Fred. Olsen Renewables

natural power

Natural Power acting as lead consultants on behalf of Fred. Olsen Renewables.

# Windy Standard I Repower

## Planning Statement

November 2022

**Fred. Olsen Renewables Limited**

# Document history

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# Contents

# 1. Introduction

1.1.1. This Planning & Energy Statement has been prepared by Savills UK Limited on behalf of Fred. Olsen Renewables Limited (FORL) (the Applicant). It supports an application to the Scottish Ministers under Section 36 (S36) of the Electricity Act 1989 (the Electricity Act) for a development comprising of up to eight wind turbines, each with a maximum blade tip height of up to 200 metres (m) above ground level (agl) and a combined generating capacity of approximately 49.6 megawatts (MW), together with ancillary infrastructure including upgraded access tracks (involving one new watercourse crossing), borrow pit search areas, electrical cabling, temporary construction areas and a concrete batching plant, collectively known as Windy Standard I Repower Wind Farm and hereafter referred to as the Proposed Development. To ensure a thorough assessment, the decommissioning and restoration of the existing Windy Standard I Wind Farm has also been assessed in the Environmental Impact Assessment Report (EIAR). Ancillary works comprise forest felling and replanting and the implementation of habitat enhancement measures off-site.

1.1.2. The Proposed Development would replace the existing Windy Standard I Wind Farm (which has consent to operate until 2027) and act as an addition to Windy Standard II and Windy Standard III Wind Farms. At the time of writing, Windy Standard I and Windy Standard II Wind Farms are both operational while Windy Standard III Wind Farm has been granted consent and will be fully operational within the next five years. The Proposed Development itself would have an installed capacity of just under 50 MW but falls to be determined under the Electricity Act as it comprises an extension to the Windy Standard II (operational) and Windy Standard III (consented) wind farms.

1.1.3. The Proposed Development would more than double the generating capacity of the existing Windy Standard I Wind Farm (49.6 MW versus 21.6 MW) and help meet the Scottish Government's renewable energy generation targets in the post 2020 period, including the key interim 2030 target.

1.1.4. A description of the Proposed Development is set out in Chapter 1 'Introduction' of the EIAR with individual components described in detail in EIAR Chapter 5 'Project Description'.

1.1.5. This Planning & Energy Statement accompanies the EIAR for the Proposed Development. It does not form part of the EIAR but draws upon its findings to inform conclusions on planning policy matters.

1.1.6. As part of the S36 process, the Applicant is also seeking that Scottish Ministers issue a Direction under Section 57(2) of the Town and Country Planning (Scotland) Act 1997 (the 1997 Planning Act), as amended, that deemed planning permission also be granted for the Proposed Development. Permission is sought for a 35-year operational period.

1.1.7. This Planning & Energy Statement provides an assessment of the Proposed Development against relevant energy policy, national planning policy, local planning policy and associated Supplementary Guidance and other material considerations. There is no 'primacy' of the Development Plan in an application made under the Electricity Act, as would be the case for an application under the 1997 Planning Act. Rather, weight can be attributed by the decision-maker to all material considerations including the various levels of national and local energy and planning related policy and guidance as deemed appropriate.

1.1.8. This Planning & Energy Statement assesses the acceptability of the Proposed Development in land use and planning policy terms in light of the residual impacts identified in the EIAR. It also gives consideration to energy policy and other objectives, concluding with considered comments about the overall acceptability of the Proposed Development in the context of the full range of material considerations.

# 2. Electricity Act – Schedule 9

2.1.1. A decision on this S36 application under the Electricity Act is the principal decision to be made in this case. Schedule 9 paragraph 3 to the Electricity Act imposes no duties on an Applicant other than a generating licence holder or a person authorised by an exemption to generate electricity. The Applicant is not a holder of a generating licence or an exemption in respect of the Proposed Development and the duties under Paragraph 3 do not apply.

2.1.2. The Scottish Ministers as decision maker are required to have regard to the desirability of the matters mentioned in paragraph 3(1)(a) of Schedule 9 in this case (paragraph 3(2)(a)).

2.1.3. This interpretation of the law was confirmed in the opinion of Lord Ericht in the petition of North Lowther Energy Initiative Limited v Scottish Ministers [2021] CSOH 104 (paragraph 18).

2.1.4. Notwithstanding, through the design evolution and the EIAR process, the Applicant has sought to avoid significant environmental impacts arising from the Proposed Development and to then mitigate those that have been identified.

# 3. The Proposed Development Area and Proposed Development

## 3.1. Proposed Development Area Description and Context

3.1.1. The Proposed Development Area is located to the north-east of the Cairnsmore of Carsphairn (EIAR Figure 1.1). The summit area and much of its north-west slopes form part of an established wind farm, which is collectively known as the Windy Standard Complex. The Windy Standard Complex (EIAR Figure 1.2) is currently comprised of three developments: Windy Standard I, Windy Standard II and Windy Standard III. Windy Standard I has consent to operate until 2027, Windy Standard II has an operational life of 25 years (up to 2042), and construction of Windy Standard III has yet to commence. The latter is due to be fully operational within the next five years and has an operational life of up to 35 years.

3.1.2. The Proposed Development Area extends to approximately 350 hectares and is characterised by groups of rounded hills which rise in steps from relatively low-lying land (75 - 100 m above ordinance datum (AOD)) up to 700 m. The hills are rounded and interspersed with hummocks and covered almost entirely on the northern and western faces by plantation forestry. The existing Windy Standard I Wind Farm sits within the Proposed Development Area boundary, within the southern portion (EIAR Figure 1.2).

3.1.3. The Proposed Development Area lies approximately 9 km north-east of the village of Carsphairn and wholly within the administrative boundary of Dumfries and Galloway. The nearest confirmed non-financially involved occupied property to a proposed wind turbine is ‘Craig-An-Dhu’ located over 2.8 km to the north-east of proposed wind turbine T1.

3.1.4. The Proposed Development Area itself is not subject to any landscape, natural heritage or cultural heritage designations. There are however, a number of such designations within the surrounding area, including: -

- Fleet Valley National Scenic Area (NSA) and Nith Estuary NSA, although the closest is more than 38 km away;
- Craigengillan Garden and Designed Landscape (GDL), approximately 12 km to the west;
- Various Regional Scenic Areas (RSAs), the closest of which (Galloway Hills) lies approximately 1.9 km to the south;
- The Galloway Forest Dark Sky Park, which has a core area (approximately 17 km away) and a buffer area (approximately 10 km away);
- Merrick Wild Land Area (WLA), 18.5 km to the south-west at its closest point;

- Loch Doon Site of Special Scientific Interest (SSSI), 3.1 km west at its closest point; and
- Numerous Scheduled Monuments (SMs) (the closest being two chambered cairns less than 1 km away), Dalmellington Conservation Area, and two A Listed Buildings at Craigengillan, all within 15 km.

3.1.5. The habitat surveys (EIAR Figure 9.4) reveal that the Proposed Development Area is largely comprised of acid grassland, commercial woodland and areas of bare ground. Other habitats include areas of heath/acid grassland mosaic, marshy grassland and smaller areas of wet modified bog in damp hollows.

3.1.6. Scotland's Carbon and Peatland Map (2016)[1] indicates that the majority of the Proposed Development Area is Class 5 (indicative peat soil – no peatland vegetation). It suggests that there are two small pockets of Class 1 priority peatland habitat at Lamb Hill and on the western slope of Trostan Hill (EIAR Figure 10.3). Site investigations found that the average recorded peat depth across the entire Proposed Development Area is 0.45 m and the mean peat depth at the proposed wind turbine locations is no more than 0.2 m (i.e. categorised as peaty soils). EIAR Figure 10.4 presents interpolated peat depth data and shows that, aside from short sections of existing forestry track which are proposed to be upgraded, the Proposed Development footprint sits on peaty soils less than 0.5 m deep.

## 3.2. The Proposed Development

3.2.1. As detailed in EIAR Chapter 5 'Project Description', it is intended that the Proposed Development would retain and reuse on site infrastructure associated with the existing Windy Standard I Wind Farm, such as the substations with their associated control buildings and compounds, as far as possible and practical. The proposed wind turbine locations have also been identified to make best use of the existing Windy Standard I access tracks and forestry tracks. This approach has several benefits, such as minimising the removal of commercial forestry.

3.2.2. EIAR Figure 1.3 presents the proposed site layout and illustrates the location of the proposed wind turbines and their foundations and crane pads and all associated support infrastructure, including that required temporarily during construction. A micrositing allowance of up to 90 m for the wind turbines and associated infrastructure is proposed.

3.2.3. The total land take of the Proposed Development, after completion of reinstatement measures including foundations, crane pads, upgraded site tracks etc., has been assessed to be approximately 24.55 km$^2$.

3.2.4. The Proposed Development would more than double the generating capacity of the existing Windy Standard I Wind Farm (49.6 MW versus 21.6 MW) and help meet the Scottish Government's renewable energy generation targets and greenhouse gas (GHG) reduction targets in the post 2020 period, including the key interim 2030 target of a 75% reduction in emissions compared to 1990 levels.

3.2.5. The Proposed Development includes up to eight wind turbines, each with a tip height of up to 200 m. Given the height of the wind turbines, visible aviation obstruction lighting is required. The Applicant proposes to install this on five of the wind turbines. These medium intensity steady red lights would be dimmed in clear sky conditions.

3.2.6. A total of approximately 27.8 km of access tracks will be utilised to access the Proposed Development, made up of a combination of existing, upgraded and new access tracks. Approximately 7.1 km of on site[2] access tracks is anticipated. The proposed layout uses the alignment of the existing wind farm tracks however these will be upgraded significantly to accommodate the new larger wind turbine components. This will result in effectively 4.9 km of newly constructed and 2.2 km of upgraded on site tracks.

3.2.7. As a result of the construction of the Proposed Development, a total of 18.5 hectares of stocked woodland would be felled. However, 11 hectares would be re-stocked and compensatory planting is proposed for the remaining 7.5

[1] Available online from: https://map.environment.gov.scot/Soil_maps/?layer=10 (accessed 13/05/2022)

[2] That part of the Proposed Development Area where the replacement wind turbines are proposed, excluding the existing main access track from the public road

hectares in accordance with Scottish Government policy[3]. The extent, location and composition of the compensatory planting would be agreed with Scottish Forestry, taking into account any revision to the felling and restocking plans prior to the commencement of construction of the Proposed Development.

3.2.8. A new watercourse crossing located on the headwater channel of the Fingland Burn, between wind turbine T4 and the junction to wind turbines T3 or T8, is required as part of the Proposed Development.

3.2.9. The preferred delivery route for Abnormal Indivisible Loads (AILs) (i.e. the wind turbine components) from King George V (KGV) Docks in Glasgow is via the motorway network followed by the main A77 and A713 roads (EIAR Technical Appendix 12.1 - Figure 3.1). It is a proven delivery route for a number of recent wind farm developments. A Preliminary Traffic Management Plan (TMP) has been prepared and presents a series of mitigation measures to manage traffic associated with the construction of the Proposed Development (EIAR Technical Appendix 12.2).

3.2.10. The entire construction period is envisaged to last for 35 months, from decommissioning and restoration of the existing Windy Standard I Wind Farm (discussed further below) through to installation and commissioning of the new wind turbines.

3.2.11. A proposed batching plant allows for concrete to be mixed in situ for use throughout the Proposed Development Area and relieves pressure on the road network by avoiding additional transportation of materials during construction. The batching plant would be located away from watercourses on an existing hardstand area that has been used previously as part of the construction of Windy Standard I and II Wind Farms (EIA Figures 1.3 and 5.8).

3.2.12. Five borrow pit search areas are identified, two of which have been used previously to source construction material.

3.2.13. Off site habitat enhancement measures are proposed. Due to the low quality of habitats present across the Proposed Development Area, there are limited opportunities for enhancements on site. As an alternative, suitable off site projects are to be identified in consultation with stakeholders. In this respect, the Applicant has agreed in principle to provide funding to the Galloway and Southern Ayrshire Biosphere to support projects, such as bog restoration, in suitable locations.

3.2.14. The Applicant is also committed to the provision of community benefits and has offered up to £5,000 per MW annually during the operational life of the Proposed Development, reflective of current Scottish Government best practice guidelines[4]. This funding will complement that already given to support local projects arising from the existing Windy Standard I and II community benefit funds (amounting to £530,000 to date). Further information in relation to the socio-economic benefits of the Proposed Development is set out in EIAR Chapter 15 'Socio-economics'.

### Decommissioning and Restoration of the Existing Windy Standard I Wind Farm

3.2.15. Prior to construction of the Proposed Development commencing, work will be undertaken to decommission and restore the existing Windy Standard I Wind Farm. These works will be undertaken in accordance with Condition 1 of Planning Permission Ref. 18/1142/FUL and are anticipated to last 13 months. Current industry best practice will be employed, with the key activities including:

- Dismantling and removal of all wind turbines, met mast and any supporting above ground electrical equipment;
- Demolition and removal of all wind turbine foundations to a level of one metre below ground level;
- Restoration of all wind turbine crane hardstandings; and
- Reinstatement, reseeding and aftercare of disturbed ground as a consequence of the above activities.

[3] https://forestry.gov.scot/publications/285-the-scottish-government-s-policy-on-control-of-woodland-removal

[4] https://www.gov.scot/publications/consultation-review-scottish-government-good-practice-principles-community-benefits-onshore-renewable-energy-developments/pages/5/

3.2.16. As far as possible, the existing access tracks will remain in-situ and form the basis for the access tracks for the Proposed Development.

3.2.17. In accordance with the extant planning permission for the existing Windy Standard I Wind Farm, a detailed decommissioning plan will be prepared and agreed with the relevant authorities prior to commencement of decommissioning works. Whilst the decommissioning activities associated with the existing wind turbines have been assessed as part of the original consenting process, consideration has been given to the decommissioning process in relation to the Proposed Development as part of the EIAR.

## 3.3. Planning History

3.3.1. Dumfries and Galloway Council (DGC) granted planning permission for Windy Standard I Wind Farm in March 1996 for a period of 25 years from the date of approval (Ref. 95/P/2/0227). The wind farm was commissioned in December of the same year and has been operational ever since. A further planning application under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) to extend the operational period of Windy Standard I Wind Farm to December 2027 was granted by DGC in November 2018 (Ref. 18/1142/FUL).

3.3.2. The existing Windy Standard I Wind Farm consists of 36 Nordtank wind turbines, each with a tip height of 53.5 m, and a combined rated output of 21.6 MW. The Proposed Development would replace the 36 existing wind turbines with eight taller, more energy efficient models.

3.3.3. Windy Standard II Wind Farm was commissioned in 2017 and consists of 30 wind turbines. It has an operational life of 25 years from date of commissioning (i.e. to 2042).

3.3.4. Windy Standard III Wind Farm was consented in March 2021 and comprises 20 wind turbines. It is due to be fully operational within the next five years and has an operational life of up to 35 years from date of commissioning.

3.3.5. The operational wind turbines at Windy Standard II are between 100 m – 119.5 m to tip while the consented wind turbines at Windy Standard III are 125 m and 177.5 m to tip.

# 4. Energy Legislation and Policy Considerations

## 4.1. Introduction

4.1.1. This section considers various pieces of energy legislation and policy considered to be of relevance to the Proposed Development. It includes a discussion on international, UK and Scotland legislation and policy.

4.1.2. As this section of the Planning Statement will demonstrate, there is an increasingly consistent recognition across various tiers of Government and policy advisors that climate change is a ‘here and now’ issue. In 2019 in particular global warming and climate change came to the forefront of political action with the publication of seminal documents from authoritative bodies such as the Committee on Climate Change (CCC) and the modification of legislation across the UK to take on board some of the key recommendations from the CCC.

4.1.3. There has also been a notable change in the everyday language used when discussing climate change – increasingly the term ‘climate emergency’ is being used, including by Governments and local authorities; a reflection of the severity of the current situation worldwide.

4.1.4. Put simply, urgent action is required now to reduce our GHG emissions if we are to avert the worst consequences of climate change. Sourcing an increasing proportion of our energy from renewable sources has a key role to play in achieving this objective. The Scottish Government declared a climate emergency in May 2019 and passed the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019, which amends the Climate Change (Scotland) Act 2009 and sets a target for a 100 % reduction in $CO_2$ emissions by 2045. This is supported by the Scottish Energy Strategy’s target of 50 % of all energy (including transport, heat and electricity) being supplied from renewables by 2030.

4.1.5. In addition, more recent events with the war in Ukraine have shed a spotlight on the importance of having greater security over our future energy supplies. Security of supplies has been a consistent theme across many of the energy publications but there can be no doubt that this issue has taken on a much greater degree of importance since the start of the Ukraine war, which has seen significant increases in the price of oil and gas and statements from the UK Government about the importance of diversifying our domestic energy supplies, including publication of the Energy Security Strategy in April 2022, which is discussed below.

4.1.6. The legislation and policy documents discussed below are material considerations in support of the Proposed Development which can, and should, be given significant weight in the determination of this S36 application.

## 4.2. The Legislative Context

### Climate Change Act 2008

4.2.1. The Climate Change Act 2008[5] became law on 26 November 2008 and introduced a legally-binding target for the UK to reduce $CO_2$ emissions by at least 80% by 2050, relative to 1990 levels. Efforts to reduce emissions in Scotland would contribute to achievement of UK wide targets, as well as meeting Scotland specific targets as discussed below.

### The Climate Change Act 2008 (2050 Target Amendment) Order 2019

4.2.2. The UK Government amended the Climate Change Act 2008 in June 2019 to increase the GHG reduction targets for the UK, reflecting the recommendations set out in the CCC Report from May 2019 'Net Zero - The UK's contribution to stopping global warming'[6]. The Climate Change Act 2008 (2050 Target Amendment) Order 2019[7] amended the 2008 Act by passing into law the target for UK GHG emissions to be at least 100% lower than the 1990 baseline by 2050 (net zero by 2050), an increase on the previous target for an 80% reduction by the same date.

### The Climate Change (Scotland) Act 2009

4.2.3. The Climate Change (Scotland) Act 2009[8] created the statutory framework for GHG emission reductions in Scotland by setting a target for net Scottish emissions for the year 2050 to be at least 80% lower than the 1990 baseline level. An interim target of a 42% reduction by 2020 was also set out.

4.2.4. The 2009 Act also established the Public Bodies Climate Change Duties which came into force on 1 January 2011. It requires that Public Bodies, which includes the Scottish Ministers as decision-makers, exercise their functions:

- in a way best calculated to contribute to deliver the Act's emissions reduction targets;
- in a way best calculated to deliver any statutory adaptation programme; and
- in a way that it considers most sustainable.

4.2.5. In 2019 the Scottish Government amended the 2009 Act, to set a target for net zero GHG emissions in Scotland, as discussed below.

### Climate Change (Emissions Reduction Targets) (Scotland) Act (2019)

4.2.6. The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019[9] amends the Climate Change (Scotland) Act 2009, by introducing even more ambitious GHG reduction targets than those contained in the 2009 Act. It

[5] https://www.legislation.gov.uk/ukpga/2008/27/contents

[6] https://www.theccc.org.uk/publication/net-zero-the-uks-contribution-to-stopping-global-warming/

[7] https://www.legislation.gov.uk/ukdsi/2019/9780111187654

[8] https://www.legislation.gov.uk/asp/2009/12/contents

[9] https://www.legislation.gov.uk/asp/2019/15/enacted

commits Scotland to becoming a net zero society by 2045 (five years earlier than the rest of the UK). By introducing the 2019 Act, Scotland became one of the first countries to legislate support for the aims of the Paris Agreement (discussed below).

