part of our energy mix and climate change mitigation efforts, but we are also in a nature crisis. Onshore wind farms must strike the right balance in how we care for and use our land...”*.
- 2.6.45 The term “mission critical” is strong language and indicates onshore wind is crucial and extremely important to the attainment of the Government’s policy and legislative objectives.

2.7 The Draft Energy Strategy and Just Transition Plan

- 2.7.1 The Scottish Government published a new Draft ‘Energy Strategy and Just Transition Plan’ entitled ‘Delivering a fair and secure zero carbon energy system for Scotland’ on 10 January 2023. The new Strategy is to replace the one previously published in 2017. The consultation period ended in April 2023. As a draft document it can only be afforded limited weight. A final Strategy is expected in late 2024.
- 2.7.2 The draft Strategy is however consistent with the adopted policy set out in the OWPS and NPF4 and the identification of the 2020s as a crucial decade for the large scale delivery of renewable energy projects supporting urgent transition to net zero.
- 2.7.3 The Ministerial Foreword states:
- “The imperative is clear: in this decisive decade, we must deliver an energy system that meets the challenge of becoming a net zero nation by 2045, supplies safe and secure energy for all, generate economic opportunities, and builds a just transition...”*
- The delivery of this draft Energy Strategy and Just Transition Plan will reduce energy costs in the long term and reduce the likelihood of future energy cost crises....*
- It is also clear that as part of our response to the climate crisis we must reduce our dependence on oil and gas and that Scotland is well positioned to do so in a way that ensures we have sufficient, secure and affordable energy to meet our needs, to support economic growth and to capture sustainable export opportunities....*
- For all these reasons, this draft Strategy and Plan supports the fastest possible just transition for the oil and gas sector in order to secure a bright future for a revitalised North Sea energy sector focused on renewables.”*

- 2.7.4 The Foreword adds that the draft Strategy sets out key ambitions for Scotland's energy future including:
- More than 20 GW of additional renewable electricity on and offshore by 2030.
 - Accelerated decarbonisation of domestic industry, transport and heat.
 - Generation of surplus electricity, enabling export of electricity and renewable hydrogen to support decarbonisation across Europe.
 - Energy security through development of our own resources and additional energy storage.
 - A just transition by maintaining or increasing employment in Scotland's energy production sector against a decline in North Sea production.
- 2.7.5 The draft Strategy states (page 7, Executive Summary) that the vision for Scotland's energy system is:
- "...that by 2045 Scotland will have a flourishing, climate friendly energy system that delivers affordable, resilient and clean energy supplies for Scotland's households, communities and business. This will deliver maximum benefit for Scotland, enabling us to achieve a wider climate and environmental ambitions, drive the development of a wellbeing economy and deliver a just transition for our workers, businesses, communities and regions.*
- In order to deliver that vision, this Strategy sets out clear policy positions and a route map of actions with a focus out to 2030".*
- 2.7.6 A fundamental part of the draft Strategy is expanding the energy generation sector. The Executive Summary states (page 8) that Scotland's renewable resources mean that:
- "...we can not only generate enough cheap green electricity to power Scotland's economy, but also export electricity to our neighbours, supporting jobs here in Scotland and the decarbonisation ambitions of our partners.*
- We are setting an ambition of more than 20 GW of additional low cost renewable electricity generation capacity by 2030, including 12 GW of onshore wind....*
- An additional 20 GW of renewable generation will more than double our existing renewable generation capacity by 2030....."*
- 2.7.7 In terms of policy and onshore wind, the draft Strategy cross refers to NPF4 and the OWPS and reiterates the new ambition for a deployment of a minimum further 12 GW of onshore wind by 2030.
- 2.7.8 Section 3.1.2 (page 64) states:
- "Scotland will embrace the opportunity to increase onshore wind capacity through turbine improvements. Taller and more efficient turbines can be deployed at both new developments and when considering the repowering of existing sites, providing significantly increased capacity, often without increasing the footprint of an existing site".*
- Recognition of the role of Battery Storage**
- 2.7.9 The draft Strategy reiterates the support for energy storage set out in NPF4 (page 130). It states that:
- "Batteries can be combined to provide energy storage: In a domestic setting supporting the energy efficiency of individual homes; In communities and neighbourhoods, supporting the energy efficiency of the local low energy network; In strategic locations and through aggregating a large number of fixed and vehicle batteries to support regional energy and grid balancing a high energy network".*
- 2.7.10 Furthermore, it adds:
- "Utility scale battery storage offers fast responding, dispatchable power when required. As of September 2021, only 124 MW of the total 864 MW of energy storage was provided by Battery Energy Storage Systems (BESS) capacity installed in Scotland. However, there is a further 2.1 GW that has secured planning permission. Typically, these systems use lithium-ion technology, and only contain energy to dispatch full power continuously for a short number of hours. They also provide a number of ancillary services required to maintain stability within the electricity networks". (Page 130)*
- 2.7.11 The draft Strategy further recognises the potential contribution BESS can make to achieving Net Zero in summarising the key areas where it is considered that the UK Government needs to take action to support the delivery of the strategy with particular regard to energy system flexibility stating:
- "We urge the UK Government to make ancillary markets more accessible for Battery Energy Storage Systems (BESS) and other low carbon technologies ahead of fossil fuel powered alternatives".*

2.8 The Onshore Wind Sector Deal

2.8.1 The Onshore Wind Sector Deal (the ‘Sector Deal’) for Scotland was finalised in September 2023. It sets out a series of key measures which will support the Scottish Government in reaching its target of 20 GW of onshore wind by 2030. It describes how the Scottish Government, and the onshore wind sector will work together to deliver onshore wind farms quickly, sustainably and to the benefit of local communities and with the overall objective of attaining Scotland’s net zero target.

2.8.2 The foreword sets out that:

“The Government is committed to working with developers and stakeholders, understanding the operational barriers to delivering onshore wind projects and setting out processes to help reduce them. We also commit to speeding up consenting decisions, working with planning authorities and statutory consultees to increase skills and resources, as well as streamlining approaches.

Jointly, we will work together on ensuring a balance is struck between onshore wind and the impacts on land use and the environment. We will collaborate to enable information to be collected and shared from monitoring and evidence purposes, and we jointly want to capitalise on the unique opportunity for Scotland to become a world leader in decommissioning, re-manufacturing and recycling of onshore wind assets.”

2.8.3 It further adds that:

“The Sector Deal is more than just a document; it is a testament to our determination, a celebration of our potential, and a promise to future generations. Let us work together to usher in an era where innovation, sustainability, and prosperity converge, as we power Scotland’s greener future through the boundless energy of onshore wind.”

2.8.4 The matters within the Sector Deal to be actioned by a collaborative approach and also by specific actions from the sector and Government relate to:

- Supply chain, skills and the circular economy;
- Community and benefits;
- Land use and the environment;
- Planning;
- Legislative and regulatory actions; and
- Technical actions.

2.8.5 In terms of land use and the environment, the Sector Deal sets out that NPF4 Policy 1 makes it clear that significant weight needs to be given to the global climate and nature crisis and that “New onshore wind projects in Scotland will enhance biodiversity and optimise land use and environmental benefits” (page 11).

It further adds that:

“Balancing the need for more wind farms with the safeguards defined in NPF4 will be a crucial aspect of achieving the 2030 onshore wind ambition. Scotland will continue to be a world leader in responsible onshore wind development, demonstrating how onshore wind can co-exist with a diversity of species, sensitive habitats, peatland, carbon rich soils and forestry, ensuring positive outcomes for the climate and nature.”

2.8.6 In terms of planning, a key matter is that there is an ambition to reduce the time it takes to determine Section 36 applications. The Sector Deal also states (page 13) in relation to planning that:

“The ambition of 20 GW of installed onshore wind capacity by 2030 will require a significant number of new sites, the repowering and extension of existing sites and the realisation of unbuilt consented sites. Meeting this ambition will require the determination of applications to be made much more quickly than in recent years.”

2.9 Conclusions on the Renewable Energy Policy & Legislative Framework

2.9.1 The Applicant’s position is that the Proposed Development is strongly supported by the current renewable energy policy and legislative framework.

2.9.2 The trajectory, in terms of the scale and pace of action required to reduce emissions, grows ever steeper than before and it is essential that rapid progress is made through the 2020s. The rate of emission reductions must increase otherwise the legally binding target of net zero by 2045 will not be met.

- 2.9.3 It is clear from the UK Energy White Paper and the forecasts by the CCC that electricity demand is expected to grow substantially (scenarios vary but potentially by a factor of three or four) as carbon intensive sources of energy are displaced by electrification of other industry sectors, particularly heat and transport.
- 2.9.4 The CCC has stated (June 2023) that there is declining confidence in the UK meeting its target obligations. Following COP28 the CCC has advised that the agreements made at COP28 require a sharper domestic response and “time is now short for the gap to be bridged”.
- 2.9.5 Any amendments to interim targets only serve to show we are not on track and strengthen the case for rapidly approving schemes that can contribute to targets. Whilst emission reduction targets may be adjusted at the interim stage (2030) in terms of attaining net zero, all this means is that there is a change to the trajectory, but the overall target of net zero remains unchanged. Indeed, as set out in the Cabinet Secretary’s Statement referenced above, the Government retains its “unwavering” commitment to attaining that legally binding target for net zero.
- 2.9.6 Decisions through the planning system must be responsive to this changed position. Decision makers can do this by affording substantial weight to the energy policy objectives articulated above, in the planning balance. This is now very evident in the recent Section 36 decisions taken following adoption of NPF4. This is further referenced below in Section 6 where some quotations are drawn from recent decisions.
- 2.9.7 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 urgent challenge of Net Zero and the need to substantially increase renewable energy capacity, notably onshore wind.
- 2.9.8 Overall, the Draft Energy Strategy forms part of the new policy approach alongside the new OWPS, the recent Sector Deal and the approved NPF4. These documents confirm the Scottish Government’s policy objectives and related targets, reaffirming the crucial role that onshore wind will play in response to the climate crisis which is at the heart of all these policies.
- 2.9.9 It must follow that the need case is to be afforded substantial weight in the planning balance. The way that decision makers can do that is by properly recognising the seriousness and importance of energy policy related considerations in the planning balance. It is the cumulative effect of a large number of individual projects which will move Scotland towards where it needs to be.

3. The Benefits of the Proposed Development

3.1 The Benefits: Summary

3.1.1 This Section summarises the benefits that would arise from the Proposed Development.

Renewable Energy Generation

- With an installed capacity of over 50 MW of wind and 23 MW of battery storage, the Proposed Development would make a valuable and important 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 targets. As explained, there is now a distinct shift in policy emphasis from the displacement of higher carbon electricity generation to extending the use of electricity as the critical energy response to the climate emergency.
- The UK legally binding target of net zero GHG emissions by 2050 and the Scottish Government target of net zero by the earlier date of 2045 are major challenges. The Scottish Government has made it clear that onshore wind plays a vital and indeed “mission critical” role in the attainment of future targets in relation to helping to combat the crisis of global heating.
- The earlier that steps towards decarbonisation are introduced, the greater their contribution to limiting climate change. The Proposed Development’s delivery of renewable capacity in the near term will have a disproportionately higher benefit than the same capacity delivered later.
- The Proposed Development would generate enough electricity to power approximately 46,500 average Scottish households¹².

Emissions Savings

- The result of the carbon balance assessment¹³ shows that the Proposed Development is estimated to produce annual carbon savings (fossil fuel mix basis) of approximately 69,825 tonnes of CO₂e per year over a fossil fuel mix of electricity with an estimated ‘payback time’ of 1.4 years.

Security of Supply

- The British Energy Security Strategy has been referenced. It provides an increase to the requirements for both the scale and the urgency of delivery of new low carbon generation capacity, by refocussing the requirement for low-carbon power for reasons of national security of supply and affordability, as well as for decarbonisation.
- With this context, the attractiveness of onshore wind, a proven technology which will deliver significant benefits to consumers through decarbonisation, security of supply and affordability this decade, becomes clear, especially when co-located with battery storage.
- The Proposed Development, if consented, would provide a valuable contribution to security of supply for the wider region, Scotland and for the wider Great Britain (GB) area. Consenting the Proposed Development, would contribute to an adequate and dependable Scottish and GB generation mix, through enabling the generation of more low carbon power from indigenous and renewable resources, and would enable the Proposed Development to make a significant contribution to Scottish and wider UK energy security and decarbonisation needs.

Battery Storage

- In Scotland in particular, there is, as explained in the previous Section, very strong support for renewable generation, which is inherently intermittent. The primary function of the battery storage will be to help balance the electricity grid. Based on current battery technology the battery system will have a capacity of approximately 23 MW and 53 MWh at point of connection. This will be a highly valuable asset for the System Operator (in GB this is National Grid Electricity System Operator/NGESO) who can control battery assets (and all other generators and interconnections who provide those services to NGESO) across Great Britain to maintain the grid frequency within statutory limits and prevent power cuts.
- The BESS element of the Proposed Development would therefore help to smooth over peaks and troughs in electricity supply, being able to respond at short notice to requests from National Grid to generate, such as periods when renewable sources are not generating, are constrained off, or fossil fuel plants are unexpectedly offline. There is a clear requirement to balance the peaks and

¹² Based on a 50.4MW installed capacity, wind resource assessment and average Scottish domestic consumption of 3,520 Kwh per year (BEIS December 2021).

