

Glenvernoch Wind Farm

Planning Statement

October 2024

CONTENTS

1	INTRODUCTION	1
	Background	1
	Site Location and Proposed Development	1
	Description of Proposed Development.....	2
	Purpose of Planning Statement.....	2
	The Applicant	3
	Structure of this Planning Statement.....	3
2	LEGISLATIVE CONTEXT	4
	Introduction	4
	The Electricity Act 1989.....	4
3	RENEWABLE ENERGY LEGISLATIVE AND POLICY FRAMEWORK	6
	Introduction	6
	International and European Energy Policy	6
	United Kingdom Energy Policy	7
	Scottish Government Renewable Energy Policy and Renewable Energy Generation Targets	10
	Summary	15
4	PLANNING POLICY CONTEXT	17
	Introduction	17
	National Planning Framework 4	17
	The Development Plan.....	21
	Introduction	21
	Dumfries and Galloway Local Development Plan	22
	Wind Energy Development: Development Management Considerations (the Supplementary Guidance).....	28
	Other Material Considerations	31
	Planning Advice Notes.....	31
	Scottish Government Web Based Renewable Guidance.....	32
5	PLANNING APPRAISAL	33
	Does the Proposed Development accord with the requirements of the Electricity Act 1989?	33
	Does the Proposed Development accord with the Development Plan?	38
6	CONCLUSIONS	59
	Summary and Conclusions	59
	APPENDICES	1
	APPENDIX A: ENERGIEKONTOR CONTRACTOR PROCUREMENT POLICY	1
	Background	1
	Aims	1
	Justification	1
	Policy Statement	1

1 INTRODUCTION

Background

- 1.1 This Planning Statement has been prepared to accompany the submission of a Section 36 application by Energiekontor UK Ltd (the “Applicant”) to the Scottish Government’s Energy Consents Unit (ECU) for a wind farm comprising 13 wind turbines and associated infrastructure (the “Proposed Development”) on land at Glenvernoch, Newton Stewart (the “Site”).
- 1.2 This Planning Statement sets out details of the Proposed Development and the relevant planning policy context, before providing an appraisal of the Proposed Development against the Electricity Act 1989, the Development Plan, national energy and planning policy, and other relevant material considerations.
- 1.3 An Environment Impact Assessment (EIA) has been undertaken for the Proposed Development and an Environmental Impact Assessment Report (EIA Report) has been submitted in support of the application.
- 1.4 This Planning Statement is supplementary to and should be read in conjunction with the EIA Report submitted with the application.

Site Location and Proposed Development

- 1.5 The Proposed Development is located in Dumfries and Galloway, Scotland. The Site is centred at easting and northing coordinates (E)235247, (N)573276. The closest settlements to the proposed turbines are the village of Glentrool, located approximately 2.8km north of the Site, and the town of Newton Stewart which is located approximately 7km south-east of the Site. The nearest main highway is the A714 which runs adjacent to the eastern boundary of the Site. The Site is located immediately north of Penninghame Forest and 260m east of Loch Ochiltree. The topography of the Site is undulating, with the lowest points being located adjacent to the A714 at approximately 50m AOD. There are pockets of small hills within the central areas of the Site rising to 90m AOD, 100m AOD and 105m AOD, before the land rises in the north west of the site at Butter Cairn (164m AOD) and Top of the Fell (184m AOD). The Site covers an area of approximately 780ha incorporating grassland and modified bog. The Site is principally used for grazing.
- 1.6 There are three statutory sites designated for their ecological value that lie within 2km of the boundary of the wider Site: River Bladnoch Special Area of Conservation (SAC), Galloway Oakwoods SAC and Wood of Cree Site of Special Scientific Interest (SSSI). The Wood of Cree SSSI is contiguous with a section of the Galloway Oakwoods SAC.
- 1.7 There are a number of wind farms, either operational, approved or in planning within 10km of the wider Site. Most notably these include Blair Hill wind farm (scoping) 2km south east of the site, the operational Kilgallioch Wind Farm 5.8km west of the Site, the consented Kilgallioch Wind Farm extension 5.3km west of the Site, the operational Airies Farm Wind Farm 7.9km west of the Site, and the consented Arfield Forest and Gass wind farms, both 10km south west of the Site.

Description of Proposed Development

- 1.8 The Proposed Development is described in detail in *Chapter 3: Project Description and Construction Methods* of the EIA Report. In summary it includes the following principal elements:
- 13 turbines up to 200m to blade tip;
 - Associated turbine transformers;
 - Associated turbine foundations;
 - Hardstanding areas for erecting cranes at each turbine location;
 - On-site tracks connecting each turbine;
 - Underground cables linking the turbines to the substation;
 - Borrow pits for the extraction of stone on-site;
 - A temporary construction compound;
 - A new site access onto the A714;
 - Off-site highway accommodation works;
 - On-site substation; and
 - An energy storage facility.
- 1.9 The red line planning application boundary is referred to as the 'Planning Application Boundary', shown in Figure 1.1.
- 1.10 Planning permission is sought for 35 years for the operational phase of the wind farm. After the expiration of this period the turbines would be decommissioned and removed. Any alternative course of action would require a fresh planning application to be submitted. The planning application includes an allowance for micrositing of the wind farm infrastructure. If planning permission is granted, the Applicant would commission detailed ground investigations and geotechnical surveys to determine the ground conditions. A 100m micrositing allowance is sought for the wind turbines, and all other new elements of the Proposed Development.

Purpose of Planning Statement

- 1.11 This Planning Statement contains an assessment of the Proposed Development against the provisions of the Electricity Act 1989, the Development Plan and relevant material considerations, which include the policy framework set out within national energy and planning policy.
- 1.12 The intention of this Planning Statement is to assist the Scottish Ministers and the Local Planning Authority in reaching an informed planning balance regarding the acceptability of the Proposed Development and to explain the legislative framework within which the Proposed Development is to be considered. In doing so, considerations that are relevant to the determination of the Section 36 application are set out and assessed.

The Applicant

- 1.13 Energiekontor UK Ltd is a renewable energy development company with offices in Edinburgh, Glasgow and Leeds. The company was formed in 1999 and develops onshore wind farms throughout the United Kingdom. The company operates 11 wind farms in the UK (with a capacity of over 150MW), including three subsidy-free wind farms in Scotland, with many more in the pipeline.
- 1.14 Energiekontor UK Ltd is part of the Energiekontor Group. The parent company, Energiekontor AG, was established in 1990 in Bremerhaven in Northern Germany. It has since grown to become one of the leading wind energy companies in Europe and is active in Germany, France, The Netherlands, Portugal, the USA and the UK. The company has built more than 140 onshore wind farms and 14 solar farms in Europe with a total capacity output of 1.3GW.

Structure of this Planning Statement

- 1.15 This Planning Statement is structured as follows:
- Section 2 provides the legislative context;
 - Section 3 identifies renewable legislation and the policy framework;
 - Section 4 provides the national planning policy and other relevant material considerations;
 - Section 5 identifies the Development Plan and relevant policies;
 - Section 6 presents a planning appraisal; and
 - Section 7 provides overall conclusions.

2 LEGISLATIVE CONTEXT

Introduction

- 2.1 The Proposed Development is required to be considered under Section 36 of the Electricity Act 1989. As part of the S.36 application process, the Applicant will request that Scottish Ministers issue a Direction under s.57(2) of the Town and Country Planning (Scotland) Act 1997 ("the 1997 Act") that deemed planning permission be granted for the Proposed Development.

The Electricity Act 1989

- 2.2 Schedule 9 of the Electricity Act 1989 sets out the environmental features which the decision maker must have regard to and identifies that mitigation must be considered. Sub-paragraph 1 is relevant to an applicant if they hold a License at the date the application is submitted. Sub Paragraph 1 states:

"In formulating any relevant proposals, a licence holder or a person authorised by exemption to generate, transmit, distribute or supply electricity

(a) shall have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and

(b) shall do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects."

- 2.3 Sub-paragraph 2 applies to all applicants and refers to sub paragraph 1. Sub-paragraph 2 states:

"In considering any relevant proposals for which this consent is required under section 36 or 37 of this Act, the Secretary of State shall have regard to –

(a) the desirability of the matters mentioned in paragraph (a) of sub-paragraph (1) above; and

(b) the extent to which the person by whom the proposals were formulated has complied with his duty under paragraph (b) of that sub-paragraph."

- 2.4 This Planning Statement assesses the Proposed Development against relevant planning policy and considers the balance of effects of the Proposed Development identified in the EIA in the context of the statutory requirements of the 1989 Electricity Act, together with international, United Kingdom and Scottish climate change and energy policy, Scottish Government policy, relevant provisions of the Development Plan and the views of statutory consultees and interested parties. Other than the factors that need to be considered under Schedule 9 of the Electricity Act 1989, there are no other specific statutory presumptions that apply to the determination of S.36 applications.

- 2.5 It is important to note that in the case of S.36 applications, the role of the Development Plan is not the same as in the case of a planning application made under the 1997 Act. The test set out in Section 25 of the Act, which provides that a development must accord with the terms of the Development Plan, is not engaged in the case of S.36 applications. Whilst the Development Plan does not have primacy in the decision-making process for S.36 applications, it may nonetheless be a material consideration in the determination of the application.

3 RENEWABLE ENERGY LEGISLATIVE AND POLICY FRAMEWORK

Introduction

- 3.1 This section provides an overview of the renewable energy legislative and policy framework that is relevant to the Proposed Development. It covers relevant international, UK and Scottish documents.

International and European Energy Policy

International Agreements and Obligations – The COP21 UN Paris Agreement and COP26 Paris Rulebook and Glasgow Climate Pact

- 3.2 The Paris Agreement (December 2015) is an international agreement on climate change, of which there are 195 countries, including the UK.
- 3.3 The Agreement came into force on November 4th 2016, having been ratified by at least 55% (the point which triggers ratification) of the 195 countries.
- 3.4 The meeting in Paris was considered a make-or-break opportunity to secure an international agreement on the approach to tackling climate change, commitment to a longer-term goal of near zero net emissions in the second half of the century, and supporting the transition to a clean economy and low carbon society.
- 3.5 Governments agreed:
- A long-term goal of keeping the increase in global average temperature to well below 2°C above pre-industrial levels.
 - To aim to limit the increase to 1.5°C, since this would significantly reduce risks and the impacts of climate change.
 - On the need for global emissions to peak as soon as possible, recognising that this will take longer for developing countries.
 - To undertake rapid reductions thereafter in accordance with the best available science.
- 3.6 Countries will also be legally obliged to make new post-2030 commitments to reduce emissions every five years.
- 3.7 The Glasgow Climate Pact was agreed at COP26 in 2021, and builds on the Paris Agreement to keep the limit of the increase in global temperatures to 1.5°C. The Glasgow Climate Pact aims to speed up the pace of climate action. All countries agreed to revisit and strengthen their current emissions targets to 2030, known as Nationally Determined Contributions (NDCs), in 2022. This will be combined with a yearly political roundtable to consider a global progress report and a Leaders summit in 2023.
- 3.8 The Paris Rulebook, the guidelines for how the Paris Agreement is delivered, was also completed at COP26, which will allow for the full delivery of the Paris accord, which will hold countries to account as they aim to deliver on their targets.

The EU 2030 Clean Energy Package

- 3.9 In 2019 the EU completed a comprehensive update of its energy policy framework to facilitate the transition away from fossil fuels towards cleaner energy and to deliver on the EU's Paris Agreement commitments. The new energy legislative framework, known as the 'Clean Energy Package for all Europeans' was adopted in the first half of 2019. As part of the Clean Energy Package, the revised Renewable Energy Directive (EU) 2018/2001 set new 2030 targets for renewable energy generation and energy efficiency. The targets for 2030 are:

- a binding renewable energy target of at least 32%, and
- an energy efficiency target of at least 32.5% - with a possible upward revision in 2023.

United Kingdom Energy Policy

- 3.10 The UK response to global warming can be traced through a series of papers and measures since the Energy Paper 55 of 1988, and the Electricity Act of 1989. Ultimately, the UK Government retains control of the overall direction of energy policy including the attainment of national targets on renewable energy generation. Initial targets of 5% and 10% by 2010 were followed by a target for the whole of the UK of 20% of electricity from renewable sources by 2020. Now the focus is on achieving a 95% low-carbon energy mix by 2030.

UK Energy White Papers

- 3.11 The UK Energy White Paper published in 2003 initially outlined the UK Government's long-term strategic vision for energy policy in the UK. The White Paper marked a significant change to energy policy, because it brought environmental concerns into the debate for the first time. The intention was to define a long-term strategic vision for energy policy, which would combine the UK's environmental, security of supply, competitiveness and social goals. Central to this, the White Paper set a goal to cut the UK's carbon emissions – the main contributor to global warming – by some 60% by 2050.
- 3.12 The Government then published 'Meeting the energy challenge: a White Paper on energy' in July 2007. This Paper reaffirmed the need to tackle climate change by cutting greenhouse gas emissions, and the need to ensure security of supply. It set out a commitment to the important role renewables have to play, and how new renewable projects may not always appear to convey any particular local benefit, but provide crucial national benefits.
- 3.13 The Climate Change Act 2008 (amended 2019), an Act of the UK Parliament aimed at the UK becoming a low-carbon economy, then set a target of achieving a 100% cut in greenhouse gas emissions by 2050. This gives ministers powers to introduce the measures necessary to achieve a range of greenhouse gas reduction targets.
- 3.14 In July 2011 'Planning our electric future: a White Paper for secure, affordable and low-carbon electricity' was published. This set out the Government's commitment to transform the UK's electricity system to ensure that future electricity supply is secure, low carbon and affordable, noting that electricity plays a part in almost every aspect of modern life and is vital to economic and social wellbeing. The White Paper noted a number of unprecedented challenges in the coming decades, notably that security of supply is threatened as existing plants close; a need to decarbonise electricity generation to meet renewable energy and carbon reduction targets; and that demand for electricity and the cost of electricity is likely to rise.

