DAVID BELL PLANNING
CHARTERED TOWN PLANNERS

Blair Hill Wind Farm
Dumfries & Galloway:

Planning Statement

February 2025

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Contents

1. Introduction

1.1 Background

1.1.1 This Planning Statement has been prepared by David Bell Planning Ltd (DBP) on behalf of Renewable Energy Systems Limited (the Applicant) in relation to the proposed Blair Hill Wind Farm ("the Proposed Development") located in the Dumfries and Galloway Council ("the Council" or 'DGC') administrative area.

1.1.2 The Planning Statement supports a section 36 application submitted under the Electricity Act 1989 ("the 1989 Act"), for consent to construct and operate the Proposed Development. In addition, the Applicant is also seeking consent for deemed planning permission under Section 57 of the Town and Country Planning (Scotland) Act 1997 ("the 1997 Act"), as amended.

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

1.1.4 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 DGC 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.

1.1.5 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 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 'RES', is the world's largest independent renewable energy company. At the forefront of the industry for over 40 years, RES has delivered more than 26 GW of renewable energy projects across the globe and supports an operational asset portfolio exceeding 40 GW worldwide for a large client base. RES employs more than 4,500 people and is active in 24 countries working across onshore and offshore wind, solar, energy storage and transmission and distribution.

1.2.2 Based in the Glasgow office, RES has developed, constructed or operated wind farms across Scotland since 1993. This includes the development of and/or construction of 21 wind farms in Scotland with a total generation capacity of 597 MW.

1.2.3 Drawing on decades of experience in the renewable energy and construction industries, RES has the expertise to develop, construct and operate projects which contribute to a low carbon future by providing a secure supply of sustainable, low cost, clean green energy. RES is committed to finding effective and appropriate ways of engaging with all its stakeholders, including local residents and businesses, and believes that the opinions of local people are an integral part of the development process. RES is also committed to developing long-term relationships with the communities around its projects, proactively seeking ways in which it can support and encourage community involvement in social and environmental projects near its developments; including through Community Benefit Funds and exploring options for shared community ownership.

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.

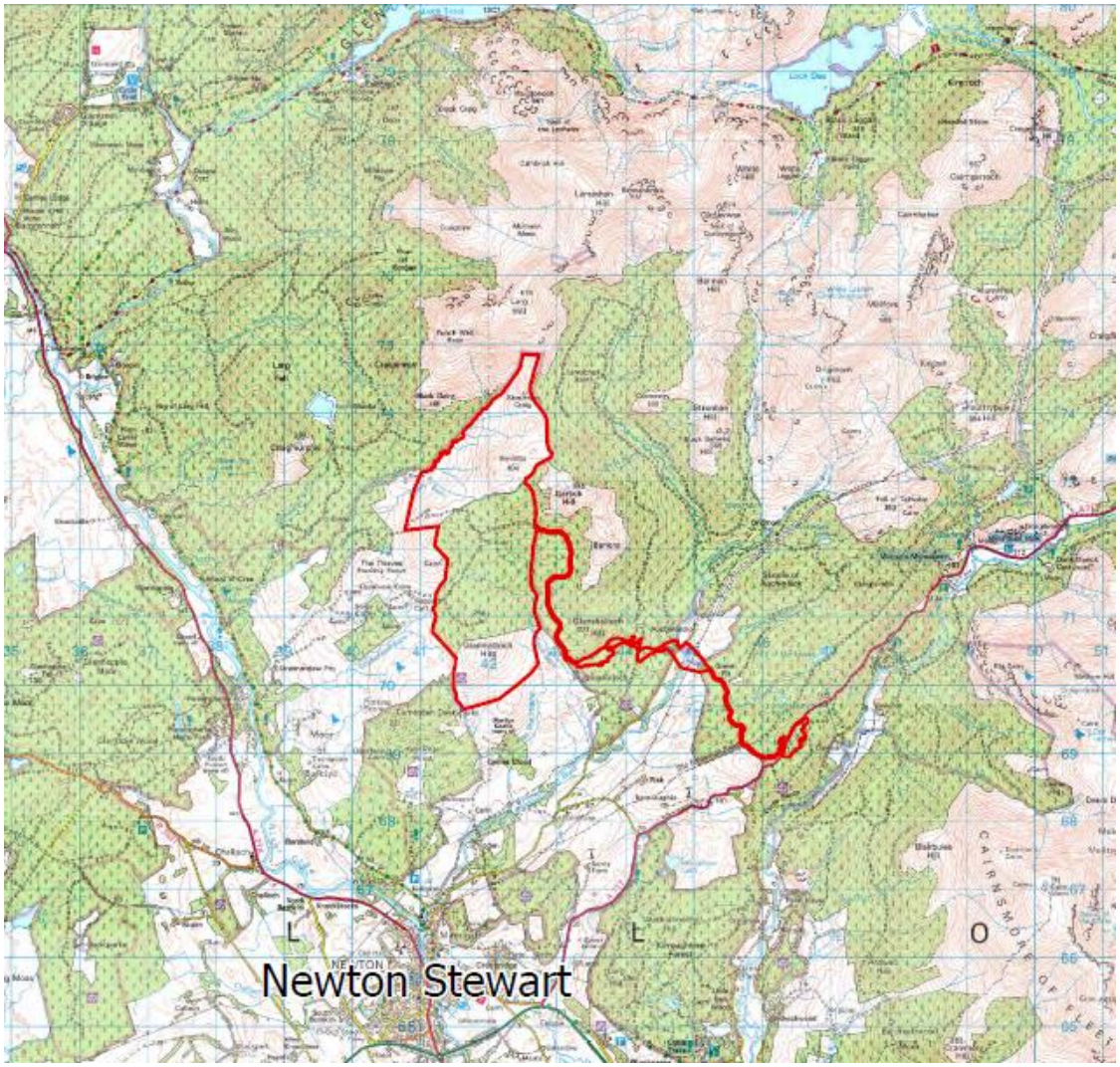
1.3.7 In considering the overall statutory and regulatory framework within which the Proposed Development should be assessed, the statutory Development Plan is a material consideration which should be taken into account in the round with all other relevant material considerations. It is important to 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 Proposed Development is located approximately 2.7 km north of the town of Newton Stewart and 4 km east of the River Cree. The location of the Proposed Development is shown on **Figure 1.1**.

1.4.2 The Site comprises an area of 681.5 hectares (ha). The Proposed Development is set within open moorland and areas of commercial forestry. The elevation varies from 100 m Above Ordnance Datum (AOD) to 404 m AOD.

Figure 1.1: Site Location Plan



1.5 The Proposed Development: Summary

1.5.1 A detailed description of the Proposed Development is contained in Chapter 2 (Proposed Development) of the EIA Report. The Proposed Development layout is illustrated in **Figure 1.2** below and would comprise 14 wind turbines with an indicative installed capacity of approximately 92.4 MW.

1.5.2 In addition to the wind turbines, associated permanent infrastructure will include:

- a Site access track (providing access from the public road to the main Site boundary);
- on-site access tracks;
- permanent crane hardstands associated with each wind turbine;
- a substation compound containing electrical infrastructure, control building, welfare facilities and communications mast;
- underground cabling; and
- watercourse crossings.

1.5.3 Temporary infrastructure required for construction would include:

- a construction compound;

- crane hardstands;
- laydown areas;
- a concrete batching plant; and
- potential excavations/borrow pit workings.

The Proposed Development will also include a number of enhancements, including:

- Biodiversity enhancements set out in an Outline Biodiversity Enhancement and Management Plan;
- Cultural Heritage enhancements; and
- Recreation and access enhancements.

1.5.4 The exact model of wind turbine to be installed will be selected through a competitive procurement process, however for the purposes of the assessments, currently available wind turbine models are being considered which fit this height parameter and which have a total electricity generating capacity of up to 6.6 MW, giving a total generating capacity for the Site of approximately 92.4 MW. There are a number of potential wind turbine models which fit within the height parameter, which differ in properties, such as noise emissions, in each instance a 'worst case' potential wind turbine has been used in the EIA as appropriate.

1.5.5 The electrical power produced by the individual wind turbines would be transmitted to the proposed on-site Substation via underground cables. A connection to the national grid's electricity transmission/distribution system will be required. This does not form part of the Proposed Development and is not the subject of the Section 36 application.

1.5.6 Energy generated by the Proposed Development would be exported to the grid by Scottish Power Energy Networks ('SPEN'). Underground power cables would run alongside the access tracks in trenches from each of the wind turbines to the Substation.

1.5.7 The nature and location of the connection will be determined by SPEN in a separate application process. The Proposed Development would most likely be connected to a new proposed substation adjacent to Glenlee Substation, approximately 20 km north east of the site.

1.5.8 For the proposed turbine locations and other infrastructure, access tracks and associated infrastructure, a micro-siting allowance of up to 75 m is requested.

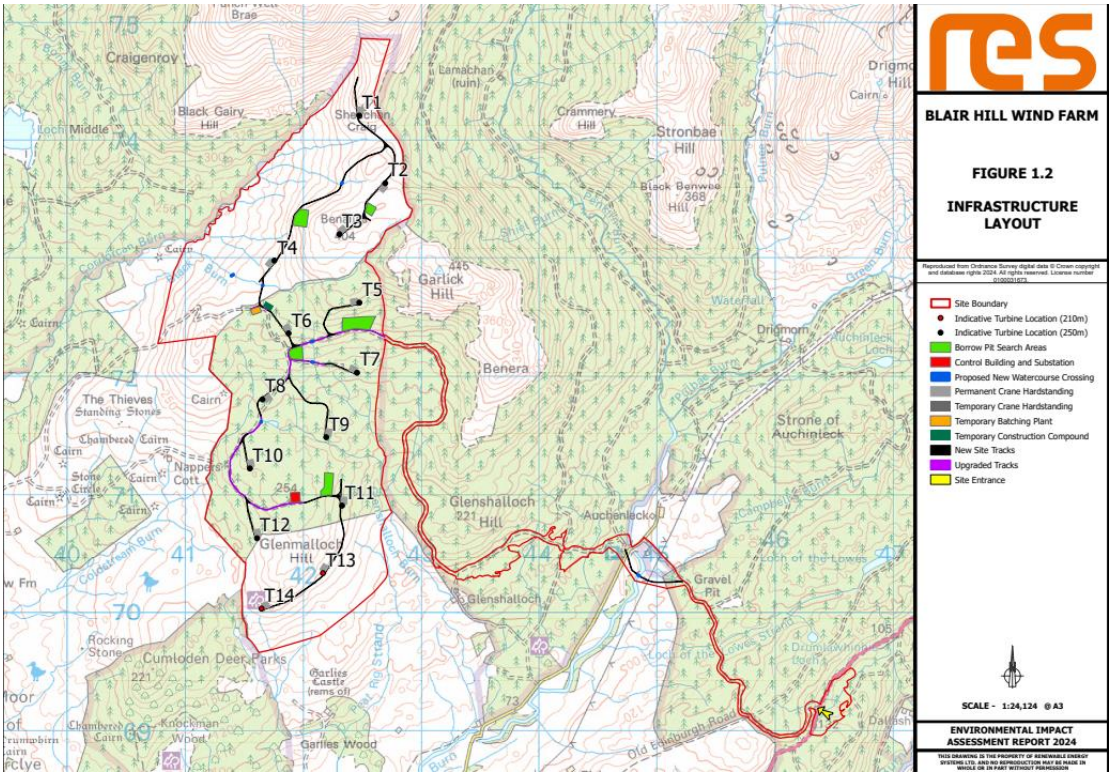
1.5.9 Turbines will be fitted with aviation obstacle lighting to meet the requirements of both the Civil Aviation Authority (CAA) and the Ministry of Defence (MOD). As the turbine tip heights exceed 150m they are within the scope of Air Navigation Order 2016 (ANO) Article 222 for aeronautical obstacle lighting.

