



# Scawd Law Wind Farm Scottish Borders:

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## Planning Statement Update

February 2025

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# 1. Introduction

## 1.1 Background & Scope

- 1.1.1 This Planning Statement Update (PSU) has been prepared by David Bell Planning Ltd (DBP) on behalf of the Applicant Fred. Olsen Renewables Ltd (FORL) to construct, operate the proposed Scawd Law Wind Farm (the Proposed Development).
- 1.1.2 As the Proposed Development has a generating capacity in excess of 50 megawatts (MW), consent is required from Scottish Ministers under Section 36 of the Electricity Act 1989 ('the 1989 Act'). In addition, a request is being made by the Applicant that planning permission is deemed to be granted under Section 57(2) of the Town and Country Planning (Scotland) Act 1997, as amended ('the 1997 Act').
- 1.1.3 The application submitted in December 2022 was accompanied by an Environmental Impact Assessment Report (EIAR) which has been undertaken in accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (the EIA Regulations). The EIAR presents information on the identification and assessment of the likely significant positive and negative environmental effects of the Proposed Development.
- 1.1.4 Since the submission of the Section 36 application to the Scottish Government, a number of consultation responses have been received from statutory consultees. The Applicant has sought to address the matters raised through undertaking additional survey work and assessment, in particular with regard to ornithology interests (Golden Eagle) ecology, hydrology and landscape and visual considerations. This has been set out in an Additional Information Report (AIR) Report. The AIR should be read alongside the EIAR (2022).
- 1.1.5 In addition, given the time that has elapsed since the Section 36 application was submitted (some two years) an update is provided in relation to planning and energy policy matters which have emerged over this timeframe. Since submission of the application the Scottish Borders LDP was adopted on 22 August 2024. An update is also provided in relation to the benefits of the Proposed Development.
- 1.1.6 This PSU is supplementary to, and should be read in conjunction with, the 2022 EIA Report, the original Planning Statement (2022) and the previous Planning Statement Update of February 2023.

## 1.2 Changes to the Proposed Development

- 1.2.1 In response to consultee comments to the proposal, the Applicant is providing Additional Information in relation to a potential revised layout which involves the deletion of two turbines (T7 and T8).
- 1.2.2 The AIR provides an updated assessment of potential environmental impacts relevant to the potential amendments to the infrastructure layout for the Proposed Development.
- 1.2.3 As set out in the AIR in light of the ornithological assessment it is acknowledged that it is possible that turbines 7 and 8 may potentially, as a result of their effects cause concern for consultees. Whilst the Applicant's assessment is considered robust, the Applicant is proposing a condition which could be imposed which would prevent the construction of turbine 7 and 8 unless appropriate mitigation was agreed or if further information deemed that the effects arising would be acceptable to Scottish Borders Council in consultation with NatureScot.
- 1.2.4 The Applicant has drafted a potential suspensive condition that could therefore be applied. The condition as drafted is as follows:

*“Turbines 7 and 8 shown on Figure XX shall not be erected without the consent in writing of the Planning Authority.” Reason: in the interest of natural conservation and protecting bird species.*

1.2.5 The AIR contains an alternative six turbine ‘FEI Proposed Development’. The alternative layout as noted, comprises six turbines with a blade tip height of 180m and the installed capacity would be 36 MW. In addition, it is proposed that the battery storage be increased to 24 MW, therefore overall, the FEI Proposed Development would maintain a generation capacity of 60 MW.

### 1.3 Structure of Planning Statement

1.3.1 This PSU is structured as follows:

- > **Chapter 2** sets out the up-to-date position with regard to the renewable energy policy and emission reduction legislative framework addressing new matters which have emerged since the Planning Statement was updated in February 2023;
- > **Chapter 3** considers the Proposed Development against the now adopted Scottish Borders Local development Plan;
- > **Chapter 4** provides an update on the benefits of the Proposed Development; and
- > **Chapter 5** presents overall conclusions and consideration of the planning balance with reference to the conclusions set out in the SEI and the updates to the planning and energy policy framework.

## 2. The Renewable Energy Policy & Legislative Framework: Update

### 2.1 Introduction

2.1.1 The original Planning Statement and its Update of February 2023 provided a detailed position in relation to the renewable energy policy and emissions reduction legislative framework with reference to relevant international, UK and Scottish provisions. The framework of international agreements and obligations, legally binding targets and climate change global advisory reports is the foundation upon which national energy policy and greenhouse gas emissions (GHG) reduction law is based. This underpins the need case for renewable energy, from which the Proposed Development can draw a high level of support. It is also noted that the UK Government is currently consulting on proposed amendments to the Electricity Act 1989. Timescales are uncertain for any proposed changes however they are unlikely to affect this project.

2.1.2 This Chapter provides an update to the renewable energy policy and emissions reduction legislative framework. The new matters which have emerged since April 2023, and which are addressed below include:

> At the UK Government level:

- The Climate Change Committee (CCC) Report to UK Parliament (2024);
- The Labour Government & commitment to renewables (2024); and
- The Clean Power 2030 Action Plan.

> At the Scottish Government level:

- CCC Report to Scottish Parliament – Progress in reducing emissions in Scotland (March 2024);
- Statement to the Scottish Parliament on climate change matters (18 April 2024);
- The Climate Change (Emission Reduction Targets) (Scotland) Act (2024)
- The Scottish Government: Programme for Government (2024); and
- The Scottish Government's Green Industrial Strategy (2024).

