Windy Standard III Application under S36C Electricity Act 1989

Planning and Environmental Report

17th November 2023

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Contents

1 Introduction

Windy Standard III Limited (the "Developer") was granted consent (the "Consent") on the 23rd March 2021 by Scottish Ministers, under section 36 of the Electricity Act 1989, to construct and operate a wind farm known now as Windy Standard III Wind Farm (but also previously referred to as Brockloch Rig III Wind Farm). The consent was for 20 wind turbines, consisting of 8 turbines of a maximum height from base to tip not exceeding 125 metres and 12 turbines of an overall height from base to tip not exceeding 177.5 metres (the "Consented Development").

Scottish Ministers also directed that, under Section 57 (2) of the Town & Country Planning Act (Scotland) 1997, planning permission was deemed to be granted.

The Consent was issued following submission of the Section 36 application including the following documents:

- Windy Standard III Windfarm Environmental Statement (2015) (ES)
- Windy Standard III Windfarm Environmental Statement Addendum (2016)

The Consented Development, for which a variation is sought, is located within Carsphairn Forest, approximately 6.5 km north of Carsphairn village, in Dumfries and Galloway. It consists of two development areas; the Meaul Hill Cluster and the Waterhead Hill Cluster. The Consented Development is an extension to the operational Windy Standard I and Windy Standard II Wind Farms.

The Developer has been progressing the Consented Development towards construction and is well underway to discharge the various conditions to that consent.

This application is formally requesting the variation of the Consent under Section 36C of the Electricity Act 1989 and seeks amendment to the Consent, to enable the increase in the tip height of the 12 turbines located on Meaul Hill in the Carsphairn Forest from 177.5m to 180m (a 2.5m or 1.4% increase in overall height).

The revised Site plan is submitted as part of this application to replace the approved plans in Annex 3 of the Consent should the request for the variation be granted.
The revised drawings include:

- Site Plan, ref: 8543-DRW-DES-0001-Site Plan-v1.0
- Revised ES Figure 1.2: Proposed Site Layout, ref: 8543-DRW-DES-0002ES Figure 1.2 - Proposed Site Layout -v2.0
- Revised ES Figure 3.6 Final Layout (20 Turbines), ref: 8543-DRW-DES-0003-ES Figure 3.6 - Final Layout – (20 turbines) - v2.0

There is no proposed change to the consented layout, however as the turbine heights are specifically referenced in the approved Annex 3 drawings revised drawings are submitted for approval.

2 Design and Access

2.1 Need for amendment

The UK Government has ended all new subsidies for on-shore wind and although this policy is currently under review, the economic climate for on-shore windfarms has changed considerably since the Windy Standard III project was designed. In addition, the cost of materials and construction has significantly increased in the last few years, such that the efficiency of all windfarms must be maximised to ensure they remain economically viable.

Wind turbine technology is continually evolving, with more productive and efficient designs becoming available on the market at the same time as smaller and less efficient designs have been removed. The original scheme was designed 2014/15 and submitted in 2016, with the Public Inquiry in 2018. The decision was issued in 2021. In the years from first submission until now, turbine technology and availability has evolved significantly. As part of the turbine procurement process, a review of the turbines currently available on the market and more detailed discussions with turbine suppliers, it became clear that the consented tip height was now limited in availability and significantly surpassed in terms of efficiency by newer and slightly larger machines. Given the location of these turbines in an area of relatively low wind speeds the consented layout had become marginal in terms of its viability during the extended consenting process.

In response to this an increase of 2.5m to the 12no 177.5m turbines to 180m to tip on the Meaul Hill cluster would not only increase the energy yield and efficiency of these turbines but also allow greater choice and flexibility in the turbine procurement process. Thus, ensuring the viability of the consented development and its increased contribution to 2030 Net Zero targets.

2.2 Screening

Prior to this application being submitted, the Developer sought a Screening Opinion on the 7 August 2023, from the Scottish Ministers, under Regulation 8 of The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended), as to whether these amendments constitute “EIA Development”.

The Screening Response of the 2 October 2023 confirmed that the proposed variations to the Consent do not constitute EIA development. Subsequently this application focusses on a review of the Proposed Development against an up-to-date policy framework which has evolved following the decision. An assessment of the environmental impacts of the proposed amendments and Design and Access elements are also considered within this statement.

2.3 Generating Capacity

As previously stated, the primary reason for this application, which seeks a modest increase of 2.5m in overall height, is the disproportionately significant increase in generating capacity which can be achieved. The minor increase in height therefore makes a significant difference in the potential output and viability of the project.

Although turbine models vary, the proposed 1.4% amendment in tip height could lead to an overall increase in generating capacity of approximately 11%.

The Decision letter for the Consent stated:
"The proposed Development makes a significant contribution towards meeting greenhouse gas emission and renewable electricity targets. The proposed Development will have a generating capacity of up to 67.5 MW based on current technology. The deployment of this amount of renewable energy produced in Scotland is entirely consistent with the Scottish Government's policy on the promotion of renewable energy and its target date for net-zero emissions of all greenhouse gases by 2045."
"The Scottish Ministers agree with the Reporters, as set out at paragraph 7.41, that the balance of advantage in terms of climate change mitigation lies with the development proposal and are satisfied that the proposed Development would provide carbon savings, and that these savings would be of an order that weighs in favour of the proposed Development."

The increase in power generation for such a minor increase in height would also provide additional carbon savings in support of policy.

3 Proposed Variation

This Section 36C application seeks amendments to the Annex 1 Description of Development Section 36 Consent and the Deemed Planning Consent under s57(2) of the Town and Country Planning Act 1997 and appropriate amendments to Annex 2 as set out below, to increase the tip height of 12no turbines from 177.5m to 180m. This 2.5m tip height extension only impacts the 12 consented turbines on the Meaul Hill cluster.

Scottish Ministers are invited to make the following direction under s57(2) of the Town and Country Planning Act 1997:-

“Subject to the conditions set out in Part 2 of Annex 2, the Scottish Ministers direct under section 57(2) of the Town and Country Planning (Scotland) act 1997 that planning permission be deemed to be granted in respect of the Development described in Annex 1”.

This direction is necessary to amend the description of development as it applies to the deemed planning permission, to allow for the inclusion of the time period of 5 years for the implementation of the deemed planning permission under s58 and for amendments to the conditions specified below to accommodate the 2.5m tip height increase.

It is also necessary to replace the Annex 3 plans which reference the height of the turbines to ensure that the Annex 1 description corresponds to the approved plans in Annex 3.

The original approved application and all associated documents can be found at https://www.energyconsents.scot/ApplicationDetails.aspx?cr=ECU00000335

A full copy of the decision is included in Appendix 3.

3.1 Proposed alterations

The proposed amendments to Annex 1 are identified in red below:

ANNEX 1

Description of Development

The Development comprises a wind powered electricity generating station known as Windy Standard III with a generating capacity exceeding 50 MW, located within Carsphairn Forest, approximately 6.5 km north of Carsphairn village, in Dumfries and Gallloway.

All as more particularly shown on plan reference ~~ES Volume 3~~ Figure 3.6 Rev 2.0 (Final ~~Site~~ Layout) and the Site Plan ~~planning application map~~ appended to this

decision letter (Annex 3) and as specified in the Application submitted on 17 November 2023 ~~9 December 2016~~ including the documents ~~the ES, and the ES Addendum~~ which accompanied it. The main components of the wind farm and related ancillary developments of the wind farm will comprise;

- 20 wind turbines consisting of 8 turbines of a maximum height from base to tip not exceeding 125m and 12 turbines of an overall height from base to tip not exceeding 180m ~~177.5m~~;
- forestry felling;
- external transformer housing;
- widening of existing public road junction;
- site tracks;
- crane pads;
- foundations;
- underground electricity cabling;
- two permanent anemometer masts;
- extension of use of consented operations;
- extension of use of the control building;
- extension of use of the temporary construction/storage compounds;
- four Borrow pits;
- on-site concrete batching plant;
- associated works/infrastructure; and
- health and safety sign posting

The proposed amendments to Annex 2 are identified in red below and a complete revised Annex 1 and 2 is included at Appendix 6.

ANNEX 2

Part One

Conditions attached to the Section 36 consent

The consent granted in accordance with section 36 of the Electricity Act 1989 is subject to the following conditions:

1. Notification of Date of Final Commissioning
Written confirmation of the date of Final Commissioning shall be provided to the Planning Authority and Scottish Ministers no later than one calendar month after that date.
Reason: To allow the Planning Authority and Scottish Ministers to calculate the date of expiry of the consent. To define the duration of the consent.

2. Commencement of Development

(1) The Commencement of the Development shall be no later than ~~six~~ five years from the date of this consent, or in substitution, such other period as the Scottish Ministers may hereafter direct in writing.

(2) Written confirmation of the intended date of Commencement of Development shall be provided to the Planning Authority and Scottish Ministers no later than one calendar month before that date.

Reason: To avoid uncertainty and to ensure that consent is implemented within a reasonable period

……..

6. Aviation - Instrument flight Procedures

No turbine tower of any turbine may be erected, unless and until such time as the Scottish Ministers receive confirmation from the Airport Operator in writing that none of the turbines have an impact on the instrument flight procedures of Glasgow Prestwick Airport, or alternatively that:

(a) an IFP Scheme has been approved by the Airport Operator;
(b) the Civil Aviation Authority has evidenced its approval to the Airport Operator of the IFP Scheme (if such approval is required); and
(c) the IFP Scheme is accepted by NATS AIS for implementation through the AIRAC Cycle (or any successor publication) (where applicable) and is available for use by aircraft.

Reason: In the interests of aviation safety.
Definitions for the purposes of Conditions 5 and 6 above:

***"Airport Operator"** means Glasgow Prestwick Airport Limited or any successor as holder of a licence under the Commission Regulation (EU) No. 139/2014 (or any successor regulation) from the Civil Aviation Authority to operate Glasgow Prestwick Airport.*

***"IFP Scheme"** means a scheme to address the potential impact of the turbines on the instrument flight procedures of Glasgow Prestwick Airport.*

***"Radar Mitigation Scheme"** means such services and resources including equipment, software, procedural or technological measures and technical and professional services, as the Airport Operator identifies as necessary and sufficient to prevent the operation of the development or of any turbines forming part of the development impacting adversely on radar performance or on the performance of other navigational aids at Glasgow Prestwick Airport or on maintaining safe and efficient air traffic control services or procedures or airspace and which the Airport Operator is willing and able to implement and maintain for the lifetime of the*

development or for such shorter period as may be agreed in consultation with the Airport Operator as necessary to mitigate any such adverse impact.

***"Relevant Turbine"** means those turbines identified as T4, T13, T17, T19 as shown indicatively on the plan at figure 1.2 ~~of the~~ Windy Standard III ~~Environmental Statement (~~appended at Annex 3~~)~~ and whose co-ordinates are more particularly specified within the table appended to this decision ~~4.1 of the Windy Standard III Environmental Statement~~.*

***"Testing Protocol"** means the protocol to control the operation of any turbine or turbines forming part of the development for the purposes of testing of the Radar Mitigation Scheme*

ANNEX 2 - Part Two

Conditions attached to Deemed Planning Permission

7. Commencement of Development

(1) The Development must be begun not later than the expiration of 5 years beginning with the date of permission.

(2) Written confirmation of the intended date of commencement of Development shall be provided to the Planning Authority and the Scottish Ministers no later than one calendar month before that date.
Reason: *To comply with section 58 of the Town and Country Planning (Scotland) Act 1997.*

New condition proposed to reflect the amendment to s58 of the TCPA 1997 implemented under the Planning Act 2019 since the issue of the Consent in 2021.

8.~~7~~ Implementation in accordance with approved plans and requirements of the section 36 consent

Except as otherwise required by the terms of this consent and deemed planning permission, the Development shall be undertaken in accordance with the Application (including the approved Annex 3 drawings) and the Environmental Statement (ES) submitted 6th December 2016 in support of the application.

***Reason**: To ensure that the Development is carried out in accordance with the approved details.*

9. Design and operation of wind turbines

(1) There shall be no Commencement of Development unless and until full details of the proposed wind turbines, any anemometry masts and all associated apparatus have been submitted to and approved in writing by the Planning Authority. The

turbines shall be consistent with the Annex1 Description ~~candidate turbine or range assessed in the environmental statement,~~ in terms of their dimensions from base to tip.

(2) The Development shall be constructed and operated in accordance with the approved details and maintained in the approved colour, until such time as the wind farm is decommissioned.

(3) All wind turbine blades shall rotate in the same direction.

(4) No part of the Development shall display any name, logo, sign or other advertisement unless otherwise approved in advance in writing by the Planning Authority or required by law.

Reason: To ensure that the environmental impacts of the turbines forming part of the Development conform to the impacts of the candidate turbine assessed in the environmental statement and in the interests of the visual amenity of the area.

……..