1.5.10 The Applicant proposes a reduced lighting scheme, in which only six turbines of the wind farm would be lit by using 2,000 candela visible red lights. The scheme has been agreed with the Civil Aviation Authority (CAA).

1.5.11 The lights would be capable of being dimmed to 10% of peak intensity when the visibility as measured at the wind farm exceeds 5 km.

1.5.12 The operational life of the Proposed Development would be 50 years. Following the operational period, the Proposed Development would be fully decommissioned, or an application made to extend its operational life or to replace the turbines.

Figure 1.2: Site Layout Plan



1.6 Structure of Statement

1.6.1 This Planning Statement is structured as follows:

- **Chapter 2** sets out the up-to-date position with regard to the renewable energy policy and emissions reduction legislative framework and includes reference to the Onshore Wind Policy Statement and the Scottish Government's Draft Energy Strategy and Just Transition Plan;
- **Chapter 3** describes the benefits of the Proposed Development;
- **Chapter 4** appraises the Proposed Development against the most up to date element of the Development Plan, namely the relevant provisions of NPF4;
- **Chapter 5** appraises the Proposed Development against the relevant provisions of the Local Development Plan and related guidance; and
- **Chapter 6** examines the planning balance and presents overall conclusions.

2. The Renewable Energy Policy & Legislative Framework

2.1 Introduction

2.1.1 This Chapter 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 the Proposed Development 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, 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 2^0C above pre-industrial levels and to pursue efforts to limit global warming to 1.5^0C.

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 world's Governments and are an agreed basis for COP[1] 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).

2.2.7 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)*".

United Nations Statement, July 2023

2.2.9 The United Nations (UN) issued a statement on 27 July 2023 with regard to increasing global temperatures. The UN Secretary General Antonio Guterres stated that it was "*virtually certain that July 2023 will be the warmest on record*".

2.2.10 The Secretary General stated "*Climate change is here. It is terrifying. And it is just the beginning. The era of global warming has ended, and the era of global boiling has arrived*."

2.2.11 The statement refers to climate conditions in the month of July 2023 as being remarkable and unprecedented, and that there is virtual certainty that the month of July as a whole was set to become the warmest July on record and the warmest month on record. In addition, the statement sets out that ocean temperatures are at their highest ever level recorded for this time of year [July].

2.2.12 The statement also refers to the net zero goal and the Secretary General stated "*The need for new national emissions targets from G20 members and urged all countries to push to reach net zero emissions by mid-century*."

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

COP 28, Dubai 2023

2.2.13 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*."

2.2.14 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)

UN Emissions Gap Report (2024)

2.2.15 The UN Emissions Gap Report (October 2024) and its 'key messages' summary provides the annual independent science-based assessment of the gap between the pledged GHG) reductions, and the reductions required to align with the long-term temperature goal of the Paris Agreement.

2.2.16 The Report states that against the background of GHG emissions reaching new highs and climate impacts intensifying globally, nations are preparing what are termed Nationally Determined Contributions (NDCs) for submission in early 2025, ahead of COP30 in Brazil.

2.2.17 The Report states that in order to avoid the present trajectory of temperature increase far beyond 2^0C over the course of this century:

"*Nations must use COP29 in Baku, Azerbaijan, as the launch pad to increase ambition and ensure the NDCs collectively promise to almost halve greenhouse gas emissions by 2030. They must then follow up with rapid delivery of commitments, building on actions taken now. If they do not do so, the Paris Agreement target of 1.5^{0}C will be gone within a few years and the 2^{0}C target will be in danger*".

2.2.18 The Report adds "*It remains technically possible to get on a 1.5^{0}C pathway, with solar, wind and forests holding real promise for sweeping and fast emissions cuts*".

2.2.19 The Report also states (page 1) that there must be "*unprecedented cuts to greenhouse gas emissions by 2030 to keep 1.5^{0}C alive*".

2.2.20 In order to put the challenge of emissions reduction in context, the key messages document (page 2), sets out that if only current NDCs are implemented and no further ambition is shown in the new pledges to come, "*the best we could expect to achieve is catastrophic global warming of up to 2.6^{0}C over the course of the century*".

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 Progress[2]

Budget	Carbon budget level	Reduction below 1990 levels	Progress on Budgetary Period
1st carbon budget (2008 – 2012)	3,018 $MtCO_2e$	26%	-27%
2nd carbon budget (2013 – 2017)	2,782 $MtCO_2e$	32%	-42%
3rd carbon budget (2018 – 2022)	2,544 $MtCO_2e$	38% by 2020	-49.5%
4th carbon budget (2023 – 2027)	1,950 $MtCO_2e$	52% by 2025	n/a
5th carbon budget (2028 – 2032)	1,725 $MtCO_2e$	57% by 2030	n/a
6th carbon budget (2033 – 2037)	965 $MtCO_2e$	78% by 2035	n/a
7th 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.

[2] Source: CCC.

- 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 Sixth Carbon Budget, 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)[3]) 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)

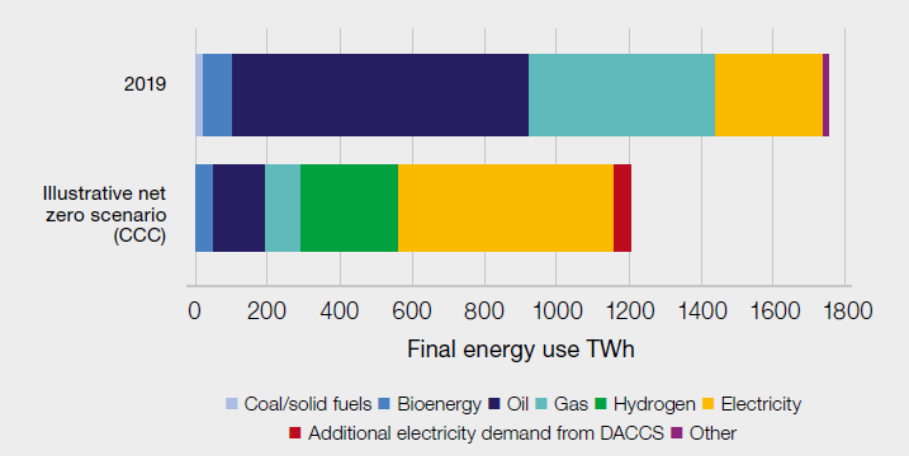
2.3.9 The Energy White Paper 'Powering our Net Zero Future' was published on 14 December 2020, represents a sea change in UK policy, and highlights the importance of renewable electricity.

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 the graph below – **Figure 2.1**.

Figure 2.1: Illustrative UK Final Energy Use in 2050[4]



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*

[3] 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.

[4] Source: Energy White Paper page 9 (2020).

to ensure that we are on a pathway that allows us to meet net zero emissions in all demand scenarios" (page 45). (underlining added)

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.

Climate Change Committee Report to UK Parliament (2024)

2.3.17 The Climate Change Committee (CCC) published the report 'Progress in Reducing Emissions 2024 Report to Parliament' in July 2024 (the "CCC Report"). The Executive Summary (page 8) states:

"*The previous Government signalled the slowing of pace and reversed or delayed key policies. The new Government will have to act fast to hit the country's commitments.*

The cost of key low-carbon technologies is falling, creating an opportunity for the UK to boost investment, reclaim global climate leadership and enhance energy security by accelerating take-up. British-based renewable energy is the cheapest and fastest way to reduce vulnerability to volatile global fossil fuel markets. The faster we get off fossil fuels, the more secure we become."

2.3.18 The CCC Report makes it clear that urgent action is needed to get on track for the UK's 2030 emissions reduction target. In this regard it states:

"*The UK has committed to reduce emissions in 2030 by 68% compared to 1990 levels, as its Nationally Determined Contribution (NDC) to the Paris Agreement. It is the first UK target set in line with Net Zero. Now only six years away, the country is not on track to hit this target despite a significant reduction in emissions in 2023. Much of the progress to date has come from phasing out coal generated electricity, with the last coal-fired power station closing later this year. We now need to rapidly reduce oil and gas use as well.*

Our assessment is that only a third of the emissions reductions required to achieve the 2030 target are currently covered by credible plans. Action is needed across all sectors of the economy, with low carbon technologies becoming the norm."

2.3.19 The CCC Report sets out priority actions (page 9) and they include:

> The UK should now be in a phase of rapid investment and delivery, however CCC note that all indicators for low carbon technology roll out are "*off track, with rates needing to significant ramp up*." In this regard in terms of renewable technologies it states onshore wind installations will need to double.

2.3.20 Chapter 2 of the CCC Report confirms that the third Carbon Budget was met (covering the period 2018 to 2022), however "*future carbon budgets will require an increase in the pace and breadth of decarbonisation. It is imperative that an ambitious path of emissions reduction is maintained towards Net Zero*." (Page 33).

2.3.21 Section 2.3 of the CCC Report addresses emissions reductions required for future Carbon Budgets. Paragraph 2.3.1 states that:

"*emissions reductions across most sectors will need to significantly speed up to be on track to meet the UK's climate targets in the 2030s, and therefore the long term target of Net Zero by 2050. Emissions reductions will need to outperform the legislated Fourth Carbon Budget for the UK to be on a sensible path to achieve its 2030 NDC, the Sixth Carbon Budget and Net Zero*."

2.3.22 Chapter 3 of the CCC Report examines indicators of current delivery progress and it sets out (page 50) it references a number of key points including *inter alia*:

"*Required pace – substantial progress is needed on a range of key indicators over the rest of this decade, to get the UK on track to meet its 2030 emissions targets. Low carbon technologies need to quickly become the default options in many areas…*

Renewable energy capacity has been growing steadily. However, roll-out rates will need to increase, compared to those since the start of this decade, to deliver the capacity needed by the end of the decade. Annual installations of offshore wind will need to more than treble, onshore wind more than double and solar increase by a factor of five."

2.3.23 Reference is made to electricity supply (page 56). With regard to onshore wind it states that only 0.5 GW of new onshore wind was installed in 2023 and "*this is considerably below the peak of 1.8 GW in 2017. Onshore wind installation rates will need to more than double compared to the average pace of deployment over the past three years*."

2.3.24 Chapter 2 of the CCC Report addresses the risks to the UK in achieving its emissions reduction targets.

2.3.25 With regard to the Fourth Carbon Budget (2023-2027) it states that although credible plans cover almost all of the emissions reductions required to meet it "*this budget was set before the UK's Net Zero target was legislated. The UK will need to reduce emissions by double the amount implied by the target to be on a sensible path to Net Zero*…."