### 2.2 UK Climate Change & Energy Legislation & Policy

#### CCC Report to UK Parliament (2024)

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

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

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

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

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

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

- 2.2.3 The CCC Report sets out priority actions (page 9) and they include:
- > The UK should now be in a phase of rapid investment and delivery, however CCC note that all indicators for low carbon technology roll out are “*off track, with rates needing to significant ramp up.*” In this regard in terms of renewable technologies it states onshore wind installations will need to double.
- 2.2.4 Chapter 2 of the CCC Report confirms that the third Carbon Budget was met (covering the period 2018 to 2022), however “*future carbon budgets will require an increase in the pace and breadth of decarbonisation. It is imperative that an ambitious path of emissions reduction is maintained towards Net Zero.*” (Page 33).
- 2.2.5 Section 2.3 of the CCC Report addresses emissions reductions required for future Carbon Budgets. Paragraph 2.3.1 states that:
- “emissions reductions across most sectors will need to significantly speed up to be on track to meet the UK’s climate targets in the 2030s, and therefore the long term target of Net Zero by 2050. Emissions reductions will need to outperform the legislated Fourth Carbon Budget for the UK to be on a sensible path to achieve its 2030 NDC, the Sixth Carbon Budget and Net Zero.”*
- 2.2.6 Chapter 3 of the CCC Report examines indicators of current delivery progress and (page 50) it references a number of key points including *inter alia*:
- “Required pace – substantial progress is needed on a range of key indicators over the rest of this decade, to get the UK on track to meet its 2030 emissions targets. Low carbon technologies need to quickly become the default options in many areas...*
- Renewable energy capacity has been growing steadily. However, roll-out rates will need to increase, compared to those since the start of this decade, to deliver the capacity needed by the end of the decade. Annual installations of offshore wind will need to more than treble, onshore wind more than double and solar increase by a factor of five.”*
- 2.2.7 Reference is made to electricity supply (page 56). With regard to onshore wind it states that only 0.5 GW of new onshore wind was installed in 2023 and “*this is considerably below the peak of 1.8 GW in 2017. Onshore wind installation rates will need to more than double compared to the average pace of deployment over the past three years.*”
- 2.2.8 Chapter 2 of the CCC Report addresses the risks to the UK in achieving its emissions reduction targets.
- 2.2.9 With regard to the Fourth Carbon Budget (2023-2027) it states that although credible plans cover almost all of the emissions reductions required to meet it “*this budget was set before the UK’s Net Zero target was legislated. The UK will need to reduce emissions by double the amount implied by the target to be on a sensible path to Net Zero...*”
- 2.2.10 With regard to the 2030 NDC and Sixth Carbon Budget (for the period 2023 to 2037) the CCC Report states that credible plans cover only around a third of emissions reductions needed to meet the UK’s 2030 NDC and a quarter of those needed to meet the Sixth Carbon Budget. It adds “*that 2030 NDC is now only six years away. While our assessment of the*



*policies and plans to deliver it has improved slightly, there remains significant risks to achieving these goals."*

**Labour Government & Commitment to Renewables (2024)**

2.2.11 The recent UK Government change at Westminster and a Labour administration for the UK is of relevance in terms of the new UK Government policy approach to net zero. The Labour Party Manifesto states that it has "a national mission for clean power by 2030" and it explicitly states that this is achievable "and should be prioritised". The Manifesto sees the clean energy transition as a huge opportunity to generate growth and also to tackle the cost-of-living crisis. This objective is set out as Labour's "second mission" for the UK.

2.2.12 Energy policy is reserved to Westminster and although the Scottish Government has progressed its own energy policy in parallel with its full devolved authority over the planning system in Scotland, UK Government policy is an important relevant consideration.

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

**UK Government: Clean Power 2030 Action Plan (2024)**

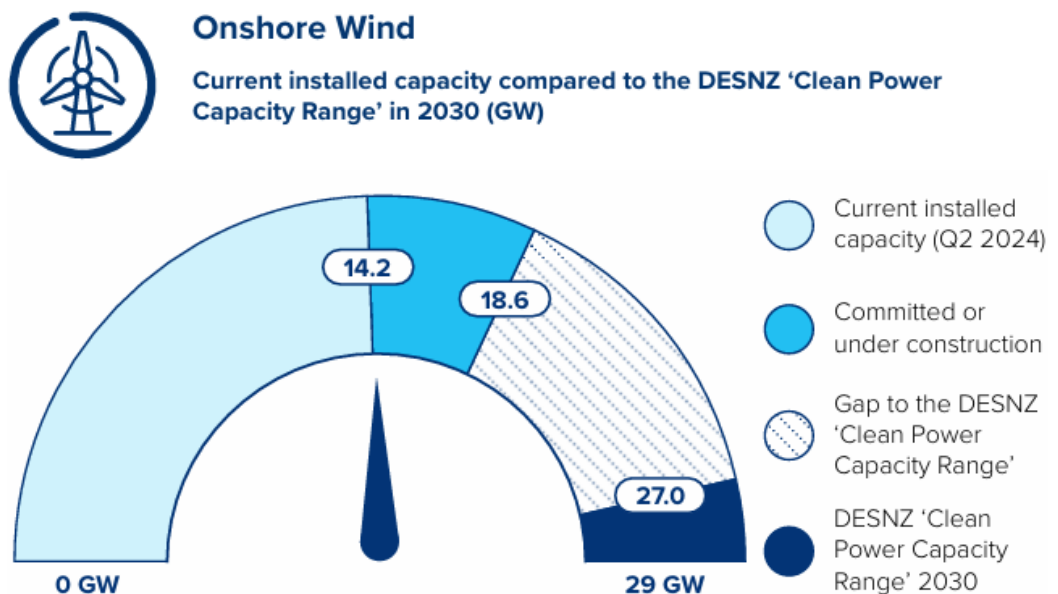
2.2.14 In addition, a key new material consideration is the Clean Power 2030 Action Plan, issued by the Department for Energy Security and Net Zero (DESNZ) in December 2024. It sets out (page 9) that Britain needs to install "clean sources of power at a pace never previously achieved".

