Cloud Hill Wind Farm

Planning Statement

August 2023

Project No: 0669769

The business of sustainability

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EXECUTIVE SUMMARY

This Planning Statement is produced in support of an application made by Cloud Hill Windfarm Ltd under Section 36 of the Electricity Act 1989, as amended, for the development of a wind farm comprising 11 wind turbines and associated infrastructure, within the administrative boundary of Dumfries and Galloway Council.

This Planning Statement sets out the extent of the Proposed Development; demonstrates the legislative and planning policy context within which the Proposed Development should be considered; the necessity for renewable energy developments; and the design evolution of the Proposed Development. The Statement assesses the Proposed Development against the national and local planning policy context, and other material considerations, and confirms its compliance with the prevailing planning policy context.

National policy states that compliance with the local development plan and NPF4 should be read as a whole and should be the primary consideration for planning applications. NPF4 now forms part of the Development Plan hierarchy, setting out the national policy position for land use planning. Policies in NPF4 will have a strong role in daily decision making and where there is a conflict between NPF4 and the Local Plan, the newer policy document has primacy. At time of writing, the newer document is NPF4.

NPF4 applied at the national, strategic, and local level will cumulatively help the planning system to deliver the vision and outcomes for Scotland necessary for a sustainable and low carbon economy. Renewable energy, including onshore wind developments, is a key component of the strategy.

The application is made under Section 36 of the Electricity Act 1989, and as such is not strictly determined by its compliance with the relevant local development plan, however, this remains a key consideration alongside national planning policy and other material considerations in the determination of this application.

This Statement should be read alongside the accompanying Environmental Impact Assessment (EIA Report) which comprehensively assesses the impact on environmental factors. The expert assessment contained within the EIA Report informs the conclusions of compliance with the corresponding local development plan policies.

This Application is for a suitable and well-designed development that is capable of contributing to the necessity for additional renewable energy development in Scotland within a short timeframe.

The Proposed Development will contribute directly to achieving net-zero by 2045 in Scotland, whilst diversifying the energy mix and adding to the renewable energy share. It is sited and designed to make the best use of the available wind resource, whilst minimising the effects on the environment.

The Proposed Development fully complies with the provisions of the NPF4, as it is considered that it makes a use of the natural wind resources to produce low carbon energy and diversify the energy mix. It is assessed to accord with the principle of sustainable development as it is designed and sited to minimise the effects on the environment, whilst bringing benefits to the local community and contributing to economic development. The principle of the development as renewable energy development is fundamental to the success of the strategy and achieving the ambitious decarbonisation and net zero targets.

It is therefore requested that planning permission for the Proposed Development be granted.

1. INTRODUCTION

1.1 Background

This Planning Statement (the Statement) accompanies an application made by Cloud Hill Windfarm Ltd (the Applicant) to the Scottish Ministers for consent under Section 36 of the Electricity Act 1989, as amended, (the Electricity Act) (the Application)[1]. The Application is for the installation and operation of a wind farm comprising 11 wind turbines with a maximum height to blade tip of up to 180 metres (m) and a Battery Energy Storage System (BESS) with a generation capacity greater than 50MW (the Proposed Development), located approximately 4.5 kilometres (km) south-west of Sanquhar, and approximately 4 km south-east of Kirkconnel. The Site is within the administrative boundary of Dumfries and Galloway Council.

In addition, the Applicant is also seeking deemed planning permission for the Proposed Development under Section 57(2) of the Town and Country Planning (Scotland) Act 1997 (the Planning Act 1997), as amended[2].

Given that the Proposed Development will have a generating capacity in excess of 50 MW and is classed as a Section 36 application, an Environmental Impact Assessment (EIA) has been undertaken in accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017, referred to hereafter as the EIA Regulations[3]. The findings of the EIA are presented in the Cloud Hill Wind Farm Environmental Impact Assessment Report (EIA Report) and have informed the assessment of the Proposed Development against the relevant national and local energy and planning policy.

Whilst Chapter 5 (Planning and Energy Policy) of the EIA Report presents the existing and emerging local and national planning policy applicable to the Proposed Development, it does not provide an assessment of the performance of the Proposed Development with regard to the relevant policy. Therefore, the purpose of this Statement is to provide a detailed assessment of the acceptability of the Proposed Development in energy and planning policy terms.

1.2 The Applicant

Cloud Hill Windfarm Ltd is wholly owned by BayWa r.e. UK Ltd.

BayWa r.e. is a leading international renewable energy developer and service provider with offices in Glasgow, Edinburgh, Milton Keynes and Cork. BayWa r.e. has been active in the United Kingdom since 2011, being directly involved in the UK's energy transition through its activities and innovations. BayWa r.e. has an onshore wind development pipeline in excess of 400 MW, and a solar pipeline of 1.5 GWp, being delivered from offices in Glasgow and Edinburgh. In addition to onshore technologies, BayWa r.e. UK Ltd. is part of Buchan Offshore Wind, which has secured the rights via the ScotWind leasing round to develop a 960 MW floating offshore wind farm off the northeast coast of Scotland. BayWa r.e.'s services business in the UK is based in Milton Keynes and Edinburgh and manages over 2 GW of solar, onshore wind and BESS sites across the UK and Ireland.

1.3 Purpose and Structure of the Statement

This Planning Statement considers the land use implications of the Proposed Development, the duty under Schedule 9 of the Electricity Act, the national policy context, the Development Plan context, and identifies other material considerations that should be taken into account in the decision-making process.

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[1] HM Government, (1989), Electricity Act 1989 [Online] Available at: http://www.legislation.gov.uk/ukpga/1989/29/contents (Accessed 24/05/2023)

[2] The Scottish Government, (1997), The Town and Country Planning (Scotland) Act 1997 [Online]. Available at: http://www.legislation.gov.uk/ukpga/1997/8/contents (Accessed 24/05/2023)

[3] The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 http://www.legislation.gov.uk/ssi/2017/101/contents/made (Accessed 24/05/2023)

The purpose of this Statement is to provide a detailed assessment of the acceptability of the Proposed Development in energy and planning policy terms.

The Statement is set out as follows:

- **Section 1: Introduction** sets out the context of the Proposed Development and the relationship with the EIA Report, summarises the consenting process and provides information about the Applicant;
- **Section 2: The Proposed Development** provides a summary of the main components of the Proposed Development, the site and surroundings, as well as relevant planning history of the site;
- **Section 3: Socio-Economic Benefits of the Proposed Development** presents a summary of the wider socio-economic benefits of the Proposed Development;
- **Section 4: Legislative Context** sets out the consenting process for the Proposed Development, including the Electricity Act and the Town and Country Planning (Scotland) Act 1997;
- **Section 5: Energy Policy: The Need to Address Climate Change** sets out the national and international energy policy relevant to renewable energy development and climate change;
- **Section 6: National Planning Policy and Guidance** sets out the relevant national planning policy and guidance for the consideration of the Proposed Development;
- **Section 7: Strategic and Local Planning Policy** assesses the suitability of the Proposed Development against the local policy and legislative context within Dumfries and Galloway;
- **Section 8: Planning Balance and Conclusions** provides an overall summary of the Statement and the reasons why the Application should be consented.

The Application for consent is accompanied by the following drawings in Volume 2a:

- Figure 1.1 – Site Location;
- Figure 1.2 – Site Boundary Plan;
- Figure 1.3 – Application Layout;
- Figure 4.1 – Indicative Turbine Elevation;
- Figure 4.2 – Indicative Foundation Design;
- Figure 4.3 – Indicative Crane Hardstanding;
- Figure 4.4 – Indicative Cable Trench Detail;
- Figure 4.5 – Indicative Temporary Construction Compound;
- Figure 4.6 – Indicative Substation Compound Layout;
- Figure 4.7 – Indicative Substation Building and Elevations;
- Figure 4.8 – Indicative Control Building and Elevations;
- Figure 4.9 – Indicative BESS Design and Elevations;
- Figure 4.10 – Indicative Access Track;
- Figure 4.11 – Indicative Culvert Details;
- Figure 4.12.1 – Indicative Borrow Pit 1 Layout;
- Figure 4.12.2 – Indicative Borrow Pit 2 Layout;
- Figure 4.12.3 – Indicative Borrow Pit 3 Layout; and
- Figure 4.13 – Met Mast Elevations.

2. THE PROPOSED DEVELOPMENT

2.1 The Site and its Surroundings

The Site Location is shown on Figure 1.1., Volume 2a. The entrance to the Proposed Development is located approximately 0.5 km south-west of Sanquhar, with the nearest turbines located approximately 4.5 km from Sanquhar. The Site is centred on NGR 274802, 606254.

2.1.1 Site Location and Characteristics

The topography of the Site and immediate vicinity is relatively complex, as shown on Planning Drawing 1.2. The elevation of the Site ranges from 470 metres (m) Above Ordnance Datum (AOD) in the south-east of the Site and falls to around 150 m AOD in the north-east of the Site. There are a number of notable hilltops and ridges across the Site including:

- Corridow Hill;
- Mid Rig;
- Cloud Hill; and
- Whing Head.

The hills are dissected by a number of watercourses within the Site. These include:

- Whing Burn;
- Glenmaddie Burn;
- Glen Burn; and
- Glenlarie Burn.

The predominant land use within the Site consists of open moorland comprising rough grasses, with fields of semi-improved pasture occurring across the lower hills to the east. The Site is adjacent to a number of forestry plantations including Ulzieside Plantation, Mains Plantation and Brown Hill.

There are 152 operational or consented wind farms within 45 km of the Site, with the closest being the neighbouring operational Whiteside Hill Wind Farm, consisting of 10 turbines, located immediately to the west of the Site. The operational Twentyshilling Wind Farm is located approximately 4.2 km to the south-east of the Site. Operational wind farms Sanquhar, Sanquhar Six Community Wind Farm, Afton, and Sunnyside Farm lie within 10 km of the Site. Consented wind farm, Lorg, also lies within 10km of the Site.

No public roads are located within the Site, but Blackaddie Road, the C125N and other unclassified roads are located to the north of the Site. The Southern Upland Way (SUW), which is designated as a Core Path (504) in the Dumfries and Galloway Core Paths Map , runs south-west through the centre of the Site[4].

As noted above, the nearest settlement is Sanquhar, approximately 4.5 km to the north-east of the turbines and ancillary infrastructure, while there are a number of dispersed properties surrounding the Site. There are a small number of residential properties found within 2 km of the Site, principally located along Blackaddie Road, C125N and other unclassified roads to the north of the Site.

2.1.2 Site Selection

The selection of an appropriate site which has the potential to support a commercial wind farm development is a complex and lengthy process. It involves examining and balancing several environmental, technical, planning and economic issues. Only when it has been determined that a site

[4] Dumfries and Galloway Council (2019) Core Paths: Walking and Cycling in Dumfries and Galloway [Online] Available at: https://info.dumgal.gov.uk/mapviewers/pathsmap.aspx (Accessed 24/05/2023)

is not subject to major known environmental, technical, planning or economic constraints is the decision made to invest further resources in developing the proposal and conducting an EIA.

In accordance with the EIA Regulations, the design alternatives need to be studied with key reasoning, taking into account the potential environmental effects. The Site was selected as a suitable location for wind farm development by the Applicant as it met the following criteria:

- Suitable and proven high annual mean wind speed across the Site;
- Viable potential grid connection within 15 km of the Site;
- Suitable and proven port of delivery and road access for the delivery of large components, with the majority of the route having been used for turbine deliveries for the nearby Twentyshilling Wind Farm;
- Suitable road access once upgraded;
- Sufficient distance from nearest residential properties to ensure compliance with appropriate noise limits, as well as to reduce adverse residential visual amenity and shadow flicker effects;
- Limited Zones of Theoretical Visibility (ZTV);
- Limited peat on site; and
- The Site does not support any international or national ecological or landscape designations.

Further site context is provided within Chapter 3 Site Selection and Design as well as the relevant technical chapters of the accompanying EIA Report.

2.2 Planning History

The Site has been subject to a planning application for Ulzieside Wind Farm for which the EIA was submitted in 2006 (Dumfries and Galloway Council Reference: 06/0P/3/0527). Planning permission was sought by North British Wind to erect a windfarm consisting of 20 three-bladed horizontal-axis turbines, with a maximum tip height of up to 120 m and an installed capacity of 49.9 MW.

In 2007, Supplementary Environmental Information (SEI) was submitted for Ulzieside Wind Farm which proposed a reduced windfarm of 15 turbines, in which, the turbines located to the east of Glen Burn were removed or relocated, in response to issues raised by consultees. The proposed scheme was further reduced to 12 turbines (up to 120 m to tip) in 2009, including two turbines which would only be erected if Turbines 9 and 13 of Whiteside Hill Wind Farm were not erected.

Primarily due to commercial arrangements, the application was subsequently withdrawn prior to being determined.

Given the planning history, there is a considerable volume of useful information and data regarding the Site however, it is acknowledged much of this is out-of-date. In addition, the Proposed Development has different parameters to the previous application on the Site and therefore, while acknowledging the planning history, should be considered on its own merit.

With regards to this Proposed Development, a request for a Scoping Opinion was submitted to the Scottish Government in April 2022. The Scoping Opinion was issued by the Energy Consents Unit (ECU) (Ref: ECU00003461) and received in June 2022.

2.3 Description of the Proposed Development

The main components of the Proposed Development are as follows:

- 11 three-bladed wind turbines, each with a maximum tip height of up to 180 m, rotor diameters of approximately 150 m and hub heights of approximately 105 m;
- Associated foundations and crane hardstanding's at each wind turbine location;

- Access tracks (existing and new) linking the turbine locations;
- Electrical infrastructure consisting of Substation Compound including a Substation Building and separate Control Building with welfare facilities, associated electrical plant and equipment, security fencing and wastewater holding tank, and underground cabling between each turbine and the substation;
- Battery Energy Storage System (BESS);
- Temporary Construction Compound;
- Up to 3 borrow pits for aggregate extraction;
- Network of underground cabling; and
- A permanent met mast (up to 100 m).

