

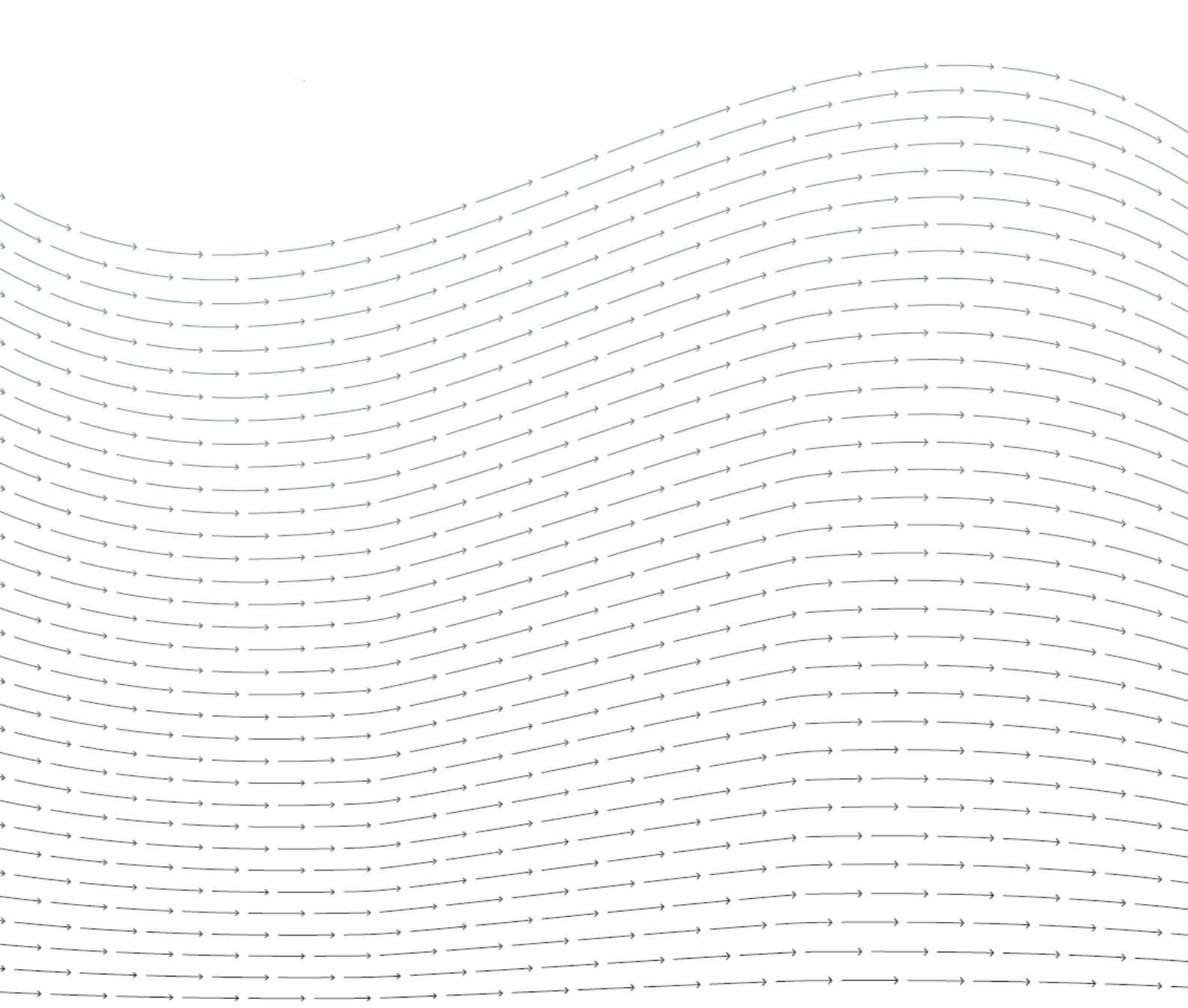


## **CRAIGINMODDIE WIND FARM**

### **Planning Statement**

**Energiekontor UK Ltd**

December 2020



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## CONTENTS

|          |                                                                                                  |           |
|----------|--------------------------------------------------------------------------------------------------|-----------|
| <b>1</b> | <b>INTRODUCTION</b>                                                                              | <b>1</b>  |
|          | Background .....                                                                                 | 1         |
|          | Site Location and Proposed Development .....                                                     | 1         |
|          | Description of Proposed Development.....                                                         | 1         |
|          | Planning History .....                                                                           | 2         |
|          | Purpose of Planning Statement.....                                                               | 2         |
|          | The Applicant .....                                                                              | 2         |
|          | Structure of this Planning Statement.....                                                        | 3         |
| <b>2</b> | <b>LEGISLATIVE CONTEXT</b>                                                                       | <b>4</b>  |
|          | Introduction .....                                                                               | 4         |
| <b>3</b> | <b>RENEWABLE LEGISLATIVE AND POLICY FRAMEWORK</b>                                                | <b>6</b>  |
|          | Scottish Government Renewable Energy Policy and Renewable Energy<br>Generation targets .....     | 10        |
| <b>4</b> | <b>NATIONAL PLANNING POLICY</b>                                                                  | <b>18</b> |
|          | Introduction .....                                                                               | 18        |
|          | National Planning Framework 3 .....                                                              | 18        |
|          | Scottish Planning Policy.....                                                                    | 21        |
|          | Other Material Considerations .....                                                              | 26        |
|          | Summary .....                                                                                    | 28        |
| <b>5</b> | <b>THE DEVELOPMENT PLAN</b>                                                                      | <b>29</b> |
|          | Introduction .....                                                                               | 29        |
|          | South Ayrshire Local Development Plan .....                                                      | 29        |
| <b>6</b> | <b>PLANNING APPRAISAL</b>                                                                        | <b>33</b> |
|          | Introduction .....                                                                               | 33        |
|          | Does the Proposed Development accord with the requirements of the Electricity<br>Act 1989? ..... | 33        |
|          | Does the Proposed Development accord with the Development Plan? .....                            | 38        |
|          | Other material considerations.....                                                               | 44        |
| <b>7</b> | <b>CONCLUSIONS</b>                                                                               | <b>48</b> |
|          | Summary and Conclusions .....                                                                    | 48        |
|          | <b>APPENDIX A: ENERGIEKONTOR CONTRACTOR PROCUREMENT POLICY</b>                                   | <b>1</b>  |
|          | 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 an application by Energiekontor UK Ltd ("the Applicant") under Section 36 (S.36) of the Electricity Act 1989 (as amended) ("the application") for the erection, 35 year operation and subsequent decommissioning of a wind farm consisting of up to fourteen wind turbines and associated development ("the Proposed Development") at land at Craiginmoddie, South Ayrshire ("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 provisions of 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.

## Site Location and Proposed Development

- 1.5 The Site is located within South Ayrshire Council and consists predominantly of areas of plantation forestry and open moorland.
- 1.6 The Site lies along an undulating ridge adjacent to the existing Hadyard Hill wind farm. The existing Hadyard Hill wind farm is an operational wind farm (commissioned in 2006) comprising 52 turbines.
- 1.7 The local area is relatively sparsely populated, with a limited number of small settlements, hamlets and dispersed individual dwellings in the vicinity of the Site. The nearest settlements are (approximately) Barr (4km south / west), Dailly (4km north), Crosshill (6.5km north), Straiton (7.5km north / east) and Maybole (9km north). The nearest town is Girvan, located 10.5km to the west.

## 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:
  - Fourteen 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;
- New watercourse crossings;
- Two borrow pit search areas for the extraction of stone on-site;
- A temporary construction compound;
- On-site substation;
- Battery storage;
- Localised 'keyhole' forestry felling and replanting;
- A new access point; and
- Off-site access works.

- 1.9 The Site Location Plan and red line application boundary are shown in Figure 1.1 and 1.2.
- 1.10 Planning permission is sought for 35 years of 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 application to be submitted. The application includes an allowance for micro-siting of the wind farm infrastructure. If consent is granted, the Applicant would commission detailed ground investigations and geotechnical surveys to determine the ground conditions. A 100m micro-siting allowance is sought for the wind turbines and associated infrastructure.

## Planning History

- 1.11 The Site formed part of a larger area that was subject of the Section 36 Hadyard Hill windfarm Extension (ECU 00003118) submitted by SSE in 2015, comprising 31 turbines (subsequently reduced to 22 turbines). SSE withdrew this application in November 2017 citing commercial reasons, prior to its determination by Scottish Ministers.

## Purpose of Planning Statement

- 1.12 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.
- 1.13 The intention of this planning Statement is to assist the decision maker and the planning authority to reach 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

- 1.14 Energiekontor UK Ltd is a renewable energy development company with offices in Edinburgh, Glasgow and Leeds. The company was formed in 1999 and develops small to

medium-sized onshore wind farms throughout the United Kingdom. The company has built eight wind farms in the UK with many more in the development process.

- 1.15 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 100 onshore wind farms in Europe.

## **Structure of this Planning Statement**

- 1.16 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 falls 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.
- 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 his 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 which 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 Town and Country Planning (Scotland) Act 1997. 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 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*

- 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 4<sup>th</sup> 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.

##### *Key EU Policy Targets*

- 3.7 In January 2008 the European Commission (EC) published a '20-20-20' targets package. This included proposals for:
- A 20% reduction in primary energy use compared with projected levels, to be achieved by improving energy efficiency.
  - A reduction in the EU's greenhouse gas emissions of at least 20% below 1990 levels; and

Increasing the proportion of final EU energy consumption from renewable sources to 20%.

- 3.8 These targets were to be achieved by 2020, as set out in the EU Renewable Energy Directive (March 2009).

#### *EU Renewable Energy Progress Report – June 2015*

- 3.9 Every two years, EU countries report on their progress towards the EU's 2020 renewable energy goals. Based on the national reports, the European Commission produces an EU-wide report which gives an overview of renewable energy policy developments in EU countries.
- 3.10 Whilst the report shows that the EU is on track to meet its 20% renewable energy targets, it highlights that the UK needs to assess whether its policies are sufficient and effective in meeting renewable energy objectives. The UK is anticipated to fall short of its legally binding 2020 target.

#### *The EU 2030 Clean Energy Package*

- 3.11 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**

- 3.12 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.