2.2.15 It further adds (page 10):

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

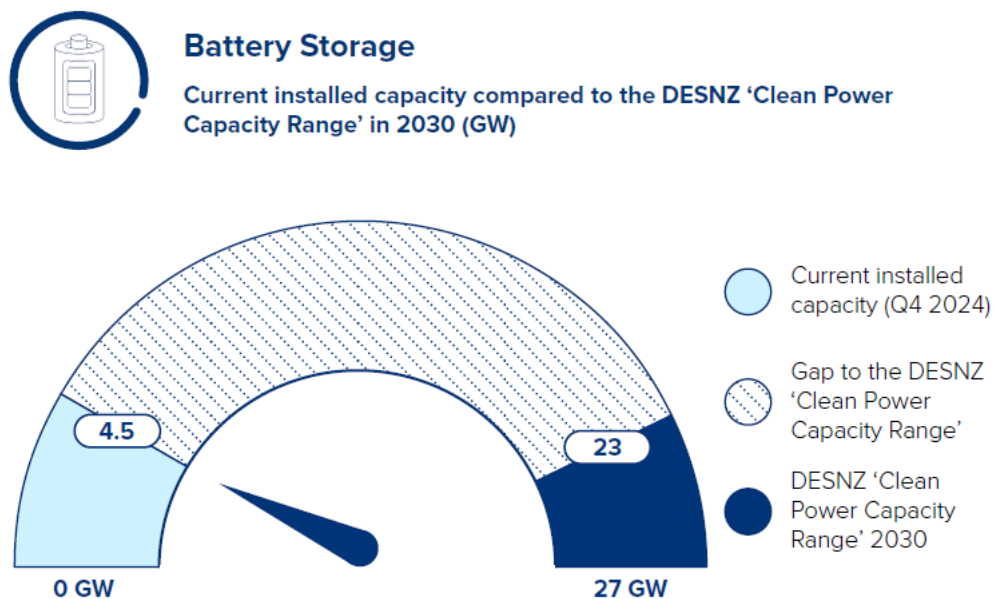
2.2.16 Within the Action Plan, it sets out that by 2030, this means that there should be 27-29 GW of onshore wind operational within the UK. At present, there is only some 14.2 GW of installed onshore wind capacity in the UK.

**Figure 2.1: Onshore Wind and 'Gap' to reach 2030 UK Target**



- 2.2.17 The document adds that *“Meeting the clean power 2030 goal is key to accelerating to net zero, not only in eliminating emissions that currently come from electricity generation, but also via the application of clean power in the buildings, transport and industry sectors... The shift to a clean power system by 2030 forms the backbone of the transition to net zero, as we move to an economy much more reliant on electricity”.*
- 2.2.18 There is therefore a significant gap between the target onshore wind capacity for 2030 compared to what is currently installed. The gap is some 14.8 GW of required new capacity and the bulk of that is expected to be delivered in Scotland.
- 2.2.19 Page 74 of the Action Plan states that *“Meeting the renewable capacity set out in the DESNZ ‘clean power capacity range’ is achievable but will require deployment at a sharply accelerated scale and pace”.*
- 2.2.20 In terms of BESS, the Action Plan states that currently there is 4.5 GW of battery storage in Great Britain and based on National Energy System Operator (NESO) and DESNZ BESS growth scenarios for 2030, it is expected that 23-27 GW of battery storage will be needed by 2030 to support clean power – a very significant level of increase. It is stated that *“Among the specific actions required for batteries, improving the time it takes for mature grid-scale batteries to obtain grid connections and planning decisions are the most significant actions in order to deliver the huge increase in grid-scale battery capacity”.* (pg.96)

**Figure 2.2: BESS and ‘Gap’ to reach 2030 Target**



## 2.3 Climate Change & Renewable Energy Policy: Scotland

### The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 – Update on Targets

- 2.3.1 The Scottish Government has set legal obligations to decarbonise and reduce emissions. Most notably, the Scottish Government has a statutory target to achieve “net zero” by 2045. It is clear that to have any hope of achieving the net zero target, significant expansion of renewable generation capacity is required.
- 2.3.2 When it was enacted, the Climate Change (Scotland) Act 2009 set world leading greenhouse gas emissions reduction targets, including a target to reduce emissions by 80% by 2050. However, the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 amended the 2009 Act and has set the even more ambitious targets.



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

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

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

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

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

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

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

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

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

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

**Statement to the Scottish Parliament on climate change matters (18 April 2024) & the Climate Change (Emission Reduction Targets) (Scotland) Act (2024)**

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

2.3.11 The key points in the statement include:

- > The Scottish Government has an *“unwavering commitment to ending our contribution to global emissions by 2045 at the latest, as agreed by Parliament on a cross-party basis”*.
- > The Cabinet Secretary states that she is *“announcing a new package of climate action measures which we will deliver with partners to support Scotland's transition to net zero”* and the Statement goes out to reference these specific measures.