The layout of the Proposed Development has evolved via the iterative EIA Process with details of the final Proposed Development layout provided in Chapter 3: Site Selection & Design of this EIA Report.

Access to the Site will be from the A76, located to the north of the Site.

Further details on access to the Site is assessed in Chapter 13: Traffic and Transport.

The purpose of the Proposed Development is to generate electricity from a renewable source of energy, offsetting the need for power generation from the combustion of fossil fuels. Consequently, the electricity that will be produced results in a saving in emissions of Carbon Dioxide (CO2) with associated environmental benefits, which is discussed in Chapter 15 of the EIA Report.

The Proposed Development will have an operational lifespan of up to 35 years from full commissioning of the proposed turbines. Following this, an application may be submitted to retain or replace the turbines, or alternatively they will be decommissioned.

Throughout its lifespan, the Proposed Development is considered to provide the following socio-economic benefits:

- Generation of clean and reliable electricity;
- Capital Expenditure within Dumfries and Galloway, and nationwide;
- Creation of employment opportunities; and
- Shared Ownership Proposal.

More details of these considerations are set out in Section 3 of this Statement.

The grid connection does not form part of the Section 36 consent application for the Proposed Development.

A full description of the Proposed Development, including components, construction, operation, and decommissioning is available in Chapter 4 of the EIA Report.

2.4 Construction Phase

The on-site construction period is estimated at approximately 18 months in duration and would comprise the following principal operations:

- Site mobilisation, including establishment of temporary compound areas and pegging out of preliminary new tracks and borrow pits;
- Installation of temporary and permanent drainage;
- Extraction of stone from the onsite borrow pits;
- Upgrade of existing access tracks and construction of new access tracks, including watercourse crossing points;

- Construction of the substation and BESS compound areas;
- Construction of turbine foundations;
- Construction of crane hardstanding areas;
- Remedial works to the public highway to accommodate turbine deliveries;
- Construction of the substation building and installation of the electrical infrastructure;
- Excavation of shallow cable trenches approximately 1 m off the edge of the track and cable laying adjacent to the access tracks, or wider within the site as required, and crane hardstandings for drainage;
- Delivery, erection, and commissioning of wind turbines;
- Connection of onsite electrical distribution cables;
- Commissioning of the site equipment; and
- Reinstatement of the borrow pits and the temporary construction compound.

Site restoration and Habitat Management provisions will be implemented post-construction and through operation.

Greater detail regarding the construction programme can be found in Chapter 4 of the EIA Report.

3. SOCIO-ECONOMIC BENEFITS OF THE PROPOSED DEVELOPMENT

This section summarises the key benefits that the Proposed Development will provide, whilst Chapter 14 of the EIA Report evaluates the effects of the Proposed Development on the socio-economic, land-use, recreation and tourism.

3.1 Electricity Generation

The Proposed Development will have a generation capacity greater than 50 MW of low carbon electricity; the candidate turbine used within the EIA would result in an installed capacity of 61.6 MW however this is based on 5.6 MW turbines and capacity may increase further pending available turbines closer to the year of operation which may allow more productive turbines within the same envelope. BESS is also included within the Proposed Development which will further add to the capacity of the Proposed Development.

3.2 Carbon Payback

The carbon payback period is a measurement/indicator to help assess a proposal. The shorter the payback the greater benefit the Proposed Development will have in displacing emissions associated with electricity generated by burning fossil fuels.

The payback period is calculated taking the total carbon cost (carbon losses) associated with the Proposed Development and dividing by the annual carbon gains from displaced fossil fuel power generation and any site improvements.

The estimated expected payback period for the Proposed Development is 3.3 years compared to grid-mix electricity generation. In comparison fossil fuel mix estimates an expected payback period of 1.5 years and coal-fired estimates a payback of 0.6 years.

3.3 Capital Expenditure

BiGGAR Economics were commissioned by RenewableUK to assess Onshore Wind: Economic Impacts in 2014. It is stated that a typical UK wind farm will invest £2.97 million per MW over its development, constructions and operation and maintenance stages where 47% is spent, and 27% is retained, in the local economy. In these three stages, construction and operations and maintenance of the site will generate the most money for the local economy.

The BiGGAR Report estimates that, of these construction costs, local expenditure would be 12% (in this case Dumfries and Galloway Council); regional/national expenditure would be 36% (Scotland); and UK expenditure would be 47%. 53% of construction costs will be spent outwith the UK.

Within Dumfries and Galloway and East Ayrshire, just over £11.4 million is estimated to be spent during construction. In addition, just over £34.6 million is anticipated to be spent within Scotland (inclusive of local project spend).

Based on the main areas of construction spend, these are most likely to be in the balance of plant and grid connection, which include but are not exclusive to:

- Civil and project management;
- Landscaping/forestry/fencing;
- Mechanical and electrical installation;
- Accommodation and subsidence costs for on-site workers;
- Engineering services; and
- Construction.

3.4 Employment Opportunities

It is anticipated that the Proposed Development will result in over 89 FTE jobs and 134 FTE job years (direct, indirect and induced) in the Council area during the 18-month construction period and throughout the operational phase. Within the Council, there would also be an anticipated GVA contribution of £5.6 million (direct, indirect and induced).

Furthermore, should consent be issued, the Applicant is committed to offering the following benefits for local communities:

- 'Meet the buyer days' to encourage local-based companies to tender for employment opportunities;
- Utilising local accommodation, providers during the construction and operation phases where necessary, to ensure that the local community benefit from the increased demand in accommodation from workers;
- Utilising local shops, restaurants and bars during the construction and operational phases where necessary, to ensure that the local community benefit from the increased demand for amenities from workers.

NPF4's spatial strategy aims to develop sustainable places in an attempt to reduce the impacts of climate change. This includes decarbonizing industry, reducing community inequalities, and creating a more circular economy, all of which will allow Scotland to play their part in achieving the United Nation's Sustainable Development Goals. Within this, six national developments support the delivery of sustainable places, one of which is strategic renewable electricity generation and transmission structure which will aim to:

"Support 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. LEGISLATIVE CONTEXT

4.1 The Electricity Act

In Scotland, onshore renewable energy developments that have capacity to generate over 50 MW require consent from the Scottish Ministers under the Electricity Act 1989 (the Electricity Act)[5]. In such cases the relevant Local Planning Authority (LPA) is a statutory consultee in the development management process and procedures.

This Application is made under Section 36 of the Electricity Act for consent to construct and operate a generating station. As such, it is governed by the relevant provisions of this Act.

The provisions of Schedule 9 of the Electricity Act address the responsibility of the developer to do what they reasonably can to mitigate any potential effects of the Development on the natural beauty of the landscape or on any such flora, fauna, features, sites, buildings or objects. They set out a number of features to which regard must be had. While they do not require the features to be retained intact, the effects of the Development on them are required to be assessed.

The above duty under Schedule 9 is applicable only to an electricity generation license holder, or person authorised by an exemption, and Ministers. In the case of the Applicant, they are neither a license holder or exempted person. This point was tested before the Courts in the North Lowther Energy Initiative ruling[6] where Lord Erict stated that *"the obligation to mitigate under schedule 9 paragraph 3(1)(b) applies only to license holders or persons authorised by an exemption"*.

The provisions of sub-paragraphs 3(2) and 3(3) of Schedule 9 of the Electricity Act apply to the Scottish Ministers consideration of the Proposed Development. They set out a number of features to which regard must be had. While they do not require the features to be retained intact, and do not comprise a development management 'test', the effects of the Development on them require to be assessed.

A decision by the Scottish Ministers provides clarification in relation to how the Schedule 9 duty should be applied. In the decision on a Section 36 application for an extension to the Fallago Rig wind farm, Ministers noted that *"Schedule 9 of the Electricity Act contains no substantive development management tests"*[7]. Therefore, in determining whether to grant planning permission to the Proposed Development, significant weight should be attributed to the current position regarding the need for renewable energy as well as the Development's compliance with relevant national policy objectives and the LDP.

4.2 Town and Country Planning (Scotland) Act 1997

The principal planning statute in Scotland is the Town and Country Planning Act (Scotland) 1997 (the Planning Act 1997) as amended. Section 57(2) of the Planning Act 1997 provides:

"On granting a consent under section 36 or 37 of the Electricity Act 1989 in respect of any operation or change of use that constitutes development, the Scottish Ministers may direct that planning permission for that development and any ancillary development shall be deemed to be granted, subject to any conditions (if any) as may be specified in the direction".

Section 25 of the Planning Act 1997 states that:

"Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise".

5 Electricity Act 1989 [Online] Available at: https://www.legislation.gov.uk/ukpga/1989/29/contents Accessed 17/03/2022)

6 Outer House, Court of Session, [2021] CSOH 104 [Online] Available at: https://www.scotcourts.gov.uk/docs/default-source/cos-general-docs/pdf-docs-for-opinions/2021csoh104.pdf?sfvrsn=80901229_1 (accessed 25/02/2022)

7 The Scottish Government – Decision on Fallago Rig 2 Wind Farm, ref. EC00003102 dated 25 June 2020 [Online] Available at: https://www.energyconsents.scot/ApplicationDetails.aspx?cr=EC00003102&T=6 (Accessed 26/05/2023)

Section 57(2) of the Planning Act 1997 makes no reference to the provisions of Section 25, which require regard to be had to the provisions of the Development Plan, and the courts have confirmed that Section 25 does not apply to a decision to make a direction to grant deemed planning permission pursuant to Section 57(2).

The Scottish Ministers will determine the application having regard to the statutory duties in Schedule 9 of the Electricity Act, so far as relevant, and any other material considerations, one of which will be relevant aspects of the Development Plan.

4.3 Environmental Assessment Regulations

Applications for consent submitted under the Electricity Act 1989 may be required to be accompanied by an EIA. The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 as amended defines developments that may require an EIA[8]. Schedule 2 of the EIA Regulations lists certain types of developments for which an EIA is required where there are likely to be significant effects on the environment by virtue of factors such as the nature, size or location of the development proposal.

The Applicant recognises that the Proposed Development is an 'EIA Development' following consideration of the characteristics of the Development, the location of the Site, and the characteristics of potential impacts as outlined within Schedule 3 of the EIA Regulations.

As required by the EIA Regulations, the accompanying EIA Report presents information on the likely significant environmental effects which may occur as a result of the Proposed Development. The EIA Report also informs the reader of the nature of the Proposed Development and the measures proposed to protect the environment during site preparation, construction, operation, and decommissioning.

[8] UK Government (2017) The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 [Online] Available at: https://www.legislation.gov.uk/ssi/2017/101/contents/made (Accessed 26/05/2023)

5. ENERGY POLICY: THE NEED TO ADDRESS CLIMATE CHANGE

This section of the Statement sets out the international, UK, and Scottish energy policy of relevance to the Proposed Development. It provides the framework of international agreement and binding targets upon which national energy policy is based. The international and national policy described and summarised below demonstrates the need for renewable energy from which the Proposed Development can draw a high level of support.

All of these sections demonstrate the clear and consistent policy support at all levels for the deployment of renewable energy generally, and onshore wind particularly, to combat climate change, diversify the mix of energy sources, achieve greater security of supply, and to achieve legally binding renewable energy targets. The Proposed Development would make a significant contribution to help Scotland meet its renewable energy production targets, while supporting CO_2 reduction to combat climate change, and increasing the security of supply of electricity.

5.1 International and UK Policy Context

5.1.1 COP 21 Paris Agreement

On 12 December 2015, 196 Parties to the UN Framework Convention on Climate Change (UNFCCC) adopted the Paris Agreement, a legally binding framework for an internationally coordinated effort to tackle climate change[9]. The Paris Agreement's key aim is to strengthen the global response to climate change by keeping a global temperature rise this century below 2 degrees Celsius above pre-industrial levels and to pursue efforts to limit the temperature increase even further to 1.5 degrees Celsius. The UK is legally bound through commitment to the Paris Agreement.

5.1.2 Committee on Climate Changes Net Zero Report May 2019

In May 2019 the Committee on Climate Change published Net Zero – The UK's Contribution to Stopping Global Warming[10]. This report responds to a request from the Governments of the UK, Wales and Scotland, asking the Committee to reassess the UK's long-term emissions targets. The report recommends a new emissions target for the UK: net zero gases by 2050 and recommends a 2045 net-zero target for Scotland to reflect Scotland's greater relative capacity to remove emissions than the UK as a whole. The Report highlights the falling cost of key renewable technologies, which are now generally comparable or lower in cost than power from fossil fuels, whilst bringing significant co-benefits such as reduced air pollution.

5.1.3 The Climate Change Act

On 27 June 2019, the Climate Change Act 2008 was amended to introduce a target for at least a 100% reduction in greenhouse gas emissions (compared to 1990 levels) in the UK by 2050[11, 12]. This 'net zero' target is likely to affect and increase future Government renewable and low carbon energy targets and create a more positive policy environment for renewable energy.

[9] United Nations Climate Change - The Paris Agreement (2015) [Online] Available at: https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement (Accessed 23/05/2023)
[10] Committee on Climate Change (2019) Net Zero – The UKs contribution to stopping global warming [Online] Available at: https://www.theccc.org.uk/publication/net-zero-the-uks-contribution-to-stopping-global-warming/ (Accessed 29/08/2022)
[11] UK Government (2008) Climate Change Act 2008 [Online] Available at: https://www.legislation.gov.uk/ukpga/2008/27/contents (Accessed 23/05/2023)
[12] UK Government (2019) The Climate Change Act 2008 (2050 Target Amendment) Order 2019 (2019 No. 1056) [Online] Available at: http://www.legislation.gov.uk/uksi/2019/1056/made (Accessed 23/05/2023)

5.1.4 UK Net Zero Strategy

The Government's Net Zero Strategy ('the Strategy'), published in advance of COP26, is the Government's long-term plan for the transition to a low carbon economy[13]. The Strategy highlights the significant progress made since 1990 in reducing greenhouse gas emissions from the power sector and introduces an ambitious commitment to ensure that all electricity comes from low carbon sources by 2035, subject to security of supply.