4.2.7. In addition to setting a target date of 2045 for reaching net zero emissions, the 2019 Act also introduced interim targets and states that the Scottish Ministers must ensure that the net Scottish emissions account for the year:

- 2020 is at least 56% lower than the baseline (1990 being baseline);
- 2030 is at least 75% lower than the baseline; and
- 2040 is at least 90% lower than the baseline.
- To help ensure delivery of the long-term GHG reduction targets, Scotland's climate change legislation also includes annual targets for every year to 2045. The levels of these targets (expressed as percentage reductions from the 1990 baseline) are set out in Table 1 below.

**Table 1: GHG Reduction Targets by Year**

| Year | Greenhouse Gas Reduction Targets (as a percentage of 1990 baseline levels) | Year (continued) | Greenhouse Gas Reduction Targets (as a percentage of 1990 baseline levels) |
|---|---|---|---|
| 2018 | 54% | 2032 | 78% |
| 2019 | 55% | 2033 | 79.5% |
| **2020 (interim target)** | 56% | 2034 | 81% |
| 2021 | 57.9% | 2035 | 82.5% |
| 2022 | 59.8% | 2036 | 84% |
| 2023 | 61.7% | 2037 | 85.5% |
| 2024 | 63.6% | 2038 | 87% |
| 2025 | 65.5% | 2039 | 88.5% |
| 2026 | 67.4% | **2040 (interim target)** | 90% |
| 2027 | 69.3% | 2041 | 92% |
| 2028 | 71.2% | 2042 | 94% |
| 2029 | 73.1% | 2043 | 96% |
| **2030 (interim target)** | 75% | 2044 | 98% |
| 2031 | 76.5% | **2045** | **100% (net zero emissions)** |

4.2.8. Previous statistics published by the Scottish Government confirm that the GHG reduction targets for 2018 and 2019 were missed, with emissions in 2018 reducing by 50% between the baseline period and 2018, against a target of a 54% reduction. Statistics for 2019 show that GHG emissions for that year reduced by 51.5% compared to 1990, against a target of a 55% reduction.

4.2.9. The Scottish Government statistics for 2020 GHG were published in June 2022[10]. These statistics show that GHG emissions in 2020 reduced by 58.7% against a target of 56%, confirming that the 2020 interim target has been met. While this is encouraging news, it is relevant to note that these reductions were recorded during the height of the Covid pandemic during which the country was in lockdown for long periods of time. These lockdown measures significantly curtailed normal day to day life, especially travel. The large reductions in emissions recorded in the

[10] https://www.gov.scot/news/scottish-greenhouse-gas-statistics-2020/

transport sector between 2019 and 2020 (-26.6 % for cars and -61.5 % for domestic aviation and -57.7 % for international aviation and shipping) has been attributed in the 2022 Scottish Government Report to the restrictions imposed by Covid lockdown measures, see pages 18 and 19.

4.2.10. The June 2022 report looks at GHG emissions from across a range of sectors, not just energy supply. It remains to be seen whether GHG emissions from the transport sector in particular return to pre-pandemic levels when 2021 statistics are available; however, this positive news on the 2020 target should not be seen as a sign that efforts to decarbonise the electricity generation sector should be slackened, or given any less weight.

## 4.3. International

### The COP UN Paris Agreement

4.3.1. The 21st session of the Conference of Parties (COP21) was held in Paris in February 2015. The Paris Agreement, as it is commonly referred to, was negotiated by representatives of 196 countries. It sets out the ambition of holding the increase of global average temperature to *'well below 2°C'* and pursuing efforts to limit temperature increases to 1.5°C. Under the Paris Agreement, each country must determine plans and regularly report on the contribution that it undertakes to mitigate global warming.

4.3.2. The UK ratified the UN Paris Agreement in November 2016 and therefore contributes to the framework to ensure that global warming is kept well below 2°C, pursuing efforts to limit the temperature increase to 1.5°C.

### COP26 – The Glasgow Climate Pact

4.3.3. COP26, the follow up to the Paris Agreement, concluded in Glasgow in November 2021. The text agreed by the Parties (known as the Glasgow Climate Pact[11]) reaffirms the Paris Agreement aim of holding the increase in the global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels. It further states that the impacts of climate change will be much lower if temperature increases are limited to 1.5°C compared with a 2°C rise, and resolves to pursue efforts to limit the temperature increase to 1.5°C.

4.3.4. It also acknowledges that restricting global warming to 1.5°C requires rapid, deep and sustained reductions in global GHG emissions, including reducing global carbon dioxide emissions by 45 % by 2030, relative to the 2010 level, and to net zero around mid-century, as well as deep reductions in other GHG.

4.3.5. While the 'phasing out' of the use of coal was removed from the final text, there was a pledge to 'phase down' the use of coal. While there is disagreement amongst observers about the extent to which the language on coal usage was watered down, the Glasgow Climate Pact is nevertheless the first international climate agreement to mention fossil fuel controls at all. The Glasgow Climate Pact also called upon Parties to *'accelerate'* the transition to low-emission energy systems *'including by rapidly scaling up the deployment of clean power generation'*.

### Intergovernmental Panel on Climate Change (IPCC) – Special Report on Global Warming of 1.5°C

4.3.6. Following the Paris Agreement, the IPCC was invited to provide a Special Report in 2018 on the impacts of global warming of 1.5°C above pre-industrial levels and related GHG emission pathways[12].

4.3.7. The IPCC Special Report looks at a number of climate change impacts that could be avoided by limiting global warming to 1.5°C compared to 2°C or more. It identifies various actions required to limit global warming to a 1.5°C rise only, which are noted as requiring *'rapid, far-reaching and unprecedented changes in all aspects of society'*. On energy generation, it notes that to limit warming to 1.5°C the proportion of primary energy derived from renewables will need to increase while coal usage decreases. Table 2.5 states that in order to achieve the *'rapid and profound near-term decarbonisation of energy supply'* a *'strong upscaling of renewables'* is required in order to help achieve a *'rapid decline in the carbon intensity of electricity'*.

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[11] https://unfccc.int/process-and-meetings/the-paris-agreement/the-glasgow-climate-pact-key-outcomes-from-cop26

[12] https://www.ipcc.ch/sr15/chapter/spm/

### IPCC – AR6 Climate Change 2021: The Physical Science Basis

4.3.8. In August 2021, the IPCC published a report from its Working Group 1[13] which provides an evaluation of the state of the climate, possible climate futures and steps to limit future climate change. The Headline Statements for Policymakers states that it is *'unequivocal'* that human influence has warmed the atmosphere, ocean and land and that this human-induced change is *'already affecting many weather and climate extremes across every region of the globe'*. The report notes that *'global warming of 1.5°C and 2°C will be exceeded during the 21st century, unless deep reductions in carbon dioxide and other greenhouse gas emissions occur in the coming decades'*.

4.3.9. The report notes that every region of the globe is projected to be affected by a changing climate, and that these changes would be *'more widespread at 2°C compared to 1.5°C global warming and even more widespread and/or pronounced for higher warming levels'*. Limiting human-induced global warming to a specific level will require limiting cumulative carbon dioxide emissions, reaching *'at least net zero $CO_2$ emissions, along with strong reductions in other greenhouse gas emissions'*.

4.3.10. This IPCC report has been described as a *'code red for humanity'* by the United Nations Secretary-General.

### IPCC – AR6 Climate Change 2022: Mitigation of Climate Change

4.3.11. The IPCC Working Group III report Climate Change 2022: Mitigation of Climate Change[14] was published on 4 April 2022. It is the third instalment of the IPCC's Sixth Assessment Report (AR6), which will be completed this year.

4.3.12. It focuses on climate change mitigation, assessing methods for reducing GHG emissions, and removing GHG from the atmosphere. It explains developments in emission reduction and mitigation efforts, assessing the impact of national climate pledges in relation to long-term emissions goals.

4.3.13. The Summary for Policymakers concludes that limiting global warming will require major transitions in the energy sector. Headline Statement C4 on page 36 notes that *'reducing GHG emissions across the full energy sector requires major transitions, including a substantial reduction in overall fossil fuel use, the deployment of low-emission energy sources, switching to alternative energy carriers, and energy efficiency and conservation'*. (underlining added).

4.3.14. *'It's now or never, if we want to limit global warming to 1.5°C (2.7°F)'* said the IPCC Working Group III Co-Chair in an accompanying press release. *'Without immediate and deep emissions reductions across all sectors, it will be impossible.'*

### The United Nations Emissions Gap Report 2021 – The Heat is on, a world of climate promises not yet delivered

4.3.15. For more than a decade the United Nations (UN) Gap Reports have compared where GHG emissions are heading, against where they need to be, and highlights the ways to close the gap. The latest Gap Report, The Heat is On: A World of Climate Promises Not Yet Delivered, was published in October 2021[15].

4.3.16. The Executive Summary to the report states that here is a fifty-fifty chance that global warming will exceed 1.5°C in the next two decades. Unless there are immediate, rapid and large-scale reductions in GHG emissions, limiting warming to 1.5°C or even 2°C by the end of the century will be beyond reach. The Report notes on page 23 that the emissions gap remains large, with pledges by various countries projected to reduce 2030 emissions by only 7.5 %, whereas 30 % is needed for 2°C and 55 % is needed for 1.5°C.

4.3.17. The report also notes that following an unprecedented drop of 5.4 % in 2020, global $CO_2$ emissions are bouncing back to pre-COVID levels, and concentrations of GHGs in the atmosphere continue to rise. As such, it is noted that solving the climate problem requires rapid and sustained reductions in emissions. The Foreword notes that to get

[13] https://www.ipcc.ch/report/sixth-assessment-report-working-group-i/

[14] https://www.ipcc.ch/report/sixth-assessment-report-working-group-3/

[15] https://www.unep.org/resources/emissions-gap-report-2021

on track to limit global warming to 1.5º C significant reductions in global GHG emissions are required. The Foreword notes that we have eight years to make the plan, put in place the policies, implement them and ultimately make the cuts – it notes that *'the clock is ticking loudly'*.

4.3.18. This latest Gap Report reinforces the severity of the problem posed by the climate emergency and reflects the messages that have been issued consistently over the last few years by the IPCC and CCC that we need to take action now, to avert the worst consequences of a changing climate.

## 4.4. UK Energy Policy

### British Energy Security Strategy – Secure, clean and affordable British energy for the long term

4.4.1. In April 2022 the UK Government published the above Strategy[16], primarily in response to rising global energy prices and following the Russian invasion of Ukraine. A key aim of the Strategy is to reduce our dependence on imported oil and gas and to help decarbonise the energy sector, achieving net zero by 2050.

4.4.2. The Introduction notes that *'the transition away from oil and gas then depends critically on how quickly we can roll out new renewables'*. It continues and notes that *'the growing proportion of our electricity coming from renewables reduces our exposure to volatile fuel markets'*.

4.4.3. The Strategy discusses a range of technologies including offshore and onshore wind, solar, hydrogen and nuclear. It recognises that *'onshore wind is one of the cheapest forms of renewable power'* and that there is a *'strong pipeline of future projects in Scotland'*. While there is a strong focus in the Strategy on new nuclear and the continued expansion of offshore wind, the report recognises that *'…we need to be bolder in removing the red tape that holds back new clean energy developments and exploit the potential of all renewable technologies'* (underlining added).

### Energy White Paper – Powering our Net Zero Future

4.4.4. The UK Government published the above White Paper in December 2020[17], which sets out the approach to tackling the inter-generational challenge of climate change. The Ministerial Foreword recognises that while the UK has set a world-leading net zero target, setting the target is not enough, *'we need to achieve it'*. The Foreword considers that achieving this target and tackling climate change will require decisive global action and significant investment, which can open up huge opportunities for economic growth and job creation.

4.4.5. The various actions set out in the White Paper are described as *'a strong signal to project developers and the wider investor community about the government's commitment to delivering clean electricity'*. In the Section 'Our Key Commitments', the White Paper notes that *'onshore wind and solar will be key building blocks for the future generation mix, along with offshore wind'*. The White Paper continues on this topic and states that *'we will need sustained growth in the capacity of these sectors in the next decade to ensure that we are on a pathway that allows us to meet net zero emissions in all demand scenarios'* (underlining added).

### Committee on Climate Change - Progress in Reducing Emissions – 2022 Progress Report to Parliament

4.4.6. The 2022 CCC Joint Progress Report to Parliament was published in June 2022[18] and considers the global picture with regards to emissions reductions and adaptation to climate change. It discusses the UK's role in a global context before discussing a range of sectors such as transport, building, manufacturing, electricity supply, fuel supply, aviation and shipping etc. Each sector is looked at in terms of emission trends and drivers, indicators of progress, next steps and major risks.

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[16] https://www.gov.uk/government/publications/british-energy-security-strategy/british-energy-security-strategy

[17] https://www.gov.uk/government/publications/energy-white-paper-powering-our-net-zero-future

[18] https://www.theccc.org.uk/publication/2022-progress-report-to-parliament/

4.4.7. In the introductory sections, the report notes that in terms of setting targets to reduce GHG emissions, the UK is a world leader. However, tangible progress is lagging the policy ambition. Commenting specifically on the impact of the situation in Ukraine, the report notes in the Executive Summary that there remains an *'urgent need'* for action *'to reduce demand for fossil fuels to reduce emissions and limit energy bills'*. These include a sustained push for both energy efficiency and electrification*, 'as well as deployment of onshore wind and solar, which can occur significantly quicker than offshore wind'* (underlining added).

4.4.8. The CCC also produced a separate Progress Report for the Scottish Parliament in December 2021, which is discussed below.

### Committee on Climate Change – Net Zero, The UK's Contribution to Stopping Global Warming and The Sixth Carbon Budget

4.4.9. In December 2020 the CCC published 'The Sixth Carbon Budget'[19] which comprises three documents; 'The UK's Path to Net Zero', 'Methodology Report' and 'Policies for the Sixth Carbon Budget and Net Zero'. The 2020 CCC Report builds on a 2019 CCC Report and describes what the potential path options to net zero look like and what steps must be taken to achieve this. A key recommendation of the 2020 CCC Report is that the UK Government requires a reduction in UK GHG emissions of 78% by 2035 relative to 1990, a 63% reduction from 2019 and that this should be coupled with a pledge by 2030 to reduce emissions by at least 68% from 1990 levels.

4.4.10. The Foreword by Lord Deben highlights the importance of taking decisive action in the 2020s, noting that if efforts are not scaled up in this *'decisive decade'* then the UK will not deliver net zero by 2050. The Foreword notes that *'utmost focus is required from government over the next ten years'* and policy now needs to be *'scaled up across every sector'* to deliver net zero.

4.4.11. In discussing Scotland's contribution to net zero in Chapter 4 of 'The UK's Path to Net Zero', the report describes the 75% reduction in Scottish GHG emissions by 2030 as *'extremely challenging to meet'*. Even allowing for the most *'stretching tailwind'* scenario, the 2020 CCC Report considers that a 69% reduction is more likely.

4.4.12. In the concluding section of Chapter 4 'Recommendations for Policy', the 2020 CCC Report discusses areas where devolved powers could be used to help emissions reductions take place. One area that is discussed is in relation to Planning. The report notes that:-

4.4.13. '*Planning frameworks are a useful lever over infrastructure that needs to be well aligned to objectives for emissions reduction in devolved administrations (e.g. through encouraging walking, cycling and the use of public transport, ensuring readiness for installation of electric vehicles charging points in new developments and a favourable planning regime for low-cost onshore wind')* (underlining added).

4.4.14. Focussing on electricity generation in Chapter 4 of 'The UK's Path to Net Zero' volume of the 2020 CCC Report, it is stated that reducing GHG emissions from electricity generation to near-zero will require significant expansion of low-carbon generation, particularly in renewables and in tandem with more flexible use of storage. Action to achieve this must recognise an increasing demand for electricity (due to an increasing electrification of the economy) with decreasing carbon intensity of generation. Page 134 of 'The UK's Path to Net Zero' volume of the report states that in increasing variable renewable energy production to 80% by 2050, wind power is established as the backbone of this system, requiring the deployment of 3 gigawatts (GW) per year of new wind capacity, plus repowering of existing sites.

4.4.15. It is clear that the 2020 CCC Report serves to underline once more the importance of the continuing rollout of renewable energy generation. Whilst offshore wind is expected to meet an increasingly large portion of this, page 118 of the 'Policies for the Sixth Carbon Budget and Net Zero' volume of the 2020 CCC Report states that to meet demand a portfolio of renewable technologies will be needed and onshore wind remains a key element in this mix.

[19] https://www.theccc.org.uk/publication/sixth-carbon-budget/

## 4.5. Scottish Government Energy Policy

4.5.1. The Scottish Government has published a number of climate change and energy policy documents which are discussed in the following pages.

4.5.2. The Scottish Government first declared the 'climate emergency' in April 2019 when, in her speech to the Scottish National Party conference, the First Minister of Scotland stated: -

4.5.3. *'So today, as first Minister of Scotland, I am declaring that there is a climate emergency. And Scotland will live up to our responsibility to tackle it'.*

4.5.4. This was reiterated by the Climate Change Secretary, Roseanna Cunningham, in the opening section of her statement to the Scottish Parliament on 14 May 2019 where she noted: -

4.5.5. *'There is a global climate emergency. The evidence is irrefutable. This science is clear'.*

### Committee on Climate Change - Reducing Emissions in Scotland – 2021 Progress Report to the Scottish Parliament

4.5.6. This latest CCC report was published in December 2021[20]. In the Executive Summary, its authors state that *'the 2020s is the critical decade in changing course for Net Zero'*.

4.5.7. This is the tenth annual Progress Report to the Scottish Parliament as required by the Climate Change (Scotland) Act 2009. There are a number of key messages from this report including a recognition that the annual targets set for the 2020s will be very difficult to meet, even with strong climate policy support. Climate policy in Scotland must focus on the transition required to net zero in order to make rapid progress by 2030 and the focus must also be on implementation and delivery of real-world progress.

4.5.8. The report makes a number of recommendations including for the Scottish Government to *'set out an updated assessment of how much renewable and low-carbon electricity generation will be required to meet Net Zero in Scotland and contribute cost-effectively to Net Zero in the UK, with a clear trajectory to 2045'*, as well as to *'complete the definition and enforcement of a planning and consenting scheme for onshore wind and other low carbon generation in a manner that is consistent with other policies on land use, supporting repowering and life extension of existing wind power in Scotland, and aligning with adaptation priorities under the Scottish Climate Change Adaptation Programme'*. (underlining added)

### Scottish Government – A Stronger and More Resilient Scotland – The Programme for Government 2022-23

4.5.9. While the Programme for Government[21] is not an energy policy specific publication, it does set out important statements about how the Scottish Government intends to address various matters relating to GHG emissions and renewable energy, amongst other issues. The Programme for Government was published in September 2022 and therefore represents a very recent statement of the Scottish Government's priorities on a range of issues.

4.5.10. On page 20 the Programme for Government discusses issues related to tackling the Climate Emergency. It notes that the development of renewable energy will help to reduce energy price fluctuations and costs, helping households and businesses to save money. On page 11, under the heading 'A Stronger and More Resilient Scotland', the Programme for Government notes that the forthcoming Energy Strategy will set out *'ambitious plans to generate more power from our own renewable sources'*.

4.5.11. Page 12 notes that the climate crisis is not a far off future problem – it is happening, here and now, and the impacts continue to increase in frequency and severity. The same page notes that the increase in renewable energy deployment and the transition to net zero is just one significant opportunity that the Scottish Government intends to capture in the year ahead.