#### *UK Renewable Energy Strategy (2009)*

- 3.13 The UK Renewable Energy Strategy (UKRES) sets out the means by which the UK can meet the legally binding target of 15% of energy consumption from renewable sources by 2023. It presents a 'lead scenario' that more than 30% of electricity should be generated from renewables by 2020.
- 3.14 A key element of the Strategy is that it sets out the EU requirement that progress will be reported to the EU every two years, in terms of the achievement of delivery against the trajectory set for the 2020 target. The purpose of the milestone reporting is to ensure that a trajectory is maintained towards 2020.

3.15 Under the Directive, the UK has interim targets to achieve the following shares for renewables in the energy mix as follows:

- 7.5% in 2015 – 2016.
- 10.2% in 2017 – 2018.

3.16 The documents make it clear that the Devolved Administrations have a leadership role to undertake. The Strategy was published by the UK Government; however, the policies to meet the 2020 targets will be taken forward in England, Scotland and Wales.

#### *UK Renewable Energy Roadmap Update (2013)*

3.17 The Government first published the Renewable Energy Roadmap in July 2011; which sets out the path to achieve the UK's headline renewable energy target. Paragraph 1 of the November Update reaffirms the UK Government commitment towards the delivery of renewable energy.

3.18 The Roadmap has been updated on two occasions since July 2011, once in 2012 and most recently in November 2013. The update sets out the progress that has been made against the 15% target introduced in the 2009 EU Renewable Energy Directive and provides an overview of development that has occurred in the sector.

3.19 The opening Ministerial Statement to the Update identifies how the Government remains strongly committed to cost effective renewable energy as part of a diverse, low-carbon and secure energy mix. The Minister concludes by emphasising how the Update to the Renewable Energy Roadmap has been produced in collaboration with other Government Departments and Devolved Administrations.

3.20 Through paragraph 114 of the November 2013 Update, the Government identifies onshore wind as one of the most cost effective and proven renewable energy technologies which has an important part to play in a responsible and balanced UK energy policy.

#### *UK 2050 Net Zero Target*

3.21 In May 2019 the Committee on Climate Change published their advice in 'Net Zero: the UK's contribution to Stopping Global Warming'.

3.22 In effect the UK became the first major economy in the world to pass laws to end its contribution to global warming by 2050. The target will require 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.

3.23 The report made the following recommendations:

- UK overall: a new tougher emissions target of net zero greenhouse gases by 2050, ending the UK's contribution to global warming within 30 years.
- Scotland: a target of net zero greenhouse gases economy by 2045, reflecting Scotland's greater relative capacity to remove emissions than the UK as a whole; and

- A net zero greenhouse gases target for 2050 would deliver on the commitment that the UK made by signing the Paris Agreement.

*The UK's Sixth Carbon Budget (December 2020)*

- 3.24 The Committee on Climate Change (CCC) published their advice on the UK's sixth Carbon Budget 'The UK's Path to Net Zero' in early December 2020. It builds on the previous CCC advice to Government in relation to new zero.
- 3.25 The CCC has set out some recommended priorities for UK policy, including:
- Sets a Sixth Carbon Budget to require a reduction in UK greenhouse gas emissions of 78% by 2035 relative to 1990 levels;
  - This is seen as a world leading commitment, placing the UK "decisively on the path to net zero by 2050 at the latest with a trajectory that is consistent with the Paris Agreement";
  - It should be accompanied by an ambitious 2030 pledge to reduce emissions by at least 68% from 1990;
  - The recommended budget would achieve well over half of the required emissions reduction to 2050 in the next 15 years.
- 3.26 Key benefits for the UK are seen as including the opportunity for low carbon investment – recognised at a time when it is needed to support the UK's economic recovery from the COVID-19 health crisis.
- 3.27 Although the Report recognises that the main policy levers are held by the UK Government it states at Para 23 that "UK climate targets cannot be met without strong policy action across Scotland, Wales and Northern Ireland" and that Scotland can take action through complementary measures at the devolved level including supporting policies such as "planning and consenting".
- 3.28 The CCC is clear in setting out that new demand for electricity will mean that electricity demand will rise 50% to 2035 and "doubling or even trebling by 2050". The CCC advice sets out that reducing emissions and meeting the budget requires action across various areas including expansion of low carbon energy supplies.
- 3.29 Page 29 sets out recommendations for action including "delivering the actions required in the 2020s to meet the Sixth Carbon Budget requires policies to be strengthened now. Matching strong ambition with action is vital for the UK's credibility..."
- 3.30 In terms of next steps, the Government needs to set the Sixth Carbon Budget in law by the end of June 2021 and this is to be followed "as soon as is practicable by a set of policies and proposals that demonstrably would meet the budget" (page 31).
- 3.31 At page 235 the report acknowledges that planning frameworks are a useful lever over infrastructure that needs to be well aligned to objectives for emissions reduction in devolved administrations including "a favourable planning regime for low-cost onshore wind".

- 3.32 The related 'Methodology Report' from the CCC advice, states that in all scenarios for the carbon budget and looking ahead to 2050, the CCC sees "new onshore wind generation being deployed by 2050". They set out that their "modelling reflects this by almost doubling Conclusions on UK Energy Policy.

*The UK Energy White Paper (December 2020)*

- 3.33 The Energy White Paper 'Powering our Net Zero Future' was published on 14 December 2020. The White Paper builds on the Prime Minister's recently announced 'Ten Point Plan' to set the energy-related measures and a long-term strategic vision for the energy system, consistent with net zero emissions by 2050. It sets out (page 2) that it "puts net zero and our effort to fight climate change at its core.."
- 3.34 It also aims to support a 'green recovery' from COVID-19 and confirms that electricity demand could double by 2050. Whilst offshore renewables are expected to grow significantly, the White Paper also sets out that "onshore wind and solar will be key building blocks of the future generation mix, along with offshore wind. We will need sustained growth in the capacity of these sectors in the next decade to ensure that we are on a pathway that allows us to meet net zero emissions in all demand scenarios" (page 45).

## **Scottish Government Renewable Energy Policy and Renewable Energy Generation targets**

- 3.35 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.
- 3.36 There have been a number of Scottish Government policy documents and legislation in recent years dealing with climate change and renewable energy. These documents with reference to the policy objectives and targets outlined above include:
- The Global Climate Emergency – Scotland's Response (2019);
  - The Climate Change (Scotland) Act (2009 and 2019)
  - Scotland Climate Change Plan (2018);
  - The Update to the Climate Change Plan (2020)
  - The 2020 Routemap for renewable Energy in Scotland (2011, 2013, 2015);
  - The Electricity Generation Policy Statement (2013); and
  - The Scottish Energy Strategy (2017);

*The Global Climate Emergency – Scotland's Response*

- 3.37 On 14 May 2019 the Climate Change Secretary Roseanna Cunningham made a statement to the Scottish Parliament regarding Scotland's response to the climate change emergency. Her statement highlighted *inter alia*:

*"There is a global climate emergency. The evidence is irrefutable. The science is clear. And people have been clear: they expect action. The Intergovernmental Panel on Climate Change [IPCC] issued a stark warning*

*last year: the world must act now. By 2030 it will be too late to limit warming to 1.5 degrees...*

*...It's not too late for us to turn things around, but to do so requires transformative change. This is not just about government action. And it is not something that only affects Scotland... We all have a part to play: individuals, communities, businesses, other organisations...*

*...Earlier this month, the Scottish Government received advice from the UK Committee on Climate Change [CCC] in light of the IPCC report. We acted immediately with amendments to our Climate Change Bill to set a 2045 target for net zero emissions...these will be the most stringent legislative targets anywhere in the world and Scotland's contribution to climate change will end, definitively, within a generation. The CCC was clear that this will be enormously challenging...*

*...The CCC has been stark in saying that the proposed new targets will require a 'fundamental change from the current piecemeal approach that focuses on specific actions in some sectors to an explicitly economy wide approach'. To deliver the transformational change that is required, we need structural changes across the board: to our planning, procurement and financial policies, processes and assessments...that is exactly what we will do."*

#### *The Climate Change (Scotland) Act 2009*

- 3.38 The Climate Change (Scotland) Act 2009 initially established long term statutory targets for Scotland of reducing greenhouse gas emissions by at least 80% by 2050, with an interim target of reducing emissions by at least 42% by 2020. The Act also placed climate change duties on Scottish public bodies and included provisions on climate change including adaptation, forestry, energy efficiency and waste reduction.

#### *The Climate Change (Scotland) Act 2019*

- 3.39 The Act received Royal Assent on 31 October 2019. The Act responds to the Paris Agreement and the declaration of a climate emergency in Scotland. It amended the 2009 Act and commits Scotland to a new target of net zero emissions of all greenhouse gases by 2045, with interim targets for reduction of at least 56% by 2020, 75% by 2030 and 90% by 2040. These amended greenhouse emissions targets, and the series of annual targets towards then, represent a substantial increase over the targets set in the 2009 Act.

#### *Scotland Climate Change Plan (2018)*

- 3.40 The Climate Change Plan (2018) provides the framework for Scotland's transition to a low-carbon economy, setting out how emissions will be reduced in every year to 2032.
- 3.41 The Climate Change Plan highlights that climate change is one of the greatest global threats we face and that Scotland must play its part to achieve the ambitions set out in the Paris Agreement, which mandates concerted, global action to deal with the threat. It notes that the path towards a low carbon future will require great effort across all parts of our society and economy, but it also presents tremendous opportunities.