2.3.26 With regard to the 2030 NDC and Sixth Carbon Budget (for the period 2023 to 2037) the CCC Report states that credible plans cover only around a third of emissions reductions needed to meet the UK's 2030 NDC and a quarter of those needed to meet the Sixth Carbon Budget. It adds "*that 2030 NDC is now only six years away. While our assessment of the policies and plans to deliver it has improved slightly, there remains significant risks to achieving these goals*."

Labour Government & Commitment to Renewables (2024)

2.3.27 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 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.

2.3.28 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.

2.3.29 The Department for Energy Security and Net Zero issued a Statement on 08 July 2024 which included references to double UK onshore wind capacity from its current level of approximately 15 GW to a planned capacity of 30 GW by 2030.

UK Government: Clean Power 2030 Action Plan (2024)

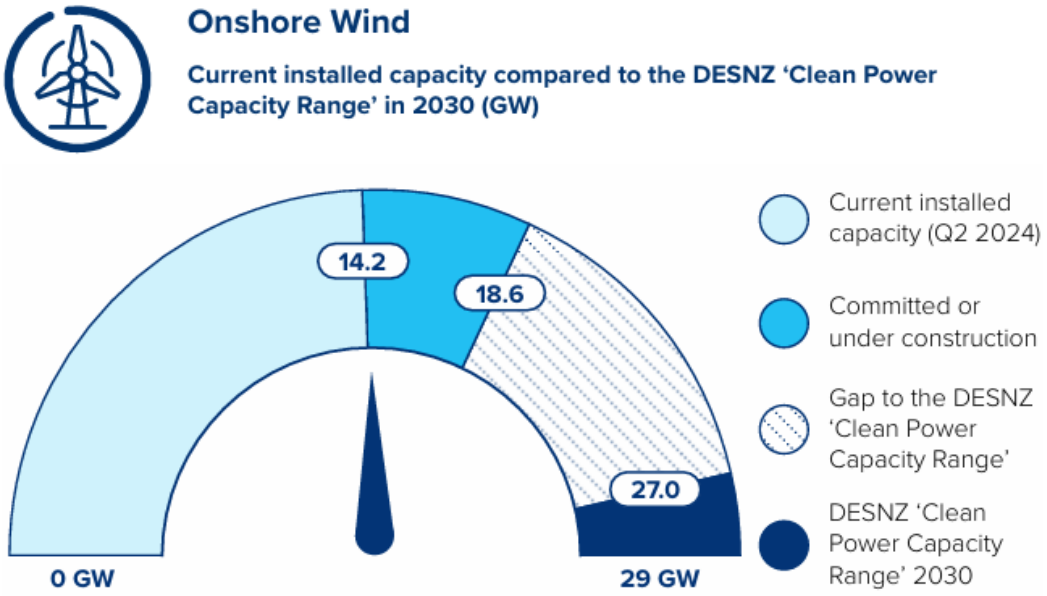
2.3.30 In addition, a key new material consideration is the Clean Power 2030 Action Plan, issued by the Department for Energy Security and Net Zero (DESNZ) in December 2024. It sets out (page 9) that Britain needs to install "*clean sources of power at a pace never previously achieved*".

2.3.31 It further adds (page 10):

"*clean power by 2030 will herald a new era of clean energy independence and tackle three major challenges: the need for secure and affordable energy supply, the creation of essential new energy industries supported by skilled workers in their thousands, the need to reduce greenhouse gas emissions and limit our contribution to the damaging effects of climate change. Clean power by 2030 is a sprint towards these essential goals*".

2.3.32 Within the Action Plan, it sets out that by 2030, this means that there should be 27-29 GW of onshore wind operational within the UK. At present, there is only some 14.2 GW of installed onshore wind capacity in the UK.

Figure 2.2: Onshore Wind & 'Gap' to reach 2030 UK Target



2.3.33 The document adds that "*Meeting the clean power 2030 goal is key to accelerating to net zero, not only in eliminating emissions that currently come from electricity generation, but also via the application of clean power in the buildings, transport and industry sectors… The shift to a clean power system by 2030 forms the backbone of the transition to net zero, as we move to an economy much more reliant on electricity*".

2.3.34 There is therefore a significant gap between the target onshore wind capacity for 2030 compared to what is currently installed. The gap is some 14.8 GW of required new capacity and the bulk of that is expected to be delivered in Scotland.

2.3.35 Page 74 of the Action Plan states that "*Meeting the renewable capacity set out in the DESNZ 'clean power capacity range' is achievable but will require deployment at a sharply accelerated scale and pace*".

2.4 Climate Change & Renewable Energy Policy: Scotland

The Scottish Energy Strategy (2017)

2.4.1 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.

2.4.2 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*".

2.4.3 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*".

2.4.4 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)

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 is required.

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.

Current Progress against Emission Reduction Targets

2.4.8 The Scottish Government published 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.

2.4.9 In their 2024 Progress in Reducing Emissions in Scotland report, the CCC stated that Scotland has missed its annual emission reduction targets eight times and Table 2.2 shows that in the years since 2018 where data is available, Scotland has only met its emissions reduction target once. This was in 2020, during which lockdown restrictions severely reduced commercial, industrial and transport emissions.

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	-	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***

2.4.10 Notwithstanding the Scottish Government has now away from annual targets, 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.

2.4.11 Scotland has already made good progress in decarbonising its electricity supply through the development of onshore and offshore wind and other renewables, as well as through the closure of coal fired power stations in the last decade. Emissions reductions now need to come from other sectors through the electrification of the energy they consume, or the substitution of fossil fuels in their energy supply for low-carbon energy sources.

2.4.12 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)

2.4.13 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."

2.4.14 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.

2.4.15 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.

2.4.16 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*."

2.4.17 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*."

2.4.18 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 the Scottish Parliament (18 April 2024)

2.4.19 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'.

2.4.20 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 states 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*."

2.4.21 The Cabinet Secretary added:

"*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*."

2.4.22 The Scottish Government has reiterated its commitment to achieving net zero by 2045. The approach to dealing with the position set out by the CCC in relation to the 2030 target being unachievable, has been to 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.

2.4.23 On 5 September 2024 the Scottish Government introduced the Climate Change (Emission Reduction Targets) (Scotland) Bill to the Scottish Parliament. The Bill was passed on 5 November 2024 and became an Act on 22 November 2024. The Act repeals the annual and interim emissions reduction target framework established under the 2009 Act and establishes a carbon budget approach to target setting, with budgets to be set through secondary legislation using the latest advice from the CCC once available to replace the concept of statutory annual and interim targets. It also makes provision for a new Climate Change Plan to be published that reflects the carbon budgets. As explained, the Act followed advice from the CCC that Scotland's interim emissions reduction target for 2030 could not be achieved. The Act does not change the existing statutory target of Net Zero emissions by 2045

2.5 The Onshore Wind Policy Statement

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

2.5.2 The Ministerial Foreword makes it 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*".

2.5.3 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".

2.5.4 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

2.5.5 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*."

2.5.6 It is explained that National Grid's Future Energy Scenarios[5] 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.

[5] 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.

Onshore Wind Target & Development Pipeline

2.5.7 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*".

2.5.8 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.

2.5.9 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.

2.5.10 The BVG update report provides (as of November 2024) figures on Scotland's pipeline of onshore wind developments and the breakdown of project categories is consistent with the project lifetime stages that were set out in the OWPS.

2.5.11 **Table 2.3** below also shows the onshore wind pipeline figures as contained in the OWPS but also contains the summary of the BVG Associates' updated analysis allowing a comparison of the various pipeline category figures between those in the OWPS (June 2022) and the BVG figures of November 2024. The relative differences between the various categories are also shown.

Table 2.3: Onshore Wind Development Pipeline (OWPS & BVG Report 2024)

Status of Onshore Wind Projects	OWPS (GW)	BVG Report (April 2024) (GW)	Difference 2022 v 2024 (GW)	Comments
In the Planning / Process	5.53	6.70	+ 1.17	Footnote on page 6 of OWPS applies. Not all projects will receive consent.
Awaiting Construction (ie consented)	4.56	6.47	+ 1.91	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. Not all consented developments will proceed to construction.
Under Construction	1.17	0.97	- 0.2	
Sub Total (less in planning category)	**5.73**	**7.44**	**+ 2.88**	
Operational Onshore Wind in Scotland	**8.70**	**10.02**	**+ 1.32**	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 2030 and will be under consideration for decommissioning or repowering.
Total (less in planning category)	14.43	17.46	+ 3.03	

2.5.12 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*".

2.5.13 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.

2.5.14 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:

- 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; and
- 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.

2.5.15 The BVG Update Report of 2024 cautions (page 20) that the ability to deliver 20GW by 2030 is likely to be restricted by current resource constraints. Their analysis predicts that these include that he number of current consent decisions from the ECU (Scottish Government) will need to at least double for at least three of the next five years.

2.5.16 The Update Report (page 15) also states that "*it remains clear that a significant increase in consent decisions made each year at the ECU level will be required to reach the 20 GW by 20230 target, and that the reduced development times promised [by the Onshore Wind sector Deal] ….will be essential if Scotland is to achieve the 20 GW operational onshore wind by 20230*."

2.5.17 The Update Report also highlights that the continued issue of Eskdalemuir (Seismic Array constraint), a potential Galloway National Park and the recent designation of the Flow Country World Heritage Site is likely to result in a loss of some 1.9 GW and 3 GW of operational capacity in 2030 in the deployment scenarios considered.

2.5.18 There are therefore a number of factors which indicate that there is likely to be a significant shortfall in the minimum 20 GW 2030 onshore wind target.

Government commitment to 20GW of Onshore Wind by 2030

2.5.19 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.

2.5.20 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*".

2.5.21 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".

2.5.22 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*".

2.5.23 Paragraph 2.4.2 states that "*onshore wind will play a crucial role in delivering our legally binding climate change targets*".

2.5.24 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.

2.5.25 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 scale and urgency of the stated Scottish Government policy position.

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

2.5.26 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.

2.5.27 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*".

2.5.28 The Onshore Wind Sector Deal was finalised and published in September 2023 and is referenced further below.

2.5.29 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; and

- Onshore wind plays a central role in ensuring a just transition for communities and people.

2.5.30 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

2.5.31 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.

2.5.32 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."*

2.5.33 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.

2.5.34 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*".

2.5.35 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.

2.5.36 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 2022[6] guidance.

2.5.37 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*".

[6] NatureScot, Landscape Sensitivity Assessment Guidance, paragraph 8 (2022).

Energy Systems & Regulation

2.5.38 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 20GW 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*".

2.5.39 The Proposed Development is expected to contribute to the 2030 target. 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.

OWPS Conclusions

2.5.40 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 20GW** 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).

2.5.41 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*…".

2.5.42 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. This is fundamentally different policy language to that contained within National Planning Framework 3 (NPF3) and SPP.

2.6 The Onshore Wind Sector Deal

2.6.1 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.

2.6.2 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."

2.6.3 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*."

2.6.4 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.

2.6.5 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).

2.6.6 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*."