11. Micro-siting

(1) All wind turbines, buildings, anemometry masts, areas of hardstanding and tracks shall be constructed in the location shown on plan reference Figure 3.6 (Final Layout). Wind turbines, buildings, anemometry masts, areas of hardstanding and tracks may be adjusted by micro-siting within the site. However, unless otherwise approved in advance in writing by the Planning Authority (in consultation with SEPA and NatureScot), micro-siting within the site subject to the following restrictions:

(a) No wind turbine foundation shall be positioned higher, when measured in metres Above Ordinance Datum (Newlyn), than the position shown on plan reference ~~ES Volume 3~~ Figure 3.6 (Final Layout and approved in Annex 3) and as noted in the table appended to this consent.~~at Table 4.1 of Volume 2: Main Report~~;

(b) No wind turbine, building, mast or hardstanding shall be moved more than 50m from the position shown on the ~~original~~ approved plans;

(c) No access track shall be moved more than 10m from the position shown on the ~~original~~ approved plans (but up to 50m where required to account for any realignment necessary to connect to micro-sited turbines and crane pads);

(d) All micro-siting permissible under this condition must be approved in advance in writing by the Environmental Clerk of Works (ECoW).
(2) No later than one month after the date of First Commissioning, an updated site plan shall be submitted to the Planning Authority showing the final position of all wind turbines, masts, anemometry, areas of hardstanding, tracks and associated infrastructure forming part of the Development. The plan should also specify areas

where micro-siting has taken place and, for each instance, be accompanied by copies of the ECoW or Planning Authority's approval, as applicable.

Reason: *To control environmental impacts while taking account of local ground conditions.*

Revised Table 4.1 Turbines Locations:

Turbine Number	Easting	Northing	Maximum Tip Height (m)	AOD (m)
1	257914	603241	180	420
2	258242	603181	180	400
3	257506	602943	180	410
4	257969	602832	180	450
5	258361	602734	180	435
6	257582	602518	180	405
7	258836	602706	180	425
8	258855	602384	180	450
9	258005	602391	180	400
10	258478	602316	180	430
11	258122	601993	180	390
12	258299	601578	180	400
13	257773	600495	125	510
14	257370	600398	125	490
15	256887	600219	125	460
16	256780	599933	125	460
17	257214	599860	125	510
18	257538	600175	125	500
19	257964	600322	125	520
20	258500	600764	125	490

Remaining Consent

The remainder of the consent would remain unchanged, with the existing conditions still applying to the development and securing the necessary safeguards and mitigation for the proposed development as assessed throughout the application and decision.

No changes to the conditions of the consent set out in Annex 2 of the Decision Letter of the Consent are required other than those described above. The renumbering of the conditions may be required to accommodate the addition planning condition.

Restoration works, decommissioning and restoration of the site, at the end of the operational life of the Consented Development, are addressed fully in the application papers for the relevant S36 consent. Appropriate conditions are imposed in Annex 2 of the Consent, which will not change as a consequence of the proposed amendment. Annex 1 and Annex 2 as proposed are attached at Appendix 6.

For the avoidance of doubt, there are no changes to the proposed mitigation and commitments made in relation to the Consented Development.

4 Effects

An assessment has been undertaken to identify the environmental effects likely to arise as a result of the Proposed variation to the Consented Development.

Schedule 9 of the Electricity Act 1989 sets out those aspects that must be considered by Scottish Ministers for the preservation of amenity and fisheries. Under Paragraph 3(2) (a) . Paragraph 3 (1) Part (a) addresses the "…desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest". Part (b) of the same paragraph also addresses what reasonably can be done "…. to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects".

4.1 Assessed Development

The Proposal for assessment comprises the amendment to the Consented Development – namely a 2.5m, or 1.4%, tip height increase of the 12no 177.5m turbines located on the Meaul Hill cluster.

The Consented Development, and hence this Proposal, is located in an extensive area of commercial forestry plantation and surrounded by a number of other operational, under construction and consented wind farms. The location of the Consented Development is free from designations and the Decision Letter of the Consented Development confirms this location's suitability for wind energy development. The principle of wind farm development at this location is not therefore in question as a result of this variation.

It is considered that the Proposal does not significantly nor materially change the survey or assessment methodologies or results and findings of significance reached in the S36 ES and ES Addendum submitted in support of the Consented Development.

As there is no change to the layout from the Consented Development, the Proposal will not result in any additional residues, emissions or waste. It will however, by increasing the Consented Development's contributions to renewable energy generation, contribute to a greater reduction in carbon emissions and add to the positive socio-economic benefits arising from the development.

In their assessment the Scottish Ministers concluded that "*The Scottish Ministers are satisfied the proposed Development has the potential for positive net economic benefits both to the local community and Dumfries and Galloway more generally".* In addition to this it was concluded that: *"The economic benefits of the proposed Development are set out in the ES in terms of employment and GVA generation. The Reporters accept that these are underestimates of the total economic effects and that*

there would likely also be wider benefits, particularly in terms of supporting local business through the supply chain".

Given the time that has passed since the original calculations were undertaken and that the Reporter accepted that the socio-economic benefits are likely under-estimates that the socio-economic benefits and Gross Value Added has increased from those previously presented. It is not proposed that these calculations will be refreshed, but it is important to note that the proposals will increase the generation capacity from the consented energy infrastructure. As a result of these enhanced socio-economic gains which seek to maximise the net economic impact of the development it is considered that the variation is compliant with and therefore supported by Policy 11c) of NPF4. This is further addressed in Section 6 hereof.

In addition, as there is no proposed change in layout to the Consented Development there will be no additional effect on natural resources including soils, land, water and biodiversity.

The effects found in the ES of the Consented Development, whilst long term, are not permanent and are reversible following decommissioning of the wind farm. The proposed amendment does not change these particular findings of the ES supporting the Consenting Development.

4.2 Landscape and Visual Assessment

A Landscape assessment has been undertaken by OPEN (Optimised Landscapes) to assess the impacts of the proposed 2.5m tip height increase this was considered originally in Chapter Six of the EIAR.

4.2.1 Introduction

Windy Standard III was consented by Scottish Ministers in March 2021, following an Inquiry process. The consented wind farm consists of 20 turbines, of which 12 have a maximum blade tip height of 177.5m and the remaining eight have a maximum blade tip height of 125m. The 12 turbines with a 177.5m blade tip height are referred to as the 'Meaul Hill' turbines while the eight 125m turbines are referred to as the 'Waterhead Hill' turbines, due to the landforms on which the turbines are located.

An Environmental Impact Assessment Report (EIA Report) for the proposed wind farm was produced in November 2015. This included a Landscape and Visual Impact Assessment (LVIA) for the wind farm, which was carried out by Ramboll-Environ.

It is now proposed to vary the tip height of the 12 Meaul Hill turbines from 177.5m to 180m, an increase of 2.5m.

The proposed increase in the maximum blade tip height of the Meaul Hill turbines is the proposed alteration which is the subject of this application.

Optimised Environments (OPEN) has been commissioned to undertake a review of the potential landscape and visual implications of the proposed increase in tip height of 12 turbines by 2.5m. This review is based on a comparison between the likely landscape and visual effects of the proposed revised Windy Standard III Wind Farm with the consented Windy Standard III Wind Farm. This appraisal and the associated figures describe and illustrate a comparison between the two schemes rather than a full assessment of the proposed revised scheme, given that the principle of a wind farm on the site has already been established through the granting of consent in 2021 and in view of the very modest proposed increase in the maximum tip height of the Meaul Hill turbines.

4.2.2 Methodology

The purpose of this report is to identify any effects that may arise from the proposed change in the tip height of the Meaul Hill turbines and ascertain whether or not this proposed revision would alter the findings of the 2015 LVIA.
This review is illustrated by the following figures, which allow a comparison to be drawn between the consented scheme and the proposed revised scheme.

- **Figure 1: Comparative ZTV** – showing a comparison between the theoretical visibility of the proposed revised Windy Standard III Wind Farm and the consented Windy Standard III Wind Farm; and
- **Figures 2 to 9**: **Comparative Wireline Views** – showing wireline views of both the proposed revised Windy Standard III Wind Farm and the consented Windy Standard III Wind Farm from eight viewpoints.
  The 2015 LVIA was informed by a series of 18 viewpoints, for which a written assessment and visualisations were produced. In this report, the assessment of effects arising from the proposed revision to the tip heights of the Meaul Hill turbines is carried out in relation to these viewpoints. One additional viewpoint has been considered; the Green Well Core Path on Cairnsmore of Carsphairn, which was not included in the 2015 LVIA but was produced in evidence by Dumfries and Galloway Council (DGC) at the Public Inquiry.
  In this report, seven of the 2015 LVIA viewpoints and the additional Green Well Core Path viewpoint are illustrated by comparative wireline diagrams (Figures 2 to 9). The wirelines are run with a field of view of 53.5º and show relevant cumulative wind farm sites, as described below. The Meaul Hill turbines are numbered as turbines 1 to 12 on the wirelines, while the Waterhead Hill turbines, which are to remain unchanged with a 125m tip height, are numbered as turbines 13 to 20.
  The LVIA viewpoints were selected to represent the key landscape and visual receptors that may be affected by the wind farm. This means that the review of the

viewpoint assessment is considered to reflect the overall implications of the proposed change to turbine tip heights, and conclusions in relation to potential effects on other landscape and visual receptors can be drawn from the review of the viewpoint assessment.
The revised viewpoint assessment is in Table 1 below.

4.2.3 Cumulative Wind Farms

Windy Standard III lies within an extensive cluster of operational, under construction, consented and application-stage wind energy development, and it is relevant to illustrate the proposed revised scheme in association with these other wind farms as this is the context in which it will be seen. As the cumulative situation has changed since the submission of the 2015 LVIA, a review of cumulative wind farms has been undertaken and the updated situation is shown in the wirelines in Figures 2 to 9. The wind farms included in the cumulative assessment include operational, under construction, consented, and application wind farms that lie within a 20km radius of Windy Standard III, as these are considered to be the most relevant.

4.2.4 Comparative ZTV

Figure 1, the Comparative Zone of Theoretical Visibility (ZTV) diagram, shows a comparison between the theoretical visibility of the proposed revised Windy Standard III Wind Farm and the consented Windy Standard III Wind Farm. This diagram indicates that areas from where the proposed increase in tip height of the Meaul Hill turbines would lead to additional theoretical visibility of the wind farm are negligible. Therefore, with negligible exceptions, all areas that would gain theoretical visibility of the proposed revised Windy Standard III turbines will already gain theoretical visibility of the consented Windy Standard III turbines. In turn this indicates that no additional landscape or visual receptors would be affected by visibility of the proposed revised tip height.

4.2.5 Revised Viewpoint Assessment

Table 1 below lists the 18 viewpoints that were illustrated and assessed in the 2015 LVIA and the additional Green Well Core Path viewpoint. For each of these viewpoints, the table describes the likely implication of the proposed increase in blade tip height of the Meaul Hill turbines.

The shaded boxes indicate those viewpoints that are illustrated with comparative wirelines in Figures 2 to 9.

Table 1 Viewpoint Review

2015 LVIA Viewpoint	Grid Reference Distance to nearest turbine	Findings of 2015 LVIA	Comment/Review
Cairnsmore of Carsphairn (Figure 2)	259363, 598168 2.57km	Major/moderate and significant effect	No change Meaul Hill turbines are visible but the 2.5m height increase will not be discernible.
Knockengorroch	255510, 597152 3.05km	Minor and not significant effect	No change Meaul Hill turbines are not visible.
A713, between Dalmellington and Carsphairn	251778, 599560 5.01km	Minor or moderate/ minor and not significant effect	No change Meaul Hill turbines are not visible.
A713, N approach to Carsphairn, lay-by	255724, 594414 5.60km	No effect	No change Meaul Hill/Waterhead Hill turbines are not visible.
Carsphairn (Heritage Centre)	255892, 593554 6.40km	No effect	No change Meaul Hill turbines are not visible.
Garryhorn Mine core path	254813, 593455 6.77km	Major/moderate and significant effect	No change Two Meaul Hill turbines are visible as blade tips only and the 2.5m height increase will not be discernible.
Blackcraig Hill (Figure 3)	264726, 606450 6.97km	Major and significant effect	No change Meaul Hill turbines are visible but the 2.5m height increase will not be discernible

2015 LVIA Viewpoint	Grid Reference Distance to nearest turbine	Findings of 2015 LVIA	Comment/Review
Carsphairn Heritage Trail (Figure 4)	256668, 591506 8.37km	Major/moderate and significant effect	No change Ten Meaul Hill turbines are visible as blades only but the 2.5m height increase will not be discernible.
A713, S approach to Carsphairn, lay-by	257947, 591481 8.41km	Minor or moderate/ minor and not significant effect	No change Meaul Hill turbines are not visible.
Loch Doon (Figure 5)	248340, 598508 8.55km	Major/moderate and significant effect	No change Four of the Meaul Hill turbines are visible as blade tips only and the 2.5m height increase will not be discernible.
Benbrack	268041, 597068 10.23km	Moderate and not significant effect	No change Meaul Hill turbines are not visible.
Forest Drive, Carrick Lane/Loch Doon	246500, 593856 11.94km	Moderate and not significant effect	No change Meaul Hill turbines are screened by forestry. If this is felled, the 2.5m height increase will not be discernible.
Meikle Milyea, Rhinns of Kells (Figure 6)	251842, 582899 17.73km	Moderate and not significant effect	No change Meaul Hill turbines are visible but the 2.5m height increase will not be discernible.
Minor road to Glentrool Forest (Figure 7)	238541, 593993 19.18km	Moderate and not significant effect	No change Meaul Hill turbines are visible but the 2.5m height increase will not

2015 LVIA Viewpoint	Grid Reference Distance to nearest turbine	Findings of 2015 LVIA	Comment/Review
			be discernible.
Merrick (Figure 8)	242758, 585575 20.06km	Moderate and not significant effect	No change Meaul Hill turbines are visible but the 2.5m height increase will not be discernible.
Glenmuir Water	267368, 621175 20.17km	Moderate and not significant effect	No change Meaul Hill turbines are visible as blades and hubs only, but the 2.5m height increase will not be discernible.
A762, North of New Galloway	262808, 579147 21.45km	Minor/no effect	No change Meaul Hill turbines are not visible.
B743, east of Mauchline	260613, 627106 24.01km	Moderate/minor and not significant effect	No change Meaul Hill turbines are visible as blades and hubs only, but the 2.5m height increase will not be discernible.
Green Well Core Path, Cairnsmore of Carsphairn (Figure 9) NB this viewpoint was not included in the 2015 LVIA but was produced in evidence by DGC at the Public Inquiry	258992, 597762 2.75km	Not assessed in 2015 LVIA	No change Meaul Hill turbines are not visible.