- 3.15 In June 2019 the UK became the first major economy in the world to pass laws to end its contribution to global warming by 2050. The target requires the UK to bring all greenhouse gas emissions to net zero by 2050, compared with the previous target of at least an 80% reduction from 1990 levels. In December 2020 the 'Energy White Paper, Powering our Net Zero Future' was published, cementing the UK Government's long-term strategic vision for the country's energy target to become net zero by 2050. The Energy White Paper sets the tone for a Green Industrial Revolution. The aim is to transform energy, building a cleaner, greener future, and includes key commitments to consumers, power, energy systems, buildings, industrial energy, and oil and gas, all in a bid to reduce the UK's carbon footprint.
- 3.16 Decarbonising the power sector has led the UK's efforts to reduce greenhouse gas emissions. In 1990, electricity generation accounted for 25 per cent of UK emissions. In 2018, it was only 15 per cent. Thirty years ago, fossil fuels provided nearly 80 percent of the electricity supply. Today, the country gets nearly half of its power from low carbon technologies. The rapid growth of renewables has been a critical feature of this transformation. Renewable capacity has grown fivefold since 2010, driven by the deployment of wind, solar and biomass.
- 3.17 Renewables now account for circa 40 percent of electricity generation, up from seven per cent in 2010. Yet, this green revolution has been delivered without disruption to the reliability of our electricity supply and the scale of deployment has contributed to a significant reduction in the cost of renewables. Increasingly, green power is the cheapest power. Building on this foundation, the Energy White Paper states that we must go further. While retiring capacity from fossil fuels will need to be replaced to keep pace with existing levels of demand, modelling suggests that overall demand could double by 2050. This is because of the electrification of cars and vans and the increased use of electricity instead of gas for heating. National Grid modelling estimates by 2050 electricity will make up 84% of all energy demand.
- 3.18 This would require a four-fold increase in clean electricity generation with the decarbonisation of electricity increasingly underpinning the delivery of our net zero targets. Given the pivotal role of electricity in delivering net zero emissions, we must aim for a fully decarbonised, reliable and low-cost power system by 2050.
- 3.19 In respect of power, electricity is a key enabler for the transition away from fossil fuels and decarbonising the economy cost-effectively by 2050, and wind energy is considered to be one of the key building blocks of the future generation mix.

The UK's Sixth Carbon Budget (CB6)

- 3.20 The Climate Change Act 2008 (amended 2019) requires the UK government to achieve net-zero greenhouse gas ("GHG") emissions by 2050. Progress toward this commitment is to be driven via a series of five-year carbon budgets. The sixth budget, imposed by the Carbon Budget Order 2021 (June 23, 2021), covers the years 2033-2037. It sets the budget at 965 million tonnes of carbon dioxide equivalent. This goal has been highlighted as the world's most ambitious target, seeking GHG emission reductions of 78% by 2035 compared to 1990 levels. This latest budget is at the level recommended by the Climate Change Committee ("CCC").
- 3.21 To meet sustained emission reductions, the CCC stresses the necessity of government leadership, underpinned by a strong net-zero strategy. In particular:

- A "Net Zero Test," to measure compatibility with the legal net-zero target, would ensure that all government policy, including planning decisions, is compatible with UK climate targets.
- Plans for the power sector, industrial decarbonisation, the North Sea, peat, and energy from waste must be strengthened.
- The big cross-cutting challenges of public engagement, fair funding, and local delivery must be tackled.

Net Zero: Build Back Greener (2021)

- 3.22 In October 2021, the UK approved a strategy which sets out the action which will keep the UK on track for the UK's carbon budgets and 2030 NDC and establish a longer-term pathway towards net zero by 2050. It also outlines a key target for the UK to be powered entirely by clean energy by 2035, subject to security of supply. The Net Zero Strategy will be submitted to the United Nations Framework Convention on Climate Change (UNFCCC) as the UK's second Long-Term Low Greenhouse Gas Emission Development Strategy under the Paris Agreement.
- 3.23 Specifically in relation to onshore wind the Net Zero: Build Back Greener Strategy states [inter alia], the below:
- More onshore [wind], solar, and other renewables by 2030– with a new approach to onshore and offshore electricity networks to incorporate new low carbon generation and demand in the most efficient manner that takes into account the needs of local communities
 - CB6 also requires a sustained increase to the deployment of land-based renewables such as locally supported onshore wind and solar in the 2020s and beyond.

British Energy Security Strategy

- 3.24 The British Energy Security Strategy (BESS) was published in April 2022 in light of global rising energy prices and threatened energy security. The strategy has been introduced to wean Britain off fossil fuels, which are subject to volatile gas prices set by international markets, and boosting the UK's sources of homegrown energy for greater energy security in the long term. The BESS focuses on the need for onshore wind projects across Britain in a way not done in the Net Zero Strategy.
- 3.25 The BESS states:

"Onshore wind is one of the cheapest forms of renewable power. The UK already has over 14GW of onshore wind, with a strong pipeline of future projects in Scotland. We will improve national network infrastructure and, in England, support a number of new projects with strong local backing. The Government is serious about delivering cheaper, cleaner, more secure power, so we need to consider all options... In Scotland, which has its own planning system, we will work with the Scottish Government to ensure communities and landscape issues are considered for future projects...We will also look at arrangements to support the repowering of existing onshore wind sites when they require updating or replacement. With advances in technology this process can enhance capacity and provide new opportunities for communities to benefit."

Conclusions on UK Energy Policy

- 3.26 UK energy policy, as summarised above is a reserved matter and remains the responsibility of the UK Government. At a UK level there are clear renewable energy, electricity and carbon emissions saving targets for 2050.
- 3.27 The Energy White Paper, Powering Our Net Zero Future cements a strategy of how to deliver net zero by 2050. It sends a strong signal that the UK intends to deliver its long-term climate change targets, in or out of Europe, and it remains one of the most ambitious targets in the world.

Scottish Government Renewable Energy Policy and Renewable Energy Generation Targets

Scottish Government Renewable Energy Policy and Renewable Energy Generation Targets

- 3.28 The Scottish Parliament has devolved authority over matters relating to the implementation of energy policy and hence, matters such as renewable energy developments are under the general planning and environmental powers it operates.
- 3.29 There have been a number of Scottish Government policy documents and legislation in recent years dealing with climate change and renewable energy. The most recent of these documents with reference to the policy objectives and targets outlined above include:
- Scotland's Energy Strategy (2017);
 - The Committee on Climate Change (CCC) advice to the Scottish Government on recovery from the Covid-19 crisis (May 2020);
 - The recommendations from the Scottish Government's Advisory Group on Economic Recovery (June 2020);
 - The Report from the Climate Emergency Response Group (CERG) 'Eight Policy Packages for Scotland's Green Recovery' (July 2020);
 - The Update to the Climate Change Plan (December 2020);
 - The Scottish Energy Strategy Position Statement (March 2021);
 - Scottish Government's 'Bute House Agreement' (August 2021);
 - Scottish Government Programme for Government 2021-2022;
 - Onshore Wind Policy Statement (2022);
 - Draft Energy Strategy and Just Transition Plan (2023); and
 - Onshore Wind Sector Deal (2023).

Scottish Energy Strategy: The future of energy in Scotland

- 3.30 The Scottish Government published its *Scottish Energy Strategy: The future of energy in Scotland* in December 2017. The strategy sets out an overall 2050 vision for Scotland:

"A flourishing, competitive local and national energy sector, delivering secure, affordable, clean energy for Scotland's households, communities and businesses."

- 3.31 The strategy sets two new targets for the Scottish energy system by 2030:

- The equivalent of 50% of the energy for Scotland's heat, transport and electricity consumption to be supplied from renewable sources.
- An increase by 30% in the productivity of energy use across the Scottish economy.

3.32 In relation to renewable energy targets the strategy states the following:

"Scotland's long term climate change targets will require the near complete decarbonisation of our energy system by 2050, with renewable energy meeting a significant share of our needs.

In 2009 the Scottish Government established a suite of renewable energy targets for 2020 – with a headline target of the equivalent of 30% of Scotland's heat, transport and electricity consumption to be supplied from renewable sources. We have made good progress to date, with the equivalent of 17.8% being met by renewable sources in 2015.

Reaching 50% in 13 years time will be challenging, particularly in more uncertain market conditions compared to those in the preceding decade, and due to the fact that not all the relevant policy levers are devolved to the Scottish Government. But the target demonstrates the Scottish Government's commitment to a low carbon system and to continued growth of the renewable energy sector in Scotland. It also underlines our belief in the sector's ability to build on its huge achievements and progress thus far."

3.33 Specifically in relation to onshore wind the strategy states the following:

"Onshore wind is now amongst the lowest cost forms of power generation of any kind, and is a vital component of the huge industrial opportunity that renewables create for Scotland. The sector supports an estimated 7,500 jobs in Scotland, and generated more than £3 billion in turnover in 2015. Campbeltown is also currently home to the UK's only turbine tower fabricator.

Our energy and climate change goals mean that onshore wind must continue to play a vital role in Scotland's future – helping decarbonise our electricity, heat and transport systems, boosting our economy, and meeting local and national demand.

That means continuing to support development in the right places, and – increasingly – the extension and replacement of existing sites with new and larger turbines, all based on an appropriate, case by case assessment of their effects and impacts.

It means continuing to provide a route to market for that power – in ways which reduce and ultimately eliminate any additional costs for consumers.

And it means developers and communities working together and continuing to strike the right balance between environmental impacts, local support, benefit and – where possible – economic benefits deriving from community ownership.

This can be done in a way which is compatible with Scotland's magnificent landscapes, including our areas of wild land. This means that the relevant planning and consenting processes will remain vitally important. A major review of the Scottish planning system is well under way, and will continue as now to fully reflect the important role of renewable energy and energy infrastructure, in the right places."

The Committee on Climate Change (CCC) advice to the Scottish Government on recovery from the Covid-19 crisis

3.34 The CCC advice to the Scottish Government in May 2020 came after the Scottish Government approached the CCC requesting advice on a green recovery for Scotland in

light of the Covid 19 pandemic. Within its response, the CCC sets out that “reducing greenhouse gas emissions and adapting to climate change should be integral to any recovery package.” The CCC also note that many of the large infrastructure programmes are “critical to preparing for climate change and achieving net zero emissions.” Reference is specifically made to onshore wind as part of the large infrastructure required, and the CCC add that “acceleration of these projects should take priority.”

The recommendations from the Scottish Government's Advisory Group on Economic Recovery

- 3.35 The Scottish Government's Advisory Group on Economic Recovery was formed to provide input to Government on Scotland's economic recovery post-Covid 19. The report provided to the Government in June 2020 recognises that there is a need to “grasp the tremendous opportunities for a green recovery which such a transition offers”, and that the net zero imperative presents “an increased and urgent challenge for existing policy, planning and licencing frameworks to identify and consent suitable projects with a sufficient level of impact in the light of the climate emergency”.

The Report from the Climate Emergency Response Group (CERG) 'Eight Policy Packages for Scotland's Green Recovery'

- 3.36 Shortly following the Economic Advisory Group's Report, the Report of the Climate Emergency Response Group (CERG) to the Scottish Government was published in July 2020, titled 'Eight Packages for Scotland's Green Recovery'. The CERG Report states that it “encourages the Scottish Government to embrace these policy packages as key components of its economic recovery plan for a fairer and greener Scotland,” and that these should be reflected in key policy milestones. It states that green recovery must be investment led, and the Scottish Government must create “an attractive policy environment for investors, resulting in a stronger business case for a climate neutral economy.” The Report concludes with the view that “Scotland's response to Covid-19 is a massive opportunity to catapult and prioritise a just transition to a net zero carbon economy”.

The Update to the Climate Change Plan

- 3.37 In December 2020, the Scottish Government published an update to the Climate Change Plan, covering the period 2018 to 2032, and responding to the new requirement in Scotland to meet net zero by 2045. Page 9 in particular sets out the strategic goal of achieving “decarbonisation across the whole energy system, including electricity, transport, industry and buildings” and “integrating climate change action into all of the decisions we make across Government”.
- 3.38 The Update sets out the intention to prepare an Energy Strategy in 2021 and an updated Electricity Generation Policy Statement by 2022. Page 19 refers to a 2032 ‘pathway’ whereby decisions take account of benefits across all energy sectors as well as economic and social benefits they create across Scotland. By 2032 it is intended that we will generate at least the equivalent of 50% of our energy from renewable sources. It is stated on page 18, importantly, that “there will be a substantial increase in renewable generation, particularly through new offshore and onshore wind capacity”.
- 3.39 The planning and consenting systems are recognised (p78) as remaining a “critical enabler of rapid renewables deployment in Scotland”. The Climate Change Plan Update expects that renewable energy generation is expected to increase substantially between now and

2032 with an expectation of the development of between 11 and 16GW of new capacity to meet a rapidly increasing electricity demand.

The Scottish Energy Strategy Position Statement

- 3.40 The Scottish Energy Strategy Position Statement (March 2021) reinforces the consistent theme of the Scottish Government's support for a green, fair, and resilient economy. Onshore renewables are addressed within section 8 of the Statement where it is reported that "the continued growth of Scotland's renewable energy industry is fundamental to enable us to achieve our ambition of creating sustainable jobs as we transition to net zero". It adds that the Scottish Government "is committed to supporting the increase of onshore wind in the right places to help meet the target of net zero."

Scottish Government's 'Bute House Agreement'

- 3.41 On 20th August 2021, the SNP-led Scottish Government and the Scottish Green Party signed the Bute House Agreement which represents a formal co-operation agreement for the next five years of Government. Page 12 of this agreement sets out that "the climate emergency means we need to use the limited powers we have to accelerate the decarbonisation of our energy system...our plans will see a significant increase in electricity demand for heating and transport. To accommodate this, we will support the continued and accelerated deployment of renewable energy."
- 3.42 In order to achieve this, subject to consultation the Government and Green Party state they aim to deliver "an additional 8 to 12 GW of installed onshore wind by 2030, supported by changes to the planning system needed to permit the growth of this essential zero carbon sector".

The Scottish Government's Programme for Government 2021-2022

- 3.43 The Scottish Government's Programme for Government 2021-2022 followed the Bute House Agreement and is titled "A Fairer, Greener Scotland". It is the intention of the Government that all applications over 50MW have 'National Development' status which if adopted would give further importance and status to Section 36 applications. The Programme again re-iterates the importance of securing a further 8 to 12 GW of onshore wind capacity by 2030.

Onshore Wind Policy Statement

- 3.44 The Scottish Government published an updated Onshore Wind Policy Statement (OWPS) on 21 December 2022 which replaces the earlier version published in November 2017. The Ministerial Foreword makes it clear that seeking greater security of supply and lower cost of electricity generation are now key drivers alongside the need to deal with the climate emergency. It is stated:

"that is why we must accelerate our transition towards a net zero society. Scotland already has some of the most ambitious targets in the world to meet net zero but we must go further and faster to protect future generations from the spectre of irreversible climate damage".

"Scotland has been a frontrunner in onshore wind and, while other renewable technologies are starting to reach commercial maturity, continued deployment of onshore wind will be key to ensuring our 2030 targets are met".

- 3.45 The Foreword highlights that onshore wind has the ability to be deployed quickly, is good value for consumers and is also widely supported by the public and that:

"This Statement, which is the culmination of an extensive consultative process with industry, our statutory consultees and the public, sets an overall ambition of 20 GW of installed onshore wind capacity in Scotland by 2030".

- 3.46 The OWPS is structured on the basis of eight chapters which contain a mix of broad policy guidance and technical information. The points of most relevance to the Proposed Development are set out below.

- 3.47 The OWPS makes the following statement on page 5 in relation to the current deployment of onshore wind in Scotland:

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

- 3.48 Section 1.3 refers to the new 20 GW ambition and states:

"It is vital to send a strong signal and set a clear expectation on what we believe onshore wind capacity will contribute in the coming years.