- > The Statement sets out that in terms of the policies for these measures that “*they sit alongside extensive ongoing work that will be built upon through our next Climate Change Plan and Green Industrial Strategy.*”
- > The Cabinet Secretary states that, “*The Climate Change Committee is clear that the ‘UK is already substantially off track for 2030’ and achieving future UK carbon budgets ‘will require a sustained increase in the pace and breadth of decarbonisation across most major sectors’. Indeed, we do see climate backtracking at UK level.*”

2.3.12 The Cabinet Secretary added:

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

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

2.3.14 A further key point in the Statement is that the Scottish Government has reiterated its commitment to achieving net zero by 2045. It would seem therefore that the proposed approach to dealing with the position set out by the CCC in relation to the 2030 target being unachievable, is to amend the emissions reduction target for 2030 such that it better reflects reality and move to a multi-year carbon budget approach to measuring emissions reduction (instead of annual targets) which would bring the Scottish Parliament in line with the Welsh and UK approaches.

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

#### **The Scottish Government: Programme for Government (2024)**

2.3.16 The Scottish Government’s new Programme for Government (2024-25) entitled ‘Serving Scotland’ was published on 4th September 2024. The programme sets out the key actions the Scottish Government will take in the coming year and beyond. The document is clear (Chapter 3) that one of the four key priorities of the Government is tackling the climate emergency and describes the imperative of reducing emissions and the country’s vulnerability to future impacts of climate change.

2.3.17 It also confirms that the potential for renewable energy generation is one of our greatest environmental and economic opportunities, and states measures to “*progress a renewables revolution*” (page 25).

2.3.18 Onshore wind is also specifically identified as being a priority for quicker decision-making for a new Planning Hub alongside only two other forms of development - hydrogen and good quality homes.

### The Scottish Government's Green Industrial Strategy (2024)

- 2.3.19 The Scottish Government published a Green Industrial Strategy (GIS) in September 2024. The Executive Summary sets out the mission of the GIS, namely:
- "This Green Industrial Strategy's mission is to ensure that Scotland realises the maximum possible economic benefit from the opportunities created by the global transition to net zero".*
- 2.3.20 The GIS sets out five opportunity areas for Scotland where identified strengths are most likely to lead to growth and the potential to grow Scotland's exports. The sectors relate to Scotland's wind economy, carbon capture and storage, supporting the green economy by way of professional and financial services, growing the hydrogen sector and establishing Scotland as a competitive centre for clean energy intensive industries of the future.
- 2.3.21 Page 6 sets out that GIS forms a key part of the Government's broader National Strategy for Economic Transformation. It states that *"It also links explicitly to our Just Transition Plans which describe how the transition to net zero in the most emitting sectors will be achieved in a way that delivers economic, social and community benefits, including fair work, environmental preservation and reduced poverty and inequality."*
- 2.3.22 The first of the five opportunity areas is in relation to 'maximising Scotland's wind economy'. It states that this:
- "is about making the most of our natural resources, established onshore and offshore wind sectors and first-mover advantage in floating offshore wind to generate clean electricity; participating in global supply chains as well as expanding our domestic supply chain capacity and seizing opportunities across the offshore wind supply chain, from infrastructure to manufacturing; positioning Scotland as a leader in material circularity of wind turbines and components."*
- 2.3.23 Actions include *inter alia*:
- > Supporting investment to improve essential infrastructure, expanding supply chains and secure manufacturing opportunities;
  - > Developing and maintaining a pipeline of investment propositions backed by clear information about the timing and nature of renewable energy opportunities;
  - > Delivering planning and consenting systems which enable Scotland's net zero development pipeline; and
  - > Exploring the circularity opportunity in onshore wind.
  - > Page 13 states clearly that the single goal of the GIS is to help Scotland realise economic growth opportunities from the global transition to net zero.
- 2.3.24 Onshore wind is referred to in some detail at page 21 where the GIS states:
- "Onshore wind is the biggest single technology in Scotland's current mix of renewable electricity generation, comprising 62% of installed capacity.*
- A thriving onshore wind sector is therefore critical to the decarbonisation in Scotland and the UK. As set out in our 2022 Onshore Wind Policy Statement, Government and industry are focused on delivering at least 20 GW of onshore wind by 2030 (doubling current capacity) and recent pipeline analysis shows that we should be on track to deliver this.*
- This trajectory is underpinned by the Onshore Wind Sector Deal which sets out a set of specific collaborative actions which include commitments by both the Scottish Government and the onshore wind industry to help deliver the 20 GW ambition.*

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

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

- 2.3.25 It is clear therefore that to progress the Government's objectives with regard to wind energy there needs to be clear support for new investment and growth in onshore wind development. Realising the economic and social opportunities will only be achieved through the development and consenting of additional onshore wind energy developments. Such deployment will not only achieve the net zero target and the important contribution that wind energy will make in that regard but will also help deliver the Government's clear green infrastructure mission.
- 2.3.26 Planning and consenting are addressed from page 48 of the GIS, and it sets out that robust, timely and proportionate planning and consenting systems will be a key enabler of Scotland's net zero transition.