The assessment carried out in Table 1 above indicates that the proposed increase in tip height of the Meaul Hill turbines will not be readily discernible at any of the 2015 LVIA viewpoints. At eight viewpoints (Viewpoints 2, 3, 4, 5, 9, 11, 17 and 19) the Meaul Hill turbines are not visible and this will not be altered by the proposed tip height increase. At the remaining 11 viewpoints, the Meaul Hill turbines do have visibility, but the tip height increase will not be discernible. While this is almost completely due to the very limited proposed increase in the height of the turbines, the distance of many viewpoints from Windy Standard III and limited/partial visibility of the Meaul Hill turbines are also considerations.

On the basis of the revised viewpoint assessment, it may be concluded that the proposed revision to the tip height of the 12 Meaul Hill turbines will not alter the findings of the 2015 LVIA in respect of any landscape and visual receptors or viewpoints.

4.2.6 Summary and Conclusions

This report has reviewed the likely effects that would arise from the proposed revision to the tip height of the 12 Meaul Hill turbines at Windy Standard III Wind Farm from the consented height of 177.5m to 180m. These findings are based on the theoretical visibility of the proposed revised dimensions of the 12 turbines as seen from the 18 representative viewpoints that were used to inform the 2015 LVIA and one additional viewpoint that was raised at the Public Inquiry for Windy Standard III. A comparative ZTV that indicates the theoretical visibility of the proposed revised turbines in relation to the consented turbines has also been used to inform the review.

The review of effects on the viewpoints has indicated that the proposed change to the turbine heights will be theoretically visible at 11 of the 19 viewpoints, with no change to visibility of Windy Standard III at the remaining eight viewpoints as the Meaul Hill turbines are not visible at these locations. The review has concluded that at the 11 viewpoints where the Meaul Hill turbines are theoretically visible, the proposed change will not result in any discernible change to the view and thus there will be no variation to the findings of the 2015 LVIA. This is due largely to the very limited proposed increase in tip height. The comparative ZTV also indicates that there will be negligible additional areas of visibility arising from the proposed revised tip height when compared with the consented tip height.

The viewpoints and comparative ZTV are intended to represent the key landscape and visual receptors that may be affected by Windy Standard III. This means that while the review has not considered each individual landscape and visual receptor, the findings of the viewpoint assessment review are considered to reflect the overall implications of the proposed increase in the tip height. It can therefore be concluded that the proposed tip height increase of the 12 Meaul Hill turbines will not result in any

material changes to the effects on the landscape and visual receptors as assessed and reported in the 2015 LVIA.

4.3 Ornithology

The ornithological surveys undertaken for original Windy Standard III planning application as presented in the ES Ornithology Chapter Eight, included:

- Vantage point (VP) surveys
- Presence & abundance surveys;
    - Barn owl (*Tyto alba*) surveys
    - Black grouse (*Tetrao tetrix*) surveys
    - Breeding raptor surveys, and
    - Upland breeding bird surveys.

The surveys aimed to assess the three key potential risks of wind farm developments on ornithological interests, as defined by NatureScot (formally Scottish National Heritage) guidance[1];

- Direct habitat loss resulting from the construction of a wind farm and associated infrastructure.
- Displacement of birds from due to associated disturbance during construction, operational and decommissioning phases.
- Death due to collision or interaction with wind farm infrastructure particularly turbine blades.

The EIAR (section 8.9.1) concluded the no significant effects as a result of the Proposed Development on ornithological interests.

The Reporter stated that:
5.31 Having considered the information provided by the applicant, we agree that the proposed development is located at too great a distance to be used by most of the qualifying species of the SPA. However, it is located within the maximum distance travelled by wildfowl between roosting and foraging areas. Greenland white-fronted goose and Icelandic greylag goose are both qualifying interests of the Loch Ken and River Dee Marshes SPA/ Ramsar site. We note that the survey work generated only a single record of one flock of 18 greylag geese, which were flying south of the proposed development area and out with the collision risk zone. Based on this information, we agree that the proposed development, either alone or in combination with other projects and plans, would not have a likely significant effect upon any of the qualifying interests of the Loch Ken and River Dee Marshes SPA/ Ramsar site in view of that site's conservation objectives. Hence, we conclude that an appropriate assessment is not required. In reaching this view, we are also aware that SNH, who is the statutory consultee for appropriate assessment, has not raised any concerns about the effects of the proposals upon this or any European site.

[1] NatureScot (SNH). 2017. *Recommended bird survey methods to inform impact assessment of onshore wind farms.*

The Reporter went on to conclude in regards to birds and lighting that: *5.34 Nevertheless, based on the accepted low level of ornithological activity in the area and that the site does not support important populations of bird species, we conclude that any individual mortality of birds as a result of the proposed lighting would not have an impact upon the populations of the relevant species, and hence would not have unacceptable effects.*

It is the Applicant's position that the conclusions of the original EIAR still stand in terms of ornithological assessment when the proposed tip height is considered, a justification has been outlined below.

Although the potential collision height (PCH) band covers only 43m – 177.5m, therefore not encapsulating the proposed tip height extension of 2.5m (180m tip height). This minimal increase is unlikely to significantly impact the results of the VP surveys as such a marginal increase is likely to be covered by standard human error during field survey effort.

Furthermore, no Collision Risk Modelling (CRM) was undertaken as part of the original ornithological assessment due to defined trigger thresholds not being met. Only six target species flights were recorded in the Collision Risk Zone (CRZ), five of which were within the PCH. To formally trigger the requirement of CRM above/equal to three flights or ten individuals would be required.

The minimal increase in turbine tip height gives no justifiable reason to extend the CRZ. As only one target species flight, a single goshawk, was recorded within the CRZ but out with the PCH band this is theoretically the only flight that could be affected by the tip height extension, the lone flight does not exceed the trigger threshold for CRM and therefore CRM is still not considered a requirement.

Goshawk was assessed in full as part of the original EIAR, as there is no perceived risk of significant collision from the proposed tip height extension the original conclusions are still an adequate assessment of effects of the proposal on the species.

The tip height extension is highly unlikely to deliver a higher magnitude of disturbance effects during any stage of construction, operation or decommissioning. There are no proposed changes in infrastructure siting, as such due to marginal changes in turbine infrastructure only, the impacts of the new proposal on ornithological interests through disturbance are of negligible significance and the conclusions of the former assessment still stand.

The land-take of the Proposed Development will not change, nor will the location of key infrastructure; including the siting of wind energy generators as such there are to be no further effects in terms of loss of habitat and the conclusions of the original EIAR remain accurate for the tip height extension proposal.

The tip height extension proposal does not represent any further effects when compared against the original application in terms of ornithological interest. Taking

the information outlined above alongside that documented in Chapter Eight of the Windy Standard III EIAR the proposal is not likely to significantly adversely impact ornithological interests in any zone of influence including when the addition of the tip height extension is considered.

4.4 Ecology

Ecology was originally considered in Chapter Seven of the ES Due to no physical changes in wind farm scheme layout or the proposed siting of wind energy generators; with the only proposed changes being a marginal increase (2.5m) in blade tip height, it is considered that there will be no additional significant adverse effects on ecological interests on any level.

The Reporter concluded that:
5.9 We are satisfied that the applicant's investigations cover all relevant ecological issues in sufficient depth for us to assess the proposal in accordance with the requirements of Schedule 9 of The Electricity Act 1989.
5.10 Whilst both the Galloway Fisheries Trust and Marine Scotland have raised concerns about possible effects on fish populations, they are content that these concerns could be addressed through a programme of surveys and ameliorative measures to be set out within the Construction Environment Management Plan.
5.11 We are not aware of any outstanding objections to the scheme based on impacts on ecological features. Having considered the information within the Environmental Statement and the proposed additional mitigation measures in relation to pre-construction surveys and the Construction Environmental Management Plan, we are satisfied that, subject to appropriate conditions, there would be no unacceptable adverse effects upon habitat quality, watercourses or protected species.

Due to the proposed increase in tip height (2.5m) this will in turn increase the required standoff distance for bats from turbine blade tip to linear features (NatureScot et al., 2021[2]). The Applicant will ensure that a suitable buffer, calculated using final turbine component dimensions and a mature woodland edge height - 55m based on a mature sitka spruce (*Picea sitchensis*) stand - will be implemented. As the buffer will be determined using the height of a mature conifer woodland stand, the calculations will be undertaken using maximum parameters future-proofing the buffer distance for the duration of the operational period.

On review the conclusions of the former assessment are still appropriate, with the implementation of effective mitigation measures, mainly through the design process and following standard best practice guidelines during construction. The magnitude of residual effects of Windy Standard III both alone and in combination with other schemes are considered as being of low to negligible magnitude including when the tip height extension is considered. The comments of the Reporter from the original

[2] NatureScot et al., (2021) *Bats and onshore wind turbines – survey, assessment and mitigation {online} Available at: https://www.nature.scot/doc/bats-and-onshore-wind-turbines-survey-assessment-and-mitigation*

application are outlined above, while these are reflective of the original application in terms of ecology, they are unlikely to differ for the tip height extension and the requirement for mitigation including the implementation of a Construction Environmental Management Plan (CEMP) as secured by condition 15 of the existing Consent will still form a critical part of the scheme moving forward.

By implementing suitable stand-off distance for bats, as outlined above, no further assessment is required to assess the impacts of the current proposal on ecological impacts, due to the nature of the tip height extension, and the former assessment is still appropriate and can be adopted in full.

4.5 Aviation / Radar

The consented scheme assessed the impacts of the turbines and proposed a number of mitigations including aviation lighting, which is to be placed at hub height. The hub height will remain the same as consented and assessed, therefore there will be no change to the assessed impacts upon aviation of the proposed variation.

The consented application considered the impacts upon aviation in Chapter 13 of the Environmental Statement. It concluded that there were no objections from the CAA, NATS or DIO. Glasgow Prestwick airport objected to the original application due to radar clutter but agreed that this could be mitigated via an agreed mitigation scheme in line with the subsequent report of November 2018, which outlined the options for technical mitigation to resolve the likely impacts. The reporter concluded:
*"**Reporters' conclusions on aviation matters (not lighting)***
5.117 We note the concerns of Glasgow Prestwick Airport and that they would remove their objection on the satisfactory conclusion of an agreed mitigation scheme. An agreed position has not been reached at the time of writing this report. However, based on the information submitted we are satisfied that a suitable mitigation scheme could be concluded and an agreement with the airport operator reached. In line with other section 36 consents, we are prepared to accept the applicant's suggestion of a suspensive condition to deal with such matters. A suitable recommended condition is outlined in Appendix 2.". Conditions 5 and 6 of the consent secure the required mitigation for aviation safety.
Aviation was further considered at Public Inquiry and was assessed in the Reporters final report and discussed in the Scottish Minsters letter of consent. During the inquiry detailed consideration was given to aviation lighting and it nighttime impacts, ultimately following site visits were able to fully consider the impacts and considered this acceptable in the balance of the scheme.

"The Scottish Ministers have taken account of the Reporters' overall conclusions on the landscape and visual effects, cumulative effects and aviation lighting effects of the proposed Development, and are content to adopt them for the purpose of their own decision".

Upon reaching this decision the Ministers concluded that an appropriate condition could meet the CAA requirements, this is secured through Conditions 23, 24 and 25.

As the requirement and assessment of the scheme stipulates that the specified turbines in Condition 25 shall not be erected until a lighting scheme has been approved. There will be no need to alter the location of the lighting on the turbines , due to the tip height increase as they are located at hub height. As the hub height will remain the same as consented and assessed, therefore there will be no change to the assessed impacts upon aviation of the proposed variation can still be secured by Conditions 23 and 25 as already attached to the approved consent. In addition, conditions 5 and 6 still secure the radar mitigation required to satisfy the impact upon radar mitigation, the increase in tip height will have no bearing upon this and the existing conditions still stand.