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[20] https://www.theccc.org.uk/publication/progress-reducing-emissions-in-scotland-2021-report-to-parliament/

[21] https://www.gov.scot/publications/stronger-more-resilient-scotland-programme-government-2022-23/

4.5.12. The Programme for Government specifically references onshore wind at several points noting the ambition to develop a further 12 GW (page 11), details of which are to be set out in the forthcoming Onshore Wind Policy Statement.

### Scotland's Energy Strategy Position Statement – March 2021

4.5.13. Published in March 2021, the Energy Strategy Position Statement[22] provided stakeholders with a clear overview of the Scottish Government's policies in relation to energy in the lead up to COP26, which took place in November 2021.

4.5.14. The Ministerial Foreword references the net zero GHG targets set by legislation and notes that the 2030 interim target is *'particularly challenging'*. The significant growth in renewable electricity generation is also noted in the Foreword, with recognition that the *'potential remains for much more renewable capacity and development across Scotland'* from onshore and offshore wind, but also from tidal technologies and solar.

4.5.15. In the Section 'Onshore and Offshore Renewables' the Energy Strategy Position Statement notes that the continued growth of Scotland's renewable energy industry is *'fundamental'* to the ambition of creating sustainable jobs, in the transition to net zero. The Energy Strategy Position Statement notes that in 2019 onshore wind investment in Scotland generated over £2 billion in turnover and directly supported approximately 2,900 full-time equivalent jobs across the country. The same Section notes that:-

4.5.16. *'The Scottish Government is committed to supporting the increase of onshore wind in the right places to help meet the target of Net Zero'*.

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

4.5.17. In December 2020, the 'Update to the Climate Change Plan 2018 – 2032: Securing a Green Recovery on a Path to Net Zero'[23] was published as an update to the Climate Change Plan 2018. This 2020 update focuses on the Scottish Government's legislative commitment to reduce emissions by 75 % by 2030 (compared with 1990) and to net zero by 2045, but setting this now within the context of a post-COVID green recovery.

4.5.18. The focus of the 2020 Update is on developing an understanding of what the green recovery will mean for Scotland and ensuring that this involves both actions to deliver on statutory climate change targets but making sure that this is on a just basis.

4.5.19. Part 3: Chapter 1 of the 2020 Update focuses on electricity. Firstly this part of the report emphasises the rapid growth and success to date of Scotland's renewable energy generation as well as the determination to continue and expand this further. Page 78 of the Update states that *'planning has been, and will remain, a critical enabler of rapid renewables deployment in Scotland'*. Referring particularly to onshore wind generation, on page 84 it is stated that there is a motivation to reduce determination periods for applications so as to enable projects to be awarded consent to be developed more quickly.

### The Scottish Energy Strategy (SES) 2017 and Scotland's Energy Strategy: Position Statement 2021

4.5.20. The SES was published in December 2017[24] and sets out the Scottish Government's strategy through to 2050, marking a 'major transition' over the next three decades in terms of energy management, demand reduction and generation.

4.5.21. The Strategy sets a new 2030 'all energy' target for the equivalent of 50% of Scotland's heat, transport and electricity consumption to be supplied from renewable sources. The Strategy also targets an increase by 30% in the productivity of energy use across the Scottish economy.

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[22] https://www.gov.scot/publications/scotlands-energy-strategy-position-statement/

[23] https://www.gov.scot/publications/securing-green-recovery-path-net-zero-update-climate-change-plan-20182032/

[24] https://www.gov.scot/publications/scottish-energy-strategy-future-energy-scotland-9781788515276/

4.5.22. Page 57 acknowledges that the possible electrification of heat and transport on a large scale could place much greater demand on the renewable electricity sector. Accordingly, page 33 notes that achieving the equivalent of 50% of Scotland's heat, transport and electricity consumption to be supplied from renewable sources by 2030 will be challenging but the target *'demonstrates the Scottish Government's commitment to a low carbon energy system and to the continued growth of the renewable energy sector in Scotland'* (underlining added).

4.5.23. Page 41 notes that renewable and low carbon energy will provide the foundation of our future energy system, offering Scotland a huge opportunity for economic and industrial growth. While the SES acknowledges that all renewable energy technologies will have a role to play in the future energy system, the nature of the energy and climate change goals means that *'onshore wind must continue to play a vital role in Scotland's future - helping to decarbonise our electricity, heat and transport systems, boosting our economy and meeting local and national demand'* (page 43) (underlining added).

4.5.24. The SES was updated with a Position Statement[25] in March 2021. The Ministerial Foreword references the net zero GHG targets set by legislation and notes that the 2030 interim target is *'particularly challenging'*. The significant growth in renewable electricity generation is also noted in the Foreword, with recognition that the *'potential remains for much more renewable capacity and development across Scotland'* from onshore and offshore wind, but also from tidal technologies and solar.

### Onshore Wind Policy Statement (OWPS) 2017 and Statement Refresh 2021 – Consultative Draft

4.5.25. The OWPS was published in December 2017[26] and the Ministerial Foreword notes the *'dominant and hugely valuable role'* that the onshore wind sector will play in helping achieve Scotland's renewable energy targets. The OWPS notes in paragraph 3 that *'in order for onshore wind to play a vital role in meeting Scotland's energy needs, and a material role in growing our economy, its contribution must continue to grow'*. Paragraph 4 adds to this comment and acknowledges *'this means that Scotland will continue to need more onshore wind development and capacity'* (underlining added).

4.5.26. At paragraph 34 the OWPS notes that many established onshore wind sites are coming to the end of their consented life and there is an expectation that developers will review the potential for 'repowering' existing sites. *'This could be in the form of measures designed to extend the life of components and turbines at such sites, or replacing and replanting existing turbines with new turbines'* (underlining added).

4.5.27. In relation to repowering, the OWPS states that '*the Scottish Government's position remains one of clear support in principle for repowering at existing sites. This is on the grounds of its potential to make the best use of existing sites, and – through the continued use of established infrastructure, grid connections and strong wind resource provide a cost effective option to deliver our renewable and decarbonisation targets'* (paragraph 35) (underlining added).

4.5.28. The draft Onshore Wind Policy Statement Refresh[27], released for consultation in October 2021, updates the 2017 OWPS to reflect the updated 2045 net zero emissions target. It also seeks views on the Scottish Government's ambition to secure an additional 8 to 12 GW of installed onshore wind capacity by 2030, how to tackle the barriers to deployment, and how to secure maximum economic benefit from these developments.

4.5.29. While in draft format only at present, it is worth noting those parts of the Draft OWPS where it is considered that consistent messages are conveyed, that have either already been set out in the OWPS 2017 or elsewhere.

4.5.30. The following paragraphs identify areas in the Draft OWPS where there is considered to be a parallel with messages set out in existing energy policy documents.

4.5.31. The Ministerial Foreword to the Draft OWPS notes that:

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[25] https://www.gov.scot/publications/scotlands-energy-strategy-position-statement/

[26] https://www.gov.scot/publications/onshore-wind-policy-statement-9781788515283/

[27] https://www.gov.scot/publications/onshore-wind-policy-statement-refresh-2021-consultative-draft/

4.5.32. *'Onshore Wind remains vital to Scotland's future energy mix, and we will need much more….'* (underlining added).

4.5.33. This statement aligns with the Ministerial Foreword in the OWPS 2017 which notes that *'onshore wind is a vital component of the huge industrial opportunities that renewables more generally create for Scotland'*. Paragraph 3 of the OPWS 2017 also noted that in order to help meet Scotland's energy needs the contribution of onshore wind *'must continue to grow'*. On this key issue about the future of onshore wind as part of Scotland's future energy mix, there is consistency between the Draft OPWS and the OWPS 2017.

4.5.34. Paragraph 1.2.2 of the Draft OWPS states that *'we must go further and faster than before'* in order to meet the substantial increase in demand for electricity, a reflection of the changed legislative basis that sets the net zero target for 2045.

4.5.35. In Chapter 2, the Draft OWPS seeks to quantify the amount of new onshore wind capacity that needs to be installed in order to meet GHG reduction targets. In paragraph 2.1.6 the Draft OWPS suggests that an additional 8-12 GW of onshore wind will need to be installed in Scotland by 2030 to help meet the legally binding net zero commitment. For context, paragraph 2.1.3 notes that Scotland currently has 8.4 GW of installed onshore wind capacity; therefore, an approximately doubling of installed capacity is required within the next 8-9 years to meet GHG reduction targets. Paragraph 2.1.1 notes that *'a consistently higher rate of onshore wind and other renewables capacity will be required year on year'*.

4.5.36. In relation to repowering, the Draft OWPS reiterates the Scottish Government's strong support in principle, noting that it *'offers an important opportunity to increase capacity at appropriate sites by installing more efficient and technologically advanced turbines'* (paragraph 2.2.3) (underlining added).

4.5.37. In paragraph 3.4.13 the Draft OWPS notes that onshore wind can play a greater role in helping to provide greater security over energy supplies, a message set out in the SES from 2017, again showing a consistent message on the benefits of this technology, beyond just reducing GHG emissions. The importance of having greater security over our energy supplies has come into much sharper focus over the last few months following the war in Ukraine and this is a theme that is central to the British Energy Security Strategy, discussed earlier.

4.5.38. Section 4.4 notes that the decisive action required to address climate change means that the way Scotland looks will change as a result of the *'need to deploy significant volumes of onshore wind generation over the next decade'*. There is recognition in paragraph 4.4.2 that this will comprise modern, efficient and taller wind turbines, and this reflects the commentary in paragraphs 24 and 25 of the OWPS 2017.

4.5.39. Overall, the Draft OWPS provides further support for the Proposed Development. This commentary has demonstrated that many of the key themes discussed in the Draft OWPS already form key components of the OWPS 2017 and as such the Draft OWPS represents a continuation of the established policy support for the continued growth of the onshore wind set out in the OWPS 2017.

4.5.40. The seriousness with which Scottish Ministers are treating the climate emergency is succinctly summarised in the decision on the Limekiln Wind Farm Extension, from May 2022[28] in their decision letter on page 15:-

4.5.41. '*The seriousness of climate change, its potential effects and the need to cut carbon dioxide emissions, remain a priority for the Scottish Ministers'* (underlining added).

4.5.42. That proposal only involved five wind turbines. Nevertheless, Ministers noted on page 15 of their decision letter that '*while the scale of the positive effects is limited they remain an important consideration and gain support from the UK and national energy and climate change context'*.

## 4.6. Conclusions

4.6.1. There can be no doubt that over the last few years, the issue of global warming has become a pressing issue at the global, national and local levels. There has been a notable change in language used by the UK and Scottish

[28] https://www.energyconsents.scot/ApplicationDetails.aspx?cr=ECU00002070

Governments, that now recognise that there is a ‘climate emergency’ that demands immediate action. The adoption of a net zero target for Scotland by 2045 is only part of the response – action on the ground is required if this target is to be met.

4.6.2. The various documents considered in this section all present in stark terms the very real consequences of climate change for current and future generations and the need to take action now if we are to meet the net zero commitments. Taking action to deliver these targets will have ramifications for all aspects of society from reducing the demand for energy, to the electrification of heat and transport. What is clear, however, is that the move away from fossil fuel energy generation towards renewables and low-carbon technologies must continue apace and the UK and Scottish Governments have signalled their clear intent on this front in various energy publications in the last 12-18 months.

4.6.3. It is clear also that the onshore wind sector has an important, indeed ‘vital’, role to play in helping to deliver Scotland’s longer-term climate change targets while also helping to reduce the cost of electricity generation. Repowering projects are strongly supported by the Scottish Government in principle. Within this context, the Proposed Development can help deliver these objectives by repowering an established wind farm site, making use of existing infrastructure, rationalising the composition of wind turbines in this ‘cluster’ and significantly increasing its generation output. If it is not repowered, the existing Windy Standard I Wind Farm is due to be decommissioned by December 2027.

4.6.4. The weight attributable to energy policy considerations has been addressed in recent wind farm decisions including the aforementioned Limekiln Extension.

4.6.5. Given this very recent decision and in light of the relevant recent publications such as the British Energy Security Strategy, which follows from the war in Ukraine, there can be no doubt that the need for ‘home grown’ supplies of renewable energy is an absolutely essential part of making strides towards net zero as well as providing the UK with a much more secure future energy supply. These matters must therefore be accorded significant weight in determining this application.

# 5. National Planning Policy

## 5.1. Introduction

5.1.1. This section considers the Proposed Development against the relevant provisions of Scottish Planning Policy (SPP) and National Planning Framework 3 (NPF3). There is some brief commentary on Draft National Planning Framework 4 (NPF4) too. When approved, NPF4 will replace both NPF3 and SPP and will form part of the statutory Development Plan.

5.1.2. NPF3 and SPP were both approved by the Scottish Government in June 2014. With regards to energy targets, they were drafted within the context of the Scottish Government’s headline targets of generating the equivalent of 100 % of gross electricity consumption from renewable sources by 2020 and a reduction of GHG emissions of at least 80 % by 2050, with an interim target of a 42 % reduction by 2020.

5.1.3. Since June 2014 there have been significant developments in energy policy and the establishment of new targets, which are discussed in Section 4 of this Planning & Energy Statement. Therefore, while NPF3 and SPP establish clear in principle support for the development of renewable energy projects, the need case for more low carbon and renewable energy developments has materially increased since their publication and this is an important material factor in support of the Proposed Development.

## 5.2. Scottish Planning Policy (2014)

5.2.1. SPP[29] sets out national planning policies for the development and use of land and provides policy commentary under two key themes, Principal Policies and Subject Policies. There are two Principal Policies in SPP (Sustainability and Placemaking) which are underpinned by several policy principles, as discussed in the following paragraphs.

5.2.2. SPP and NPF3 share a single vision for the planning system in Scotland, which is: -

5.2.3. *'We live in a Scotland with a growing, low-carbon economy with progressively narrowing disparities in well-being and opportunity. It is growth that can be achieved whilst reducing emissions and which respects the quality of the environment, place and life which makes our country so special. It is growth which increases solidarity – reducing inequalities between our regions. We live in sustainable, well-designed places and homes which meet our needs. We enjoy excellent transport and digital connections, internally and with the rest of the world'* (underlining added).

5.2.4. To achieve this vision, SPP is focused on four planning outcomes, as is NPF3, which is discussed later. The four outcomes are: -

- A successful, sustainable place;
- A low carbon place;
- A natural resilient place; and
- A more connected place.

5.2.5. SPP sets out a range of criteria that require to be assessed when considering development proposals, of most relevance here are the paragraph 29 principles and the paragraph 169 renewable energy assessment criteria. It is important that decision makers consider any detailed point by point assessment in the context of these four outcomes, where relevant, and then reach conclusions on how an individual proposal can *'make a positive difference'* towards achieving the single vision for the planning system in Scotland (paragraph 13).

5.2.6. Not all of the Outcomes will be relevant in each and every case; however, Outcomes 1 – 3 are considered to be of relevance to the Proposed Development and these are discussed under separate sub-headings in the following commentary on NPF3.

5.2.7. The key policy principle in SPP which is considered to be of relevance to the Proposed Development states that *'this SPP introduces a presumption in favour of development that contributes to sustainable development'* (hereafter referred to as 'the presumption').

5.2.8. Decision makers need to consider whether a proposal benefits from the presumption on a case by case basis and assessed according to the principles set out in paragraph 29 of SPP. The Proposed Development is considered against paragraph 29 principles in Table 2 below.

**Table 2: SPP Paragraph 29 Principles**

| SPP Paragraph 29 Principles | Commentary |
|---|---|
| Giving due weight to the net economic benefit of proposals | EIAR Chapter 15 'Socio-economics' concludes that the Proposed Development would give rise to positive economic benefits during the construction and operational phases.<br>It is estimated that the total construction and development expenditure could be up to £44.9 million, of which spending on businesses based in |

[29] https://www.gov.scot/publications/scottish-planning-policy/

| SPP Paragraph 29 Principles | Commentary |
|---|---|
| | Dumfries and Galloway could be around £4.1 million.<br>Taking account of direct, indirect and induced impacts, it is estimated that the construction and development of the Proposed Development could generate: £2.4 million Gross Value Added (GVA) and 35 employment years[30] in Dumfries and Galloway and, £10.6 million GVA and 149 employment years across Scotland. |
| Responding to economic issues, challenges and opportunities as outlined in local economic strategies | The South of Scotland Regional Economic Partnership (REP) covers Dumfries and Galloway and the Scottish Borders. In 2021, the REP published its first regional economic strategy[31], which sets out targets over a 10-year time frame to shift the region's economic performance, its outward profile, and the way by which wealth is created and shared amongst people.<br>The REP's vision is shaped by six key themes, including a green and sustainable economy. This means meeting net zero emissions goals, improving wellbeing and creating new economic opportunities by harnessing the full potential of the region's natural resources and approach to land use to: further improve quality of life; restore nature; develop visitor offer; adapt and enhance resilience to climate change; and to deliver cleaner energy and greener jobs.<br>The Borderlands Inclusive Growth Deal 2021[32] outlines four strategic aims, including encouraging green growth. This involves capitalising on the green credentials of the Borderlands region to facilitate decarbonisation and the creation of new high value jobs supporting low carbon energy generation and carbon reduction.<br>The Proposed Development sits comfortably with the aims of supporting climate change resilience, delivering low carbon energy and creating green jobs. |
| Supporting good design and the six qualities of successful places | This is of limited relevance to a wind farm scheme as the six qualities, as noted in paragraphs 41 – 46 of SPP, relate principally to non-renewable land uses and the following matters: 'distinctive', 'safe |

[30] A measure of employment which is equivalent to one person being employed for an entire year

[31] South of Scotland REP. (2021) *South of Scotland Regional Economic Strategy.*

[32] https://www.gov.uk/government/publications/borderlands-growth-deal-full-deal-document

| SPP Paragraph 29 Principles | Commentary |
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| | and pleasant', 'welcoming', 'adaptable', 'resource efficient' and 'easy to move around and beyond'.<br>Nevertheless, EIAR Chapter 4 'Site Design and Design Evolution' discusses the design principles that have been applied and explains how the Proposed Development has evolved to take account of identified technical and environmental constraints.<br>In this respect, environmental survey data collected on site over decades has enabled the EIA Project Team to analyse seven different design iterations before settling on the submitted site layout for the Proposed Development.<br>In addition to making best use of existing on-site infrastructure, and minimising forestry felling and effects on watercourses, it is considered that the Proposed Development site layout reduces existing landscape and visual effects (with Windy Standard I Wind Farm in situ) by simplifying the composition of wind turbine infrastructure across the Windy Standard Complex. Care has also been taken to avoid siting turbines on ridgelines and prominent points.<br>EIAR Chapter 6 'Landscape and Visual' concludes that while the Proposed Development will introduce wind turbines of a larger size than are currently operational, under construction or consented, it will not appear out of scale with these wind turbines due to the limited differential in size and its location at the centre of the development 'cluster', which ensures that it will almost always be seen in the context of other, closer, wind turbines. |
| Making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities | While of limited relevance to the Proposed Development, the site layout has sought to maximise the re-use of existing infrastructure associated with Windy Standard I Wind Farm and avoid the need for new access tracks etc. |
| Supporting delivery of accessible housing, business, retailing and leisure development | Not relevant to the Proposed Development. |
| Supporting delivery of infrastructure, for example transport, education, energy, digital and water | The Proposed Development would more than double the generating capacity of the existing Windy Standard I Wind Farm (increasing from 21.6 MW to 49.6 MW). It would also help meet the Scottish Government's renewable energy generation targets in the post 2020 period and the net zero GHG emission target by 2045 as well as |

| SPP Paragraph 29 Principles | Commentary |
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| | the key interim 2030 target of a 75% reduction compared to 1990 levels.<br>If it is not repowered, the existing Windy Standard I Wind Farm is due to be decommissioned by December 2027 and will not therefore contribute towards the 2030 and 2045 targets. |
| Supporting climate change mitigation and adaptation including taking account of flood risk | The Proposed Development responds positively to the enhanced need case for further renewable energy development that has emerged in recent years.<br>It is projected to save the equivalent of 50,836 tonnes of carbon dioxide ($tCO_2e$) per year, over the 33[33] years it is anticipated to be generating carbon-free electricity, taking account of the expected carbon payback period of 1.8 years. This is when compared to the emissions that would otherwise be emitted should the equivalent amount of electricity be produced from a fossil fuel mix of generation (EIAR Chapter 16 'Climate Change'). |
| Improving health and well-being by offering opportunities for social interaction and physical activity, including support and recreation | Not relevant to the Proposed Development. |
| Having regard to the principles for sustainable land use set out in the Land Use Strategy | The overarching purpose of the third Land Use Strategy 2021-2026 'Getting the best from our land'[34], is sustainable land use. However, its publication comes at a time when both the urgency and scale of change needed is unprecedented. As a result, this Strategy is different in scope and tone from its predecessors. In this respect, *'it moves away from a sector by sector approach towards an overarching holistic picture of what sustainable land use in Scotland could look like. It looks beyond its formal five year duration to our 2032 and 2045 targets and efforts to tackle the twin crises of climate change and biodiversity loss. It also highlights the actions we are taking right now across Scotland'*.<br>Page 4 notes that *'reducing emissions to net zero is vital to tackling climate change'*. Page 12 notes that as Scotland moves to being a net zero economy, significant land use change from current uses to forestry and peatland restoration will need to |