¹³ Set out in Section 17.3 of Chapter 17 of the EIA Report.

troughs associated with electricity supply and demand, to manage the strain on the transmission and distribution networks. The Proposed Development would be able to respond at short notice to requests from National Grid to balance the network, such as periods when renewable sources are not generating, and backup sources are required to counteract the intermittency of renewable sources such as wind energy. The flexibility and support for existing renewable sources is vital to ensure further use and deployment of renewable energy sources throughout Scotland.

- The benefits of co-locating wind energy generation and BESS has been set out in the previous Section with reference to the OWPS and the Draft Energy Strategy and Just Transition Plan.

Economic & Socio-Economic Benefits

- The Proposed Development would support jobs during construction and during operation across the Scottish economy . Overall, the socio-economic effects of the capital investment, employment and GVA to the economy would be beneficial (short term during construction, long term during operation).
- In terms of net construction phase GVA and employment effects, it is set out in Chapter 14 of the EIA Report that, in summary:
- With respect to employment, a total of 40 person-years of net additional temporary employment is predicted to be generated in the local Wider Study Area (WSA) economy during the construction phase of the Proposed Development (averaging 27 per annum (p.a.)). The equivalent total for the regional WSA (Scotland) is 155 person-years (averaging 103 p.a.), and for the national WSA (UK) it is 317 person-years (averaging 212 p.a.).
- In 2022 there was an estimated 53,000 jobs located within the Scottish Borders local authority area (ONS, 2022c). The temporary addition of 27 jobs (per annum) to this total would increase the number by 0.05 %. The impact on the local employment base is considered to be beneficial (albeit not significant in EIA terms).
- In terms of output, a net additional total of £1.8 million of GVA per annum is predicted to be generated by the Proposed Development in the local WSA economy during the construction and commissioning phase. The equivalent predicted total for the regional WSA (Scotland) is £7.4 million and for the national WSA (UK) it is £15.1 million.
- As well as the direct impacts on employment there would also be indirect impacts generated throughout the operational phase. Indirect impacts arise from the placing of contracts with other businesses, both in the local WSA and elsewhere in the regional WSA (Scotland) supplying services and materials to the Proposed Development during its operational phase.:
- In addition, local shops, cafes, filling stations, and hotels and other accommodation providers may experience an increase in business during the operational phase (e.g. from visiting technicians needed for equipment maintenance and servicing).
- Overall, based on experience with similar projects elsewhere in Scotland it is expected that there could be between 8 and 10 indirect jobs created in the operational and maintenance supply chain for the Proposed Development.
- In terms of the local direct and indirect jobs creation, the overall total number of full-time equivalent jobs that could be created is between 11 and 13.

Recreational Enhancement

- The Proposed Development would include a recreational heritage trail starting in the south-eastern part of the site and linking into the wind farm access tracks and wider forestry tracks,. Interpretation boards would be provided at various points along the route to describe environmental features in and around the site focusing on those of heritage and ecological interest.
- A section of the trail (closest to the A701 and leading from the car park) would comprise of a wheelchair accessible path to allow for all abilities access including wheelchairs and buggies. The remainder of the route linking into the wind farm tracks and existing forestry tracks creating a circular walk through the site would be non-wheelchair accessible comprised of locally sourced stone (unsuitable for use by wheelchairs and buggies).
- The path would be accessed by an existing vehicular access point off the A701 approximately 650 m south-east of Tweedsmuir village. Car parking spaces and bins would be provided.

Biodiversity Enhancement

- Significant biodiversity enhancements are proposed as set out in an Outline Nature Enhancement Management Plan. The details of the proposed measures are set out in the next Section in the context of NPF4 biodiversity policy.

3.2 Community Benefits

- The Applicant has committed to offering £5,000 per MW (index linked) of installed electricity generating capacity of the wind farm each year in community investment for the local area. In this way, the Proposed Development would provide each year community benefit funding for the Local Area of up to £12.6 million over the lifetime of the Proposed Development.

4. Appraisal against NPF4

4.1 Introduction

- 4.1.1 NPF4 was approved by resolution of the Scottish Parliament on 11 January 2023 and came into force on 13 February 2023.
- 4.1.2 A Chief Planner's Letter was issued on 8 February 2023 entitled 'Transitional Arrangements for National Planning Framework 4'. It contains advice intended to support consistency in decision making ahead of new style Local Development Plans being in place.
- 4.1.3 The Letter confirms with regard to the Development Plan that from 13 February 2023, NPF3 and SPP no longer represent Scottish Ministers' planning policy and should not form the basis for or be a consideration to be taken into account when determining planning applications.

4.2 Development Management

- 4.2.1 As explained, for the purposes of Section 36 decision making, Section 25 of the 1997 Act is not engaged.
- 4.2.2 Section 13 of the Planning (Scotland) Act 2019 Act amends Section 24 of the 1997 Act regarding the meaning of the statutory 'Development Plan', such that for the purposes of the 1997 Act, the Development Plan for an area is taken as consisting of the provisions of:
- The National Planning Framework; and
 - Any Local Development Plan (LDP).
- 4.2.3 Therefore, at the time of writing this Planning Statement, the statutory Development Plan covering the site consists of NPF4 and the SBC LDP (2016) and relevant Supplementary Guidance.
- 4.2.4 The publication of NPF4 coincided with the implementation of certain parts of the 2019 Act. A key provision is that in the event of any incompatibility between a provision of NPF4 and a provision of an LDP, then whichever of them is the later in date will prevail. That will include where a LDP is silent on an issue that is now provided for in NPF4.
- 4.2.5 Section 13 of the 2019 Act amends Section 24 of the 1997 Act to provide that:
- "In the event of any incompatibility between a provision of the National Planning Framework and a provision of a local development plan, whichever of them is the later in date is to prevail."*
- 4.2.6 In this case the LDP was adopted in 2016 and is over eight years old. It makes no mention of Net Zero and contains some policies which have aspects that are now incompatible with national policy in NPF4, and this further reduces the weight to be afforded to this element of the Development Plan.
- 4.2.7 In terms of emerging LDPs prepared prior to the adoption and publication of NPF4, the Chief Planner's Letter of 8th February states that it may be that there are opportunities to reconcile identified inconsistencies with NPF4 through the Examination process. In this case, there is an emerging LDP known as "LDP2". It is expected to be adopted in 2024. This is addressed in the following Section.
- 4.2.8 The Chief Planner's Letter also states with regard to Supplementary Guidance associated with LDPs which were in force before 12 February 2023 (the date on which Section 13 of the 2019 Act came into force) that they will continue to be in force and be part of the Development Plan. This point is relevant to the SBC's Onshore Wind Supplementary Guidance which is also referenced in the following Section.

4.3 How NPF4 is to be used

- 4.3.1 Annex A (page 94) of NPF4 explains how it is to be used. It states:
- "The purpose of planning is to manage the development and use of land in the long-term public interest ... Scotland in 2045 will be different. We must embrace and deliver radical change so we can tackle and adapt to climate change, restore biodiversity loss, improve health and wellbeing, reduce inequalities, build a wellbeing economy and create great places."*
- 4.3.2 Annex A states that NPF4 is required by law to set out the Scottish Ministers' policies and proposals for the development and use of land. It adds:
- "It plays a key role in supporting the delivery of Scotland's national outcomes and the United Nations Sustainable Development Goals¹⁴. NPF4 includes a long-term spatial strategy to 2045."*

¹⁴ The 17 UN Sustainable Development Goals are set out at page 95 of NPF4 and include *inter alia* 'affordable and clean energy' and 'climate action'.

- 4.3.3 NPF4 contains a spatial strategy and Scottish Government development management policies to be applied in all consenting decisions, and it identifies national developments which are aligned to the strategic themes of the Scottish Government's Infrastructure Investment Plan¹⁵ (IIP).
- 4.3.4 NPF4 therefore for the first time, introduces centralised development management policies which are to be applied Scotland wide. It also provides guidance to Planning Authorities with regard to the content and preparation of LDPs.
- 4.3.5 Annex A adds that NPF4 is required by law to contribute to six outcomes. These relate to meeting housing needs, health and wellbeing, population of rural areas, addressing equality and discrimination and also, of particular relevance to the Proposed Development, "*meeting any targets relating to the reduction of emissions of greenhouses gases, and, securing positive effects for biodiversity*".

4.4 The National Spatial Strategy – Delivery of Sustainable Places

- 4.4.1 Part 1 of NPF4 sets out the Spatial Strategy for Scotland to 2045 based on six spatial principles which are to influence all plans and decisions. The introductory text to the Spatial Strategy starts by stating (page 3):
- "The world is facing unprecedented challenges. The global climate emergency means that we need to reduce greenhouse gas emissions and adapt to the future impacts of climate change."*
- 4.4.2 The principles are stated as playing a key role in delivering the United Nation's Sustainable Development Goals and the Scottish Government's National Performance Framework¹⁶.
- 4.4.3 The Spatial Strategy is aimed at supporting the delivery of:
- 'Sustainable Places': "*where we reduce emissions, restore and better connect biodiversity*";
 - 'Liveable Places': "*where we can all live better, healthier lives*"; and
 - 'Productive Places': "*where we have a greener, fairer and more inclusive wellbeing economy*".
- 4.4.4 Page 6 of NPF4 addresses the delivery of sustainable places. Reference is made to the consequences of Scotland's changing climate, and it states, inter alia:
- "Scotland's Climate Change Plan, backed by legislation, has set our approach to achieving net zero emissions by 2045, and we must make significant progress towards this by 2030...Scotland's Energy Strategy will set a new agenda for the energy sector in anticipation of continuing innovation and investment."*
- 4.4.5 The National Spatial Strategy in relation to 'sustainable places' is described (page 7) as follows:
- "Scotland's future places will be net zero, nature-positive places that are designed to reduce emissions and adapt to the impacts of climate change, whilst protecting, recovering and restoring our environment.*
- Meeting our climate ambition will require a rapid transformation across all sectors of our economy and society. This means ensuring the right development happens in the right place.*
- Every decision on our future development must contribute to making Scotland a more sustainable place. We will encourage low and zero carbon design and energy efficiency, development that is accessible by sustainable travel, and expansion of renewable energy generation."*
- 4.4.6 Six National Developments (NDs) support the delivery of sustainable places, one being 'Strategic Renewable Electricity Generation and Transmission Infrastructure'.
- 4.4.7 A summary description of this ND is provided at page 7 of NPF4 as follows:
- "Supports electricity generation and associated grid infrastructure throughout Scotland, providing employment and opportunities for community benefit, helping to reduce emissions and improve security of supply"*.
- 4.4.8 Page 8 of NPF4 sets out 'Cross-cutting Outcome and Policy Links' with regard to reducing greenhouse gas emissions. It states:
- "The global climate emergency and the nature crisis have formed the foundations for the spatial strategy as a whole. The regional priorities share opportunities and challenges for reducing emissions*

¹⁵ The Scottish Government's five-year Infrastructure Investment Plan (2021-22 to 2025-26) was published in February 2021. It set out a vision for Scotland's future infrastructure in order to support and enable an inclusive net zero emissions economy.

¹⁶ The Scottish Government National Performance Framework sets out 'National Outcomes' and measures progress against a range of economic, social and environmental 'National Indicators'.

and adapting to the long-term impacts of climate change, in a way which protects and enhances our natural environment."

- 4.4.9 A key point in this statement is that the climate emergency and nature crisis are expressly stated as forming the foundations of the national spatial strategy. Recognising that tackling climate change and the nature crisis is an overriding imperative which is key to the outcomes of almost all policies within NPF4.

4.5 National Developments

Overview

- 4.5.1 Page 97 of NPF4 sets out that 18 National Developments have been identified. These are described as:

"significant developments of national importance that will help to deliver the spatial strategy ... National development status does not grant planning permission for the development and all relevant consents are required".

- 4.5.2 It adds that:

"Their designation means that the principle for development does not need to be agreed in later consenting processes, providing more certainty for communities, businesses and investors. ... In addition to the statement of need at Annex B, decision makers for applications for consent for national developments should take into account all relevant policies".

- 4.5.3 Annex B of NPF4 sets out the various NDs and related Statements of Need. It explains that NDs are significant developments of national importance that will help to deliver the Spatial Strategy. It states (page 99) that:

"The statements of need set out in this annex are a requirement of the Town and Country Planning (Scotland) Act 1997 and describe the development to be considered as a national development for consent handling purposes".

National Development 3 "Strategic Renewable Electricity Generation and Transmission Infrastructure"

- 4.5.4 Page 103 of NPF4 describes ND3 and it states:

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

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

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

- 4.5.5 The location for ND3 is set out as being all of Scotland and in terms of need it is described as:

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

- 4.5.6 Reference is made to the designation and classes of development which would qualify as ND3, and it states in this regard:

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

(a) on and offshore electricity generation, including electricity storage, from renewables exceeding 50 megawatts capacity;"

- 4.5.7 The Proposed Development would have national development status and would make a valuable contribution to the delivery of the national Spatial Strategy.