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

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

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

- 3.49 This statement is followed by reference to the 'Legislative Context', in particular the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 and the related Net Zero greenhouse gas emissions targets. The OWPS states that "meeting these targets will require decisive and meaningful action across all sectors" and that "onshore wind will play a crucial role in delivering our legally binding climate change targets".

- 3.50 Section 2.3 refers to a 'Vision for Onshore Wind in Scotland' and states that Scottish Renewables, on behalf of the sector in Scotland, has produced a 'Vision Statement' which the Government considers to "lay the basis of a more detailed sector deal" that will be developed by a newly formed Onshore Wind Strategic Leadership Group (SLG).

- 3.51 The Vision Statement includes the following statement:

"Onshore wind remains vital to meeting this increasing demand, providing fast deployment whilst minimising cost to the consumer. This will be achieved by deploying the most productive modern turbines that are taller than older models, by re-powering existing sites where possible and by maximising the use of our exceptional natural wind resources where environmental effects are acceptable".

- 3.52 Chapter 3 of the OWPS refers to matters relating to the following environmental topics:

- Shared land use;
- Peat and carbon-rich soils;
- Forestry;

- Biodiversity;
- Landscape and visual amenity; and
- Noise

3.53 Of particular relevance to this application is landscape and visual amenity. In this respect the OWPS states at paragraph 3.6.1:

“Meeting our climate targets will require a rapid transformation across all sectors of our economy and society. This means ensuring the right development happens in the right place. Meeting the ambition of a minimum installed capacity of 20 GW of onshore wind in Scotland by 2030 will require taller and more efficient turbines. This will change the landscape”.

3.54 In addition, paragraph 3.6.2 of the OWPS cross refers to NPF4 and provides that outside of National Parks and National Scenic Areas:

“the criteria for assessing proposals have been updated, including stronger weight being afforded to the contribution of the development to the climate emergency, as well as community benefits”.

3.55 It is clear then that NPF4 and the OWPS represent a recalibration of how the planning balance should operate when making decisions on wind farm applications.

Draft Energy and Just Transition Plan

3.56 The Draft Energy Strategy and Just Transition Plan (2023) states that we need to transform the way Scotland generates, transports, and uses energy, in order to realise climate change ambitions. The requirement for an additional 12GW of onshore wind is a key policy facet of this document.

Onshore Wind Sector Deal

3.57 The Onshore Wind Sector Deal, published in September 2023, provides a framework of commitments between Scottish Government and the onshore wind sector in order to support the rapid development and deployment of onshore wind, including the identification of barriers and potential solutions and actions to, for example, decrease consenting times. It is very clear that the Scottish Government wishes to see quicker deployment of onshore wind and is actively supporting the sector to do so.

Summary

3.58 The scale of the threat we face through climate change is widely acknowledged by governments across the world. The Scottish Government has recently taken the decision to declare a climate emergency, citing the need for world action to deliver transformative change. Everyone has a role to play in this global climate emergency, including businesses and local authorities. Extremely challenging targets have been set for decarbonising the economy: net zero emissions for Scotland by 2045, the most stringent target for decarbonisation anywhere in the world.

3.59 It is evident that there remains a strong policy drive to continue to develop renewable energy. International and national commitments have been made to address the effects of climate change and to achieve greater security in the domestic supply of energy. This in turn has directly influenced a response through the land use planning system which through

national planning policy strongly encourages renewable energy development and the evidence base demonstrates that wind energy is the key renewable resource for Scotland.

- 3.60 From a review of the array of Scottish renewable energy policy documents and targets, it is clear that Government policy on renewable energy is part of a well-established pattern in a long-term commitment to reduce greenhouse gases and tackle climate change. This is demonstrated by the EU, UK and the Scottish 2030 renewable energy and electricity targets, and Scotland's overall net zero target of 2045. It forms part of a much wider international picture of ever more ambitious policy targets.
- 3.61 There remains a shortfall on a national basis against targets for renewable energy generation. National targets are not capped and decision makers are not prevented from consenting projects just because an interim target may be achieved.
- 3.62 The Proposed Development would make a valuable contribution to Government policy objectives and unmet targets thereby implementing Government policy which encourages more electricity generation from renewable energy sources.

4 PLANNING POLICY CONTEXT

Introduction

- 4.1 Relevant national planning policy guidance and advice is addressed in this chapter. Reference is made to the National Planning Framework 4 (NPF4) and other material considerations relevant on a Scottish national level.

National Planning Framework 4

- 4.2 NPF4 was published on 13 February 2023 and combines the spatial framework for Scotland with Scottish Planning Policy for the first time, forming part of the statutory Development Plan.
- 4.3 Part 1 of NPF4 sets out details of the National Spatial Strategy for Scotland. From the outset, it is clear that tackling climate change and achieving net zero emissions is at the forefront of the National Spatial Strategy:

"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."

- 4.4 In relation to a key principle of achieving 'sustainable places' NPF4 states that:

"our future net zero, nature-positive places will be more resilient to the impacts of climate change and support the recovery and restoration of our natural environment. This will help Scotland's places to thrive within the planet's sustainable limits and will maximise the new economic and wellbeing opportunities from just transition to a net zero, nature-positive economy....Our strategy is to transform the way we use our land and buildings so that every decision we make contributes to making Scotland a more sustainable place. In particular, we want to encourage...diversity and expand renewable energy generation...."

- 4.5 NPF4 continues the planning policy approach of identifying 'national developments', which are defined as developments that strongly support the delivery of the spatial strategy, i.e. are 'needed'. Eighteen national developments are proposed in NPF4 to deliver the spatial strategy, each of which is accompanied by a statement of need and an assessment of lifecycle greenhouse gas emissions. The national development designation does not remove the need for consenting or associated impact assessment to be undertaken for individual projects, rather it means that the principle of the development does not need to be agreed in later consenting processes, providing more certainty for communities, business and investors.
- 4.6 Onshore wind farms exceeding 50 megawatts capacity are identified as a national development. NPF4 states:

"national development [Wind farms over 50MW capacity] supports renewable electricity generation, repowering, and expansion of the electricity grid."

A large increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets. Certain types of renewable electricity

generation will also be required, alongside developments and increases in storage technology and capacity, to provide the vital services, including flexible response, that a zero-carbon network will require. Generation is for consumption domestically as well as for export to the UK and beyond, with new capacity helping to decarbonise heat, transport and industrial energy demand. This has the potential to support jobs and business investment, with wider economic benefits."

- 4.7 Part 2 of NPF4 introduces a number of national planning policies which apply to all development proposals in Scotland. It sets out that:

"to achieve a net zero, nature positive Scotland, we must rebalance our planning systems so that climate change and nature recovery are the primary guiding principles for all our plans and all our decisions. That includes emissions reduction and the adaptations we need to make in order to be resilient to the risks created by a warmer climate."

- 4.8 Policy 2 'Climate Emergency' states that "when considering all development proposals significant weight should be given to the global climate emergency".

- 4.9 Part C of the policy sets out that:

"development proposals for national, major or EIA development should be accompanied by a whole life assessment of greenhouse gas emissions from the development. In decision making the scale of the contribution of development proposals to emissions in relation to emissions reduction targets should be taken into account."

- 4.10 Policy 3 'Biodiversity' sets out the policies that seek to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.

- 4.11 Part A of the policy states that:

"Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible."

- 4.12 Policy 3(b) sets out that support for national or major development requiring an Environmental Impact Assessment will only be supported where the proposal will conserve, restore and enhance biodiversity. In order to achieve this, best practice measures should be used, and will be assessed against the following criteria:

- i. the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;*
- ii. wherever feasible, nature-based solutions have been integrated and made best use of;*
- iii. an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;*

- iv. *significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long-term retention and monitoring should be included, wherever appropriate; and*
 - v. *local community benefits of the biodiversity and/or nature networks have been considered.*
- 4.13 Part D of Policy 3 requires any adverse effects, including cumulative impacts, resulting from the Proposed Development on biodiversity, nature networks and natural environment to be mitigated and minimised through careful planning and design.
- 4.14 Policy 4 'Natural Places' seeks to protect, restore and enhance natural assets making best use of nature-based solutions.
- 4.15 Policy 4(a) considers development proposals that will have an unacceptable impact on the natural environment by virtue of type, location and scale, will not be supported.
- 4.16 Policy 4(d) considers the effects proposals will have on designated landscapes such as a local nature conservation site or landscape area in the LDP. The following considerations are made:
- i. *Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or*
 - ii. *Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.*
- 4.17 Policy 4(f) allows for proposals to be supported if they meet the relevant statutory tests where it has been identified that there is likely to be an adverse effect on species protected by legislation. *"If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application."*
- 4.18 Policy 4(g) removes the need for consideration of effects of development on wildland if the development is meeting renewable energy targets and states buffer zones around wild land will not be applied in this case.
- 4.19 In terms of the emission reduction that the proposed development would give rise to, this is referenced in Section 5 below.
- 4.20 Policy 5(a) allows for proposals to be supported if they are designed and constructed according to the mitigation hierarchy by firstly avoiding and then minimising the amount of disturbance to soils on undeveloped land, and in a manner that protects soil from damage and minimises soil sealing.

- 4.21 Policy 5 (c) allows for the use of peatland, priority peatland and carbon rich soils for a limited number of uses, including renewable energy generation and states planning applications of this nature should be supported.
- 4.22 Policy 5(d) allows for development on peatland, carbon-rich soils and priority peatland habitat subject to a detailed assessment which identifies the baseline depth, habitat condition, quality and stability of carbon-rich soils, the likely effects of the development on peatland, and the likely effect of the development on climate emissions.
- 4.23 Policy 7 'Historic assets and places' seeks to protect and enhance historic environment assets and places.
- 4.24 Part A of Policy 7 sets out that development proposals with the potential to significantly impact historic assets and places must be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. Assessments should identify likely physical or visual impacts of any proposals, including cumulative effects.
- 4.25 Policy 7(h) allows for development proposals that will affect scheduled monuments to be supported where direct impacts on scheduled monuments are avoided, significant adverse impacts on the integrity of the setting of the scheduled monument are avoided, and exceptional circumstances have been demonstrated to justify the impact on a scheduled monument and its setting and that any such impacts are minimised.
- 4.26 Policy 11 seeks to encourage, promote and facilitate all forms of renewable energy development onshore and offshore and states that "*LDPs should seek to realise their area's full potential for electricity and heat from renewable, low carbon and zero emission sources by identifying a range of opportunities for energy development*". The policy outlines a number of considerations for renewable energy development:
- a) *Development proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.*
 - b) *Development proposals that impact on international or national designations will be assessed in relation to Policy 4.*
 - c) *In addition, project design and mitigation will demonstrate how the following impacts are addressed:*
 - i. *Impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker;*
 - ii. *Significant landscape and visual impacts, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/ or appropriate design mitigation has been applied, they will generally be considered to be acceptable;*
 - iii. *Public access, including impact on long distance walking and cycling routes and scenic routes;*
 - iv. *Impacts on aviation and defence interests including seismological recording;*
 - v. *Impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;*
 - vi. *Impacts on road traffic and on adjacent trunk roads, including during construction;*

- vii. Impacts on historic environment;*
- viii. Effects on hydrology, the water environment and flood risk;*
- ix. Biodiversity including impacts on birds;*
- x. Impacts on trees, woods and forests;*
- xi. Proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration;*
- xii. The quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans; and*
- xiii. cumulative impacts*

- 4.27 Policy 22 'Flood risk and water management' seeks to strengthen the resilience to flood risk by promoting avoidance as the first principle and reducing the vulnerability of existing and future development to flooding.
- 4.28 Part C of Policy 22 requires development proposals to not be at risk of surface water flooding, increase the risk of surface water flooding to others, manage all rain and surface water through integrated Sustainable Urban Drainage Systems (SUDS), and seek to minimise the area of impermeable surface.
- 4.29 Policy 22(e) supports development proposals that implement measures to create, expand or enhance opportunities for natural flood risk management.
- 4.30 Save for a ban on wind farm development within National Parks and National Scenic Areas, NPF4 states that proposals for all forms of renewable, low-carbon and zero emissions technologies "will be supported."

The Development Plan

Introduction

- 4.31 A development being considered under Section 36 of the Electricity Act need not necessarily accord with the Development Plan to be considered acceptable for consent to be granted. The test, as set out in Section 25 of the 1997 Act, against the Development Plan is not triggered in the case of Section 36 applications. However, Development Plans are still capable of being material considerations in the case of S.36 applications.
- 4.32 This section sets out the planning policy context that is relevant to the Site and Proposed Development at the local level. The Development Plan for the purposes of Section 25 of the Town and Country Planning (Scotland) Act 1997 consists of the following:
- Dumfries and Galloway Local Development Plan; and
 - Wind Energy Development: Development Management Considerations (the Supplementary Guidance)
- 4.33 We set out each in turn below:

Dumfries and Galloway Local Development Plan

4.34 The Council adopted its current Local Development Plan (LDP) in October 2019. It provides the planning framework for the Council area and will be kept under review and replaced at least every five years.

4.35 The LDP acknowledges at the outset that:

"1.9 The Scottish Government's overarching aim is to foster sustainable economic growth. The planning system has a key role to play in helping deliver this. Sustainable development is accepted as contributing to this. Developers are expected and encouraged to embrace sustainable development – and this Plan assumes that 'development' always means 'sustainable development'. Planning has an obligation to contribute towards sustainable development, sustainable economic growth, reducing the impact of climate change and creating high quality places.

1.10 The need to tackle climate change, and in particular reduce emissions of the greenhouse gases that contribute to it, is a principal challenge to sustainable economic growth...

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

4.36 The LDP sets out a 'vision' of what Dumfries and Galloway will look like in 20 years' time. This includes the statement that:

"There will also be...A viable rural economy and community characterised by [inter alia]...a range of renewable energy developments..."

4.37 Policy IN1 relates to renewable energy. It states:

"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*
- The impact on tourism, recreational interests and public access.*

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

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

“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:*

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

** 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.”*

4.38 Policy IN2 relates specifically to wind energy development. It states:

“Assessment of all windfarm proposals:

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

Renewable energy benefits:

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

Socio-economic benefits:

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

Landscape and Visual Impacts:

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

Cumulative impact:

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

Impact on local communities and residential interests:

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

Impact on infrastructure:

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

Impact on Aviation and Defence Interests:

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

Other Impacts and considerations:

- d) The extent to which the proposal avoids or adequately resolves any other significant adverse impact on the 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.
- e) The extent to which the proposal addresses any physical site constraints and appropriate provision for decommissioning and restoration.

(1) 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.