[33] Consent is sought for 35 years. Taking into account the expected carbon payback period, the Proposed Development is predicted to generate carbon-free electricity for 33 years

[34] https://www.gov.scot/publications/scotlands-third-land-use-strategy-2021-2026-getting-best-land/

| SPP Paragraph 29 Principles | Commentary |
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| | happen. However, this needs to happen alongside ensuring space for other essential activities such as food production and onshore wind generation (underling added).<br>Page 27 states that *'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….'*<br>The Proposed Development responds positively to these principles. |
| Protecting, enhancing and promoting access to cultural heritage, including the historic environment | The Proposed Development would not inhibit or restrict access to cultural heritage, during the construction or operational periods.<br>EIAR Chapter 7 'Cultural Heritage' predicts no likely significant effects on the setting of heritage assets arising from the construction or operation of the Proposed Development. It does not significantly adversely affect the fabric or setting of any Listed Buildings, the integrity of the setting of any SMs or the setting of any GDLs.<br>In relation to the closest designated asset (the King's Cairn SM, which is comprised of two burial cairns), the assessment finds that the changes in setting (arising from the replacement of the existing Windy Standard I wind turbines with a smaller number of taller models, coupled with the dynamic nature of the forestry environment) would have no impact on the intrinsic aspects of the value of the cairns.<br>As there is the potential for direct impacts on archaeological features during the construction period, a focused programme of archaeological monitoring is proposed which can be managed through planning condition. This relates principally to a possible Roman road that potentially intersects with the location of wind turbine T5 (although it is noted that previous archaeological watching briefs have not found any traces of the road, and the actual extent of the asset is unclear). |
| Protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment | There are no Core Paths or Rights of Way within the boundary of the Proposed Development Area that would require closure or diversion, either temporarily or permanently, to facilitate construction and operation of the Proposed Development.<br>Notwithstanding, the existing access tracks through |

| SPP Paragraph 29 Principles | Commentary |
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| | Windy Standard I Wind Farm are available for use by the general public under the Land Reform Act. During decommissioning of the Windy Standard I Wind Farm and construction of the Proposed Development therefore, the principal contractor will need to ensure that those wishing to use these routes can do so safely.<br>EIAR Chapter 15 'Socio-economics' considers tourism and recreation assets that are located within 15 km of the Proposed Development Area boundary. It concludes that the Proposed Development would not have any significant effects on local recreation trails during the construction or operational periods.<br>Effects on landscape designations and landscape character are discussed in Table 3. While some significant effects are identified, they are highly localised and become largely not significant when predicted baseline wind farms (e.g. Windy Standard III) are also taken into consideration.<br>Visual impacts on recreational and tourist routes are also discussed in Table 3. |
| Reducing waste, facilitating its management and promoting resource recovery | The Applicant is currently exploring options to re-purpose the material arising from the removal of the existing wind turbines on site. In this respect, the Applicant has signed a memorandum of understanding with a specialist company (ReBlade) offering blade and nacelle decommissioning services and is committed to reducing waste from construction activities and to maximise opportunities for recycling (EIAR Technical Appendix 15.1). |
| Avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality | No significant environmental effects on water, air or soil quality are identified that cannot be satisfactorily addressed through mitigation and the scale of development proposed does not constitute over-development. In this latter regard, EIAR Chapter 4 'Site Design and Design Evolution' details the process whereby wind turbine numbers were reduced to accommodate the various technical and environmental constraints identified, to achieve an appropriate level of development.<br>In terms of residential amenity, given the significant distance between the proposed wind turbines and the closest residential receptors (the minimum distance being 2.8 km), the requirement to i) prepare a Residential Visual Amenity Assessment |

(RVAA) and ii) undertake a shadow flicker assessment were scoped out of the EIA process.

- EIAR Chapter 6 'Landscape and Visual' notes that the relatively inaccessible Southern Upland landscape within which the Proposed Development lies is sparsely populated. Settlements are generally clustered in the lower landscapes that cover northern and western parts of the study area, contrasting with the remote and elevated eastern and south-eastern areas.
- Only the closest settlements of New Cumnock and the linked, linear villages of Leggate, Connel Park and Bankglen had theoretical visibility of the Proposed Development. Further assessment established potential for significant effects to arise on intermittent views from these settlements in the comparative baseline and restored baseline[35] scenarios. However, when the consented wind farm at Pencloe Forest is also taken into consideration, these effects reduce to not significant. This is because Pencloe Forest is seen in the foreground of views and therefore reduces the visibility and influence of the Proposed Development from these settlements.

EIA Chapter 14 'Noise' has been prepared in accordance with ETSU-R-97 and the Institute of Acoustics (IOA) good practice guidance.

There are a number of operational and consented wind farms in proximity to the Proposed Development. Operational cumulative noise modelling shows that the predicted cumulative wind farm noise immission levels would fall below the Total ETSU-R-97 Noise Limits at all but one of the assessed properties during both the daytime and night time periods.

An exceedance of the Total ETSU-R-97 Noise Limits during the daytime was predicted at Craig-An-Dhu. The exceedance is predicted without the

[35] EIAR Chapter 6 'Landscape and Visual' assesses two baselines: the 'comparative baseline' scenario includes Windy Standard I Wind Farm (including wind turbines and associated infrastructure) as a baseline feature (the assessment of effects on each landscape and visual receptor considers a comparison between the effects of the operational Windy Standard I Wind Farm and the Proposed Development), while the 'restored baseline' scenario assumes that Windy Standard I Wind Farm has been decommissioned and the site restored, such that the Proposed Development would be added *without* consideration of the baseline presence of the existing wind turbines on site.

| SPP Paragraph 29 Principles | Commentary |
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| | Proposed Development which is deemed to have a negligible impact.<br>In order for the Proposed Development to have a negligible impact on the ability of the existing wind farms to meet their own limits, the wind farm layout has been designed such that turbine noise immissions are at least 10 dB below the existing noise limits already established for the consented wind farms. On that basis the Site Specific Noise Limits (SSNLs) have been derived to be 10 dB below the Total ETSU-R-97 Noise Limits.<br>An assessment was undertaken to determine whether the Proposed Development could operate within the SSNLs. This found that at all receptors wind turbine noise immissions were below the SSNLs when considering the candidate turbine model (i.e. Vestas V162 6.2 MW with serrated trailing edge blades). Should the Proposed Development receive consent, the final choice of turbine model would need to meet the noise limits determined. Suggested noise planning conditions are presented at Annex 5 of EIAR Technical Appendix 14.1.<br>Due to the aforementioned significant separation distances between the existing wind turbines, the proposed wind turbines and the closest noise sensitive receptors, a construction noise assessment (including decommissioning of the existing wind turbines on site) has not been undertaken however, best practice construction methods would be put in place as part of a Construction Environmental Management Plan (CEMP) to safeguard residential amenity. |

5.2.9. Taking these observations into account, it is considered that the Proposed Development is consistent with the guiding principles that underpin the 'presumption' in SPP. It is concluded that the Proposed Development can reasonably be described as one that *'contributes to sustainable development'*, and it therefore should benefit from the weight of the presumption in the planning balance.

5.2.10. The Proposed Development also requires to be considered against the renewable energy assessment criteria set out in paragraph 169 of SPP. Some of these criteria reflect the contents of SPP paragraph 29. The reason for this is that paragraph 29 of SPP applies to all forms of development but paragraph 169 applies specifically to renewable energy proposals. The paragraph 169 assessment is set out in Table 3 below.

5.2.11. The second policy principle of SPP states, *'planning should take every opportunity to create high quality places by taking a design-led approach'*.

5.2.12. This policy principle is considered to be of more relevance to the consideration of housing, mixed-use, commercial and other non-energy land uses. The Proposed Development constitutes a repowering proposal on a site that forms an integral part of an established 'cluster' of wind farm development. In the comparative baseline scenario, EIAR Chapter 6 'Landscape and Visual' concludes that the replacement of the existing Windy Standard I wind turbines with a smaller number of taller models will reduce visual clutter, remove extensive clustering and overlapping, and simplify the view of the Windy Standard Complex overall. Care has also been taken to reuse as much of the existing infrastructure on site as possible and avoid the appearance of prominent wind turbines on ridgelines/high points within the Proposed Development Area. As detailed in EIAR Chapter 4 'Site Design and Design Evolution', a number of technical and environmental constraints, including how the Proposed Development would sit with existing and consented wind turbines, influenced the design evolution process. This demonstrates that alongside environmental and technical issues, the site layout was influenced by design factors, including how the layout of the larger, replacement wind turbines would be viewed from certain locations in the landscape.

5.2.13. The third policy principle of SPP states that *'planning should direct the right development to the right place'*.

5.2.14. In the context of onshore wind farms, this means principally having regard to the Spatial Framework set out in Table 1 of SPP and any local guidance relevant to the Proposed Development Area. The sole Group 2 interest on the Proposed Development Area is the mapped presence of carbon rich soils and deep peat based upon the Scottish Natural Heritage (now NatureScot) Carbon and Peatland Map 2016[36]. Supported by site investigations and interpolated peat probing results (see EIAR Figure 10.4), the Applicant has substantially overcome this through site design and mitigation, which can reasonably therefore allow the Proposed Development Area to be considered entirely as a Group 3 area.

5.2.15. With specific regard to the Proposed Development, paragraph 174 of SPP states that *'proposals to repower existing wind farms which are already in suitable sites where environmental and other impacts have been shown to be capable of mitigation can help to maintain or enhance installed capacity, underpinning renewable energy generation targets. The current use of the site as a wind farm will be a material consideration in any such proposals'* (underlining added).

5.2.16. The Proposed Development Area also forms part of the Windy Standard Complex, including Windy Standard III Wind Farm which was consented by Scottish Ministers in March 2021.

5.2.17. Taking all of the above into account, it is concluded that this repowering proposal can accurately be described as being the 'right development' in the 'right place'.

5.2.18. Further consideration of detailed site specific impacts are required against the renewable energy assessment criteria set out in paragraph 169 of SPP. This assessment is set out in Table 3.

### A Low Carbon Place

5.2.19. Within this section of SPP, paragraph 153 comments on the vital role that an *'efficient supply'* of low carbon electricity from renewable energy sources can play in reducing GHG emissions. It notes in paragraph 152 that planning *'must'* facilitate the transition to a low carbon economy, described in paragraph 154 as requiring a *'transformational change'* to ensure that renewable energy targets are achieved. Paragraph 155 is clear that development plans *'should seek to ensure that an area's full potential for electricity and heat from renewable sources is achieved'*.

5.2.20. It is of relevance to note that new renewable energy and GHG reduction targets have been introduced since SPP was published, and these are discussed in Section 4. In particular the introduction into law of the 2045 net zero target and the associated 2030 key milestone target significantly increases the need case for further renewable energy and low carbon development. The Proposed Development can contribute positively to the creation of a

[36] https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-advice/soils/carbon-and-peatland-2016-map

Low Carbon Place, by offsetting 50,836 tonnes of GHG per year. This equates to over 1.6 million tonnes of GHG savings over the proposed operational life, taking account also of the expected carbon payback period (see EIAR Chapter 16 'Climate Change' for details).

### Table 1 – Spatial Frameworks

5.2.21. Table 1 of SPP sets out the specific criteria by which Spatial Frameworks for onshore wind energy proposals should be formed. Paragraph 163 of SPP states that the Spatial Framework is to be *'complemented by a more detailed and exacting development management process where the individual merits of an individual proposal will be carefully considered against the full range of environmental, community and cumulative impacts'*.

5.2.22. The SPP Spatial Framework categorises constraints and opportunities into three groups:

- Group 1: Areas where wind farms will not be acceptable - '*National Parks and National Scenic Areas'*.
- Group 2: Areas of significant protection - '*Recognising the need for significant protection, in these areas wind farms may be appropriate in some circumstances. Further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation*.'
- Group 3: Areas with potential for wind farm development - '*Beyond groups 1 and 2, wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria*.'

5.2.23. The majority of the Proposed Development Area is Group 3 (EIAR Figure 2.1). The Group 2 interest identified is the mapped presence of carbon rich soils and deep peat based upon the Scottish Natural Heritage (now NatureScot) Carbon and Peatland Map 2016 (EIAR Figure 10.3).

5.2.24. NatureScot's website[37] makes it clear that its Carbon and Peatland Map 2016 *'can only indicate that carbon-rich soils, deep peat and priority peatland are likely to be present'*. It goes on to clarify that *'the map should not be used in development management decision-making'*. SNH's Guidance for Onshore Wind Turbines from 2015[38] makes the same observation in Section 3.2 and goes on to note that *'the location of a proposal in the mapped areas does not, in itself, mean that the proposal is unacceptable, or that carbon rich soils, deep peat and priority peatland habitat will be adversely affected'*.

5.2.25. These are significant points to bear in mind when considering the locational acceptability of the Proposed Development Area in the wider planning balance. In all other respects the Proposed Development is in a Group 3 area, noting that SPP acknowledges that in these areas *'wind farms are likely to be acceptable'*, subject to individual assessments.

5.2.26. A phase 1 peat depth survey was undertaken in 2020 followed by additional focused peat probing in early 2022. The average recorded peat depth across the entire Proposed Development Area was 0.45 m (i.e. categorised as peaty soil). At the proposed wind turbine locations, the mean depth was no more than 0.2 m. EIAR Figure 10.4 presents interpolated peat depth data and shows that, aside from small sections of existing forestry track which are proposed to be upgraded, the Proposed Development Area is an area where peat soils are measured to be less than 0.5 m deep. It is therefore concluded that the Applicant has *'substantially overcome'* significant effects on the mapped Group 2 interest on site. The Proposed Development therefore compares favourably with the SPP Spatial Framework and can reasonably be described as an entirely Group 3 area.

5.2.27. SPP sets out in paragraph 169 a checklist for assessing renewable energy planning applications, as discussed in Table 3 below. These matters duplicate some of the earlier comments on SPP paragraph 29. Where this is the case, comments have been kept brief.

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[37] https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-advice/soils/carbon-and-peatland-2016-map

[38] Scottish Natural Heritage (2015). 'Spatial Planning for Onshore Wind Turbines – Natural Heritage Considerations, Guidance'

Table 3: SPP Paragraph 169 Assessment

| SPP Paragraph 169 Principles | Commentary |
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| Net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities | As detailed in Table 2, positive effects during the construction and operational periods are identified.<br>Additionally, the Applicant is committed to maximising local economic benefits by following Scottish Government guidance on community benefits and is offering £5,000 per MW each year to local communities during the operation of the Proposed Development. This funding will complement the existing contribution to local projects from the community benefit funds associated with Windy Standard I and II Wind Farms, which have delivered investment in the community worth over £530,000 to date.<br>As detailed in EIAR Chapter 15 'Socio-economics', the Carsphairn Community Future Plan 2016 identifies various initiatives that would benefit from community benefit funding including: upgrading broadband; renewable energy schemes; tourism promotion; recreation facilities; community transport; and community housing. |
| The scale of contribution to renewable energy generation targets | The Proposed Development will make a significant and positive contribution to achievement of renewable energy generation targets.<br>See earlier commentary in Table 2. |
| Effect on greenhouse gas emissions | The Proposed Development will make a significant contribution towards efforts to reduce GHG emissions, including the key 2030 interim target.<br>See earlier commentary in Table 2. |
| Cumulative impacts | Each chapter of the EIAR considers the potential for and significance of cumulative impacts associated with the Proposed Development, particularly given its location within the Windy Standard Complex.<br>Subject to mitigation and adherence to best practice measures, no residual adverse cumulative effects are identified in relation to landscape and visual, ecology, ornithology, hydrology, hydrogeology, geology (including peat), cultural heritage, noise, traffic and transport, aviation and defence, telecommunications, socio-economics, forestry and climate.<br>If the construction of the Proposed Development coincided with another wind farm, using the same transport routes, then communication with the other |

| SPP Paragraph 169 Principles | Commentary |
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| | developer would take place with the aim to mitigate effects to a non-significant level (e.g. by staging of deliveries and construction phasing).<br>As well as limiting the effects of the Proposed Development itself, in that it is seen as part of the 'cluster' of wind farm development at this location, EIAR Chapter 6 'Landscape and Visual' concludes that the level of baseline and predicted wind energy development ensures no significant landscape or visual cumulative effects will arise as a result of the Proposed Development. |
| Impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker | The effect of the Proposed Development on views from the majority of locations within those settlements assessed will be not significant due to lack of, or limited, visibility of the wind turbines and the setting of wind energy development in which they are seen.<br>In this respect, only the closest settlements of New Cumnock and the linked, linear villages of Leggate, Connel Park and Bankglen were found to have potential for significant effects to arise on intermittent views. However, when the consented wind farm at Pencloe Forest is also taken into consideration, these effects reduce to not significant.<br>As detailed in Table 2, operational noise has been assessed. Consistent with ETSU-R-97 and IOA guidance, once the SSNLs are adopted, the effect of operational noise on the closest residential receptors is assessed as not significant.<br>As explained in Table 2, given the significant separation distances between the wind turbines and the closest residential receptors, there was no requirement to undertake individual residential visual or shadow flicker assessments as part of the EIA process. |
| Landscape and visual impacts, including effects on wild land | While the Proposed Development will introduce wind turbines of a larger size than are currently operational, under construction or consented, EIAR Chapter 6 'Landscape and Visual' concludes that it will not appear out of scale with Windy Standard II (currently operational) and III (consented and to be fully operational within five years) Wind Farms due to the limited differential in size and its location at the centre of the development 'cluster', which ensures that it will almost always be seen in the |

| SPP Paragraph 169 Principles | Commentary |
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| | context of other, closer, wind turbines.<br>The proposed wind turbines and the majority of site infrastructure lie within the Carsphairn unit of the Southern Uplands with Forest Landscape Character Type (LCT) (19a) and the Southern Uplands LCT (19). Effects on landscape character are limited in their extent, with the LVIA indicating that significant effects are likely to be contained within less than 6.5 km of the Proposed Development. In both the cumulative baseline and restored baseline scenarios, the effect of the Proposed Development on the landscape character of the majority of the Southern Uplands LCT (19) – Carsphairn unit and the majority of the Southern Uplands with Forest LCT (19a) – Carsphairn unit[39] will be not significant. Significant effects at 6.5 km away will become not significant when wind farms that are currently consented but not yet constructed are taken into consideration.<br>There is one WLA (Merrick) within the LVIA 45 km study area. This WLA lies 18.5 km to the south-west of the Proposed Development and is shown on the ZTVs to gain intermittent and limited theoretical visibility of the Proposed Development. On this basis, NatureScot agreed that it could be scoped out of the assessment.<br>Similarly, due to the lack of theoretical visibility combined with distance from the Proposed Development, NSAs, GDLs, Dumfries and Galloway RSAs (with the exception of the Galloway Hills RSA), and South Ayrshire Scenic Areas were all scoped out of the LVIA process.<br>While the Proposed Development will have a maximum medium magnitude of change on the landscape character of the southern edge of the closest SLA (East Ayrshire), this effect will be localised to within up to 6.5 km of the Proposed Development and the effect on the SLA overall will not be significant in both the comparative and restored baseline scenarios.<br>In relation to the Galloway Hills RSA, while the Proposed Development will have a highly localised medium magnitude of change in the comparative |