4.6 National Planning Policy

4.6.1 Part 2 of NPF4 (page 36) addresses national planning policy by topic with reference to three themes formulated with the aim of delivering sustainable, liveable and productive places.

4.6.2 In terms of planning, development management and the application of the national level policies, NPF4 states:

"The policy sections are for use in the determination of planning applications. The policies should be read as a whole. Planning decisions must be made in accordance with the development plan, unless material considerations indicate otherwise. It is for the decision maker to determine what weight to attach to policies on a case by case basis. Where a policy states that development will be supported, it is in principle, and it is for the decision maker to take into account all other relevant policies".

4.6.3 In terms of "sustainable places" the most relevant policies to the Proposed Development include the following:

- Policy 1: Tackling the Climate and Nature Crisis;
- Policy 3: Biodiversity;
- Policy 4: Natural Places;
- Policy 5: Soils;
- Policy 7: Historic Assets and Places;
- Policy 11: Energy;
- Policy 22: Flood risk and water management;
- Policy 33: Minerals.

4.6.4 These policies are addressed below.

4.6.5 The Chief Planner's Letter of 8th February 2023 provides advice in relation to applying NPF4 policy. It states that the application of planning judgement to the circumstances of an individual situation remains essential for all decision making, informed by principles of proportionality and reasonableness. It states:

"It is important to bear in mind NPF4 must be read and applied as a whole. The intent of each of the 33 policies is set out in NPF4 and can be used to guide decision making. Conflicts between policies are to be expected. Factors for and against development will be weighed up in the balance of planning judgement."

4.6.6 The Letter adds:

"It is recognised that it may take some time for planning authorities and stakeholders to get to grips with the NPF4 policies, and in particular the interface with individual LDP policies. As outlined above, in the event of any incompatibility between the provision of NPF and the provision of an LDP, whichever of them is the later in date is to prevail. Provisions that are contradictory or in conflict would be likely to be considered incompatible".

4.7 NPF4 Policy 1: Tackling the Climate and Nature Crisis

Policy 1 & Principles

4.7.1 The intent of Policy 1 is "to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis".

4.7.2 Policy 1 directs decision makers that "when considering all development proposals significant weight will be given to the global climate and nature crises."

4.7.3 This is a radical departure from the usual approach to policy and weight, and clearly denotes a step change in planning policy response to climate change. The matter of weight is no longer left entirely to the discretion of the decision maker. Significant weight should therefore be attributed to the Proposed Development given it would be consistent with the intent of Policy 1 and would make a positive contribution by helping to attain its outcome of net zero and would also deliver biodiversity enhancement helping to address the nature crisis.

4.7.4 The Chief Planner's Letter of 8th February 2023 refers to Policy 1. It states:

"This policy prioritises the climate and nature crises in all decisions. It should be applied together with the other policies in NPF4. It will be for the decision maker to determine whether the significant weight to be applied tips the balance in favour for, or against a proposal on the basis of its positive or negative contribution to the climate and nature crises."

- 4.7.5 This statement from the Chief Planner confirms that the decision maker must apply significant weight, but it is for the decision maker to decide if it is for or against the proposal. The Proposed Development's contribution is positive and therefore the significant weight in this case is for the proposal.
- 4.7.6 The term "Tackling" the respective crises in Policy 1 is also important – this means that decision makers should ensure an urgent and positive response to these issues and take positive action. Furthermore, NPF4 (page 8) refers to cross cutting outcomes and states with regard to Policy 1 that the policy gives significant weight "*to the global climate emergency in order to ensure that it is recognised as a priority in all plans and decisions*".

The application of Policy 1

- 4.7.7 Given the nature of the Proposed Development it would make a substantial and valuable contribution in relation to targets. It will directly further the policy intent and outcomes of Policy 1 and should be afforded significant positive weight in terms of tackling the climate and nature crises. The specific emission and carbon saving benefits are set out below in the context of NPF4 Policy 11 which requires the contribution that a development would make to targets to be taken into account.
- 4.7.8 The point is made later in this appraisal against NPF4 that it is important to recognise that the greatest threat to biodiversity is climate change. The principal and essential benefit of the Proposed Development is a significant contribution of renewable energy, to facilitate the earliest possible decarbonisation of the energy system and the achievement of "net zero" no later than 2045, in accordance with the objectives of the Climate Change (Scotland) Act 2009 (as amended). The purpose of net zero is also to protect biodiversity and the earlier it can be achieved, the greater the benefits to biodiversity.
- 4.7.9 The Reporter's comments on this particular policy in the Sanquhar II Inquiry Report¹⁷ are informative. At paragraph 2.48 of the Supplementary Report, the Reporter addresses NPF4 Policy 1 and states that:
- "tackling the nature crisis is required to be given significant weight alongside the climate crisis. There is no indication that one strand should be given greater priority over the other. That does not necessarily mean that an individual proposal must be shown to respond to both crises in equal measure, however. The two matters are also inextricably linked, with the nature crisis being, in part, exacerbated by climate change."*
- 4.7.10 Furthermore, as explained below with reference to NPF4 Policy 3, biodiversity enhancement measures are proposed as part of the Proposed Development.

4.8 NPF4 Policy 11: Energy

Policy 11 & Principles

- 4.8.1 For the consideration of wind energy development, Policy 11 'Energy' (page 53) is the lead policy. Policy 11's intent is set out as:
- "to encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This includes energy generation, storage, new and replacement transmission and distribution infrastructure and emerging low carbon and zero emission technologies including hydrogen and carbon capture utilisation and storage."*
- 4.8.2 Policy Outcomes are identified as: "expansion of renewable, low carbon and zero emission technologies".
- 4.8.3 Policy 11 is as follows:
- "a) Development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported. These include:*
- i. wind farms including repowering, extending, expanding and extending the life of existing wind farms;*
 - ii. enabling works, such as grid transmission and distribution infrastructure;*
 - iii. energy storage, such as battery storage and pumped storage hydro;*
 - iv. small scale renewable energy generation technology;*
 - v. solar arrays;*
 - vi. proposals associated with negative emissions technologies and carbon capture; and*

¹⁷ Sanquhar II, Section 36 Decision dated 31 August 2023, Supplementary Report of Inquiry dated 20 February 2023 (Case Reference WIN-170-2006).

vii. proposals including co-location of these technologies.

b) Development proposals for wind farms in National Parks and National Scenic Areas will not be supported.

c) Development proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.

d) Development proposals that impact on international or national designations will be assessed in relation to Policy 4.

e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:

i. impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker;

ii. significant landscape and visual impacts, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/ or appropriate design mitigation has been applied, they will generally be considered to be acceptable;

iii. public access, including impact on long distance walking and cycling routes and scenic routes;

iv. impacts on aviation and defence interests including seismological recording;

v. impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;

vi. impacts on road traffic and on adjacent trunk roads, including during construction;

vii. impacts on historic environment;

viii. effects on hydrology, the water environment and flood risk;

ix. biodiversity including impacts on birds;

x. impacts on trees, woods and forests;

xi. proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration;

xii. the quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans; and

xiii. cumulative impacts.

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

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

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

4.8.4 Paragraph a) of Policy 11 states a position of express “support” for wind farm development.

The application of Policy 11

4.8.5 The intent and desired outcome of the policy is expressly clear – the expansion of renewable energy, through encouragement, promotion and facilitation, all of which the Proposed Development will help to deliver.

4.8.6 The wording of Policy 11 Paragraph (a)(i) makes it clear that the policy supports new wind farms and paragraph (vii) provides clear support for proposals including co-location of the wind farms and energy storage technology.

4.8.7 Paragraph b) of Policy 11 does not apply in this case.

4.8.8 Paragraph c) of Policy 11 requires socio-economic benefits to be maximised, rather than just taken into account. The socio-economic effects that would arise have been summarised in Section 3 above.

4.8.9 Paragraph d) of Policy 11 states that development proposals that impact on international and national designations “will be assessed in relation to Policy 4”.

4.8.10 Policy 4 also deals with impacts in relation to local landscape designations. Therefore, the matter of the impacts of the Proposed Development in relation to such (national and local) designations is examined further below with specific regard to the provisions of NPF4 Policy 4. Policy 11 also requires to be

considered in relation to impacts on landscape designations insofar as it contains an overall balancing test, in which the “*contribution*” of a development to targets is considered.

- 4.8.11 Paragraph e) of Policy 11 states that project design and mitigation “*will demonstrate how*” impacts are addressed. These are listed in the quotation of the policy above and are addressed in turn below.

Impacts on Communities and Individual Dwellings - Residential Visual Amenity

- 4.8.12 As set out in the Landscape and Visual Impact Assessment (LVIA) as contained within Chapter 7 (Landscape and Visual) of the EIA Report, careful consideration has been given to the visual effects of the proposal from settlements and individual dwellings.
- 4.8.13 A Residential and Visual Amenity Assessment (RVAA) has been undertaken and is contained in the LVIA (Technical Appendix 7.7).
- 4.8.14 In summary, there are 34 properties within 2.5 km of the Proposed Development. These have been considered as individual properties or groups, with 15 considered in the RVAA. Grouped properties have similarity of location, setting, outlook and screening. Most properties are located within the Tweed Valley, and properties are set at or above the edge of the valley floor and look outwards across the valley.
- 4.8.15 The RVAA considered the change to visual amenity at each property, including consideration of likely views from the property, its curtilage (garden) and approach. Properties for which a high magnitude of change is identified are considered further with respect to whether or not the effect would reach what in current Landscape Institute guidance is called a ‘Residential Visual Amenity Threshold’.
- 4.8.16 It is noted that although the Proposed Development includes battery storage units and other ground level infrastructure elements, it is the proposed turbines that are most likely to affect visual aspects of residential amenity. At night, aviation lighting will be visible from some of the properties considered, although with strong downward angles (including some properties for which the angle of view is -4° or steeper) at which the lights will emit light at limited intensities, such that the lights will have low brightness.
- 4.8.17 The assessment of the properties found that there would be medium to high magnitude of change to the views from several properties within approximately 2.5 km of the site. Those with a high magnitude of change, including Hawkshaw; Menzion (group); Tweedsmuir Lilybank (group); Tweedsmuir south (group); and Hopehead, Kingledoors Valley were considered further. The RVAA found that effects at the properties would not reach the Residential Visual Amenity Threshold.
- 4.8.18 For the closest properties at Menzion, which are located to the south-east of the proposed turbine locations and which would be 1.08 km from the nearest proposed turbine, the proposed turbines would be present on the hill horizon on the other side of the valley, oblique to principal views from the properties which look north-west. However, it is judged that the proposed turbines would not become overbearing. No residential receptors will be subject to effects which are judged to breach the Residential Visual Amenity Threshold.

Noise and Shadow Flicker

Noise

- 4.8.19 A noise assessment has been carried out and is contained within Chapter 13 (Noise) of the EIA Report.
- 4.8.20 Construction noise will be limited in duration and confined to working hours as specified by the SBC and therefore adequately controlled through the application of good practice measures and secured by planning conditions.
- 4.8.21 Operational noise from the Proposed Development has been assessed in accordance with the methodology set out in ETSU R 97, ‘The Assessment and Rating of Noise from Wind Farms’. The assessment process set out in ETSU-R-97 includes cumulative operational noise from other wind energy developments in the area. The assessment includes Clyde and Extension Wind Farm, Glenkerie and Extension Wind Farm, Grayside Wind Farm and Whitelaw Brae Wind Farm.
- 4.8.22 It has been demonstrated that both the daytime and night-time noise limits can be satisfied at all assessment properties across all wind speeds. This assessment has been based on the use of the manufacturer’s warranted sound power data for the Vestas V162 7.2 MW wind turbine which is typical of the type and size of turbine which may be considered for the site, and assuming worst case downwind propagation.
- 4.8.23 In summary, the overall levels of construction noise are considered to represent a minor significant effect. At some locations under some wind conditions and for a certain proportion of the time, the Proposed Development noise may be audible; however, operational noise immission levels comply with the criteria of the guidance commended by planning policy for the assessment of wind farm noise.

Shadow Flicker

- 4.8.24 The assessment of Shadow Flicker is set out in Chapter 17 (Other Considerations) of the EIA Report.
- 4.8.25 Under certain combinations of geographical position and time of day, when the sun passes behind the rotors of a wind turbine and casts a shadow over neighbouring properties, as the blades rotate, the shadow may appear to flick on and off, when viewed through a narrow aperture such as a window. The phenomenon occurs only within buildings where shadows are cast across a window aperture, and the effects are typically considered to occur up to a maximum distance of 10 times the rotor diameter from each wind turbine. This effect is known as shadow flicker.
- 4.8.26 It is explained in the assessment that under conservative assumptions, the Proposed Development is predicted to potentially cause shadow flicker for a number of properties within the assessment area, with one property (Hopehead, used as a bothy and not permanently inhabited) predicted to experience shadow flicker levels in excess of 30 hours per year under the likely sunshine hours assessment.
- 4.8.27 A planning condition would provide an appropriate form of mitigation to ensure that any complaints would be investigated within a reasonable timescale and that the rectification of any substantiated shadow flicker issue would be implemented promptly and effectively.