The Strategy calls for the accelerated deployment of low-cost renewable generation and states that a low-cost net zero electricity system is likely to be composed predominantly of wind and solar generation. The Strategy emphasises that the planning system will play an important role in supporting the deployment of renewable energy.

5.1.5 The Sixth Carbon Budget: The UK's Path to Net Zero

On 9 December 2020, the Climate Change Committee (CCC) released The Sixth Carbon Budget which updates intermediary targets for the UK's progress to net zero[14].

"Our recommended pathway requires a 78% reduction in UK territorial emissions between 1990 and 2035. In effect, it brings forward the UK's previous 80% target by nearly 15 years. There is no clearer indication of the increased ambition implied by the Net Zero target than this."

These targets must be considered as a factor in the determination of applications for viable wind energy projects. In establishing intermediary targets towards net zero, the context exists for Local Authorities to recognise the action that must be taken sooner rather than later. As concluded in the Sixth Carbon Budget:

"The implication of this path is clear: the utmost focus is required from government over the next ten years. If policy is not scaled up across every sector; if business is not encouraged to invest; if the people of the UK are not engaged in this challenge – the UK will not deliver Net Zero by 2050."

In March 2023, a 'Carbon Budget Delivery Plan' was published to inform Parliament and the public on the government's proposals and policies to enable carbon budgets to be met.

The approach set out in our previous delivery plans to deliver net zero, the Net Zero Strategy, remains the right one. This report provides an update to the Net Zero Strategy and sets out the government's strategy to achieve net zero and to deliver energy security, while at the same time increasing the UK's international economic competitiveness.

Six carbon budgets have been set to date, covering 2008 to 2037. Carbon Budget 6, the first to be set under the UK's new net zero target, was legislated for in June 2021. The UK has already met, and overachieved, its first (2008- 2012) and second (2013-2017) carbon budgets and is on track to meet the third (2018-2022). Between 1990 and 2021, UK emissions fell by 48% while our economy grew by 65%, decarbonising faster than any other G7 country.

The Carbon Budget Delivery Plan will enable the UK to continue in maximising opportunities to drive growth, jobs and investment across the UK whilst reducing emissions.

[13] UK Government (2021) Net Zero Strategy – Build Back Greener [Online] Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1026655/net-zero-strategy.pdf (Accessed 19/10/2021)

[14] The CCC (2020) The Sixth Carbon Budget: The UK's path to Net Zero [Online] Available at: https://www.theccc.org.uk/wp-content/uploads/2020/12/The-Sixth-Carbon-Budget-The-UKs-path-to-Net-Zero.pdf (Accessed 23/05/2023)

5.1.6 HM Government Energy White Paper – Powering Our Net Zero Future December 2020

On 14 December 2020, Alok Sharma MP then Secretary of State for Business, Energy and Industrial Strategy announced the launch of the Energy White Paper[15]. The White Paper set out the UK Government's strategy to put net zero into practice and for fighting climate change, following the Prime Minister's Ten Point Plan for a Green Industrial Revolution. As part on this strategy, the target for offshore wind is raised to 40 GW, enough to power every home in the UK.

The White Paper reiterates the compelling case to urgently address climate change and avert the dangerous consequences of that will arise if global temperatures increase is not kept at well below 2% as per the Paris Agreement, if possible, not above 1.5%. The White Paper sets out the measures that need to be put in place to achieve the carbon emission targets for the UK. These entail a major shift in energy use from fossil fuels to electricity and hydrogen. Clean electricity is to become the predominant form of energy, with a consequent doubling of demand. This transition must be secured whilst retaining reliability, resilience and affordability. Delivering this will require billions of pounds of investment in clean energy infrastructure, including offshore wind farms and new nuclear plants.

5.1.7 COP 26

The 26th UN Climate Change Conference of the Parties (COP26) which took place in Glasgow in November 2021, brought the world leaders of over 200 counties together to address climate change and seek to agree universal objectives and measures that can be enforced to over the next decade to further cut carbon emissions.

COP26 outcomes included the Glasgow Climate Pact, an agreement with the aim of keeping the rise in global temperature to within 1.5ºC[16]. All participating countries agreed to revisit and strengthen their 2030 carbon emissions targets.

5.1.8 COP 27

COP27 was held in Sharm el-Sheikh, Egypt, on November 6th, 2020, where 92 heads of state and an estimated 35,000 representatives, or delegates, of 190 countries attended to discuss and negotiate the global commitment to tackling climate change in the face of the current energy crisis. COP27 noted that global emissions remain at record high levels and the world is on track to warming well in excess of 2°C, with intensifying climate damages.

COP27 established new funding arrangements for assisting developing countries that are particularly vulnerable to the adverse effects of climate change to address impacts which cannot or have not been adapted to.

The Sharm el-Sheik Implementation Plan (the COP27 political decision) reaffirms that keeping global warming to 1.5°C will require a 43% reduction in global greenhouse gases (GHGs) by 2030 relative to 2019 levels. It actions the mitigation work programme agreed at COP26, which will focus on urgently scaling up mitigation ambition and implementation and the investment needed to unlock further mitigation action this decade. The Sharm el-Sheik Implementation Plan emphasizes the urgent need for immediate sustained reductions in global greenhouse gas emissions by Parties across all applicable sectors, including through increase in low-emission and renewable energy, just energy transition partnerships and other cooperative actions.

[15] HM Government (2020) Energy White Paper – Powering our Net Zero Future [Online] Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/943807/201214_BEIS_EWP_Command_Paper_LR.pdf (Accessed 23/05/2023)

[16] Prime Minister Boris Johnson outlines his Ten Point Plan for a Green Industrial Revolution for 250,000 jobs.18 November 2018 [Online] Available at https://www.gov.uk/government/news/pm-outlines-his-ten-point-plan-for-a-green-industrial-revolution-for-250000-jobs (Accessed 23/05/2023)

5.1.9 Overall Climate Change and Energy Policy Conclusion

Given the above overview of the relevant international policy on climate change and renewable energy, and the context of continued need for renewable energy development, it is clear that projects such as the Proposed Development should be encouraged due to their environmental, social and economic benefits. If consented, the Proposed Development would contribute to meeting the CO2 emissions reduction targets, as well as the renewable energy targets. The policies and agreements noted above are a stark reminder of the urgency with which climate change must be addressed at UK, European and International levels, but also the economic benefits which can flow from the transition to a low carbon economy. The Proposed Development is fully in accord with these objectives.

The strength of the policy support for the Proposed Development which can be taken from UK and Scottish legislation to address climate change can be judged from a decision in 2020 by the Scottish Ministers in relation to the proposed Pauls Hill II wind farm in the Moray Council area[17]. In the decision, Minsters point to the weight which should be given to the targets for renewable energy and reduction in carbon emission in the clearest terms:

“Scotland’s renewable energy and climate change targets, energy policies and planning policies are all material considerations when weighing up the proposed Development. NPF3, SPP, the Energy Strategy and the Onshore Wind Policy Statement make it clear that renewable energy deployment remains a priority of the Scottish Government. This is a matter which should be afforded significant weight in favour of the proposed Development.”

It is therefore clear that projects such as the Proposed Development would be encouraged due to their environmental, social and economic benefits. If consented, the Proposed Development would contribute to meeting the renewable energy and CO2 emissions reduction targets, as well as the security of power supply.

Since the introduction of NPF4 in February 2023, the Proposed Development has shown evidence to further contribute to Scotland’s climate change and renewable energy targets. More detail on NPF4, and the Proposed Development’s compliance, can be found in **Section 6.1**.

5.2 Scottish Climate Change Legislation

5.2.1 Climate change Scotland Act 2009

The Climate Change (Scotland) Act 2009 (the 2009 Climate Change Act) creates a long-term framework for the current and successive administrations in Scotland to ensure a reduction in Scottish greenhouse gas emissions[18]. When enacted in 2009, it set a target to reduce greenhouse gas emissions by 80% by 2050, with an interim milestone of 42% by 2020, but these targets have since been replaced by much more challenging targets as set out below.

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

The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 (the 2019 Climate Change Act) amends the 2009 Climate Change Act and, in line with advice from the Committee on Climate Change (CCC) on 2nd May 2019, the Scottish Government set a target date of 2045 for reaching net-

[17] Scottish Ministers (2020) Consent under section 36 of the Electricity Act 1989 and deemed Planning permission under section 57(2) of the Town and Country Planning (Scotland) act 1997 for the construction and Operation of Paul’s Hill ii wind farm [Online] Available at: https://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=120129&T=20 (Accessed 23/05/2023)

[18] Scottish Parliament (2009) The Climate Change (Scotland) Act 2009 [Online] Available at: http://www.legislation.gov.uk/asp/2009/12/contents (Accessed 23/05/2023)

zero emissions, as per the resultant 2019 Climate Change Act, with an interim target of 75% reduction by 2030[19, 20].

Setting a 'carbon neutral', net-zero target of 2045 is ambitious and ahead of the rest of the United Kingdom's target of 2050. The Government has set ambitious targets for reduction of carbon emissions. Renewable energy projects, such as the Development, play a key role in aiding the decarbonisation of the energy sector.

It is important to acknowledge the progress to these targets both in what is known and what can be modelled and projected. The Sixth Carbon Budget addresses the potential progress towards the interim 75% reduction target of 2030, stating:

"Scotland's 75% target for 2030 will be extremely challenging to meet, even if Scotland gets on track for Net Zero by 2045. Our Balanced Net Zero Pathway for the UK would not meet Scotland's 2030 target – reaching a 64% reduction by 2030 – while our most stretching Tailwinds scenario reaches a 69% reduction".

5.3 Scottish Climate Change and Energy Policy

This section of the statement discuses Scotland's position on the national climate emergency and the action which is required to combat the situation and achieve the target of net zero carbon emissions by 2045. This section notes that there is a direct need to consent viable renewable energy developments in order to reach this goal.

The Fourth National Planning Framework (NPF4) is later discussed in Section 6.1 of this Statement where polices relating to the Proposed Development, and which also focus on achieving national climate and energy targets, are noted.

5.3.1 Onshore Wind Policy Statement

The Ministerial Foreword to the Onshore Wind Policy Statement 2022 (OWPS) recognises that onshore wind remains vital to Scotland's future energy mix and that more will be needed in order to progress legally binding net-zero targets.

The policy statement sets out that Scotland's electricity demand will at least double within the next two decades and that developing more onshore wind could create 17,000 jobs and £27.8 billion in GVA for the country's economy. The Scottish Government acknowledges that the next decade will see a substantial increase in demand for electricity to support net zero delivery across all sectors. The CCC has suggested electricity demand could double over this period. There will therefore need to be a substantial increase in installed capacity across all renewable technologies, including onshore wind.

The statement sets an overall ambition of 20 GW of installed onshore wind capacity in Scotland by 2030.

Other issues such as community benefit, shared ownership, and the need for financial mechanisms to promote deployment are covered in Chapter 1 of the OWPS.

The OWPS examines the ambition for delivering targets and current levels of deployment and what can be expected to be required by 2030 to achieve Net Zero. At the present time there is approximately 8.4 GW of installed onshore wind capacity within Scotland, part of 14.1 GW deployed across the whole of the UK. In terms of the onshore wind development pipeline, there is approximately 11.3 GW of capacity either going through the planning/consenting process or awaiting construction, with 0.43 GW under construction as of June 2022

[19] Scottish Parliament (2019) Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 [Online] Available at: https://www.legislation.gov.uk/asp/2019/15/enacted (Accessed 23/05/2023)

[20] Scottish Government (2019) Climate Change (Emissions Reduction Targets) (Scotland) Bill Marshalled List of Amendments for Stage 2 [Online] Available at https://www.parliament.scot/S5_Bills/Climate%20Change%20(Emissions%20Reduction%20Targets)%20(Scotland)%20Bill/SPBill30MLS052019.pdf (Accessed 23/05/2023)

The CCC has estimated that the UK will require a total capacity of 25 to 30 GW of onshore wind by 2050 to meet Net Zero, in effect doubling the current level of deployment in the UK.

With regard to landscape and visual issues, the OWPS acknowledges that whilst cherished landscapes are a key part of the natural and cultural heritage and should be afforded protection, it is also important to recognise that climate change and Net-Zero ambitions require decisive action. This will result in a Change in how Scotland looks, and it will be necessary to consider how significant volumes of onshore wind generation can be deployed over the next decade to help meet the legal obligations. This deployment is likely to comprise of modern efficient turbines which maximises the generation possible at each site, including the use of taller turbines.

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.

The Scottish Government also expects all onshore wind developments in Scotland to support our national and local supply chains, capitalising on the opportunity to secure significant increases in local content, increase our skilled workforce, see greater diversity and for our energy sector to continue to boost our local economies. As onshore wind is deployed at greater volume over the coming decade, we must collectively maximise the economic, social, and environmental benefits in a way that meets the needs of Scottish citizens and our future generations.

5.3.2 Scotland's Draft Energy Strategy and Just Transition Plan

Scotland's Draft Energy Strategy and Just Transition Plan sets out the Scottish Government's vision for the future energy system in Scotland, to 2030 and beyond[21]. It explicitly details the priorities for an integrated system-wide approach that considers both the use and supply of energy for heat, power and transport. The Energy Strategy is designed to strengthen the development of local energy, protect and empower consumers, and support Scotland's climate change ambitions while tackling poor energy provision.

The Energy Strategy notes that storage is a strategically important issue, with real potential benefits for Scotland. Storage plays a critical role in helping businesses and communities in areas where the network capacity is limited or weak as having reserve or stand-by power available can protect against temporary losses of supply.