2.6.7 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.*"

2.7 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. The draft document is however consistent with the adopted policy set out in 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.

2.7.2 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."

2.7.3 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.

2.7.4 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".

2.7.5 A fundamental part of the 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……"

2.8 Green Infrastructure Strategy

2.8.1 The Scottish Government published a Green Industrial Strategy (GIS) in September 2024. The Executive Summary sets out the mission of the GIS, namely:

"*This Green Industrial Strategy's mission is to ensure that Scotland realises the maximum possible economic benefit from the opportunities created by the global transition to net zero*".

2.8.2 The GIS sets out five opportunity areas for Scotland where identified strengths are most likely to lead to growth and the potential to grow Scotland's exports. The sectors relate to Scotland's wind economy, carbon capture and storage, supporting the green economy by way of professional and financial services, growing the hydrogen sector and establishing Scotland as a competitive centre for clean energy intensive industries of the future.

2.8.3 Page 6 sets out that GIS forms a key part of the Government's broader National Strategy for Economic Transformation. It states that "*It also links explicitly to our Just Transition Plans which describe how the transition to net zero in the most emitting sectors will be achieved in a way that delivers economic, social and community benefits, including fair work, environmental preservation and reduced poverty and inequality*."

2.8.4 The first of the five opportunity areas is in relation to 'maximising Scotland's wind economy'. It states that this:

"*is about making the most of our natural resources, established onshore and offshore wind sectors and first-mover advantage in floating offshore wind to generate clean electricity; participating in global supply chains as well as expanding our domestic supply chain capacity and seizing opportunities across the offshore wind supply chain, from infrastructure to manufacturing; positioning Scotland as a leader in material circularity of wind turbines and components.*"

2.8.5 Actions include *inter alia*:

- Supporting investment to improve essential infrastructure, expanding supply chains and secure manufacturing opportunities;
- Developing and maintaining a pipeline of investment propositions backed by clear information about the timing and nature of renewable energy opportunities;
- Delivering planning and consenting systems which enable Scotland's net zero development pipeline; and
- Exploring the circularity opportunity in onshore wind.
- Page 13 states clearly that the single goal of the GIS is to help Scotland realise economic growth opportunities from the global transition to net zero.

2.8.6 Onshore wind is referred to in some detail at page 21 where the GIS states:

"*Onshore wind is the biggest single technology in Scotland's current mix of renewable electricity generation, comprising 62% of installed capacity.*

A thriving onshore wind sector is therefore critical to the decarbonisation in Scotland and the UK. As set out in our 2022 Onshore Wind Policy Statement, Government and industry are focused on delivering at least 20 GW of onshore wind by 2030 (doubling current capacity) and recent pipeline analysis shows that we should be on track to deliver this.

This trajectory is underpinned by the Onshore Wind Sector Deal which sets out a set of specific collaborative actions which include commitments by both the Scottish Government and the onshore wind industry to help deliver the 20 GW ambition.

A supportive policy environment and successful industry collaboration via the Onshore Wind Strategic Leadership Group confirms the shared commitment of Government and industry to achieve this successful and responsible growth.

The onshore wind workforce is highly skilled and opportunities in installation, consulting, operations and maintenance are anticipated to rise in response to growth ambitions. Specialised engineering consultancy services such as wind farm design and financial due diligence related to onshore developments are expected to grow and offer additional export potential. There is commercial opportunity in circular supply chains related to the UK wind industry. Scotland's established, and now ageing onshore wind assets may also offer

opportunities for innovative solutions in remanufacturing, recycling, and decommissioning end of life assets."

2.8.7 It is clear therefore that to progress the Government's objectives with regard to wind energy that there needs to be clear support for new investment and growth in onshore wind development. Realising the economic and social opportunities will only be achieved through the development and consenting of additional wind energy developments. Such deployment will not only be critical towards achieving the net zero target, given the important contribution that wind energy will make in that regard, but will also help deliver the Government's clear green infrastructure mission.

2.9 Conclusions on the Renewable Energy Policy & Legislative Framework

2.9.1 It is considered that the Proposed Development is very strongly supported by the climate change and 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 and it is essential that rapid progress is made otherwise the legally binding target in Scotland 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 change from annual Scottish emission reduction targets has served to show that we are not on track to attain Net Zero and it strengthen the case for rapidly approving schemes that can contribute to this goal. The overall target of Net Zero remains unchanged.

2.9.5 Decisions through the planning and wider consenting system must be responsive to this position. Decision makers can do this by affording substantial weight to the energy policy objectives articulated above, in the planning balance in a given case.

2.9.6 In terms of the energy policy considerations, it is helpful to reference a recent position of the Scottish Ministers with regard to a Section 36 wind farm decision. Section 36 consent was granted by the Scottish Ministers on 08 November 2024 for the Clachaig Glen Wind Farm within Argyll and Bute. From paragraph 109 *et seq* of the Decision Letter, the Scottish Ministers in commenting on the acceptability of the development stated:

"*As set out above, the seriousness of climate change, its potential effects and the need to cut carbon dioxide emissions, remain a priority for the Scottish Ministers. Scotland's renewable energy targets and climate change ambitions, energy policies and planning policies are all material considerations when weighing up this proposed development. NPF4, the Energy Strategy and the OWPS make it clear that renewable energy deployment remains a priority of the Scottish Government. The OWPS in particular reaffirms the vital role for onshore wind in meeting Scotland's energy generation targets and Net Zero emissions ambitions. This is a matter which should be afforded significant weight in favour of the proposed development.*

The transition to a low carbon economy is an opportunity for Scotland to take advantage of our natural resources to grow low carbon industries and create jobs.

The Scottish Ministers are satisfied that the proposed development will provide a contribution to renewable energy targets and carbon savings. The Scottish Ministers are also satisfied that it is entirely consistent with the Scottish Government's policy on the promotion of renewable energy and its Net Zero emissions ambitions."

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 and imperative of attaining and sustaining Net Zero and the need to substantially increase renewable capacity, notably onshore wind.

2.9.8 The Draft Energy Strategy for Scotland forms part of the new policy approach alongside NPF4. These documents confirm the Scottish Government's policy objectives and related targets, reaffirming the important 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 for the Proposed Development 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 in order to attain Net Zero.

3. The Benefits of the Proposed Development

3.1 The Benefits: Summary

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

Renewable Energy Generation

> With an installed capacity of up to 92.4 MW of onshore wind 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 renewable energy and net zero 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, as explained in the previous Chapter. 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 115,700 average Scottish households per annum.

Emissions Savings

> The carbon balance calculations establish that the Proposed Development (wind element) could result in the saving of approximately 161,198 tonnes of carbon dioxide equivalent emissions per annum if a grid mix of electricity generation were used as the counterfactual position. This means a total of over 8 million tonnes of carbon dioxide over the 50 year operational period.

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, as a proven technologies which will deliver significant benefits to consumers through decarbonisation, security of supply and affordability this decade, becomes clear.

> 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 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.

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). The socio-economic benefits of the Proposed Development are set out in and Economic and Community Impact Report submitted in support of the Section 36 application.

> The assessment estimated that the **expenditure associated with development and construction activity could generate**:

- £12.0 million Gross Value Added (GVA) and support c.128 job years in Dumfries and Galloway (with peak employment of 65 jobs); and
- £33 million GVA and c.360 job years across Scotland (with peak employment of 183 jobs).

> The **expenditure required for the operations and maintenance of the Proposed Development could generate** each year:

- £1.1 million GVA and support c.6 jobs in Dumfries and Galloway; and
- £2.4 million GVA and c.19 jobs across Scotland.

> The Proposed Development will support local economic activity and the role of onshore wind as a local employer. The Applicant is committed to engaging with local suppliers to maximise benefits from the wind farm by commissioning local contractors. All the above would ensure a **contribution to the maximisation of the local supply chain content** and provide **opportunities for local employment**.

> The Applicant is committed to engage with the local college and schools to support the development of skills within the local onshore wind sector while also engaging with universities and colleges to provide field courses for archaeology students. These initiatives would provide **opportunities for training and development** and support the **continuation of innovative processes** to maximise onshore wind benefits.

> The Applicant is committed to a Local Electricity Discount Scheme (LEDS) offering an annual discount to the electricity bills of those closest to the proposed wind farm and follows a Cultural Heritage Enhancement Strategy to improve existing conditions in the area such as recreational paths. These also support the **continuation of innovative processes** to maximise benefits.

> The Proposed Development is expected to support the **provision of local public services and the investment priorities of local communities**. During its operations, it is expected to generate approximately £1.1 million in non-domestic rates yearly.

Community Benefits

> The Proposed Development is also expected to provide an annual **contribution of £462,000 in community benefits** which could support up to 9 jobs each year.

> It is understood that community benefit is not a material planning consideration, however the Applicant is committed to offering a package of community benefits.

Cultural Heritage and Access Enhancements

> There are six Scheduled Monuments and a number of non-designated heritage assets, ranging from prehistoric to post-medieval in date, located near the Proposed Development. The Site has been in use for thousands of years, with the prehistoric assets indicating a use of the landscape for funerary and ritualistic practices and the post-medieval assets being agricultural in nature. The sites of archaeological and cultural significance are identified and discussed in detail in Chapter 7 of the EIA Report.

> Due to the location and condition of the Site at present, these archaeological and cultural heritage assets are not accessible to the large majority of the public. Part of the Proposed Development includes enhancing accessibility to the heritage assets, including for those who are unable to physically access the Site. It is proposed that **a network of new and upgraded footpaths will form a signposted heritage trail through the Site**. Other methods of enhancing the heritage trail experience are currently still under consideration, and collaboration with local community archaeology groups and / or students is also under consideration, the purpose of which would be to provide training in the recording of heritage assets.

> Once the Proposed Development is operational, the wind farm **tracks will be opened to the public to increase access to the countryside**. Where possible, footpaths and tracks would be suitably equipped to enable wheelchair access, with further options currently still being explored. Parts of the Site will continue to be used for farming and forestry operations during the operational phase of the Proposed Development, and as such, responsible access will be promoted throughout the Site.

Biodiversity Enhancement

> Significant biodiversity enhancements are proposed as set out in an Outline Biodiversity Enhancement Management Plan (BEMP). The details of the proposed measures relating to peat, biodiversity and forestry are set out in the next chapter in the context of NPF4 biodiversity policy.

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 contained advice intended to support consistency in decision making ahead of new style Local Development Plans being in place.

Development Management

4.1.3 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).

4.1.4 Therefore, at the time of writing this Planning Statement, the statutory Development Plan covering the site consists of NPF4 and the South Ayrshire Local Development Plan (2022).

4.1.5 The publication of NPF4 coincided with the implementation of certain parts of the 2019 Act. A key provision is 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*."

4.1.6 In this case the LDP was adopted in 2019. It contains some policies which have aspects that are now incompatible with national policy in NPF4, and this will further reduce the weight to be afforded to this element of the Development Plan.

4.1.7 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 not yet an emerging LDP.

4.1.8 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.

How NPF4 is to be used

4.1.9 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*."

4.1.10 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 Goals*[7]*. NPF4 includes a long-term spatial strategy to 2045*."