Landscape and Visual Considerations

- 4.8.28 Before examining the landscape and visual effects of the Proposed Development, Part e(ii) of NPF4 Policy 11 makes it clear and recognises that significant landscape and visual impacts are to be expected for some forms of renewable energy. This is a very different starting point compared to the position in the former SPP and there is a very clear steer that significant effects are to be expected, and where localised and/or subject to appropriate design mitigation, they should generally be acceptable. A detailed landscape and visual assessment is set out in Chapter 7 of the EIA Report. Summary points are referenced below.

Design Approach

- 4.8.29 It is explained in Chapter 2 of the EIA Report, that an iterative design process has been followed. Design changes are referenced, and the EIA Report Chapter should be referred to for its detail.

Landscape Character

- 4.8.30 Landscape Effects are concerned with how the Proposed Development would affect the elements that make up the landscape, the aesthetic and perceptual aspects of the landscape, and its distinctive character.
- 4.8.31 In terms of landscape character impacts, effects during operation are identified as being potentially significant include:
- significant (major) indirect effects on Landscape Character Type (LCT)113 Upland Valley with Pastoral Floor within approximately 4 km, from Hearthstane to the upper (southern) edge of the LCT near Menzion; and significant (moderate) indirect effects from Hearthstane northwards to Stanhope (within approximately 6 km); and
 - significant (moderate) direct and indirect effects on the character of the LCT95 Southern Uplands – Borders, over the ridge that hosts the site. This ridge is narrow, but extends to 3 km to the north-east, and towards Clyde to the south-west. Significant effects would be limited to within 3 km.
- 4.8.32 For other LCTs around the study area, significant effects would not occur, due largely to intervening distance, landforms and vegetation giving the sense of the Proposed Development being set away from the immediate landscape. The Proposed Development would be introduced as background features to most LCTs, at a distance and without altering local character.

Designated Landscapes

- 4.8.33 The Upper Tweedale National Scenic Area (NSA) is approximately 6 km north-east of the site at its closest point. It is explained in the LVIA that theoretical visibility is limited to elevated slopes and summits of hills around the fringe of the NSA only, with no visibility from the valley floor that is the focus of the NSA. The proposed turbines would appear as minor elements within panoramic views, and in a direction of view that is currently influenced by wind turbines. Therefore, the LVIA concludes that there would be no discernible change to the special qualities of the NSA as a result of the Proposed Development.
- 4.8.34 The site is within the Tweedsmuir Upland Special Landscape Area (SLA). This is an extensive area which also hosts Glenkerie Wind Farm, and the Clyde group is immediately adjacent to the west. The Proposed Development is located on the ridge to the west of the Upper Tweed Valley. Significant landscape effects are identified for the ridge and a section of the valley south of Stanhope, and visual effects are identified to be significant within the valley.

- 4.8.35 It is explained in the LVIA that from elevated vantage points within the SLA, the Proposed Development would be seen in the context of Glenkerie and the Clyde group, and the broad panoramas over the Southern Uplands. Effects are identified as not significant for elevated viewpoints, except at Culter Fell at the edge of the SLA, where the Proposed Development would be seen between Glenkerie and the Clyde group.
- 4.8.36 Aviation lights would be visible from the A701, the minor road from Talla Linn past Talla Reservoir, and from the minor road from the Fruid Reservoir.
- 4.8.37 Whilst the Proposed Development would be within and visible from some parts of the SLA, the proposed turbines would not add new elements into the landscape as there are existing turbines present within and around the SLA. The scale of the proposed turbines and location in relation to the Upper Tweed Valley mean that significant landscape and visual effects have been identified for the valley within approximately 8-10 km of the Proposed Development, which is a relatively small part of the LLA SLA extent, and such effects would be localised.
- 4.8.38 Other qualities of the SLA would not be affected by the Proposed Development. It is judged therefore, that although the Proposed Development would alter aspects of the character of the western part of the SLA, it would not undermine the integrity of the designated area as a whole, and the reasons for designation would remain intact for the Tweedsmuir Uplands SLA, including the Upper Tweed Valley.

Visual Effects

- 4.8.39 The effects on various viewpoints have been assessed based on the changes made as presented by the Proposed Development.
- 4.8.40 Viewers within the LVIA study area who would be affected by the changes in views and visual amenity include local residents, tourists, walkers and recreational route users, and road users. The assessment of visual effects considers the changes that people would see in views from various locations around the study area, using representative viewpoints, as well as considering views from settlements and from along routes. Chapter 7 of the EIA Report should be referred to for its detail.
- 4.8.41 In summary, in terms of visual effects, it is explained in the LVIA that the topography of the Southern Upland hills around the site would generally contain visibility of the Proposed Development. It would be visible from the site ridge and from the valleys either side, the Upper Tweed Valley and the Kingledoors Burn Valley. The ridge that runs to the north-west and west of the site is higher than the ridge within the site, and would contain most views in that direction, with limited visibility of tips only from high ground beyond.
- 4.8.42 It is noted that views from the west would be through Clyde group turbines. There would be no significant effects beyond that ridge to the north-west, west or south-west, except at Culter Fell.
- 4.8.43 Hills to the east and south-east would limit potential visibility to within approximately 11 km. It is explained in the LVIA that there is therefore a very limited area, effectively the eastern half of an area within approximately 10-11 km, that would be influenced by the Proposed Development. Within that area, where visible, there are areas where effects would be significant but localised.
- 4.8.44 Key view experiences include views along the Upper Tweed Valley such as from the A701 and from Tweedsmuir settlement, from tributary valleys that have framed views towards the site. From elevated locations within this localised area, the Proposed Development would be seen in the context of existing Glenkerie and Clyde group turbines and the panoramic views that also include wind energy development further afield.
- 4.8.45 Significant effects are identified for visual receptors within approximately 11 km, and landscape receptors within approximately 6 km. Given the distribution of effects within that area, these are considered to be limited and localised for a development of this scale in this type of landscape.
- 4.8.46 In terms of sequential visual effects, it is set out in the LVIA that the Proposed Development would form an additional group of turbines located between the Clyde group and Glenkerie, along the ridge to the north of the Tweed Valley. It would change the experience of the landscape of the wider area slightly in terms of increasing the presence of wind farm development within a section of the Upper Tweed Valley, particularly around Tweedsmuir where it would be the closest wind farm, forming part of a sequential experience along the A701 with Glenkerie, Whitelaw Brae and the Clyde group. It would be seen as additional turbines in the hills from elevated locations and would be seen in framed views along occasional valleys that align with it. The area west and south of the Tweed Valley would remain 'with wind farms' on the introduction of the Proposed Development but would be extended further down the Tweed Valley to be experienced from further north-east within it (south of Hearthstanes).

Aviation Lighting Effects

- 4.8.47 A Civil Aviation Authority (CAA) approved reduced lighting scheme has been agreed. Three of the proposed turbines would be lit - Turbines 1, 3, and 6: each having medium intensity 2,000 candela (cd)

steady red lights on the top of the hub (a second light on each hub would be installed as backup but would not be lit when the primary light is functional). Low intensity mid-tower lights would not be used.

- 4.8.48 The lights would come on at half an hour after sunset and would be switched off at half an hour before sunrise (to be on during nautical twilight). Agreed mitigation includes the reduction of intensity of the lights during conditions of clearer visibility, such that the lights would only operate at full intensity of 2,000 cd when visibility is less than 5 km; at other times they would be at 10 %, i.e. 200 cd. Meteorological data for the local area suggests that the 2,000 cd lights would only be at 2,000 cd for 2 % of the time and at 200 cd for 98 % of the time.
- 4.8.49 The lights used will be designed to emit a horizontal beam of light with reduced upward and downward spill of light, such that the brightness of the light emitted is decreased for viewers close to the turbines viewing the lights from below.
- 4.8.50 Whilst the lights would be visible as low to very low intensity red lights from viewpoints and from routes within the LVIA study area, no significant effects are identified as arising from aviation lighting during dark hours.

Cumulative Effects

- 4.8.51 As part of the LVIA a cumulative assessment has been undertaken. The cumulative assessment considers those sites that are operational, under construction, consented and awaiting construction, or the subject of a current planning application or appeal.
- 4.8.52 The cumulative assessment presented in the LVIA considered the potential additional effects of the Proposed Development in three scenarios as follows:
- a 'Consented Scenario' with consented wind farms present in the baseline (in addition to existing wind farms), i.e. a likely future scenario;
 - an 'Application Scenario' with undetermined proposals in the planning system (in addition to the above), i.e. a less certain future scenario. This scenario was not considered in detail because these proposed wind farms would be geographically distant, and would not alter the pattern of development greatly from the relationships established by the existing and consented wind farm groups; and
 - a 'Scoping Scenario' with wind farm developments currently at Scoping stage included as well, i.e. a more speculative future scenario. Given the highly speculative nature of scoping sites, and intervening existing wind farms, the scenario in which these sites are included was scoped out.
- 4.8.53 The LVIA should be referred to for the detailed cumulative assessment. No unacceptable cumulative landscape and visual effects are identified.

Public Access

- 4.8.54 The LVIA has addressed visual amenity considerations in relation to public access and recreation. Whilst there would be some visibility of the Proposed Development from some walking and recreational routes, no significant effects are identified for any routes save for sections of two Core Paths in the vicinity of the Proposed Development (Chapelgill Hill to Glenwhappen Rig and ROW from Hearthstane to Broad Law). Existing wind farms are already visible on these routes and these significant effects are not considered to be unacceptable.
- 4.8.55 Furthermore, no issues would arise in terms of any access route being obstructed either in the construction or operational period of the Proposed Development. The access tracks would be open for public access during the operational phase.

Aviation, Defence Interests and Telecommunications

- 4.8.56 Aviation is addressed in Chapter 16 (Aviation) of the EIA Report. The aviation assessment states that there are only two aviation issues to address: the effect on the NATS Lowther Hill radar and the requirement for aviation lighting. The Applicant has engaged with NATS and an appropriate radar mitigation scheme has been identified.
- 4.8.57 In terms of aviation lighting, as explained above, the CAA has approved a reduced lighting scheme.
- 4.8.58 The Proposed Development is located within the statutory consultation zone of the seismological recording station at Eskdalemuir, an asset that contributes to the Nuclear Test Ban Treaty. Wind turbines can interfere with seismic monitoring and according to the Ministry of Defence's (MOD) response to the Oliver Forest EIA Scoping Report "*in order to ensure the United Kingdom can continue to implement its obligations in maintaining the Comprehensive Nuclear Test Ban Treaty, a noise budget, based on the findings of research for the 50 km radius surrounding the array, is managed by the MOD.*"

- 4.8.59 The Eskdalemuir Working Group which includes the Scottish Government, the MOD, Scottish Renewables and a number of developers are working together to agree a solution by where the “re-calculated noise budget” is fairly allocated to wind farms in planning and future developments.
- 4.8.60 The Applicant is supportive of the Eskdalemuir Working Group and will abide by the allocation process and required mitigation once fully agreed.
- 4.8.61 The Proposed Development is also not anticipated to have any significant effects on telecommunications infrastructure.

Impacts on Road Traffic and Trunk Roads

- 4.8.62 Chapter 12 of the EIA Report evaluates the potential effects the infrastructure changes presented by the Proposed Development may pose on traffic and transport resources within the road network study area.
- 4.8.63 Whilst the Proposed Development would lead to a temporary increase in traffic volumes on the study area road network during the construction phase, traffic volumes would decrease considerably outside peak periods of construction. Overall, the construction period would be transitory in nature and all impacts would be short lived and temporary and there would not be significant effects.

Historic Environment

- 4.8.64 Chapter 11 of the EIA Report addresses the archaeological and historic environment value of the site and assesses the potential both for direct and setting effects on archaeological features and heritage assets resulting from the construction and operation of the Proposed Development.
- 4.8.65 The assessment deals with the potential for direct impact on heritage assets and, in particular, examines the potential effects in relation to the setting of heritage assets. Effects in relation to the historic environment are further examined below in terms of NPF4 Policy 7 (Historic Assets and Places).

Hydrology, the Water Environment and Flood Risk

- 4.8.66 Chapter 10 of the EIA Report provides an assessment of effects on hydrological receptors and soils as a result of the Proposed Development.
- 4.8.67 It is explained in the assessment that the design of the Proposed Development has been informed by a detailed programme of peat depth probing and it has been shown that wherever possible, areas of deep peat have been avoided. The assessment of peat and carbon rich soils has considered all of the proposed infrastructure. A project specific Peat Management Plan (PMP) has been prepared which confirms the soils disturbed by the Proposed Development are limited in volume and that these soils can be readily and beneficially reused in restoration works on site.
- 4.8.68 Subject to adoption of best practice construction techniques and a site-specific Construction Environmental Management Plan (CEMP), no significant adverse effects on geology (including soils and peat) and the water environment have been identified. The CEMP includes provision for drainage management plans which will be agreed with statutory consultees, including Scottish Environment Protection Agency (SEPA) and SBC, which will be used to safeguard water resources and manage flood risk.
- 4.8.69 A commitment to deploy Sustainable Drainage Systems (SuDS) in these plans has also been made.
- 4.8.70 The CEMP also includes provision of a Pollution Prevention Plan which would also be agreed with statutory consultees including SEPA prior to any construction works being undertaken. An Outline CEMP has been prepared and is presented as Technical Appendix 3.1 in the EIA Report. The final CEMP will be agreed with statutory consultees prior to construction.
- 4.8.71 Notwithstanding these safeguards, a programme of baseline and construction phase water quality monitoring is also proposed which would be used to confirm that the Proposed Development does not have a significant effect on geology and the water environment.
- 4.8.72 Monitoring of watercourses that drain from the site, including those that discharge to the River Tweed, will be included in the monitoring plan.