4.6 Traffic and Transport

The consented application considered the impacts upon Traffic and Transport in Chapter 14. Which concluded that traffic generation would almost entirely be limited to vehicle movements relating to construction and decommissioning, The consented route utilises the route used for the existing developments of Windy Standard I and Windy Standard II. Further to this the consented development sought to reuse existing tracks to reduce the need for new tracks.

The proposed 2.5m tip height variation equates to a maximum of 2.5m increase in blade length and will not impact upon vehicle numbers required due to the number of turbines to be installed remaining the same. A subsequent traffic assessment has been completed for the Windy Standard I Repowering application (ECU ref ECU00003324). This considers the delivery of Abnormal Loads for turbines, with a blade length of up to 81m and overall tip height of 200m. This assessment confirms that the blades proposed under this application can be delivered to site.

As such it is possible to confirm that the delivery of the components for turbines up to 180m to tip is achievable and will not cause any significant additional effects. For completeness the Traffic and Transport assessment in respect of the application for the Windy Standard I Repower application for 200m turbines is submitted alongside this application in Appendix 5.

Conditions 17 and 18 of the approved consent secure the mitigation for any potential impacts upon road safety and traffic flow. As there are no significant changes to the impacts of the variation upon traffic and transport and the nature of conditions 17 and 18 these conditions remain appropriate.

4.7 Noise and Shadow Flicker

The consented application considered the impacts upon Noise in Chapter11 and Shadow Flicker in Chapter 13, this concluded that there is a potential for noise to be generated in construction and decommission as well as during operations. Background monitoring was undertaken, and a cumulative noise assessment undertaken, no significant adverse effects were identified with the predicted nose levels not exceeding the acceptable guidelines.

The Reporter also noted the intention to protect amenity through a monitoring condition: *"5.83 In order to protect the amenity of nearby residents, the council and applicant agreed a noise condition to monitor and control the levels of noise. Having regard to the technical evidence submitted in respect of noise impacts http://www.dpea.scotland.gov.uk/Document.aspx?id=579544, we are satisfied that these would not be significant."*

The Consent incudes a noise condition, condition 29. This sets out in detail the required mitigation measures and limits that are to be applied to the Development. The condition sets out a monitoring procedure and specifies the acceptable noise limits for the nearest receptors, set out in Tables 1 and 2 in Condition 29. Due to the detailed nature of the noise condition this already ensures that the consented development operates within the specified limits. It is not anticipated that the tip height will increase the impacts upon noise from those assessed and as such the applicant is happy to accept that the consented noise limits should continue to apply to the variation consent.

In terms of Shadow Flicker the Reporter concluded:
"5.*84 Based on the recommendations in a cited technical paper by A D Clarke 'A Case of Shadow Flicker/Flashing: Assessment and Solution', Technology Policy Unit, Open University, Walton Hall, Milton Keynes, UK, the applicant considers a separation distance of at least 1,130 metres between the proposed turbines and a residential property is suitable to prevent shadow flicker. This is consistent with the general rule set out in Scottish Government advice on onshore wind turbines. The closest dwellings are beyond this distance and no further assessment has been undertaken. We consider this to be acceptable and that no significant effects in terms of shadow flicker are expected."*
As the locations of the turbines are to remain the same as consented and only marginally increase in height, the distance to nearest receptors will still be beyond the required separation distance, meaning no additional assessment is required.

4.8 Hydrology and Geology

The consented application considered the impacts in Chapter 10, this concluded that the primary potential effects would be during construction and overall the proposed development was not significant in EIA terms for hydrology, hydrogeology and geology.

The Reporter concluded that:
"5.67 The applicant has identified potential sources of impacts on hydrological and hydrogeological resources including pollution of ground and surface water resources and effects on water supplies.
5.68 The scheme is not identified as generating a flood risk. We agree that the risk of pollution is greatest during the construction phase of the proposed works. However, we are content that the application of the proposed mitigation measures combined

with the monitoring of their implementation, would result in no unacceptable risks to the water environment and could be secured by condition."

The proposed variation to tip height will not generate any changes to the impacts upon Hydrology and Geology. As such there will be no changes in the impacts upon these environmental aspects. Conditions 14 and 15 will ensure that appropriate environmental and ecological safeguards are put in place during construction and monitored throughout. These conditions remain relevant and can continue to be implemented through a Constructed Environmental Management plan (which was subsequently conditioned a condition 15 of the consent).

4.9 Peat and Carbon Rich Soils

The consented application considered the impacts on peat in Chapter 10. This considered the peat type and depth as well as a peat stability assessment and peat landside hazard and risk assessment. It concluded that the risks could be managed via a Construction Environmental Management Plan (which was subsequently conditioned in condition 15 of the consent).

The ECU also had a technical review of the Peat Landslide Hazard and Risk Assessment undertaken.

The Reporter concluded that:
5.79 The applicant has considered the effects of the proposals on peat and peaty soils, including the production of a Peat Landslide Hazard and Risk Assessment. We note that A M Geomorphology was content with the clarifications provided by the applicant of its assessment of peat slide risk and how these could be managed. Accordingly, we conclude that the consideration of peat slide risk is robust and that the risks are acceptable.

5.80 We note the objections from the John Muir Trust and concerns from RPSB concerning effects on deep peat habitats. The applicant's proposals have taken account of the presence of and depth of peat. Following revision of the peat balance calculations, SEPA was able to withdraw its objection relating to effects on peat soils. We therefore conclude that effects on peat soils are acceptable.

Condition 11 – Borrow pits of the consent, ensures that peat and peatland will be protected alongside Condition 15 with includes specific reference and details of the Peat Management Plan.

Scottish Minister in their consent noted that: *"The Scottish Ministers can confirm that the impacts on peat and socio economics have been fully taken into consideration before granting consent.".*

The proposed variation does not include any alterations to the approved locations or infrastructure, as such there will be no changes or impacts upon the previously

consented development. and Conditions 11 and 15 will continue to ensure the mitigation measures are delivered are still relevant to this application.

4.10 Forestry

The consented application considered the impacts upon Forestry in Chapter 12. This set out that the development mainly lies in an area of existing commercial forestry plantations. It compared the proposed felling and restocking schemes for commercial forestry and the development and concluded that felling would occur during the time period whatever the outcome of the scheme.

The reporter concluded that:

"5.105 Although the proposals would result in an advancement of the felling programme compared with the baseline, the woodland that would be felled for the proposal has been identified for felling irrespective of whether or not the scheme proceeds.

5.106 The proposals include plans for re-stocking. However, we note that in the absence of mitigation, the proposal would result in a net loss of woodland area of 28.87 ha, equivalent to 0.83% of the Forestry Study Area. Whilst this represents a relatively small decrease in area, any net loss is not in accordance with the requirements of the Scottish Government's Control of Woodland Removal Policy. We are content that this could adequately be addressed by a requirement for compensatory planting. Whilst the applicant has not supplied details of where and when this compensatory planting would be provided, we are content that this could adequately be addressed by condition.

5.107 The restocking proposals would result in some changes in species composition; representing a modest decrease in the proportion of primary conifer species, and a smaller increase in the area of broadleaf species. Whilst the projected increase in broadleaf species is relatively small, and is perhaps less than that which SEPA would wish to see, we note that it has not been raised as an issue of concern by Forestry Commission Scotland. We note that the increase in open ground is required to accommodate infrastructure associated with the proposal, or for operation reasons, and hence is unavailable for stocking by broadleaved species. Overall, we consider that the proposed restocking proposals are acceptable.

5.108 Much of the material to be felled is mature forestry and is scheduled for harvesting, irrespective of the proposals. The applicant intends to follow FCS and industry best practice during harvesting operations and it has set out how these may be varied, depending on local circumstances. The proposals include a hierarchy for the use of forestry materials, including consideration of how the generation of forestry waste material will be avoided or minimised. Following confirmation of the approaches, SEPA has withdrawn its objection in relation to forestry wastes. We are therefore satisfied that the proposal is acceptable in this respect.

5.109 Subject to the requirement for conditions set out above, we do not consider that the proposal would have unacceptable effects on forestry resources.

There will be no changes to the previously assessed Forestry impacts, due to the fact that the requested height increase will not require any changes to the previously assessed requirements and impacts. In addition to this condition 20 secures the replanting of the forestry and this remains relevant mitigation if the approved variation is consented.

4.11 Cultural Heritage and Archaeology

The consented application considered the impacts upon Cultural Heritage and Archaeology in Chapter Nine. Which concluded that no designated assets lie within the proposed construction footprint and it lies in an area of low archaeological potential. The impact upon Scheduled Monuments was considered not to be significant nor impact the appreciation heritage. The Reporter concluded:

5.47 Schedule 9 of the Electricity Act 1989 requires regard to be had to the desirability of protecting sites, buildings and objects of architectural, historic or archaeological interest. It also requires the applicant to undertake reasonable mitigation of any effect on such assets.

5.48 From the conclusions reached within the Environmental Statement, we are satisfied that there would be no direct impacts on archaeological and cultural heritage features.

5.49 HES' concerns over the scheduled The King's Cairn are directed at the cairns' relationship with the Water of Deugh and its surrounding valley, along with the surrounding topographic features including Meaul and Waterhead Hills. We agree that these are important and contribute to their cultural significance. Along with HES we recognise that the programmed felling of trees (which has already commenced in this area) and further replanting would result in views becoming progressively constrained. In a cumulative context, we accept that the proportion of view containing turbines would increase. However we do not consider that this would have a significant adverse effect given the changing landscape context.

5.50 There are other scheduled monuments in the wider area outwith the development site. Due to a combination of the distances involved and limited visibility of the turbines, we do not consider that the intrinsic value of these assets would suffer a significant adverse effect. No mitigation is proposed to deal with effects on heritage assets. We consider this to be acceptable given the conclusions reached in the Environmental Statement.

The increase in tip height is negligible and it is considered, in line with the LVIA assessment, that there will be no additional impact upon Cultural Heritage. This remains acceptable, in line with the original assessment and the conclusions of the Reporter and is secured though the existing Consent.

4.12 Major Accidents and Disasters

The consented application considered the impacts upon Health and Safety in Chapter 4. This concluded that the Consented Development would not present a significant safety risk to the public. The proposed variation will not alter the impacts upon Health and Safety as such it is concluded that the variation, like the Consented Development, will not pose a significant risk.

The Consented Development, and therefore the proposed variation, is not located within an area prone to disasters and the likelihood of such an event is extremely rare. Therefore, it is concluded that no significant increase in risk would arise as a result of the proposed variation.

Considerations of Population and Human Health (including Safety) have been assessed within the supporting documentation to the Consented Development and considered acceptable in the relevant consent. The proposed variation does not change these findings.

4.13 Assessment Summary

This section has sought to assess the impacts that the proposed variation will have upon environmental receptors. The assessment has used the approved consent as the baseline and assessed individual elements against the potential additional effects generated by the 2.5m tip height increase. The assessment was informed by the criteria set out in Schedule 9 of the Electricity Act 1989 which establishes those aspects to be considered by Scottish Ministers for the preservation of amenity and fisheries. Under Paragraph 3(2) (a) . Paragraph 3 (1) Part (a) addresses the "…desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest".

Part (b) of the same paragraph also addresses what reasonably can be done "…. to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects".

The environmental assessment of the proposed tip height increase has concluded that the height increase will not harm the preservation of amenity and fisheries. Natural beauty and the conservation of flora, fauna and geological or physiological features have been considered and it is concluded that there will be no more than a negligible impact upon these from the proposed height increase. The height increase will also not harm protected sites, buildings nor objects of architectural, historic of archaeological interest.

Further to this the previous mitigation measures considered as part of the consented scheme will still be enacted and controlled through the existing planning conditions to ensure that the overall development continues to comply with Schedule 9.

5 Consultation Statement

ECU -The Energy Consents Unit has been consulted in the proposed S36C variation via a formal Screening request. The ECU confirmed that the proposed variation does not constitute EIA development. A subsequent meeting was held with the ECU in November 2023 to further advise of the applicant's intention to submit an application and the proposed timescales for doing so. Views expressed by the ECU have been taken on board by the applicant and reflected in this application.

Dumfries and Galloway Council - The council have been consulted on the Screening request and responded to the request from the ECU. Views expressed by DGC have been taken on board by the applicant and reflected in this application.

Community Council-
Given the applicant's involvement in the Windy Standard cluster over the last 30 years, the applicant is in regular contact with Carsphairn Community Council. Most recently this included consultation on the proposals to repower Windy Standard I. As part of this ongoing dialogue, Carspharin Community Council have been made aware of the consideration for the tip height extension. Members of the Windy Standard III consenting team have offered to attend a future meeting of Carspharin CC to explain the proposed variation and respond to any queries. The outcome of these discussions can be reflected in any future response from the Community Council to the submitted application.

6 Policy Assessment

6.1 Introduction

This policy assessment will focus on the Energy Climate Change and Planning policy which has been updated or replaced following the issuing of the Scottish Ministers Decision. The Scottish Ministers have already assessed the policies which are pertinent to the development pre the 2021 decision.