4.1.11 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 Government's Infrastructure Investment Plan[8] (IIP).

4.1.12 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.

4.1.13 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*".

4.2 The National Spatial Strategy – Delivery of Sustainable Places

4.2.1 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*."

4.2.2 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 Framework[9].

4.2.3 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*".

4.2.4 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*."

4.2.5 The new Energy Strategy and Just Transition Plan for Scotland (as referenced in NPF4) was published as a consultative draft on 10 January 2023 (see below).

4.2.6 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.*

[7] 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'.

[8] 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.

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

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."

4.2.7 Six National Developments (NDs) support the delivery of sustainable places, one being 'Strategic Renewable Electricity Generation and Transmission Infrastructure'.

4.2.8 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*".

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

4.2.10 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.

4.3 National Developments

Overview

4.3.1 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*".

4.3.2 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*".

4.3.3 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"

4.3.4 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."

4.3.5 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*."

4.3.6 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 off shore electricity generation, including electricity storage, from renewables exceeding 50 megawatts capacity**;*

(b) new and/or replacement upgraded on and offshore high voltage electricity transmission lines, cables and interconnectors of 132kv or more; and

(c) new and/or upgraded Infrastructure directly supporting on and offshore high voltage electricity lines, cables and interconnectors including converter stations, switching stations and substations." (emphasis added)

4.3.7 The Proposed Development would have national development status, it would make a valuable contribution to the delivery of the national Spatial Strategy.

4.3.8 The Strategy requires a "*large and rapid increase*" in electricity generation from renewables and the National Spatial Strategy makes it clear (NPF4, page 6) that "*we must make significant progress*" by 2030.

4.3.9 The Proposed Development would provide renewable generation and would make a meaningful contribution to targets. As explained in Chapter 2, the recently published BVG Report underlines the importance of the delivery of projects that can make a successful deployment by 2030.

4.4 National Planning Policy

4.4.1 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.

4.4.2 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".

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

- Policy 1: Tackling the climate and nature crises;
- Policy 3: Biodiversity;
- Policy 4: Natural places;
- Policy 5: Soils;
- Policy 6: Forestry, woodland and trees;
- Policy 7: Historic assets and places;
- Policy 11: Energy; and
- Policy 22: Flood risk and water management.

4.4.4 These policies are addressed below.

4.4.5 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*."

4.4.6 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*".

4.5 NPF4 Policy 1: Tackling the Climate and Nature Crisis

Policy 1 & Principles

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

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

4.5.3 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.

4.5.4 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."

4.5.5 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.

4.5.6 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

4.5.7 Given the nature of the Proposed Development it would make a 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.

4.5.8 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.

4.5.9 The Reporter's comments on this particular policy in the Sanquhar II Inquiry Report[10] 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*."

4.5.10 Furthermore, as explained below with reference to NPF4 Policy 3, biodiversity enhancement measures are proposed as part of the Proposed Development. Therefore, and notwithstanding the interrelationship between the climate and nature crises, the Proposed Development would make a net positive contribution to addressing the nature crisis via these enhancements.

4.6 NPF4 Policy 11: Energy

Policy 11 & Principles

4.6.1 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.*"

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

4.6.2 Policy Outcomes are identified as: "*expansion of renewable, low carbon and zero emission technologies*".

4.6.3 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

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".

The application of Policy 11

4.6.4 **Paragraph a) of Policy 11** states a position of express "support" for wind farm development.

4.6.5 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.

4.6.6 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.

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

4.6.8 **Paragraph c) of Policy 11** requires socio-economic benefits to be maximised. The socio-economic effects that would arise have been summarised in Chapter 3 above and there is considered to be full accordance with this aspect of Policy 11.

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

4.6.10 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.

4.6.11 **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

4.6.12 It is explained in the LVIA that a total of 10 residential properties within the 2.5 km study area for the residential visual amenity assessment (RVAA) were identified. Of these properties, all but one have potential visibility of the Proposed Development and have been assessed in detail in the RVAA.

4.6.13 Operational effects would vary notably between residential properties due to the range of locations of properties within the study area. The property with the highest magnitude of change would remain 'P16'. Detailed assessment of P16 reached the conclusion that physical separation, combined with the landform, localised mature trees and forestry to the north creates sufficient visual separation between the property and the Proposed Development such that effects would not be perceived to be imposing or overbearing, and it is deemed that effects on this property would not meet the 'Residential Visual Amenity threshold'.

4.6.14 The assessment concludes that for all of the properties within the RVAA study area the Residential Visual Amenity threshold will not be reached, and the effects will not be sufficiently

"oppressive" or "overbearing" that any property will be rendered an unattractive place in which to live.

Noise and Shadow Flicker

4.6.15 Noise is addressed in Chapter 12 (Acoustic Assessment) of the EIA Report. Overall construction noise impact is determined to be not significant, and noise will be controlled and minimised as much as possible during the construction phase of the development via the proposed Construction and Environmental Management Plan (CEMP) which will be prepared prior to the commencement of construction. The CEMP will be secured by way of a standard planning condition.

4.6.16 Predictions of wind turbine noise from the Proposed Development have been made in accordance with good practice using a candidate wind turbine.

4.6.17 Predicted operational noise levels from the operation of the Proposed Development indicate that for noise sensitive receptors neighbouring the Proposed Development, wind turbine noise would meet the necessary noise limits consistent with ETSU-R-97 and therefore operational noise from the Proposed Development is deemed to be not significant.

4.6.18 Predicted cumulative operational noise levels indicate that for noise sensitive receptors neighbouring the Proposed Development, cumulative wind turbine noise (which considers noise predictions from all nearby operational, consented and proposed wind farms and the Proposed Development) would meet the Total ETSU-R-97 Noise Limits at all noise assessment locations.

4.6.19 In terms of shadow flicker, an assessment has been undertaken and is presented in Chapter 16 of the EIA Report. Based on this assessment, one property could be affected by shadow flicker, however mitigation measures can be applied such that there would be no adverse effect. Therefore, shadow flicker impacts can be managed through a suitable planning condition.

Landscape and Visual Considerations

4.6.20 Before examining the landscape and visual effects of the Proposed Development, Part e(ii) of 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. The LVIA should be referred to for its detail, but summary points are referenced below.

Design Evolution

4.6.21 In order to minimise negative effects on the landscape and views, a number of design principles were considered. Insofar as was possible given the other technical and environmental constraints, these principles sought to reduce significant effects through alterations to layout, design and siting, management practices and mitigation.

4.6.22 The design evolution for the Proposed Development is set out in Chapter 3 (Design Evolution and Alternatives) of the EIA Report.

4.6.23 Landscape and visual considerations have played a key role in the design process and have sought to reduce the effects of the wind farm. It is considered that appropriate "design mitigation" has been applied.

Landscape Character

4.6.24 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.

4.6.25 The findings of the LVIA indicate that landscape sensitivity within the LVIA study area is variable. This is in part due to the presence of landscape designations including Galloway Dark Sky Park, Merrick Wild Land Area and Fleet Valley National Scenic Area, as well as Regional Scenic Areas.

4.6.26 The Proposed Development is likely to become the dominant characteristic of the landscape within the Site, and for an area extending north and east approximately 1.5 km to the top of Larg Hill and Benera, south approximately 1.8 km to the minor road between Cumloden and Garlies Castle, and west between 1 km and 1.4 km to the low hills at The Thieves Standing Stones and Cumloden Deer Parks. Beyond these areas and up to approximately 4.6 km from the Proposed Development, it would become a characteristics. As a result, there would be there will be localised large scale effects on the host Landscape Character Types, (LCT)172 Upland Fringe – Dumfries and Galloway and LCT 181 – Rugged Uplands with Forest – Dumfries & Galloway, as well as the nearby LCT 180 – Rugged Uplands - Dumfries & Galloway, resulting in localised significant effects on landscape character.

Designated Landscapes

4.6.27 The Fleet Valley National Scenic Area (NSA) is located some 15.6 km, south east of the Site and has been excluded from detailed LVIA assessment on the grounds that the Zone of Theoretical Visibility (ZTV) study shows no theoretical visibility across this NSA, indicating that effects are unlikely to occur.

4.6.28 The Site is located within the Galloway Forest Regional Scenic Area (RSA) which is a local landscape designation. It is explained in the LVIA that there would be significant effects on parts of the Galloway Hills RSA due to direct effects of the Proposed Development on the RSA and its visibility from much of the designated area. However, the Proposed Development would not compromise the overall integrity of this RSA. There would also be effects of low magnitude and Slight on Mochrum Lochs RSA, and negligible magnitude and Minimal on Machars Coast RSA and High Carrick Hills Local Landscape Area (LLA). These effects would not be significant in EIA terms

4.6.29 There would be no effects on any Gardens and Designed Landscapes within the LVIA study area.

Visual Effects

4.6.30 The assessment of landscape and visual effects is informed by a series of viewpoints, which are selected to represent visibility from landscape character types, landscape designations and principal visual receptors around the LVIA Study Area. These include points of specific importance such as recognised viewpoints, designated landscapes, settled areas and important routes.

Consideration of Viewpoints

4.6.31 Viewers within the LVIA Study Area who will be affected by the changes in views and visual amenity include local residents, tourists, walkers and recreational route users, road users etc. The assessment of visual effects considers the changes that people will see in views from various locations around the LVIA Study Area, using representative viewpoints, as well as considering views from settlements and from along routes.

4.6.32 A total of 26 viewpoints were selected to represent the most sensitive receptors. The assessment indicates that there would be localised significant effects on the following receptors:

4.6.33 Daytime and nighttime effects as follows:

- LCT172 Upland Fringe – Dumfries and Galloway;
- LCT 181 – Rugged Uplands with Forest – Dumfries & Galloway;
- LCT 180 – Rugged Uplands - Dumfries & Galloway;
- Moor of Barclye between the Lamachan Hill/Curleywee group of hills, Penkiln Burn and the River Cree visual receptor group;

- Lamachan Hill/Curleywee group of hills visual receptor group;
- Galloway Hills Regional Scenic Area;
- Galloway Hills Local Landscape Area; and
- Daytime effects only on the River Cree and Penkiln Burn valleys, including Newton Stewart and the road corridors of the A75 and A714 visual receptor group.

4.6.34 Daytime and nighttime cumulative effects

- LCT172 Upland Fringe – Dumfries and Galloway;
- LCT 181 – Rugged Uplands with Forest – Dumfries & Galloway;
- LCT 180 – Rugged Uplands - Dumfries & Galloway;
- LCT 174 - Plateau Moorland with Forest - Dumfries & Galloway;
- LCT 160 - Narrow Wooded River Valley – Dumfries & Galloway;
- LCT 180 - Rugged Uplands - Dumfries & Galloway - 9.4km, north east;
- Moor of Barclye between the Lamachan Hill/Curleywee group of hills, Penkiln Burn and the River Cree visual receptor group;
- Lamachan Hill/Curleywee group of hills visual receptor group;
- River Cree and Penkiln Burn valleys, including Newton Stewart and the road corridors of the A75 and A714 visual receptor group;
- Roads, residents and recreational landscapes within the moorland landscapes west of the Site from the A714 to 20km from the closest proposed wind turbine visual receptor group;
- Southern Upland Way within 7.5km of the Proposed Development;
- Galloway Forest Regional Scenic Area.