*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.*

** 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.*

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

4.39 The Spatial Framework is set out at Table 5 of the LDP and is reproduced below:

"Spatial Framework:

- Group 1: Areas where wind farms will not be acceptable*
- NSAs*
- 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.*
- Ramsar & Natura 2000*
- World Heritage Sites (not directly)*
- SPAs/SACs*
- SSSIs*
- NNRs*
- Inventory of Gardens and Designed Landscapes*
- Inventory of Historic Battlefields*
- Wild land areas*
- Carbon rich soils, deep peat and priority peatland (subject to recent SNH consultations)*
- 2km area around settlements in the Plan with identified settlement envelope or edge*
- Group 3: Areas with potential for wind farm development*
- Areas beyond Groups 1 and 2, where wind farms are likely to be acceptable, subject to detailed consideration against all relevant plan policies."*

- 4.40 Policy OP1 is an overarching policy that sets out general development considerations. It highlights that development will be assessed against various considerations depending on the scale, nature and location of the proposal including general amenity; historic environment, landscape; biodiversity and geodiversity; transport and travel; sustainability; and the water environment.
- 4.41 Policy OP2 is an overarching policy that sets out general considerations in relation to design quality of new development. It highlights that development proposals should achieve high quality design in terms of their contribution to the existing built and natural environment, contributing positively to a sense of place and local distinctiveness.
- 4.42 Policy HE1 relates to listed buildings. It sets out that certain considerations that apply to development proposals that impact on the character or appearance of a listed building or its setting.
- 4.43 Policy HE2 relates to Conservation Areas. It sets out that the Council will support development within or adjacent to a Conservation Area that preserves or enhances the character and appearance of the area.
- 4.44 Policy HE3 relates to archaeology. It sets out that the Council will support development and protects significant archaeological and historic assets and protect the wider historic environment from adverse effects.
- 4.45 Policy HE4 relates to Archaeologically Sensitive Areas. It sets out that the Council will support development that safeguards the character, archaeological interest and setting of Archaeologically Sensitive Areas as designated by the Council.
- 4.46 Policy HE6 relates to gardens and designed landscapes. It sets out that the Council will support development that protects or enhances the significant elements, specific qualities, character, integrity and setting, including key views to and from, gardens and designed landscapes included in the Inventory of Gardens and Designed Landscapes or the Non-Inventory List. Proposals that would have a detrimental effect on the specific quality, character or integrity of a garden or designed landscape will not be approved unless it is demonstrated that the proposal has benefits of overriding public interest.
- 4.47 Policy NE2 relates to Regional Scenic Areas. It sets out that development within, or which affects Regional Scenic Areas, may be supported where the Council is satisfied that the factors taken into account in designating the area would not be significantly adversely affected.
- 4.48 Policy NE3 relates Areas of Wild Land. It sets out that development that would affect the Merrick Wild Land Area in Galloway and the Talla Hart Fell Wil Land Area north of Moffat would not be supported unless the Council is satisfied that it is demonstrated that any significant effects on the qualities of these area can be substantially overcome by siting, design or other mitigation.
- 4.49 Policy NE4 relates to Sites of International Importance for Biodiversity: It sets out that development proposals likely to have a significant effect on an existing or proposed Special Protection Area (SPA), existing or candidate Special Area of Conservation (SAC) or Ramsar Site including developments outwith the site, will require an appropriate assessment and will

only be permitted where the development does not adversely affect the integrity of the site.

- 4.50 Policy NE5 relates to Species of international importance. It sets out that development proposals that would be likely to have an adverse effect on a European Protected Species will not be permitted unless it can be shown 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.
- 4.51 Policy NE6 relates to Sites of National Importance for Biodiversity and Geodiversity. It sets out that Development affecting Sites of Special Scientific interest, not designated as International Sites, and other national nature conservation designations will only be permitted where it will not adversely affect the integrity of the area or the qualities for which it has been designated.
- 4.52 Policy NE7 relates to forestry and woodland. It sets out that proposals should seek to ensure that ancient and semi-natural woodlands and other woodlands with high nature conservation value are protected and enhanced.
- 4.53 Policy NE8 relates to trees and development. It sets out that where it is not possible to retain woodland then appropriate replacement planting will be required. Any such replacement planting scheme would be located where possible within the region and follow guidance contained within the Forestry and Woodland Strategy.
- 4.54 Policy NE11 relates to the water environment. It sets out that the Council will not permit development which would result in deterioration in the status of a waterbody or which would likely impede the improvements in waterbody status as set out in the Solway Tweed River Basin Management Plan (2015) or any update or adopted review of it, 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.
- 4.55 Policy NE12 relates to protection of water margins. It sets out that where new development is proposed adjacent to or in the vicinity of waterbodies, the water margins will be protected unless there are compelling reasons to justify why this should not be done.
- 4.56 Policy IN6 relates to waste management requirements for new development. It sets out that any planning application which in the view of the Council requires to address the issue of waste must be supported by a Site Waste Management Plan.
- 4.57 Policy IN7 relates to flooding and development. It sets out [inter alia] that where proposed development could lead to unacceptable onsite or off site flood risk, then it will not be permitted.
- 4.58 Policy IN8 relates to surface water drainage and sustainable drainage systems. It sets out that sustainable drainage systems will be a required part of all proposed development as a means of treating the surface water and managing flow rates.

- 4.59 Policy T1 relates to transport infrastructure. It sets out that development proposals will be appraised to determine their effects on the performance of the strategic and regional highway network.

Wind Energy Development: Development Management Considerations (the Supplementary Guidance)

- 4.60 In February 2020 the Council adopted its Supplementary Guidance, Wind Energy Development: Development Management Considerations document. It provides further detail in support of the development management considerations in Policy IN2: Wind Energy. It provides a statement of the main factors that will be taken into account in reaching planning decisions and details the criteria contained in the policy, rather than providing specific additional development management considerations beyond what is already contained within the relevant policies of the LDP. The document also includes a Wind Farm Landscape Capacity Study as an appendix (the DGWLCS).
- 4.61 The DGWLCS finds that there is only scope for additional large turbine development (80-150m) in the following landscapes:
- Plateau Moorland (17)
 - Plateau Moorland with Forest (17a)
 - Foothills with Forest – Ae, Stroan, Eskdale, Oer and Tinnisburn (18a)
 - Southern Uplands – NW Lowthers area only (19)
 - Southern Uplands with Forest – Ken area (19a)
- 4.62 The Site is located within the Plateau Moorland with Forest (17a) unit. It is therefore one of only a small number of areas within Dumfries and Galloway that has been identified as having scope for additional large turbine development.
- 4.63 In relation to the character area Plateau Moorland with Forest (17a), the 2016 DGWLCS makes the following comments:

“Summary of sensitivity:

- *There would be a High sensitivity to the Very Large typology (turbines >150m high) comprising new developments principally due to cumulative effects that would be likely to occur with some operational wind farms which comprise substantially smaller turbines and on the Galloway Hills, Merrick WLA and smaller scale diverse landscape features.*
- *There would be a High-medium sensitivity to the large typology (turbines 80m-150m) because of potential effects on the Galloway Hills, Merrick WLA and smaller scale diverse landscape features.*
- *Sensitivity would also be High-medium for the medium typology (turbines 50-80m) as, although this typology is more likely to comprise single and small groups of turbines*

located on farmland, cumulative effects with large turbines within operational and consented wind farms are a key constraint.

Cumulative issues:

- *Further variation in the type and size of turbines proposed within this and nearby landscape character types which would exacerbate the visual confusion and clutter already associated with the wind farms noted above. Repowering of wind farms (involving substantially larger turbines) and new much larger turbines, particularly in the southwestern part of this character type, would be likely to incur significant cumulative effects.*
- *Sequential visual impacts experienced when travelling on minor roads and footpaths, including the SUW, where the incidence and extent of wind farm development could dominate views and overwhelm the viewer.*
- *Landscape and visual effects on small pockets of settled farmland and lochs if wind farms substantially extend on surrounding skylines or give a perception of encirclement.*
- *Visual interaction between smaller turbines which are more likely to be associated with pockets of settled farmland and large turbines within wind farms.*
- *Wider cumulative effects on the Merrick Wild Land Area and Galloway Hills RSA where further development could consolidate and fill gaps creating a sense of near encirclement and domination. Much larger and closer turbines could significantly exacerbate cumulative effects.*

Constraints:

- *Areas of open moorland and pockets of settled farmland, small but pronounced hills and loch basins, for example Glenvernoch Fell, Loch Ochiltree, Loch Heron and Loch Ronald; a local recreational hub with accommodation, activities and waymarked trails; and the setting of other lochs with local scenic and recreational value (Marberry, Dornbal, Eldrig, Garwackie).*
- *The outer fringes of this landscape character type, close to areas of settled farmland, where larger turbines would dominate small scale valleys including the notably diverse upper Cree valley (LCT 4).*
- *The rich archaeology found within areas of open moorland.*
- *The Merrick Wildland Area and RSA lying to the east of this character type where wind turbines could diminish the sense of naturalness and seclusion experienced and affect the setting of the western Galloway Hills.*
- *Recreational use of the eastern fringe of the LCT, with cycle/walking trails and promoted places of interest as part of the Galloway Forest Park and Dark Skies Park.*

- Views from the Merrick and other western Galloway Hills, from key viewpoints within Glen Trool such as the Bruce's Stone and from the SUW, A75 and A714.
- Cumulative effects with operational and consented wind farms particularly where turbine size, pattern and siting is noticeably different.
- Cumulative effects on the Merrick WLA and on the Galloway Hills RSA sited to the east of this landscape character type.

Opportunities:

- The generally simple landform, expansive scale and uniform land cover of coniferous forestry which could relate to larger typologies.
- The sparsely settled nature of this landscape and the relatively limited visibility from areas which are distant from public roads and settlement and the screening provided by forestry.
- An absence of landscape designations.

Guidance on development:

- New developments comprising turbines substantially over 150m high (the Very Large typology) could significantly exacerbate the visual confusion already evident between different wind farm developments sited in the south-western part of this character type and adjoining landscapes and with the under-construction wind farms of Aries and Kilgallioch. Turbines of this size could also increase impacts on smaller scale valleys, landmark hills and lochs and the Merrick WLA if sited on the remaining undeveloped parts of this landscape which lie closer to these features.
- All development typologies should avoid impacting on the setting and views to small lochs, on areas of more complex landform, including small but pronounced hills such as Glenvernoch Fell, and on archaeological features as these enrich the landscape of this character type and often provide a focus in views.
- Intrusion on key views to the Galloway Hills, for example from the A714 and the Cree valley, should be avoided.
- Potential cumulative landscape and visual effects with other operational and consented wind farms would need to be carefully considered as this landscape is considered to be close to reaching capacity for additional development. Key cumulative sensitivities are likely to include effects on smaller scale settled landscapes on the outer fringes of this landscape, on the Merrick Wildland Area and on views from the south-eastern coast of the Rhins, parts of the Machars, the Galloway Hills and the A75 and A714.
- There is potential for wind farm development to accelerate positive change to existing forestry and proposals for wind farm development should aim to improve the composition, age structure and design of existing forestry in accordance with best practice guidance set out in the UK Forestry Standards. A high proportion of

broadleaved trees should be restocked and planted on the fringes of moorland and pastures to ameliorate often hard and geometric margins.

Other Material Considerations

4.64 Other material considerations in this case include:

- Planning Advice Notes
- Scottish Government Web Based Renewable Guidance

4.65 These are considered in turn below:

Planning Advice Notes

4.66 Table 1 identifies and summarises the Planning Advice Notes (PANs) of relevance to the Proposed Development.

Table 1: PANs of relevance to the Proposed Development

Guidance	Title	Summary
PAN 2/2011	Planning and Archaeology	Provides advice to planning authorities and developers on dealing with archaeological remains. It does so with fresh emphasis which is proportionate to the relative value of the remains and of the development under consideration
Scottish Government Web Based Guidance	Web Based Renewables Advice – 'Onshore wind turbines'	Advises planning authorities and developers with respect to the development of onshore wind turbines.
PAN 1/2011	Planning and Noise	Sets out the role of the planning system in preventing and limiting the adverse effects of noise
PAN1/2013	Environmental Impact Assessment (2013)	Explains the role of individual planning authorities and that of the Consultation Bodies in EIA, as well as providing guidance on the ways in which EIA can be integrated into the overall development management process
PAN 60	Planning for Natural Heritage (2000)	Gives basic advice in relation to development and natural heritage. It reiterates the Government's Commitment to the protection and enhancement of the natural heritage
PAN 61	Planning and Sustainable Urban Drainage Systems (2001)	Provides good practice and advice for planners and the development industry complementing the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland (2000)
PAN 75	Planning for Transport (2005)	Provides advice on the requirement to link transport strategies and development plans and the need to take into account

		accessibility, location, modal split parking and design
PAN3/2010	Community Engagement	Advice to Planning Authorities and developers on how communities should be properly engaged in the planning process

Scottish Government Web Based Renewable Guidance

- 4.67 The Scottish Government has produced web based renewables guidance. The planning advice comprises a number of individual guidance notes including 'Onshore Wind Turbines'. The Scottish Government published the most recent update of this on 28 May 2014.
- 4.68 The relevant aspects of the guidance are provided under the following headings and have been taken into account during design development.
- Landscape impact;
 - Impacts on wildlife and habitat, ecosystems and biodiversity;
 - Assessing impact on wildlife and habitats;
 - Buffer zones;
 - Impact on communities;
 - Separation distances;
 - Aviation matters;
 - Road traffic impacts;
 - Cumulative impacts; and
 - Decommissioning.
- 4.69 The guidance advises that planning authorities should ensure, either via conditions or legal agreements, that site restoration takes place on expiry of the consent or the expiry of the specified period.

5 PLANNING APPRAISAL

5.1 This section considers the planning issues raised by the Proposed Development against the planning policy context outlined in Chapter 5 of the EIAR Report. In presenting an assessment of the overall planning policy case the following two questions are considered:

- Does the Proposed Development accord with the provisions of the Electricity Act 1989?
- Does the Proposed Development accord with the requirements of the Development Plan?

5.2 Notwithstanding these two questions, it is important to note the limited role of the Development Plan as reported in previous sections in the case of S.36 applications. Whilst the Development Plan is itself a material consideration and does not have primacy in the decision-making process, it may nonetheless be an important consideration in the determination of the application.

Does the Proposed Development accord with the requirements of the Electricity Act 1989?

5.3 Schedule 9 of the Electricity Act requires regard to be had to the desirability of:

- Preserving natural beauty;
- Conserving flora, fauna and geological or physiological features of special interest; and
- Protecting sites, buildings and objects of architectural, historic or archaeological interest.

5.4 In addition, Schedule 9 requires applicants to:

- Do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.

5.5 Sub-paragraph 3(3) indicates that without prejudice to the above provisions, a licence holder and the Scottish Ministers shall avoid, so far as possible, causing injury to fisheries or to the stock of fish in any waters.

5.6 The Proposed Development is considered to comply with Schedule 9 of the Electricity Act as detailed below:

Landscape and Visual Considerations

5.7 The landscape and visual effects of the Proposed Development have been a key consideration from an early stage in the design of the wind farm. Landscape architects have worked closely with the project team to achieve a scale and design that minimises the potential landscape and visual effects. The landscape and visual effects of the Proposed Development are examined in detail in Chapter 6 of the EIAR.