As established elsewhere in this statement, Schedule 9 of the Electricity Act 1989 sets out those aspects that must be considered by Scottish Ministers for the preservation of amenity and fisheries. Under Paragraph 3(2) (a) . Paragraph 3 (1) Part (a) addresses the "…desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest".

Part (b) of the same paragraph addresses what reasonably can be done "…. to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects".

Section 4 of this statement has sought to assess the potential for any additional impacts of the Proposal from the originally approved scheme to ensure that the Proposal is compliant with the Electricity Act 1989 and ensures the protection and or mitigation of those aspects considered for preservation in Schedule 9. It is important to ensure the Proposal is consistent with Schedule 9 due to the importance of its legal status for Section 36 applications. This Act is still in place and is the primary legislation that the application is considered against. The Reporter concluded that the consented development was acceptable under Schedule 9.

Where appropriate those impacts that require mitigation and or control are conditioned within the existing consent, the conditions will remain in place as part of the revised consent if the tip height extension is permitted ensuring that there will be no alteration to the acceptability of the scheme under Schedule 9. The previous conclusions and assessments under Schedule 9 remain relevant to this determination and the proposed variation.

The original application was principally considered against the following policies and other Governmental statements:
Energy Policy: Committee on Climate Change; The Climate Change Bill; Onshore Wind Policy Statement; Scottish Energy Strategy; The declaration of a "Climate Emergency" by the First Minster
Planning Policy: NPF3; Scottish Planning Policy; Dumfries and Galloway Local Development Plan 2; Supplementary Guidance and Dumfries and Galloway Windfarm Landscape Character Study.

In considering the policy position as it was at the point of determination, Scottish Minister's noted in their letter of consent that:
"The proposed Development makes a significant contribution towards meeting greenhouse gas emission and renewable electricity targets. The proposed Development will have a generating capacity of up to 67.5 MW based on current technology. The deployment of this amount of renewable energy produced in Scotland is entirely consistent with the Scottish Government's policy on the promotion of renewable energy and its target date for net-zero emissions of all greenhouse gases by 2045."

The decision for the consented development considered the application against NPF3 (National Planning Framework 3) and SPP (Scottish Planning Policy). The decision found that the development was compliant with these policies.
"Scottish Ministers, taking account of the update to SPP in December 2020, consider that on balance the proposed development is sustainable development for the reasons as set out above."

The Ministers also set out the Policy support for the scheme:
"Chapter 2 of the PLI Report sets out the policy context against which the proposed Development should be considered and Chapter 7 of the PLI Report sets out the Reporters' consideration and assessment of the proposed Development in the context of relevant national climate change and energy policy, national planning policy and other relevant local planning policy and guidance.

Scotland's renewable energy and climate change targets, energy policies and planning policies are all material considerations when weighing up this 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.

The aforementioned NPF3 sets out Scottish Government's commitment to establishing Scotland as a leading location for the development of renewable energy technology. In Scotland there has been significant progress towards low carbon objectives whilst continuing to protect our special places from significant adverse impacts.

SPP contains guidance in respect of the granting of consent for wind farm development and is to be read and applied as a whole. It sets out overarching principal polices to be applied to all development and subject policies which set out guidance in respect of development management. An overarching principle of SPP is that the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits over the longer term. The aim is to achieve the correct development in the right place; it is not to allow development at any cost. This means that decisions and policies should be guided by certain principles including, among others, giving due weight to net economic benefit; supporting the delivery of infrastructure; supporting climate change mitigation and protecting natural heritage. At Chapters 3, 4, 5, 6 of

the PLI Report the Reporters have taken account of the proposed Development against the provisions of SPP.

Scottish Ministers note that the Reporters considered SPP 2014 prior to it being updated December 2020.

Scottish Government's Energy Strategy and Onshore Wind Policy Statement (OWPS) sets out targets for the increase in the supply of renewable energy. The OWPS in particular reaffirms the vital role for onshore wind in meeting Scotland's energy targets. The statement sets out the Scottish Government's position for the ongoing need for more onshore wind development in locations across Scotland where it can be accommodated. There is also clear support in principle for extending existing sites by making best use of the potential at existing sites.

Following the determination of the Consented Development NPF4 (National Planning Framework 4) was adopted on the 13 February 2023. NPF4 is the National spatial strategy for Scotland. It sets out the spatial principles, regional priorities, national developments and national planning policy. It should be read as a whole and replaces NPF3 and Scottish Planning Policy. More importantly the NPF4 also now legally forms part of the Development plan and from the perspective of assessing the planning elements of this proposal forms a more recent expression of policy than the LDP. NPF4 is the primary Planning policy framework for the development of infrastructure across Scotland. Where conflict occurs between NPF4 and LDP, the later of the two will prevail. In this case NPF 4 is the later. The adoption of NPF4 is now a key change in Planning policy in Scotland and is part of the Statutory Development Plan. In respect of applications under s36, NPF4 has considerable weight but the duty to make decisions in accordance with the Development Plan under s25 of the Town and Country Planning Act 1997 does not arise (William Grant & Sons Ltd [2012] CSOH 98)**,**

6.2 Climate Change and Renewable Energy Policies

In addition to policies that considered as part of the original consent, as discussed in Section 6.1. The following additional energy and climate change policies have come into force since 2020 and the issuing of the Reporters report in March 2021.

It is relevant to note that the proposed amendment to the Consented Development will result in the increase in generation of electricity from a renewable resource which, compared to fossil fuel based generating methods, will reduce the amount of carbon dioxide from long-term carbon stores being emitted into the atmosphere. As set out in Section 2.3, the Proposal could contribute and addition 11% of generating capacity on top of the that already consented. Further increasing the Carbon emissions savings.

The Sixth Carbon Budget "The UK's path to Net Zero" – December 2020

Published by the Climate Change Committee, it sets out the "*UK's Sixth Carbon budget which will run from 2033 to 2037 and built on the advice given by the Climate Change Committee which led to Net Zero becoming law throughout the UK."*

The Report identified four key areas for meeting the Sixth Carbon Budget, and the second of these is Take-up of low-carbon solutions and the third the Expansion of low-carbon energy supplies, with the target that UK electricity production is 100% low-carbon by 2035. The step also identified the increase in electricity demand, which it anticipated would be increased by half over the next 15 years.

COP 26 The Glasgow Climate Pact

One outcome of this UN climate change conference held in Glasgow during November 2021 was a commitment by 190 countries including the UK to replace coal and other fossil fuels with cleaner alternatives:

"We need to phase down the use of all fossil fuels across the energy sector. At COP26, 34 countries and 5 public finance institutions committed to end direct public support (c.$24 billion annually) for the international unabated fossil fuel energy sector by the end of 2022. This is a huge leap forward and will free these funds and many more in the private sector for deployment in renewable energy".

The Proposed variation would further contribute towards the above goal.

COP 27

COP 27, whilst focussing on the loss fund, also reiterated its support for renewable energy, the key takeaways from the conference are set out below.

"On 20 November, the 27th Conference of the Parties to the United Nations Framework Convention on Climate Change (COP27), that took place in the Egyptian coastal city of Sharm el-Sheikh, concluded with a historic decision to establish and operationalize a loss and damage fund.

Renewable Energy

The science is clear: to avoid the worst impacts of climate change, emissions need to be reduced by almost half by 2030 and reach net-zero by 2050.

Fossil fuels still account for more than 80 percent of global energy production, but cleaner sources of energy are gaining ground. About 29 percent of electricity currently comes from renewable sources.

Five reasons why renewable energy is better:

1) ***Renewable energy sources are all around us.*** *The International Renewable Energy Agency (IRENA) estimates that 90 percent of the world's electricity can and should come from renewable energy by 2050.*
2) ***Renewable energy is cheaper.*** *The cost of electricity from solar power fell by 85 percent between 2010 and 2020. Costs of onshore and offshore wind energy fell by 56 percent and 48 percent respectively. Although solar and wind power costs are expected to remain higher in 2022 and 2023 then pre-pandemic levels due to general elevated commodity and freight prices, their competitiveness*

actually improves due to much sharper increases in gas and coal prices, says the International Energy Agency (IEA).

3) ***Renewable energy is healthier.*** *The unhealthy levels of fine particulate matter and nitrogen dioxide originate mainly from the burning of fossil fuels. In 2018, air pollution from fossil fuels caused $2.9 trillion in health and economic costs, about $8 billion a day. Switching to clean sources of energy, such as wind and solar, thus helps address not only climate change but also air pollution and health.*
4) ***Renewable energy creates jobs.*** *An estimated 14 million new jobs would be created in clean energy, resulting in a net gain of 9 million jobs. In addition, energy-related industries would require a further 16 million workers, for instance to take on new roles in manufacturing of electric vehicles and hyper-efficient appliances or in innovative technologies such as hydrogen.*
5) ***Renewable energy makes economic sense.*** *About $7 trillion was spent on subsidizing the fossil fuel industry in 2022. In comparison, about $4 trillion a year needs to be invested in renewable energy until 2030. The reduction of pollution and climate impacts alone could save the world up to $4.2 trillion per year by 2030. Moreover, efficient, reliable renewable technologies can create a system less prone to market shocks and improve resilience and energy security by diversifying power supply options'*

The proposed development and the proposed variation is therefore further supported by the key takeaways relating to renewable energy at COP27.

British Energy Security Strategy - April 2022

The strategy sets out how the UK can move towards a sustainable and internal energy supply, based upon a Ten-point plan.
The key policies within the Strategy are Contained within the Renewables Section which states:

Renewables

Accelerating the transition from fossil fuels depends critically on how quickly we can roll out new renewables. Our 'Ten point plan for a green industrial revolution' has already put the UK at the forefront of many renewable technologies, delivering £40 billion of private investment in under 2 years. By the end of 2023 we are set to increase our capacity by a further 15%. But now we must go further and faster, building on our global leadership in offshore wind.

Onshore wind

Onshore wind is one of the cheapest forms of renewable power. The UK already has over 14GW of onshore wind, with a strong pipeline of future projects in Scotland. We will improve national network infrastructure and, in England, support a number of new projects with strong local backing.

The government is serious about delivering cheaper, cleaner, more secure power, so we need to consider all options. That is why we included onshore wind in the latest Contracts for Difference auction round and will include it in future rounds.

In Scotland, which has its own planning system, we will work with the Scottish Government to ensure communities and landscape issues are considered for future projects.

In Wales, we will support the work underway by the Welsh Government, Ofgem, and networks to improve grid connections.

In the more densely populated England, the government recognises the range of views on onshore wind. Our plans will prioritise putting local communities in control. We will not introduce wholesale changes to current planning regulations for onshore wind but will consult this year on developing local partnerships for a limited number of supportive communities who wish to host new onshore wind infrastructure in return for benefits, including lower energy bills. The consultation will consider how clear support can be demonstrated by local communities, local authorities and MPs.

We will also look at arrangements to support the repowering of existing onshore wind sites when they require updating or replacement. *With advances in technology this process can enhance capacity and provide new opportunities for communities to benefit.*

The proposed development is already consistent with the Strategy, in that it has potential to deliver cheaper and cleaner power. However the proposed variation will further increase the capacity in line with the final paragraph of the policy that states "*With advances in technology this process can enhance capacity and provide new opportunities for communities to benefit."*

This variation application is proposed due to the advances in technology since the original application was proposed and consented. The relatively minor variation will significantly enhance the output of the project and the opportunities for communities to benefit without the need to introduce a greater number of turbines nor significantly increase the impacts arising from the consented development.

Onshore Wind: Policy Statement (OWPS) – December 2022

Produced by Scottish Ministers as an update to the previous OWPS, the revised statement "*Sets out our ambition to deploy 20GW of onshore wind by 2030, as well as details on the formation of an onshore wind sector deal".*

The statement aims to accelerate the transition to a net zero society, to speed up the delivery of net zero. Highlighting that Scotland is a frontrunner on onshore wind which is a cheap and reliable low carbon technology.

Chapter 1: Ambitions and Aspirations sets out the current and future deployment ambitions and states:

*"**1.1. Current Deployment***

1.1.1. The Scottish Government has had a long-standing target to generate the equivalent of 100% of gross Scottish electricity consumption from renewable sources by 2020, with figures showing that Scotland reached 98.8%* in *2020.*

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

1.1.3. National Grid's Future Energy Scenarios project that Scotland's peak demand for electricity will at least double within the next two decades. This will require a substantial increase in installed capacity across all renewable technologies.

1.1.4. Scotland hosts the majority of operational onshore wind capacity in the UK, and our aim is to maintain the supportive policy and regulatory framework which will enable us to increase that deployment.