[39] The five northernmost wind turbines fall within the Southern Uplands with Forest LCT (19a) – Carsphairn, with the remaining three wind turbines within the adjoining Southern Uplands LCT (19) – Carsphairn (see EIAR Figure 6.3b)

| SPP Paragraph 169 Principles | Commentary |
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| | baseline scenario (and a medium-high magnitude of change in the restored baseline scenario) on the landscape character of the north-eastern portion of the designation, the effect on the RSA overall and on its special qualities will not be significant.<br>The assessment of night-time visual effects[40] has predicted a significant effect at one of three night-time viewpoints (VP 3 – Water of Ken). This is due to the appearance of a light on an enclosing, upland skyline which is not currently characterised by any other lighting, and will arise in both the 200 candela and 2,000 candela scenarios. However, when dimming mitigation is taken into account, the visual effect of the 200 candela light would result in a not significant effect at this viewpoint.<br>The effect of visible turbine lighting on the Galloway Forest Dark Sky Park designation is assessed as not significant with the buffer zone of the Park lying a minimum of approximately 10 km away from the Proposed Development. It is also relevant to note that the Proposed Development lighting will almost always be seen in conjunction with the lights on Windy Standard III turbines (consented and to be fully operational within five years), and will be theoretically seen from only one of the ten recognised viewing locations within the Park (see EIAR Section 6.7).<br>Impacts on identified principal visual receptors have also been assessed, including settlements, roads, and recreation routes. These are discussed in Table 2 (settlements) and in narrative below (long distance and scenic routes). |
| Effects on the natural heritage, including birds | As detailed in EIAR Chapters 8 'Ornithology' and 9 'Ecology', following mitigation (such as the appointment of an Ecological Clerk of Works (ECoW), pre-construction surveys, preparation of a comprehensive CEMP and adherence to a Water Quality and Fish Monitoring Programme (WQFMP)) and careful site layout design, the Proposed Development is not predicted to have significant |

[40] The Windy Standard I Wind Farm turbines are not lit at night-time. This means that there is no difference between the comparative baseline scenario and restored baseline scenario in the night-time assessment, in terms of turbine lighting, Therefore, the submitted LVIA does not refer to these two scenarios.

| SPP Paragraph 169 Principles | Commentary |
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| | effects on any identified important ecological and ornithological receptors during its construction[41] or operation.<br>Based on ecological data collected since Windy Standard I became operational, including protected species surveys undertaken in 2022 to support the current repowering proposals, the Proposed Development Area does not contain high levels of activity and the Proposed Development will result in only minor physical changes to the site.<br>Consideration of the baseline survey results and consultation with statutory consultees resulted in only one Important Ecological Feature (IEF) being identified: bat species. Further assessment, including collision risk during the operational period, found that effects on all identified bat species would be low-moderate negative but not significant.<br>For the reasons given in Table 9.18 of EIA Chapter 9 'Ecology' none of the habitats present on site were found to be an IEF.<br>Peat habitat types (i.e. bog, blanket bog and wet modified bog and assuming some mire within marshy grassland) represent approximately 4 % of the total habitat types recorded across the entire Proposed Development Area. Of this, only 400 sqm would be permanently lost to development. Wet modified bog (8.55 hectares recorded on site) is a common and widespread habitat in south-west Scotland. The heavy modification due to drainage and shading on site means that this habitat is unlikely to be important at a greater than local scale.<br>Based on the ornithological data collected during the operational monitoring for Windy Standard II Wind Farm, the Proposed Development Area does not contain high bird activity and the Proposed Development will result in only minor physical changes to the site. Therefore, only effects due to construction disturbance/displacement and operational effects of the larger turbines on target bird species are considered in the EIAR. |

[41] Wind turbine removal associated with the decommissioning of the existing Windy Standard I Wind Farm may cause disturbance to birds breeding, foraging or roosting. The level of impact will depend on the bird species present at the time of the decommissioning. However, as decommissioning activities are of a similar type and intensity as construction activities, EIAR Chapter 8 'Ornithology' considers that the potential effects of decommissioning will be similar in nature to the potential effects of construction. They are therefore not discussed further within the assessment. In relation to impacts on habitats and other species, EIAR Chapter 9 'Ecology' reaches the same conclusions.

| SPP Paragraph 169 Principles | Commentary |
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| | Consideration of the baseline survey results and consultation with statutory consultees resulted in only two Important Ornithological Features (IOFs) being assessed in detail: black grouse and goshawk. Potential collision risk and disturbance/displacement impacts for both species are assessed as not significant.<br>Notwithstanding the absence of significant ecological and ornithological effects, the Applicant is in discussions with stakeholders to identify suitable off-site locations to develop a Habitat Management Plan (HMP). As there are no suitable opportunities present within the Proposed Development Area to provide enhancements for black grouse, this involves the Applicant providing funding to the Biosphere (agreed in principle) to support projects such as habitat enhancements for black grouse and wet and dry modified bog restoration in appropriate off site locations where they would have a greater net benefit. |
| Impacts on carbon rich soils, using the carbon calculator | The interpolated peat depths are illustrated in EIAR Figure 10.4. The majority of soils (75% of probed locations) are less than 0.5 m deep and are therefore classified as peaty soil. The repowering nature of the Proposed Development ensures the extensive reuse of existing infrastructure, thereby significantly reducing impacts on undisturbed ground. Aside from a handful of sections of existing access track that require to be upgraded, the Proposed Development footprint has been sited on areas where mean soil depths are noted to be less than 0.5 m.<br>As a result of the Proposed Development being underlain by thin soils rather than peat the requirement for a peatslide risk assessment and peat management plan has been scoped out of the EIAR.<br>The results from the carbon calculator (EIAR Technical Appendix 16.1) reveal that the Proposed Development would effectively pay back its expected carbon debt from manufacture, construction, impact on habitat and decommissioning in 1.8 years, when compared to a fossil fuel-mix of electricity generation. |
| Public access, including impact on long distance walking and cycling routes and scenic routes | The Southern Upland Way (SUW) forms part of Scotland's Great Trails network, which is |

| SPP Paragraph 169 Principles | Commentary |
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| identified in the NPF3 | referenced in NPF3. Other long distance walking routes lie more than 20 km distant from the Proposed Development Area. The Galloway Tourist Route follows the A713, from which the Proposed Development would be accessed, and is described as a Scenic Route (see EIAR Figures 6.6a and 6.6b).<br>EIAR Chapter 6 'Landscape and Visual' assesses the impact of the Proposed Development on long distance recreational ways and key tourist routes within the defined study area. Based on theoretical visibility and distance from the Proposed Development, only the A713, the SUW and core paths (within 20 km distance) are considered in detail.<br>The assessment finds that the effect of the Proposed Development on views from the A713 will be moderate and not significant in both assessed scenarios.<br>A moderate or major/moderate and significant effect is, however, likely to arise intermittently on views from a 12 km long stretch of the SUW between Stroanpatrick and Polskeoch. The magnitude of change is assessed as medium in the restored baseline scenario and medium-low in the comparative baseline scenario. On some sections, this will become not significant when consented wind farms are taken into consideration due to the presence of Lorg Wind Farm between the SUW and the Proposed Development.<br>Intermittent views from core paths within approximately 11 km distance are identified. Where there are clear, open views of the Proposed Development, the effect is likely to be significant. There are, however, considerable stretches of paths within approximately 11 km where visibility of the Proposed Development is more limited and the effect will be not significant due to a lower magnitude of change.<br>As detailed in Table 2, there are no formally designated paths within the boundary of the Proposed Development Area. |
| Impacts on the historic environment, including scheduled monuments, listed buildings and their settings | No significant adverse effects on any aspect of the historic environment have been identified.<br>See earlier commentary in Table 2. |
| Impacts on tourism and recreation | EIAR Chapter 15 'Socio-economics' considers the |

| SPP Paragraph 169 Principles | Commentary |
|---|---|
| | relationship between the Proposed Development and local tourism and recreation. A literature review on tourism and recreation and onshore wind developments has been undertaken in that Chapter and concludes that evidence for Scotland has consistently suggested there is no relationship between onshore wind developments and tourism activity at national, regional and local level.<br>Tourism and recreation assets that are located within 15 km of the Proposed Development have also been considered. The assessment finds that the Proposed Development will not have any significant effects on local accommodation providers, recreation trails and tourism attractions. |
| Impacts on aviation and defence interests and seismological recording | The proposed wind turbines would be fitted with infra-red lighting. Given that their overall height exceeds 150 m, five of the eight wind turbines would also be fitted with visible, medium intensity red lights. These would be dimmed in clear sky conditions. EIAR Chapter 13 'Infrastructure and Aviation' concludes that the proposed lighting scheme, which is subject to Civil Aviation Authority (CAA) approval, would mitigate any effects on civil and military low flying at night.<br>The Primary Surveillance Radar at Lowther Hill has line of sight to the Proposed Development Area. However, 'blanking' has already been applied to this radar to mitigate the effects of Windy Standard I and II Wind Farms. The effect of the Proposed Development is therefore assessed as negligible. No other radar (either civilian or military) are predicted to be affected.<br>Any subsequently identified effects on Glasgow Prestwick Airport's Instrument Flight Procedures would be mitigated through the submission of an Airspace Change Proposal to the CAA.<br>The Proposed Development is approximately 65 km from the Eskdalemuir seismic array and is therefore beyond the 50 km consultation zone specified by the Ministry of Defence. |
| Impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised | EIAR Chapter 13 'Infrastructure and Aviation' details the consultation undertaken to date with telecommunications network operators.<br>The existence of a radio link at the location of wind turbine T2 was known to the Applicant at an early stage as it provides a communications link for the |

| SPP Paragraph 169 Principles | Commentary |
|---|---|
| | Windy Standard control room. It is proposed to dismantle this link and replace it with fibre optic. |
| Impacts on road traffic | EIAR Chapter 12 'Traffic and Transport' concludes that with the incorporation of suitable mitigation measures secured through a Construction Traffic Management Plan (CTMP) prior to works commencing, there will be no significant traffic effects associated with the Proposed Development.<br>The assessment focuses on the construction period[42] and assumes, as a worst case scenario, that all stone and concrete would be imported onto site. In reality however, the proposed on site concrete batching plant and borrow pits would significantly reduce the number of vehicle movements on the road network.<br>The preferred delivery route for AILs from KGV Docks in Glasgow is via the motorway network followed by the main A77 and A713 roads. It is a proven delivery route for a number of recent wind farm developments. A Preliminary TMP has been prepared and presents a series of mitigation measures to manage traffic associated with the construction of the Proposed Development (EIAR Technical Appendix 12.2).<br>The Abnormal Indivisible Load Route Survey (EIAR Technical Appendix 12.1) identifies a number of pinch points from KGV Dock in Glasgow to the site entrance on the A713. The proposed modifications works to enable AIL loads to navigate these pinch points range from oversail over the pavement edge, temporary removal of street furniture and vegetation trimming and clearance to forming temporary overrun areas. The works are considered localised, short term and minor in nature and do not involve significant modifications to the highway network. |
| Impacts on adjacent trunk roads | No significant residual effects on the trunk road network are identified. |
| Effects on hydrology, the water environment and | In terms of site layout design, EIAR Chapter 10 |

[42] The decommissioning and restoration of the existing Windy Standard I Wind Farm will be undertaken in advance of the Proposed Development construction phase. As they will not occur concurrently, the HGV movements arising from the decommissioning and restoration works have not been considered as a cumulative project. The anticipated HGV traffic generated by the decommissioning and restoration of the existing Windy Standard I Wind Farm does not exceed assessment thresholds in terms of an increase in traffic levels that is likely to affect the environmental conditions of the road. Accordingly, it does not require to be assessed as part of EIAR Chapter 12 'Traffic and Transport'.

| SPP Paragraph 169 Principles | Commentary |
|---|---|
| flood risk | 'Hydrology, Geology and Hydrogeology' notes that 50 m buffers between infrastructure and watercourses on site have been maintained, aside from one new crossing on the headwater channel of the Fingland Burn. A Controlled Activities Regulations (CAR) licence will be required from the Scottish Environment Protection Agency (SEPA) to construct this crossing.<br>The areas at risk of flooding on site are very limited and generally contained within the river channel extents.<br>Based on data provided by DGC, there are no registered Private Water Supplies (PWS) within the Proposed Development Area or the 3 km search area.<br>Bedrock and superficial aquifers are mapped as low productivity and are unlikely to supply significant volumes of groundwater except for areas on fractures or fault lines. On this basis, the assessment considers the potential for Ground Water Dependent Terrestrial Ecosystems (GWDTE) habitats across the Proposed Development Area and concludes that their presence is unlikely.<br>A comprehensive suite of mitigation and best practice measures has been incorporated into the design of the Proposed Development, including extensive buffer areas. In addition, a site specific CEMP, as well as detailed design of infrastructure and associated mitigation, would be implemented during i) the decommissioning of the existing wind turbines and ii) the construction of the Proposed Development to protect water resources from pollution and minimise changes to the hydrological environment.<br>A WQFMP would also be agreed with stakeholders to monitor water quality and fish populations, especially brown trout.<br>Subject to the successful implementation of the suite of mitigation measures identified, no significant effects during construction[43] or operation are predicted on hydrology, the water environment and there is no increase in flood risk. |

[43] On the basis that decommissioning of the existing Windy Standard I wind turbines would adhere to prevailing environmental regulations in place at the time, EIAR Chapter 10 'Hydrology, Geology and Hydrogeology' concludes that the impacts of decommissioning would be less than construction of the Proposed Development.

| SPP Paragraph 169 Principles | Commentary |
|---|---|
| The need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration | These matters can be covered by planning conditions as deemed necessary and would be discussed post submission with the Energy Consents Unit (ECU) and DGC. |
| Opportunities for energy storage | The Proposed Development does not include energy storage as there is no available grid capacity to support it. |
| The need for a robust planning obligation to ensure that operators achieve site restoration | This matter can be covered by planning conditions consistent with other projects across the country. |

5.2.28. Based on the conclusions of the EIAR, as summarised in Tables 2 and 3 above, no significant adverse effects are predicted on any landscape, natural heritage or cultural heritage designations as a consequence of the Proposed Development. On this basis, it is concluded that there is no need to assess the Proposed Development against other subject policies of SPP.

## 5.3. National Planning Framework 3 (2014)

5.3.1. National Planning Framework 3[44] (NPF3) sets out the long-term vision for development and investment across Scotland for the next 20 to 30 years. It was published by the Scottish Government in June 2014 and the Ministerial Foreword notes that it has a *'five year lifespan'*. The current renewable energy context is significantly different now to that within which NPF3 was prepared. The document pre-dates the climate emergency, the net zero target and the 'all energy' targets set by the SES. In addition, a replacement Draft NPF4 has been published for consultation and is expected to be approved later in 2022. Draft NPF4 is discussed below.

5.3.2. The relevant commentary in NPF3 is supportive of renewable energy developments, with the key reference points and targets being the generation of the equivalent of at least 100% of gross electricity consumption from renewables by 2020, with an 80% reduction in GHG emissions by 2050. These targets have now been superseded with more recent and ambitious targets as discussed in Section 4.

5.3.3. As noted in the earlier commentary on SPP, that document and NPF3 share the same vision and four shared Outcomes. Outcomes 1-3 are considered relevant to the Proposed Development with the following commentary under each sub-heading considered especially pertinent.

### A successful, sustainable place

5.3.4. This is the first shared Outcome. Paragraph 2.2 of NPF3 identifies energy as one of the key sectors of the Scottish economy while paragraph 2.7 seeks to *'ensure that development facilitates adaptation to climate change, reduces resource consumption and lowers greenhouse gas emissions'*. Paragraph 2.8 of NPF3 states that much can be gained by focusing on energy resources to deliver the *'growing low carbon economy'* referenced in paragraph 1.2.

### A low carbon place

5.3.5. This is the second shared Outcome between SPP and NPF3. The stated ambition on page 30 seeks to *'achieve at least an 80% reduction in greenhouse gas emissions by 2050'*. This target has now been increased to a 100% reduction in GHG emissions by 2045 (net zero) with significant progress required by 2030, a 75% reduction compared to 1990 levels. The more recent expressions of Scottish Government energy policy discussed in Section 4 of this Statement provide further detail on how the Scottish Government expects these targets to be met, with onshore wind acknowledged as playing a vital role in the future energy mix.

[44] https://www.gov.scot/publications/national-planning-framework-3/

5.3.6. Paragraph 3.1 states that planning has a key role to play in delivering on the commitments set out in Low Carbon Scotland[45], which includes full decarbonisation of electricity supply by 2030. The Proposed Development can make a significant contribution to the achievement of these objectives, leading to an overall reduction of 50,836 tonnes of carbon dioxide per year, when compared to a fossil fuel mix, as reported in EIAR Chapter 16 'Climate Change'.

5.3.7. Paragraph 3.9 confirms that the Scottish Government wants to continue to capitalise on Scotland's wind resource, a sentiment reflected and indeed strengthened in the more recent OWPS (2017) and Consultation Draft Statement Refresh (2021).

5.3.8. Paragraph 3.25 of NPF3 sets out the economic benefits of a growing renewable energy sector noting that there will be job opportunities for manufacturing and servicing to support the sector, as well as providing job opportunities in rural areas. The economic benefits of onshore wind energy developments must be accorded due weight in the overall planning balance as advocated by paragraph 29 of SPP.

### A natural, resilient place

5.3.9. The third Outcome of the NPF3 vision envisages a Scotland where natural and cultural assets are respected, improving in condition, and represent a sustainable economic, environmental and social resource for the nation.

5.3.10. Paragraph 4.7 states that the pressing issue of climate change means that action on the environment must continue to evolve, strengthening longer-term resilience.

## 5.4. Draft National Planning Framework 4 (2021)

5.4.1. In November 2021, the Scottish Government published its Draft Fourth National Planning Framework (Draft NPF4[46]). When adopted, NPF4 will replace both NPF3 and SPP and will form part of the statutory Development Plan.