The Strategy also recognises that wind power is one of the lowest cost forms of electricity and the Scottish Government is clear that this is where we should focus - reducing costs in the long term and addressing vulnerability to future energy cost crises.

The strategy looks to achieve the targets set out by significantly scaling up renewable energy production, securing continued and increased investment in the net zero energy economy and by delivering a fairer, more secure energy system that is no longer reliant on volatile international commodity markets and delivers lower costs for consumers.

Scotland already has 13.4 Gigawatts of renewable electricity generation capacity. The strategy aims to deliver at least 20 Gigawatts of additional low-cost renewable electricity capacity by 2030, which could generate the equivalent of about 50% of Scotland's current total energy demand.

For key sectors, such as onshore wind, the strategy aims to increase electricity generation from 8.78 GW, as of June 2022, to over 20 GW by 2030, which is more than double our existing capacity.

Achieving this vision for Scotland's will be a national endeavour and will require a collective effort at local and national levels across government, industry, and our communities.

[21] Scottish Government (2021) - Draft Energy Strategy and Just Transition Plan [Online]. Available at: Draft Energy Strategy and Just Transition Plan (www.gov.scot) (Accessed 13/06/2023)

5.3.3 A stronger and more resilient Scotland: The Programme for Government 2022 to 2023

In September 2021, the Scottish Government published a Programme for Government which sets out our plans for the full parliamentary term. This Programme for Government focuses on the immediate priorities which should be driven forward with urgency in the face of current challenges.

This Programme for Government sets out the Scottish Government's response to the cost crisis and set out actions to secure a stronger and more resilient Scotland. Further sections of the programme describe action on transforming our economy, tackling the climate emergency, restoring our environment, and supporting our communities.

The Scottish Government's immediate and overriding priority for this Programme for Government is to ensure households, businesses, and other organisations, as well as the public services that support them, are protected from the worst impacts of the cost crisis.

The programme notes that the increase in renewable energy development and the transition to a net zero economy is a crucial and significant economic opportunity which will work to capture for Scotland's benefit in the years ahead. The programme is committed to using the powers and resources available to us to cut emissions, build climate resilience and restore Scotland's natural environment.

5.3.4 Low Carbon Scotland: Climate Change Plan – Third Report on Proposals and Policies 2018-2032

This document was published in September 2018 and provides an overview of the Scottish Government's Climate Change Plan 2018-2032[22]. The document contains what at the time were the most up-to-date renewable electricity generation data available from Digest of UK Energy Statistics (DUKES). In the summary document, progress so far is addressed in the following terms[23]:

"In 2015, Scotland had reduced its emission by 41% from the 1990 baseline, and in 2017 Scotland generated 68.1% of its electricity requirements from renewables. Scotland's success in decarbonising electricity paves the way for transformational change across all sectors of the economy and society, particularly as electricity will be increasingly important as a power source for heat and transport."

The plan envisages that by 2032 Scotland will have reduced its emissions by 66% relative to the baseline, while growing the economy, increasing the wellbeing of the people of Scotland, and protecting and enhancing the natural environment. Further, the plan proposes that by 2032 Scotland's electricity system will be largely decarbonised and increasingly important as a power source for heat and transport.

The Proposed Development is in keeping with the Climate Change Plan, as it will contribute to the reduction of CO_2 emissions and have positive effect on the local and national economy, whilst leaving a minimal footprint on the environment.

5.3.5 Update to the Climate Change Plan 2018 – 2032 – Securing a Green Recovery on a Path to Net Zero

On 16th December 2020 the Scottish Government published an update to the 2018 Climate Change Plan[24]. Therefore, it covers the period in which the Scottish Government committed to reduce

[22] Scottish Government (2018) Climate Change Plan: Third Report on Proposals and Policies 2018-2032 [Online] Available at: https://www.gov.scot/publications/scottish-governments-climate-change-plan-third-report-proposals-policies-2018/ (Accessed 23/05/2023)

[23] Scottish Government (2018) Climate Change Plan: Third Report on Proposals and Policies 2018-2032 (RPP3) - Summary [Online] Available at: https://www.gov.scot/publications/scottish-governments-climate-change-plan-third-report-proposals-policies-2018-9781788516488/ (Accessed 23/05/2023)

[24] Scottish Government (2020) Securing a green recovery on a path to net zero: climate change plan 2018–2032 – update [Online] Available at: https://www.gov.scot/publications/securing-green-recovery-path-net-zero-update-climate-change-plan-20182032/ (Accessed 23/05/2023)

greenhouse gas emissions by 75% by 2030. The plan sets out the approach to delivering a green recovery, and a pathway to meeting world leading climate change targets for the period to 2032, Stating that by then, amongst other things, *"our electricity system will have deepened its transformation for the better, with over 100% of Scotland's electricity demand being met from renewable sources."* There will have been a substantial increase in renewable generation, particularly through offshore and onshore wind capacity, with the vision being that:

"Renewable generation will increase substantially between now and 2032, and we expect to see development of between 11 and 16 GW of capacity during this period, helping to decarbonise out transport and heating energy demand."

Whilst much of Scotland's electricity generation has decarbonised over the last decade, there is a need for increased investment in renewable energy, particularly onshore and offshore wind. The energy consenting process will be reviewed to reduce determination timescales and enable projects awarded consent to proceed more quickly, benefitting onshore wind in particular.

Planning is a key delivery mechanism for many of the policies within the Climate Change Plan update, across all sectors. By making the right choices about where and what development should take place in the future, planning can help to reduce emissions whilst improving the wellbeing of communities and the quality and resilience of places across Scotland.

5.3.6 Scotland's National Strategy for Economic Transformation

Scotland's National Strategy for Economic Transformation ('the National Strategy') was published by the Scottish Government on 1st March 2022[25]. The overall aim of the National Strategy is to clearly demonstrate the main priorities related to the continued development of Scotland's economy as well as any action(s) required to be taken in order to maximise opportunities for economic improvement and wellbeing over the next decade, until the year 2032.

Within the foreword of the publication, there is immediate mention of the crucial role which the economy will play in helping to drive a green recovery and maximising continued investment in key sectors such as energy, helping to meet important climate change and nature targets.

The National Strategy acknowledges that there is a significant opportunity for Scotland to continue to be an industry leader with regards to renewable energy development *"with Scotland enjoying a quarter of Europe's wind potential" and the country being home to a wide range of globally leading businesses, currently operating within the renewable energy market."*

5.3.7 Scottish Climate Change and Energy Policy Conclusion

Overall, the Proposed Development draws significant support from the national policy on energy and climate change. The Proposed Development, if consented, would contribute to decarbonising of the energy sector, whilst providing clean and secure energy supply. It has been designed in a way to minimise environmental effects whilst maintaining economic viability.

The Application has to be viewed in the context of national climate emergency and net-zero emissions targets. There is a requirement to produce deliverable renewable energy developments in order to meet targets.

Economic benefits of the Proposed Development are considered in Section 3 of this Statement.

As such, the Proposed Development accords with the national policy objectives for clean energy and climate change.

[25] Scottish Government (2022) Scotland's National Strategy for Economic Transformation [Online] Available at: https://www.gov.scot/publications/scotlands-national-strategy-economic-transformation/documents/ (Accessed 23/05/2023)

5.4 Progress in Meeting the Net Zero Target

The Route map for Renewable Energy in Scotland estimated that the 2030 renewables target of 100% would equate to the equivalent of circa 16 GW of installed renewable generation capacity. The most recent Renewable Electricity Planning Statistics for Scotland advise that as of Quarter 1 of 2022 Scotland had in the region of 13.3 GW of installed renewable energy capacity the majority of which was wind generation projects[26, 27].

Annual targets in Scotland have been consistently missed year on year, including:

- The 2020 target of gross electricity consumption form renewable sources; and
- The 2018 and 2019 target for greenhouse gas reduction.
- There is a clear and consistent message that more must be done in terms of development to address energy from renewable sources and greenhouse gas reduction.

The CCC has recognised the overall good progress which has been made in the power sector, however UK Government policy has held back the deployment of onshore wind that would cut energy bills and emissions. The UK is one of several countries and regions to set a recent net-zero emissions targets, but overall international commitments to reduce emissions remain insufficient. Low-carbon electricity generation share fell in 2020 for the first time in a decade[28].

In March 2023, the CCC published a report on delivering a reliable decarbonised power systems. The report illustrates what a reliable, resilient, decarbonised electricity supply system could look like in 2035, and the steps required to achieve it. It provides new insights and new advice on how such a system can be achieved by 2035, using real weather data and hourly analysis of Great Britain's power system.

The report demonstrates that a reliable, resilient, decarbonised electricity system can be delivered by 2035. This is needed to deliver emissions reductions in line with the path to Net Zero, while ensuring a reliable and resilient electricity supply and substantially reducing the UK's dependence on imported fossil fuels.

In order to achieve these deliverables, the report notes that the Government must give equal focus to low-carbon flexible solutions as to the full delivery of renewables commitments.

The graph below (Figure 5.1) shows the increase in operational renewables capacity over the period 2001 to the first quarter of 2022 to a total of 13.3 GW. The horizontal bar chart beneath shows the breakdown of the 16.3 GW of all renewable projects currently in the 'pipeline' according to whether proposals are under construction, consented or in planning awaiting a decision, as of the first quarter of 2023[29].

[26] Scottish Energy Statistics Hub [Online] Available at: https://www.gov.scot/binaries/content/documents/govscot/publications/statistics/2018/10/quarterly-energy-statistics-bulletins/documents/energy-statistics-summary---june-2022/energy-statistics-summary---june-2022/govscot%3Adocument/Scotland%2BEnergy%2BStats%2BQ1%2B2022.pdf (Accessed 23/05/2023)

[27] Same reference as above. Most of Scotland's operational capacity comes from onshore wind (8.5 GW) with offshore wind contributing 0.9 GW.

[28] Committee on Climate Change (2019) Reducing UK Emissions 2019 Progress Report to Parliament [Online] Available at: https://www.theccc.org.uk/wp-content/uploads/2019/07/CCC-2019-Progress-in-reducing-UK-emissions.pdf (Accessed 26/05/2023)

[29] Scottish Energy Statistics Hub [Online] Available at: https://scotland.shinyapps.io/sg-scottish-energy-statistics/?Section=RenLowCarbon&Subsection=RenElec&Chart=RenElecPipeline (Accessed 26/05/2023)

Figure 5.1 Scotland's Renewable Energy Capacity and Development Pipeline

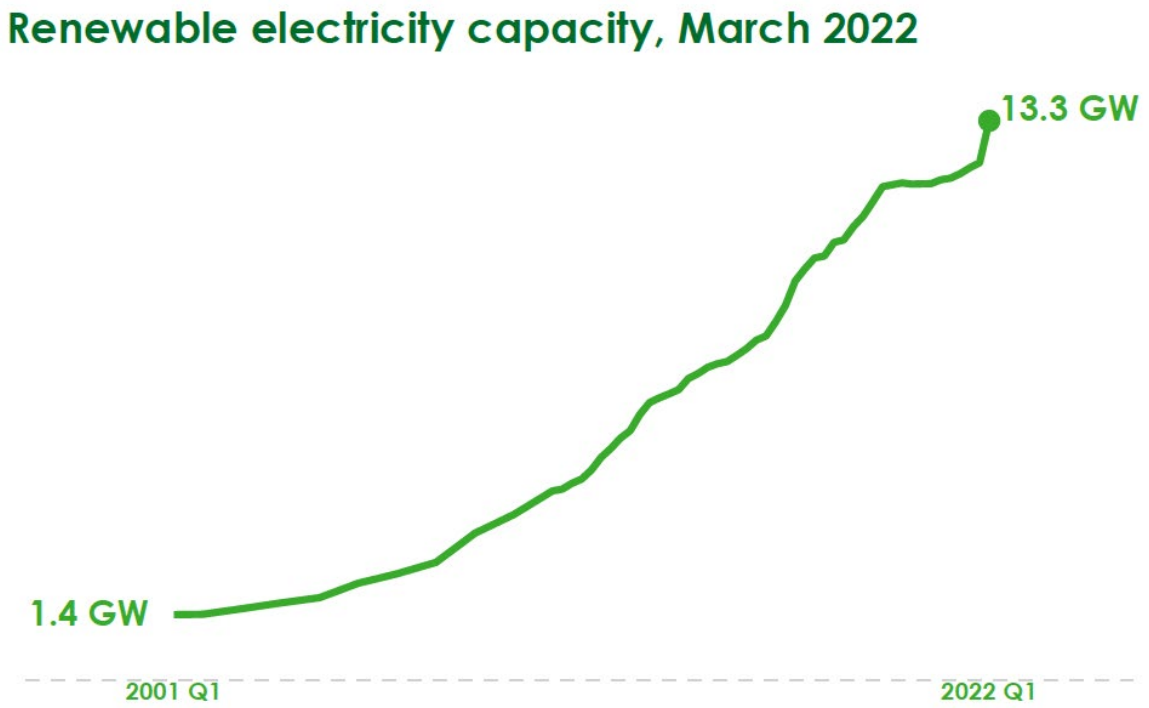

Figure 5.2 Scotland's Renewable Energy Capacity by Planning Stage

The available information suggests that there is an existing supply of onshore wind projects which can be brought forward to meet future needs and achieve Scottish renewable electricity generation targets[30]. The 'operational' and 'under construction' figures together equate to approximately 16.6 GW, of which around 9.9 GW comprises onshore wind projects. However, many approved, but as yet unbuilt, onshore schemes are currently not viable due to the smaller height of permitted turbines, and therefore are at risk of failing to enter construction if they cannot secure a route to market. Equally some schemes which are in planning may well never be built, even if consented. Furthermore,

[30] Scottish Energy Statistics Hub [Online] Available at: https://scotland.shinyapps.io/sg-scottish-energy-statistics/?Section=RenLowCarbon&Subsection=RenElec&Chart=RenElecCapacity (Accessed 26/05/2023)

onshore schemes which will be decided by planning appeal cannot be counted on as the consenting rate for multiple turbine appeals since 2017 is approximately 54% of schemes[31].