*The Update to the Climate Change Plan (2018-2032) 'Securing a Green Recovery on a Path to Net Zero' (16 December 2020)*

- 3.42 The Scottish Government published a Roadmap to world-leading climate change targets, with more than 100 new policies and proposals to support Scotland's green recovery and help deliver a just transition to Net Zero. They form part of the Climate Change Plan 2018 – 2032, which has been updated to reflect the world's most ambitious framework of climate targets as enshrined in Scotland's Climate Change Act 2019. The Plan also increases the ambition of more than 40 other policies to cut greenhouse gas emissions across all sectors.
- 3.43 The Scottish Government's vision for 2045 is one of a society that prioritises the environment and the wellbeing of its people, reaching net zero in a way that is fair and just to all. A key part of the plan is the green recovery and it states (page 1) that:
- "It is essential that a recovery from the pandemic responds to the climate emergency, and puts us on a pathway to deliver our statutory climate change targets and a just transition to net zero, by ensuring our actions in the immediate term are in line with our long term goals".*
- "The Scottish Government has been clear in its commitment to securing a just and green recovery, which prioritises economic, social and environmental well-being, and responds to the twin challenges of the climate emergency and biodiversity loss".*
- 3.44 In terms of electricity, the CCP update announces, "further policies to continue the rapid growth in renewable generation over the past 20 years, moving from a low to a zero-carbon electricity system". Reference is also given to the intention to prepare an Energy Strategy update in 2021 and an updated Electricity Generation Policy Statement by 2022.
- 3.45 Page 18 states that "by 2032 our energy system will be in the midst of a major transformation, integrating new ways of producing, transporting and using energy with existing technologies. This transformation will be planned and developed through a systems led approach, ensuring that decisions take account of the benefits across all of the energy sectors as well as the economic and social benefits they create for everyone in Scotland. By 2032 we will generate at least the equivalent of 50% of our energy across heat, transport and electricity demand from renewable sources".
- 3.46 It adds: "our electricity system will have deepened its transformation for the better, with over 100% of Scotland's electricity demand being met by renewable sources. More and more households, vehicles, businesses and industrial processes will be powered by renewable electricity, combined with green hydrogen production. There will also be a substantial increase in renewable generation, particularly through new offshore and on shore wind capacity" (page 18). (underlining added)
- 3.47 Scotland is to continue to export large amounts of clean electricity to England, Northern Ireland, Wales and Europe, supporting carbon emission reductions across the UK and beyond – maintaining Scotland's position as a net exporter of electricity and with greater interconnection across the rest of the UK and other parts of Europe will benefit the system and enable the export of renewable electricity across the continent.

- 3.48 The climate change targets mean there is a need to continue progress and move from a low to a zero-carbon electricity system and Planning is recognised as remaining as a “critical enabler of rapid renewables deployment in Scotland”. In terms of the coordinated approach needed the report refers to the planning system and the forthcoming NPF4 and acknowledges that planning is seen as a “key delivery mechanism for many of the policies within this climate change plan update, across all sectors”.
- 3.49 The need to invest in renewable generation and related infrastructure to reduce greenhouse gas emissions is critical to creating good, green jobs as part of the green recovery and longer-term energy transition.
- 3.50 Renewable generation is expected to increase substantially between now and 2032 with an expectation of development of between 11 and 16 Giga Watts (GW) of new capacity during this period, “helping to decarbonise our transport and heating energy demand” (page 40). Electricity demand is expected to have grown considerably over this period.
- 3.51 Scotland's economy will benefit from the growth and manufacture of new renewable generation out to 2045, with a new, skilled and innovative workforce including many who have made a fair and just transition from other parts of today's energy sector and industries.
- 3.52 Annex A of the CCP contains policies and proposals. For the electricity sector, ‘outcome 1’ is that “the electricity system will be powered by a high penetration of renewables, aided by a range of flexible and responsive technologies”. It states that policy support to be maintained is “supported by development of a wide range of renewable technologies by addressing current and future challenges including market and policy barriers”.
- 3.53 In addition, the target is maintained of “a new renewable all energy consumption target of 50% by 2030, covering electricity, heat and transport”.

#### *The 2020 Routemap for Renewable Energy in Scotland*

- 3.54 The Scottish Government produced the Renewable Action Plan (RAP) in 2009 to drive development of renewable energy and to establish a framework for action relating to specific areas of renewable energy. This is updated annually in order to provide an indication as to the progress being made towards implementing the changes.
- 3.55 The 2020 Routemap for Renewable Energy in Scotland 2011 is an update and extension of the 2009 Action Plan and reflects the Scottish Government's target of meeting an equivalent of 100 % demand for electricity from renewable energy by 2020, as well as the target of 11% renewable heat. The Routemap is therefore an important Scottish Government policy document. In order to achieve the delivery target of 100% renewables, equates to the equivalent of 16GW of installed capacity and that to achieve this target the Routemap states that this will demand a ‘significant and sustained improvement over the deployment levels seen historically’ (pg. 26).
- 3.56 The Executive Summary concludes by stating that:

*“Across all scales of renewable generation, from householder to community to large-scale commercial schemes, the Scottish Government is working to*

*make Scotland the renewables powerhouse of Europe. The benefits are not only in terms of energy generation and future security of supply, but can underpin our economic recovery over the next decade and beyond.*

*This Routemap for renewable Energy in Scotland sets out how we can meet our challenging targets in harmony with the local environment and make a wider contribution to emission reductions through the displacement of fossil fuel generation."*

3.57 At page 66 the Routemap notes:

*"The Government is committed to the continued expansion of onshore wind farms to help meet renewables targets...Onshore wind turbines can make a very large contribution to the progress to Scotland's renewable electricity target, and help establish Scotland's reputation as rapidly becoming the green powerhouse of Europe thanks to its underlying political commitment to make it happen."*

3.58 The Routemap concludes:

*"This Routemap sets out a comprehensive path of actions to deliver on Scotland's ambition to be the green powerhouse of Europe. By setting Europe's most ambitious target for renewable electricity and putting in place the measures required to deliver it we are creating a competitive advantage for Scotland which will secure a prosperous and sustainable low carbon economy for the future."*

#### *2020 Routemap for renewable Energy in Scotland – Update (2013)*

3.59 The Scottish Government published the second annual update to the 2020 Routemap for Renewable Energy in December 2013. The update provides a progress report on developments across the sector and towards targets, as well as considering the further collective actions needed to unlock Scotland's full renewable energy potential. A key action of the update is to develop the approach to preparing spatial frameworks which will help provide an early high level steer on the best locations for wind farms.

#### *2020 Routemap for renewable Energy in Scotland – Update (2015)*

3.60 A further Routemap Update was published on 17 September 2015. The report provides statistics on deployment of renewables and these are referred to in the following section. The report also provides sectoral updates and page 13 states that "onshore wind has a pivotal role in delivering our 2020 renewables targets". It further adds "our policy on wind farm applications strikes a careful balance between maximising Scotland's huge green energy potential and protecting environmental interests and residential amenity".

#### *Electricity Generation Policy Statement (2013)*

3.61 The Scottish Government published the Electricity Generation Policy Statement (EGPS) on 28 June 2013. It states at paragraph 1 that electricity generation and the economic and environmental benefits which could arise from a shift from fossil fuel generation to a portfolio comprising renewable and cleaner thermal generation are matters of considerable importance to the Scottish Government.

3.62 The report summarises the Scottish Government's targets and these are set out as *inter alia*:

- Delivering the equivalent of at least 100% of gross electricity consumption from renewables by 2020 as part of a wider, balanced electricity mix.
- Enabling local and community ownership of at least 500 MW of renewable energy by 2020.
- Seeking increased interconnection and transmission upgrades capable of supporting projected growth and renewable capacity'.

3.63 In terms of economic benefit, the report states that it is expected that there would be, over the decade to 2020, from renewables alone, a provision of up to 40,000 jobs and £30 Billion of investment to the Scottish economy and a transformational opportunity for local ownership and benefits.

3.64 Paragraph 17 states that the Government estimates that the 100% target will require around 14-16GW of installed capacity to be deployed.

3.65 Page 11 of the report explains that the UK target is to produce 15% of all energy from renewable sources and an estimated 30% of electricity from renewable sources by 2020 and that this:

*"will require connection to Scotland's vast energy resource and we will continue to work to connect Scotland to an ever more integrated UKL and EU market"*

*The Report cross refers to the 2020 Routemap for renewable energy in Scotland. Paragraph 32 reiterates the EU context and states that Scotland has the potential to make a 'major contribution to the EU's overall renewables target.'*

3.66 The Report cross refers to the 2020 Routemap for renewable energy in Scotland. Paragraph 32 reiterates the EU context and states that Scotland has the potential to make a 'major contribution to the EU's overall renewables target'.

*Scottish Energy Strategy: The future of energy in Scotland*

3.67 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."*

3.68 The strategy sets two new targets for the Scottish energy system by 2013:

- 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.

3.69 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."*

3.70 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."*

## Summary

- 3.71 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.
- 3.72 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.
- 3.73 From a review of the UK Roadmap (and its updates) and the 2020 Routemap for renewable energy in Scotland 2011 (as updated) 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 2020 and 2030 renewable energy and electricity targets. It forms part of a much wider international picture of ever more ambitious policy targets.
- 3.74 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.
- 3.75 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 sources.

## 4 NATIONAL PLANNING POLICY

### Introduction

- 4.1 Relevant national planning policy guidance and advice is addressed in this chapter. Reference is made to the National Planning Framework 3 (NPF3), Scottish Planning Policy and other material considerations relevant on a Scottish national level.

### National Planning Framework 3

- 4.2 National Planning Framework 3 (NPF3) was published on 23 June 2014. NPF3 is a long term strategy for Scotland and is the spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Together, NPF3 and Scottish Planning Policy (SPP) applied at the strategic and local levels are intended to help the planning system deliver the Government's vision and outcomes for Scotland and to contribute to the Government's central purpose.
- 4.3 The general and high-level support for renewables is provided through the 'vision' which is referred to as inter alia:
- A successful, sustainable place - "we have a growing low carbon economy which provides opportunities..."
  - A low carbon place - "we have seized the opportunities arising from our ambition to be a world leader in low carbon generation, both onshore and offshore..."
  - A natural resilient place - "natural and cultural assets are respected, they are improving in condition and represent a sustainable economic, environmental and social resource for the nation..."
- 4.4 Further support is provided in Chapter 3 'A Low Carbon Place' which sets out the role that planning will play in delivering the commitments set out in 'Low Carbon Scotland: The Scottish Government's Proposals and Policies'. It states:
- "the priorities identified in this spatial strategy set a clear direction of travel which is consistent with our world leading climate legislation."*
- 4.5 The introduction to Chapter 3 states that the Government's ambition "is to achieve at least an 80% reduction of greenhouse gas emissions by 2020".
- 4.6 The introductory section acknowledges that, at present, the energy sector accounts for a significant share of the country's greenhouse gas emissions. To address this, Scotland needs to employ skills and innovation to help capitalise on our outstanding natural advantages. A planned approach to development has ensured that onshore wind development has widely avoided internationally and nationally protected areas.
- 4.7 Paragraph 3.7 states that whilst there is strong public support for wind energy as part of the renewable energy mix, opinions about onshore wind in particular locations can vary. It

adds that the technology is "...recognised as an opportunity to improve the long-term resilience of rural communities."