5.4.2. Only limited weight can be given to the policies in the Draft NPF4 at this stage, given that it has not been formally adopted. However, statements in the document about the climate emergency, the net zero targets and the need for planning to play an important role in reducing carbon emissions are not new ideas. These are consistent messages already contained within key publications, including those referenced in Section 4 and, as such, reference to these important matters in Draft NPF4 represents a continuation of these important messages, rather than anything new that deviates from established policy.

5.4.3. The opening paragraphs of Draft NPF4 (page 3) state, *'we have set a target of net zero emissions by 2045, and must make significant progress towards this by 2030. This will require new development and infrastructure across Scotland'* (underlining added).

5.4.4. Part 1 identifies 'action areas' as part of the overarching spatial strategy of NPF4, with priorities established for each area. Dumfries and Galloway falls within the 'Southern Sustainability' area, alongside the Scottish Borders. Page 43 states that this area is *'…an important centre for renewable energy generation"* (underlining added) and, *'proposals for consolidating and extending existing wind farms and associated grid improvements and supply chain opportunities will require a carefully planned approach'*.

5.4.5. Part 3 sets out policies for the development and use of land, to be used by planning authorities in development plan production and in development management decisions. Some brief commentary on key draft policies is set out below, noting that these may be subject to change when the approved version is brought into use.

5.4.6. Policy 2 'Climate Emergency', states that when considering all development proposals *'significant weight should be given to the Global Climate Emergency'* (underlining added). Draft Policy 2(c) notes that *'in decision making,*

[45] https://www.gov.scot/publications/low-carbon-scotland-meeting-emissions-reduction-targets-2010-2022-report/

[46] https://www.gov.scot/publications/scotland-2045-fourth-national-planning-framework-draft/

*the scale of the contribution of development proposals to emissions in relation to emissions reduction targets should be taken into account'* (no emphasis added).

5.4.7. The wording of Draft Policy 2(c) reflects the contents of SPP, paragraph 169, but it is relevant to note that the emissions reduction targets are now substantially increased to net zero by 2045, with at least a 75% reduction required by 2030 compared to 1990 levels.

5.4.8. Policy 19 'Green Energy' includes a number of supportive statements relating to how the planning system should support all forms of renewable energy. This draft policy notes that: -

5.4.9. *'We want our places to support continued expansion of low-carbon and net zero energy technologies as a key contributor to net zero emissions by 2045'.*

5.4.10. The accompanying narrative continues and notes that while a wide range of renewables will help achieve these objectives*, 'onshore wind will play the greatest role in the coming years'*. This statement reflects comments elsewhere in relevant publications including the OWPS 2017 (and OWPS Refresh) and the SES.

5.4.11. Draft Policy 19 notes that *'local development plans should seek to ensure that an area's full potential for electricity and heat from renewable sources is achieved'.* This requirement reflects the statement contained in paragraph 155 of SPP.

5.4.12. Draft Policy 19 (b) states that proposals for all forms of renewable energy, including storage, should be supported in principle; while (d) notes that new wind farms outside of National Parks and National Scenic Areas *'should be supported unless the impacts identified are unacceptable'*.

5.4.13. Draft Policy 19 (e) states that *'development proposals to repower, extend and expand existing wind farms and for the extension of life to existing windfarms should be supported unless the impacts identified (including cumulative effects) are unacceptable'* (underlining added).

5.4.14. Finally, it is worth noting Part 5 Annex A 'NPF4 Outcomes Statement' of Draft NPF4. The Outcomes set out in Draft NPF4 differ in status from those set by the existing NPF3 and accompanying SPP in that these are now enshrined in statute, having been inserted into Section 3 of the 1997 Planning Act by Section 2 of the Planning (Scotland) Act 2019. Therefore, as a matter of law, NPF4 is required to deliver the six Outcomes set out in Part 5, the most relevant to the Proposed Development being:

5.4.15. *(e) –'meeting any targets relating to the reduction of emissions of greenhouse gases, within the meaning of the Climate Change (Scotland) Act 2009, contained in or set by virtue of that Act'.*

5.4.16. The commentary in Annex A of Draft NPF4 sets out how the Scottish Government considers that development will contribute to achievement of each Outcome. With regards to Outcome (e) above, the text notes that the Draft NPF4 policies address *'electricity generation from renewable sources'*.

5.4.17. While Draft NPF4 can be accorded limited weight at this time, this commentary shows that much of the content which is relevant to the Proposed Development represents a continuation of several themes that are already set out elsewhere in associated established policy, including the need to reduce GHG emissions and meet the net zero target, the need for further renewable energy generation and, crucially, recognition of the significant role that onshore wind will play in achieving these targets.

## 5.5. National Planning Policy Conclusions

5.5.1. The clear support for renewable energy in SPP and NPF3, including onshore wind, is balanced against the need for planning to ensure that the right development is directed to the right location. This means that environmental impacts need to be balanced against the broad locational acceptability of a site in terms of the SPP Spatial Framework and to balance these considerations against the wider environmental benefits of a proposal.

5.5.2. Application of the SPP presumption must be given weight as a material consideration in this case for the reasons previously discussed. Not all wind farm proposals can claim to benefit from the presumption simply on account of generating renewable electricity; however, in this case the point by point assessment against paragraph 29 of SPP

has demonstrated that the Proposed Development can fairly be described as a form of development to which the presumption applies.

5.5.3. The assessment against paragraphs 29 and 169 of SPP has established that, following mitigation, significant effects are limited to those affecting landscape and visual receptors in both the comparative and restored baseline scenarios. These effects are highly localised and not uncommon for a commercial scale wind farm as proposed. The identification of these significant environmental effects in the EIAR does not mean that the impacts are unacceptable, and permission should be refused. It would be unreasonable and unrealistic to expect a commercial scale wind farm to give rise to no significant environmental effects, a point noted in several wind farm cases including the Corlic Hill[47] appeal case, where the Reporter noted in paragraph 200:-

5.5.4. *'I have borne in mind that commercial-scale wind energy proposals will inevitably create significant effects within their immediate surroundings. If such effects were always considered to rule out a proposal, no commercial-scale wind energy projects would be approved. This would be contrary to Scottish Government policy'*.

5.5.5. The issue at stake here is not whether significant effects will arise, but the acceptability of these effects in the wider planning balance. In this respect, SPP confirms at paragraph 174 that the current use of the site as a wind farm is a material consideration in the determination of the current proposals for repowering. The Proposed Development Area also forms part of the wider Windy Standard Complex, including Windy Standard III Wind Farm which was consented by Scottish Ministers in March 2021.

5.5.6. As per the SPP Spatial Framework, the Proposed Development Area is predominantly within a Group 3 area. The sole Group 2 interest is the mapped presence of carbon rich soils and deep peat and it has been demonstrated that the Applicant has *'substantially overcome'* significant effects on this Group 2 interest through intrusive site investigations and careful layout design. This reasonably allows the site to be considered as being located within a Group 3 area where SPP states that *'wind farms are likely to be acceptable'*.

5.5.7. Taking all of the above into account, it is concluded that this repowering proposal can reasonably be described as being the 'right development' in the 'right place'.

5.5.8. The context within which SPP and NPF3 were prepared has materially altered in the intervening period, drastically so with regards to the climate emergency. The need for action to reduce GHG emissions is more urgent than ever following the climate emergency declared by the Scottish Government in 2019 and with recent events in Ukraine, the importance of security of energy supplies and reducing reliance upon imported fuels has taken on even more importance.

5.5.9. SPP and NPF3 provide a strong case for the Proposed Development, which has materially enhanced in more recent years and Draft NPF4 clearly shows the Scottish Government's direction of travel is to continue to offer strong support for the development of further onshore wind energy. Overall, therefore, national planning policy provides significant support for the Proposed Development.

# 6. Development Plan Assessment

## 6.1. Introduction

6.1.1. Unlike planning applications considered under the terms of Section 25 of the 1997 Planning Act, the Development Plan is not determinative in respect of S36 applications. The Development Plan will be an important material consideration in the determination of the application, however there is no legislative requirement for the S36 application to be determined in accordance with the provisions of the Development Plan as found in the case of William Grant & Sons Distillers Ltd v Scottish Ministers [2012] CSOH 98 (paragraphs 17 and 18).

[47] https://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=115647

## 6.2. The Development Plan

6.2.1. The Proposed Development Area lies wholly within the administrative boundary of Dumfries and Galloway Council. In relation to onshore wind energy, the statutory Development Plan comprises the following:

- Dumfries and Galloway Local Development Plan 2 2019[48] (the LDP); and
- Wind Energy Development: Development Management Considerations Supplementary Guidance 2020[49] (the SG).

6.2.2. The SG contains at Appendix C the 'Dumfries and Galloway Wind Farm Landscape Capacity Study 2020'[50] (the DGWLCS).

6.2.3. LDP Policy IN1 relates to renewable energy proposals in general, while LDP Policy IN2 is specific to wind energy. Both policies are referenced below, but the key assessment criteria are set out in LDP Policy IN2 Wind Energy. It is fully acknowledged that the Proposed Development requires to be assessed 'in the round' against all policies in the LDP, however Policy IN2 is the key topic specific policy against which to assess the Proposed Development, noting also its assessment criteria are wide ranging. Notwithstanding, to ensure a comprehensive policy appraisal, other policies of the LDP are also briefly referenced.

6.2.4. The SG was adopted in 2020. It sets out a range of issues the Council will consider when determining wind energy applications, expanding on LDP Policy IN2.

6.2.5. The SG confirms in Part R that proposals for repowering will be assessed for their impact on all the aspects set out in the SG, along with all relevant LDP policies and the DGWLCS.

6.2.6. The SG provides detail on a number of policy matters relating to landscape, transportation, peat, cultural heritage and aviation, as well as guidance on siting and design. It does not however, introduce any new policy 'tests' as such. Reference has been made to the SG as appropriate in the following sub sections as part of the assessment of the Proposed Development against LDP Policy IN2 Wind Energy.

6.2.7. The DGWLCS was also adopted in 2020 and forms an appendix to the SG. It assesses the sensitivity of landscape character types, and more locally defined character areas, to different sizes of wind turbine development. Its purpose is to inform strategic planning for wind energy development as well as providing more detailed landscape assessment to be used in the consideration of development proposals for wind farms. EIAR Chapter 6 'Landscape and Visual' makes reference to the DGWLCS as appropriate in its assessment of the Proposed Development and the capacity of the host landscape to accommodate the 'very large' typology wind turbines proposed.

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[48] Dumfries and Galloway Council (2019) Dumfries and Galloway Local Development Plan. [Online] Available at https://www.dumgal.gov.uk/media/21885/Adopted-Local-Development-Plan-2/pdf/Adopted_LDP2_OCTOBER_2019_web_version.pdf?m=637771647699370000 Accessed 21st February 2022

[49] Dumfries and Galloway Council (2020) Wind Energy Development: Development Management Considerations Supplementary Guidance. [Online] Available at https://www.dumgal.gov.uk/media/22639/Wind-Energy-Development-Development-Management-Considerations/pdf/Wind_Energy_SG_Final_PDF_February_2020_Version.pdf?m=637184984806630000 Accessed 21st February 2022

[50] Dumfries and Galloway Council (2020) Part 1 Wind Energy Development: Development Management Considerations Appendix 'C' Dumfries & Galloway Wind Farm Landscape Capacity Study. [Online] Available at https://www.dumgal.gov.uk/media/22640/Part-1-Wind-Energy-Development-Development-Management-Considerations-Appendix-C-DGWFLCS/pdf/Wind_Energy_Appendix_C_Landscape_SG_LDP2_Adopted.pdf?m=637184996412100000 Accessed 21st February 2022

## 6.3. LDP Policy IN1 Renewable Energy

6.3.1. LDP Policy IN1 is the Council's general renewable energy policy - it applies to technologies such as biomass and solar as well as wind energy. Subject to detail, it establishes a position of support for all renewable energy generation.

6.3.2. In full, LDP Policy IN1 Renewable Energy states: -

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

- *Landscape and visual impact;*
- *Cumulative impact;*
- *Impact on local communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker;*
- *The impact on natural and historic environment (including cultural heritage and biodiversity);*
- *The impact on forestry and woodlands; and*
- *The impact on tourism, recreational interests and public access.*

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

- *Any associated infrastructure requirements including road and grid connections (where subject to planning consent);*
- *Environmental and other impacts associated with the construction and operational phases of the development including details of any visual impact, noise and odour issues;*
- *Relevant provisions for the restoration of the site;*
- *The scale of contribution to renewable energy generation targets;*
- *Effects on greenhouse gas emissions; and*
- *Net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.*

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

6.3.6. The above criteria are mirrored within LDP Policy IN2 Wind Energy. For succinctness, the reader is directed to the assessment against this latter policy as detailed in the section below.

## 6.4. LDP Policy IN2 Wind Energy

6.4.1. LDP Policy IN2 is the key policy in relation to onshore wind energy development. While it does not specifically mention repowering proposals, it is considered the principal policy against which to assess the Proposed Development.

6.4.2. It makes reference to the Council's spatial framework for onshore wind development, which follows the approach set out in SPP. As discussed in Section 5.2 of this Planning & Energy Statement, it is concluded that the Proposed Development Area falls within a Group 3 location i.e. an area with potential for wind farm development.

6.4.3. It is noted that LDP Policy IN2 and the related SG criteria largely reflect the various considerations listed at SPP paragraphs 29 and 169 therefore, for succinctness, reference is made to Tables 2 and 3 as appropriate below.

6.4.4. The preamble text to LDP Policy IN2 cross refers to the SG with regard to the '*issues that will be taken into account for all specific proposals, assessed through the development management process'*. The DGWLCS is referenced as a supportive study and adds that consideration of the DGWLCS '*does not replace the need to assess the landscape or visual impacts of individual wind energy proposals'.*

6.4.5. In full, LDP Policy IN2 Wind Energy states: -

6.4.6. **'Assessment of all Wind Farm Proposals**

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

6.4.8. **Renewable Energy Benefits**

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

6.4.10. **Socio-economic Benefits**

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

6.4.12. **Landscape and Visual Impacts**

- *The extent to which the landscape is capable of accommodating the development without significant detrimental landscape or visual impact, including effect on wildland; and*
- *That the design and scale of the proposal is appropriate to the scale and character of its setting, respecting the main features of the site and the wider environment and that it addresses fully the potential for mitigation*.

6.4.13. **Cumulative Impact**

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

6.4.15. **Impact on Local Communities and Residential Interests**

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

6.4.17. **Impact on Infrastructure**

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

6.4.19. **Impact on Aviation and Defence Interests**

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

6.4.21. **Other Impacts and Considerations**

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

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

6.4.24. *Further details on this assessment process including its application to smaller capacity windfarms are to be provided through Supplementary Guidance on Wind Energy Development. This will also include mapping of the constraints relevant to the considerations above.*

6.4.25. *The Spatial Framework Map ** (Map 8) provides strategic guidance. However, it must be read in conjunction with the supplementary guidance and its Appendix, the Dumfries and Galloway Wind Farm Landscape Capacity Study. The landscape capacity study is a supportive study, the consideration of which does not replace the need to assess the landscape or visual impacts of individual proposals.*

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

6.4.27. *** The Spatial Framework Map relates to one turbine or more over 20 metres.'*

6.4.28. The Proposed Development has been considered against the provisions of the policy and a summary position, supported by the findings of the EIAR, is set out below.

### Renewable Energy Benefits

6.4.29. The SG confirms that 'the extent to which development proposals help to achieve these targets is a material consideration in the determination of applications' (paragraph A1).

Response

6.4.30. The existing Windy Standard I Wind Farm has a combined generating capacity of 21.6 MW. The Proposed Development has a generating capacity of approximately 49.6 MW - more than double the existing rated output.

6.4.31. As detailed in EIAR Chapter 16 'Climate Change', the net impact of the Proposed Development will be positive overall. Over the 33 years that it is calculated to be generating carbon-free electricity, taking into account the expected payback period, this could result in CO2 emission savings of over 1,677,588 tonnes when compared to a fossil fuel-mix electricity generation.

6.4.32. This illustrates a positive net impact on climate change through making a positive contribution towards reducing GHG emissions from energy production and helping to meet the legally binding net zero targets to 2045 (and the milestone 75 % 2030 target) outlined in detail in Section 4 of this Planning & Energy Statement.

### Socio-economic Benefits

Response

6.4.33. During its construction and operation, the Proposed Development is expected to deliver a series of economic benefits. EIAR Chapter 15 'Socio-economics' estimates that the expenditure associated with construction activity could generate: -

- £2.4 million GVA and support 35 years of employment in Dumfries and Galloway; and
- £10.6 million GVA and 149 years of employment across Scotland.
- The annual expenditure required during the operation of the Proposed Development could generate: -
- £0.3 million GVA and three jobs in Dumfries and Galloway; and
- £0.7 million GVA and eight jobs across Scotland.

6.4.34. The SG states that the Council does not consider community benefit payments to be a socio-economic benefit (paragraph B2). Nevertheless, it is worth confirming that the Applicant is committed to further community benefit funding (based on £5,000 per MW per year, reflective of current Scottish Government best practice guidelines) to complement the existing contribution to local projects from the Windy Standard I and Windy Standard II community benefit funds, which have delivered over £530,000 investment in the community to date.

### Landscape and Visual Impacts

6.4.35. The SG requires potential wind energy developments to take account of the DGWLCS and of other planning policies and landscape capacity studies for adjacent authorities in cases where proposals are located close to or straddling the Council's administrative boundary51.

6.4.36. Turning to the 'very large' wind turbine typology proposed here (150 m – 200 m to tip), the SG notes that sensitivity assessments were restricted to landscape character types/areas where scope for the 'large' typology was identified in the original 2011 DGWLCS. This includes the Southern Uplands with Forest LCT (19a) – Carsphairn, defined as having high-medium sensitivity for 'very large' (150 m – 200 m to tip) wind turbines (SG Map 5), and within which five of the eight wind turbines proposed would be sited. However, 'this does not preclude development of very large turbines in other areas and any proposals would be assessed on their own merits' (paragraph C3) (underlining added). It is noted that Windy Standard III Wind Farm, consented in March 2021, lies within the same area of high-medium sensitivity and includes some wind turbines with a tip height of 177.5 m i.e. 'very large' typology.

6.4.37. In relation to rural locations in general and to the Galloway Dark Sky Park in particular, the SG confirms that potential detrimental impacts arising from visible aviation warning lighting will be a material consideration.

Response

6.4.38. Before summarising the various landscape and visual effects of the Proposed Development, it is relevant to note the embedded landscape and visual mitigation measures below: -

- the location of the Proposed Development in an area that is characterised by extensive baseline (operational and consented) wind energy development (including, in the comparative baseline scenario, the Windy Standard I turbines on the Proposed Development Area itself) is beneficial as it ensures that the Proposed Development will not introduce a new influence on unaffected areas. Moreover, the Proposed Development has been designed to minimise visibility from areas that are not affected by baseline wind energy development, as can be seen in the cumulative ZTVs with nearby wind farms (EIAR Figures 6.15a to 6.15y);
- the location of the Proposed Development within Southern Uplands and Southern Uplands with Forest LCTs is beneficial in that these are large-scale, upland LCTs that are acknowledged to have capacity to accommodate wind energy development (as evidenced by operational and consented development). Moreover, the Proposed Development is located within an extensive area of Southern Uplands LCTs, ensuring that turbines will not encroach, or be perceived as encroaching, into smaller-scale, more complex lowland LCTs, where scale comparisons could arise;
- the location of the turbines within the Southern Uplands also ensures that visibility from principal visual receptors (e.g. A76, A713, settlements) is limited due to landform screening by the large-scale hill landform;
- the Proposed Development has been designed to avoid the appearance of prominent turbines on ridgelines and high points of the site, and this also helps to minimise visibility from visual receptors;
- the overall trend of the operational, under construction, consented and application stage wind turbines that are in close proximity to the Proposed Development is towards 'very large' turbines. In the comparative baseline scenario, the replacement of the operational Windy Standard I turbines, which are considerably smaller than other turbines in the cluster of development, with the Proposed Development turbines will be beneficial as it will reduce the wide variation in turbine sizes that is currently apparent;
- also in the comparative baseline scenario, the removal of the larger number of operational Windy Standard I turbines and replacement with fewer, larger turbines is beneficial as it reduces the visual

[51] The Proposed Development Area lies close to the boundary with East Ayrshire Council and this is briefly discussed in Section 7.2.

confusion, clustering and overlapping that is currently seen on the Proposed Development Area. The rotation speed of rotors will also beneficially reduce due to the increased size of the turbines; and

- the repowering nature of the Proposed Development ensures that existing infrastructure is extensively used, minimising the need for new infrastructure. This applies in both the comparative baseline scenario and restored baseline scenario as parts of the existing infrastructure (e.g. access tracks) will be retained in situ irrespective of the restoration of the Windy Standard I site.