Biodiversity

- 4.8.73 The EIA Report assessed the potential significant effects on important bird species and terrestrial ecological interests associated with the construction, operation and decommissioning. EIA Chapters 8 (Ecology) and 9 (Ornithology) set out the assessments.

Ecology

- 4.8.74 The assessment states that standard mitigation measures to be adopted will include embedded mitigation in the Proposed Development design, good practice measures, for example production of Species Protection Plans (SPP), Habitat Specific Protection Plans (HSPPs), pre-clearance surveys and

the appointment of an Ecological Clerk of Works (ECoW) to oversee the implementation of the ecology mitigation measures, and biodiversity enhancement opportunities detailed in an Outline Nature Enhancement Management Plan. Following the application of mitigation measures, no significant adverse direct and/or indirect effects on ecological features as a result of the Proposed Development are anticipated.

- 4.8.75 Proposed biodiversity enhancement measures are described below with regard to NPF4 Policy 3 (Biodiversity) (see further below) and would give rise to lasting beneficial effects.

Ornithology

- 4.8.76 It is explained in the assessment that the site (and adjacent habitats) support inconsequential numbers of ornithology species regarded as 'target species', as evidenced from baseline surveys (and desk study records). Standard mitigation adopted will include embedded mitigation through Proposed Development design (avoidance), good practice control measures including production of a breeding bird protection plan (BBPP), pre-clearance surveys and appointment of an ECoW to oversee the implementation of the ornithology mitigation measures.
- 4.8.77 Following the application of the proposed mitigation, no significant adverse direct and/or indirect effects on ornithological features are anticipated as a result of the Proposed Development.

Balancing the Contribution of a Development and Conclusions on Policy 11

- 4.8.78 Part e(ii) of Policy 11 makes it clear that significant landscape and visual impacts are to be expected for some forms of renewable energy. This is a very clear steer that significant effects are unavoidable, and where localised and/or subject to appropriate design mitigation, they should generally be acceptable.
- 4.8.79 The Proposed Development is considered to be acceptable in relation to all of Policy 11's environmental, economic and technical topic criteria. In particular, the LVIA concludes that the significant landscape and visual impacts are localised, and that appropriate design mitigation has been adopted.
- 4.8.80 The second last paragraph of Paragraph e) of Policy 11 is expressly clear that in considering any identified impacts of developments, significant weight must be placed on the contribution of the proposal to renewable energy generation targets and greenhouse gas emissions reduction targets.
- 4.8.81 In terms of contribution to targets, the Proposed Development's contribution has been set out in Section 3 above.

4.9 NPF4 Policy 3: Biodiversity

Policy 3 & Principles

- 4.9.1 In summary, there are no unacceptable effects arising in relation to biodiversity matters, nor in relation to nature conservation designations which NPF4 Policies 3 and 4 (the latter in terms of designations – see below) respectively address.
- 4.9.2 Policy 3 requires developments to, wherever feasible, provide nature-based solutions that have been integrated and made best use of and for significant biodiversity enhancements to be provided.

Current Guidance Position

- 4.9.3 It should be noted that Policy 3 does not provide any guidance on how 'significant enhancements' will be measured and assessed, simply referring to "*best practice assessment methods*".
- 4.9.4 The letter from the Chief Planner issued on 08 February 2023 refers to the application of new policy where specific supporting guidance / parameters for assessment are not yet available to aid assessments. The letter states:

"recognising that currently there is not single accepted methodology for calculating and / or measuring biodiversity 'enhancement' – we have commissioned research to explore options for development a biodiversity metric or other tool, specifically for use in Scotland. There will be some proposals which will not give rise for opportunities to contribute to the enhancement of biodiversity, and it will be for the decision maker to take into account the policies in NPF4 as a whole, together with material considerations in each case". (underlining added)

- 4.9.5 Therefore, exactly how enhancement is to be measured in the longer-term is to be the subject of further guidance.
- 4.9.6 NatureScot Guidance (online) was issued in Summer 2023 in support of NPF4 Policy 3 c). This states that the selection and design of enhancement measures will be a matter of judgment based on the circumstances of the individual case but should take into account a number of considerations. These considerations include:

- the location of the development site and the opportunities for enhancing biodiversity;
 - the character and scale of development;
 - the requirements and cost of maintenance and future management of the measures proposed;
 - the distinctiveness and scale of the biodiversity damaged or lost; and
 - the time required to deliver biodiversity benefits and any risks or uncertainty in achieving this.
- 4.9.7 The Scottish Government published 'Draft Planning Guidance: Biodiversity' in November 2023. Paragraph 1.1 states that it:
- "Sets out the Scottish Minister's expectations for implementing NPF4 policies which support the cross cutting NPF4 outcome 'improving biodiversity.'"*
- 4.9.8 The draft guidance makes reference to Scotland's Biodiversity Strategy, which it states sets targets for halting biodiversity loss by 2030 and restoring and regenerating biodiversity by 2045.
- 4.9.9 Section 1.9 of the guidance states that NPF4 Policy 3 (Biodiversity) *"in particular plays a critical role in ensuring that development will secure positive effects for biodiversity"*.
- 4.9.10 The guidance refers to 'key terms' and with regard to 'enhancement', states at Paragraph 1.10:
- "The terms 'enhance' and 'enhancement' are widely used in NPF4. In order for biodiversity to be 'enhanced' it will need to be demonstrated that it will be in an overall better state than before intervention, and that this will be sustained in the future. Development proposals should clearly set out the type and scale of enhancements they will deliver"*.
- 4.9.11 The guidance addresses development planning and, in terms of development proposals, references 'core principles.' At Paragraph 3.1 the guidance states that these principles can be followed when designing developments so that nature and nature recovery are an integral part of any proposal. Section 3.2 of the guidance states:
- "Applying these principles will not only help to secure biodiversity enhancements, they can also help to deliver wider policy objectives including for green and blue infrastructure, open space, nature based solutions, nature networks and 30 x 30. Development proposals which follow these steps are also much more likely to result in more pleasant and enriching places to live, work and spend time."*
- 4.9.12 The principles set out are as follows:
- apply the mitigation hierarchy;
 - consider biodiversity from the outset;
 - provide synergies and connectivity for nature;
 - integrate nature to deliver multiple benefits;
 - prioritise on-site enhancement before off-site delivery;
 - take a place-based and inclusive approach;
 - ensure long term enhancement is secured; and
 - additionality (ensuring that enhancement delivered is additional to any measures which would have been likely to happen in the absence of the development).
- 4.9.13 These core principles have been applied as appropriate with regard to the Proposed Development.
- 4.9.14 Page 15 of the draft guidance makes specific reference to determining planning applications and, with regard to the policy context, Paragraph 4.1 makes it clear that NPF4 must be read and applied as a whole. Specific reference to NPF4 Policy 3 (Biodiversity) Part 3 b) is made and from Section 4.6 key points in the guidance include the following:
- it is set out that NPF4 that does not specify or require a particular assessment approach or methodology to be used, although the policy makes clear that best practice assessment methods should be utilised;
 - assessments can be qualitative or quantitative (for example through use of a metric); and
 - it is stated that NatureScot is to shortly commence work to develop an adapted biodiversity metric suitable for use in supporting delivery of NPF4 Policy 3 b). The draft guidance states that further information will be provided on this work "in due course".
- 4.9.15 Section 4.12 of the guidance states:

“In the meantime, the absence of a universally adopted Scottish methodology/tool should not be used to frustrate or delay decision making, and a flexible approach will be required. Wherever relevant and applicable, and as indicated above, information and evidence gathered for statutory and other assessment obligations, such as EIA, can be utilised to demonstrate those ways in which the policy tests set out in NPF4 have been met. Equally, where a developer wishes to use an established metric or tool, the planning submission should demonstrate how Scotland’s habitats and environmental conditions have been taken into account. Where an established metric or tool has been modified, the changes made and the reasons for this should be clearly set out”.

4.9.16 Section 4.14 of the guidance states that it will be for a planning authority to determine whether the relevant policy criteria have been met, taking into account the circumstances of the particular proposal. The guidance adds:

“NPF4 does not specify how much enhancement or ‘net gain’ should be delivered, though biodiversity should clearly be left in a ‘demonstrably better state’ than without intervention. Rather, the selection and design of enhancements will be a matter of judgement based on the circumstances of the individual case, taking into account a range of considerations.”

4.9.17 The guidance makes reference to the various considerations which are already set out in the NatureScot guidance issued in the Summer of 2023 with regard to NPF4 Policy 3 (as listed above).

4.9.18 The draft guidance also makes reference to off-site delivery of enhancement proposals and states at Paragraph 4.19 that:

“Where the relevant policy tests cannot be met on site, off-site provision may be considered alongside on site. In these circumstances, off-site delivery should be as close as possible to the development site, with consideration being given firstly to the immediate landscape context and existing ecological value of the site.”

4.9.19 In early 2024 **NatureScot consulted on ‘a Biodiversity Metric for Scotland’s Planning System’**. The consultation ended on 10 May 2024. The consultation paper outlines work that NatureScot has been commissioned by the Scottish Government to develop a biodiversity metric for Scotland’s planning system, to support delivery of NPF4 policy 3(b).

4.9.20 This consultation paper does not propose solutions or reach conclusions on specific aspects of the Scottish biodiversity metric to be developed, as these are yet to be fully assessed. While work on developing a Scottish biodiversity metric is ongoing, NatureScot highlight here the advice set out in the Scottish Government’s draft Planning Guidance on Biodiversity, as referenced above, namely that the absence of a universally adopted Scottish methodology / tool at the present time, should not be used to frustrate or delay decision making.

4.9.21 The commission’s final outputs will include:

- a Scottish biodiversity planning metric tool (to be hosted on the NatureScot website), which is based on current understanding of science and evidence, clear and transparent in its workings, accessible and easy to use by relevant professionals with outputs understandable by decision makers, and which informs siting and design of development as well as evidence-based decision making;
- a user guide supporting the metric (together with any supporting information); and
- recommendations on any requirements for maintaining and updating the metric and supporting information.

The application of Policy 3

4.9.22 Notwithstanding the lack of policy guidance at the present time, in terms of environmental benefit, there will be permanent enhancement delivered through the Applicant’s proposed enhancements to the natural habitat.

4.9.23 An Outline Nature Enhancement Management Plan (NEMP) has been prepared and is presented in Technical Appendix 8.6 of the EIA Report.

4.9.24 It presents outline habitat management principles. The NEMP would be finalised in consultation with NatureScot and SBC (and additional relevant stakeholders) following receipt of consent for the Proposed Development and secured by way of a suitably worded planning condition.

4.9.25 The Outline NEMP includes five key aims to improve and enhance biodiversity as follows:

- enhance peatland habitats within Glenmuck Bog.
- enhance and manage grassland in the River Tweed Valley.
- enhancement of fisheries habitats.

- improve opportunities for nesting and foraging birds and bats.
- 4.9.26 The Outline NEMP sets out specific objectives in order to attain each of these aims.
- 4.9.27 The proposals would therefore result in the site, from a biodiversity perspective, being in a “*demonstrably better state*” than without intervention, consistent with the provisions of Policy 3.
- 4.9.28 It is important to keep in mind that the greatest threat to biodiversity is climate change. The principal and essential benefit of the Proposed Development is a significant contribution of renewable energy, to facilitate the earliest possible decarbonisation of the energy system and the achievement of “net zero” no later than 2045, in accordance with the objectives of the Climate Change (Scotland) Act 2009 (as amended). The purpose of net zero is to protect biodiversity and the earlier it can be achieved, the greater the benefits to biodiversity.