1.1.5. As of June 2022, the UK has 14.6 GW of installed onshore wind, with 8.7 GW of this in Scotland. Onshore wind generated 17.2 GWh of electricity in 2021. Scotland additionally (as of June 2022) has as much as 11.3 GW of onshore wind currently in the pipeline, spread over 217 potential projects:

Status	GW
In Planning/Consenting Process	5.53**
Awaiting Construction	4.56**
Under Construction	1.17

***1.2. Deployment Ambition to 2030** - 1.2.1. Our Climate Change Plan Update noted the need to develop 11- 16 GW of renewable capacity through to 2032. This is consistent with RenewableUK's recently published 'Onshore Wind Industry Prospectus', which sets out the need for Scotland to develop an additional 12 GW of onshore wind, meaning a total of 20.4 GW installed capacity, by 2030.*

1.2.2. The Climate Change Committee (CCC) has developed four exploratory scenarios for emissions to 2050. These estimate that, in every scenario, the UK will require a total of 25-30 GW of installed onshore wind capacity by 2050 to meet government targets - which would mean doubling the current UK installed capacity.

1.2.3. The amount of capacity ultimately developed will continue to depend on a range of factors, which are covered in this document. These will also be considered alongside: • the development of other generating technologies and innovations; and,

• the decarbonisation pathways and demand growth across other sectors such as heat, transport and industry.

***1.3. Our 20 GW Ambition** - 1.3.1. Our Programme for Government 2022/2023 committed the Scottish Government to publishing this final Onshore Wind Policy Statement and a Vision for Onshore Wind in Scotland, enabling up to 12 GW of onshore wind to be developed. It is vital to send a strong signal and set a clear expectation on what we believe onshore wind capacity will contribute in the coming years.*

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

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

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

***1.4. Legislative Context** –*

1.4.1. The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 (the Act) was passed by Scottish Parliament in September 2019. The Act commits Scotland to achieving net zero greenhouse gas emissions by 2045 at the latest, and also sets two interim targets to reduce emissions by 75% by 2030 and by 90% by 2040. Meeting these targets will require decisive and meaningful action across all sectors.

1.4.2. The Climate Change Committee (CCC)'s 2022 Progress in Reducing Emissions in Scotland report emphasised that Scotland cannot deliver our net zero ambitions through devolved policy alone and will require clear and supportive policy from both UK and Scottish Governments and from our respective agencies.

Chapter one sets out the Scottish Governments clear and ambitious targets. The proposal is compliant with these ambitions and the small increase in height will generate a significant increase in the site's generation capacity.

Chapter 2: Delivering on our Ambition for Onshore Wind in Scotland, sets out the collaborative approach required to deliver the ambitions climate change targets. It also sets out the strategic leadership of the Onshore Wind Group in Scotland. It goes on to set out the scope of the Sector Deal, which has subsequently been adopted in September 2023:

2.4. Sector Deal *- 2.4.1. The Sector Deal will be a shared commitment between government and industry to deliver upon government ambitions while growing a key sector in a way that aligns with the principles of a just transition to net zero. We will reflect on approaches taken for other sector deals already in place between the UK Government and key sectors such as Artificial Intelligence, Construction, Creative Industries, Automotive and Offshore Wind.*

2.4.2. Onshore wind will play a crucial role in delivering our legally binding climate change targets. There will be significant economic opportunities from supply chain growth, increased deployment and community involvement, therefore the onshore wind sector would benefit from a carefully considered sector deal. This deal must drive GVA and deliver enhanced community and local benefits and well-paid, highly skilled jobs across all parts of Scotland.

2.4.3. The Sector Deal will represent a shared commitment to achieve these goals by establishing a strategic partnership between government and the sector that we will continue to grow and strengthen in the years ahead.

2.4.4. Through our engagement with the sector on the Vision Statement, a pathway to an Onshore Sector Deal has been developed between the Scottish Government and Scottish Renewables. Given the scale and pace of delivery needed, we are committed to starting work on the Sector Deal immediately

The Sector Deal is a significant indicator of the continuing and growing level of commitment from Government to meet its climate and renewable energy targets from the deployment of onshore wind in Scotland. By increasing the efficiency of an already consented project, the application is considered to be in line with the intentions and ambitions of the Sector Deal.

Chapter 3: Environmental Considerations: Achieving Balance and Maximising Benefits, sets out the opportunities for the use of land and he delivery of affordable and low carbon energy. It states:

3.2.3. We are aware of the varying demands on land in Scotland and that a balance must be struck to best serve our net zero ambitions. Our Land Use Strategy, published in March 2021 stated:

"Our land contributes to climate change mitigation in many ways. Scotland has a long and positive history of harnessing renewable energy and our capacity to generate it will need to be increased to meet our net zero targets. Our energy will continue to be provided by a wide and diverse range of renewable technologies, including onshore wind. We will need to continue to develop wind farms, in the right places, and also look to the extension and replacement of existing sites. As set out in our Onshore Wind Policy Statement, in order to achieve this developers and communities will need to work together to ensure that projects strike the right balance between environmental impacts, local support, benefit, and – where possible – economic benefits for communities, for example through community ownership or other means... "

3.2.4. As Scotland moves towards a net zero economy there will need to be significant land use change from current uses to forestry and peatland restoration. This needs to happen alongside ensuring space for other essential activities such as food production, renewable energy generation, including onshore wind, and the protection and enhancement of habitats and biodiversity.

3.3. Peat and Carbon-Rich Soils *- 3.3.1. Scotland has over 2 million hectares of peatland, equating to approximately one third of its land area, and our peatlands are of national and global significance. In good condition, peatlands provide multiple benefits: capturing and storing carbon, supporting nature, reducing flood risk, cleaning the water that feeds burns and lochs, and providing places for leisure that can support health and wellbeing. However, around 75% of our peatlands are degraded through drainage, extraction, overgrazing, burning, afforestation and development.*

The Reporter found that the impact upon peat and proposed mitigations and risk assessments were acceptable, no changes will occur to the impact upon peat from the increase in tip height.

3.4. Forestry *- 3.4.1. In February 2019 the Scottish Government published Scotland's Forest Strategy, covering the decade from 2019 to 2029. This presented a long-term framework for the expansion and sustainable management of Scotland's forests and woodland. It specifically noted the role of Scotland's forests in climate change mitigation and in achieving the targets set out in the Paris Agreement.*

…….

3.4.4. Protection of existing forestry, as well as expansion, is integral to our climate change targets. Woodland removal should be kept to a minimum and where woodland is felled it should be replanted. These aspects of Scottish Government policy, detailed through the *Control of Woodland Removal Policy have formed part of*

the considerations for relevant onshore wind developments for more than a decade. This proves that the protection of forestry and the promotion of onshore wind already co-exist.

3.4.5. The Scottish Government recognises that net zero cannot be attained without a considered balance of land use. Our ambitions for forestry and onshore wind can complement each other, and there are many good examples of sites supporting both land uses.

3.4.6. Through consultation for the draft Onshore Wind Policy Statement (2021) we asked for views on the integration of taller turbines in forested areas. What would previously have been considered "taller" turbines are now more common and must continue to be deployed in appropriate locations. The "keyholing" technique, where a small area of forestry directly surrounding turbines is removed, thus preventing the need for clear-felling, is one manner of achieving such integration and one which many consultation respondents considered a "sensible solution".

3.4.7. Taller turbines have a higher installed capacity which results in the need for fewer turbines per site. This, alongside the ongoing commitment to compensatory planting, will allow the Scottish Government commitments to both onshore wind development and re-forestation to continue to complement one another.

3.4.8. However, the Scottish Government recognises that the successful integration of turbines and forestry will depend on the unique attributes of each site. Developers must continue to engage with Scottish Forestry and with local Forestry and Woodland Strategies and ensure that careful siting and design minimises impacts on woodland and integrates enhancement measures where relevant.

As stated above taller turbines have a higher installed capacity, resulting in the need for fewer turbines, the proposed tip increase ensures that the 12 turbines already consented will increase the generation capacity in line with the strategy above.

3.5. Biodiversity

3.5.1. Securing positive effects for biodiversity is one of six statutory outcomes for our fourth National Planning Framework (NPF4). Delivering both our emissions reduction targets and our wider national priorities for the environment and land use will require us to conserve and enhance biodiversity, protect and restore habitats and species populations while generating enough green electricity to support our economy and the decarbonisation of currently carbon-intensive sectors. Delivering these outcomes will support the achievement of our net zero and nature ambitions.

Chapter 4: Benefits to Local Communities and Financial Mechanism sets out the Community and Shared Ownership commitments for Onshore wind.

Chapter 5 Onshore Wind and Benefits to Scotland, sets out the economic, employment and supply chain benefits of onshore wind. The proposal is compliant

with this as discussed in the original application the scheme will deliver economic and employment opportunities.

Chapter 6: Onshore Wind and Aviation Considerations, sets out that interrelationship between aviation and wind turbines, this was considered and approved with conditions as part of the original application. The proposal will not affect the approved hub height lighting scheme.

Chapter 7: Onshore Wind and Technical Considerations, sets out the delivery of turbines and other technical issues. An appropriate assessment has been undertaken on these considerations part of the original application and revised proposal which concludes that these issues do not cause constraints for the proposal, ensuring its compliance.

Overall, the OWPS provides a strong indication of the Scottish Government's commitment to meet its ambitious targets for climate change and renewable energy generation through the deployment of onshore wind. The proposed variation sits comfortably alongside these ambitions and can claim considerable support from this important policy statement.

Powering up Britain: Energy Security Plan - March 2023

The plan identifies how the UK can readdress its energy policy and is complemented by the Net Zero Growth Plan.

This Plan sets out the steps the Government is taking to ensure the UK is more energy independent, secure and resilient.

Energy security necessarily entails the smooth transition to abundant, low-carbon energy. If we do not decarbonise, we will be less energy secure. We want our energy to be cheap, clean and British.

We will build on our ambitions set out in the British Energy Security Strategy and the Net Zero Strategy for increasing the overall share of domestic energy production and reducing energy demand. We will move towards energy independence by aiming for a doubling of Britain's electricity generation capacity by the late 2030s, and we remain absolutely committed to maximising the vital production of UK oil and gas as the North Sea basin declines.

In terms of onshore wind the plan states:

Onshore Wind

With over 14 gigawatts currently deployed in the UK, low-cost onshore wind is an important part of the energy mix, accounting for around a quarter of installed renewable capacity. Contracts for Difference Allocation Round 4 secured almost 1.5 gigawatts of onshore wind power, including 900 megawatts of mainland projects. In 2022, the Government confirmed that it would continue to support onshore wind through annual Contracts for Difference auctions.

The above plan is supportive of onshore wind, recognising its important low-cost contribution to the energy mix within the UK. The Proposal will further assist in the timely delivery and maximisation of a windfarm already approved and deemed acceptable.

Scottish Energy Strategy and Just Transition Draft Plan – 2023

The Scottish Energy Strategy and Just Transition Draft Plan was unveiled in January 2023 for consultation and "*set out the Scottish Governments vision for an energy system that delivers affordable, resilient and clean energy supplies."*

"*To realise our climate change ambitions, we need to transform the way Scotland generates, transports and uses energy. We must seize the huge opportunity this presents and deliver maximum benefits to Scotland's people, workers, communities and economy from our vast renewable energy resource. The draft Energy Strategy and Just Transition Plan sets out the scale of that opportunity and provides clarity on how Scotland will prepare for a just energy transition. The draft Energy Strategy and Just Transition Plan sets a vision for Scotland's energy system to 2045 and a route map of ambitions and actions that, coupled with detailed sectoral plans and the forthcoming Climate Change Plan, will guide decision-making and policy support over the course of this decade."*

Our vision is that by 2045 Scotland will have a flourishing, climate friendly energy system that delivers affordable, resilient and clean energy supplies for Scotland's households, communities and business. This will deliver maximum benefit for Scotland, enabling us to achieve our wider climate and environmental ambitions, drive the development of a wellbeing economy and deliver a just transition for our workers, businesses, communities and regions."

The ambition is to deliver an additional 20 GW of low-cost renewable energy by 2030, which includes 12GW of onshore wind.

The Draft Strategy states the following with regards to Onshore Wind:

"In the Onshore Wind Policy Statement, published in December 2022, we set an ambition for a further 12 GW of onshore wind by 2030, increasing from 8.78 GW as of June 2022 to 20 GW by 2030, more than double our existing capacity. Our draft Strategy and Plan restates our ambition and provides clear positions on community benefit and shared ownership, including how communities can benefit from repowering of existing sites. The Onshore Wind Policy Statement sets out how we will work with industry to deliver an Onshore Wind Sector Deal in 2023, to ensure we maximise deployment and the economic opportunities that flow from it."

Strategy and Policy Statement for Energy Policy in Great Britain: consultation – May 2023

The UK Government is looking to produce a comprehensive strategy and policy statement for energy policy that complements existing Papers including: Energy White Paper (2020), Ten Point Plan for a Green Industrial Revolution (2020), Net Zero Strategy (2021), British Energy Security Strategy (2022), Energy Security Plan (2023)

and Net Zero Growth Plan (2023). The consultation period ended on the 2nd of August 2023 and is currently under review.

The three strategic objectives identified for the energy policy are:

Enabling Clean Energy and Net Zero Infrastructure
Driving the net zero transition to increase and diversify the supply of energy; the transition to net zero compatible alternatives from unabated natural gas is planned and operated in a coherent way; network infrastructure delivered at pace and scale to handle increased capacity as electrification grows; competitive and effective markets; regulation which facilitates the anticipatory investment required in clean technology and infrastructure; and seize the economic opportunities of the net zero transition, boosting growth and innovation in green industries.