[31] Scottish Government (2022) Wind Turbine appeal decisions: statistics [Online] Available at: https://www.gov.scot/publications/wind-turbine-appeal-decisions-statistics/ (Accessed 26/05/2023)

6. NATIONAL PLANNING POLICY AND GUIDANCE

This section sets out the relevant planning policy at a national level and assesses the proposal against national policy. (Assessment of the local planning policy is set out in Section 7 of this Statement).

6.1 National Planning Policy

Scotland 2045 the Fourth National Planning Framework was initially published for consultation on 10th November 2021 and was formally adopted on the 13th of February 2023.

NPF4, amongst other things, aims to manage land-use and development in the long-term public interest.

The NPF4 is divided into 4 parts:

- Part 1 sets out an overarching spatial strategy for Scotland in the future;
- Part 2 sets out proposed national developments that support the spatial strategy;
- Part 3 sets out policies for the development and use of land which are to be applied in the preparations of local development plans, local place plans; masterplans and briefs; and for determining the range pf planning consents; and
- Part 4 provides an outline of how we will deliver this strategy.

Part 1 of the NPF4 states that “we have set a target of net zero emissions by 2045 and must make significant progress towards this by 2030. This will require new development and infrastructure across Scotland.”

Regarding the need for renewable electricity generation, Part 2 of NPF4 states that “additional electricity generation from renewables and electricity transmission capacity of scale is fundamental to achieving a net zero economy”.

Part 3 of the NPF4 sets out the Universal Policies required to achieve a net zero, nature positive Scotland, including but not limited to, “when considering all development proposals significant weight should be given to the Global Climate Emergency.”

Policy 1 (Tackling the Climate and Nature Crises) states that when considering all development proposals “significant weight will be given to the global climate and nature crises”.

Policy 2 (Climate Mitigation and Adaption) seeks to encourage, promote and facilitate development projects that minimise emissions and adapt to current and future impacts of climate change. Renewable energy developments will be at the forefront when aiming to achieve the aims of this policy.

Policy 3 (Biodiversity) intends to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. The policy ensures that LDPs protect, conserve, restore and enhance biodiversity whilst promoting nature recovery and nature restoration. Proposals will be required to contribute to the enhancement of Biodiversity, including by restoring degraded habitats and building and strengthening nature networks. Adverse impacts, including cumulative impacts, of development proposals on the natural environment will be minimised through careful planning and design, taking into account the need to reverse biodiversity loss.

Policy 4 aims to protect, restore and enhance natural assets making best use of nature-based solutions by ensuring natural places are enhanced or restored and by managing natural places in a sustainable way that maintains and grows their essential benefits and services. Policy 4 requires developments to carefully assess the impact on the natural environment and protect local nature conservation sites, designated landscape areas and protected species.

Policy 5 aims to protect carbon-rich soils, restore peatlands and minimise disturbance to soils from developments. It also states that development on peatland, carbon-rich soils and priority peatland will

be supported for the generation of energy from renewable sources that optimises the contribution of the area to greenhouse has emissions reduction targets.

Policy 6 aims to protect and expand forests, woodland and trees. Developments should identify and protect existing woodland areas and the potential for any enhancement or expansion in order to avoid habitat fragmentation and improve ecological connectivity which will aid in helping to support and expand nature networks.

Policy 7 recognises that developments should support the sustainable management of the historic environment and should identify, protect and enhance valued historic assets and places. Policy 7 also notes that developments should recognise the social, environmental and economic value of the historic environment, to our economy and cultural identity and that proposals should also be informed by national policy and guidance on managing change in the historic environment.

Policy 8 encourages and facilitates compact urban growth and use the land around our towns and cities sustainably. It states that the development should be compatible with the surrounding established countryside and landscape character, should be of an appropriate scale, massing and external appearance, and uses materials that minimise visual impact on the green belt as far as possible and should have no significant long-term impacts on the environmental quality of the green belt.

Policy 11 (Energy) illustrates how support will be given to Development proposals for all forms of renewable, low-carbon and zero emissions technologies. This includes the development of wind farms - including extending and expanding windfarms - and battery storage developments. Policy 11 states that development proposals for all forms of renewable, low-carbon and zero carbon and zero emissions technologies will be supported, including 'wind farms including repowering, extending, expanding, and extending the life of existing wind farms'. The policy will only support such developments where they 'maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.'

NPF4 also discusses designation and classes of development, and notes development which contribute to 'Strategic Renewable Electricity Generation and Transmission' 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', can be afforded as a national development where the electricity generation, including electricity storage, 50 megawatts capacity.

Policy 18 (Infrastructure) considers the impacts of renewable energy developments and states that the impacts of development proposals on infrastructure should be mitigated where possible. Policy 18 states that development proposals will only be supported where it can be demonstrated that provision is made to address the impacts on infrastructure. Where planning conditions, planning obligations, or other legal agreements are to be used, the relevant tests will apply.

Where planning obligations are entered into as a result of Policy 18, the obligations should serve a planning purpose, relate to the impacts of the proposed development, fairly and reasonably relate in scale and kind to the proposed development.

Policy 19 (Green Energy) states that the Scottish Government wants places to support the continued expansion of low-carbon and net zero energy technologies as a key contributor to net zero emissions by 2045. The policy recognises that Scotland's Energy sector has a significant role to play in reducing carbon emissions and contributing to a green, fair and a resilient economic recovery. Whilst a range of renewable technologies are capable of delivering these benefits, it is likely that onshore wind will play the greatest role in the coming years.

Section d) of Policy 19 states that:

"Outwith National Parks and National Scenic Areas and recognising the sensitivity of any other national or international designations, development proposals for new wind farms should be supported unless the impacts identified (including cumulative effects), are unacceptable. To inform this, site specific assessments including where applicable Environmental Impact Assessments (EIA) and Landscape and Visual Impact Assessments (LVIA) are required."

Now that the NPF4 is fully adopted and published, NPF3 and SPP has been superseded and are no longer relevant in the decision-making process.

6.2 Planning Advice Notes (PAN), Specific Advice Sheets and Circulars

Planning Advice Notes (PANs) and Specific Advice Sheets set out detailed advice from the Scottish Government in relation to a number of planning issues. Relevant PANs and Specific Advice Sheets relevant to the Proposed Development are summarised in Table 6.1 below.

Table 6.1 Relevant PANs and Specific Advice Notes

Title	Summary of Document
PAN 1/2013 Environmental Impact Assessment[32]	Provides information on the role local authorities and consultees play as part of the EIA process, and how the EIA can inform development management.
PAN 60 (2000) Planning for Natural Heritage[33]	Advises developers on the importance of discussing their proposals with the planning authority and NatureScot (formerly known as Scottish Natural Heritage) and use of the EIA process to identify the environmental effects of development proposals and seek to prevent, reduce and offset any adverse effects in ecology and biodiversity.
PAN 61 (2001) Sustainable Urban Drainage Systems[34]	Good practice drainage guidance.
PAN 68 (2003) Design Statements[35]	This PAN covers the importance of design statements, and provides flexible guidance on their preparation, structure, and content. The PAN also outlines the principles underpinning the production of design statements, as expected by the Scottish Government.
PAN 75 (2005) Planning for Transport[36]	The objective of PAN 75 is to integrate development plans and transport strategies to optimise opportunities for sustainable development and create successful transport outcomes.
PAN 3/2010 Community Engagement[37]	This document provides advice on how to engage with local communities through the planning process.
PAN 1/2011 Planning and Noise[38]	This PAN provides advice on the role of the planning system in helping to prevent and/ or mitigate any potential adverse effects of noise. It promotes the principles of good acoustic design and promotes a sensitive approach to the location of new development.
PAN 2/2011 Planning and Archaeology[39]	The PAN is intended to inform local authorities and other organisations of how to process any archaeological scope of works within the planning process.
Online Renewables Planning Advice - On Shore Wind Turbines (updated 2014)[40]	This Specific Advice Sheet provides an overview of the use of the carbon calculator in estimating the carbon savings resulting from wind farm developments.

[32] Scottish Government (2013) PAN 1/2013: Environmental Impact Assessment [Online] Available at: https://www.gov.scot/publications/planning-advice-note-1-2013-environmental-impact-assessment/ (Accessed 26/05/2023)
[33] Scottish Government (2000) Planning for Natural Heritage: PAN 60 [Online] Available at: Planning Advice Note 60: natural heritage - gov.scot (www.gov.scot) (Accessed 26/05/203)
[34] Scottish Government (2001) PAN 61: Planning and Sustainable Urban Drainage [Online] Available at: Planning Advice Note 61: Sustainable urban drainage systems - gov.scot (www.gov.scot) (Accessed 26/05/2023)
[35] Scottish Government (2003) PAN 68: Design Statement [Online] Available at: https://www.gov.scot/publications/planning-advice-note-68-design-statements/ (Accessed 26/05/2023)
[36] Scottish Government (2005) PAN 75: Planning for Transport [Online] Available at: https://www.gov.scot/publications/planning-advice-note-pan-75-planning-transport/ (Accessed 26/05/2023)
[37] Scottish Government (2010) PAN 3/2010: Community Engagement [Online] Available at: https://www.gov.scot/publications/planning-advice-note-3-2010-community-engagement/ (Accessed 26/05/2023)
[38] Scottish Government (2011) PAN 1/2011: Planning and Noise [Online] Available at: https://www.gov.scot/publications/planning-advice-note-1-2011-planning-noise/ (Accessed 26/05/2023)
[39] Scottish Government (2011) PAN 2/2011: Planning and Archaeology [Online] Available at: https://www.gov.scot/publications/pan-2-2011-planning-archaeology/ (Accessed 26/05/2023)
[40] Scottish Government (2014) Onshore Wind Turbines: Planning Advice [Online] Available at: https://www.gov.scot/publications/onshore-wind-turbines-planning-advice/ (Accessed 26/05/2023)

Title	Summary of Document
	NB: Please note that this Specific Advice Sheet pre-dates the SPP, so areas covered therein in relation to 'spatial framework', 'spatial planning' and 'areas of search' are no longer relevant.
PAN 51 Planning, Environmental Protection and Regulation (Revised 2006)[41]	Details the role of the planning system in relation to the environmental protection regimes.
Online Planning Advice on Flood Risk (2015)[42]	Provides advice on the role of the planning system and the assessment and management of flood risk.
Onshore wind planning: frequently asked questions (2016)[43]	Provides answers to a range of questions in relation to the planning considerations for onshore wind turbine development.

6.3 Assessment Against National Planning Policy

The Proposed Development would directly contribute to achieving the CO_2 emissions reduction targets, whilst diversifying the energy mix and adding to the renewable energy share. It is sited and designed to maximise the generation capacity and make the best use of the wind resource at the Site, through using modern, efficient turbines, whilst minimising the effects on the environment.

The Proposed Development is aligned with the provisions of the NPF4, specifically Policy 1 (Tackling the Nature and Climate Crisis) as it is considered that it makes a use of the natural wind resources to produce low carbon energy and diversify the energy mix. It is assessed to accord with the principle of sustainable development as it is designed and sited to minimise the effects on the environment, whilst bringing benefits to the local community and contributing to economic development.

The Proposed Development is fully in line with the presumption of sustainable development as set out in the NPF4. It accords with this principle, having regard to environmental, social and economic considerations – the Proposed Development will provide low carbon, clean and reliable electricity, while having very limited effects on the environment. It will also have a positive effect on carbon savings and a significant positive effect when considered cumulatively with UK-wide renewable energy deployment.

The Applicant's commitment to the delivery of a HMP for the Proposed Development which would include provisions for the maintenance, restoration and/or enhancement of habitats within the Site and would be used to provide significant biodiversity enhancements, including (give examples), which are a requirement of NPF4. As a result, the Proposed Development will have no significant ecological effects for the construction and operation of the development, or in combination with other developments. Proposed mitigation will further reduce the low magnitude effects. Additional enhancements will compensate for direct habitat loss and will bring net biodiversity benefits in the long term. The Proposed Development has been designed to minimise impacts on important habitats, peatland and protected species as far as practicable. This has been achieved through embedded mitigation and the iterative design process.

In economic terms, it will increase the economic activity both in Dumfries and Galloway, and nationwide. Therefore, it will contribute to sustainable economic growth. As such, it is considered that the support provided to the Proposed Development under NPF4 should be given significant in the consideration of this Application.

The Proposed Development is in line with the Energy Policy Principles, which states "to encourage, promote and facilitate all forms of renewable energy onshore and offshore". Under Policy 11, it states

[41] Scottish Government (2006) PAN 51: Planning, Environmental Protection and Regulation [Online] Available at: https://www.gov.scot/publications/planning-advice-note-pan-51-revised-2006-planning-environmental-protection/ (Accessed 26/05/2023)
[42] Scottish Government (2015) Flood Risk: Planning Advice [Online] Available at: https://www.gov.scot/publications/flood-risk-planning-advice/ (Accessed 26/05/2023)
[43] The Scottish Government (2016). Onshore wind planning: frequently asked questions [Online]. Available at: https://www.gov.scot/publications/onshore-wind-planning-faq/ (Accessed 26/05/2023)

that “development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported”.

The Development is in line with the principles set out in NPF4, as it will make a direct contribution to the renewable energy generation targets, it will expand the renewable energy capacity and will diversify the energy mix. As such it draws significant support from NPF4.

It is clear that the effects of the Development should be considered acceptable in terms of planning balance, taking into account the need for and benefits of the Development. There are limited significant effects within the EIA Report, relating only to certain non-designated landscape and visual receptors, as can be expected with wind energy development. With no other significant effects balanced against the sizeable contribution to targets, the benefits associated with the accompanying energy storage, and economic benefits, the conclusion of the planning balance should be a favourable determination of the Application.