4.10 NPF4 Policy 4: Natural Places

Policy 4 & Principles

- 4.10.1 Policy 4, Paragraph a) of the policy states that development proposals which by virtue of type location or scale will have an unacceptable impact on the natural environment will not be supported.
- 4.10.2 Policy 4 paragraph b) refers to development proposals which are likely to have a significant effect on a European designated site and sets out in such circumstances the requirement for appropriate assessment.
- 4.10.3 Policy 4, Paragraph c) deals with national landscape designations and has a similar approach in relation to the former SPP in terms of how a proposal that affects a National Park or a National Scenic Area (NSA) should be addressed.
- 4.10.4 Policy 4, Part c) states that:
“Development proposals that will affect the National Park or National Scenic Area...will only be supported where:
- *the objectives of designation and the overall integrity of the areas will not be compromised; or*
 - *any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.”*
- 4.10.5 As explained above with reference to the LVIA, there would be no significant effects arising in relation to the Upper Tweeddale NSA.
- 4.10.6 Policy 4, Paragraph d) deals with local landscape designations and contains a different policy approach to that which was contained within the former SPP. Policy 4, Paragraph d) is as follows:
“Development proposals that affect a site designated as ...a local landscape area in the LDP will only be supported where:
- *i Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or*
 - *ii Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance”.*
- 4.10.7 The policy now follows a similar construct to that which deals with national level designations. The first limb of the policy refers to significant effects on the “*integrity*” of the area or “*the qualities for which it has been identified*”.
- 4.10.8 The policy set out in the second limb of NPF4 Policy 4, Paragraph d) provides that development proposals that affect a site designated as a local landscape area will only be supported where any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance. It must be noted that:
- this is a new policy provision, reflecting the wider NPF4 policy that adverse effects (including adverse landscape and visual effects outside of a National Park or NSA) must be balanced against the benefits of a proposed development;
 - the second limb is independent of the first (“or”) and is to be applied where a decision-maker concludes that a proposed development will have significant adverse effects on the integrity of a local designation; and
 - NPF4, Policy 4, Paragraph d) now expressly includes a balancing mechanism (“*clearly outweighed by social, environmental or economic benefits*”) and sets out the threshold to be used (“*of at least local importance*”).

- 4.10.9 In considering this policy it is informative to note the Reporter's position in the Sanquhar II Supplementary Inquiry Report. In that case (paragraph 2.70 of the Report) the Reporter made reference to the impact of the proposed development in relation to a Local Landscape Area, which in that case was a Regional Scenic Area (RSA). The Reporter had concluded that the proposed development would not affect the integrity of the designation but would result in some significant adverse effects. The Reporter stated:

"even if the opposite conclusion was reached and the integrity of the RSA was considered to be significantly adversely affected by this proposal, I consider part (d)(ii) of the policy would continue to give support to the development. This is because, in my view, a national development which by definition supports the delivery of the national spatial strategy, must offer benefits of more than local importance. Having regard to the benefits of the development in the round, as outlined in chapter six of my original Report, I am firmly of the view that this proposal is capable of support under policy 4(d)(ii)."

- 4.10.10 Policy 4 Paragraph g) also deals with Wild Land Areas and states that the effects of development outwith WLAs "will not be a significant consideration". There are no issues arising with regard to impacts on any Wild Land Areas.

The application of Policy 4

- 4.10.11 There would be no significant effects arising in relation to any designated European site.
- 4.10.12 In relation to the Upper Tweeddale NSA, it is set out in the LVIA that potential visibility of the Proposed Development would be limited to elevated south-facing slopes and summits of hills around the fringe of the NSA only, with no visibility from the valley floor that is the focus of the NSA. It is considered that whilst the proposed turbines would be visible from these high hills around the valley NSA, they would appear as minor elements within panoramic views, and in a direction of view that is currently influenced by wind turbines. Therefore, there would be no discernible change to the special qualities of the NSA as a result of the Proposed Development.
- 4.10.13 It is set out in the LVIA that it is considered that whilst the Proposed Development would be within and visible from some parts of the Tweedsmuir Uplands SLA, the SLA is an extensive area, with theoretical visibility of the proposed turbines relatively limited over the south-western part of the SLA. The Proposed Development would therefore not be visible from most of the SLA. Furthermore, the proposed turbines would not add new elements into the landscape as there are existing turbines present within and around the SLA and the Upper Tweed Valley. The scale of the proposed turbines and location in relation to the Upper Tweed Valley mean that significant landscape and visual effects have been identified for the valley within approximately 8-10 km of the Proposed Development, which is a relatively small part of the SLA extent. It is judged therefore, that although the Proposed Development would alter aspects of the character of the western part of the SLA, it would not undermine the integrity of the designated area as a whole, and the reasons for designation would remain intact for the Tweedsmuir Uplands SLA, including the Upper Tweed Valley.
- 4.10.14 Given the above position in relation to landscape designations, it is considered that the Proposed Development is in accordance with Policy 4 overall.

4.11 NPF4 Policy 5: Soils

Policy 5 & Principles

- 4.11.1 In terms of soils, Policy 5 states that where development on peatland or carbon rich soils or priority peatland habitat is proposed, a detailed site-specific assessment is required to identify baseline, likely effects and net effects. The policy intent is to protect carbon rich soils, restore peatlands and minimise disturbance to soils from development. This is very similar to the policy position that was in SPP; however, a key difference is that renewable energy proposals are one of the types of development expressly envisaged to be acceptable in principle on peatlands (Paragraph c) reflecting the net benefits in carbon emissions and peatland restoration potential which can be gained.

The application of Policy 5

- 4.11.2 Chapter 10 of the EIA Report assesses the potential impacts of the Proposed Development on hydrogeology and soils (including peat). The impact assessment has taken into account the soil, geological and hydrological regime, highlighting that the principal effects will occur during the construction phase. Impacts as a result of decommissioning are predicted to be no greater than those identified for the construction phase. Following the successful design and implementation of mitigation measures the significance of construction effects on all identified receptors are considered negligible and are not defined as significant. The assessment of predicted operational effects has also determined that the significance of effects on all receptors is negligible and therefore not significant.

The assessment in relation to soils and peat has been informed by field work, which included a programme of peat depth probing and condition assessment. The peat probing and condition assessment informed the layout and design of the Proposed Development. A peat management plan

has also been prepared which confirms the soils disturbed by the **Proposed Development** are limited in volume and that these soils can be readily and beneficially reused in restoration works on the site. Chapter 17 of the EIA Report sets out a summary of the anticipated carbon emissions and carbon payback of the Proposed Development as required by Policy 5, paragraph d).

- 4.11.3 There would be no significant effects arising in relation to peat and as explained in the context of Policy 3, bog enhancement is proposed as set out in the Outline NEMP. The Proposed Development is considered to be in accordance with Policy 5.

4.12 NPF4 Policy 7: Historic Assets and Places

Policy 7 & Principles

- 4.12.1 Policy 7 deals with Historic Assets and Places, and the policy is very similar to that which was in SPP (paragraph 145).

- 4.12.2 The intent of the policy is to protect and enhance the historic environment, assets and places and to enable positive change. Key parts of the policy include the following:

- Paragraph c) states that “*development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest*”.
- Paragraph d) states that “*development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced*”.
- Paragraph h) states that “*development proposals affecting scheduled monuments will only be supported where:*
 - i) *direct impact on the scheduled monument are avoided;*
 - ii) *significant adverse impacts on the integrity of the setting of the scheduled monument are avoided; or*
 - iii) *exceptional circumstances have been demonstrated to justify the impact on a scheduled monument and its setting and impact on the monument or its setting have been minimised.*

Paragraph i) states that “*development proposals affecting nationally important Gardens and Designed Landscapes will be supported where they protect, preserve or enhance their cultural significance, character and integrity and where proposals will not significantly impact on important views to, from and within the site or its setting*”.

Paragraph o) states that “*non designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible. Where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impact*”.

The application of Policy 7

- 4.12.3 Chapter 11 (Cultural Heritage and Archaeology) of the EIA Report sets out a cultural heritage impact assessment which assesses the likely significant effects on heritage assets within the site and surrounding area.
- 4.12.4 The assessment has identified three Scheduled Monuments (referenced as Assets 1-3) and 35 non-designated heritage assets within the site. No direct impact on these known heritage assets is anticipated during the construction of the Proposed Development. Due to the proximity of some known heritage assets, mitigation in the form of invasive archaeological works and fencing to identify the assets to the construction team and prevent accidental damaged has been recommended.
- 4.12.5 A programme of enhancement in the form of a recreational heritage trail has been proposed as part of the Proposed Development. The trail would enable easier access to the Scheduled Menzion Farmhouse, two enclosed cremation cemeteries (Asset 2) as well as highlight the location of designated and non-designated heritage assets within the site and local area.
- 4.12.6 A review of designated and non-designated heritage assets has concluded that there is the potential for hitherto unknown archaeological remains to survive on the site. Any archaeological remains are likely to survive within the lower slopes of the site, the area in which activity from the prehistoric period has been previously identified and any remains within afforested areas are likely to have been adversely impacted by forestry plantation and related activities. Mitigation has been proposed to investigate, identify and record any paleoenvironmental and buried archaeological remains which may survive and be impacted by the construction of the Proposed Development.
- 4.12.7 All designated heritage within 10 km of the Proposed Development were identified as part of this assessment to assess the potential for the Proposed Development to impact their settings. The Garden

and Designed landscape (GDL) of Stobo Castle, beyond the 10 km study was also identified as an asset whose setting may be impacted by the Proposed Development. A total of 39 designated heritage assets were identified for a detailed assessment of their settings and an assessment of the impact of the Proposed Development on their settings has been undertaken.

- 4.12.8 The assessment identified a moderate effect on the setting of Weird Law Scheduled Monument, platform settlement (Asset 3) within the site. This level of effect is considered to be significant in EIA terms. The location of the Weird Law, platform settlement (Asset 3) was considered during the design process and efforts were made to limit the impact of the Proposed Development on its settings as far as reasonably possible. Further mitigation by design is not considered practical within the confines and constraints of the site. The key characteristics of Weird Law, platform settlement's setting, would not be changed by the construction and operation of the Proposed Development and would still be appreciable in the landscape as well as cartographically. The integrity of the asset's setting would not be significantly adversely impacted.
- 4.12.9 The assessment identified a minor impact, negligible impact, neutral impact and no impact on the settings of a further 38 designated heritage assets.
- 4.12.10 A number of cumulative developments have been identified and the impact of these cumulative developments on the settings of designated heritage where minor or above impacts were identified has been undertaken as part of the assessment. However, for all 18 designated heritage assets where the Proposed Development was considered to have a minor or moderate impact on their settings, the cumulative development was at worst judged to be negligible and not significant.
- 4.12.11 In summary, the Proposed Development would not unacceptably affect the fabric or setting of any Listed Buildings, or the integrity of the setting of any Scheduled Monuments. The Proposed Development is considered to be in accordance with Policy 7.

4.13 NPF4 Policy 22: Flood Risk and Water Management

- 4.13.1 The intent of Policy 22 is to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. Paragraph C is the most relevant part of the policy which states that development proposals should not increase the risk of surface water flooding to others, or itself be at risk. In addition, all rain and surface water should be managed through SuDs.
- 4.13.2 As set out above, effects on hydrology, the water environment and flood risk are an assessment criterion within NPF4 Policy 11 (Energy). The EIA Report addresses hydrology matters in detail including flood risk and sustainable drainage and there are no issues arising with regard to these topics. The Proposed Development is therefore considered to be in accordance with Policy 22.

4.14 NPF4 Policy 33: Minerals

- 4.14.1 The intent of Policy 33 is to support the sustainable management of resources and minimise the impacts of extraction of minerals on communities and the environment.
- 4.14.2 Paragraph e) of the policy states "Development proposals for borrow pits will only be supported where:
- i. *The proposal is tied to a specific project and is time limited;*
 - ii. *The proposal complies with the above mineral extraction criteria taking into account the temporary nature of the development; and*
 - iii. *Appropriate restoration proposals are enforceable."*
- 4.14.3 The mineral extraction criteria within the policy states that proposals for the sustainable extraction of minerals will only be supported where they will not result in significant adverse impacts on biodiversity, geodiversity and the natural environment with reference to sensitive habitats and the historic environment, as well as landscape and visual impacts.
- 4.14.4 It is considered that the Proposed Development would not result in any unacceptable effects arising in terms of the relevant extraction criteria and appropriate safeguards for the environment have been put forward which can be secured by way of suitable planning conditions.

4.15 Conclusions on NPF4 Appraisal

- 4.15.1 The Proposed Development is considered to be acceptable in relation to all of Policy 11's environmental and technical topic criteria.
- 4.15.2 A key point within Policy 11 (Energy) is that any identified impacts have to be weighed against a development's specific contribution to meeting targets – which attracts significant positive weight in this case.

- 4.15.3 Significant weight is also afforded in relation to Policy 1 (Tackling the climate and nature crisis). This policy direction fundamentally alters the planning balance compared to the position that was set out in NPF3 and SPP.
- 4.15.4 The term “tackling” the respective crises in Policy 1 is also important – this means that decision makers should ensure an urgent and positive response to these issues and take positive action.
- 4.15.5 Overall, the Proposed Development, is considered to be one that would make a substantial and valuable contribution to the NPF4 Spatial Strategy and would help deliver a ‘sustainable place’. Overall, it is considered that Proposed Development would accord with relevant policies of NPF4, and with NPF4 when read as a whole.

5. Appraisal against the Local Development Plan

5.1 Introduction

- 5.1.1 The other element of the statutory Development Plan covering the site comprises the Scottish Borders LDP adopted in May 2016.
- 5.1.2 The LDP was prepared and adopted prior to NPF4 coming into force and reflects the provisions of NPF3 and SPP, both now superseded. Where conflicts or contradictions exist between the LDP and NPF4, or where the LDP is silent, NPF4 takes precedence.
- 5.1.3 Relevant policies from the LDP are referenced below. The LDP is under review and a new LDP is close to adoption.
- 5.1.4 This Section does not present a detailed assessment of the Proposed Development as that has been covered in Chapter 4 above against the policy provisions of NPF4.