Ensuring Energy Security and Protecting Consumers
An energy system which is secure and resilient, including from supply shocks and external changes in the international environment; and energy wholesale markets that are competitive, transparent, and liquid. An energy system that provides protection for consumers, with Ofgem using the full range of levers at its disposal including its compliance and enforcement powers; and a retail energy market that works better for consumers.

Ensuring the Energy System is fit for the Future
Energy market design that enables Great Britain to strengthen energy security and meet our decarbonisation targets; delivers the most cost-effective system for consumers; and supports government's ambition for Britain to have among the lowest wholesale electricity prices in Europe by 2035 and drive economic growth in the longer term. Coordinated national and local electricity markets which are open to all technologies of all sizes and unlock the full benefits of low carbon flexibility to best meet our net zero targets; economic and efficient digital infrastructure which enables a smart, digital and secure energy system; and effective governance of the energy system during the transition to net zero.

The Proposed Development would make a positive contribution towards all the three objectives listed above, especially in terms of enabling clean energy and net zero infrastructure were the Governments priorities are:

- *"Network infrastructure is reliable, resilient, sustainable and appropriately connected to other markets.*
- *Electricity network infrastructure is delivered at scale and pace, ahead of need, to meet the demands of a decarbonised energy system as electrification grows, while controlling system costs by facilitating a smart, flexible and digitalised energy system.*
- *Driving the net zero transition by achieving government targets for renewable and low carbon deployment, innovation and uptake of clean technologies, and providing opportunities to increase energy efficiency.*

- *The transition to net zero alternatives from natural gas is planned and operated in a coherent way, with consideration to security of supply and costs for consumers, enabling necessary investment and promoting the move to the most cost-effective low carbon options wherever possible.*
- *Competitive and effective markets and regulation that facilitate the anticipatory investment required in innovation, clean technologies, and infrastructure to meet government's net zero targets while ensuring an appropriate balance between economic, environmental, and social costs, and addressing undue barriers to entry, growth and innovation.*
- *Ensuring the benefits of investment in clean energy and net zero infrastructure are felt across the UK, from emissions reduction to economic development and job creation".*

The Proposed Development would contribute to all the above objectives as well as helping ensure more flexibility, security, and resilience within the energy system ensuring that it is compatible with the above Paper.

Onshore Wind Sector Deal for Scotland – September 2023

The foreword for the Deal clearly sets out the ambitions from all parties involved with the delivery of onshore wind:

"We are delighted to introduce this onshore wind sector deal which sets the ambition for the next phase of onshore wind delivery in Scotland. As we stand on the threshold of a pivotal era in the energy transition, this sector deal crystallises our dedication to work together to harness the proven potential of onshore wind to shape a cleaner, more prosperous future for the nation.
Scotland's rich wind resources, technical expertise and commitment to tackling climate change have paved the way for a journey toward a greener energy landscape. This deal encapsulates the collective vision to harness the power of the wind to drive economic growth, create high quality jobs, reduce carbon emissions and ultimately benefit the communities of Scotland.
This document demonstrates many commitments across many stakeholders, with essential themes that should be recognised and celebrated. By fostering collaboration between the Scottish Government, industry and local communities, we can ensure that this endeavour is not just about harnessing the wind but also about nurturing sustainable growth. This is a moment of convergence, where sustainable development aligns with economic prosperity.
As we embrace the possibilities of this sector deal we acknowledge the challenges that lie ahead. Balancing the needs of energy production with environmental stewardship demands diligence and continuous innovation. This deal charts a course that safeguards our natural heritage while delivering clean, affordable energy to power our lives and industries.
Crucially, this deal emphasises inclusivity and equity ensuring that the benefits of our onshore wind revolution are shared by all.
In a period where the sector has continued to deliver low cost electricity but also seen increasing costs and reduced revenues, the sector is proudly committed to working

even more closely with local communities, engaging them in decision-making processes and delivering tangible benefits that improve lives and livelihoods. Our commitment to nurturing talent and fostering a culture of innovation will maintain Scotland's position at the forefront of the global renewable energy revolution, setting an example for the world to follow.
The Government is committed to working with developers and stakeholders, understanding the operational barriers to delivering onshore wind projects and setting out processes to help reduce them. We also commit to speeding up consenting decisions, working with planning authorities and statutory consultees to increase skills and resources, as well as streamlining approaches.
Jointly, we will work together on ensuring a balance is struck between onshore wind and the impacts on land use and the environment. We will collaborate to enable information to be collected and shared for monitoring and evidence purposes, and we jointly want to capitalise on the unique opportunity for Scotland to become a world leader in decommissioning, remanufacturing and recycling of onshore wind assets.
We want to thank everyone for the commitment they have made in negotiating this document. Although this is an agreement between the onshore wind industry and Government it was 2 through collaboration and a willingness to engage from all parties that we have reached this historic agreement.
The sector deal is more than just a document; it is a testament to our determination, a celebration of our potential, and a promise to future generations. Let us work together to usher in an era where innovation, sustainability, and prosperity converge, as we power Scotland's greener future through the boundless energy of onshore wind."
The deal sets out how all the stakeholders and the legislative and regulatory framework can be utilised to their full potential focussing upon collaboration and collective action to deliver Onshore wind. The deal is supportive of the Proposal as it supports the delivery and enhancement of Onshore Wind.

The Energy Act 2023 - 26th October 2023

An Act to make provision about energy production and security and the regulation of the energy market, including provision about the licensing of carbon dioxide transport and storage; about commercial arrangements for carbon capture and storage and for hydrogen production and transportation; about new technology, including low-carbon heat schemes and hydrogen grid trials; about the Independent System Operator and Planner; about gas and electricity industry codes; about financial support for persons carrying on energy-intensive activities; about heat networks; about energy smart appliances and load control; about the energy performance of premises; about energy savings opportunity schemes; about the resilience of the core fuel sector; about offshore energy production, including environmental protection, licensing and decommissioning; about the civil nuclear sector, including the Civil Nuclear Constabulary and pensions; and for connected purposes.
In Chapter 1 of the Act, under Licensing of Activities the Act sets out the ley acts for achieving Net zero targets:

(8)The targets referred to in subsection (6)(b) are—

(a)the net-zero emissions target, as defined in section A1(1) of the Climate Change (Scotland) Act 2009 (asp 12);

(b)the interim targets, as defined in section 2 of that Act;

(c)a target in, or set under, section 1 or 2 of the Climate Change Act (Northern Ireland) 2022;

(d)a target in, or set under, section 29 or 30 of the Environment (Wales) Act 2016 (anaw 3).

The recently approved Act, which was given Royal Assent on the 23rd October 2023 sets out the legal framework for the production and transfer of energy and emissions targets as well as the control and licensing of generation.

Climate Change Summary

The Climate Change policies and legislation which have emerged since the decision on Windy Standard III further cement the UK and Scottish Government's ambitions and strategies for reaching Net Zero. The strategies and policies focus on the implementation of the Scottish and UK Energy Strategies and seek a UK based energy supply chain which is primarily focussed on renewable energy. Onshore wind in Scotland makes up an important part of reaching these goals, especially its ability to be installed and implemented in the early years of the Net Zero road map. Onshore wind is also identified as one of the more low-cost low-carbon technologies. The policies also support the maximisation of energy production and seek ambitious targets. The proposed tip height extension at Windy Standard III will make a positive additional contribution towards reaching the country's net zero goals and will maximise the potential output of the project, helping achieve a greater contribution to the low-carbon energy targets than the approved scheme. Moreover, granting this tip height increase will secure a more viable project which will be capable of being built out ahead of the now pressing 2030 targets.

6.3 National Planning Framework 4 (NPF4)

One of the principal intentions of NPF4 is to set out how planning and development will help to achieve a net zero, sustainable Scotland by 2045, as well as aiding the delivery of the UN Sustainable Development Goals (SDG's). Alongside this is the Scottish Governments twin goal to address the global nature crisis. NPF4 sets out the strategic vision for the future and development of Scotland, it involved some major decisions about how Scotland will develop and its ambitions for talking Climate Change, with significant investment in infrastructure and how Net Zero can be achieved and work.

In **Part 1**, the NPF4 highlights how the '*world is facing unprecedented challenges'* particularly in relation to climate change and the growing nature crisis. The Proposed Development provides a meaningful contribution to both emergencies as well as helping to power a more sustainable economic future.
The NPF4 goes on to set out six spatial principles, including but not limited to a 'J*ust transition' and 'Rural revitalisation'* both of which provide encouragement for this type of development. By applying these principles, the national spatial strategy seeks to *support sustainable, liveable and productive places*.

- ***Sustainable places**, where we reduce emissions, restore and better connect biodiversity*
- ***Liveable places**, where we can all live better, healthier lives; and*
- ***Productive places**, where we have a greener, fairer and more inclusive wellbeing economy.*

Sustainable Places
Under the heading of ***Sustainable places*** the NPF highlights:
"Our climate is changing, with increasing rainfall, extreme weather events and higher temperatures that will intensify in the coming years. This will increase flood risk, water scarcity, environmental change, coastal erosion, impact on forestry and agriculture, and generate risks to health, food security and safety. Impacts will not be equal and communities who already face disadvantage will be particularly affected.

Scotland's high quality environment, and the natural capital it supports, underpin our approach to tackling climate change and the economy and is fundamental to our health and wellbeing. It provides the essentials we all need to survive, including clean air water and food.

However, the health of the planet's ecosystems is declining faster than at any point in human history and our natural environment is facing significant challenges, including ongoing loss of biodiversity. Since the 1990s alone, wildlife populations in Scotland have declined, on average, by around a quarter. This threatens the capacity of the natural environment to provide the services we all rely on, and reduces our resilience to the impacts of climate change.

Scotland' Climate Change Plan, backed by legislation, has set out approach to achieving net zero emissions by 2045, and we must make significant progress towards this by 2030 including reducing car kilometres travelled by 20% by reducing the need to travel and promoting more sustainable transport……

… Scotland's Energy Strategy will set a new agenda for the energy sector in anticipation of continuing innovation and investment. The interplay between land and sea will be critical, given the scale of offshore renewable energy resources. Our Infrastructure Investment Plan and National Transport Strategy are clear that we must work with our existing infrastructure assets first, before investing in additional assets.

Scotland's Environment Strategy sets out the Scottish Government's vision for tackling the twin climate and nature crises. Building on this, a new Scottish Biodiversity Strategy will set targets….."

This Part of the NPF clearly sets out Scotland's ambitions for Net Zero and places importance upon energy strategy and the importance of the environment and biodiversity. The Proposal is supported by Scotland's Energy strategy and the need to create Sustainable and productive places. The Proposal will contribute further to the target of Net Zero when considered against the consented scheme.

National Spatial Strategy
Under the heading of the ***National spatial strategy*** the NPF highlights:
"Scotland's future places will be net zero, nature-positive places that are designed to reduce emissions and adapt to the impacts of climate change, whilst protecting, recovering and restoring our environment.

Meeting our climate ambition will require a rapid transformation across all sectors of our economy and society. This means ensuring the right development happens in the right place.
Every decision on our future development must contribute to making Scotland a more sustainable place. We will encourage low and zero carbon design and energy efficiency, development that is accessible by sustainable travel, and expansion of renewable energy generation. It is also crucial that we build resilience to the future impacts of climate change including water resources and assets and development on our coasts. Our places will also need to evolve to help us cope with changing temperatures.

*Our commitment to a **just transition**, means that our journey to a net zero society and nature recovery must involve, and be fair to, everyone. We will grow a circular economy and make best use of embodied carbon by **conserving and recycling assets,** including by encouraging sustainable design and the wise use of resources.*

To respond to the global biodiversity crisis, nature recovery must be at the heart of future places. We will secure positive effects for biodiversity, create and strengthen nature networks and invest in nature-based solutions to benefit natural capital and contribute to net zero. We will use our land wisely including through a renewed focus on reusing vacant and derelict land to help limit the new land that we build on. We will protect and enhance our historic environment and safeguard our shared heritage for future generations. We will also work together to ensure that development onshore aligns with national, sectoral and regional marine plans".

The Proposed Development is aligned with this key theme of the NPF4, in that *"every decision on future development must contribute to making Scotland a more sustainable place*". As the Proposal will increase the potential generation capacity of the scheme it is fully compliant, the decision to apply for the tip height extension was primarily based upon the making sure the development enhances and maximises Its contribution to making Scotland a sustainable place.

National Developments
As one of its six ***National developments*** aimed at supporting the delivery of sustainable places the NPF4 provides explicit support for developments, subject to site specific considerations, such as the one proposed:

- ***"Strategic Renewable Electricity Generation and Transmission Infrastructure*** *supports electricity generation and associated grid infrastructure throughout Scotland, providing employment and opportunities for community benefit, helping to reduce emissions and improve security of supply*".

On page 16 under the heading of ***Productive Places*** the NPF4 highlights that ***Rural revitalisation*** can be achieved by distributing development, investment and infrastructure and enabling rural development. Whilst also recognising energy and food as key sectors in this transition.