## **2.4 Conclusions on the Renewable Energy Policy & Legislative Framework**

- 2.4.1 It is considered that the Proposed Development is very strongly supported by the climate change and renewable energy policy and legislative framework.
- 2.4.2 The trajectory, in terms of the scale and pace of action required to reduce emissions, grows ever steeper and it is essential that rapid progress is made otherwise the legally binding target in Scotland of net zero by 2045 will not be met.
- 2.4.3 The move away from Scottish annual emission reduction targets only serve to show that we are not on track and strengthen the case for rapidly approving schemes that can contribute to targets. The Scottish Government's overall target of net zero remains unchanged. Indeed, as set out in the Cabinet Secretary's Statement referenced above, the Government retains its "unwavering" commitment to attaining that legally binding target for net zero.
- 2.4.4 Decisions through the planning and wider consenting system must be responsive to this position. Decision makers can do this by affording substantial weight to the energy policy objectives articulated above, in the planning balance in a given case.
- 2.4.5 In terms of the energy policy considerations, it is helpful to reference a recent position of the Scottish Ministers with regard to a Section 36 wind farm decision. Section 36 consent was granted by the Scottish Ministers on 08 November 2024 for the Clachaig Glen Wind Farm within Argyll and Bute and located within the Kintyre peninsula. From paragraph 109 *et seq* of the Decision Letter, the Scottish Ministers in commenting on the acceptability of the development stated:
- "As set out above, the seriousness of climate change, its potential effects and the need to cut carbon dioxide emissions, remain a priority for the Scottish Ministers. Scotland's renewable energy targets and climate change ambitions, energy policies and planning policies are all material considerations when weighing up this proposed development. NPF4, the Energy Strategy and the OWPS make it clear that renewable energy deployment remains a priority of the Scottish Government. The OWPS in particular reaffirms the vital role for onshore wind in meeting Scotland's energy generation targets and net zero emissions ambitions. This is a matter which should be afforded significant weight in favour of the proposed development.*

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

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

- 2.4.6 In the most recent renewable energy policy documents referred to, there is a consistent and what might be termed a 'green thread' which ties a number of related policy matters together: namely the urgent challenge and imperative of attaining and sustaining Net Zero and the need to substantially increase renewable capacity, notably onshore wind.
- 2.4.7 The Draft Energy Strategy and Just Transition Plan for Scotland as referred to in the earlier Planning Statement documentation forms part of the new policy approach alongside NPF4. These documents confirm the Scottish Government's policy objectives and related targets, reaffirming the important role that onshore wind will play in response to the climate crisis which is at the heart of all these policies.
- 2.4.8 It must follow that the need case for the Proposed Development is to be afforded substantial weight in the planning balance. The way that decision makers can do that is by properly recognising the seriousness and importance of energy policy related considerations in the planning balance. It is the cumulative effect of a large number of individual projects which will move Scotland towards where it needs to be in relation to attaining Net Zero.



## 3. Development Plan Policy Appraisal

### 3.1 Introduction & NPF4

3.1.1 As set out in Chapter 1, a Planning Statement Update was prepared in February 2023 which appraised the Proposed Development against the provisions of NPF4. The policy appraisal in relation to NPF4 is not therefore repeated in this report. The appraisal addressed the following policies of NPF4:

- > Policy 1: Tackling the Climate and Nature Crises;
- > Policy 3: Biodiversity;
- > Policy 4: Natural Places;
- > Policy 5: Soils;
- > Policy 7: Historic Assets and Places; and
- > Policy 11: Energy.

3.1.2 The conclusion of the NPF policy appraisal was that overall, the Proposed Development as a National Development is considered to be one that would make a valuable contribution to the NPF4 Spatial Strategy and would help deliver a sustainable place. Overall, it was considered that the Proposed Development would accord with the relevant policies of NPF4 and with NPF4 when read as a whole. Following a review of the additional information containment within the AIR, this conclusion is maintained.

3.1.3 The AIR does not identify any additional significant effects from the potential changes that could arise to the development (ie if turbines 7 and 8 were not built). In terms of landscape and visual considerations a comparison is set out in the AIR between the Proposed Development and the FEI Proposed Development. The assessment concludes that both schemes would have a similar visual envelope but given the potential removal of turbines 7 and 8 in the FEI Proposed Development, there would be a slight reduction in the horizontal extent and cluster of turbines. However broadly theoretical visibility of the FEI Proposed Development would be the same compared to the Proposed Development. In addition, in terms of landscape character assessment there would be similar effects arising.

3.1.4 Overall the landscape and visual assessment set out in the AIR notes that whilst the changes to the FEI Proposed Development would improve the overall layout by removing turbines from the highest part of the ridge line on the site, reducing the horizontal spread along the ridge line and reducing turbines within the cluster through the potential removal of turbine 7 and 8, the landscape and visual effects would not alter noticeably and the alterations would not translate through to a change in significance of effects identified.

3.1.5 The original Planning Statement that was submitted with the Section 36 application addressed the detailed provisions of then adopted Scottish Borders LDP (2016). The conclusion of that appraisal was that the Proposed Development would be in accordance with the relevant policies of the LDP and with the LDP when read as a whole.

3.1.6 As set out in the introduction, a further change in the policy framework has taken place more recently in that the new Scottish Borders LDP was adopted on 22 August 2024. This is examined in the following section.



## 3.2 The adopted Scottish Borders LDP

- 3.2.1 In a Report by the Director of Infrastructure and Environment of SBC dated 28 September 2023 (post the adoption of NPF4) it is set out that planning officers of the Council were content with the conclusions and recommendations contained within the Examination Report for the new LDP and the Council was recommended by officers to agree the Reporter’s modifications in full and to proceed towards formal adoption of the new LDP.
- 3.2.2 The Report sets out that a number of modifications were made to the Plan and most of these were minor and seek to align the policies with NPF4.
- 3.2.3 The Report specifically references the then proposed policy ED9 ‘Renewable Energy Developments’ and it states (page 6 of the Report):
- “Modification to the policy and its supporting text to align with NPF4. The Reporter concluded that in the interest of consistency and to reflect national commitments to address the climate and nature crisis, Policy ED9 has been modified to indicate that development proposals for all forms of renewable, low-carbon and zero emissions technologies will be assessed in accordance with Policy NPF4 11. The Reporter also concludes that the existing Supplementary Guidance and studies may still provide useful tools in helping to identify landscape characteristics and sensitivities, albeit in a different policy context. Therefore, reference to these has been included within the introductory text before the policy itself.”*
- 3.2.4 The Report also states that Chapter 8 of the new LDP has been *“updated to align with current legislation and national policy, in respect of sustainability and climate change.”*
- 3.2.5 It is considered that the new LDP which was adopted in August 2024 is now sufficiently aligned with NPF4 such that there are not any incompatibilities with it and NPF4.
- 3.2.6 A further important modification to Policy ED9 is the modification referring to NPF4 Policy 11 (Energy) namely:
- “Development proposals will be assessed in accordance with NPF4 Policy 11 paragraphs b) to f) and other relevant provisions of NPF4.”*
- 3.2.7 A summary of current relevant LDP policies is provided in **Table 3.1**.