- 4.8 Paragraph 3.8 makes reference to targets and states that by 2020, the aim is to reduce total energy demand by 12%. In order to achieve this, and to maintain energy supplies, further diversification or supplies will be required.

- 4.9 It adds that the Government's aim is to meet at least 30% of overall energy demand from renewables by 2020 - this includes generating the equivalent of at least 100% of gross consumption from renewables with an interim target of 50 by 2015.

- 4.10 Paragraph 3.9 states:

*"Our Electricity Policy Statement sets out how our energy targets will be met. We are making good progress in diversifying Scotland's energy generation capacity, and lowering the carbon emissions associated with it, but more action is needed. Maintaining security of supplies and addressing fuel poverty remain key objectives. We want to continue to capitalise on our wind resource and for Scotland to be a world leader of offshore renewable energy. In time we expect the pace of onshore wind energy development to be overtaken by a growing focus on our significant marine energy opportunities including wind, wave and tidal energy."*

- 4.11 Overall it is clear that onshore wind development is recognised as a key technology in the energy mix which will contribute to Scotland becoming 'a low carbon place' which in turn will be a key part of the 'Vision' for Scotland (as set out at paragraph 1.2 of the NPF3). Furthermore, the Government has made it unequivocally clear that it wants to continue to "capitalise on our wind resource". The Proposed Development would contribute to the unmet 2020 target set out in NPF3.

#### *NPF4 Position Statement (November 2020)*

- 4.12 National Planning Framework 4 (NPF4) is being prepared by the Scottish Government to replace NPF3 and SPP and will represent a new National Plan and will become part of the statutory Development Plan. The NPF4 'Position Statement' was published by the Scottish Government on 26th November 2020.

- 4.13 A call for ideas for NPF4 was undertaken by the Scottish Government in early 2020 and the Position Statement sets out the Government's current thinking to inform further discussions on the content of a draft revised framework for consultation.

- 4.14 The Statement makes it clear that the current NPF3 and SPP "remain in place until NPF4 is adopted by Ministers" but notes at Page 40 that "the Position Statement provides an idea of the direction of travel" to inform a full draft of NPF4.

- 4.15 The plan looks ahead to 2050 with a central element being a planning system to deliver 'net-zero' emissions. The introductory section entitled 'Our Future Places' states that:

*"a significant shift is required to achieve net-zero emissions by 2045"; and that*

"we will have to rebalance the planning system so that climate change is a guiding principle for all plans and decisions".

- 4.16 It is also clear that a central part of the new policy approach will be to help stimulate the green economy.

#### Key Opportunities

- 4.17 In terms of future places, the Government sets out twelve "key opportunities to achieve this" with specific reference to renewables supporting energy development and recognising the role of re-powering and extending existing wind farms and grid improvements.

#### Outcomes

- 4.18 The Statement sets out various outcomes for 2050 (page 5) and states that the long-term strategy "will be driven by the overarching goal of addressing climate change. The four key outcomes for NPF4 are expected to be as follows:

- Net-Zero Emissions;
- A Well-being Economy;
- Resilient Communities; and
- Better, Greener Places.

- 4.19 In terms of the net-zero emissions outcome, the Statement sets out "a plan for net-zero emissions". Key points include that the Government will build on the Climate Change Plan and take forward the advice provided by the UK Committee on Climate Change. The Statement sets out that the new spatial strategy will:

- Prioritise emissions reduction - in this regard it states: "climate change will be the overarching priority for a spatial strategy. To achieve a net-zero Scotland by 2045 and meet the interim emissions reduction targets of 75% by 2030 and 90% by 2040, an urgent and radical shift in our spatial plan and policies is required. Scotland's updated Climate Change Plan will be published later this year, setting a course for achieving the targets in the Climate Change (Emissions Reductions Targets) (Scotland) Act 2019. NPF4 will take forward proposals and policies to support it."
- Deliver infrastructure to reduce emissions - it states: "we expect that NPF4 will confirm our view that the Global Climate Emergency should be a material consideration in considering applications for appropriately located renewable energy developments." (page 9).

#### Potential National Planning Policy Changes

4.20 In terms of potential policy changes (page 10), there are various proposals which are intended to "support a spatial strategy for net-zero emissions" and those of particular relevance include:

- "Strengthening our support for re-powering and expanding existing wind farms"; and
- "Updating the current spatial framework for onshore wind to continue to protect National Parks and National Scenic Areas, whilst allowing development outwith these areas where they are demonstrated to be acceptable on the basis of site-specific assessments".

4.21 In terms of the Wellbeing Economy outcome, the Statement sets out that the new spatial strategy will support a sustainable and green economic recovery and references the need to recover from the impacts of COVID-19 through "a sustainable, green economic recovery, as recognised in the 2020 report by the Advisory Group on Economic Recovery" (page 22).

## Scottish Planning Policy

4.22 On 23 June 2014, the Scottish Ministers published 'Scottish Planning Policy' (SPP). The purpose of SPP is to set out national planning policies which reflect Scottish Government Minister's priorities for the operation of the planning system and for the development and use of land. SPP is a statement of Scottish Government policy on how nationally important land use planning matters should be addressed.

4.23 Paragraph (iii) states that as a statement of Ministers' priorities, the content of SPP is a material consideration that carries significant weight, although it is for the decision maker to determine the appropriate weight to be afforded to it in each case.

4.24 Paragraph 13 of SPP introduces four planning outcomes which explain "how planning should support the vision" for the planning system in Scotland. Three of these outcomes are particularly relevant, namely:

- Outcome 1: a successful sustainable place - supporting sustainable economic growth and the creation of well designed, sustainable places;
- Outcome 2: a low carbon place - reducing our carbon emissions and adapting to climate change; and
- Outcome 3: a natural, resilient place - helping to protect and enhance our natural and cultural assets and facilitating their sustainable use.

4.25 Outcome 2 'A Low Carbon Place' explains that NPF3 will facilitate the transition to a low carbon economy, particularly by supporting diversification of the energy sector. Paragraph 18 makes reference to the Climate Change (Scotland) Act 2009 which has set a target of reducing greenhouse gas emissions by at least 80% by 2050, with an interim target of reducing emissions by at least 42% by 2020. SPP explains that Section 44 of the 2009 Act places a duty on public bodies to act in the best way to contribute to the delivery of emissions targets as set out in the Act, and to help deliver the Scottish Government's climate change adaptation programme.

4.26 SPP contains two Principal Policies - 'sustainability' and 'placemaking'. Sustainability is addressed at page 9. The SPP states at paragraph 24 that:

4.27 "the Scottish Government's central purpose is to focus government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth."

4.28 Paragraph 25 adds that the Scottish Government's commitment to the concept of sustainable development is reflected in its Purpose.

4.29 Paragraph 27 cross refers to the Government's Economic Strategy which it states "indicates that sustainable economic growth is the key to unlocking Scotland's potential ... and to achieving a low carbon economy..." It also makes reference to the need to maintain a high-quality environment and to pass on "a sustainable legacy for future generations".

4.30 A key 'Policy Principle' in SPP is the following statement set out at paragraph 27:

*"This SPP introduces a presumption in favour of development that contributes to sustainable development".*

4.31 Paragraph 28 continues:

*"the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost."*

4.32 Paragraph 29 of SPP sets out that policies and decisions should be guided by a number of principles. Those of relevance include:

- Giving due weight to net economic benefit;
- Supporting good design;
- Supporting delivery of infrastructure, for example ... energy;
- Supporting climate change mitigation and adaptation including taking account of flood risk;
- Having regard to the principles for sustainable land use as set out in the Land Use Strategy;
- Protecting, enhancing and promoting access to cultural heritage, including the historic environment;
- Protecting, enhancing and promoting access to natural heritage including ... landscape and the wider environment; and
- Protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

4.33 The introduction of the presumption in favour of development that contributes to sustainable development has important consequences for development management practice. Paragraphs 32 and 33 of SPP explain how this Policy Principle is given effect in development management.

4.34 Paragraph 32 states that the "presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making". SPP directs decision makers as follows:

*"proposals that accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising..."*

4.35 Paragraph 33 adds:

*"Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration. Decision-makers should also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies in this SPP. The same principle should be applied where a development plan is more than five years old."*

4.36 SPP addresses 'A Low Carbon Place' as a 'subject policy' on page 36 and refers to 'delivering electricity'. Paragraph 152 refers to the NPF context and states that NPF3 is clear that planning must facilitate the transition to a low carbon economy and help to deliver the aims of the Scottish Government. It is stated that Scotland has significant renewable energy resources, both onshore and offshore.

4.37 Paragraph 153 states that terrestrial planning 'facilitates' development of renewable energy technologies and guides new infrastructure to appropriate locations. It adds that "efficient supply of low carbon and ... generation of ... electricity from renewable energy sources are vital to reducing greenhouse gas emissions..." It explains that renewable energy also presents a significant opportunity for associated development, investment and growth of the related supply chain.

4.38 In terms of 'Policy Principles', paragraph 154 sets out that the planning system should:

- Support the transformational change to a low carbon economy, consistent with national objectives and targets, including deriving:
- 30% of overall energy demand from renewable sources by 2020;
- The equivalent of 100% of electricity demand from renewable sources by 2020;
- Support the development of a diverse range of electricity generation from renewable energy technologies - including the expansion of renewable energy generation capacity; and
- Guide developments to appropriate locations and advise on the issues that will be taken into account when specific proposals are being assessed.