5.8 In terms of location, the Proposed Development is not situated within a National Park or National Scenic Area, nor is it sited in any other landscape designations, and so the area

within which the wind farm is located is considered suitable for wind farm development in principle.

- 5.9 The EIA report concludes that the Proposed Development would result in direct and significant effects on the parts of the 'host' landscape character types within which the Proposed Development is located. Indirect and significant effects would extend to approximately 6km from the Proposed Development on LCT 172: Upland Fringe, and LCT 168: Drumlin Pasture in Moss and Moor Lowland.
- 5.10 In relation to visual effects, it is accepted that the Proposed Development would be visible from various nearby properties, as well as parts of the surrounding road, footpath, and cycle networks.
- 5.11 Appropriate offsets from properties not financially involved with the Proposed Development have been maintained to ensure that no uninvolved property would experience an overbearing visual impact.
- 5.12 It has been assessed that there would be significant visual effects experienced at 8 of the 20 representative viewpoints during daylight hours. During darkness hours, significant effects are predicted at only 3 of the 20 LVIA viewpoints.
- 5.13 The assessment of Core Paths and Recreational Routes found that receptors would experience significant effects from parts of: Core Path UNNO/504/5-10, Core Path CREE/416/1-2 - Barclye Bird Reserve Walk, the Southern Upland Way, and NCN Route 7.
- 5.14 The assessment of roads found that receptors would experience significant effects from sections of the A714 (southbound only), and B7027 (both directions).
- 5.15 With regards to recreation and tourism locations, indirect significant effects were predicted up to approximately 6km from the Proposed Development at the Galloway Forest Park during daylight hours, and to approximately 6km from the Proposed Development in the 'Buffer Zone' and 'Transitional Area' of the Galloway Forest Dark Sky Park during darkness hours.
- 5.16 In terms of effects on the Galloway Hills RSA, the assessment found that indirect significant effects on views from the RSA would extend to approximately 6km but that the addition of the Proposed Development would not undermine the understanding or appreciation of the underlying landscape of the RSA or its special qualities. Notably, no significant effects are predicted to occur in the Merrick WLA as a result of the Proposed Development.
- 5.17 Regarding cumulative effects, it is acknowledged that wherever more than one wind farm is visible at any given location in the landscape, there will be a greater overall or cumulative effect on landscape character than if just one wind farm was visible in the landscape. Likewise, it is acknowledged that the more wind turbines that are constructed in any given landscape, the greater the magnitude of overall (or combined) change to the landscape character.
- 5.18 With regards to the totality of the combined effects of all developments, the closest operational developments to the Proposed Development are the Airies and Kilgallioch wind farms. Both are located around 8km to the west of the Proposed Development. The other

operational developments are also located to the west between around 10km and 20km. The introduction of the Proposed Development would reinforce the pattern of wind energy in views within the study area.

- 5.19 It is important to acknowledge that localised significant effects on landscape character and visual amenity are inevitable as a result of commercial wind energy development anywhere in the UK. Whilst the LVIA identified some significant landscape and visual effects, it is considered that the landscape has the capacity to accommodate the effects identified.
- 5.20 Following the provisions of Schedule 9, to minimise the effects on the surrounding landscape and visual resource, landscape and visual matters were inherent in the design process. The Applicant also proposes reduced aviation lighting as an embedded mitigation measure.
- 5.21 With reference to the provisions of Schedule 9, it is considered that the landscape and visual effects are acceptable, as they are localised and appropriately mitigated by design. The Applicant has clearly demonstrated that regard has been had to the preservation of the natural resources and protection of important sites. As such, the Proposed Development is considered to comply with the provisions of Schedule 9 in landscape and visual terms.

Protected Species - Ecology

- 5.22 The potential effects of the Proposed Development on the ecological resources of the local environment have been thoroughly assessed in Chapter 9 of the EIA Report. Both desk-based surveys and site visits were undertaken as part of the ecological baseline studies which were key to informing the final design of the Proposed Development. The purpose of the surveys was to identify sensitive habitats and species within the Site that should be avoided and subsequently ensure the Proposed Development could be designed sensitively having regard of the ecological receptors located within and nearby the Site. Following the surveys, the layout of the Proposed Development has been designed in a way to avoid the most sensitive habitats.
- 5.23 The ecological assessment concluded that there were no potentially significant effects predicted and as such it is not considered necessary to include any mitigation measures. However, the Applicant is committed to maintaining and improving the ecological value of the site and surrounding area and as such will implement the following ecological mitigation:
- Construction works will not be undertaken at night, to minimise the risk of disturbing nocturnal species such as bats;
 - No high-powered lighting will be installed either during the construction or operational phases of the development;
 - Any trenches or pits created will be covered overnight, or one side of these features will lie at a 45o angle to allow any animals which may fall in safe access out. Such features will be checked prior to the recommencement of works on site each morning, to ensure protected and notable species are not adversely affected by the proposals;
 - No fires will be lit as part of the proposals; and

- Any chemicals required will be locked away in appropriately secure containers when not in use

5.24 Following the implementation of good practice and mitigation, no significant ecological effects have been identified for the construction and operation of the Proposed Development either alone or in combination with other developments, and therefore these are not significant in relation to the EIA Regulations.

Protected Species - Ornithology

5.25 The likely effects of the Proposed Development on ornithological resources have been assessed in Chapter 8 of the EIA Report. A comprehensive range of bird surveys have been undertaken to inform the assessment. Chapter 8 sets out the assessment of potential effects of the Proposed Development on birds.

5.26 The assessment concludes that there are no potentially significant effects predicted on ornithology as a result of the Proposed Development and as such it is not considered necessary to include any mitigation measures.

5.27 However, the Applicant is committed to maintaining and improving the ornithological value of the Site and the surrounding area and thus the following mitigation will be implemented as part of the Proposed Development:

- In order to minimise the risk of harming or disturbing breeding birds, vegetation clearance works will not be undertaken during the breeding season (1st March to 31st August inclusive) unless a checking survey by an appropriately qualified ornithologist has shown active nests to be absent immediately prior to the start of works. Such prohibited works would also include stripping of areas of low/ground vegetation, soil stripping works and off-track vehicle movements to ensure ground nesting species such as Lapwing, Skylark and Meadow Pipit are not adversely affected.

Protected Species – Fisheries and Stock of Fish

5.28 The effects of the Proposed Development on fish populations in any catchments that are connected to the Site have been assessed in Chapter 9 of the EIA Report.

5.29 Habitats on site are considered to be of generally low to moderate value to local fish populations, with some of the larger watercourses providing potential habitats for salmonid and other fish species, whereas there are also a number of smaller burns likely to provide only limited opportunities.

5.30 The Proposed Development requires 10 watercourse crossings and so to avoid impact on fisheries on site, where possible, crossing points will be located in areas of lower value for fisheries, such as existing crossing points, areas where livestock cross the watercourse or other modified features, to minimise impacts.

5.31 Where this is not possible, mitigation measures will be implemented through good working practises, including the creation of a CEMP in order to minimise the risk of causing harm or damage to fisheries and their environment. Mitigation such as sensitive design (e.g culverts

and drainage) and construction best practise (e.g. pollution prevention), will both be embedded in the Proposed Development to provide lasting safeguards during operation.

- 5.32 Overall, regard has been given to the protection of the flora and fauna of special interest, including fisheries and stock of fish. Further, as part of the Proposed Development, suitable mitigation measures are proposed which are intended to protect biodiversity. As such the Proposed Development is considered to comply with the provision of Schedule 9 in regard to ecological features of interest.
- 5.33 The Proposed Development is considered to comply with the provisions of Schedule 9 in relation to protecting ecology and ornithology interests.

Protected Sites – Cultural Heritage and Archaeology

- 5.34 The effects of the Proposed Development on protected sites, and assets of architectural, historic or archaeological interest have been assessed in Chapter 7 of the EIA Report.
- 5.35 In summary, there are considered to be no significant direct effects likely upon known archaeological features within the Site. It is proposed that a programme of fieldwalking take place on the area of the proposed turbines, crane pads and access tracks to identify any archaeological assets which may be present within the areas and may be impacted by the Proposed Development. Should archaeological remains be identified, consultation will be undertaken with Dumfries and Galloway Council's Archaeologist, to assess whether archaeological investigation would yield results which could provide information to the archaeological record. If archaeological investigation was warranted, the scope of such works would be agreed with Dumfries and Galloway Council prior to commencement.
- 5.36 The only archaeological assets identified to date within the Proposed Development boundary comprise several historic farmsteads and agricultural features such as rig and furrow. Prior to the commencement of development, these areas will be subject to walkover with a follow up programme of archaeological recording (e.g. watching brief) if and where appropriate. Should micro-siting be required, as far is possible, it will be ensured that turbines will be sited so as to avoid any known archaeological features.
- 5.37 The assessment has concluded that there would be an indirect Minor Adverse residual effect upon:
- Loch Ochiltree Crannogs (ref. SM2266);
- 5.38 There would also be direct Minor Adverse residual effects upon:
- Undesignated historic agricultural features; and,
 - Unknown archaeological deposits.
- 5.39 The assessment has concluded that there would be indirect Moderate Adverse residual effects upon:
- Prehistoric Ritual and Funerary Monuments south-east of Proposed Development Area, overlooking the River Cree comprising:
 - Drumfern, cairn and remains of stone circle (ref. SM1019);

- The Thieves, standing stones, Blair Hill (ref. SM1044);
- Napper's Cottage, chambered cairn (ref. SM5676); and,
- Dalvaird, cairn 320m NNE of (ref. SM1015).
- Drumwhirn cairn N of Boreland (ref. SM1021); and,
- White Cairn, chambered cairn, cairn 910m NNE of Bargrennan Cottage (ref. SM1048).

5.40 No residual effects which would be considered as significant in EIA terms have been identified as arising from the Proposed Development.

5.41 The Proposed Development is considered to comply with the provisions of Schedule 9 in terms of Cultural Heritage and Archaeology.

Additional Mitigation measures

5.42 Mitigation measures for the following topics have been proposed as part of the Proposed Development, details of which are available within the individual topic chapters of the EIAR:

- Geology, Hydrology and Hydrogeology;
- Noise;
- Traffic and Transportation; and
- Infrastructure and Human Health

Summary of Compliance

5.43 Following the provisions of Schedule 9, the Proposed Development has had regard to all the environmental aspects as demonstrated above and throughout the EIAR. Embedded, pre-construction, construction and operational mitigation has been proposed as part of the Proposed Development as set out in the individual topic chapters of the EIAR. The effects of the Proposed Development have been minimised as much as practically possible through the design and other measures throughout the Proposed Development's lifecycle and are assessed to be acceptable. As such, the Proposed Development is considered to comply with Schedule 9 of the Electricity Act.

Does the Proposed Development accord with the Development Plan?

5.44 The Primary Development Plan Policies for considering the Proposed Development against are:

- NPF4 Policy 11: Energy
- NPF4 Policy 3: Biodiversity
- NPF4 Policy 4: Natural Places
- NPF4 Policy 5: Soils
- LDP Policy IN2: Wind Energy; and
- LDP Policy IN1: Renewable Energy

NPF 4 Policy 11

5.45 The stated intent of NPF4 Policy 11 is:

"To encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This includes energy generation, storage, new and replacement transmission and distribution infrastructure and emerging low-carbon and zero emissions technologies including hydrogen and carbon capture utilisation and storage."

5.46 Policy 11 states that:

- a) *"Development proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.*
- b) *Development proposals that impact on international or national designations will be assessed in relation to Policy 4.*
- c) *In addition, project design and mitigation will demonstrate how the following impacts are addressed:*
 - i. *Impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker;*
 - ii. *Significant landscape and visual impacts, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/ or appropriate design mitigation has been applied, they will generally be considered to be acceptable;*
 - iii. *Public access, including impact on long distance walking and cycling routes and scenic routes;*
 - iv. *Impacts on aviation and defence interests including seismological recording;*
 - v. *Impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;*
 - vi. *Impacts on road traffic and on adjacent trunk roads, including during construction;*
 - vii. *Impacts on historic environment;*
 - viii. *Effects on hydrology, the water environment and flood risk;*
 - ix. *Biodiversity including impacts on birds;*
 - x. *Impacts on trees, woods and forests;*
 - xi. *Proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration;*
 - xii. *The quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans; and*
 - xiii. *cumulative impacts."*

5.47 These criteria are considered in turn below.

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

5.48 Chapter 14 of the EIAR provides a summary of the socio-economic benefits that could arise should the Proposed Development proceed to construction. In summary the Applicant would invest more than £105 million in the project, plus an ongoing expenditure on operation and maintenance. This is a significant investment with a strong policy fit both regionally and nationally.

- 5.49 The total value of contracts that could be secured in Dumfries and Galloway has been estimated as £21.36 million and in Scotland as a whole businesses could secure contracts worth £43.63 million.
- 5.50 The development could support an additional 297 man years in Scotland including 144 man years in Dumfries and Galloway during the construction phase. In Gross Value Added (GVA) terms the construction phase has the potential to inject £8.35 million into the Dumfries and Galloway economy and £17.2 million to the Scottish economy as a whole.
- 5.51 In addition to the expenditure during the construction period and first operational year, it is anticipated that the Proposed Development would further contribute through business rates to the Dumfries and Galloway economy.
- 5.52 The operations and maintenance of Glenvernoch Wind Farm could support an additional 15 jobs in Scotland, of which seven could be in Dumfries and Galloway. In GVA terms the operational phase has the potential to inject £704,088 per annum into the Dumfries and Galloway economy and £1.5 million to the Scottish economy as a whole.
- 5.53 Local businesses would have the opportunity to benefit from the contracting requirement to be awarded by the Applicant. These range from civil engineering and ground work contractors, haulage businesses through to suppliers of water, as well as local service based companies including hotels, restaurants and local shops.
- 5.54 The Applicant is keen to maximise these local business opportunities as far as possible. When assessing bids for supply of materials and services to construct the Proposed Development, the Applicant will give significant weight to bids from suppliers who demonstrate they have an established local presence, employ local people and source materials within the respective local authority region. Regional suppliers who meet the Applicant's procurement qualification standards will be given a 5% price advantage on local market prices over national suppliers through the bidding process.
- b) *Development proposals that impact on international or national designations will be assessed in relation to Policy 4.*
- 5.55 The Proposed Development is not predicted to have any effects on international or national designations.
- i. *Impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker*
- 5.56 In terms of effects on residential visual amenity, Chapter 6 of the EIA Report considers the visual effects on residential properties in the vicinity of the Site. The assessment concludes that in no case would the Proposed Development be so over-bearing or dominant that any residential property in the vicinity of the Site would become an unattractive place in which to live, which is the relevant public interest test when assessing the acceptability of a wind farm proposal. Visual effects upon residential amenity are therefore considered acceptable.
- 5.57 In terms of noise effects, Chapter 10 of the EIA Report confirms that the operational noise levels from the Proposed Development would meet the criteria set out in ETSU-R-97, which

provides for acceptable levels of protection to residents. Noise effects are therefore acceptable.