**Table 3.1: Relevant LDP (2024) Policies**

Policy	Policy Summary	Comments re NPF4
PMD1 Sustainability	The preamble to the policy sets out that the Council will encourage sustainable development. The policy states that the Council will have regard to various sustainability principles in determining planning applications. They relate to matters including sustainable use of land, water quality, protection of natural resources including landscape, habitats and species, built and cultural heritage, efficient use of energy, minimisation of waste, encouragement of walking and cycling, minimising light pollution, protection of public health and safety and the provision of new jobs and support to the local economy.	No conflicts with NPF4.
PMD2 Quality Standards	The policy aims to ensure all new development is of a high quality. It states all development should fit with Scottish Border’s townscapes and integrate with its landscape surroundings. It references matters such as layout, orientation, digital connectivity, water usage, hard and soft landscaping works. The policy also covers placemaking and design considerations with	No conflicts with NPF4.

Policy	Policy Summary	Comments re NPF4
	reference to matters such as scale, massing and height, materials and various other site planning and urban design considerations.	
ED9 Renewable Energy Development	The policy sets out the Council's overall approach to proposals for all forms of renewable energy development, including wind energy proposals, grid transmission, solar arrays and energy storage. The policy states that:  <b><i>“development proposals will be assessed in accordance with NPF4 Policy 11 paragraphs b) to f) and other relevant provisions of NPF4.”</i></b>	No conflicts with NPF4.
ED10 Protection of Prime Quality Agricultural Land & Carbon Rich Soil	The policy states that it applies to all development except proposals for renewable energy development. With regard to renewable energy development, it sets out that such proposals will be permitted if they accord with the objectives and requirements of Policy ED9.	No conflicts with NPF4.
HD3 Protection of Residential Amenity	The policy states that development judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted. Assessment criteria include matters such as open space considerations, scale, form and type of development as well as matters such as overlooking, loss of privacy and daylight standards.	No conflicts with NPF4.
EP1 International Nature Conservation Sites and Protected Species	The aim of the policy is to give designated or proposed Natura sites, Ramsar sites and sites where there is likely to be the presence of European Protected Species, protection from potentially adverse development. The policy sets out development management tests in relation to proposals which are likely to have a significant effect on such designations.	No conflicts with NPF4.
EP2 National Nature Conservation and Protected Species	The aim of policy is to protect nationally important nature conservation sites and protected species. These include designation such as Sites of Special Scientific Interest (SSSI) and National Nature Reserves (NNR). As with policy EP1, this policy sets out development management tests in relation to development proposals that are likely to have a significant adverse effect, either directly or indirectly on such designations.	No conflicts with NPF4.
EP3 Local Biodiversity	The purpose of the policy is to safeguard and enhance local biodiversity. The policy sets out development management tests in relation to development that would have an unacceptable adverse effect on Border's Notable Species and Habitat of Conservation Concern. The policy states that any development that could have such impact should avoid fragmentation of	No conflicts with NPF4.

Policy	Policy Summary	Comments re NPF4
	habitats and be sited and designed to minimise adverse impact.	
EP4 National Scenic Areas	The aim of the policy is to protect and enhance the scenic qualities of the two National Scenic Areas (NSA) at Eildon and Leaderfoot and Upper Tweeddale. The policy sets out that development that may affect NSAs will only be permitted where (a) the objectives of designation on the overall landscape value of the site and its surrounds will not be compromised or (b) any significant adverse effects on the qualities for the site or its surrounds have been designated are clearly outweighed by social or economic benefits of national importance.	No conflicts with NPF4.
EP5 Special Landscape Areas	The aim of the policy is to ensure that local areas of identified landscape quality - Special Landscape Areas (SLA) are afforded protection against inappropriate development. The policy sets out that the Council, in assessing proposals for development that may affect SLAs, will seek to safeguard landscape quality and have particular regard to landscape impact of development including visual impact. It adds that proposals that have a significant adverse impact will only be permitted where the landscape impact is clearly outweighed by social or economic benefits of national or local importance.	NPF4 Policy 4 (Natural Places) states that development that has a significant adverse impact on the integrity of a local landscape designation can be supported in the benefits would be of more than local importance.
EP7 Listed Buildings	The aim of the policy is to protect Listed Buildings from development that would spoil their historic and architectural interest. The policy sets out that the Council will support development that conserves, protects and enhances the character, integrity and setting of Listed Buildings. Other aspects of policy relate to internal or external alterations and extensions to Listed Buildings or new developments within the curtilage of such buildings.	No conflicts with NPF4.
EP8 Historic Environment Assets and Scheduled Monuments	The aim of the policy is to give Scheduled Monuments and other archaeological or historic assets, including Battlefields, strong protection from potentially damaging development. In terms of Scheduled Monuments, the policy sets out the same provisions as contained in NPF4 Policy 7 (Historic assets and places). In terms of regional or local archaeological assets, the policy states that proposals that would adversely affect such assets would only be permitted if it can be demonstrated that the benefits of the proposal would clearly outweigh the heritage value of the asset.	No conflicts with NPF4.
EP9 Conservation Areas	The aim of the policy is to preserve or enhance the character or appearance of Conservation Areas. The focus of the policy is in relation to development proposals within or adjacent to a Conservation Area.	No conflicts with NPF4.