- 4.39 Onshore wind is specifically addressed at Paragraph 16,1 et seq. of SPP. Detailed guidance is provided for planning authorities with regard to the preparation of spatial frameworks for onshore wind development, and it makes it clear that proposals for onshore wind turbine development should continue to be determined whilst spatial frameworks and local policies are being prepared and updated.
- 4.40 In terms of spatial framework guidance, a 'community separation for consideration of visual impact' is set out as 'an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge'.
- 4.41 As with the previous SPP, this separation distance has the purpose of guiding the preparation of Spatial Frameworks and does not impose any requirement for a 'set back' to settlements or in relation to individual properties for wind farms in terms of development management.
- 4.42 Table 4.1: Spatial Frameworks of SPP (as replicated below) identifies three separate 'Groups' to help local planning authorities develop spatial frameworks for encouraging wind farm development. These are 'areas where wind farms will not be acceptable' (Group 1), 'areas of significant protection' (Group 2) and 'areas with potential for wind farm development' (Group 3).

**Table 4.1 - Spatial Frameworks**

4.43 In

|                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Group 1: Areas where wind farms will not be acceptable:</b><br>National Parks and National Scenic Areas.                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Group 2: Areas of significant protection:</b><br>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.                                                 |                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>National and international designations:</b> <ul style="list-style-type: none"> <li>• World Heritage Sites;</li> <li>• Natura 2000 and Ramsar sites;</li> <li>• Sites of Special Scientific Interest;</li> <li>• National Nature Reserves;</li> <li>• Sites identified in the Inventory of Gardens and Designed Landscapes;</li> <li>• Sites identified in the Inventory of Historic Battlefields.</li> </ul> | <b>Other nationally important mapped environmental interests:</b> <ul style="list-style-type: none"> <li>• areas of wild land as shown on the 2014 SNH map of wild land areas;</li> <li>• carbon rich soils, deep peat and priority peatland habitat.</li> </ul> | <b>Community separation for consideration of visual impact:</b> <ul style="list-style-type: none"> <li>• an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge. The extent of the area will be determined by the planning authority based on landform and other features which restrict views out from the settlement.</li> </ul> |
| <b>Group 3: Areas with potential for wind farm development:</b><br>Beyond groups 1 and 2, wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria.                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                 |

terms of development management, paragraph 169 of SPP sets out that "proposals for energy infrastructure developments should always take account of spatial frameworks for

wind farms" and that considerations will vary relative to the scale of the proposal and characteristics of the area but are likely to include a number of matters, including:

- 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;
- Cumulative impacts - planning authorities should be clear about the likely cumulative impacts arising from all of the considerations below;
- Impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker;
- Landscape and visual impacts, including effects on wild land;
- Effects on the natural heritage, including birds;
- Impacts on carbon rich soils, using the carbon calculator;
- Public access, including impact on long distance walking and cycling routes and scenic routes identified in the NPF;
- Impacts on the historic environment, including scheduled monuments, listed buildings and their settings;
- Impacts on tourism and recreation;
- Impacts on aviation and defence interests and seismological recording;
- Impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;
- Impacts on road traffic;
- Impacts on adjacent trunk roads;
- Effects on hydrology, the water environment and flood risk;
- The need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration;
- Opportunities for energy storage; and
- The need for a robust planning obligation to ensure that operators achieve site restoration.

4.44 Paragraph 170 of SPP sets out that areas identified with wind farms should be suitable for use in perpetuity. It further adds that consent may be time limited, but nevertheless wind

farms should be sited and designed to ensure impacts are minimised and to protect an acceptable level of amenity for adjacent communities.

## Other Material Considerations

4.45 Other material considerations in this case include:

- Onshore Wind Policy Statement
- Scottish Government Web Based Renewable Guidance

4.46 These are considered in turn below.

### Onshore Wind Policy Statement

4.47 In December 2017 the Scottish Government published its Onshore Wind Policy Statement. The ministerial forward by Paul Wheelhouse MSP highlights the "vital" role that onshore wind will continue to play in Scotland's future, *"helping to substantively decarbonise our electricity supplies, heat and transport systems, thereby boosting our economy, and meeting local and national demand"*. The ministerial forward continues to highlight that this important role *"means we must support development in the right places, and – increasingly – the extension and replacement of existing sites, where acceptable, with new and larger turbines, based on an appropriate, case by case assessment of their effects and impacts"*.

4.48 Specifically in relation to the use of larger turbines, the policy statement makes the following points:

*"3. In order for onshore wind to play its vital role in meeting Scotland's energy needs, and a material role in growing our economy, its contribution must continue to grow. Onshore wind generation will remain crucial in terms of our goals for a decarbonised energy system, helping to meet the greater demand from our heat and transport sectors, as well as making further progress towards the ambitious renewable targets which the Scottish Government has set.*

*4. This means that Scotland will continue to need more onshore wind development and capacity, in locations across our landscapes where it can be accommodated.*

*9. We know that new projects face a highly uncertain route to market. The arrangements which have enabled onshore wind to expand and to reduce its costs so successfully, are no longer in place. Continued innovation and cost reduction, a supportive and well-resourced planning system, and continued advances in turbine and blade technology will help close the gap that currently exists – but not sufficiently, and not for all developments.*

*23. ...We acknowledge that onshore wind technology and equipment manufacturers in the market are moving towards larger and more powerful (i.e. higher capacity) turbines, and that these – by necessity – will mean taller towers and blade tip heights.*

*24. The technology shift towards larger turbines may present challenges when identifying landscapes with the capacity to accommodate larger scale development, as not all will be suitable. However, fewer but larger wind turbines may also present an opportunity for landscape improvement, as well as increasing the amount of electricity generated.*

*25. The Scottish Government acknowledges the way in which wind turbine technology and design is evolving, and fully supports the delivery of large wind turbines in landscapes judged to be capable of accommodating them without significant adverse impacts..."*

### **Scottish Government Web Based Renewable Guidance**

- 4.49 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.
- 4.50 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.
- 4.51 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.

#### *Chief Planner to all Heads of Planning (November 2015)*

- 4.52 A letter titled 'Energy Targets and Scottish Planning Policy' from the Scottish Government (Planning and Architecture Division) was sent to 'All heads of Planning' in November 2015.
- 4.53 The letter re-emphasised the Scottish Government's Scottish Planning Policy (2014) and Electricity Generation Policy Statement (2013) in relation to the Government's position on on-shore wind farms and the ambition of generating at least the equivalent of 100% of gross electricity consumption from renewables by 2020 in Scotland. The letters re-iterates that the 100% target was not a cap and support should be given to renewable energy developments if this target has been achieved.
- 4.54 The letter also confirms that:

*"Scottish Planning Policy paragraph 169 is clear that net economic impact including the community socio-economic benefits such as employment, associated business and supply chain opportunities are relevant material considerations in the determination of planning applications for renewable energy applications, including on-shore wind. It is our expectation that such considerations are addressed in the determination of applications for renewable energy technologies."*

- 4.55 Where shared ownership projects can evidence likely socioeconomic benefits resulting from a shared ownership project, this can be assessed as a material consideration.

## Summary

- 4.56 In summary:

- It is clear from NPF3 that onshore wind development is recognised as a key technology in the energy mix which will contribute to Scotland becoming a 'low carbon place' which in turn is a key part of the 'vision' for Scotland.
- Scottish Government has made it unequivocally clear that it wants to continue to "capitalise on our wind resource".
- Whilst the NPF4 Position Statement does not yet provide any detail of any changes to spatial planning for onshore wind, the document provides an insight into the Government's direction of travel for policy. Onshore wind is the specific renewable technology referenced in the key opportunities and is therefore expected to play a significant role in the plan for net-zero emissions.
- It is clear that the Scottish Government is following the clear recommendations of the CCC, namely the need for an urgent and radical shift in policies and recognition that the climate emergency should be a material consideration in considering applications for renewable energy developments.
- SPP sets out continued support for onshore wind in a similar manner to the previous SPP.
- SPP also sets out a presumption in favour of development that contributes to sustainable development.
- The presumption in favour is an important new aspect of national planning policy and material to the consideration of planning applications.

## 5 THE DEVELOPMENT PLAN

### Introduction

- 5.1 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 a Section 36 applications. Development Plans are still capable of being material considerations in the case of S36 applications however.
- 5.2 This section sets out the planning policy context that is relevant to the Site and Proposed Development at the local level. It includes consideration of:
- South Ayrshire Local Development Plan;
  - Supplementary Guidance; and
  - The emerging Replacement South Ayrshire Local Development Plan.
- 5.3 We set out each in turn below.

### South Ayrshire Local Development Plan

- 5.4 The South Ayrshire Local Development Plan was adopted in September 2014 (the SALDP). The Development Plan is therefore more than 5 years old and, on this basis, if the Proposed Development were to be determined in terms of its compliance with the Development Plan under the Town and Country Planning Act then SPP sets out that the presumption in favour of sustainable development would apply.
- 5.5 The 'Wind Energy Policy' is the most relevant SALDP Policy for the Proposed Development. The SALDP Wind Energy Policy states:
- 5.6 We will support proposals if:

*“a. they are capable of being accommodated in the landscape in a manner which respects its main features and character (as identified in the South Ayrshire Landscape Wind Capacity Study or in any subsequent updates to that study), and which keeps their effect on the landscape and the wider area to a minimum (through a careful choice of site, layout and overall design);*

*b. they do not have a significant detrimental visual impact, taking into account views experienced from surrounding residential properties and settlements, public roads and paths, significant public viewpoints, and important recreational assets and tourist attractions;*

*c. they do not have any other significant detrimental effect on the amenity of nearby residents, including from noise and shadow flicker;*

*d. they do not have a significant detrimental effect on natural heritage features, including protected habitats and species, and taking into account the criteria in LDP policy: natural heritage;*

*e. they do not have a significant detrimental effect on the historic environment, taking into account the criteria in LDP policy: historic environment and LDP policy: archaeology;*

*f. they do not adversely affect aviation, defence interests and broadcasting installations; and*

*g. their cumulative impact in combination with other existing and approved wind energy developments, and those for which applications for approval have already been submitted, is acceptable.*

*We will produce supplementary guidance on wind farms, which will identify preferred areas of search, areas with potential constraints and areas requiring significant protection; and will provide more detail on how the above-mentioned criteria will be applied in assessing all proposals for wind farms and turbines. We will use the South Ayrshire Landscape Wind Capacity Study (or any subsequent updates to that study) to help us decide the effect of proposals on the landscape.*

*Development proposals will not be permitted where, either individually or cumulatively, they would adversely affect the integrity of a Natura 2000 site."*

5.7 The majority of considerations raised by other Development Plan policies relevant to the Proposed Development are largely encapsulated within the requirements of SALDP Wind Energy Policy and the Supplementary Guidance: Wind Energy (SG) (discussed below). Acceptability under the test against this policy and the SG therefore infers no conflict with the provisions of other policies contained in the SALDP.