Overall, NPF4 offers a high level of support to wind farm developments which are designed to make the best use of land and wind resources, whilst taking into account environmental and amenity matters, such as the Development. Furthermore, the Development has been assessed against the relevant local and national policy, and legislation, and has been found acceptable in policy terms. As such, the Development is considered to fully comply with the principles of the NPF4.

7. STRATEGIC AND LOCAL PLANNING POLICY

7.1 Strategic and Local Planning Policy

Dumfries and Galloway Council is not governed by any of the four Strategic Development Planning Authorities ('SDPA') in Scotland and, as such, is not subject to Strategic Development Plan policies.

7.2 Local Planning Policy

Each Local Authority within Scotland has a duty under the Planning (Scotland) Act 2006 to prepare a Local Development Plan. The LDP relevant to the Development is the Dumfries and Galloway Local Development Plan 2 (DGLDP2) and was adopted on 13th February 2023.

The DGLDP2 is supported by Supplementary Guidance (SG) documents that provide more detail to support the DGLDP2. The following SG documents are considered relevant to the consideration of the Proposed Development:

- Design Quality and Placemaking;
- Historic Built Environment;
- Trees and Development;
- Flooding and Development;
- Surface Water Drainage and Sustainable Drainage Systems (SuDS);
- Wind Energy Development: Development Management Considerations; and
- Part 1 Wind Energy Development: Development Management Considerations Appendix 'C' DGWLCS.

The supplementary guidance that accompanies DGLDP2 does not provide further development guidance policies, but rather serves to provide additional context to the policies contained within DGLDP2. DGLDP2, along with the relevant SG documents are summarised within this section, with policies listed where relevant.

On adoption of the NPF4, the framework became part of the statutory development plan. Where the Proposed Development may be considered to conflict with any policies noted within the Local Development Plan or any Supplementary Guidance, the development should then be considered against the policies outlined in NPF4 which holds primacy over Local Development Plans.

7.2.1 Dumfries and Galloway Local Development Plan

On 3 October 2019, Dumfries and Galloway Council adopted Local Development Plan 2 which replaces the previously adopted 2014 LDP[44, 45].

DGLDP2 states that *"the overarching principle of this Plan is that all development proposals should support sustainable development, including the reduction of carbon and other greenhouse gas emissions".*

The primary policies for consideration of the Proposed Development are Policy IN1: Renewable Energy and Policy IN2: Wind Energy. However, the following policies are of relevance to the Proposed Development:

- Policy IN1: Renewable Energy;

[44] Dumfries and Galloway Council (2019) The Dumfries and Galloway Local Development Plan [Online] Available at: https://www.dumgal.gov.uk/media/21885/Adopted-Local-Development-Plan-2/pdf/Adopted_LDP2_OCTOBER_2019_web_version.pdf?m=637060550180970000 (Accessed 26/05/2023)

[45] The Dumfries and Galloway Council (2014) The Dumfries and Galloway Local Development Plan [Online] Available at: https://www.dumgal.gov.uk/media/17412/Local-Development-Plan-Section-1/pdf/Section1_LDP_(policy).pdf?m=636592298117170000 (Accessed 26/05/2023)

- Policy IN2: Wind Energy;
- Policy OP1: Development Considerations;
- Policy OP2: Design Quality and Placemaking;
- Policy ED1: Business and Industry;
- Policy ED2: Business Development and Diversification in the Rural Area;
- Policy ED10: Galloway and Southern Ayrshire Biosphere;
- Policy HE1: Listed Buildings;
- Policy HE2: Conservation Areas;
- Policy HE3: Archaeology;
- Policy HE4: Archaeologically Sensitive Areas;
- Policy HE6: Gardens and Designed Landscapes;
- Policy HE7: Historic Battlefields;
- Policy NE1: National Scenic Areas;
- Policy NE2: Regional Scenic Areas;
- Policy NE4: Sites of International Importance for Biodiversity;
- Policy NE5: Species of International Importance;
- Policy NE6: Sites of National Importance for Biodiversity and Geodiversity;
- Policy NE7: Forestry and Woodland;
- Policy NE8: Trees and Development;
- Policy NE13: Agricultural Soil;
- Policy NE14: Carbon Rich Soil;
- Policy NE15: Protection and Restoration of Peat Deposits as Carbon Sinks;
- Policy CF2: Green Networks;
- Policy CF4: Access Routes;
- Policy IN7: Flooding and Development;
- Policy IN8: Surface Water Drainage and Sustainable Drainage Systems (SuDS);
- Policy T1: Transport Infrastructure; and
- Policy T2: Location of Development/Accessibility.

The full assessment of the Proposed Development's compliance with each of the above relevant DGLDP2 policies is found at Section 7.3 of this Statement. For full wording of each policy, please refer to the LDP.

7.3 Assessment of the Proposed Development Against Strategic and Local Planning Policy

This section of this Statement addresses the Proposed Development's compliance with the relevant policies within the DGLDP.

7.3.1 Planning Policy

7.3.1.1 Principle of the Proposed Development

The principle of the Proposed Development is supported primarily through Dumfries & Galloway Local Development Plan 2 (DGLDP2). The Proposed Development will significantly help meet carbon reduction and renewable energy targets not only locally, but on a national scale. The recently approved NPF4, shows strong favour for the continual deployment of large-scale renewable energy development and encourage LDPs to seek the development of renewable energy developments wherever possible across Scotland's Local Authorities and it should again be noted that NPF4 holds primacy over LDP's.

The effects of the Proposed Development on environmental issues, including the character, appearance or general amenity of the area have been assessed throughout the various technical assessments which are summarised in the sections below and provided in full in the supporting appendices. The assessments undertaken have not identified any potential residual adverse effects on the environment or amenity and where potential concerns have been noted, appropriate mitigation is suggested within each assessment.

The Site is located on land with capacity to accommodate the Proposed Development, which was a key factor in the selection of the Site. Other factors resulting in selection of the Site included ease of access from the port of delivery to Site for large components, viable grid connection, limited peat, minimal residential receptors, no international or national ecological or landscape designations within the Site, topography, flood risk, separation from nearby heritage assets and other environmental designations and presence of existing screening, all of which are discussed in the following sections and in the various appendices accompanying the application. The layout has been subject to a number of iterations following consideration of a range of factors including comments raised during pre-application consultation and the environmental assessments that have been undertaken.

The principle of the Proposed Development is further supported by climate change and renewable energy policy and legislation at a national level, as is demonstrated within this Statement.

In summary, the Site is considered to be a suitable location for the Proposed Development, with reference to the relevant requirements of the Dumfries & Galloway Local Development Plan as well as relevant Supplementary Guidance, issued by Dumfries & Galloway Council, and NPF4.

7.3.1.2 Landscape and Visual Impact

Chapter 6 of the EIA Report assesses the Landscape and Visual Impacts of the Proposed Development.

The process undertaken involved identifying those receptors with the potential to be affected and assessing the potential effects that the construction and operation of the Proposed Development would give rise to in respect of these receptors. The significance of these effects has been assessed through combining the sensitivity of each receptor with a prediction of the magnitude of change that would arise as a result of the Proposed Development.

As part of the Landscape and Visual assessment, cumulative impacts have also been considered to establish whether or not the addition of the Proposed Development, in conjunction with other relevant existing and proposed wind farms, may lead to wind farm development becoming a prevailing characteristic.

Landscape and visual impacts were a key focus throughout the design process for the Development. A Landscape and Visual Impact Assessment ('LVIA') and a Residential Visual Amenity Assessment (RVAA) was undertaken to examine the effects of the Development, associated with the construction, operation and decommissioning phases.

Policy IN2 states that *"the extent to which the landscape is capable is accommodating the development without significant detrimental landscape or visual impacts" 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".

Policy OP1 also states *that "development proposals should respect, protect and/or enhance the region's rich landscape character, scenic qualities and features and sites designated for their landscape qualities or wild land character and should also reflect the scale and local distinctiveness of the landscape".*

The Site itself is not subject to any national landscape designations intended to protect landscape quality or scenery. The closest landscape designation to the Site is the Thornhill Uplands Regional Scenic Area, which adjoins the southern boundary of the Site and covers a large part of the of the Study Area, to the south-west.

Of the five Regional Scenic Areas within the 45 km Study Area, only the Thornhill Uplands RSA and Galloway Hills RSA are considered to have potential for significant effects, primarily due to their relatively close proximity to the Site. The remaining RSAs, Moffat Hills, Terregles Ridge and Torthorwald Ridge have been excluded due to their long distance from the Site (30 km+) and the limited extent of the ZTV within each.

It has been noted there would be a significant effect on the corresponding parts of the Thornhills RSA. The Proposed Development would give rise to significant effects on visual amenity and principal visual receptors in some locations out to approximately 6.5 km during the construction and operation of the Proposed Development, noting there are a number of principal visual receptors within 6.5 km which would not be significantly affected. While landscape and visual receptors beyond these ranges may be affected by visibility of the Proposed Development, these effects would not be significant.

The EIA chapter concludes that effect of the Proposed Development on the landscape character would be moderate and significant during both the construction and operational phases; and moderate/minor or minor and not significant during both phases, to the south-east and north-west. The Proposed Development would be located within an adjoining Landscape Character Types (LCT) where it would form a close range and prominent feature, despite the extent of operational wind farm developments in the wider landscape.

A Residential Visual Amenity Assessment (RVAA) was also carried out which identifies one residential property within 1 km and the remaining three properties within 2 km of the Proposed Development. The RVAA has assessed all four properties within the RVAA Study Area to have significant visual effects. However, the Proposed Development is not considered to have the potential to lead to the 'Residential Visual Amenity Threshold' being reached. That is to say, that the Proposed Development does not have the potential to give rise to overbearing or over whelming effects on any of the four properties in respect of the visual amenity of residents at the property.

In summary, the Proposed Development would give rise to significant effects on landscape character during the construction and operational phases of the Proposed Development, albeit contained within the localised extent of approximately 5 to 6 km.

It should be noted that landscape and visual impacts are to be expected for some forms of renewable energy, including wind farms, however localised impacts have been considered acceptable on balance with planning policy and in the context of material benefits associated with developments.

The Development is therefore considered to be compliant with the requirements of **Policy IN1, IN2, OP1, OP2, HE1, HE2, NE1, NE2 and Supplementary Guidance given on Design Quality and Placemaking and Wind Energy Development.**

7.3.1.3 Ecology

Chapter 7 of the EIA Report considers the potential effects on the ecological features present at the Site associated with the construction, operation and decommissioning of the Proposed Development.

An ecological assessment has been carried out which determined baseline conditions through a combination of desk study, targeted surveys, and consultation with relevant nature conservation organisations.

Policy OP1 states that *"development proposals should respect, protect and/or enhance the region's rich and distinct biodiversity, geodiversity and sites designated for their contribution to the natural environment at any level including ancient and semi-natural woodland. The guidance contained within the Local Biodiversity Action Plan, and any subsequent revised or amended document, will be a material consideration in the assessment of proposals."*

This process established ecological features that could potentially be affected by the Proposed Development. No potential effects on statutory designated sites or ancient woodland were identified. In terms of habitats, the Site consisted of open upland habitats, predominately including marshy grassland, acid grassland, and wet modified bog. Specific surveys were also undertaken for a range of protected species. Evidence of badger, bats, common lizard, otter, pine marten, and squirrel (species undetermined) were recorded within and around the Site. One of the Site watercourses also support populations of brown trout, with trout and salmon recorded in larger watercourses downstream of the Site.

The Proposed Development has been designed to minimise impacts on important habitats, peatland and protected species as far as practicable. This has been achieved through embedded mitigation and the iterative design process. This process, combined with further commitments to certain mitigation measures pre-construction, during construction, and during operation allowed potential effects on several habitats and species present to be scoped-out of the assessment.

The following Important Ecological Features (IEFs) were taken forward to the assessment stage: blanket bog and wet modified bog, and bats (common pipistrelle, soprano pipistrelle and *Nyctalus* spp.).

Assessment of potential effects and their significance were determined through consideration of the sensitivity of the feature and the magnitude of change. The most tangible effect during construction of the Proposed Development on blanket bog and wet modified bog would be direct habitat loss due to the construction of infrastructure, in addition to some indirect drainage effects. The assessment concluded that there would be a Minor adverse and Not Significant effect on blanket bog and wet modified bog. The effect of collision risk on populations of bat species was assessed by reviewing activity level recorded, population vulnerability and Site risk level in line with relevant guidance; all three high collision risk species recorded at the Site were calculated to have an overall collision risk assessment score of Low to Medium (based on median and maximum percentiles respectively) and concluded that effects would be Minor adverse and Not Significant.

No significant decommissioning or cumulative effects were identified as a result of the Proposed Development.

An outline Biodiversity Enhancement Management Plan (BEMP) for the Proposed Development has been developed (see EIA Report Volume 3 Technical Appendix A7.6) to further mitigate the effects on blanket bog and wet modified bog and to provide additional enhancement at the Site to meet 'significant biodiversity enhancements' that are a requirement of National Planning Framework 4. With the implementation of a BEMP, adverse effects on wet modified bog and blanket bog can be reduced further through the restoration and enhancement of habitats.

The detailed BEMP will be agreed with the Local Authority and NatureScot in advance of construction and would ensure the Proposed Development secures significant biodiversity enhancements in line with NPF4 Policy 371, through restoring degraded habitats and strengthening nature networks.

Given the findings above of the Ecological surveys and assessments, and the mitigation proposed the Proposed Development is considered to be compliant with the requirements of **Policy IN1, IN2, OP1, OP2, NE4, NE5, NE6, NE7, NE8 and CF2**.

7.3.1.4 Ornithology

Chapter 8 of the EIA reports on the baseline ornithological conditions recorded within and around the Proposed Development and presents an assessment of likely significant effects on populations of identified Important Ornithological Features (IOFs).