Policy	Policy Summary	Comments re NPF4
EP10 Gardens and Designed Landscapes	The aim of the policy is to protect the character of Gardens and Designed Landscapes (GDL) from development that would adversely affect their special character. The policy states that the Council will support development that safeguards or enhances the landscape features, character or setting of sites listed in the Inventory of GDL or sites included in historic gardens and designed landscape records. It adds that all development should be carefully sited and be of the highest standards of design, using appropriate finishing and materials. It adds that proposals that result in an unacceptable adverse impact will be refused.	No conflicts with NPF4.
EP13 Trees, Woodlands & Hedgerows	The aim of the policy is to give protection to the woodland resource of the Scottish Borders. The policy sets out that the Council will refuse development that would cause the loss or serious damage to the woodland resource unless the public benefits of development clearly outweigh the loss of landscape, ecological, recreational, historical or shelter value. The policy adds that where there is unavoidable loss of woodland then there should be replacement planting where possible.	No conflicts with NPF4.
EP15 Development Affecting the Water Environment	The policy is aimed at ensuring development does not adversely affect the water environment. It states that decision making will be guided by assessment of various considerations including potential pollution of surface or underground water, flood risk and compliance with current best practice on Sustainable Urban Drainage.	No conflicts with NPF4.
IS5 Protection of Access Routes	The policy states that development that would have an adverse impact upon an access route available to the public will not be permitted unless a suitable diversion or appropriate alternative route can be provided.	No conflicts with NPF4.

3.2.8

Although there is a difference in wording between the LDP Policy EP5 (Special Landscape Areas) and NPF4 Policy 4 (Natural places) it is not considered to be an incompatibility.

### 3.3 Conclusions

- 3.3.1 The environmental and topic considerations within the LDP (2024) policies are encompassed within the broad remit of NPF4 Policy 11 Part e). In addition, the modifications to lead policy in the new LDP (Policy ED9) make it expressly clear that development proposals for renewable technologies are to be assessed against NPF4 Policy 11 (Energy). Each of the relevant development management considerations have been addressed in the supporting Planning Statement Update of 2023 and are not repeated.
- 3.3.2 It is considered that the Proposed Development would be in accordance with all of the relevant policies in the LDP as set out in **Table 5.1** above.
- 3.3.3 The effects arising from the Proposed Development as updated in the AIR would be acceptable in terms of the relevant policy provisions of the LDP (2024) and NPF4.

## 4. The Benefits of the Proposed Development

### 4.1 Introduction

4.1.1 In this Chapter a summary of the benefits of the Proposed Development are set out. Updates are provided in relation to peatland restoration and also further detail in relation to socio-economic benefits.

### 4.2 The Benefits: Summary

4.2.1 The benefits that would arise from the Proposed Development are set out below.

#### Renewable Generation and Emissions Savings

- > With an overall installed capacity in the region of 60 MW, the Proposed Development would make a valuable and nationally important contribution to the attainment of the UK and Scottish Government policies of encouraging renewable energy developments; and in turn contribute to the achievement of UK and Scottish Government targets. As explained, there is now a distinct shift in policy emphasis from the displacement of higher carbon electricity generation to extending the use of electricity as the critical energy response to the Climate Emergency.
- > The UK legally binding target of net zero GHG emissions by 2050 and the Scottish Government target of net zero by the earlier date of 2045 are major challenges. The Scottish Government has made it clear that onshore wind plays a vital and indeed “mission critical” role in the attainment of future targets in relation to helping to combat the crisis of global heating.
- > The earlier that steps towards decarbonisation are introduced, the greater their contribution to limiting climate change. The Proposed Development’s delivery of an estimated capacity of 60 MW in the near term will have a disproportionately higher benefit than the same capacity delivered later.
- > The wind farm would generate carbon-free electricity, and this could result in expected CO<sub>2</sub> emission savings per annum in the range of 27,053 tCO<sub>2</sub> (8 turbines) and 20,290 tCO<sub>2</sub> (6 turbines) when replacing fossil fuel-mix electricity generation. This illustrates a positive net impact through contributing significantly towards the reduction of greenhouse gases from energy production.

#### Security of Supply

- > The British Energy Security Strategy (2023) provides an increase to the requirements for both the scale and the urgency of delivery of new low carbon generation capacity, by refocussing the requirement for low-carbon power for reasons of national security of supply and affordability, as well as for decarbonisation.
- > With this context, the attractiveness of onshore wind, a proven technology which will deliver significant benefits to consumers through decarbonisation, security of supply and affordability this decade, becomes clear.
- > Battery storage is proposed as part of the Proposed Development. This will be able to store excess power generated by the wind farm and release the power on to the grid when the wind drops. Inclusion of a battery within the scheme significantly increases the sustainability of the power generated. Energy storage will increasingly enable renewable integration, help to balance supply and demand, and enhance security of supply.



- > The Proposed Development, if consented, would provide a valuable contribution to security of supply for Scotland and for the wider GB. Consenting the Proposed Development, would contribute to an adequate and dependable Scottish and GB generation mix, through enabling the generation of more low carbon power from indigenous and renewable resources, and would enable the development to make a valuable contribution to Scottish and wider UK energy security and decarbonisation needs.