- 5.58 In terms of shadow flicker, Chapter 13 of the EIA Report confirms that no significant shadow flicker effects are predicted on any nearby residential properties save for Knockville. In the case of Knockville, mitigation will be sought through a planning condition which stipulates the programming of the wind turbines to automatically shut down at times when flicker effects could occur. Application of these measures would ensure that any potential effects are minimised or removed entirely.

ii. Significant landscape and visual impacts, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/ or appropriate design mitigation has been applied, they will generally be considered to be acceptable

- 5.59 Chapter 6 of the EIAR considers the landscape and visual effects associated with the Proposed Development. In terms of effects on landscape character, the Site is located within NatureScot Landscape Character Type (LCT) 174: Plateau Moorland with Forest – (LCT 17a: Plateau Moorland with Forest as defined in the Dumfries & Galloway Wind Farm landscape Capacity Study (DGWLCS)). The Site entrance and a short section of the access track are located within the western fringe of NatureScot LCT 160: Narrow Wooded Valley (LCT 4: Narrow Wooded River Valleys as defined in the DGWLCS). The magnitude of change is assessed as high, resulting in a moderate to major level of effect upon the LCT, which is deemed to be significant.

- 5.60 A further seven LCTs are assessed in detail in the Landscape and Visual Impact Assessment, these are:

- LCT 174: Plateau Moorland with Forest [DGWLCS LCT 17a] – Proposed Development (including all turbines) is primarily located within this LCT.
- LCT 160: Narrow Wooded Valley [DGWLCS LCT 4] – Proposed Development (Site entrance and part of an access track) is partly located within this LCT.
- LCT 181: Rugged Uplands with Forest [DGWLCS LCT 21a] - located approximately 3km to the east.
- LCT 172: Upland Fringe [DGWLCS LCT 16] - located approximately 4km to the southeast.
- LCT 168: Drumlin Pasture in Moss and Moor Lowland [DGWLCS LCT 12] - located approximately 4km to the south.
- LCT 78: Plateau Moorland - Ayrshire [SALWCS LCT 18c] - located approximately 4km to the northwest.
- LCT 158: Coastal Flats [DGWLCS LCT 2] - located approximately 8km to the southeast.
- LCT 167: Moss and Forest Lowland [DGWLCS LCT 11] - located approximately 12km to the south-southwest.
- LCT 179: Coastal Uplands [DGWLCS LCT 20] - located approximately 13km to the southeast.

- 5.61 LCT 172: Upland Fringe is located approximately 4km to the southeast of the Proposed Development. Indirect effects will occur as where visible, the proposed turbines would introduce large, noticeable new elements seen in the middle-distance in north-westerly

views. However, there is a degree of vegetation in the landscape of this part of the LCT which would restrict longer distance views. Nonetheless, given the relative prominence of the turbines in the landscape there would be a medium magnitude of change, resulting in a major/moderate, therefore significant effect on the westernmost part of the LCT.

- 5.62 LCT 168: Drumlin Pasture in Moss and Moor Lowland is located approximately 4km southeast of the Proposed Development at its closest point, extending to beyond 15km away at its furthest point. In the closer parts of the LCT, between 4km and 6km, where visible, the proposed turbines would introduce new elements seen in the middle-distance in northerly views. This would introduce a medium magnitude of change, resulting in a major/moderate, therefore significant effect. Beyond 6km however, the development would clearly form part of a separate more distant part of the landscape. The magnitude would therefore reduce to a medium to low magnitude, resulting in no more than a moderate, but non-significant effect.
- 5.63 The significant effects identified on Landscape Character are localised, with all other predicted effects upon LCTs within the study area, assessed as not significant.
- 5.64 In terms of visual effects, it has been assessed that there would be a significant visual effect experienced at eight of the 20 representative viewpoints assessed. These are from three viewpoints along the Southern Upland Way, two minor roads in close proximity to the Site, two hills to the east of the site, and Moor of Barclay Archaeological Sensitive Area to the southeast of the Site. Significant effects were also identified in relation to the aviation lighting at just three of the 20 representative viewpoints, these were two viewpoints along the Southern Upland Way and one minor road to the east of the Site, with all other surrounding settlements, hills and roads deemed to have effects which were not significant. The only potential for significant effects identified in relation to the Galloway Hills Dark Sky Park is contained to the 'Buffer Zone' and 'Transitional Area' in views extending to approximately 6km from the Proposed Development, where it is considered there will be a medium magnitude of change at most, resulting in a moderate significant effect. Beyond 6km, the magnitude of change reduces to low, with effects considered to be no greater than minor non-significant.
- 5.65 Any wind energy development is likely to result in significant effects on the local landscape. However, in this case the Site is located within a landscape area that has been identified as being particularly suitable for Large typology wind development; indeed, it is one of only a handful of such areas within Dumfries and Galloway. Whilst there would be some significant landscape and visual amenity effects arising, these are limited in number given the scale of the proposal and confined to the local area around the Site. As such, through the design iteration process the Proposed Development has been brought within the range of acceptability and is considered to be compliant with the landscape and visual elements of NPF4 and the guidance contained within the 2020 DGWLCS.

iii. Public access, including impact on long distance walking and cycling routes and scenic routes

- 5.66 Chapter 6 of the EIA Report provides an assessment of the potential effects of the Proposed Development on recreational receptors in the area. In summary there are two significant effects along an 8.8km stretch of Core Path UNNO/504/5-10 which forms part of the Southern upland Way, as the path approaches the Site from Milgrain Hill which lies approximately

4.5km west of the nearest turbine and passes the Site to the north to Bargrennan which is located approximately 2.5km north of the nearest proposed turbine. A significant effect would also occur along Core Path CREE/416/1-2 – Barclay Bid Reserve Walk.

- 5.67 A significant effect has also been identified along a 2.5km stretch of the NCN Route 7 from Borgan to Cordorcan. Receptors along this part of the route would experience close range views of the proposed turbines.
- 5.68 All other effects on Core Paths and recreational receptors have been assessed as not significant.

iv. Impacts on aviation and defence interests including seismological recording

- 5.69 Chapter 13 of the EIA Report provides an assessment of the Proposed Development in relation to aviation interests in the area. The EIA Report highlights that, following mitigation measures, there is no potential for significant effects in relation to either civilian or military aviation interests.

v. Impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised

- 5.70 There are no telecommunication links passing in the vicinity of the Site. No effects are therefore predicted.

vi. Impacts on road traffic and on adjacent trunk roads, including during construction

- 5.71 Impacts on the highway network are considered in Chapter 11 of the EIA Report. In summary the environmental effects associated with increased traffic as a result of the Proposed Development are deemed to be not significant and therefore mitigation is not required as per EIA regulations. It is also noted that potential effects associated with increased during construction are temporary in nature, can be accommodated by the existing road network within the Study Area, and can be managed effectively by implementation of a Construction Traffic Management Plan.

vii. Impacts on historic environment

- 5.72 In relation to cultural heritage, Chapter 7 of the EIA Report provides an assessment of the potential effects of the Proposed Development on cultural heritage interests in the area, such as archaeology, scheduled monuments and listed buildings. In summary, in each case the effects are not significant and would not be such that they would appreciably affect the ability to understand and appreciate the significance of the assets. Further detail is provided in Chapter 7 of the EIA Report on the assessment of these assets.

viii. Effects on hydrology, the water environment and flood risk

- 5.73 Chapter 12 of the EIA Report provides an assessment of the Proposed Development in relation to potential effects on hydrology and flood risk. A comprehensive suite of mitigation and good practice measures have been incorporated into the design, including extensive buffer areas, and avoidance of deep peat where turbines are located. In addition, a Site-specific Construction Environmental Management Plan (CEMP) as well as detailed design of infrastructure and associated mitigation will be implemented to protect the groundwater and surface water resources from pollution and minimise changes to the hydrological environment.

5.74 Good practice design and construction of the Proposed Development delivered through a skilled team of competent workers, with mitigation and compliance monitored in collaboration with SEPA, DGC and other engaged stakeholders, will result in a risk that is considered to be of minor/negligible impact to the geological, hydrological and hydrogeological environment of the Proposed Development. The significance of effects on the hydrological, hydrogeological and geological conditions are therefore considered to be not significant in terms of the EIA Regulations.

ix. Biodiversity including impacts on birds

5.75 In relation to the natural environment and biodiversity, Chapters 8-9 of the EIA Report provide an assessment of the potential effects of the Proposed Development on ecological and ornithological interests. In relation to ecology and biodiversity, in summary no significant effects are predicted in relation to any receptors during the preparation, construction, operation and decommissioning phases of the Proposed Development. In relation to ornithology, in summary the Proposed Development is not predicted to have any significant effect on any ornithological features, and embedded mitigation will ensure compliance with legislation and best practise guidance.

5.76 Chapter 9 of the EIA Report provides an assessment of the Proposed Development against fishing interests. Overall, the effects of the Proposed Development on non-avian ecology features of local or higher value, or which are legally protected, are not significant in terms of the EIA definition.

x. Impacts on trees, woods and forests

5.77 In relation to forestry and woodlands, the Proposed Development does not require the removal of any forestry or trees, and so an assessment on the impacts of trees, woods and forests was scoped out of the EIA at the Scoping stage.

xi. Proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration

5.78 It is proposed that a decommissioning bond be secured with the Council through an appropriately worded planning condition as part of any planning consent.

xii. The quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans

5.79 As noted above, a decommissioning bond would be secured with the Council via a planning condition. Separate planning conditions would ensure that full decommissioning and restoration plans would be submitted for approval prior to any such works taking place.

xiii. cumulative impacts

5.80 Cumulative effects are considered on an individual topic basis within the EIAR. There have been no unacceptable significant cumulative effects identified.

NPF 4 Policy 3

5.81 The stated intent of NPF4 Policy 3 is:

"To protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks."

5.82 The Policy 3 criteria that are relevant to the Proposed Development are:

“b) Development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria:

- i. the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;*
- ii. wherever feasible, nature-based solutions have been integrated and made best use of;*
- iii. an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;*
- iv. significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long-term retention and monitoring should be included, wherever appropriate; and*
- v. local community benefits of the biodiversity and/or nature networks have been considered.”*

“d) Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration.”

5.83 These criteria are considered in turn below.

- i. the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;*

5.84 Chapter 9 of the EIA Report contains a baseline assessment of the ecological context of the Site in relation to local, regional and national ecological designations. There are no statutory or non-statutory nature conservation areas, designated for non-avian ecological features within the proposed wind farm site. However, three statutory sites designated for their ecological value lie within 2km of the boundary the Site: River Bladnoch Special Area of Conservation (SAC), Galloway Oakwoods SAC and Wood of Cree Site of Special Scientific Interest (SSSI). The Wood of Cree SSSI is contiguous with a section of the Galloway Oakwoods

SAC. It is concluded that the proposed wind farm will have no detrimental impacts on the designated features of these SACs or SSSI.

ii. wherever feasible, nature-based solutions have been integrated and made best use of;

5.85 Volume III Appendix 9.4 of the EIA Report sets out the biodiversity and restoration enhancement measures that will be integrated into the Proposed Development. One of the key aspects of this plan is to install leaky dams in order to hold back the flow of on-site watercourses, creating areas of localised wetland habitats which will contribute to Natural Flood Management.

iii. an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;

5.86 Chapter 9 of the EIA Report sets out the mitigation measures that will be implemented as part of the Proposed Development. While no significant effects are predicted and therefore it is not considered necessary to include mitigation measures, the Applicant remains committed to maintaining and improving the ecological value of the Site and surrounding area. Therefore, a suite of mitigation measures that have consideration for protected species, bats and fisheries will be put in place and these are set out in more detail in Chapter 9.

iv. significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long-term retention and monitoring should be included, wherever appropriate;

5.87 An Outline Biodiversity and Restoration Enhancement Plan is set out in Volume III Appendix 9.4 of the EIA Report. There are four main aims of the plan, these are:

- Aim 1: To restore condition and quality of peatland habitats within the Site;
- Aim 2: To increase native woodland coverage and enhance connectivity through creation of fenced natural regeneration along riparian corridors and low density non-broadleaf planting;
- Aim 3: To hold back flow of on-site watercourses, create pools and areas of seasonally inundated marshy grassland within the Site;
- Aim 4: To improve habitat for breeding wader populations, including curlew, lapwing and snipe

5.88 The objective of Aim 1 is to raise the water table by halting progressive peat drying and erosion through a programme of drain blocking, installation of peat bunds and reintroduction of sphagnum, and remove self-seeded Sitka spruce.

- 5.89 The objective of Aim 1 is to raise the water table by halting progressive peat drying and erosion through a programme of drain blocking, installation of peat bunds and reintroduction sphagnum, and remove self-seeded Sitka spruce.
- 5.90 The objective of Aim 2 is to improve habitat connectivity across the Site by fencing riparian habitats along watercourses and existing woody vegetation to encourage a mosaic of naturally regenerating broadleaf woodland, and to plant low density native broadleaf trees to provide improved scattered scrub/woodland mosaic habitat for a variety of species including black grouse.
- 5.91 The objective of Aim 3 is to install leaky dams and large woody debris along the Craigie Burn which will contribute to natural flood management, providing localised wetland habitats.
- 5.92 The objective of Aim 4 is to improve habitats for breeding waders by undertaking targeted rush cutting in identified management parcels, creation of wader scrapes to provide feeding sites for chicks and adults of farmland waders, and to undertake predator control of foxes and carrion crows in order to improve egg and chick survival on site for breeding waders.

v. local community benefits of the biodiversity and/or nature networks have been considered."

- 5.93 Local community benefits from the biodiversity networks created as part of the Proposed Development are provided by Aim 3 of the Outline Biodiversity Restoration and Enhancement Plan, in creating natural flood management measures by reducing the flow of on-site watercourses into the River Cree east of the Site.

"d) Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration."

- 5.94 Chapter 9 of the EIA Report assesses the significance of impact on any of the ecological receptors as, at most, moderate/minor adverse. This is due to the careful planning and design of the Proposed Development by including suitable buffer distances to maintain separation of turbines and bat habitat.

NPF 4 Policy 4

- 5.95 The stated intent of NPF4 Policy 4 is:

"To protect, restore and enhance natural assets making best use of nature-based solutions."

- 5.96 The Policy 4 criteria that are relevant to the Proposed Development are:

"a) Development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported."

"d) Development proposals that affect a site designated as a local nature conservation site or landscape area in the LDP will only be supported where:

- i. Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or*
- ii. Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance."*

"f) Development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application.

g) Development proposals in areas identified as wild land in the Nature Scot Wild Land Areas map will only be supported where the proposal:

- i. will support meeting renewable energy targets"*

All such proposals must be accompanied by a wild land impact assessment which sets out how design, siting, or other mitigation measures have been and will be used to minimise significant impacts on the qualities of the wild land, as well as any management and monitoring arrangements where appropriate. Buffer zones around wild land will not be applied, and effects of development outwith wild land areas will not be a significant consideration.