6.4.39. These embedded mitigation measures collectively ensure that significant effects on the landscape and visual resource have been avoided, where possible, and then reduced in extent to a considerable degree, and as a result the significant landscape and visual effects are highly localised in nature. EIAR Chapter 6 'Landscape and Visual' has indicated potential for significant effects to arise on:-

- the landscape character of the Proposed Development Area itself and surrounding LCTs (all of which are Southern Uplands landscape types) up to a maximum of approximately 6.5 km away, of which some effects will become not significant when consented wind farms are also taken into consideration;
- views from local hilltops at Benbrack, Blackcraig Hill, and Cairnsmore of Carsphairn;
- very intermittent views (including night-time views) from the Water of Ken Valley;
- intermittent views from the settlements of Leggate, Connel Park and Bankglen, and New Cumnock; however, when the consented wind farm at Pencloe Forest is also taken into consideration, these effects will be not significant;
- intermittent views from the northern slope of the upland basin that encloses the headwaters of the River Nith; however, when the consented wind farm at Pencloe Forest is also taken into consideration, this effect will be not significant; and
- intermittent views from a stretch of the SUW between Stroanpatrick and Polskeoch and intermittent views from core paths that gain clear and open visibility of the Proposed Development and lie within a maximum of approximately 11 km of the Proposed Development (of which some effects will become not significant when consented wind farms are also taken into consideration).

6.4.40. In terms of landscape designations or other areas of recognised importance, no significant effects are predicted on NSAs, GDLs, RSAs, WLAs or Sensitive Landscape Areas/Special Landscape Areas (SLAs) (some of which lie outwith the boundary of Dumfries and Galloway). It is relevant to note that some of these designations were scoped out of the LVIA process at an early stage, in consultation with stakeholders as appropriate, due to the intermittent and limited theoretical visibility of the Proposed Development from these areas e.g. Merrick WLA.

6.4.41. No significant effects on the roads included in the assessment (including all A-class roads that pass through the study area) or on the Galloway Forest Dark Sky Park are predicted.

### Cumulative Impact

6.4.42. Paragraph 169 of SPP notes that in some areas, the cumulative impact of existing and consented energy development may limit the capacity for further development. Within Dumfries and Galloway, the SG states that this is likely to be focussed around existing clusters of development and 'the form and nature of these established 'patterns' of development will be an important consideration in cumulative landscape and visual assessment' (paragraph D2).

Response

6.4.43. EIAR Chapter 6 'Landscape and Visual' finds that the landscape and visual effects of the Proposed Development are limited by the scale of operational, under construction and consented wind energy development in the locality, including on the Proposed Development Area itself. As well as limiting the effects of the Proposed Development, this level of wind energy development ensures that no significant cumulative effects will arise as a result of the Proposed Development.

6.4.44. The replacement of the existing Windy Standard I scheme with fewer, larger turbines is deemed to be beneficial as it reduces the visual confusion, clustering and overlapping that is currently apparent across the Proposed Development Area.

6.4.45. As detailed in Table 3, subject to mitigation and adherence to best practice measures, no residual adverse cumulative effects are identified in relation to ecology, ornithology, hydrology, hydrogeology, geology (including peat), cultural heritage, noise, traffic and transport, aviation and defence, telecommunications, socio-economics, forestry and climate.

6.4.46. If the construction of the Proposed Development coincided with another wind farm, using the same transport routes, then communication with the other developer would take place with the aim to mitigate effects to a non-significant level (e.g. by staging of deliveries and construction phasing).

### Impact on Local Communities and Residential Interests

6.4.47. The SG confirms that the need for a RVAA requires to be determined on a case by case basis.

Response

6.4.48. As already noted, a RVAA was not required for the Proposed Development due to the significant separation distances between wind turbines and individual properties.

6.4.49. EIAR Chapter 14 'Noise' has assessed the acoustic impact of the Proposed Development's operation on the closest non-financially involved residential properties. In summary, operational noise levels are not predicted to be significant at any property after the site specific noise limits (SSNLs) are adopted. The Proposed Development complies with the relevant guidance on wind farm noise (ETSU-R-97).

6.4.50. Given the distance between the proposed wind turbines and the closest residential receptors, an assessment of construction noise has not been carried out. Nevertheless, construction noise can be adequately controlled through the application of good practice measures and secured by planning condition.

6.4.51. There are no properties within 10 rotor diameters of any proposed wind turbine therefore a shadow flicker assessment is not required.

6.4.52. Considering all of these factors, it is concluded that there would be no significant effects upon the amenity of individual residential properties.

6.4.53. Visual impacts on settlements within the LVIA study area are discussed in Table 3 under 'impacts on communities'. In brief, only the closest four settlements have potential for significant effects to arise on intermittent views. When the consented wind farm at Pencloe Forest is also taken into consideration however, these effects reduce to not significant in both baseline scenarios. This is because Pencloe Forest is seen in the foreground of views and therefore reduces the visibility and influence of the Proposed Development from these settlements.

### Impact on Infrastructure

Response

6.4.54. As this is a repowering proposal, the intention is to retain and reuse as much of the existing infrastructure on site as is feasible and practicable. This includes the Windy Standard I Wind Farm access track from the public road, which would be upgraded as necessary to facilitate construction traffic and turbine component deliveries.

6.4.55. The proposed concrete batching plant and borrow pits on site will significantly reduce the number of vehicle movements on the road network.

6.4.56. EIAR Chapter 12 'Traffic and Transport' considers the most likely construction methods, programme and sequencing against baseline traffic conditions. It is supported by an assessment of the likely turbine component delivery route (EIAR Technical Appendix 12.1) and a preliminary CTMP (EIAR Technical Appendix 12.2).

6.4.57. The assessment concludes that, subject to the incorporation of suitable mitigation measures as part of a comprehensive CTMP prior to the commencement of construction on site, all construction traffic and deliveries

(including the turbine components) can be appropriately managed. The AIL route assumes a Port of Entry at KGV Docks, Glasgow and utilises the same trunk roads as those used successfully in the construction of Windy Standard II and as proposed for Windy Standard III.

6.4.58. The decommissioning and restoration of the existing Windy Standard I Wind Farm will be undertaken in advance of the Proposed Development construction phase. As they will not occur concurrently, the HGV movements arising from the decommissioning and restoration works have not been considered as a cumulative project. The anticipated HGV traffic generated by the decommissioning and restoration of the existing Windy Standard I Wind Farm does not exceed assessment thresholds in terms of an increase in traffic levels that is likely to affect the environmental conditions of the road.

6.4.59. As outlined in Table 3, the Applicant is aware of an existing radio link on site as it provides a communications link for the Windy Standard control room. This link requires to remain active and the Applicant is in discussions with the operator regarding this.

### Impact on Aviation and Defence Interests

Response

6.4.60. As detailed in Table 3, impacts upon aviation and defence interests have been considered in detail and no significant effects are anticipated subject to mitigation.

### Other Impacts and Considerations

Response

6.4.61. Part a of this criterion refers to the extent to which proposals avoid or adequately resolve any significant adverse impacts on the natural environment, including biodiversity, forests and woodland, carbon-rich soils, hydrology, the water environment and flood risk, the historic environment, cultural heritage, tourism and recreational interests and public access. As detailed in Tables 2 and 3, subject to the mitigation outlined and adherence to best practice construction methods, no significant effects are predicted in relation to these matters.

6.4.62. Part b of this criterion concerns the extent to which proposals address any physical site constraints and make appropriate provision for decommissioning and restoration. As explained in EIAR Chapter 4 ‘Site Design and Design Evolution’, identified physical site constraints have been appropriately mitigated as part of the iterative design process e.g. suitable offset distances from watercourses on site have been applied. In terms of decommissioning and site restoration, such matters can be covered by planning conditions as deemed necessary and would be discussed post submission with the ECU and DGC.

## 6.5. Other LDP Policies

6.5.1. This section considers other relevant policies within the LDP. It should be noted however that the topic areas are already largely contained within the lead wind energy policy (LDP Policy IN2) and so only brief commentary is provided.

### LDP Policy OP1 Development Considerations

6.5.2. LDP Policy OP1 ‘Development Considerations’ sets out a number of criteria against which all types of development proposals will be assessed. It highlights that development will be determined against various considerations depending on the scale, nature and location of the proposal including general amenity; historic landscape; landscape; biodiversity and geodiversity; transport and travel; sustainability; and the water environment. While some highly localised landscape and visual effects are predicted, on balance, the Proposed Development is not considered to be unacceptable when assessed against LDP Policy OP1 in the round.

6.5.3. Sustainability forms a large section of the OP1 policy criteria (part f) and requires that development proposals limit the impacts of climate change, support resilience and promote sustainable development via various measures including minimising adverse impacts on the natural environment, supporting a reduction in carbon emissions and

assisting the development of the local economy. For the reasons discussed in relation to SPP and LDP Policy IN2, it is concluded that the Proposed Development can be positively considered against these aims and objectives.

### LDP Policy ED10 Galloway and Southern Ayrshire Biosphere

6.5.4. The 'transition area' for the Galloway and Southern Ayrshire Biosphere covers an extensive area, including the Proposed Development Area. The main objectives of the Biosphere designation are conservation, learning and research, and sustainable development. LDP Policy ED10 'Galloway and Southern Ayrshire Biosphere' encourages development that demonstrates innovative approaches to sustainable communities and the economy, and supports the enhancement, understanding and enjoyment of the area.

6.5.5. Given that there are limited opportunities for habitat enhancement on site as part of the Proposed Development, the Applicant has agreed in principle to provide funding to the Biosphere to support projects such as habitat enhancement for black grouse and bog restoration in appropriate locations where there would be greater net ecological benefit. The Biosphere would therefore be enhanced, consistent with this policy.

### LDP Policy ED11 Dark Skies

6.5.6. LDP Policy ED11 'Dark Skies' relates to the Galloway Forest Dark Sky Park. It states that the Council will assess proposals on their merits having regard to securing levels of lighting appropriate to the development proposed, the contribution to sustainable development, and the objectives of the Dark Sky Park designation. The same policy advises that supplementary guidance provides advice on good lighting principles.

6.5.7. The buffer zone of the Park lies approximately 10 km distant from the Proposed Development (EIAR Figure 6.4b). The effect of visible turbine lighting (required due to the tip height of the wind turbines being in excess of 150 m) on the designation is assessed as not significant (EIAR Section 6.7). It is also relevant to note that the Proposed Development lighting will almost always be seen in conjunction with the lights on Windy Standard III turbines (expected to be fully operational within five years), and will be theoretically seen from only one of the ten recognised viewing locations within the Park.

6.5.8. The Proposed Development is therefore considered to be consistent with this policy.

### LDP Cultural Heritage Policies

6.5.9. LDP Policy HE1 'Listed Buildings' sets out certain considerations that apply to development proposals that impact on the character or appearance of a listed building or its setting. LDP Policy HE3 'Archaeology' confirms that the Council will support development that protects significant archaeological and historic assets and the wider historic environment from adverse effects. Policy HE6 'Gardens and Designed Landscapes' advises that the Council will support development that protects or enhances the significant elements, specific qualities, character, integrity and setting, including key views to and from, gardens and designed landscapes included in the Inventory of Gardens and Designed Landscapes or the Non-Inventory List.

6.5.10. No likely significant effects on the setting of heritage assets arising from the construction or operation of the Proposed Development are predicted. In this respect, it would not significantly adversely affect the fabric or setting of any Listed Buildings, the integrity of the setting of any SMs or the setting of any GDLs.

6.5.11. As there is the potential for direct impacts on archaeological features during the construction period, a focused programme of archaeological monitoring is proposed which can be managed through planning condition.

### LDP Landscape Policies

6.5.12. LDP Policy NE1 'National Scenic Areas' advises that development that would have an effect on a NSA should only be permitted where it will not adversely affect the integrity of the area or the qualities for which it has been designated. Similarly, LDP Policy NE2 'Regional Scenic Areas' confirms that development which affects RSAs may be supported where the Council is satisfied that the factors taken into account in designating the area would not be significantly adversely affected. LDP Policy NE3 'Areas of Wild Land' states that development affecting WLAs would not be supported unless any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.

6.5.13. Due to the lack of theoretical visibility combined with distance from the Proposed Development, NSAs, RSAs (with the exception of the Galloway Hills RSA) and WLAs were all scoped out of the LVIA process at an early stage.

6.5.14. With regard to the Galloway Hills RSA, EIA Chapter 6 'Landscape and Visual' assesses the impact of the Proposed Development against its special qualities at Section 6.7. The assessment indicates that while the Proposed Development will have a maximum medium magnitude of change on the landscape character of the north-eastern portion of the RSA in the comparative baseline scenario (and a maximum medium-high magnitude of change in the restored baseline scenario), these effects will be highly localised and the effect on the special qualities of the RSA will be not significant. This is because of the location of the Proposed Development outwith and peripheral to the designated area, which ensures that it will not directly alter the characteristics of the RSA or interrupt the relationships between the various landscape types that lie within the RSA, and because it is perceived in a part of the setting to the RSA that is already strongly characterised by wind energy development. The effect of the Proposed Development on the integrity of the RSA as a whole is assessed as not significant.

### LDP Natural Heritage Policies

6.5.15. LDP Policy NE5 'Species of International Importance' advises that development proposals that would be likely to have an adverse effect on a European Protected Species (EPS) will not be permitted unless it can be shown inter alia that the development would not be detrimental to the maintenance of the population of the species at a favourable conservation status in its natural range, there is no satisfactory alternative, and the development is required for preserving public health or safety or for other areas of overriding public interest.

6.5.16. LDP Policy NE6 'Sites of National Importance for Biodiversity and Geodiversity' sets out that development affecting SSSIs and other national nature conservation designations will only be permitted where inter alia it will not adversely affect the integrity of the area or the qualities for which it has been designated, or that any such adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.

6.5.17. The Proposed Development Area itself is not subject to any natural heritage designations. The closest to the Proposed Development Area is Loch Doon SSSI. However, it has been concluded that there is no habitat connectivity between the sites and so the conservation objectives of the designation would not be adversely affected.

6.5.18. Extensive surveys over decades have been carried out on the Proposed Development Area and its surroundings to thoroughly categorise and record the flora and fauna present. Following mitigation and adherence to best practice construction methods, EIAR Chapters 8 'Ornithology' and 9 'Ecology' conclude that there would be no significant effects on habitats and species as a consequence of the Proposed Development.

6.5.19. The Proposed Development therefore complies with the aims and objectives of these policies.

### LDP Forestry and Woodland Policies

6.5.20. LDP Policy NE7 'Forestry and Woodland' stipulates that proposals should seek to ensure that ancient and semi-natural woodlands and other woodlands with high nature conservation value are protected and enhanced. LDP Policy NE8 'Trees and Development' sets out that where it is not possible to retain woodland then appropriate replacement planting will be required. Any such replacement planting should normally be located within the site.

6.5.21. Broadleaved woodland present within the Proposed Development Area boundary is limited to small areas where recent native tree species replanting has occurred. None of this woodland would be permanently lost to facilitate the Proposed Development. There is no ancient and semi-natural woodland, or other woodland of high nature conservation value, present on site.

6.5.22. As a result of the construction of the Proposed Development, a total of 18.5 hectares of stocked woodland would be felled (EIAR Figure 11.3 illustrates the main felling location to the north-west of the Proposed Development Area). However, 11 hectares would be re-stocked and there is to be 7.5 hectares of compensatory planting. The extent, location and composition of the compensatory planting would be agreed with Scottish Forestry, taking into

account any revision to the felling and restocking plans prior to the commencement of construction of the Proposed Development.

### LDP Water Environment Policies

6.5.23. LDP Policy NE11 'Supporting the Water Environment' states that the Council will not permit development which would result in deterioration in the status of a waterbody or which would likely impede the improvements in waterbody status as set out in the Solway Tweed River Basin Management Plan, unless there are exceptional justifying circumstances. The policy further sets out that culverting of waterbodies should only be carried out where acceptable mitigation measures would be put in place to protect habitats, passage of fauna, and river form and flow.

6.5.24. LDP Policy NE12 'Protection of Water Margins' advises that where new development is proposed adjacent to or in the vicinity of waterbodies, the water margins will be protected unless there are compelling reasons to justify why this should not be done.

6.5.25. The requirements of these policies were taken into account in the writing of EIAR Chapter 10 'Hydrology, Geology and Hydrogeology'. It recommends that a site specific CEMP, as well as detailed design of infrastructure and associated mitigation, be implemented during i) the decommissioning and restoration of Windy Standard I Wind Farm and ii) the construction of the Proposed Development to protect water resources from pollution and minimise changes to the hydrological environment. Subject to the successful implementation of the suite of mitigation measures identified, including water quality monitoring, no significant effects during construction or operation are predicted.

### LDP Peat and Carbon Policies

6.5.26. LDP Policy NE14 'Carbon Rich Soil' confirms that the role of soils as natural carbon sinks will be material in development decisions. LDP Policy NE15 'Protection and Restoration of Peat Deposits as Carbon Sinks' adds that the role of natural carbon sinks in retaining carbon dioxide will be maintained by safeguarding and protecting peat deposits. Where renewable energy generating development is proposed, the balance of advantage in terms of climate change mitigation must be with the energy generation proposal.

6.5.27. EIA Chapter 16 'Climate Change', calculates an expected carbon payback period of 1.8 years, taking account of peat carbon losses and embodied carbon in the Proposed Development, balanced against the displacement of emissions associated with a fossil fuel-mix generation.

6.5.28. The average recorded peat depth across the entire Proposed Development Area is 0.45 m (i.e. peaty soil). Aside from small sections of existing forestry track which are proposed to be upgraded, the Proposed Development footprint sits on peat soils less than 0.5 m deep. It is therefore concluded that the Applicant has 'substantially overcome' significant effects on the limited mapped Group 2 interest on site. The Proposed Development Area can therefore reasonably be regarded as Group 3 as per SPP.

6.5.29. Because of the lack of options on site, off-site habitat enhancement is proposed. This involves the Applicant providing funding to the Biosphere (agreed in principle) to support projects such as habitat enhancements for black grouse and wet and dry modified bog restoration in appropriate off site locations where they would have a greater net ecological benefit.

6.5.30. It is considered therefore that the balance falls in favour of the Proposed Development and it complies with the aims and objectives of these policies.