Aviation Lighting & Galloway Dark Sky Park

4.6.35 As noted, onshore wind turbines of over 150 m in height require mandatory visible spectrum aviation lighting. A proposed lighting scheme has been agreed with the CAA and it will comprise:

- 1 no. medium intensity steady red (2,000 candela) light mounted on the nacelles of turbines T01, T04, T05, T10, T11 and T14 automatically dimmed to 10% of peak intensity (200 candela) when visibility is in excess of 5 km;
- a second 2,000 candela light on the nacelles of the above turbines to act as alternates in the event of a failure of the main light (both lights should not be lit at the same time).

4.6.36 The viewpoint night time locations from which there would be significant visual effects have been set out above.

4.6.37 The Galloway Dark Sky Park is located 150m north of the Site. Approximately 20 percent of the park has been set aside as a central “core” for preservation of dark skies and wildlife, with a policy of no permanent illumination. The management of the park recognizes the dark skies as a valuable resource and is committed to protecting and preserving them.

4.6.38 It is explained in the LVIA that the nighttime ZTV indicates potential visibility of the lighting on the Proposed Development from isolated high points within the Dark Sky Park. From the wider Dark Sky Park only the highest hills would have potential visibility, with the majority only having potential visibility of up to two proposed turbines. A higher level of visibility is only likely to be experienced from the closest hills to the Proposed Development, at the Lamachan

Hill/Curleywee group of hills. From these hills, there would be visibility of all of the proposed turbine lights from the highest points and part of the south facing slopes, with the number of lights reducing lower down the slope and no visibility from north or east facing slopes.

4.6.39 As set out in relation to the visual receptor group covering the Lamachan Hill/Curleywee group of hills, there would be large-medium scale effects from the south and west facing slopes of these hills, as well as from the hill tops. This would relate to a limited extent of the Dark Sky Park. Effects would not be significant.

Cumulative Effects

4.6.40 The majority of schemes that are currently in planning are located amongst existing and consented wind farms and would continue the existing pattern of wind farm development. Of the schemes considered in detail in the cumulative assessment, only Glenvernoch, a proposal in planning for 13no. 200 m high turbines located approximately 5.2km west of the Proposed Development, would result in effects that would alter effects assessed for the Proposed Development alone. Greater effects than for the Proposed Development alone would arise on the following receptors if Glenvernoch and the Proposed Development were consented, generally due to closer proximity to Glenvernoch:

- LCT 174 - Plateau Moorland with Forest - Dumfries & Galloway;
- LCT 160 - Narrow Wooded River Valley – Dumfries & Galloway;
- LCT 180 - Rugged Uplands - Dumfries & Galloway - 9.4km, north east;
- Visual receptor group - Roads, residents and recreational landscapes within the moorland landscapes west of the Site from the A714 to 20 km from the closest proposed wind turbine; and
- Southern Upland Way within 7.5 km of the Proposed Development.

Public Access

4.6.41 The LVIA has addressed visual amenity considerations in relation to public access and recreation with the consideration of viewpoints and visibility.

4.6.42 Whilst there would be some visibility of the Proposed Development from some walking and recreational routes, these are not considered to be unacceptable.

4.6.43 Furthermore, subject to appropriate mitigation, 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, Radar and Defence Interests

4.6.44 The EIA Report addresses aviation, radar and defence matters (Chapter 15). The assessment was undertaken in relation to the potential effects of the Proposed Development on existing and planned military and civil aviation activities, including those resulting from impacts to radar.

4.6.45 The assessment states that in the absence of appropriate mitigation, the Proposed Development will potentially impact the NATS en Route Ltd (NERL) radars at Lowther Hill and Great Dun Fell and the operations at Prestwick Air Traffic Control (ATC) Centre. Suitable mitigation measures have been identified, and it is expected that a Radar Mitigation Scheme (RMS) will be agreed.

4.6.46 Infrared lighting will be agreed for the MOD low flying requirements and a visible lighting scheme has been agreed with the CAA. With the implementation of these mitigation measures,

no significant adverse effects to aviation, radar and defence infrastructure are predicted as a result of the operation of the Proposed Development

Telecommunications & Broadcasting

4.6.47 Matters relating to television, telecommunications and fixed links are addressed in Chapter 16 of the EIA Report. No adverse impacts in relation to these interests are predicted.

Impacts on Road Traffic and Trunk Roads

4.6.48 Chapter 11 of the EIA Report addresses traffic and transport. As set out in the assessment, there are no significant impacts predicted, and the Proposed Development is considered to be satisfactory in relation to this topic.

4.6.49 A Construction Traffic Management Plan (CTMP) would be conditioned and approved by relevant planning, roads and emergency authorities.

4.6.50 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.

Historic Environment

4.6.51 Chapter 7 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.

4.6.52 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

4.6.53 Chapter 10 of the EIA Report addresses the potential impacts of the Proposed Development on geology, hydrology and peat. This includes potential impacts on surface watercourses, groundwater, water abstractions, designated receptors and flood risk within the local area. Potential impacts on peat are also assessed.

4.6.54 The assessment explains that while seven private water supply sources were scoped into further assessment, following implementation of guidance and best practice measures, three PWS are considered to require additional mitigation. Implementation of a Water Quality Monitoring Plan (WQMP) is proposed to minimise any potential risk from the Proposed Development. This can be secured by a planning condition.

4.6.55 The proposed mitigation measures will be included within a CEMP prior to commencement of construction activities. These mitigation measures are considered to be robust and implementable and will reduce the potential impacts on hydrological, hydrogeological and geological receptors. A programme of water quality monitoring would also be implemented.

4.6.56 The significance of residual effects on geology, peat, hydrology and hydrogeology receptors following the implementation of these mitigation measures are considered to be minor to negligible significance and therefore not significant in EIA terms.

Biodiversity

4.6.57 Chapter 9 (Ornithology) of the EIA Report assesses the potential significant effects on Important Ornithological Features (IOFs). Chapter 8 (Ecology) addresses potential effects on Important Ecological Features (IEFs) associated with the construction, operation and decommissioning of the Proposed Development.

Ornithology

4.6.58 In terms of ornithology, the Site does not form part of any statutory designated site for nature conservation with qualifying ornithological interests or lie within potential connectivity distances for any Special Protection Area (SPA). Baseline studies have established the Site and adjacent habitats are used by breeding black grouse and foraging red kite, hen harrier, goshawk, merlin and peregrine falcon. Barn owl and red kite were identified to be breeding in the wider area. An assemblage of breeding ground nesting waders has also been recorded, typical of the locale and habitats present. Pink-footed goose, greylag goose and herring gull were infrequently recorded, however the Site and immediate area were not identified as being important for migratory waterfowl/gulls.

4.6.59 Collision mortality risks have been estimated for curlew, golden plover, greylag goose, hen harrier, herring gull, lapwing, merlin, peregrine falcon, pink-footed goose and red kite using the NatureScot Collision Risk Model (CRM). Collision mortality risks are predicted as being low or negligible for all species.

4.6.60 Embedded mitigation and pre-construction checks (as directed by an appointed suitably qualified Ecological Clerk of Works (ECoW) will enable the protection of breeding birds during construction works associated with the Proposed Development.

4.6.61 In addition to habitat reinstatement following the cessation of construction works, it is explained in the assessment that the Proposed Development also provides a clear opportunity to deliver long-term beneficial habitat enhancement measures for bird species, away from operational infrastructure, including specific management for breeding black grouse.

4.6.62 Residual effects upon any IOFs are predicted to be not significant as a result of the Proposed Development alone, or cumulatively with any other wind farm development.

Ecology

4.6.63 The Site does not form part of any statutory designated site for nature conservation with ecological qualifying interests. There is a small area of ancient woodland within the Site, present along the existing access track to be upgraded, however no mature/semi-mature trees are expected to be lost as a result of the Proposed Development.

4.6.64 Baseline studies have established the Site is used by badgers, bats, otters, reptiles and trout. It is explained in the assessment that the risk to all species, including high collision risk bat species, is considered to be low based on the levels and distribution of species activity recorded. The main and most extensive habitats present within the Site are commercial conifer plantation and marshy grassland, with several other habitat types making up the remainder of the Site, including areas of bracken, blanket bog, wet modified bog, wet heath and a range of grassland types.

4.6.65 The Proposed Development has been designed to minimise impacts on important habitats or protected species as far as practicable. Embedded mitigation, good practice measures, and pre-construction checks (as directed by an appointed suitably qualified ECoW) will ensure the protection of protected species during construction works associated with the Proposed Development.

4.6.66 The most tangible effect during the construction phase of the Proposed Development will be direct habitat loss due to the construction of new infrastructure. Effects upon blanket bog and wet modified bog are assessed. No significant effects are predicted. No significant effects are predicted with respect to protected species.

4.6.67 In addition to habitat reinstatement following the cessation of construction works, the Proposed Development also provides an opportunity to deliver long-term beneficial habitat enhancement measures for habitats and species, including specific management for peatland restoration and enhancement, bracken control for acid grassland restoration, riparian broadleaved planting, conifer replacement with native broadleaved woodland and green roof creation.

4.6.68 These proposals form the basis of the Outline Biodiversity Enhancement Management Plan (OBEMP) which will deliver significant biodiversity enhancement at the Site. A Biodiversity

Net Gain (BNG) assessment and metric indicates measures proposed in the OBEMP would deliver a 29 % net gain.

4.6.69 Residual effects upon any IEFs are predicted to be not significant as a result of the Proposed Development alone, or cumulatively, with any other wind farm development.

4.6.70 Overall, no significant effects to bird communities or in relation to terrestrial ecological interests associated with the Site are expected during the construction, operational and decommissioning stages.

4.6.71 Proposed biodiversity enhancement measures are further described below with regard to NPF4 Policy 3 (Biodiversity).

Balancing the Contribution of a Development and Conclusions on Policy 11

4.6.72 Part e(ii) of Policy 11 makes it clear and recognises that in terms of significant landscape and visual impacts, such impacts are to be expected for some forms of renewable energy. This is a very clear steer that significant effects are to be expected, and where localised and/or subject to design mitigation, they should generally be acceptable. The LVIA concludes that the significant landscape and visual impacts are localised, and that appropriate design mitigation has been adopted.

4.6.73 In relation to potential cultural heritage effects although significant effects are identified in relation to a number of Scheduled Monuments, the effects arising are not such that they would adversely affect the integrity or heritage value or cultural significance of these assets.

4.6.74 In addition, the Proposed Development is considered to be acceptable in relation to all of Policy 11's environmental and technical topic criteria.

4.6.75 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. The "contributions" are inextricably related to the scale of a proposed development and policy recognises that any identified impacts must be assessed in the context of these contributions.

4.6.76 In terms of contribution to targets, the Proposed Development's contribution has been set out in Chapter 3 above.

4.7 NPF4 Policy 3: Biodiversity

Policy 3 & Principles

4.7.1 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.

4.7.2 **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

4.7.3 The **letter from the Chief Planner issued on 08 February 2023** refers to the application of Policy 3 where specific supporting guidance / parameters for assessment are not yet available to aid assessments.