5.97 These criteria are considered in turn below.

a) Development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported

5.98 Chapter 6 of the EIA Report assesses the landscape and visual impact of the Proposed Development. The location of the Site is within landscape character type LCT17a: Plateau Moorland with Forest, characterised by its large scale and simple landform composition of the host landscape area, together with the presence of adjacent commercial forestry and absence of any locally designated landscapes within the site area, suggest that the Site has potential capacity to accommodate a wind farm development of this scale.

d) Development proposals that affect a site designated as a local nature conservation site or landscape area in the LDP will only be supported where:

- i. Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified*

5.99 Chapter 6 of the EIA Report identifies Landscape Areas within 35km of the Site. While the Site is not located within a designated Landscape Area, the 35km study area was adopted to consider potential effects on surrounding landscape designations. Eight Landscape

Areas were identified within the study area but only the Galloway Hills Regional Scenic Area (RSA) was considered as having potential for significant effects upon it due to the close proximity of the Proposed Development. The assessment of effects upon the Galloway Hills RSA concludes that there would be some localised significant effects upon the landscape character and visual amenity experienced from a small part of the RSA overall, and in views towards the RSA from the landscape beyond its boundary. However, there would not be significant effects upon the special qualities of the Galloway Hills, nor its reason for designation. There would continue to be "Sweeping and dramatic views of hills" and "Dramatic and sculptural peaks". The "scenic juxtaposition with the uplands" from LCT 160: Narrow Wooded Valley would also be retained, noting that views from LCT 160: Narrow Wooded Valley adjacent to the Site towards the RSA would be in the opposite direction to that of the Proposed Development.

"d) Development proposals that affect a site designated as a local nature conservation site or landscape area in the LDP will only be supported where:

ii. Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance."

5.100 The EIA demonstrates that there are limited adverse effects on the integrity of the area associated with the Proposed Development and this needs to be weighed against the benefits of development when coming to a judgement on acceptability. This 'balancing exercise' needs to be framed within the scale of the threat we face through climate change. The social, environmental and economic benefits of the Proposed Development is intrinsic to the EIA Report, some of the main benefits including:

- 262GWh of renewable electricity generation per annum;
- Renewable electricity that could power over 74,700 homes on average each year;
- Save over 104,000 tonnes of CO₂ per annum;
- Contracts worth £21.36 million in Dumfries and Galloway;
- Businesses in Scotland to secure contracts worth £43.63 million;
- Natural flood management measures by slowing the flow of on site watercourses into the River Cree; and
- Habitat creation and improved connectivity of existing habitat for wildlife.

5.101 *f) Development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application.*

5.102 Chapters 8 and 9 of the EIA Report conclude that there will be no adverse effects on species protected by legislation and therefore it is not considered necessary to include any mitigation measures. As a measure of good practice however, as all wild birds, their nests and eggs are protected by law under Part 1 of the Wildlife and Countryside Act 1981 (as amended), then no vegetation clearance works, soil stripping works, fence construction or off-track vehicle movements would be undertaken during the bird breeding season (March

to August inclusive), unless a checking survey by a suitably qualified ornithologist has shown active nests to be absent immediately prior to the start of works.

g) Development proposals in areas identified as wild land in the Nature Scot Wild Land Areas map will only be supported where the proposal:

i. will support meeting renewable energy targets

All such proposals must be accompanied by a wild land impact assessment which sets out how design, siting, or other mitigation measures have been and will be used to minimise significant impacts on the qualities of the wild land, as well as any management and monitoring arrangements where appropriate. Buffer zones around wild land will not be applied, and effects of development outwith wild land areas will not be a significant consideration.

5.103 The Proposed Development is 14km south of the Merrick Wild Land Area (WLA). Chapter 6 of the EIA Report assesses the effects of the Proposed Development on the Merrick WLA as not significant.

NPF 4 Policy 5

5.104 The policy intent of NPF4 Policy 5 is to:

“Protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development.”

5.105 The NPF4 Policy 5 criteria relevant to the Proposed Development are:

a) Development proposals will only be supported if they are designed and constructed:

i. In accordance with the mitigation hierarchy by first avoiding and then minimising the amount of disturbance to soils on undeveloped land; and

ii. In a manner that protects soil from damage including from compaction and erosion, and that minimises soil sealing.

c) Development proposals on peatland, carbon-rich soils and priority peatland habitat will only be supported for:

ii. The generation of energy from renewable sources that optimises the contribution of the area to greenhouse gas emissions reductions targets

d) Where development on peatland, carbon-rich soils or priority peatland habitat is proposed, a detailed site specific assessment will be required to identify:

i. the baseline depth, habitat condition, quality and stability of carbon rich soils;

ii. the likely effects of the development on peatland, including on soil disturbance; and

iii. the likely net effects of the development on climate emissions and loss of carbon.

5.106 These criteria are considered in turn below.

a) Development proposals will only be supported if they are designed and constructed:

i. In accordance with the mitigation hierarchy by first avoiding and then minimising the amount of disturbance to soils on undeveloped land

5.107 Chapter 12 of the EIA Report assesses the impact on disturbance, loss and compaction of soils and peat. Modifications made during the layout design process has led to an avoidance of areas where deeper peat has been identified. Volume III Technical Appendix 12.2: Soil and Peat Management Plan (SPMP) evaluates the likely volumes of soil and peat excavated during construction and opportunities for reuse of this material. It also identifies measures for the management of peat throughout the construction process. It is recognised that the initial priority is to reduce the volume of peat excavated, followed by appropriate reuse of any peat and soil excavated, as per the principle of the 'mitigation and waste hierarchy'. The Proposed Development will adopt the good practice measures summarised in Technical Appendix 12.2: SPMP which reduces soil losses, compaction of soil and dewatering effects, with the combination of planning infrastructure on very shallow soils, minimising excavation, promoting local reuse of suitable material, identifying catotelmic/amorphous peat in-situ and the majority of vehicle movements being restricted to new access tracks or clearly demarcated construction areas. This combination of measures results in any notable effect being very localised and temporary in nature resulting in a minor adverse effect.

a) Development proposals will only be supported if they are designed and constructed:

ii. In a manner that protects soil from damage including from compaction and erosion, and that minimises soil sealing.

5.108 Chapter 12 of the EIA Report identifies that soil erosion, loss of soil and sediment generation may occur in areas where the ground has been disturbed during construction, including in situations where: engineering activities occur close to watercourses, such as at watercourse crossings; where higher velocity surface water flows may occur due to local slopes and drainage design. The Proposed Development will adopt good site environmental management procedures, including additional precautions when operating machinery close to watercourses, soil management, staff training, contingency equipment and emergency plans.

5.109 Key measures identified to reduce erosion and sedimentation include:

- Vegetation clearance would be scheduled only as needed, buffer strips would be retained as vegetated features and revegetation encouraged with native species;
- Silt traps would be employed and maintained in appropriate locations;
- Temporary interception bunds and drainage ditches would be constructed upslope of excavations such as turbine foundations to minimise surface runoff ingress and in advance of excavation activities;

- Excavation and earthworks would be suspended during and immediately following periods of heavy rainfall in order to minimise sediment generation and soil damage; and
- A surface water quality monitoring programme is recommended, to commence 12 months prior to construction and continue into early operational period. During construction, this would include an adaptive monitoring system enabling early investigation of parameters outwith expected ranges, with prompt alerts to the construction team to amend any work activities causing an adverse effect.

5.110 By implementing these measures the effects are assessed as no greater than a minor adverse effect.

c) Development proposals on peatland, carbon-rich soils and priority peatland habitat will only be supported for:

ii. The generation of energy from renewable sources that optimises the contribution of the area to greenhouse gas emissions reductions targets

5.111 The Proposed Development is for a 86MW onshore wind farm development located in an area where peat is present statutory. By its very nature, the Proposed Development is acceptable in principle in relation to this policy.

d) Where development on peatland, carbon-rich soils or priority peatland habitat is proposed, a detailed site specific assessment will be required to identify:

i. the baseline depth, habitat condition, quality and stability of carbon rich soils

5.112 Chapter 12 of the EIA Report contains a detailed site specific assessment in relation to the baseline hydrology, geology and hydrogeology conditions of the Site. These baseline conditions were integral to the design iteration process which can be found at Chapter 4 of the EIA Report, in designing the turbine locations so as to avoid areas of deep peat.

d) Where development on peatland, carbon-rich soils or priority peatland habitat is proposed, a detailed site specific assessment will be required to identify:

ii. the likely effects of the development on peatland, including on soil disturbance

5.113 Chapter 12 of the EIA Report concludes the effects of the development on peatland and soil disturbance as minor adverse effects that are not significant. Therefore, the effects of the Proposed Development on peatland and soil disturbance are considered acceptable in relation to this policy.

d) Where development on peatland, carbon-rich soils or priority peatland habitat is proposed, a detailed site specific assessment will be required to identify:

iii. the likely net effects of the development on climate emissions and loss of carbon

5.114 Chapters 3 and 14 of the EIA Report identify the likely net effects of the Proposed Development on climate emissions and loss of carbon. Based on BEIS's standard carbon

dioxide savings figure of 430g/kWh, the Proposed Development is estimated to save up to 104,060 tonnes of CO₂ each year for the operational life of the wind farm.

- 5.115 Furthermore, using the carbon calculator spread sheet in lieu of the online carbon calculator tool due to a technical fault at the time of writing (October 2024), the carbon payback period for the Proposed Development is calculated to be 1.2 years. This has been calculated by comparing the loss of carbon from the Site due to the wind farm development with the carbon savings achieved by the wind farm in displacing electricity generated from fossil fuels.
- 5.116 The net effects of the Proposed Development on climate emissions and loss of carbon are therefore a net benefit, and the Proposed Development is viewed favourably in relation to this policy.

LDP Policy IN2

- 5.117 LDP Policy IN2 sets out that the Council will assess the acceptability of any proposed wind energy development against the following considerations:

- Landscape and visual impact
- Socio-economic benefit
- Cumulative impact
- Impact on local communities and residential interests
- Impact on infrastructure
- Impact on aviation and defence interests
- Other impacts and considerations

- 5.118 These criteria are considered in turn below.

i. Landscape and Visual impact

- 5.119 Any wind energy development is likely to result in significant effects on the local landscape. The EIA Report concludes that Significant effects on landscape character would be localised.
- 5.120 The Proposed Development would result in direct and significant effects on the parts of the 'host' landscape character types within which the Proposed Development is located. Indirect and significant effects would extend to approximately 6km from the Proposed Development.
- 5.121 The Galloway Hills Regional Scenic Area (RSA) is situated adjacent to the Proposed Development to the east. It is acknowledged that there would be some localised significant effects upon landscape character and visual amenity experienced from a small part of the RSA overall, and in views towards the RSA from the landscape beyond its boundary. There would not however be significant effects upon the special qualities of the Galloway Hills, nor its reason for designation. There would continue to be "Sweeping and dramatic views of hills" and "Dramatic and sculptural peaks". The "scenic juxtaposition with the uplands" from LCT 160: Narrow Wooded Valley would also be retained, noting that views from LCT 160:

Narrow Wooded Valley adjacent to the Site towards the RSA would be in the opposite direction to that of the Proposed Development. Notably, no significant effects are predicted to occur in the Merrick WLA as a result of the Proposed Development.

5.122 Significant visual effects would be experienced from 12 of the 16 residential properties within 2km of the Proposed Development, but through the design iteration and consultation process, the proposed Development has been brought within the range of acceptability so that no property would experience an overbearing visual effect. The Proposed Development is considered to be compliant with the landscape and visual elements of Policy IN2 and the guidance contained within the 2020 DGWLCS.

ii. Socio-economic benefit

5.123 Chapter 14 of the EIA Report sets out the net economic impact of the Proposed Development including local and community socio-economic benefits such as employment, associated business and supply chains. To summarise, the total value of contracts that could be secured in Dumfries and Galloway has been estimated as £21.36 million. The Proposed Development is also estimated to support 144 man years in Dumfries and Galloway during the construction phase. In Gross Value Added (GVA) terms the construction phase has the potential to inject £8.35 million into the Dumfries and Galloway economy.

iii. Cumulative impact

5.124 Cumulative landscape and visual effects are considered in Chapter 6 of the EIA Report. Overall, collectively the operational developments serve to result in wind energy being seen as a notable feature in many views in the landscape of the wider study area to the west of the Site. The addition of the Proposed Development would serve to reinforce this pattern of wind energy in views within the study area, albeit extending significant visual effects into a separate area further to the east.

iv. Impact on local communities

5.125 This criterion requires consideration of the following issues:

- Noise
- Shadow flicker
- Visual dominance

5.126 In terms of noise, Chapter 10 of the EIA Report confirms that the operational noise levels from the Proposed Development would meet the criteria set out in ETSU-R-97, which provides for acceptable levels of protection to residents. The cumulative noise assessment also indicates that the total cumulative noise levels would meet noise limits at the nearest noise sensitive receptors. Noise effects are therefore acceptable and the Proposed Development can be supported under this specific part of Policy IN2.

5.127 In terms of shadow flicker, Chapter 13 of the EIA Report confirms that no significant shadow flicker effects are predicted on most nearby residential properties. One property, Knockville which is located on the Proposed Development site does exceed the maximum guideline

of 30 hours per year shadow flicker, however mitigation measures will be implemented here. Mitigation could be secured through a planning condition that stipulates the programming of the wind turbines to automatically shut down at times when flicker effects could occur. Application of these measures would ensure that any potential effects are minimised or removed entirely.

- 5.128 In terms of visual dominance, Chapter 6 of the EIA Report considers the visual effects on residential properties in the vicinity of the Site. The assessment concludes that in no case would the Proposed Development be so over-bearing or dominant that any residential property in the vicinity of the Site would become an unattractive place in which to live, which is the relevant public interest test when assessing the acceptability of a wind farm proposal. Visual effects upon residential amenity are therefore considered acceptable and the Proposed Development does not conflict with the interests of this specific provision of Policy IN2.

v. Impact on Infrastructure

- 5.129 Chapter 11 of the EIA Report addresses the extent to which the Proposed Development will impact the local road network and adjacent trunk roads. In summary, the traffic generated by construction of the Proposed Development (over an 18 month period) will result in a temporary increase in baseline traffic levels, with the peak traffic generation occurring in month 6. The potential environmental effects associated with this increase in traffic have been assessed and are anticipated to give rise to effects that are classed as not significant and which do not require mitigation, in accordance with IEMA guidelines. Good practice mitigation measures will however be included in an outline Construction Traffic Management Plan (CTMP) which will set out proposed details for staff travel, HGV routing and guidelines for deliveries to further reduce potential Effects on the surrounding network.

vi. Impact on aviation and defence interests

- 5.130 Chapter 13 of the EIA Report provides an assessment of the Proposed Development in relation to aviation interests in the area. The EIA Report highlights that, following mitigation measures, there is no potential for significant effects in relation to either civilian or military aviation interests. It is therefore considered that the Proposed Development does not conflict with the interests of this specific provision of Policy IN2.

vii. Other impacts and considerations

- 5.131 Other relevant considerations included within this criterion include:

- Natural environment and biodiversity;
- Hydrology;
- Cultural heritage;
- Tourism and Recreation; and
- The extent to which proposals address any physical site constraints and provide appropriate provision for decommissioning and restoration.