5.8 The SALDP recognises the Scottish Government's commitment to increase the amount of electricity generated from renewable sources as a 'vital part of the response to climate change'. The SALDP also acknowledges that the aim of the renewable energy framework within the SALDP is to support developments that do not have unacceptable effects on the natural or built environment. In terms of wind energy the SALDP states:

*"South Ayrshire has above average wind speeds and is an attractive area for generating wind energy and, in particular, as a location for wind farms. The Scottish Government has set targets for the equivalent of 100% of Scotland's electricity to be generated from renewable sources by 2020, and onshore wind power is one of the main sources of renewable energy.*

*Given the Government's target, we have a responsibility to find wind farm locations that would contribute to the overall national supply, while taking any effects on the environment into account. Local benefits arising from wind farms can be important to the economic future rural communities".*

5.9 The SALDP therefore supports proposals for generating and using renewable energy if they will not have significantly harmful effects on residential amenity, the appearance of the area and its landscape character, biodiversity and cultural heritage resources. As many decisions on wind farms have illustrated, a 'significant effect' does not automatically translate to an unacceptable effect. The term 'harmful' within the policies is treated as the acceptability test for effects that are predicted to be significant within the EIA Report, consistent with the objective of the renewables policies within the SALDP.

## ***Supplementary Guidance: Wind Energy (SG)***

- 5.10 Whilst the SALDP Wind Energy policy provides the basis for assessing wind energy developments, South Ayrshire Council adopted the Supplementary Guidance it refers to, in December 2015. The SG provides detail by which wind energy proposals can be fully assessed. It provides a spatial strategy for wind energy, in line with the requirements of Scottish Planning Policy (and in so doing identifies areas within South Ayrshire which are afforded significant national protection) and it provides guidance on how the policy of the Local Development Plan will be applied in the consideration of proposals.
- 5.11 The SG covers the following issues which are considered in the Planning Appraisal Section:
- Impacts on landscape and landscape character
  - Visual impacts
  - Residential amenity (noise, shadow flicker, visual impact and traffic)
  - Natural heritage including nationally and locally protected species and habitats
  - Impacts on the historic environment and archaeology
  - Aviation, defence and broadcasting interest
  - Cumulative impacts
  - Environmental management
  - Hydrology and the water environment
  - Borrow pits
  - Carbon losses
  - Flooding
  - Decommissioning and restoration bond obligations
- 5.12 The SG, along with the SALDP establishes the policy framework and the basis upon which all wind energy proposals within South Ayrshire are to be considered. The guidance is designed to set out a spatial strategy for wind energy in South Ayrshire in line with requirements set out in Scottish Planning Policy (SPP) 2014.
- 5.13 The Spatial Framework set out at Part 1 of the SG combines four layers of information to determine those 'Areas of Significant Protection' in relation to wind farm development, which are:
- 2km buffers around settlements;
  - National and international designations;

- Wild Land Areas (WLAs); and
- Carbon rich soils, deep peat and priority peatland habitat.

5.14 Although there are some areas of deep peat the site is considered by the Applicant to be located within a predominantly SPP Group 3 'Area with potential for wind farm development'. This is due to the fact that deep peat areas have been largely avoided and no significant effects are anticipated on peat and as such the site is considered to have the properties of a Site within Group 3.

*Proposed Replacement South Ayrshire Local Development Plan (PLDP2)*

- 5.15 The second Proposed South Ayrshire Local Development Plan (PLDP2) was published for consultation in September 2019. The Council, at a meeting held on 24<sup>th</sup> March 2020 considered comments submitted on that proposed plan and determined to make notable modifications to the document PLDP2 – as modified (MPLDP2) must be published and consultation undertaken before it can be regarded as having any material status in the consideration of proposals and planning applications. Notwithstanding, it gives an indication of the Council's intent towards the stance it wishes to adopt in the consideration of planning applications in the future (subject to the adoption of MPLDP2, anticipated in 2021). The applicable policies in MPLDP2 are not materially different to those of the existing LDP. The SG Wind Energy, remains relevant, with its windfarm spatial framework having been incorporated into MPLDP2 and the SG is likely to be re-adopted in similar form under the adopted LDP.
- 5.16 In this case, the adopted Development Plan remains a material consideration for Section 36 applications, and although the Replacement Plan it is an indicator of the Council's settled position on the direction of future development and planning policy in South Ayrshire, it should only be afforded limited weight in the decision making process.

## 6 PLANNING APPRAISAL

### Introduction

- 6.1 This section considers the planning issues raised by the Proposed Development against the planning policy context outlined in Chapter 5 of the EIAR Report and the above sections. In presenting an assessment of the overall planning policy case the following two questions are considered:
- Does the Proposed Development accord with the requirements of the Electricity Act 1989?
  - Does the Proposed Development accord with the requirements of the Development Plan?
- 6.2 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 section 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?**

- 6.3 Schedule 9 of the Electricity Act requires regard to be had to the desirability of:
- Preserving natural beauty;
  - Conserving flora, fauna and geological or physiographical features of special interest; and
  - Protecting sites, buildings and objects of architectural, historic or archaeological interest.
- 6.4 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.
- 6.5 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.
- 6.6 The Proposed Development is considered to comply with Schedule 9 of the Electricity Act as detailed below:

#### Landscape and Visual Considerations

- 6.7 The landscape and visual effects of the Proposed Development has 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 EIA Report.
- 6.8 In terms of location, the Proposed Development is sited in an area outside and landscape designations and according to the Applicant, classed as Group 3 according to Scottish Planning Policy. Such areas are considered suitable for wind farm development upon consideration of other policy criteria.
- 6.9 The EIA Report concludes that Significant effects on landscape character would be localised and confined to areas within no more than 4.5 km from the Proposed Development and, in most cases, less than this. These would comprise: major/moderate effects on the SA17c: Foothills with Forest and Wind Farm LCT, which would be Adverse, within 1.5 km of the turbines; major/moderate on the SA13: Intimate Pastoral Valleys LCT, which would be Adverse, within 3.5 km of the turbines; and, major/moderate on the SA12: Middle Dale LCT, which would be Adverse, within 4.5 km of the turbines. Elsewhere, effects on landscape character would be moderate or less and Not Significant.
- 6.10 Significant visual effects would be limited, confined to receptors in relatively close proximity to the Proposed Development where there would be open views. These would be major/moderate and Adverse within the Stinchar Valley (northeast of Barr) receptor group and major/moderate and Adverse within the Dailly receptor group. Major and Adverse effects would also occur on the short 3 km section of NCN Route 7 as it passes along the eastern Site boundary although, more widely, effects on this route would be no more than moderate and Not significant.
- 6.11 All other visual receptors within the study area would experience moderate effects or less which would be Not Significant.
- 6.12 Following the provisions of Schedule 9, to minimise the effects on the surrounding landscape and visual resource, the Applicant has proposed the following embedded mitigation measures:
- Reduction in the proposed tip height of turbines from 230m to 200m in order to avoid any potential overbearing effects on the nearest residential properties, improve design fit with the adjacent Hadyard Hill turbines, and to provide a better design fit with the underlying landform.
  - Reduction in turbine numbers from 16 to 14 in order to provide a greater offset from residential receptors to the south and pull back from the sensitive Stinchar Valley.
  - Adjustments in turbine positions to maximise offsets from the nearest residential properties.
  - Adjustments in turbine positions to achieve a balanced and coherent layout composition from viewpoints around the Site.
  - Siting of the construction compound, substation and battery storage facility within the lower lying core of the Site, surrounded by retained forestry, to minimise visual prominence.

- Siting of borrow pit search areas on lower lying, inward facing slopes to minimise visual prominence.
- Minimising the requirement for forestry felling and the proposed restocking of forestry areas around turbines to minimise the appearance of keyholing.

6.13 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. 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

6.14 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 ecology baseline studies which were key to informing the final design of the site. 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 to the ecological receptors located within and nearby the Site. Following the surveys, the layout of the Development has been designed in a way to avoid the most sensitive habitats, including areas of deep peat and Groundwater Dependent Terrestrial Ecosystems.

6.15 Analysis and assessment of baseline ecological data have enabled the identification of appropriate mitigation measures to prevent, reduce, or offset potential adverse ecological effects. Measures include:

- Mitigation by design – avoidance of habitats with high conservation value and groundwater dependency;
- Pre-construction and Environmental Management Plan (CEMP);
- Creation of a Habitat Management Plan (HMP);
- Pre-construction surveys for protected species (Species Protection Plans);
- Peat restoration and increase in net biodiversity;
- Pre and post construction Ecological Clerk of Works (ECoW); and
- Maintaining a suitable buffer between turbines and high value bat habitats during operation

6.16 Following the implementation of good practise 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

6.17 The likely effects of the 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, mitigation and residual effects.

6.18 The assessment concludes that there are not likely to be any significant effects on ornithology as a result of the Proposed Development provided that mitigation measures are adopted as set out in Table 8.14 of Chapter 8. These include:

- Pre-construction CEMP;
- Breeding Bird Protection Plan;
- Survey bird community prior to decommissioning; and
- Appointment of ECoW to monitor activity

#### Protected Species – Fisheries and Stock of Fish

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

6.20 The effects to the conservation status of all fish species recoded are assessed as not significant. Nonetheless, to ensure compliance with relevant environmental legislation and implementation of good working practises, additional mitigation is proposed including the creation of a CEMP, a Habitat Management Plan and a Fish Monitoring Plan.

6.21 The effects of the proposed Development during operation are assessed to be not significant following mitigation such as sensitive design (e.g culverts and drainage) and construction best practise (e.g. pollution prevention), both embedded in the Development to provide lasting safeguards during operation.

6.22 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 the biodiversity. As such the Proposed Development is considered to comply with the provision of Schedule 9 in regard to ecological features of interest.