4.7.4 NPF4 Policy 3 Biodiversity is specifically recognised as one such policy area where final guidance is not yet available. The Chief Planner letter of February 2023 states:

"recognising that currently there is no 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)

4.7.5 Therefore, exactly how enhancement is to be measured in the longer-term is to be the subject of further guidance, but a timescale for the production of this is at present unclear.

4.7.6 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*."

4.7.7 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.

4.7.8 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*".

4.7.9 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*".

4.7.10 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*."

4.7.11 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).

4.7.12 These core principles have been applied as appropriate with regard to the Proposed Development.

4.7.13 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; and

> Assessments can be qualitative or quantitative (for example through use of a metric).

4.7.14 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*".

4.7.15 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*."

4.7.16 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).

4.7.17 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*."

4.7.18 An important point is that the proposed guidance is proposed as a "living document". Paragraph 5.1 of the draft guidance states that it is the Government's intention that it will be updated as practice "beds in across planning authorities".

4.7.19 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).

4.7.20 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

4.7.21 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

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

4.7.23 The measures detailed within the OBEMP aim to achieve significant biodiversity enhancement at the Site. A BNG metric has been utilised to demonstrate that the measures proposed for the creation and enhancement of habitats would fully compensate for predicted habitat and biodiversity losses, and would provide further enhancement that would result in an increase and net gain for biodiversity of +26% over and above the baseline and pre-development value of the Site for non-irreplaceable habitats, and a +16% net gain in relation to irreplaceable habitats, post-construction and following implementation of the OBEMP.

4.7.24 The OBEMP sets out specific aims as follows, and various specific measures are proposed to achieve each aim:

- Aim 1: Restore & enhance peatland habitat and improve bog and wet heath condition;
- Aim 2: Restore acid grassland habitats (Units B and C);
- Aim 3: Create and expand native broadleaved woodland cover;
- Aim 4: Living Green Roof Creation.

4.7.25 The OBEMP will be refined and developed into a final BEMP post-consent. The final BEMP will confirm the overarching Biodiversity Enhancement Area (BEA) encompassing all habitat management proposals, and any finalised management units (i.e., the refined Units for specific habitat management proposals) therein, where the aims, objectives and management prescriptions will apply. The final BEMP will be agreed with the Council in consultation with NatureScot prior to the commencement of construction of the Proposed Development.

4.7.26 A Biodiversity Management Group (BMG) will oversee and monitor the implementation of the agreed BEMP. The BMG would include representatives from the Council, NatureScot and the wind farm owner.

4.7.27 A BEMP report (initially for operational Years 1, 3 and 5) will be submitted by the wind farm owner to the BMG detailing the tasks (management and monitoring) completed over the last year(s) and those planned for the year(s) ahead, including relevant monitoring results, analysis and discussion.

4.7.28 Management prescriptions in the BEMP may be amended following consideration of monitoring results to ensure progress towards the stated aims and objectives of the plan.

4.7.29 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. The intention is that a planning condition could be applied to a grant of consent which allows for any new biodiversity enhancement metric to be taken into account when the plan is submitted post consent for final approval.

4.7.30 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.

4.8 NPF4 Policy 4: Natural Places

Policy 4 and Principles

4.8.1 **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.

4.8.2 **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.

4.8.3 **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. No national designations would be affected.

4.8.4 **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*".

4.8.5 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*".

4.8.6 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 policy provision, reflects 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;
- 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*").

4.8.7 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 and 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).*"

Policy 4 Paragraph g) also deals with Wild Land Areas (WLA) and states that the effects of development outwith WLAs "*will not be a significant consideration*". The Merrick WLA is located 4.7km north east of the Site.

The application of Policy 4

4.8.8 There would be no significant effects arising in relation to any designated European site.

4.8.9 With regard to landscape designations, as set out in the LVIA and as explained above in the context of NPF4 Policy 11, there would be some significant effects in relation to the Galloway Hills RSA but there would not be an adverse effect o the integrity of the designation.

4.8.10 The LVIA states there would be relatively little impact on the WLA and as noted, policy makes it clear that this is not a significant consideration.

4.8.11 Given the above position, it is considered that the Proposed Development is in accordance with Policy 4 overall.

4.9 NPF4 Policy 5: Soils

Policy 5 and Principles

4.9.1 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

4.9.2 The EIA Report (Chapter 10) assesses the potential impacts of the Proposed Development on geology, hydrology and peat.

4.9.3 The assessment set out that peat on the Site is predominately identified as Class 3 and Class 5 peatland with less extensive areas of Class 1 and 2 (priority peatland) according to the Scottish Natural Heritage (SNH) (now NatureScot) Carbon and Peatlands Map 2016.

4.9.4 Extensive peat probing surveys established deep peat deposits locally across the Site, which have been largely avoided through design iterations. A Peat Landslide and Hazard Risk Assessment (PLHRA) has identified that there is a negligible to low likelihood of a peat landslide at the proposed turbine locations and associated infrastructure, with the Proposed Development avoiding areas of increased likelihood.

4.9.5 Targeted peat condition surveys have been undertaken showing the majority of the peatland on Site to be in a modified, drained or actively eroding condition, with no areas of near natural peatland identified. As a result of limited peat on-site and several design iterations, the Proposed Development infrastructure is largely outwith areas of peat soils and deep peat.

4.9.6 Given the limited potential peat deposits that may be excavated as a result of the Proposed Development, all of it can be reused within the Site as detailed in an Outline Peat Management Plan (PMP).

4.9.7 Overall, the assessment concludes that the significance of residual effects on geology, peat, hydrology and hydrogeology receptors following the implementation of mitigation measures are considered to be minor to negligible significance and therefore not significant in terms of the EIA Regulations.

4.9.8 The Proposed Development is considered to be in accordance with Policy 5.

4.10 NPF4 Policy 6: Forestry, Woodland and Trees

Policy 6 and Principles

4.10.1 The policy intent is to protect and expand forests, woodland and trees. It states that development proposals that enhance, expand and improve woodland and tree cover will be supported.

4.10.2 **Policy 6 Part b)** states that "*development proposals will not be supported where they will result in*:

"*i. Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition;*

ii. Adverse impacts on native woodlands, hedgerow and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy;

iii. Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy;

iv Conflict with Restocking Direction, Remedial Notice or Registered Notice to Comply issued by Scottish Forestry."

4.10.3 **Policy 6 Part c)** states that:

"*Development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will most likely be expected to be delivered*".

The application of Policy 6

4.10.4 Forestry is addressed in the Chapter 14 of the EIA Report. The assessment explains that there will be no net loss of forestry resource as a result of the construction of the Proposed Development. The areas of management felling required to create windfirm edges (totalling 20.23 ha) will be replanted post-construction within the Site and the areas of trees removed for infrastructure construction (extending to 42.15 ha) will be replicated by an off-site compensatory planting scheme in full compliance of the Control of Woodland Removal Policy.

4.10.5 The Proposed Development is considered to be in accordance with Policy 6.

4.11 NPF4 Policy 7: Historic Assets and Places

Policy 7 and Principles

4.11.1 Finally, in terms of **Policy 7** which deals with Historic Assets and Places, the policy is very similar to that which was in SPP (paragraph 145).

4.11.2 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

4.11.3 Chapter 7 of the EIA Report addresses the presence of cultural heritage assets which may be affected by the Proposed Development. The assessment considers the archaeological and cultural heritage value of the Site and assesses the potential for significant effects on archaeological features and heritage assets resulting from the construction, operation and decommissioning of the Proposed Development.

4.11.4 The assessment has considered the potential setting impacts on the designated heritage assets. Mitigation has been embedded through the design approach and efforts have been taken to ensure that heritage assets have been considered during the design process, as well as seeking ongoing advice from Historic Environment Scotland (HES) with regard to mitigating effects where possible.

4.11.5 Of the 24 assets assessed, significant adverse effects upon setting are predicted upon five Scheduled Monuments as follows:

- The Thieves Standing Stones, (SM1044);
- Drumfern, Cairn and Stone Circle (SM1019);
- Nappers Cottage, Cairn (SM5676);
- Cairnsmore of Fleet (SM2306); and
- Dalvaird, Cairn, (SM1015).

4.11.6 These are effects considered significant in EIA terms but are not enough to adversely impact the integrity of the respective Monuments.

4.11.7 It is explained in the assessment that whilst the Proposed Development would marginally erode the ability to experience these monuments to an extent, the ability to understand and appreciate the monuments and their settings would be retained. Whilst the sense of place of Dalvaird

Cairn (SM1015) monuments will be marginally eroded, the ability to understand, appreciate and experience this asset and the others will still remain. The integrity of the setting of these monuments is comprised of a large number of elements, primarily their outward views to the Cree Valley. The interrelationships between them are also a contributing factor in their group value and the visual connections they share, all of which would remain unaffected by the Proposed Development.

4.11.8 The intrinsic, associative and contextual characteristics of the monuments would be retained should the Proposed Development be constructed. These characteristics have heavily influenced the design of the proposal. This has occurred through deletion and relocation of turbines as outlined above, in particular to avoid or minimise potential effects on the monuments of Dalvaird Cairn, (SM1015) and Nappers Cottage, Cairn (SM5676).

Therefore, the Proposed Development would impact on the setting of the monuments of assets outlined above, however, whilst these are considered significant in EIA terms, they are not considered to impact upon the integrity of the setting of the monuments. Mitigation through design has occurred to reduce and remove impact on the setting of the monuments.

4.11.9 In summary, the Proposed Development would not unacceptably affect the fabric or setting of any Listed Buildings, or directly impact Scheduled Monuments or the integrity of their setting. Furthermore, there would be no significant effects arising in relation to any Gardens and Designed Landscapes (GDLs) or Conservation Areas or undesignated heritage assets. The Proposed Development is considered to be in accordance with Policy 7.

4.12 Policy 22 – Flood Risk and Water Management

4.12.1 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 Sustainable Urban Drainage Systems (SUDs).

4.12.2 As set out above, effects on hydrology, the water environment and flood risk are an assessment criterion within NPF4 Policy 11 (Energy). Chapter 10 of the EIA Report addresses hydrology matters in detail including flood risk and sustainable drainage and private water supplies. There are no issues arising with regard to these topics subject to appropriate mitigation measures which are proposed. The Proposed Development is therefore considered to be in accordance with Policy 22.

4.13 Conclusions on NPF4 Appraisal

4.13.1 The Proposed Development is considered to be acceptable in relation to all of Policy 11's environmental and technical topic criteria.

4.13.2 A key point within Policy 11 (Energy) is that any identified impacts must be weighed against a development's specific contribution to meeting targets – which attracts significant positive weight in this case.

4.13.3 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.

4.13.4 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.

4.13.5 Overall, the Proposed Development, is considered to be one that would make a 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 Dumfries and Galloway Local Development Plan 2 (the LDP) (adopted October 2019); and

> LDP2 'Wind Energy Development: Development Management Considerations' Supplementary Guidance (February 2020) (the SG).