## 6.6. The Supplementary Guidance

6.6.1. The Wind Energy Development: Development Management Considerations Supplementary Guidance 2020 (the SG) makes clear that in considering proposals, the Council will make an assessment 'by *balancing all applicable factors…and considering against all relevant policies contained within the LDP. Although a proposal may be detrimental in terms of one or more of these factors this does not automatically result in a proposal being recommended for refusal'. It adds that 'proposals will be considered favourably…through an assessment of the*

*details of the proposal including its benefits and the extent to which its environmental and cumulative impacts can be satisfactorily addressed*' (paragraph 3.3) (underlining added).

6.6.2. Further, paragraph R1 confirms that '*the principle of wind farm development in locations where existing wind farms exist will already have been accepted. However any modifications in terms of the number, spacing, layout, size, form and scale of turbines will need to be considered against LDP2 and all material considerations which are adopted at that time on a case by case basis*' (underlining added).

6.6.3. Where planning permission is forthcoming, Part S of the SG confirms the requirement for the developer to enter into a legal agreement in relation to inter alia a restoration bond, an obligation to correct any television or radio interference, and an obligation to repair any attributable damage to the public road network arising from construction. The Applicant is agreeable to this in principle.

6.6.4. SG Appendix A presents a summary of landscape character sensitivity by wind turbine typology. The Proposed Development Area falls partly within the Southern Uplands with Forest LCT (19a) (Carsphairn)[52] where there is high-medium sensitivity for 'very large' (150 m – 200 m to blade tip) wind turbine typology as proposed, and partly within the Southern Uplands LCT (19) (Carsphairn) where there is no capacity for 'very large' typology. However, the SG notes that sensitivity assessments were restricted to landscape character types/areas where scope for the 'large' typology was identified in the original 2011 DGWLCS. Importantly, '*this does not preclude development of very large turbines in other areas and any proposals would be assessed on their own merits*' (paragraph C3) (underlining added).

6.6.5. In terms of landscape capacity and sensitivity, it is noted that Windy Standard III Wind Farm was consented by Scottish Ministers in March 2021 and comprises eight wind turbines with a tip height of 125 m ('large' typology) and 12 wind turbines with a tip height of 177.5 m ('very large' typology). It falls within the same area (19a) of high-medium sensitivity for 'very large' wind turbines as the Proposed Development.

6.6.6. The submitted LVIA (EIA Chapter 6 'Landscape and Visual') has comprehensively assessed the Proposed Development against the contents of the DGWLCS (SG Appendix C) and its conclusions are summarised in Section 6.4 above in relation to LDP Policy IN2 Wind Energy.

## 6.7. Conclusions

6.7.1. LDP Policy IN2 is the key local planning policy in relation to onshore wind energy development. It confirms that proposals for such development will be supported provided they are located, sited and designed appropriately.

6.7.2. With regard to the repowering nature of the Proposed Development, consistent with SPP, the SG confirms that the principle of wind farm development in locations where they already exist has already been accepted. Nevertheless, any modifications to the number, scale and layout of wind turbines etc. require to be considered on a case by case basis, having regard to prevailing local planning policy and all other material considerations.

6.7.3. In regard to the assessment criteria set out in LDP Policy IN2, significant effects are limited to those affecting landscape and visual receptors. These effects are however highly localised and not uncommon for a commercial scale wind farm as proposed. It is considered that these limited adverse effects are not unacceptable in policy terms, particularly when the iterative design process and the embedded landscape and visual mitigation measures are taken into account. Furthermore: -

- The Proposed Development constitutes a repowering proposal on a site that forms an integral part of an established 'cluster' of wind farm development. The proposed replacement of the existing Windy Standard I wind turbines with a smaller number of taller models would reduce visual clutter, remove extensive clustering and overlapping, and simplify the view of the Windy Standard Complex overall;

[52] The five northernmost proposed wind turbines fall within the Southern Uplands with Forest LCT (19a) – Carsphairn (see EIA Figure 6.3b)

- While the Proposed Development would introduce wind turbines of a larger size than are currently operational, under construction or consented, it would not appear out of scale with existing wind turbines due to the limited differential in size and its location at the centre of the development 'cluster', which ensures that it will almost always be seen in the context of other, closer, wind turbines;
- The Proposed Development would more than double the generating capacity of the existing Windy Standard I Wind Farm (increasing from 21.6 MW to 49.6 MW). It would also help meet the Scottish Government's renewable energy generation targets in the post 2020 period and the net zero GHG emission target by 2045 as well as the key interim 2030 75% reduction target compared to 1990 levels. If it is not repowered, the existing Windy Standard I Wind Farm is due to be decommissioned by December 2027 and it will not therefore contribute towards the 2030 and 2045 targets; and
- Subject to mitigation and adherence to best practice measures, no residual adverse effects, either individually or cumulatively, are identified in relation to ecology, ornithology, hydrology, hydrogeology, geology (including peat), cultural heritage, noise, traffic and transport, aviation and defence, telecommunications, socio-economics, forestry and climate.

6.7.4. Through consideration of the other relevant policies of the LDP and the SG, it is concluded that the Proposed Development accords with the Development Plan when read as whole.

# 7. Other Material Considerations

## 7.1. Letter from Chief Planner to Heads of Planning in Scotland - 11 November 2015

7.1.1. On 11 November 2015, the Scottish Government's Chief Planner sent a letter[53] to all Heads of Planning in Scotland following earlier announcements from the UK Government regarding the future of subsidy arrangements for the renewable energy sector.

7.1.2. While the letter is now over six years old, it is still relevant particularly given the more recent declaration of the climate emergency and the net zero target. Notable statements from the Chief Planner's letter include:

- The overall purpose of the letter was to 're-emphasise that the Scottish Government's Scottish Planning Policy (2014) and Electricity Generation Policy Statement (2013) set out the Scottish Government's current position on on-shore wind farms and that this remains the case';
- Reaffirming the Scottish Government's target to generate at least the equivalent of 100% of gross electricity consumption from renewables by 2020 (now superseded by key 2030 and 2045 targets). Crucially, the letter reiterated the point that the target is not a cap and that once achieved, the support for renewable energy developments, including on-shore wind, would continue;
- The letter emphasised the important role the Scottish Government requires the planning system to play in supporting the transformational change to a low carbon economy, consistent with national objectives and targets; and
- That net economic impacts including the community socio-economic benefits such as employment, associated business and supply chain opportunities are relevant material considerations in the determination of planning applications for renewable energy applications, including on-shore wind. It is the Scottish Government's expectation that such considerations are addressed in the determination of applications for renewable energy technologies.

[53] https://www.gov.scot/publications/energy-targets-and-scottish-planning-policy-chief-planner-letter/

7.1.3. This letter remains a significant material consideration in support of this application, particularly so given the enhanced need case for a 'strong upscaling of renewables' noted in the 2018 IPCC Report and other key energy publications from the UN, CCC, UK and Scottish Governments, as discussed in Section 4.

## 7.2. East Ayrshire Local Development Plan 2017

7.2.1. Although the Proposed Development is entirely with the Dumfries and Galloway administrative boundary, it sits adjacent to the boundary of East Ayrshire Council. In light of this, and as required by Dumfries & Galloway Council's SG, it is considered appropriate to have regard to the East Ayrshire Local Development Plan 2017[54]. It is noted that it is now over five years old and that consultation on a replacement Proposed Plan was carried out in the summer of 2022.

7.2.2. The lead policy is LDP Policy RE3 'Wind Energy Proposals' over 50 metres in Height. In full, it states that:-

7.2.3. '*All wind energy proposals over 50m in height, including extensions and proposals for repowering, will be assessed using the spatial framework for wind development shown on Map 12 and all relevant Renewable Energy and other LDP policies.*

7.2.4. *The Council will afford significant protection to Group 2 areas shown on Map 12. Development may be appropriate in some circumstances within these areas in cases where it can be demonstrated that any significant adverse effects on the environmental characteristics of these areas can be substantially overcome by siting, design or other mitigation and where the proposal is acceptable in terms of all applicable renewable energy criteria set out in Schedule 1.*

7.2.5. *Within those areas shown on the Spatial Framework (Map 12) as Group 3 - Areas with Potential for Wind Energy Development, proposals for wind energy over 50m in height will be supported where it can be demonstrated that they are acceptable in terms of all applicable Renewable Energy Assessment Criteria set out in Schedule 1.*

7.2.6. *Supplementary Guidance on Planning for Wind Energy will be prepared in order to provide more information on:*

- *the spatial framework*
- *the considerations that will apply to wind energy developments of more than 50 metres in height'.*

7.2.7. The Schedule 1 Renewable Energy Assessment Criteria are as follows:-

- *'Landscape and visual impacts;*
- *Cumulative impacts - likely cumulative impacts arising from all of the considerations below, recognising that in some areas the cumulative impact of existing and consented energy development may limit the capacity for further development;*
- *Impacts on carbon rich soils, deep peat and peatland habitats; using the carbon calculator;*
- *Effects on the natural heritage, including birds. Renewable energy proposals will only be approved where the Council has ascertained that they would not have an adverse effect on the integrity of a Natura 2000 site;*
- *Impacts on wild land;*
- *Impacts on all aspects of the historic environment;*
- *Effects on hydrology, the water environment, flood risk and groundwater dependent terrestrial ecosystems;*
- *Re-use of excavated peat, forest removal and forest waste;*

[54] East Ayrshire Local Development Plan. [Online] Available at https://www.east-ayrshire.gov.uk/PlanningAndTheEnvironment/Development-plans/LocalAndStatutoryDevelopmentPlans/East-Ayrshire-Local-Development-Plan-2017.aspx Accessed 21st February 2022

- *Impacts on forestry and woodlands, with reference to the Ayrshire and Arran Forestry and Woodland Strategy (2013);*
- *Effect on greenhouse gas emissions;*
- *Impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker;*
- *Impacts on tourism and recreation;*
- *Public access, including impact on long distance walking and cycling routes and scenic routes identified in National Planning Framework 3;*
- *Net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities;*
- *Impacts on aviation and defence interests and seismological recording;*
- *Impacts on road traffic including during construction and decommissioning;*
- *Impacts on adjacent trunk roads;*
- *Impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;*
- *The appropriate siting and design of turbines and ancillary works;*
- *The need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration;*
- *The need for a robust planning obligation to ensure that operators achieve site restoration;*
- *The scale of contribution to renewable energy generation targets;*
- *Opportunities for energy storage.*'

7.2.8. The above essentially mirror the assessment criteria set out in SPP (paragraphs 29 and 169) and Dumfries and Galloway LDP Policy IN2. In that regard, the commentary in Tables 2 and 3 and Sections 6.4 and 6.5 of this Planning & Energy Statement are relevant to any assessment against East Ayrshire LDP Policy RE3.

7.2.9. Within East Ayrshire, a Sensitive Landscape Area (SLA) lies to the north and north-east of the Proposed Development Area. LDP Policy ENV7 'Wild Land and Sensitive Landscape Areas' applies and states that the Council 'will give priority and prime consideration to the protection and enhancement of the landscape in its consideration of development proposals within the Sensitive Landscape Areas identified…' and, 'any development deemed to have unacceptable impacts on…SLAs will not be supported by the Council'.

7.2.10. The submitted LVIA (EIAR Chapter 6 'Landscape and Visual') has assessed the impact of the Proposed Development on this SLA. In conclusion, while the Proposed Development will change the landscape character of the southern edge of the SLA, this effect will be highly localised and the effect on the SLA overall will not be significant. This conclusion applies in both the comparative baseline and restored baseline scenarios. This is due to the location of the Proposed Development outwith and peripheral to the SLA, which ensures that it will not directly alter the characteristics of the SLA or interrupt the relationships between the various landscape types that lie within it, and because it is perceived in a part of the setting to the SLA that is already strongly characterised by wind energy development.

7.2.11. Supported by the conclusions of the LVIA, it is concluded that the Proposed Development complies with East Ayrshire LDP Policy ENV7 in that there would be no unacceptable impacts on the SLA designation as a whole.

7.2.12. Furthermore, it is considered that no unacceptable effects would arise in relation to the assessment criteria outlined in LDP Policy RE3, which articulates support in principle for wind energy development within Group 3 areas.

# 8. Conclusions

8.1.1. As an application for S36 consent and deemed planning permission the Development Plan does not have primacy in this case, as it would have in determining planning applications. Section 25 of the 1997 Planning Act is therefore not engaged. The Development Plan is an important material consideration but the principal issue to be considered in determining this application is for Scottish Ministers to have regard to Schedule 9 of the Electricity Act. Schedule 9 does not, however, set strict development management tests.

8.1.2. Schedule 9 refers to the requirement for Scottish Ministers to '*have regard to the desirability'* of preserving natural beauty, of conserving flora, fauna etc. when determining the application. The Applicant is not an electricity generation licence holder and holds no exemption, therefore the Schedule 9 duties do not apply to it. Notwithstanding, through the design evolution process, the Applicant has approached site design and layout in a manner that is consistent with Schedule 9, including the identification of mitigation where required. As such, the Applicant has clearly done what it reasonably can to mitigate the effects which the Proposed Development would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.

8.1.3. While some significant landscape and visual effects have been identified in the EIAR. , Scottish Ministers have no duty to ensure these environmental qualities are preserved, but to have regard to the desirability of doing so.

8.1.4. In arriving at conclusions on the Proposed Development overall, Scottish Ministers can give weight to a range of matters such as national planning policy, the socio-economic benefits of the Proposed Development and the contribution that the Proposed Development would make towards attainment of GHG reduction and renewable energy targets.

8.1.5. The Proposed Development constitutes a repowering proposal on a site that forms an integral part of an established 'cluster' of wind farm development. It is concluded that the replacement of the existing Windy Standard I wind turbines with a smaller number of taller models will reduce visual clutter, remove extensive clustering and overlapping, and simplify the view of the Windy Standard Complex overall. Care has also been taken through the iterative design process to reuse as much of the existing infrastructure on site as possible, avoid the appearance of prominent wind turbines on ridgelines/high points, and minimise commercial forestry removal.

8.1.6. The removal of the operational Windy Standard I turbines, which are considerably smaller than other turbines in this cluster of development, and their replacement with the Proposed Development turbines will be beneficial as it will reduce the wide variation in turbine sizes that is currently apparent. The rotation speed of rotors will also beneficially reduce due to the increased size of the turbines.

8.1.7. The Proposed Development has a generating capacity in the order of 49.6 MW - more than double the existing rated output of the existing Windy Standard I Wind Farm. It would help meet the Scottish Government's renewable energy generation targets in the post 2020 period and the net zero GHG emission target by 2045 as well as the key interim 2030 target of a 75% reduction compared to 1990 levels. Over the 33 years that it is expected to be generating carbon-free electricity, taking into account the carbon payback period, the Proposed Development could result in $CO_2$ emission savings of over 1.6 million tonnes when replacing fossil fuel-mix electricity generation. If it is not repowered as proposed, the existing Windy Standard I Wind Farm will be in operation until December 2027 and will not therefore contribute towards the 2030 and 2045 targets.

8.1.8. Section 4 of this Statement clearly demonstrates the seriousness of the problems posed to society by the global climate emergency. The most recent IPCC report from April 2022 leaves no room for doubt about the importance of rapidly reducing GHG emissions – it notes that time is running out if we are to limit global warming to 1.5 $^{O}$C and thus to avert the worst consequences of a warming planet. This 2022 IPCC report follows on from an equally alarming August 2021 IPCC report which was described as a '*code red for humanity'* by the UN Secretary General.

8.1.9. The ongoing war in Ukraine has added an even greater sense of urgency to the need to expand the UK's 'home grown' sources of energy, to reduce reliance upon imported supplies. Security of energy supply has been a feature

of various energy publications in recent years, but there is no doubt that ongoing events in Ukraine have brought this into much sharper focus. Allied with the cost of living crisis, in part due to the significant increase in oil and gas prices, there is no doubt that collectively we are currently experiencing a significant crisis, which demands an appropriate response. Adopting a business as usual approach is not an adequate response to the severity of the issues that society currently faces.

8.1.10. The continued and rapid roll out of renewables is a key element of the response required to meet the projected rise in electricity demand over the coming years, to reduce GHG emissions and reduce our exposure to volatile fuel markets. The very recent April 2022 British Energy Security Strategy notes that '*we need to be bolder in removing the red tape that holds back new clean energy developments and exploit the potential of all renewable energy technologies'*. It is within this energy policy context that the Proposed Development must be considered.

8.1.11. The OWPS Refresh from 2021 recognises this noting the *'need to deploy significant volumes of onshore wind generation over the next decade'*. It also reiterates the Scottish Government's strong support in principle for repowering noting that it *'offers an important opportunity to increase capacity at appropriate sites by installing more efficient and technologically advanced turbines'*. As a result, the OWPS Refresh recognises that actions required to tackle climate change will change the way Scotland looks. This is an important statement to be mindful of when considering the acceptability of the identified landscape and visual impacts of the Proposed Development.

8.1.12. With regards to national planning policy, it is considered that the Proposed Development can draw strong support from both SPP and NPF3. These documents are now eight years old but they continue to provide a supportive national policy basis for the continued development of onshore wind farms, and recent Ministerial decisions on other wind farms confirms that renewable energy deployment remains a '*priority*' of the Scottish Government and a matter to which Scottish Ministers have attached *'significant weight'*. SPP confirms that repowering proposals can help to maintain or enhance installed capacity and *'the current use of the site as a wind farm will be a material consideration in any such proposals'* (underlining added).

8.1.13. It must also be recognised that energy policy and targets have moved on materially since publication of SPP and NPF3. There is now an even greater need case for more renewables than was the case when SPP and NPF3 were published eight years ago.

8.1.14. For the reasons discussed in Section 5 of this Statement, it is considered that the SPP presumption applies to the Proposed Development, which has been considered positively in terms of the SPP Spatial Framework. The Proposed Development Area can reasonably be described as a Group 3 location, where SPP notes wind farms '*are likely to be acceptable'*.

8.1.15. A draft of NPF4 has been published and while only limited weight can be given to it at this stage, it does provide an indication of the potential direction of travel for new national planning policy. Importantly, Draft Policy 2 proposes that '*significant weight should be given to the global climate emergency'* when considering development proposals. This does not mean that less weight is given to other matters but decision makers should give more weight to the global climate emergency than has hitherto been the case.

8.1.16. Draft Policy 19 notes that outside National Parks and National Scenic Areas wind farms should be supported, unless identified impacts are considered unacceptable.

8.1.17. Turning to the Development Plan, the lead LDP wind energy policy confirms that proposals that are located, sited and designed appropriately will be supported. The accompanying Supplementary Guidance makes clear that proposals will be assessed by balancing all applicable factors and confirms that *'although a proposal may be detrimental in terms of one or more of these factors this does not automatically result in a proposal being recommended for refusal'*.

8.1.18. The identified residual landscape and visual effects are highly localised and the Proposed Development is not considered to be in conflict with the Development Plan.

8.1.19. Not all renewable energy projects will be deemed acceptable in the planning balance, but various critical factors all point to the Proposed Development clearly being worthy of support. The Proposed Development Area is not located within a natural heritage or landscape designation, it will not give rise to significant effects upon ecology or

ornithology, there are no significant effects upon hydrology or water interests, impacts upon road users, pedestrians and aviation interests can be mitigated and there will be positive local economic benefits. The identified significant environmental effects associated with the Proposed Development are limited to landscape and visual matters only and are considered to fall on the side of acceptability, when all material factors are considered and given appropriate weight.

8.1.20. Taking account of these various matters it is considered that the Proposed Development is the **right development in the right place** and it is therefore respectfully requested that S36 consent and deemed planning permission is granted for the Proposed Development.

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