Based on each species' presence, their conservation importance and conservation status, the IOFs that were taken forward into the assessment are: black grouse, curlew and lapwing. Following a review of statutory designations within 20 km of the Proposed Development and taking into consideration the consultation response from NatureScot, there is considered to be no connectivity between the species assemblage recorded at the Proposed Development and any Special Protection Area (SPA). Consequently, no likely significant effects on any SPAs were predicted and as a result, the Proposed Development accords with **Policy NE4** which states there should be no significant effects on SPA's.

Effects related to direct and indirect habitat loss, construction disturbance and displacement, operational displacement, collision risk, operational lighting and cumulative effects were all considered. Unmitigated, potentially significant effects were identified for black grouse due to construction disturbance, and for curlew due to operational displacement. Mitigation measures in the form of potential restrictions of construction activities around black grouse leks, and a Habitat Management Plan to benefit all IOFs during the operational lifetime of the Proposed Development were identified to reduce the level of significance for predicted effects. The residual effects of the Proposed Development are therefore considered to be not significant when considering EIA regulations and Ornithology.

Chapter 7 of the EIA Report concludes that an assessment has been made of the potential for significant effects of the Proposed Development on IOFs and, the magnitude of effects of the Proposed Development on IOFs both alone and in combination with other schemes are assessed as being of low to negligible magnitude, and thus non-significant with regards to EIA regulations. Where appropriate, embedded mitigation measures and specific mitigation will be implemented to reduce impacts on IOFs and comply with relevant legislation.

Given the findings above of the Ornithological surveys and assessments, and the mitigation proposed the Proposed Development is considered to be compliant with the requirements of **Policy IN1, IN2, OP1, OP2, NE4, NE5, NE7 and NE8.**

7.3.1.5 Hydrology

Chapter 11 of the EIA Report evaluates the effects of the Proposed Development on hydrology and hydrogeology resources. Hydrology and hydrogeology interests were taken into consideration throughout the EIA process, with consultation undertaken with key stakeholders.

Policy IN7 states that "in order to satisfy the Council in respect of FRAs and DIAs, parties will be expected to provide independent verification of their professional competence, unless it is clear that this is not required."

The Proposed Development area rises from approximately 140m above ordnance datum (AOD) at the north-eastern boundary of the Site to 220 m AOD at Bitchburn Shoulder at the south-western boundary of the Site. This results in a topography which generally slopes from south to north. From west to east across the Site, the topography presents as several valleys. As such, water would drain into Euchan Water, which in turn drains into River Nith, north-east of the Site

All new turbine infrastructure associated with the Proposed Development is located within the Euchan Water catchment. A small area of existing access track requiring no upgrades is located within the Scaur Water catchment. All turbine, BESS compound and substation infrastructure is located outwith areas identified as medium to high risk of flooding from all sources.

The Indicative River and Coastal Flood Map (Scotland) produced by SEPA shows areas of Scotland with a 0.5 % (1:200) or greater chance of flooding. These areas are classified into areas of river, surface water and coastal flooding with a risk rating of low to high applied[46].

SEPA's flood extent map shows areas along the banks of the Euchan Water as having a medium-high risk of annual flooding from River flooding. This extends to the northern aspect of the Whing Burn. There are few very small areas which shows as having a medium to high risk of annuals flooding from pluvial flooding. As these areas are very small and isolated, it is likely these areas are a result of slight depressions in topography and do not indicate widespread flooding. Overall, there is very little risk to the Site from annual flooding and widespread flooding across the Site is not indicated.

An initial 50 m buffer will be placed around watercourses and waterbodies on site, therefore turbines or electrically sensitive equipment will not be located within these areas of potential flood risk. As such, a stand-alone Flood Risk Assessment (FRA) will not be required for the Proposed Development.

No proposed infrastructure including, turbines, borrow pits, substation, construction compounds or BESS are located within areas described as having a 0.5% or greater annual risk of flooding.

The design of the Proposed Development layout has incorporated a buffer zone between watercourses and infrastructure of 50 m, where possible, as a means of embedded mitigation, meaning any overtopping of minor watercourses is unlikely to reach infrastructure. Where it has not been possible to locate the Proposed Development out with the 50 m buffer, additional mitigation is proposed to further minimise the risk of a pollution event occurring during the construction phase. This mitigation is provided within Chapter 4: Description of the Proposed Development and in Technical Appendix TA11.2 Water Construction Environmental Management Plan.

As such, the Proposed Development is not considered to be at risk of flooding and is unlikely to contribute to the displacement of pluvial flood water.

A scoping response from Scottish Water was received on 22nd April 2022. In this response it was noted that the Proposed Development is not situated in a location which is hydrologically connected to any Scottish Water drinking water catchments or water abstractions.

A request for private water supply data was sent to the Environmental Health Office (EHO) on 5th April 2022, to which a response was received on 18th May 2022. This consultation identified seven Private Water Supplies (PWS) within the 2 km PWS study area which have a registered PWS or are likely to be served by a PWS. Through consultation with landowners, Cloud Hill Windfarm Ltd identified one additional property which may be served by a PWS.

The Proposed Development does not lie within a designated Drinking Water Protected Area (DWPA). Consultation with the Council confirmed that there are eight potential PWS within 2 km of the Proposed Development boundary, however, these are not hydrologically connected to the Proposed Development.

The Proposed Development is not hydrologically connected to any designated hydrological receptors.

A Water Construction Environmental Management Plan (WCEMP) accompanies the EIA Report (EIA Report Volume 3 Technical Appendix A11.2) and form part of the embedded development design. The WCEMP will comprise methods and works that are established and effective measures to which the Applicant will be committed through the development consent.

Overall, Chapter 9 of the EIA Report concludes that effects upon hydrology and hydrogeology as a result of the Proposed Development, are considered not significant. Where appropriate, embedded mitigation measures have been proposed based on good practice measures and approaches taken regularly during wind farm development.

[46] SEPA (2021) SEPA Flood Maps [Online] Available at: https://map.sepa.org.uk/floodmaps (Accessed 05/04/2023)

Given the findings of the Hydrology and Hydrogeology surveys and assessments, and the mitigation proposed, the Proposed Development is considered to be compliant with the requirements of **Policy IN1, IN2, OP1, OP2, CF2, IN7,** IN8 and Supplementary Guidance given on **Design Quality and Placemaking, Wind Energy Development, Flooding and Drainage and Surface Water Drainage and Sustainable Drainage Systems (SuDS).**

7.3.1.6 Archeology and Cultural Heritage

Chapter 9 of the EIA Report evaluates the effects of the Proposed Development on cultural heritage and archaeology resources. Archaeological and Cultural Heritage interests were taken into consideration throughout the EIA process, with consultation undertaken with key stakeholders.

Policy HE3 states that *"in considering development proposals, the Council will need to be satisfied that:*

- *The development preserves or enhances the appearance, fabric or setting of the site or asset in situ; and/or*
- *Where there is uncertainty about the location, extent or significance of these assets an agreed scheme of assessment and evaluation to inform the application is included with the proposal; and/or*
- *Due consideration has been given to the significance and value of the site or asset in relation to the long-term benefit specific need for the development in the location proposed."*

An Archaeological Desk-Based Assessment (DBA) is to establish the archaeological baseline and provide design advice for the Proposed Development. The Environmental Impact Assessment (EIA) will utilise the baseline within this DBA to fully assess any potential effects on the archaeological resource.

In order to assess the potential for on-site archaeology, two study areas were defined based upon the likelihood of potential significant effects arising from the Proposed Development on archaeology and cultural heritage:

- Core Study Area (CSA); and
- 1 km Study Area.

The CSA is defined as the area in which the Proposed Development may have a direct impact on archaeological assets. A 1 km Study Area, which includes the CSA and land within a 1 km radius of the CSA, was used to aid the assessment of potential unknown archaeology. A search of the national archives for the closest villages and place names to the Proposed Development was also undertaken. This search included the villages of Sanquhar, Kirkconnel and Mennock, located just beyond the 1 km Study Area.

The key prehistoric asset within the upland section of the CSA is Deil's Dyke. This is an enormous landscape feature and easily identifiable. Whilst prehistoric cairns are recorded at elevated locations adjacent to the CSA, it is considered unlikely that any previously unrecorded settlements or funerary monuments will be impacted by the Proposed Development in upland areas, these remains being characterised by extensive cropmarks or extant earthworks. Medieval and Post-medieval assets are recorded within the upland areas and consist of farmsteads, areas of rig field system, sheep folds, clearance cairns and quarry/extraction sites. These assets have all been mapped and their locations are generally well understood, being centred around and to the north of Deil's Dyke.

The greatest potential for previously unknown assets is confined to lowland areas in the vicinity of the proposed site access track. There is considered to be a generally high potential for archaeological remains to be present around the farmstead of Ulzieside and the Euchan Water. There is increased potential for prehistoric assets in this area, associated with the Late Prehistoric Fort of Kemps Castle, located within 75 m of the CSA.

Direct effects are limited to the Proposed Development footprint where earthmoving and excavation and not to the full extent of the CSA. These activities include the excavations for the turbine foundations, hardstanding, borrow pits, cable runs, access tracks and construction compounds.

In the case of the Proposed Development, considerable effort has been put into designing a layout which considers indirect effects on heritage assets.

Policy HE4 states that *"the Council will support development that safeguards the character, archaeological interest and setting of Archaeologically Sensitive Areas (ASAa) as designated by the Council."*

There are 11 recorded assets located within 50 m of turbine locations and key associated infrastructure, based on the design layout at Design Freeze. As such, they are considered to be at risk of direct impacts during the construction phase of the Proposed Development. These assets are all located on or to the north of Deil's Dyke along the route of the proposed access track. A further site is located in the vicinity of one of the proposed borrow pits. Deil's Dyke itself is the highest value asset at risk of direct impacts, being an 'Archaeologically Sensitive Area' as covered by Policy HE4 of the DGLDP2.

Policy HE7 states that where a development *"would not have an adverse impact on the character, appearance, setting or key features of the battlefield, the Council will support development within a site listed in the Inventory of Historic Battlefields."*

There are no Designated Assets recorded within the CSA. Within the 1 km Study Area there are a total of 25 Designated Assets made up of 2 Scheduled Monuments; 1 Conservation Area at Sanquhar and 22 Listed Buildings in and around the settlement of Sanquhar. No World Heritage Sites, Gardens and Design Landscapes, or Registered Battlefields are recorded within the CSA or 1 km Study Area.

The EIA chapter concludes that is likely that any groundworks undertaken across and to the north of Deil's Dyke would have the potential to directly impact upon known as well as previously undiscovered archaeological remains in lowland zones. Avoidance of known archaeology is recommended. The final Proposed Development layout and consideration of direct and indirect effects is fully assessed within the Cultural Heritage EIA Chapter that accompanies the application. Recommendations for mitigating direct and indirect effects are made, where appropriate within the Cultural Heritage EIA Chapter.

Mitigating the effect of constructing a wind farm when there are significant effects identified upon cultural significance is not straightforward. The options for reducing visual effects are limited to redesigning the layout or in a relatively small number of cases, screening sensitive views. In the case of the Proposed Development, considerable effort has been put into designing a layout which considers indirect effects on heritage assets.

Given the findings of the Archaeology and Cultural Heritage surveys and assessments, and the mitigation proposed, the Proposed Development is considered to be compliant with the requirements of **Policy IN1, IN2, OP1, OP2, HE1, HE2, HE3, HE4** and Supplementary Guidance given on **Design Quality and Placemaking and Wind Energy Development.**

7.3.1.7 Geology and Peat

Chapter 10 of the EIA Report has assessed the likely significance of effects relating to the Proposed Development on Geology, Soils and Peat

Policy NE13 states that *"Developments proposed on areas of good quality agricultural soil will only be supported where they conform to the Spatial Strategy of the Plan and there is no alternative on less good quality land. All developments should adopt:*

- *Means of minimising impact on soil resources;*
- *Soil management measures; and*

- *Opportunities to re-use soils necessarily excavated from the site."*

Policy NE14 states that *"All developments should take account of soil carbon content and, as appropriate, should adopt:*

- *Means of minimising impact on carbon rich soil; and*
- *Management measures relative to carbon rich soil."*

The assessment of soils needs to consider the impacts of the Development on the soils as a receptor, worst case scenario being that the receptor has little or no ability to absorb change without fundamentally altering its present character, Class 1 or 2 priority peatland is present or carbon-rich and peaty soils cover >20% of the development area.

Where development on peatland, carbon-rich soils or priority peatland habitat is proposed, a detailed site-specific assessment will be required to identify the baseline depth, habitat condition, quality and stability of carbon rich soils.

The carbon and Peatland Map 2016 indicates that Class 3 peatland is present across a majority of the Site. Mineral soils are present across the north and northeast of the Site while Class 1 and Class 2 peatland is recorded in the south eastern sector of the Site, however this is out with all areas of proposed development[47].

An extract from the Carbon and Peatland Map is shown in **Figure 10.4** of Chapter 10 of the EIA report.

Mitigation has been embedded within the design of the Site layout to avoid key environmental constraints including the deepest areas of peat (i.e. no turbines should be sited in peat > 1.0 m in depth) and limit the impacts on deep peat (> 1.0 m) where possible. All 11 of the turbines are located in areas with peat depths averaging less than 1.0 m. Where access tracks are located in areas of peat deeper than 1.0 m, floating access tracks have been proposed to minimise the impacts on deep peat.

The disturbance of peat as a receptor is minor, although with the implementation of the specified mitigation including habitat management measures to restore peatland and make improvements to drainage would more than compensate for any peat losses, and therefore disturbance to peat is not significant.

The Site layout design was presented through pre-application consultation to SEPA to illustrate how the Site layout had considered the avoidance of deep peat where possible and how infrastructure sited in peat greater than 1.0 m was located within the shallowest peat possible.

The Site layout design was presented through pre-application consultation to SEPA to illustrate how the Site layout had considered the avoidance of deep peat where possible and how infrastructure sited in peat greater than 1.0 m was located within the shallowest peat possible. This consultation also illustrated the key constraints, such as watercourse buffers and GWDTEs.