The Proposal is strongly supported by the above policy, as it delivers increase renewable generation without the need for additional turbines, ensuring that the development utilises the land to the best of its ability ensuring it is the most productive place it can be. In addition, the development site is not used for food production ensuring that there is no conflict between the other key sectors.

Part 2 of NPF4 sets out the proposed new National Planning Policy, to replace the SPP in addition to the general policy requirements of Local Development Plans. Under Part 2 renewable energy development is strongly promoted and supported:

Tackling the climate and nature crises: *Policy Principles*
Policy Intent*: To encourage, promote and facilitate development that addresses the global climate emergency and nature crisis.*
Policy Outcomes: *Zero carbon, nature positive places.*

Policy 1 (Tackling the climate and nature crises) clearly sets out the weight that should be given to the climate and nature crises, *"When considering all development proposals significant weight will be given to the global climate and nature crises."* The Policy intent sets out ***"****To encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of Climate Change".* It is fully supportive of the proposal as it will ensure maximum generation from the already consented scheme ensuring that it maximises the reduction in emissions and adapts the scheme to future climate change.

Policy 2 (climate mitigation and adaption. It comprises a low carbon technology, which will not only reduce carbon emissions but in doing so make our places more resilient to the impacts of climate change.

Policy 3 (Biodiversity) seeks to protect and reverse biodiversity loss and requires that development proposals contribute to the enhancement of biodiversity, including the restoration of degraded habitats. The habitat enhancements proposed as part of the development are entirely consistent with this important policy objective.

The original application makes reference to biodiversity enhancement and standard protection mitigation in Section 8.5 (Mitigation and Habitat Enhancement) the measures outlined within are still appropriate and will be implemented in full, the conclusions of the original EIAR in terms of biodiversity are still considered valid and inline with policy.

Policy 4 (Natural Places) sets out the important considerations that developments need to undertake in relation to the natural environment, especially in relation to designated Landscape and Ecological/Ornithological sites. It sets out the balance between the level of harm that should be considered and the benefits of the development ensuring that projects fully considered the overall balance of schemes**.** The consented scheme has already assessed any direct or indirect impacts on areas of natural heritage value, the landscape and the environment and found that on balance the development is acceptable. this application and statement has assessed that the proposed variation against the original consent and concluded that it will not create any additional effects to the consented scheme, therefore ensuring its compliance with Policy 4.

Policy 5 (Soils) sets out the strong requirements for development to consider and recognise the importance of Scotland Carbon-rich soils. The policy sets out the high threshold for ensuring the protection of soil, prime agricultural land and peatland. The proposal considered in paragraph 4.8 the impacts of the variation upon peatlands and soils. is in compliance with Policy 5. As assessed and concluded so under the original decision and the Reporter concluded that the risk of peat slide could be managed and that the risks were acceptable. In addition, the Reporters concluded that the applications accounted for the presence and depth of peat and that the effects on peats soils are acceptable. As no changes are proposed to the groundworks or excavations there will be no change to the previously assessed impacts upon Peat, ensuring that this variation remains complaint with Policy 5.

Policy 6 (Forestry, woodland and trees) sets out the support for woodlands, particularly for those developments that can enhance them. It also sets out the criteria for the loss of woodland and places a high value on ancient and native woodlands. Forestry is considered in Section 4.9, however there are no proposed changes to the previously assessed Forestry implications from this variation. The Reporter concluded that they "*we do not consider that the proposal would have unacceptable effects on forestry resources".* As no alteration are proposed to the forestry to that already assessed the Proposal is compliant with Policy 6.

Policy 7 (Historic assets and places) sets out the intention to protect and enhance the historic environments, setting out the assessment criteria. The Proposal will not change the previously assessed impact upon the historical environment which was considered acceptable as such the Proposal is compliant with Policy 7.

In terms of the Proposed Development the most directly relevant part of the NPF4 is **Policy 11** (Energy) which states:

"a) Development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported. These include:

i) Wind farms including repowering, extending, expanding and extending the life of existing wind farms; ……...

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

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

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

Under Part a and c, the proposed tip height extension is supported as it maximises the net economic and socio-economic benefits. The proposal can be considered an extension and expansion of the existing consent, in that it increases the generation potential of the scheme, ultimately expanding the contribution of the proposed development to meting climate change targets.

As set out in this statement the Proposed development does not materially change or increase the direct impacts of the Consented Wind Farm upon the environment.

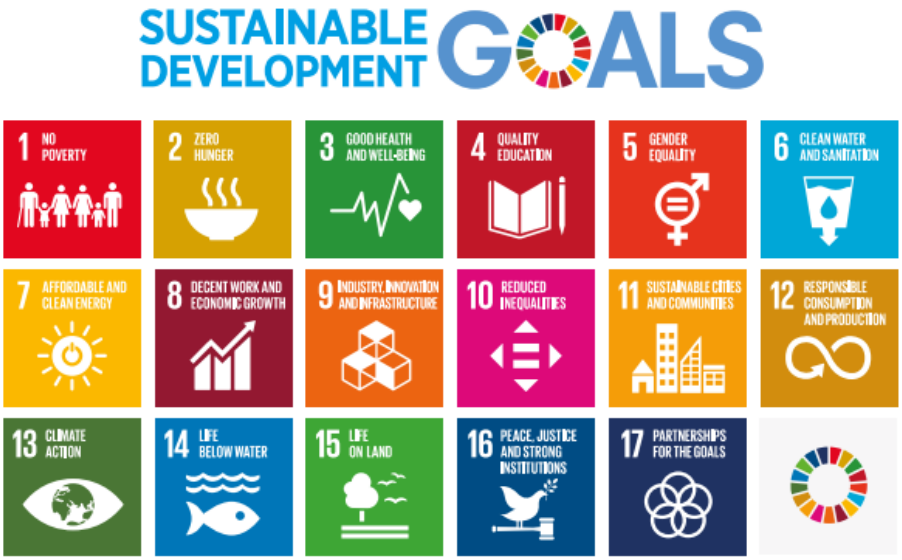
The proposal has significant support from the most specifically relevant policy of the NPF4, Policy 11. As it is clear that the Proposed Development would generate electricity from renewables and support the expansion of renewable energy developments.

The Proposal complies with **Policy 12** (Zero Waste) with regards to the reuse of existing infrastructure in that it would utilise the existing accesses and haul roads from Windy Standard I and Windy Standard II.

In terms of Health and Safety the Proposal is compliant with **Policy 23** (Health and Safety) by continuing to avoid significantly adverse potential air and noise impacts to the nearest receptors. Once operational there will be no additional noise or air impacts resulting from the Proposal which are not controlled by the existing planning conditions.

Policy 25 (Community wealth building) sets out how developments that create local jobs etc are supported. The original consent assessed the economic and job creation benefits of the proposed development. The additional generating capacity of the proposed variation will ensure in turn to generate additional levels of community investment ensuring that it is supported by Policy 25.

Part 3, Annexes sets out the nature and procedure of NPF4.
Annex A - Role of the National Planning Framework Scotland 2045*: our Fourth National Planning Framework, commonly known as NPF4, is required by law to set out the Scottish Ministers' policies and proposals for the development and use of land. It plays a key role in supporting the delivery of Scotland's national outcomes and the United Nations Sustainable Development Goals.*



The Proposals supports SDGs 7, 8, 9, 11, 12, and 13, with particular contribution to Goals number 7 and 13.

Annex 3 continues to set out:
NPF4 is required by law to contribute to 6 outcomes:
……

- *Meeting any targets relating to the* ***reduction of emissions*** *of greenhouse gases, and*
- *Securing positive effects for* ***biodiversity.***

Having established that the Proposal has support from the most relevant principles and policies of NPF4 it is concluded that it provides an extremely strong basis for approving this s36 Application. This is also relevant for this application since NPF4 provides the most up to date element of the development plan. This adds further support for the proposed variation of Windy Standard III and the opportunity to maximise the generation for low-caron energy and accelerating the end goal of Net Zero.

6.4 Local Planning Policies

Whilst the original application was submitted under the 2014 LDP, the grant of consent and decision in 2021 considered the 2019 adopted Local Development Plan (LDP2). The Reporter and Scottish Ministers found that the Development was compliant with policy and concluded:

"The Dumfries and Galloway Local Development Plan 2014 and Part 1 Wind Energy Development: Development Management Considerations Supplementary Guidance 2017 were the relevant statutory plans at the time of application and hearing. Since the hearing was conducted, the council have adopted the Dumfries and Galloway Council Local Development Plan 2 (LDP2) and updated their supplementary guidance.
The Reporters concluded that the proposed Development would comply with the recently adopted LDP2 and draft guidance on wind energy development.
The Scottish Ministers agree with the Reporters that the proposed Development is supported by both national and local planning policies and adopt this reasoning for the purposes of their own decision.

The Council's Planning portal clearly highlights that NPF4 is the most recent element of the development plan and that where the two are contradictory NPF4 takes precedence over LDP2:

Development Planning

The Scottish Parliament approved National Planning Framework 4 (NPF4) on 11 January 2023. NPF4 has now formally been adopted by Scottish Minister on 13 February 2023.

Dumfries and Galloway development plan now consists of:

- *NPF4*
- *Adopted Local Development Plan 2 [PDF - 18MB]*
- *Local Place Programme Grant Fund Guidance [DOCX - 136KB]*

Now NPF4 is adopted, all planning applications will be assessed against the above. Where policies in NPF4 contradict those in LDP2 and its associated Supplementary Guidance then NPF4, as the most recent plan, will take precedence.

The Proposed variation to the consent does not affect the previous conclusions against LDP2 and the SPG. The variation also now benefits from the additional support provided by the adopted NPF4. In all cases the variation is considered to have support from the development plan.

7 Summary and Conclusion

The proposed amendment to increase the maximum blade tip height of 12 turbines of the Consented Development by 2.5 m or 1.4% of the overall consented height is a minor change. Conversely, the Proposed Development will allow a potentially significant increase in renewable energy generation of the Consented Development of around 11%. This significant increase in potential generating capacity ensures maximum renewable energy generation and socio-economic benefits from the site as set out in the series of Planning and Climate change polices assessed in section 6 of this statement.

Through screening it has been confirmed that the proposed variation does not constitute EIA development as it will not significantly alter the effects of the consented development. The potential effects of the proposed increase have been assessed as part of this statement where they were considered to have the potential to change. In line with the screening opinion, the assessment has concluded that the proposed height increase will not create or generate any significant additional adverse effects to those that have already been assessed by Scottish Ministers when determining the original proposal.

It is considered that the conditions attached to the existing consent remain appropriate except for minor administrative updates as described above and provide the necessary safeguards for the environment as assessed and considered through the determination of the proposed development. No fundamental changes to these conditions are deemed necessary for the proposed variation to accompany the revisions proposed to the Annex 1 description, Annex 2 Conditions, or the Annex 3 plans.

The proposed variation would further contribute towards the Scottish Governments Net Zero target by 2045, help further address domestic energy supply and security issues, and provide additional low carbon renewable alterative to fossil fuels in order to address the climate change crisis.

NPF4, OWPS, the Scottish Energy Strategy and the Sector Deal are clear that renewable energy projects, and onshore wind in particular are a priority for the Scottish Government and as such should be considered with significant weight in favour of the proposed variation.

These recent additions to Climate Change and energy policy have been assessed in detail in section 6.2. These strongly support the development of low carbon energy supplies and recognised the significant contribution that onshore wind can make to the early and cheap delivery of energy on the road to Net Zero in 2045 and interim targets in 2030. Energy policy also notes the importance of maximising resources and the importance of expansion and repowering of existing wind farms..

In advance of determination by Scottish Minsiters the applicant has considered the Proposal against Schedule 9 of the Electricity Act 1989. The environmental assessment in section 4 of this statement of the proposed tip height increase has concluded that the height increase will not harm the preservation of amenity and fisheries. Natural beauty and the conservation of flora, fauna and geological or physiological features have been considered and it is concluded that there will be no or a negligible impact upon these from the proposed height increase. The height increase will also not harm protected sites, buildings and objects of architectural, historic of archaeological interest.

Further to this the previous mitigation measures considered as part of the consented scheme will still be enacted and controlled through the existing planning conditions.

NPF4 enhances the policy commitment by Scottish Government to address the climate and nature crises. The Proposal would generate additional electricity from renewable energy, support the expansion of renewable energy developments and deliver on the both the climate and nature crises and has strong policy support from Policy 11.

NPF4 supports the planning and delivery of sustainable places, liveable places and productive places, and that the planning system should support, economically, environmental and socially sustainable places by enabling development that balances the costs and benefits over the longer term. It is important that decisions are guided by policy principles including, giving due weight to net economic benefits and supporting the delivery of renewable energy projects and energy storage.

The Proposed Development is fully in accordance with NPF4 in its entirety, the DGC LDP2 and with all relevant Energy Policy. It is therefore submitted that this Application should be approved.

Appendix 1 – Revised Annex 3 Plans

Appendix 2 – Wireline Visualisations

Appendix 3 – The Consent

Appendix 4 – PLI Report for the Consented Development

Appendix 5 – Traffic Assessment

Appendix 6 – Full proposed amended Annex 1 and 2

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