5.1.2 The SG contains (Appendix C) the 'Dumfries and Galloway Wind Farm Landscape Capacity Study' (the DGWLCS).

5.1.3 The LDP was therefore prepared and adopted prior to NPF4 coming into force and reflects the provisions of the former NPF3 and SPP, both now superseded. Where incompatibilities exist between the LDP and NPF4, or where the LDP is silent, NPF4 takes precedence.

5.1.4 Relevant policies from the LDP are referenced below. This Chapter 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. An appraisal of key policy and consideration of areas of conflict or contradictions with NPF4 is provided.

5.2 The Lead LDP Policy

5.2.1 **Policy IN1: 'Renewable Energy'** relates to renewable energy proposals in general. Policy IN1 is as follows:

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

> *landscape and visual impact;*

> *cumulative impact;*

> *impact on local communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker;*

> *the impact on natural and historic environment (including cultural heritage and biodiversity);*

> *the impact on forestry and woodlands;*

> *the impact on tourism, recreational interests and public access.*

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

> *any associated infrastructure requirements including road and grid connections (where subject to planning consent);*

> *environmental and other impacts associated with the construction and operational phases of the development including details of any visual impact, noise and odour issues;*

> *relevant provisions for the restoration of the site;*

> *the scale of contribution to renewable energy generation targets;*

- *effect on greenhouse gas emissions; and*
- *net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.*

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

5.2.2 The criteria in Policy IN1 are all matters that are contained within NPF4 Policy 11 (Energy) (with the exception of tourism matters). These matters have all been addressed in the previous Chapter against NPF4 Policy 11.

5.2.3 **Policy IN2 'Wind Energy'** is specific to wind energy developments and is as follows:

"***Assessment of all wind farm proposals****:*

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

Renewable energy benefits:

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

Socio-economic benefits:

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

Landscape and visual impacts:

The extent to which the landscape is capable of accommodating the development without significant detrimental landscape or visual impacts, including effects on wild land; and

That the design and scale of the proposal is appropriate to the scale and character of its setting, respecting the main features of the site and the wider environment and that it addresses fully the potential for mitigation.

Cumulative impact:

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

Impact on local communities and residential interests:

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

Impact on infrastructure:

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

Impact on aviation and defence interests:

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

Other impacts and considerations:

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

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

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

5.2.4 The criteria in Policy IN2 are all matters that are contained within NPF4 Policy 11 (Energy) (with the exception of tourism matters). These matters have all been addressed in the previous Chapter against NPF4 Policy 11. There is a SPP Spatial Framework and map which is referenced in the policy. That is clearly incompatible with NPF4 and can be disregarded.

5.3 Other LDP Policies

5.3.1 A summary of other relevant LDP policies is provided in **Table 5.1**.

Table 5.1: Relevant LDP Policies & Comment regarding NPF4

Policy	Policy Summary	Comment re NPF4
Policy OP1 'Development Considerations'	This is an overarching policy that sets out general development considerations. It highlights that development will be assessed against various considerations depending on the scale, nature and location of the proposal including general amenity; historic landscape; landscape; biodiversity and geodiversity; transport and travel; sustainability; and the water environment.	No conflict or contradiction.
Policy OP2 'Design Quality and Placemaking'	This is an overarching policy that sets out general considerations in relation to design quality of new development. It highlights that development proposals should achieve high quality design in terms of their contribution to the existing built and natural environment, contributing positively to a sense of place and local distinctiveness.	No conflict or contradiction.
Policy HE1 'Listed Buildings'	The policy sets out considerations that apply to development proposals that impact on the character or appearance of a listed building or its setting.	No conflict or contradiction.
Policy HE2 'Conservation Areas'	The policy sets out that the Council will support development within or adjacent to a Conservation Area that preserves or enhances the character and appearance of the area.	No conflict or contradiction.
Policy HE3 'Archaeology'	The policy sets out that the Council will support development and protects significant archaeological and historic assets and protect the wider historic environment from adverse effects.	No conflict or contradiction.

Policy	Policy Summary	Comment re NPF4
Policy HE4 'Archaeologically Sensitive Areas'	The policy sets out that the Council will support development that safeguards the character, archaeological interest and setting of Archaeologically Sensitive Areas as designated by the Council.	No conflict or contradiction.
Policy HE6 'Gardens and Designed Landscapes'	The policy sets out that the Council will support development that protects or enhances the significant elements, specific qualities, character, integrity and setting, including key views to and from, gardens and designed landscapes included in the Inventory of Gardens and Designed Landscapes or the Non-Inventory List. Proposals that would have a detrimental effect on the specific quality, character or integrity of a garden or designed landscape will not be approved unless it is demonstrated that the proposal has benefits of overriding public interest.	No conflict or contradiction.
Policy NE2 'Regional Scenic Areas'	The policy sets out that development within, or which affects Regional Scenic Areas, may be supported where the Council is satisfied that the landscape character and scenic interest for which the area has been designated would not be significantly adversely affected or there is a specific locational need.	Incompatible with NPF4 Policy 4 (Natural Places) in relation to the policy approach to dealing with local designations.
Policy NE4 'Sites of international importance for biodiversity'	The policy sets out that development proposals likely to have a significant effect on an existing or potential Special Protection Area, existing or candidate Special Area of Conservation or Ramsar site, including developments outwith a site, will require an appropriate assessment and will only be permitted where inter alia the development does not adversely affect the integrity of the site.	No conflict or contradiction.
Policy NE5 'Species of international importance'	The policy sets out that development proposals that would be likely to have an adverse effect on a European Protected Species will not be permitted unless it can be shown inter alia that the development would not be detrimental to the maintenance of the population of the species at a favourable conservation status in its natural range, and that there is no satisfactory alternative and the development is required for preserving public health or safety or for other areas of overriding public interest.	No conflict or contradiction.
Policy NE6 'Sites of national importance for	The policy sets out that development affecting Sites of Special Scientific Interest and other national nature conservations	No conflict or contradiction.

Policy	Policy Summary	Comment re NPF4
biodiversity and geodiversity'	will only be permitted where inter alia it will not adversely affect the integrity of the area or the qualities for which it has been designated or that any such adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.	
Policy NE11 'Supporting the Water Environment'	The policy sets out that the Council will not permit development which would result in deterioration in the status of a waterbody or which would likely impede the improvements in waterbody status as set out in the Solway Tweed River Basin Management Plan, unless there are exceptional justifying circumstances. The policy further sets out that if culverting of waterbodies should only be carried out where acceptable mitigation measures would be put in place to protect habitats, passage of fauna, and river form and flow.	No conflict or contradiction.
Policy NE12 'Protection of water Margins'	The policy relates to protection of water margins. It sets out that where new development is proposed adjacent to or in the vicinity of waterbodies, the water margins will be protected unless there are compelling reasons to justify why this should not be done.	No conflict or contradiction.
Policy NE15 'Protection and Restoration of Peat Deposits as Carbon Sinks'	The policy relates to the protection and restoration of Peat Deposits as Carbon Sinks. It sets out that the Council will safeguard and protect peat deposits. Where renewable energy generating development is proposed the balance of advantage in terms of climate change mitigation must be with the proposed development.	No conflict or contradiction.
Policy T1 'Transport Infrastructure'	The policy sets out that development proposals will be appraised to determine their effects on the performance of the strategic and regional highway network.	No conflict or contradiction.

5.3.2 It is considered that the Proposed Development would be in accordance with all of the relevant policies in the LDP as set out in **Table 5.1** above.

Supplementary Guidance

5.3.3 The LDP2 'Wind Energy Development: Development Management Considerations' Supplementary Guidance (February 2020) provides further detail in support of the development management considerations in Policy IN2 'Wind Energy'. It sets out a statement on the main

factors that are to be taken into account in reaching planning decisions and details the criteria contained in the policy. The guidance does not raise any new topic or matter not already addressed above.

5.3.4 As noted, the SG contains at Appendix C, the 'Dumfries and Galloway Wind Farm Landscape Capacity Study' (the DGWLCS). As addressed above, the DGWLCS is a strategic sensitivity study and as the OWPS makes clear (paragraph 3.6.5), Landscape Sensitivity Studies may inform but should not be used to determine matters of acceptability.

5.4 Conclusions on the LDP

5.4.1 The environmental and topic considerations within the LDP policies are encompassed within the broad remit of NPF4 Policy 11 Part e). Each of the relevant development management considerations have been addressed above (Chapter 4) in the context of NPF4 Policy 11 and are not repeated.

5.4.2 It is considered that the effects arising from the Proposed Development would be acceptable in terms of the matters identified by Policy IN2 and there is no conflict with any other relevant policies within the LDP. It is therefore considered that the Proposed Development accords with the LDP when it is read as whole.

5.4.3 The policy provisions of the LDP are based on those of NPF3 and the former SPP. This means, as per the amendments made to the 1997 Act, that where there are any incompatibilities (such as with Policies IN2 and NE2) the provisions of NPF4 will prevail.

6. Conclusions

6.1 The Climate Crisis & Renewable Energy Policy Framework

6.1.1 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.

6.1.2 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' publication[11]. 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.

6.1.3 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.

6.1.4 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.

6.2 The Planning Balance

6.2.1 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.

6.2.2 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 planning application. Both should be afforded very considerable weight in decision-making.

6.2.3 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*"[12]. 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

[11] CCC, Net Zero, The UK's contribution to stopping global warming (May, 2019).
[12] 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.

6.2.4 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*"[13].

6.2.5 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***"[14] (original emphasis) in line with the NPF4.

6.2.6 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.

6.2.7 As the Statement of Need for Strategic Renewable Electricity Generation and Transmission Infrastructure explains[15] "*A large and rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets*."

6.2.8 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 high and 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.

6.2.9 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 20GW 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:

[13] OWPS 2022, paragraph 1.1.2.
[14] Energy Strategy and Just Transition Plan, page 55
[15] NPF4, page 103.

"*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;
- NPF4 Policy 4 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 adverse impacts on the integrity of a local landscape designation, which is the case of the Galloway Forest RSA in which the Proposed Development is located;
- In terms of cultural heritage matters, NPF4 Policy 7 makes it clear that development affecting Scheduled Monuments will be supported if significant effects on the integrity of the setting of a monument are avoided. As explained, although there would be some significant effects in relation to Scheduled Monuments, these would not be on the integrity of the assets.

6.2.10 The Applicant has gone to considerable lengths to ensure a satisfactory layout, design and composition for the Proposed Development. 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.

6.2.11 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 a 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 climate change targets.

6.2.12 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*".

6.2.13 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 NPF 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)

6.2.14 In the Clashindarroch II[16] 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)

6.2.15 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)

6.2.16 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)

6.2.17 In the Shepherds Rig[17] 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*."

6.2.18 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*."

[16] Clashindarroch II, Section 36 Decision dated 26 June 2023, Supplementary Report of Inquiry dated 3 March 2023 (Case Reference WIN-110-2). This decision is now subject to Judicial Review but not in relation to NPF4 policy matters.

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

6.2.19 It is accepted that each individual application needs to be considered on its respective merits; however, it is evident from these two recent 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.

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

6.2.21 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.

6.3 Overall Conclusion

6.3.1 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.

6.3.2 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.

6.3.3 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.

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