5.2 The emerging new Scottish Borders LDP

- 5.2.1 As noted above, the SBC is in the final stages of adopting a new LDP. It is understood that the SBC has now received the Examination Report on the proposed LDP, and it proposes a number of modifications to the Plan. In a Report by the Director of Infrastructure and Environment of SBC dated 28 September 2023, it is set out that planning officers of the SBC are content with the conclusions and recommendations contained within the Examination Report and it is recommended by officers to agree the Reporter's modifications in full and to proceed towards formal adoption of the new LDP.
- 5.2.2 The Report sets out that the Covid-19 pandemic had the effect of delaying the adoption process and one consequence of that is the change to national planning policy in the intervening period including in particular, the adoption of NPF4. However, the Report makes it clear that a number of modifications have been made to the Plan and most of these are minor and seek to align the policies with NPF4.
- 5.2.3 The Report specifically references the proposed policy ED9 'Renewable Energy Developments' and it states (page 6 of the Report):
- "Modification to the policy and its supporting text to align with NPF4. The Reporter concluded that in the interest of consistency and to reflect national commitments to address the climate and nature crisis, Policy ED9 has been modified to indicate that development proposals for all forms of renewable, low-carbon and zero emissions technologies will be assessed in accordance with Policy NPF4 11. The Reporter also concludes that the existing Supplementary Guidance and studies may still provide useful tools in helping to identify landscape characteristics and sensitivities, albeit in a different policy context. Therefore, reference to these has been included within the introductory text before the policy itself."*
- 5.2.4 The Report also states that Chapter 8 of the new LDP has been "updated to align with current legislation and national policy, in respect of sustainability and climate change."
- 5.2.5 It is understood that SBC is now progressing steps to formally adopt the new LDP including the various statutory notifications, public inspections of the Plan and submissions to Scottish Ministers. In this regard SBC notified the Scottish Ministers of their intention to adopt in December 2023. The Scottish Ministers issued Directions in March this year, requiring further modifications to align with NPF4.
- 5.2.6 Appendix A to the Report sets out the recommendations of the Reporter by issue. Page 2 of the Appendix references Policy ED9 'Renewable Energy Development'.
- 5.2.7 The various modifications as noted above, are aimed at aligning the policy approach to that of NPF4. In addition, the modifications include the following additional text to be added to the new LDP:
- "NPF4 seeks to encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This includes energy generation, storage, new and replacement transmission and distribution infrastructure and emerging low-carbon and zero emissions technologies including hydrogen and carbon capture utilisation and storage. It encourages local development plans to realise their area's full potential for electricity and heat from renewable, low carbon and zero emission sources by identifying a range of opportunities for energy development. Information on the legislative and national policy context for addressing the climate crisis is provided in Chapter 8: Delivering Sustainability and Climate Change Agenda.*
- In responding to the climate emergency, the Council's Climate Change Route Map (2021) defines a holistic approach – a whole Borders collaborative approach – to the achievement of the Council's net zero emissions target, within which the generation of renewable energy in place of the burning of fossil fuels, will play a leading and significant role. Scottish Borders Council is proactive in supporting a diverse range of renewable energy types."*

- 5.2.8 It is considered that the new LDP is now sufficiently aligned with NPF4 such that there would not be any incompatibilities with it and NPF4.
- 5.2.9 The modifications also include the following text in relation to SBC’s Supplementary Guidance:
“Following adoption of this Local Development Plan, the Council intends that the Supplementary Guidance on Renewable Energy 2018 will become Supplementary Planning Guidance. As a result, it will no longer have development plan status. This document incorporates the Ironside Farrar ‘Update of Wind Energy Landscape Capacity and Cumulative Impact Study’ (November 2016).
The above guidance may be used to assist in the assessment of renewable energy proposals. However, as the national policy context within which these were prepared has now been superseded, some aspects of the guidance will no longer be applicable. These documents will be of less relevance on matters where there are inconsistencies with NPF4 and the adopted Local Development Plan.”
- 5.2.10 A further important modification to Policy ED9 is the modification referring to NPF4 Policy 11 (Energy) namely:
“Development proposals will be assessed in accordance with NPF4 Policy 11 paragraphs b) to f) and other relevant provisions of NPF4.”

5.3 The adopted Scottish Borders LDP

- 5.3.1 A summary of current relevant LDP policies is provided in Table 5.1. As explained above however, these policies are expected to be superseded by those within the new LDP in the very near future.

Table 5.1 – Relevant LDP (2016) Policies

Policy	Policy Summary
PMD1 Sustainability	The preamble to the policy sets out that SBC will encourage sustainable development. The policy states that SBC will have regard to various sustainability principles in determining planning applications. They relate to matters including sustainable use of land, water quality, protection of natural resources including landscape, habitats and species, built and cultural heritage, efficient use of energy, minimisation of waste, encouragement of walking and cycling, minimising light pollution, protection of public health and safety and the provision of new jobs and support to the local economy.
PMD2 Quality Standards	The policy aims to ensure all new development is of a high quality. It states all development should fit with Scottish Border’s townscapes and integrate with its landscape surroundings. It references matters such as layout, orientation, digital connectivity, water usage, hard and soft landscaping works. The policy also covers placemaking and design considerations with reference to matters such as scale, massing and height, materials and various other site planning and urban design considerations.
ED9 Renewable Energy Development	The policy sets out SBC’s overall approach to proposals for renewable energy development, including wind energy proposals and sets out a list of considerations which will be taken into account in the assessment of wind energy proposals.
ED10 Protection of Prime Quality Agricultural land & Carbon Rich Soil	The policy states that it applies to all development except proposals for renewable energy development. With regard to renewable energy development, it sets out that such proposals will be permitted if they accord with the objectives and requirements of Policy ED9.
HD3 Protection of Residential Amenity	The policy states that development judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted. Assessment criteria include matters such as open space considerations, scale, form and type of development as well as matters such as overlooking, loss of privacy and daylight standards.
EP1 International Nature Conservation Sites and Protected Species	The aim of the policy is to give designated or proposed Natura sites, Ramsar sites and sites where there is likely to be the presence of European Protected Species, protection from potentially adverse development. The policy sets out development management tests in relation to proposals which are likely to have a significant effect on such designations.
EP2 National Nature Conservation and Protected Species	The aim of policy is to protect nationally important nature conservation sites and protected species. These include designation such as Sites of Special Scientific Interest (SSSI) and National Nature Reserves (NNR). As with policy EP1, this policy sets out development management tests in relation to development proposals that are likely to have a significant adverse effect, either directly or indirectly on such designations.
EP3 Local Biodiversity	The purpose of the policy is to safeguard and enhance local biodiversity. The policy sets out development management tests in relation to development that would have an unacceptable adverse effect on Border’s Notable Species and Habitat of Conservation Concern. The policy states that any development that could have such impact should avoid fragmentation of habitats and be sited and designed to minimise adverse impact.

Policy	Policy Summary
EP4 National Scenic Areas	The aim of the policy is to protect and enhance the scenic qualities of the two National Scenic Areas (NSA) at Eildon and Leaderfoot and Upper Tweeddale. The policy sets out that development that may affect NSAs will only be permitted where (a) the objectives of designation on the overall landscape value of the site and its surrounds will not be compromised or (b) any significant adverse effects on the qualities for the site or its surrounds have been designated are clearly outweighed by social or economic benefits of national importance.
EP5 Special Landscape Areas	The aim of the policy is to ensure that local areas of identified landscape quality - Special Landscape Areas (SLA) are afforded protection against inappropriate development. The policy sets out that SBC, in assessing proposals for development that may affect SLAs, will seek to safeguard landscape quality and have particular regard to landscape impact of development including visual impact. It adds that proposals that have a significant adverse impact will only be permitted where the landscape impact is clearly outweighed by social or economic benefits of national or local importance.
EP7 Listed Buildings	The aim of the policy is to protect Listed Buildings from development that would spoil their historic and architectural interest. The policy sets out that SBC will support development that conserves, protects and enhances the character, integrity and setting of Listed Buildings. Other aspects of policy relate to internal or external alterations and extensions to Listed Buildings or new developments within the curtilage of such buildings.
EP8 Archaeology	The aim of the policy is to give Scheduled Monuments and other archaeological or historic assets, including Battlefields or landscapes, strong protection from potentially damaging development. In terms of Scheduled Monuments, the policy states that proposals which would destroy or adversely affect the appearance, fabric or setting of such assets will not be permitted unless (a) the development offers substantial benefits, including those of a social or economic nature, that clearly outweigh the national value of the site and (b) there are no reasonable alternative means of meeting the development need. In terms of regional or local archaeological assets, the policy states that proposals that would adversely affect such assets would only be permitted if it can be demonstrated that the benefits of the proposal would clearly outweigh the heritage value of the asset.
EP9 Conservation Areas	The aim of the policy is to preserve or enhance the character or appearance of Conservation Areas. The focus of the policy is in relation to development proposals within or adjacent to a Conservation Area.
EP10 Gardens and Designed Landscapes	The aim of the policy is to protect the character of Gardens and Designed Landscapes (GDL) from development that would adversely affect their special character. The policy states that SBC will support development that safeguards or enhances the landscape features, character or setting of sites listed in the Inventory of GDL or sites included in historic gardens and designed landscape records. It adds that all development should be carefully sited and be of the highest standards of design, using appropriate finishing and materials.
EP13 Trees, Woodlands & Hedgerows	The aim of the policy is to give protection to the woodland resource of the Scottish Borders. The policy sets out that SBC will refuse development that would cause the loss or serious damage to the woodland resource unless the public benefits of development clearly outweigh the loss of landscape, ecological, recreational, historical or shelter value. The policy adds that where there is unavoidable loss of woodland then there should be replacement planting where possible.
EP15 Development Affecting the Water Environment	The policy is aimed at ensuring development does not adversely affect the water environment. It states that decision making will be guided by assessment of various considerations including potential pollution of surface or underground water, flood risk and compliance with current best practice on Sustainable Urban Drainage.
IS5 Protection of Access Routes	The policy states that development that would have an adverse impact upon an access route available to the public will not be permitted unless a suitable diversion or appropriate alternative route can be provided.

5.3.2 As noted above, the approach now taken by SBC is to assess renewable energy developments against the relevant policies of NPF4. Therefore, only very limited weight should be placed on the policies of the LDP (2016).

5.4 The Onshore Wind Supplementary Guidance

5.4.1 The 'Renewable Energy' Supplementary Guidance (SG) gives further advice and guidance relating to policy ED9 - Renewable Energy Developments as contained within the LDP (2016). It covers a wide range of renewable energy types and references SPP and Scottish Government advice setting out the need to accommodate renewable energy proposals where appropriate, whilst also taking cognisance of

economic and other benefits a proposal may offer. It sets out a Spatial Framework for wind energy as contained in the former SPP.

- 5.4.2 The SG includes the 2016 Ironside Farrar Landscape Capacity and Cumulative Impact Study as Appendix C. ('The Scottish Borders Council Wind Energy Consultancy – Update of Wind Energy Landscape Capacity and Cumulative Impact Study') (the "Capacity Study").
- 5.4.3 The Capacity Study aims to identify landscape and visual sensitivities relative to the consideration and determination of proposals for wind farm developments across the region.
- 5.4.4 The SG sets out that if turbines are proposed which exceed the turbine heights identified within the Capacity Study, the applicant will be required to demonstrate how the impacts of the proposal on the key constraints and any significant adverse effects can be mitigated.
- 5.4.5 The LVIA presented in the EIA Report addresses all relevant landscape and visual considerations and explains the design and siting approach followed and demonstrate that the Proposed development can be satisfactorily accommodated in the landscape

5.5 Conclusions on the LDP Policy Framework

- 5.5.1 The environmental and topic considerations within the LDP (2016) policies are encompassed within or superseded by the broad remit of NPF4 Policy 11 Part e). In addition, the modifications to lead policy in the new LDP (Policy ED9) make it expressly clear that development proposals for renewable technologies are to be assessed against Policy 11 (Energy) of NPF4. Each of the relevant development management considerations have been addressed above (Section 4) in the context of NPF4 Policy 11 and are not repeated.
- 5.5.2 It is considered that the effects arising from the Proposed Development would be acceptable in terms of the relevant policy topics of the LDP (2016) and those of the proposed new LDP which will shortly be adopted. These policy provisions are considered to be encompassed by those of NPF4 and given the appraisal set out above in Section 3, there would be no conflict with their terms.

6. Conclusions

6.1 The Electricity Act 1989

- 6.1.1 Paragraph 3 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 for consent under Section 36 of the 1989 Act.
- 6.1.2 The information that is contained within the individual topic chapters of the EIA Report therefore enables Scottish Ministers to be satisfied that the obligations under Schedule 9 are met and that suitable mitigation has been identified. It is also considered that the detailed work undertaken in the formulation of the EIA overall has confirmed and provides confidence that the Proposed Development would be undertaken in an environmentally acceptable manner.