#### Protected Sites – Cultural Heritage and Archaeology

6.23 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.

6.24 In summary, there are considered to no significant direct effects likely upon known archaeological features within the Site with a low potential to encounter unknown remains due to forestry operations across the Site. Along the access route, in relation to archaeology, potential works along the road (U25) at the point required for the abnormal load alignment falls adjacent to an area of five huts (11565) recorded as non designated assets within the HER. Whilst little further information is available as to their nature or date, the WoSAS HER record notes that these are potentially of national (High-Medium) importance. While not anticipated, any disturbance as a result of proposed works in the vicinity could result in a moderate to substantial magnitude of change depending on the extent of disturbance to the group. However, any potential effects on archaeological features will be mitigated by the adoption of a scheme of archaeological work agreed with the WoSAS Archaeologist which may comprise measures to ensure avoidance of assets or watching briefs in more open moorland areas to ensure preservation by record. Consequently, no significant adverse effects are anticipated.

- 6.25 There are considered to be no significant indirect (settings) effects likely upon Cultural Heritage receptors in the surrounding historic environment with the exception of one receptor, category A Listed Dalquharran Castle.
- 6.26 The Proposed Development would not affect key elements of the immediate setting and designed landscape of the asset, nor the ability to understand and appreciate its historical and architectural aspects. The Proposed Development would appear at a distance of c.5 km in wider landscape views which form part of its design. The current poor condition of the castle mean that these views outwards, particularly from the upper levels, are less readily appreciated and therefore the assessment is provided on a precautionary basis which predicts that the potential magnitude of change to be moderate. This would result in an adverse effect, which is significant.
- 6.27 The predicted significant effect would arise as a result of the presence of the Proposed Development in the landscape taking up a proportion of the wider view, but only when seen from the inaccessible upper floors of Dalquharran Castle. The introduction of the Proposed Development relates only to one aspect of the asset and overall therefore the effect would be limited and would not result in a change that would be so significant as to reduce the cultural significance or amenity value of the asset. The poor condition of the asset and the absence of access and available views from upper floors are an additional contributing factor which reinforces the judgement that the Proposed Development accords with the provisions of Schedule 9 in terms of Cultural Heritage and Archaeology.

#### Additional Mitigation Measures

- 6.28 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;
  - Forestry; and
  - Infrastructure and human health

#### Summary of Compliance

- 6.29 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?

- 6.30 The primary Development Plan policies for considering the Proposed Development against are:
- LDP Policy: Wind Energy; and
  - Supplementary Guidance: Wind Energy
- 6.31 LDP Policy Wind Energy sets out that the Council will assess the acceptability of any proposed wind energy development against the following considerations:
- a. *they are capable of being accommodated in the landscape in a manner which respects its main features and character (as identified in the South Ayrshire Landscape Wind Capacity Study or in any subsequent updates to that study), and which keeps their effect on the landscape and the wider area to a minimum (through a careful choice of site, layout and overall design)*
- 6.32 Effects on landscape character and visual effects are addressed in Chapter 6 of the EIA Report. In summary, Significant effects on landscape character would be localised and confined to areas within no more than 4.5 km from the Proposed Development and, in most cases, less than this. These would comprise: major/moderate effects on the SA17c: Foothills with Forest and Wind Farm LCT, which would be Adverse, within 1.5 km of the turbines; major/moderate on the SA13: Intimate Pastoral Valleys LCT, which would be Adverse, within 3.5 km of the turbines; and, major/moderate on the SA12: Middle Dale LCT, which would be Adverse, within 4.5 km of the turbines. Elsewhere, effects on landscape character would be moderate or less and Not Significant.
- 6.33 The detailed study area is extensively covered by Local Landscape Areas. These broadly correspond with underlying LCTs and the reasons for their designation, and descriptions of special qualities, are closely linked to landscape character. There would be some areas of locally Significant effects on landscape character and views within the Stinchar Valley LLA, the Water of Girvan Valley LLA and the High Carrick Hills LLA although these would not fundamentally undermine any of the reasons for designation of any of these areas.
- 6.34 A Wild Land Assessment has been undertaken for the Merrick WLA and is provided in Technical Appendix 6.5. It includes consideration of cumulative wind energy development, including cumulative aviation lighting and it identifies that effects on the Merrick WLA would be of moderate/minor and Adverse. There would be no 'material change in the experience of any of the wild land qualities' and these effects would be Not Significant.
- 6.35 The key test on landscape is whether wind farms can be accommodated in a manner which respects the landscapes main features and character keeping their effects to a minimum including on the wider area. The LVIA assessment concludes that Significant effects on landscape character would be localised and confined to areas within no more than 4.5 km from the Proposed Development. Every wind energy development is likely to result in significant effects on local landscape and whilst the Proposed Development would result in some change to the local area and this would involve change to the local

character and composition from a number of views, this change is limited and in this case is not unacceptable.

6.36 Overall, given the limited landscape impacts and the value of the landscapes which would be affected, it is considered that the landscape is capable of accommodating the Proposed Development and that the design and scale of the proposal is appropriate to the scale and character of its setting, respects the main features of the local and wider landscape areas.

*b. they do not have a significant detrimental visual impact, taking into account views experienced from surrounding residential properties and settlements, public roads and paths, significant public viewpoints, and important recreational assets and tourist attractions;*

6.37 Significant visual effects would be limited, confined to receptors in relatively close proximity to the Proposed Development where there would be open views. These would be major/moderate and Adverse within the Stinchar Valley (northeast of Barr) receptor group and major/moderate and Adverse within the Dailly receptor group.

6.38 It is recognised that the acceptability of the visual impact of a wind energy development is largely subjective and that no conclusive evidence that wind turbines have a negative effect upon tourism or recreational routes. 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. Major and Adverse effects would occur on the short 3 km section of NCN Route 7 as it passes along the eastern Site boundary although, more widely, effects on this route would be no more than moderate and not significant.

6.39 A summary of other recreational routes and receptors are provided at Table 6.9 of Chapter 6 of the EIA Report. The effects on these routes and groups are adverse but not to the extent that they are significant.

6.40 In relation to night time effects this would give rise to moderate Adverse effects within the host landscape which would not be significant and on visual receptors in an area of dispersed settlement within the Upper Stinchar Valley would also experience moderate and adverse effects which would be significant.

6.41 Whilst Significant visual impacts are predicted on a short section for users of the NCN Route 7 and on receptors within the Dailly receptor group and parts of Stinchar valley, given that the area already accommodates wind energy development and the limited extent of the impact of the Proposed Development, overall it is concluded that no unacceptable visual impacts would occur.

6.42 The Proposed Development includes some enhancement measures to improve opportunities for recreational access in the area. These are set out in Chapter 14 of the EIA Report. In particular, the Site offers the opportunity to link up a number of existing recreational opportunities in the area as illustrated on Figure 14.2, in particular Core Path SA46 to the west of the Site and Core Path SA1 to the east of the Site. This link would establish a number of circular walks in the area, for example a 25km circular walk could be undertaken from Dailly by following the SA42, SA46, the tracks associated with the Proposed Development, the SA1, the SA43 and finally the SA42. A 29km circular walk could be undertaken from Barr by following the SA51, the SA46, the tracks associated with the Proposed Development, the SA1, and finally the SA52. Similarly from Crosshill a 30km circular walk could be undertaken by following the SA1, the tracks associated with the Proposed Development, the SA46, the SA42, the SA41 the SA43 and finally back along the SA1. These circular walks are illustrated on Figures 14.3-14.5.

*c. they do not have any other significant detrimental effect on the amenity of nearby residents, including from noise and shadow flicker;*

6.43 We consider this criterion requires consideration of:

- Noise

6.44 In terms of noise, Chapter 9 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 the Wind Energy Policy.

- Shadow flicker

6.45 In terms of shadow flicker, Chapter 14 of the EIA Report confirms that no significant shadow flicker effects are predicted on any nearby residential properties.

- Visual Dominance

6.46 In terms of visual dominance, Chapter 6 of the EIA Report and the Residential Visual Amenity Assessment 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.

*d. they do not have a significant detrimental effect on natural heritage features, including protected habitats and species, and taking into account the criteria in LDP policy: natural heritage*

- 6.47 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.
- 6.48 In summary, following the mitigation measures outlines in the chapters, no significant effects are predicted in relation to any receptors during the preparation, construction, operation and decommissioning phases of the Proposed Development and a habitat management plan and embedded mitigation will ensure compliance with legislation and best practise guidance.
- e. *they do not have a significant detrimental effect on the historic environment, taking into account the criteria in LDP policy: historic environment and LDP policy: archaeology;*
- 6.49 Chapter 7 of the EIA Report identifies a major/moderate adverse effect as a result of change to the category A Listed 18th century Dalquharran Castle (LB215) which would be significant.
- 6.50 The Proposed Development would not affect key elements of the immediate setting and designed landscape of the asset, nor the ability to understand and appreciate its historical and architectural aspects. The Proposed Development would appear at a distance of c.5 km in wider landscape views which form part of its design. The current poor condition of the castle mean that these views outwards, particularly from the upper levels, are less readily appreciated and therefore the assessment is provided on a precautionary basis which predicts that the potential magnitude of change to be moderate. This would result in a major/moderate adverse effect, which is significant.
- 6.51 The predicted significant effect would arise as a result of the presence of the Proposed Development in the landscape taking up a proportion of the wider view, but only when seen from the upper floors of Dalquharran Castle. The introduction of the proposed Development would not however result in a change that would be so significant as to reduce the cultural significance or amenity value of the asset. The poor condition of the asset and the absence of access to available views from upper floors are an additional contributing factor which reinforces the judgement that the Proposed Development accords with the provisions of this policy.
- 6.52 In relation to archaeology, the potential works along the road at the point required for the abnormal load alignment falls adjacent to an area of five huts (11565) recorded as non designated assets within the HER. Whilst little further information is available as to their nature or date, the WoSAS HER record notes that these are potentially of national (High-Medium) importance. While not anticipated, any disturbance as a result of proposed works in the vicinity could result in a moderate to substantial magnitude of change depending on the extent of disturbance to the group.
- 6.53 However, any potential effects will be mitigated by the adoption of a scheme of archaeological work agreed with the WoSAS Archaeologist which may comprise measures to ensure avoidance of assets or watching briefs in more open moorland areas to ensure preservation by record. Consequently, no significant adverse effects are anticipated.