#### **Economic, Employment & Community Socio-Economic Benefits**

- > The Proposed Development would support jobs during construction and during operation across the Scottish economy. Overall, the socio-economic effects of the capital investment, employment and GVA to the economy would be beneficial (short term during construction, long term during operation).
- > During the construction phase, the development is estimated to create approximately 638 gross temporary construction jobs.
- > During the operational phase, employment related to operations and maintenance for the development would generate further employment.

#### **Biodiversity Enhancement**

##### 4.2.2

As set out in the Planning Statement Update of February 2023, there will be a permanent enhancement to the site area through the Applicant's proposed improvements to the natural habitat which are addressed in an Outline Habitat Management Plan (HMP). It should be noted that this commitment in the EIAR (Chapter 7) has the objective of benefiting biodiversity and would not just mitigate impacts. The proposals would therefore result in the site, from a biodiversity perspective, being in a "demonstrably better state" than without intervention, consistent with the provisions of NPF4 Policy 3 (Biodiversity). The extent of these proposed enhancements would be the same whether the proposal goes ahead as an 8-turbine development or a 6-turbine scheme.

## 5. Conclusions

### 5.1 Accordance with the Development Plan

5.1.1 Based on the policy appraisal presented in the original Planning Statement, the PSU of February 2023 and as supplemented by this Update, the Proposed Development is considered to be acceptable in terms of its environmental effects and accords with the lead and with other relevant policies and with the Development Plan when it is read as a whole.

### 5.2 The Climate Crisis & Renewable Energy Policy Framework

5.2.1 The urgent need for onshore wind has been set out: a large increase in the deployment of this renewable energy technology is supported through a number of policy documents and by Scottish Government commitments – particularly as expressed in the Onshore Wind Policy Statement (OWPS), the recent Green Industrial Strategy and in NPF4.

5.2.2 Onshore wind was already viewed and described as “vital” to the attainment of targets in 2017. This imperative has only increased since a ‘climate emergency’ was declared by the Scottish First Minister in April 2019, in line with the recommendations made by the CCC (2019) ‘net zero’ publication<sup>1</sup>. Furthermore, the drive to attain net zero emissions is legally binding at the UK and Scottish Government levels by way of amendments to the 2008 Act and in Scotland through the provisions of the Climate Change (Scotland) Act 2009 and the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019.

5.2.3 Achieving net zero is therefore a legal requirement, and the Scottish Government has recognised, in the OWPS, that a very substantial quantity of new onshore wind is required to meet the onshore wind target requirement by 2030 – namely a minimum of 20GW of operational capacity. Deployment of more onshore wind is described as being “*mission critical for meeting our climate targets*” in the OWPS.

5.2.4 The important benefits of the Proposed Development have been set out in the context of the current climate emergency and they would help attain the very challenging ‘net zero’ targets and contribute to improving security of supply.

### 5.3 The Planning Balance

5.3.1 NPF4 and the OWPS are unambiguous as regards the policy imperative to combat climate change, the crucial role of further onshore wind in doing so, and the scale and urgency of onshore wind deployment required. As described in this statement:

5.3.2 NPF4 requires that the decision-maker must also identify and weigh the adverse effects of a proposed development. The way that decision makers can recognise the strengthening policy imperative and the increased weight that should be given to the benefits of the Proposed Development is by giving stronger weight in the planning balance to the seriousness and importance of energy policy related considerations and the contribution of the Proposed Development in meeting green energy targets.

5.3.3 In this case, the Proposed Development has a capacity of over 50MW; it is a National Development and also has the status of essential infrastructure in NPF4. It is a development that will help to deliver the national Spatial Strategy set out in NPF4. The Proposed Development would make a valuable and near-term contribution to help Scotland, and the UK attain Net Zero, security of supply and related socio-economic objectives.

<sup>1</sup> CCC, Net Zero, The UK’s contribution to stopping global warming (May, 2019).

- 5.3.4 Furthermore, as explained above, the Scottish Government has recently issued the Green Industrial Strategy, and the Proposed Development would be fully in line with the policy objectives and the Government's overall mission to maximise the benefits from onshore wind in relation to the wider national economy, as demonstrated by the Applicant's recently prepared detailed Socio-Economic Statement.
- 5.3.5 The effects of the Proposed Development, including the relevant effects listed in NPF4 Policy 11 (Energy) Paragraph (e) have been addressed, as detailed in the supporting information to the application. The Proposed Development would deliver significant biodiversity enhancement, and the cumulative update in the AIR demonstrates that the proposal is acceptable in relation to landscape and visual and other environmental and technical considerations.
- 5.3.6 In terms of NPF4 Policy 11, in considering the identified impacts of the Proposed Development significant weight must be placed on its contribution to renewable energy generation and greenhouse gas emissions reduction targets.

## **5.4 Overall Conclusion**

- 5.4.1 The policy set out in NPF4 and the OWPS requires a rebalancing of the consenting of onshore wind developments in response to the challenges of tackling the climate and nature crises. Having regard to the weight to be ascribed to the important benefits of the Proposed Development it is considered that the benefits of the Proposed Development clearly outweigh its adverse effects.
- 5.4.2 The up-to-date policy set out in NPF4 and the OWPS and the draft Energy Strategy provide strong and increased support for the grant of consent for the Proposed Development.
- 5.4.3 The conclusion remains that the Proposed Development would be consistent with all relevant policies of the Development Plan (NPF4 and the Scottish Borders Local Development Plan), and with the Development Plan when read as a whole and relevant material considerations further support the position that consent should be granted, subject to appropriate consent and deemed planning conditions.

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