6.2 The Climate Crisis & Renewable Energy Policy Framework

- 6.2.1 The urgent need for onshore wind has been set out: a large increase in the deployment of this renewable energy technology is supported through a number of policy documents and by Scottish Government commitments – most recently expressed in the OWPS and in NPF4.
- 6.2.2 Onshore wind was already viewed and described as “vital” to the attainment of targets in 2017. This imperative has only increased since a ‘climate emergency’ was declared by the Scottish First Minister in April 2019, in line with the recommendations made by the CCC (2019) ‘net zero’ publication¹⁸. Furthermore, the drive to attain net zero emissions is now legally binding at the UK and Scottish Government levels by way of amendments to the 2008 Act and in Scotland through the provisions of the Climate Change (Scotland) Act 2009 and the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019.
- 6.2.3 Achieving net zero is a legal requirement, and the Scottish Government has recognised, most recently in the new OWPS, that a very substantial quantity of new onshore wind is required to meet the onshore wind target requirement by 2030 – namely a minimum of 20GW of operational capacity. Deployment of more onshore wind is described as being “mission critical for meeting our climate targets” in the OWPS.
- 6.2.4 The important benefits of the Proposed Development have been set out in the context of the current climate emergency and they would help address the issue of global heating and very challenging ‘net zero’ targets and contribute to improving security of supply.

6.3 The Planning Balance

- 6.3.1 In NPF4 there is a clear recognition that climate change must become a primary guiding principle for all plans and decisions. Significant weight is to be given to the climate emergency and the contribution of individual developments to tackling climate change.
- 6.3.2 The revised OWPS was published in December 2022. NPF4 came into force on 13 February 2023. Both are up to date statements of Scottish Government policy, directly applicable to determination of this Section 36 consent application. Both should be afforded very considerable weight in decision-making.
- 6.3.3 NPF4 and the OWPS are unambiguous as regards the policy imperative to combat climate change, the crucial role of further onshore wind in doing so, and the scale and urgency of onshore wind deployment required. As described in this Statement:
- The global climate emergency and the nature crisis are the foundations for the NPF4 Spatial Strategy as a whole. The twin global climate and nature crises are “*at the heart of our vision for a future Scotland*” so that “*the decisions we make today will be in the long-term interest of our country*”¹⁹. The policy position, and the priority afforded to combatting the climate emergency, is different to that which was set out in the former NPF3 and SPP;
 - NPF4 Policy 1 (Tackling the climate and nature crises) directs decision-makers to give significant weight to the global climate emergency in all decisions. This is a radical departure from the usual approach to policy and weight, and clearly denotes a step change in planning policy response to climate change. The matter of weight is no longer left entirely to the discretion of the decision maker; and

¹⁸ CCC, Net Zero, The UK’s contribution to stopping global warming (May, 2019).

¹⁹ NPF4, page 2.

- Both NPF4 and the OWPS are clear that further onshore wind development, of scale and utilising modern, larger turbines, has a crucial role in combatting climate change, transitioning to a net zero Scotland and ensuring security of energy supply. NPF4 Policy 11 (Energy) strongly supports proposals for all forms of renewable, low-carbon and zero emissions technologies, including onshore wind farms.
- 6.3.4 It is important to fully recognise both the scale and urgency of the challenge set out in these documents, and the required response from decision-makers. NPF4 is clear that significant progress must be made by 2030 requiring, as set out in the OWPS, that *“we must now go further and faster than before. We expect the next decade to see a substantial increase in demand for electricity to support net zero delivery across all sectors, including heat, transport and industrial processes”*²⁰.
- 6.3.5 Publication of the OWPS followed and cross-refers to NPF4 and, for the first time, sets an onshore wind target: a Scottish Government ambition for a minimum of 20 GW of installed onshore wind capacity by 2030. New policy therefore supports an increase in the installed capacity of onshore wind in Scotland by a minimum amount equivalent to about 130 % of the entire installed capacity of all current operational onshore wind farms in Scotland in a period of around 6 years. This is also embedded in the Scottish Government’s consultative draft Energy Strategy and Just Transition Plan, together with the commitment to **“place the climate and nature at the centre of our planning system”**²¹ (original emphasis) in line with the NPF4.
- 6.3.6 By any measure, the identified need for delivery of this additional capacity is a massive challenge requiring an urgent and positive response. As noted above, unless projects are in the planning system now, there is a high likelihood that they will not contribute to this ambition before 2030. The ‘window’ until the key date of 2045 for net zero is also getting narrower.
- 6.3.7 As the Statement of Need for Strategic Renewable Electricity Generation and Transmission Infrastructure explains²² *“A large and rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets.”*
- 6.3.8 The Statement of Need relates to the attainment of Government renewable generation and emission reduction targets. Moreover, it relates to the importance of developing electricity supplies which are not dependent on volatile international markets and are located within the UK’s national boundaries. The urgency for an electricity system which is self-reliant and not reliant on fossil fuels is now enormous, in order to protect consumers from volatile energy prices. Moreover, such a system would reduce opportunities for destructive geopolitical intrusion into national electricity supplies and this matter has grown in importance in recent months.
- 6.3.9 Other policy support for development of wind farms is found in NPF4 and the OWPS:
- In addition to the cross-cutting NPF4 Policy 1, NPF Policy 11 (Energy) directs that in considering the identified impacts of an onshore wind proposal significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets;
 - The OWPS expressly recognises that meeting the ambition of a minimum installed capacity of 20 GW of onshore wind in Scotland by 2030 will require taller and more efficient turbines and that *“this will change the landscape”*;
 - On this specific point it is relevant to take into account the Reporter’s position on the target as referenced in the OWPS in the Meall Buidhe Appeal Decision Notice. The Reporter set out with regard to the OWPS at paragraph 87 of the Decision that:
“It also provides some further supporting detail on increasing the installed capacity of onshore wind in Scotland by a minimum amount equivalent to about 130 % of the entire installed capacity of all current operational wind farms in Scotland in the period of around 8 years. This is clearly a challenging target and there is an acceptance in the Policy Statement of the consequent change in the landscape. I find this further supports my conclusion above in terms of consistency with relevant provisions of NPF4. This policy statement does not form part of the Development Plan but is a material consideration in this case.”
 - NPF4 Policy 11 confirms that significant landscape and visual impacts are to be expected for some forms of renewable energy. Scottish Government policy, which forms part of the Development Plan, is that where such impacts are localised and / or appropriate design mitigation has been applied, they will generally be considered to be acceptable. Notably, policy recognises that significant landscape and visual effects are inevitable and generally acceptable;

²⁰ OWPS 2022, paragraph 1.1.2.

²¹ Energy Strategy and Just Transition Plan, page 55

²² NPF4, page 103.

- NPF4 Policy 11 provides in principle support for wind farm development in all locations with the exception of National Parks and NSAs, unless the conditions in NPF4 Policy 4 c) are met;
 - NPF4, Policy 4, Part d) specifically relates to a proposed development that may adversely affect the integrity of a local landscape designation. It provides that development will be supported where significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance. There would be no significant effects in relation to the qualities or indeed on the integrity of a local landscape designation. However, in any event, as a national development under NPF4, the Proposed Development would provide national benefits (i.e. of more than local importance). Therefore in the event a different conclusion is reached, the Proposed Development would satisfy the policy test.
- 6.3.10 The Applicant has gone to considerable lengths to ensure a satisfactory layout, design and composition for the Proposed Development including, as explained responding positively to consultee positions. In short, appropriate design mitigation has been applied. Potentially significant adverse landscape and visual effects resulting from the proposal have been addressed through an iterative design process (i.e. 'mitigation by design') and a well-considered proposal has been established, which has acceptable effects.
- 6.3.11 NPF4 and the OWPS require that the decision-maker must also identify and weigh the adverse effects of a proposed development. However, increased weight is to be given to the benefits of the Proposed Development, in the planning balance owing to the seriousness and importance of energy policy related considerations and the contribution of the Proposed Development in meeting green energy targets.
- 6.3.12 It is considered that this approach is very clearly reflected and articulated in NPF4 and the OWPS (subject to Scottish Government policy now expressly stating that significant weight will be given to the global climate and nature crises and a proposed development's contribution towards meeting targets). Moreover, Section 3.6 of the OWPS states that the criteria for assessing proposals (in NPF4) have been updated "*including stronger weight being afforded to the contribution of the development to the climate emergency*".
- 6.3.13 In considering the change to policy which has been introduced by NPF4, the conclusions of the Reporter in his supplementary Inquiry Report (IR) in relation to the Sanquhar II development are informative. At paragraph 4.5 of the Report (Overall Conclusions) the Reporter stated:
- "in paragraph 8.50 of my original report I found that, at the time of writing "...I do not consider that at this present time there has been a tangible shift in policy of a scale or nature which would be capable of being pivotal..." having reviewed the terms of NPF4 and the OWPS, I now consider that a tangible shift in planning policy has been made at the national level. In my view it is likely that this shift may be sufficient to result in some wind farm proposals, which would previously have been refused under the former policy regime, to potentially now be granted consent."* (underlining added)
- 6.3.14 In the Clashindarroch II Section 36 decision, the Reporter in the Supplementary IR with reference to the new policy position and with specific regard to 'changes to the balancing exercise' (paragraph 2.45) with reference to the OWPS stated that:
- "The new policy approach is clearly guiding decision makers towards supporting wind farm proposals that would make a meaningful contribution to the onshore wind target, unless those adverse effects were of such significance that they would override the imperative for more onshore wind capacity. The natural consequence of this approach must lead to changes in the scale or extent of adverse effects that the decision maker might now deem to be acceptable."* (underlining added)
- 6.3.15 In addition, the Reporter stated at paragraph 2.51:
- "The balancing exercise is integral to the OWPS, NPF4 and the draft Scottish Energy Strategy and Just Transition Plan 2023 but the heightened priority of tackling climate change as expressed in the national and UK energy policy context must inevitably increase the weight given to those matters. Particularly now when NPF4 directs the decision maker to give significant weight to these matters within Policies 1 and 11."* (underlining added)
- 6.3.16 Furthermore, the Reporter added at paragraph 2.90 that "*The new policy expects me to give less importance to such [landscape and visual] effects in unprotected areas.*" (underlining added)

- 6.3.17 In the Shepherds Rig²³ Section 36 case, the Reporters in their original Inquiry Report considered that the adverse effects of that development were such that it was contrary to national planning policy and the Development Plan, and a position of objection was recommended to the Scottish Ministers. However, in the Supplementary Report of Inquiry which considered the implications of NPF4 and the OWPS, the Reporters changed their position. At paragraph 3.14 of the Supplementary Report the Reporters stated:

“Taking into account all of the above, we recognise the urgent policy imperative in the OWPS and NPF to deliver additional installed wind farm capacity. These recently published policy statements demonstrate a significant strengthening of policy support for renewable energy development, to which the proposal would make an obvious contribution. In our original report, we found that the significant effects on the area’s recreational resources should be given significant weight, to the extent that they outweighed the aims of delivering renewable energy. In the updated policy context, we find that the proposal’s obvious contribution to renewable energy targets causes the benefits as a whole to now clearly outweigh the significant landscape and visual effects.”

- 6.3.18 The Reporter added at paragraph 3.4:

“National policy has a clear expectation that more renewable proposals may be granted consent, focusing down on a tighter set of circumstances under which proposals would not be supported.”

- 6.3.19 It is accepted that each individual application needs to be considered on its respective merits, however it is evident from these two Section 36 decisions, that the Reporters have recognised that there has been a material and tangible shift in planning policy support for onshore wind development and that this has clear implications for the planning balance and changes the calculus regarding the scale and extent of adverse effects which may now be found acceptable.

- 6.3.20 In this case, the Proposed Development will help to deliver the National Spatial Strategy set out in NPF4. The Proposed Development would make a substantial and valuable contribution to help Scotland and the UK attain Net Zero, security of supply and related socio-economic objectives. It is submitted that very substantial weight should be given to this contribution when weighing the need for the Proposed Development and its identified effects within the planning balance.

- 6.3.21 The effects of the Proposed Development, including how relevant effects listed in NPF4 Policy 11 Paragraph (e) have been addressed, are detailed in the supporting information to the application. In terms of Policy 11, in considering the identified impacts of the proposal, significant weight must be placed on its nationally important contribution to renewable energy generation and greenhouse gas emissions reduction targets.

6.4 Overall Conclusion

- 6.4.1 The policy set out in NPF4 and the OWPS requires a rebalancing of the consenting of onshore wind developments in response to the challenges of tackling the climate and nature crises. Having regard to the weight to be ascribed to the important benefits of the Proposed Development, it is considered that the benefits that would result clearly outweigh its adverse effects.

- 6.4.2 The up-to-date policy set out in NPF4 and the OWPS and the policy being consulted upon in the draft Energy Strategy provide strong and increased support for the grant of consent.

- 6.4.3 The conclusion is that the Proposed Development would be consistent with all relevant policies of the Development Plan, and with the Development Plan when read as a whole.

²³ Shepherd’s Rig, Section 36 Decision dated 21 August 2023, Supplementary Report of Inquiry dated 2 March 2023 (Case Reference WIN-170-2005).

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