Embedded mitigation measures are set out within the WCEMP (EIA Report Volume 3 Technical Appendix A11.2), Chapter 4: Description of the Proposed Development and Chapter 3: Site Selection and Design, which sets embedded development design mitigation relating to this Proposed Development. They comprise good practice methods and works that are established and effective measures to which the Applicant will be committed through the planning consent.

Overall, Chapter 10 of the EIA Report concludes that effects upon geology, soils and peat as a result of the Proposed Development, are not considered significant. Following mitigation, only minor residual effects on peat disturbance are anticipated during construction.

[47] Scotland's Environment, Carbon & Peatland 2016. Available at: https://map.environment.gov.scot/Soil_maps/?layer=10 (Accessed 28/6/2022)

Given the findings of the Geology, Soils and Peat surveys and assessments, and the mitigation proposed, the Proposed Development is considered to be compliant with the requirements of **Policy IN1, IN2, OP1, OP2, NE13, NE4 and NE15.**

7.3.1.8 Noise

Chapter 12 of the EIA Report evaluates the effects of the Proposed Development on the acoustic environment of the area around the Proposed Development. The assessment addresses the potential noise impact during the construction, operation and decommissioning phases of the Proposed Development.

During construction, noise may result from the use of plant and machinery to carry out construction activities. No significant effects were anticipated with the exception of the A76 East of Cumnock which is predicted to be significant on concrete days; however, with appropriate mitigation measures listed in Chapter 12, such as on-site concrete batching and use of borrow pits, no significant effects are anticipated. Best practice mitigation measures will also be adopted to manage noise emissions, including restrictions on working hours during the construction as specified by the Council which can be adequately controlled through planning conditions.

During operation, wind turbines can generate noise from the machinery housed within the turbine and from the movement of blades through the air. Modern turbines are designed to minimise noise and planning conditions are used to ensure compliance with specified noise limits.

Operational noise was a factor in the design of the turbine layout. Each layout iteration was modelled to determine its noise impact on residential receptors, and the effects on the energy output of the Proposed Development on any noise mitigation measured that may be required. Through this iterative process, the layout design was optimised to ensure that the Proposed Development could operate efficiently within appropriate noise limits.

The assessment of potential effects from noise has been undertaken in accordance with the recommendations of ETSU R-97, the method of assessing wind turbine noise recommended by Government guidance and following the current best practice methods described in the GPG, as endorsed by the Scottish Government. It has been shown that noise due to the Proposed Development in conjunction with the surrounding cumulative developments, would comply with the requirements of ETSU-R-97 and the GPG at all receptor locations.

The Proposed Development includes a BESS). Such facilities emit relatively low levels of noise. The BESS will comprise a number of containerised modules, with the primary noise sources being the air conditioning units used to regulate the temperature of the storage system. Given this, coupled with the substantial (approximately 1,300 m) separation distance between the BESS and the closest noise sensitive receptor, no significant effects are anticipated.

Both the substation and BESS compound will be located adjacent to each other and positioned a substantial distance (a minimum of 1,300 m) from the nearest residential dwelling. Typical noise emitting elements associated with such facilities (e.g., inverter units) of sound pressure levels of 70 dB(A) at 10 m, result in sound pressure levels lower than 25 dB(A) at 500 m. As there are no NSRs within this distance from the compounds, noise from operation of these elements is therefore not considered further.

Noise produced during decommissioning of the Proposed Development is likely to be of a similar nature to that during construction, although the duration of decommissioning will be shorter than that of construction. Any legislation, guidance or best practice relevant at the time of decommissioning would be complied with.

Overall, Chapter 12 of the EIA Report concludes that noise created during the operational phase of the Proposed Development, is found to be acceptable subject to appropriate mitigation. The effect of operational noise is therefore not significant. Construction noise can be adequately controlled through planning condition and the application of mitigation measures where applicable will also ensure that

any noise from the Site during construction will be adequately controlled such that construction noise effects are not significant.

Given the findings above of the Noise surveys and assessments, and the mitigation proposed, the Proposed Development is considered to be compliant with the requirements of **Policy IN1, IN2 OP1 and OP2** and Supplementary Guidance given on **Design Quality and Placemaking** and **Wind Energy Development**.

7.3.1.9 Access, Transport and Traffic

Chapter 13 of the EIA Report evaluates the potential effects of the Proposed Development on traffic and transport including the surrounding public road network and sensitive receptors. Traffic and Transport interests were taken into consideration throughout the EIA process, with consultation undertaken with key stakeholders.

Policy T2 states that *"proposals must take account of accessibility issues early on and should also incorporate appropriate parking provision. Certain types of development should submit a travel and transport plan to demonstrate how an increase in travel will be accommodated by the development".*

Construction vehicles will approach the Site using the following route:

- Traffic is assumed to be approaching from the A76 north westbound and /or A76(T) south eastbound towards Sanquhar;
- Turn into Blackaddie Road;
- Continue Blackaddie Road southbound for approximately 600 m;
- Turn left onto the C125N (From U540N At Braefoot Cottage To C128N At Nithbank Cottage) and continue for approximately 900 m; and
- Turn right into the site entrance junction, near Ulzieside Farm.

Abnormal loads will approach the site via the A76 northbound, turning onto the C125N at Eliock Bridge, and travelling to site from the east.

Traffic associated with operation of the Proposed Development is limited to maintenance and is expected to be insignificant in comparison to traffic generated during construction. The effect of operational traffic is expected to be minimal and negligible in terms of existing traffic flow levels on routes within the vicinity of the Proposed Development.

It is unlikely that the peak construction period associated with another wind farm development in the area would overlap with the peak construction period of the Proposed Development as the applications are at different stages in the planning process and each development has varying lengths of construction period as well as grid connection dates.

The high traffic generating activities, such as the importation of stone and concrete, only occur over a few months of the whole construction period for each development. It is unlikely that the local capacity for concrete and stone production could supply several developments at once, therefore, high traffic generating activities would naturally be staggered.

It is proposed to prepare and implement a comprehensive CTMP which is intended to mitigate the identified effects associated with the construction of the Proposed Development. The mitigation measures will form park of the CTMP which would be agreed with the Council and finalised post consent.

Furthermore, implementation of a Construction Traffic Management Plan (CTMP) for each development would ensure that there are open lines of communication with the Council, other local authorities where committed developments are located, Police Scotland, Transport Scotland, other stakeholders, and wind farm developers to monitor the progress of the construction stages.

This process would flag whether construction HGV traffic is reaching unacceptable levels and would ensure that action is taken accordingly to minimise effects.

The Council may require that a road condition survey to be undertaken on the access routes used during the construction phase as a condition of granting consent to the Proposed Development. This will be undertaken prior to the start of the construction phase to record the existing road conditions. The survey area and methodology will be agreed with the Council following confirmation of the construction access routes. Any deterioration in road condition, which is agreed as attributable to the proposed Cloud Hill Wind Farm construction will be restored to at least the same standard upon completion of construction. This process will ensure that there are no significant residual adverse effects on the condition of the local road network as a result of the movement of construction vehicles.

Given the findings above of the traffic and transport surveys and assessments, and the mitigation proposed, the Proposed Development is considered to be compliant with the requirements of **Policy IN1, IN2, OP1, OP2, CF4, T1, T2** and Supplementary Guidance given on **Design Quality and Placemaking** and **Wind Energy Development**.

7.3.1.10 Other Issues

Shadow Flicker

Dumfries and Galloway Council's Local Development Plan (2019), '**Policy IN1: Renewable Energy**' and '**Policy IN2: Wind Energy**', states that shadow flicker should be considered as part of renewable energy development proposals, specifically onshore wind.

It advises:

"Maintaining a separation distance of at least 10 times the turbine rotor blade diameter from sensitive uses/receptors can help reduce the effects but this may need to be extended depending on specific locational circumstances."

As a result, all properties with the potential to be affected by shadow flicker as a result of the Proposed Development have been identified using Geographical Information Systems (GIS) is based on a 1.5km study area (the Study Area).

The assessment shows that no shadow flicker effects will occur during construction or decommissioning, and the effect of shadow flicker has been assessed using appropriate guidance in respect of the operational period.

During the operational period, any shadow flicker effects do not exceed the 30 hours per annum. It is to also be noted that the assessment doesn't take into account wind direction, screening, daily varied cloud cover etc., the maximum minutes per day figures are also likely to be an overestimation. As these are overestimations, and although unlikely to be experienced in practice, mitigation measures, which are detailed in Section 16.1.7, chapter 16 Other Issues of the EIA report, can be applied and in practice, it is likely the maximum minutes per day at each property will be reduced. Shadow flicker impacts due to the Proposed Development and effects upon settlements and isolated properties beyond the Study Area are not considered significant.

As a result, it is considered that the Proposed Development complies with **Policy IN1 and IN2** in relation to shadow flicker.

Aviation, Telecommunications and Utilities:

An assessment of potential impacts on aviation associated with the Proposed Development has been carried out, specifically investigating the potential effects on licenced aerodromes, National Air Traffic Services (NATS) and the MOD.

Following the installation of aviation lighting for low flying, no significant effects are anticipated as a result of the Proposed Development on aviation receptors.

The closest NERL facility to the Proposed Development is Lowther Hill PSR with the closest turbine located approximately 15.2km to the east of the facility; however, the Proposed Development is highly visible to the Lowther Hill radar at ranges from 13.5km.

It should be noted however, that the existing PSR at Lowther Hill is being replaced by NATS with a more advanced radar facility that has an in-built capability for mitigating the impact of wind turbines. As this new advanced radar facility will mitigate the impact from the Proposed Development, no bespoke mitigation is required and there will be no significant effects on the Lowther Hill PSR during the construction, operation and decommissioning phase of the Proposed Development.

Consultation undertaken with the telecommunications consultees has confirmed there would be no adverse effects on operations within the surrounding area that would interfere with telecommunications and electromagnetic signals. Effects on television reception are unlikely, and technical solutions are readily available as suitable mitigation measures should adverse effects be present. Adverse effects on infrastructure such as utilities would be avoided through safe systems of work.

7.3.2 Summary of Compliance

The Principle of the Proposed Development fully accords with the policies and objectives of the DGLDP2. The Proposed Development has adopted a design that minimises the effects on the environment and amenity, through various mitigation measures, whilst maintaining its economic viability.

NPF4 recognises, significant landscape and visual impacts are to be expected for some forms of renewable energy, and localised impacts have been considered acceptable on balance with planning policy and in the context of material benefits associated with developments.

The Proposed Development is in keeping with the provisions of the NPF4, as it is considered that it makes use of the natural wind resources to produce low carbon energy and diversify the energy mix. It is assessed to accord with the principle of sustainable development as it is designed and sited to minimise the effects on the environment, whilst bringing benefits to the local community and contributing to economic development.

A full EIA Report has been submitted which assesses the effects of the Proposed Development and accompanies this Application. The assessment contained within the EIA Report identifies environmental effects, however, also proposes embedded mitigation measures and an overall assessment of the impact shows limited significant effects which do not outweigh the benefit associated with renewable energy development.

The conclusions of the EIA Report determines that the Proposed Development will result in no adverse or significant conflict with all relevant DGLDP2 policies.

8. PLANNING BALANCE AND CONCLUSIONS

The Applicant has submitted a Section 36 Application for the construction and operation of a wind farm, compromising of 11 turbines, and ancillary development, with a generation capacity exceeding 50 MW, at a site within the Local Authority boundary of Dumfries and Galloway. The Application and this Statement have been prepared in accordance with all relevant legislation, policy and guidance.

The Application is for the installation and operation of a wind farm comprising 11 wind turbines with a maximum height to blade tip of up to 180 m and associated infrastructure, with a generation capacity exceeding 50 MW.

This Statement provides a detailed assessment of the Proposed Development against the policies identified in Chapter 5: Energy and Planning Policy of the EIA Report. Although the documents are complementary, the planning chapter of the EIA Report simply identifies the relevant legislative and planning framework for the Proposed Development to inform other chapters of the EIA Report and the Planning Statement, whilst the Planning Statement contains an assessment of the acceptability of the Proposed Development in the context of the legislative and planning framework identified.

The Proposed Development has been fully considered against all the relevant national and local planning policies. Considerable care has been taken in the design of the Proposed Development to avoid unacceptable environmental and amenity effects, whilst ensuring that the Development can make a contribution to the requirement for renewable energy generation in the UK and Scotland.

Following a detailed assessment of the principle of the Proposed Development and the likely effects that it will have on the environmental receptors; the Proposed Development has been found to be in compliance with the relevant national and local policy on low carbon and renewable energy development.

It is integral to planning decision-making that a balancing exercise has to occur in respect of considering the benefits of development against the impacts. In this case, there are clear benefits which arise from the renewable energy credentials of the Proposed Development which clearly outweigh the impacts, which have been assessed within the accompanying EIA Report.

Scotland is also legally bound through the Climate Change Scotland Act (2009) (as amended by the (Emissions Reduction Target) (Scotland) Act 2019) to reduce carbon emissions. The Proposed Development would contribute towards meeting these requirements and would also be fully supported by energy policy as it would assist in replacing outdated energy infrastructure and the move to a low carbon economy.

The OWPS re-emphasises the importance of tackling global climate change and the necessary decarbonising of our energy systems with new renewable energy infrastructure including onshore wind development such as that proposed, stating a need for an additional GW of onshore wind capacity should be installed in Scotland by 2030 to help achieve Net Zero commitments.

Taking into account all relevant national and local policies, and consideration, the Proposed Development is considered overall to accord with and to be supported by these policies and considerations. The Proposed Development has also been assessed to fully comply with the provisions of paragraph 3 of Schedule 9 of the Electricity Act. It is therefore respectfully requested that this application is granted Section 36 consent, and a direction made that planning permission is deemed to be granted.

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