- 5.132 In relation to the natural environment and biodiversity, Chapters 8-9 of the EIA Report provide an assessment of the potential effects of the Proposed Development on ecological

and ornithological interests. In relation to ecology and biodiversity, in summary no significant effects are predicted in relation to any receptors during the preparation, construction, operation and decommissioning phases of the Proposed Development. In relation to ornithology, the Proposed Development is not predicted to have any significant effect on any ornithological features, and embedded mitigation will ensure compliance with legislation and best practise guidance.

- 5.133 In relation to hydrology, Chapter 12 of the EIA Report provides an assessment of the potential effects on the hydrology, geology and hydrogeology of the Site and the wider catchment area. Peat depth surveys were integral to the iterative design process for the Site, ensuring that no turbines are located in areas of deep peat. Assessments of potential impacts on Private Water Supplies and Peat Landslide Risk also accompany the hydrology assessment. The series of hydrological assessments conclude that with the successful design and implementation of mitigation measures, the significance of construction effects on all identified receptors is considered to be of minor or no significance. The assessment of predicted ongoing and operational effects has also determined that the significance of effects on all receptors to be of minor/moderate minor or no significance.
- 5.134 In relation to cultural heritage, Chapter 7 of the EIA Report provides an assessment of the potential effects of the Proposed Development on cultural heritage interests in the area, such as archaeology and listed buildings. In summary, in each case the effects are not significant and would not be such that they would appreciably affect the ability to understand and appreciate the significance of the assets. Further detail is provided in Chapter 7 of the EIA Report on the assessment of these assets.
- 5.135 In relation to tourism and recreation, Chapter 6 of the EIA Report provides an assessment of the potential effects of the Proposed Development on recreational receptors in the area. Significant visual effects would be limited and confined to receptors in relatively close proximity to the Proposed Development where there would be open views. Significant effects along the Southern Upland Way / Core Path UNNO/504/5-10 from Milgrain Hill to Glenruther Lodge have been assessed as no greater than moderate, while significant effects from Glenruther Lodge to Bargrennan have been assessed as major.
- 5.136 A moderate significant effect would occur along Core Path CREE/416/1-2 – Barclay Bird Reserve Walk, while a high/major significant effect has been identified on NCN Route 7.
- 5.137 Two significant effects would be experienced on the A714 travelling southbound and a significant effect has been identified along the B7027 when traveling northbound and southbound.
- 5.138 All other effects upon surrounding core paths, recreational routes and roads have been assessed as not significant.
- 5.139 The Galloway Forest Park is situated approximately 1km east of the nearest proposed turbine and covers an extensive swathe of the northern and eastern portion of the detailed 20km LVIA study area.
- 5.140 Where visible from the park, the Proposed Development is judged to introduce a medium to high magnitude of change depending on foreground obstructions, elevation, and the

openness of available views, which would result in major, significant visual effects at most during daylight hours up to approximately 6km from the Proposed Development.

- 5.141 Beyond approximately 6km, where theoretical visibility is more intermittent, the scale of the proposed turbines would be reduced due to the increased distance and the form of landform on the Site becoming less distinctive in the middle-distance. Actual visibility would also be less than predicted at distances exceeding 6km due to the extensive coniferous forestry and woodlands in the park, with unobstructed views largely restricted to upland hilltops and summits. Where views are available between approximately 6km and 10km, the Proposed Development is predicted to introduce no greater than a medium magnitude of change during daylight hours, resulting in a moderate, significant effect at specific locations only.
- 5.142 The Galloway Forest Dark Sky Park comprises a 'Core Area' (where the darkest sky is to be found), a 'Buffer Zone' and a 'Transition Area'. The Proposed Development is located within the 'Transitional Area' and will result in moderate significant effects in views extending to approximately 6km in both the 'Buffer Zone' and 'Transitional Area'. Effects on the 'Core Area' are assessed as not significant.
- 5.143 A Tourism Impact Assessment is submitted alongside Chapter 14 of the EIA Report, which assesses the effect the Proposed Development will have on tourism in the local area. The Tourism Impact Assessment considered visitor motivations for visiting local tourist attractions such as the Galloway Forest Park and 7Stanes. Similarly, the report also assessed the effect the Proposed Development would have on accommodation providers in Newton Stewart, taking into account the main attributes marketed by accommodation providers, such as proximity to town centre and local facilities. In both instances, the assessment concluded that the Proposed Development is not expected to affect visitor motivations to the Galloway Forest Park and 7Stanes, nor affect the behaviour of visitors stopping at accommodations providers, with any effects expected to be minor, as there are sufficient alternatives within the local area so as not to affect the tourism economy as a whole. In summary, the Proposed Development is not expected to have an adverse effect on the behaviour of visitors to the local area or on the local economy.
- 5.144 In terms of the final criterion, the design iteration process outlined in Chapter 4 of the EIA Report and the Design and Access Statement detail the extent to which the Proposed Development has been designed to address the physical and other constraints associated with the Site. The outcome of this design process is a wind farm layout which achieves a coherent and compact design which minimises direct and indirect adverse effects to the local and wider landscape and environment, whilst balancing commercial considerations and maximising energy production.

LDP Policy IN1

- 5.145 LDP Policy IN1 sets out that the Council will support development proposals for all renewable energy provided they do not individually or in combination have an unacceptable significant adverse impact on:
- *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.*

5.146 These topics therefore largely echo those set out in LDP Policy IN2 which are considered in above in respect of Policy IN1. The only new considerations which IN1 raises are in relation to air quality and water and fishing interests.

5.147 In relation to air quality, following the implementation of mitigation measures during the construction and decommissioning phases, in particular to suppress dust from construction activities, the Proposed Development is unlikely to lead to any significant effects on air quality.

5.148 In relation to water and fishing interests, Chapter 9 of the EIA Report provides an assessment of the Proposed Development against fishing interests. Overall, the effects of the Proposed Development on non-avian ecology features of local or higher value, or which are legally protected, are not significant in terms of the EIA definition.

Other Relevant Development Plan Policies

5.149 The majority of considerations raised by other Development Plan policies relevant to the Proposed Development are largely encapsulated within the requirements of LDP Policies IN2 and IN1. Acceptability under the tests against Policies IN2 and IN1 therefore infers that there will be no conflict with the provisions of other such policies.

Development Plan Conclusions

5.150 Overall it is considered that the Proposed Development is in general accordance with the Development Plan. This is because:

- The operative policy is NPF4 Policy 11 and the Proposed Development is compliant with the various considerations it sets out.
- The Proposed Development complies with the specific policy requirements for onshore Wind Development in Dumfries and Galloway: Policy IN2
- The Proposed Development is also compliant with the general policy requirements relating to renewable energy development: Policy IN1.
- The Proposed Development is consistent with other policies in the Development Plan.

6 CONCLUSIONS

Summary and Conclusions

- 6.1 As the Proposed Development will have an installed capacity exceeding 50MW, the application for consent and deemed planning permission is made to the Scottish Ministers under Section 36 of the Electricity Act 1989. Paragraph 3(2) of Schedule 9 of the Act provides a specific statutory requirement on Scottish Ministers to have regard to various matters when considering development proposals. The information that is contained within the EIA Report confirms that the Proposed Development is environmentally acceptable. On this basis, the applicant has fulfilled its obligations under Schedule 9 of the Electricity Act in this regard.
- 6.2 The Proposed Development would also comply with the Development Plan.
- 6.3 The Proposed Development would introduce a new commercial scale wind energy development into landscape character unit 17(a): Plateau Moorland with Forest. The Proposed Development would contribute to wind energy being seen as a notable feature in many views in the landscape of the wider study area to the west of the Site, comprising of turbines of larger scale, representing an evolution in wind turbine technology from the current operational wind farms in the area. The addition of the Proposed Development would serve to reinforce this pattern of wind energy in views within the study area, albeit extending significant visual effects into a separate area further to the east. Any such effects have been assessed as being localised and acceptable, with any significant effects predicted being limited to within 6km from the Proposed Development, beyond which effects have been assessed as not significant.
- 6.4 NPF4 sets out the Scottish Government's position, specifically referencing the support for renewable energy development. The Proposed development, over 50MW of generating capacity would be classed as a 'National Development' in NPF4 which are defined as developments that strongly support the delivery of Scotland's spatial strategy.
- 6.5 NPF4 places achieving Net Zero and responding to the Global Climate Emergency front and centre of the national spatial strategy for Scotland. It highlights that onshore wind will play the greatest role in reducing carbon emissions in the coming years, and requires that new onshore wind farm proposals outside of National Parks and National Scenic Areas be supported unless there are unacceptable impacts. NPF4 therefore includes considerable support for renewable energy projects, such as that proposed at Glenvernoch and the EIA Report does not identify "unacceptable" impacts which would suggest otherwise. Accordingly NPF4 is in favour of permission for the Proposed Development.
- 6.6 Overall, none of the likely environmental effects that would result from the Proposed Development would, in our view, be unacceptable in the public interest which the planning system serves.

Giving very substantial weight to Renewable Energy Policy and associated targets

- 6.7 The EIAR demonstrates that there are limited adverse effects associated with the Proposed Development and this needs to be weighed against the benefits of development when coming to a judgement on acceptability. This 'balancing exercise' needs to be framed within the scale of the threat we face through climate change which is increasingly more widely acknowledged by governments across the world. It must follow that the need case is to be afforded great weight in the planning balance. It is not an over-riding consideration and does not provide carte blanche for onshore wind farm applications. However, it must be acted on. The way that decision makers can do that is by properly recognising the seriousness and importance of energy policy related considerations in the planning balance.
- 6.8 This is reflected in a number of recent publications which should be afforded weight in the determination of this application:
- Scotland's Energy Strategy (2017);
 - The Committee on Climate Change (CCC) advice to the Scottish Government on recovery from the Covid-19 crisis (May 2020);
 - The recommendations from the Scottish Government's Advisory Group on Economic Recovery (June 2020);
 - The Report from the Climate Emergency Response Group (CERG) 'Eight Policy Packages for Scotland's Green Recovery' (July 2020);
 - The Update to the Climate Change Plan (December 2020);
 - The Scottish Energy Strategy Position Statement (March 2021);
 - Scottish Government's 'Bute House Agreement' (August 2021);
 - Scottish Government Programme for Government 2021-2022;
 - Onshore Wind Policy Statement (2022);
 - Draft Energy Strategy and Just Transition Plan (2023); and
 - Onshore Wind Sector Deal (2023).
- 6.9 Having examined the material planning issues raised by consultees as part of pre-application consultation and the potential effects of the Proposed Development as set out in the EIA Report, we can identify no particular issue that deserves significant weight such that development should not be consented. Specifically, in drawing our conclusions, our view is that:
- The need case for new renewable generation has been materially strengthened by net zero legislation and a radical recent shift in policies encapsulated in the 2020 Update to the Climate Change Plan (2018-2033). The contribution the Proposed Development would make to these targets by replacing fossil fuel energy and thereby reducing greenhouse gas emissions is an important factor in its favour to which substantial weight should be attached in the determination of the proposal: The renewable electricity

generated by the Proposed Development is predicted to power over 74,700 homes each year.

- The Applicant's position is that the planning balance clearly needs to take into account NPF4, as this places tackling climate change and achieving net zero emissions at the forefront of the national spatial strategy. NPF4 brings national renewable energy targets into planning policy by committing to the target of net zero emissions by 2045, stating that significant progress towards this must be achieved by 2030, and recognises this will require new development and infrastructure across Scotland.
- Other legislative interventions and statements of Government policy referred to in this Planning Statement are also material considerations of relevance that should be afforded considerable weight. In recent renewable energy policy documents, there is a consistent thread which ties a number of related policy matters together: namely the urgent challenge of Net Zero and the need to substantially increase renewable capacity.
- For the reasons set out in this Statement, it is wholly legitimate and expected for the planning system to take account of updated and emerging issues as material considerations (and indeed law) in arriving at a decision on a proposal. Any suggestion therefore, that the Climate Emergency does not give rise to an urgent need for action simply because, as yet, planning advice and guidance has not been amended, would be misguided.
- Onshore wind is the specific renewable technology referenced in the key opportunities as set out in NPF4 and is therefore expected to play a significant role in the plan for net-zero emissions.

6.10 There are forceful material considerations that lend support to the case that consent should be granted for the reasons explained in this Planning Statement. It is important that developments which are acceptable in planning terms are granted consent. The Proposed Development has been brought forward by the Applicant as a direct response to national energy and planning policies, and to local planning policy documents which identify the Site as potentially suitable for wind development. The overall aim of these policies are clear and the benefits of the proposal in addition to the generation of renewable energy, such as the economic benefits, weighed against some localised adverse visual effects is a compelling argument in favour of the Proposed Development.

6.11 Accordingly, we respectfully consider that consent should be granted for the Proposed Development.

APPENDICES

APPENDIX A:

Energiekontor Contractor Procurement Policy

Background

- *Energiekontor UK Ltd is a renewable energy development company with offices in Leeds and Glasgow. The company was formed in 1999 and develops small to medium-sized onshore wind and solar farms throughout the United Kingdom. The company operates seven existing wind farms in the UK with consents for a further two projects. EK also has a number of other wind and solar projects at various stages of the development process throughout the UK.*
- *Energiekontor UK Ltd is part of the Energiekontor Group. The parent company, Energiekontor AG, was established in 1990 in Bremerhaven in Northern Germany. It has since grown to become one of the leading wind energy companies in Europe and is active in Germany, Portugal and the UK. The company has built more than 100 onshore wind farms in Europe.*

Aims

Many local companies are ideally placed to supply materials and services for our projects but may find it difficult to compete with national suppliers. Balance of Plant (BoP) construction contracts are normally selected on the basis of the 'most economically advantageous offer'. The aim of this policy is to ensure that the community and local employment benefits offered by contractors are recognised in the evaluation and award of Balance of Plant (BoP) construction contracts.

Justification

By recognising the economic advantage that the contract may bring to local communities and individuals, our policy seeks to foster a closer relationship between Energiekontor and local communities. The construction of the development will be the first physical activity in a project that will exist for at least 35 years and a close relationship between those parties is desirable for all concerned.

Policy Statement

We have defined our strategy in the following policy statement:

When assessing bids for supply of materials and services to construct our projects, Energiekontor will give significant weight to bids from suppliers who demonstrate they have an established local presence, employ local people and source materials within the respective local authority region. Regional suppliers who meet our procurement qualification standards will be given a 5% price advantage on local market prices over National suppliers through the bidding process.