- f. they do not adversely affect aviation, defence interests and broadcasting installations;*

6.54 Chapter 14 of the EIA Report provides an assessment of the Proposed Development in relation to aviation interests and broadcasting installations in the area. The EIA Report highlights that there is no impact on broadcasting installations. It is unlikely to affect aviation interests such as military low flying or civil radar inferences, with the exception of potential impacts at Glasgow Prestwick Airport, which can be mitigated: The proposed Development may interfere with the current radar operations at Glasgow Prestwick Airport (GPA) which may lead to an adverse effect upon the operation of air traffic controllers at GPA. Such impacts are not uncommon for wind energy proposals and the Applicant will engage with GPA to establish suitable mitigation arrangements for the Proposed Development. The Proposed Development could therefore operate without significantly affecting aviation, defence or broadcasting installations.

- g. their cumulative impact in combination with other existing and approved wind energy developments, and those for which applications for approval have already been submitted, is acceptable.*

6.55 Cumulative effects on all landscape and visual receptors in all scenarios would either be the same for Craiginmoddie alone or would be slightly reduced due to the existing presence of other wind farms. There would however be some localised differences in the scale, extent or nature of effects but overall none of these effects are assessed as significant. No other significant adverse effects are predicted across any of the other topic areas reported in the EIA Report and therefore the Proposed Development complies with the provisions of this policy.

#### Other Relevant Development Plan Policies

6.56 The majority of considerations raised by other Development Plan policies relevant to the Proposed Development are largely encapsulated within the requirements of LDP Wind Energy Policy. Acceptability under the test against this policy therefore infers no conflict with the provisions of other such policies. However, additional tests are set out in Supplementary Guidance: Wind Energy in relation to other topic areas.

#### Supplementary Guidance (SG): Wind Energy

6.57 The SG sets out a spatial framework for wind energy development consistent largely with the requirement of Table 1 of SPP; The site lies outwith all 2 km settlement buffers, national and international designations and Wild Land Areas and although there are some areas of deep peat the site is considered to be located within a predominantly SPP Group 3 'Area with potential for wind farm development'. This is due to the fact that deep peat areas have been largely avoided and no significant effects are anticipated on peat and as such the site is considered to have the properties of a Site within Group 3. Within such areas, SPP notes that wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria.

6.58 In terms of landscape sensitivity and landscape character it introduces a wind farm typology for height which is intended to identify wind farm 'opportunities' on the basis of

these height categories. The largest typology is for 'Large' turbines 70m+ in height. This does not represent a contemporary position in terms of presenting a robust basis on which to consider modern wind farm proposals. The SG provides some description of the cumulative areas which it considers are constrained for the future wind energy development, some of which apply to the Proposed Development. In both regards it is important to note that the SG cannot predict or assess individual design responses to site specific circumstances and cannot assess fully the strategic basis where wind farm development may or may not be more appropriate.

- 6.59 In terms of the 'Landscape Protection' and Landscape Quality' the policy objectives are to preserve those most important landscape qualities, which requires to be weighed against the recognition within LDP of how South Ayrshire can contribute to the climate change challenge through the deployment of wind energy development. This provision therefore facilitates a balanced judgment to be made in terms of measuring adverse effects on landscape against the contribution a wind energy development makes toward the climate change challenge.
- 6.60 No significant effects on the natural environment and biodiversity interests are predicted to arise from the Proposed Development:
- 6.61 The majority of the site is commercial forestry and felling is proposed to allow the wind turbine infrastructure. Chapter 13 of the EIA Report provides an assessment of the potential effects of the Proposed Development on forestry. The Applicant proposes to mitigate the loss of forestry on site by delivering compensatory planting offsite, prior to the operation of the proposed Development. Subject to mitigation, negligible environmental effects are predicted.
- 6.62 In relation to the Water environment the EIA Report identifies no significant adverse effects both on a solus or cumulative basis. A detailed hydrological assessment will be undertaken to further determine mitigation requirements for private water supplies and assuming successful design and implementation of mitigation including the requirement for a Construction Environmental Management Plan (CEMP), no significant effects are predicted.
- 6.63 Careful consideration has been given to the presence of peat in the layout and design during the early design stage. Initial peat probing established areas of deepest peat and this exercise was used to locate wind turbines away from these. Much of the peat surveyed was found to have already been disturbed by the commercial forestry. Phase 2 peat probing was undertaken when the turbine positions and infrastructure layout was initially fixed and this was also used to inform the Peat Slide Risk Assessment. It is anticipated that volumes of peat and requirements for reuse are likely to be roughly equal and subsequently, there will not be any surplus peat resulting from the construction of the Proposed Development. Overall it is concluded that the Proposed Development would not result in any unacceptable impacts upon carbon rich soils, including peat.
- 6.64 No designations or species of national interest would be affected by the Proposed Development and the Site would largely operate as Group 3 (as per Table 1 of SPP) and the environmental effects are generally of local significance and not considered to be unacceptable. Following good practice and embedded mitigation, and based on the

data collected, it is not predicted that there will be any significant effects as a result of the construction or operational phase of the Proposed Development in relation to ecological interests and there are no significant effects predicts on any bird populations. A CEMP, Habitat Management Plan and a Species Protection Plan will be produced and can be secured by planning condition to protect biodiversity interests.

- 6.65 The traffic generation associated with the construction phase of the Proposed Development has been based on a worst-case scenario where the bulk of the construction materials will be sourced from off-site quarries. Subject to agreement of a Construction Traffic Management Plan (CTMP or TMP) the overall impact is considered to be not significant. Notwithstanding, two on-site borrow pits have been identified, the use of these would significantly reduce the number of transport movements to Site.
- 6.66 An Abnormal Loads Assessment for transportation of turbine components has been undertaken. This identifies that turbine components can be transported to site using conventional turbine component transportation vehicles. The route will be subject to some localised widening and a new access track is proposed just south of Dailly. Once the turbine model is confirmed, an Abnormal Load Traffic Management Plan will be prepared setting out the key points and issues associated with abnormal loads for the selected turbine. This can be secured through an appropriate planning condition.
- 6.67 The potential locations for borrow pits areas have been identified based on a previous assessment undertaken for the Hardyard Extension Wind Farm proposal. Upon review of the information available, geological mapping and site reconnaissance the location of the borrow pit areas have been confirmed as suitable. As is standard practise, the ground investigations necessary for the detailed design of the borrow pits will be undertaken post consent. This will include the depth, orientation, and design of the borrow pits within the search areas. To ensure that the detailed design of the proposed borrow pits are acceptable in terms of noise, landscape and other environmental considerations a planning condition is proposed requiring a site-specific scheme for the working and restoration of the borrow pits forming part of the Proposed Development to be submitted for the approval of South Ayrshire Council in consultation with SEPA. The use of onsite borrow pits will provide significant environmental benefits in terms of traffic movement on the local road network.
- 6.68 If approved, it is anticipated that standard conditions dealing with the requirements for decommissioning of wind turbines (for example where they have not been operational or a certain period of time) and site restoration can be attached to the consent and deemed planning permission.

## Other material considerations

- 6.69 Sections 3 to 5 of this Planning Statement and Chapter 5 of EIAR sets out the renewable energy, national planning policy and other material considerations that are relevant to the Proposed Development. The other material considerations which the Applicant considers to be particularly relevant are set out below.
- 6.70 NPF3 is clear that onshore wind development is recognised as a key technology in the energy mix which will contribute to Scotland becoming 'a low carbon place' which in turn

will be a key part of the 'vision' for Scotland. Furthermore, the Scottish Government has made it unequivocally clear that it wants to continue to "capitalise on our wind resource". The Proposed Development would contribute towards the 2045 net zero target set out in the Climate Change (Emissions Reductions Targets) (Scotland) Act 2019 which now makes the drive to attain net zero emissions legally binding .

- 6.71 Whilst the NPF4 Position Statement does not yet provide any detail of any changes to spatial planning for onshore wind, the document provides an insight into the Government's direction of travel for policy. Onshore wind is the specific renewable technology referenced in the key opportunities and is therefore expected to play a significant role in the plan for net-zero emissions.
- 6.72 It is clear that the Scottish Government is following the clear recommendations of the CCC, namely the need for an urgent and radical shift in policies and recognition that the climate emergency should be a material consideration in considering applications for renewable energy developments. Whilst the NPF4 Position Statement does not represent policy change, it is a clear insight into the direction of travel of policy and the Statement represents a material consideration in the determination of the proposal.
- 6.73 SPP sets out continued support for onshore wind in a similar manner to the previous SPP. However, it also now sets out a presumption in favour of development that contributes to sustainable development. The 'presumption in favour' is an important aspect of national planning policy. The adopted Development Plan is over 5 years old and, although the Plan is only a material consideration in itself, the Proposed Development benefits from a 'presumption in favour' and is considered to be consistent with the principles of sustainable development.
- 6.74 It is important to note that although there are some areas of deep peat, with mitigation and provisions in place secured through a Peat Management Plan, in terms of the spatial framework set out in the LDP and Table 1 of SPP, the Site is considered as identifiable as a 'Group 3' area with 'potential for wind farm development'. Within such areas, SPP notes that wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria. The consideration of such criteria is encapsulated by the requirements of LDP Policy: wind energy and, as noted elsewhere in this Planning Statement, the Proposed Development is not considered to raise any unacceptable conflict with the issues raised.
- 6.75 The Scottish Government's Onshore Wind Policy Statement highlights the "vital" role that onshore wind will continue to play in Scotland's future, *"helping to substantively decarbonise our electricity supplies, heat and transport systems, thereby boosting our economy, and meeting local and national demand"*. The Policy Statement further adds that this important role *"means we must support development in the right places, and – increasingly – the extension and replacement of existing sites, where acceptable, with new and larger turbines, based on an appropriate, case by case assessment of their effects and impacts"*.
- 6.76 Other material considerations and benefits of the Proposed Development include:

- a) The Proposed Development would make a direct contribution to achieving renewable energy generation targets in the UK and would support Scottish Government policy to encourage more electricity generation from renewable sources, to secure greenhouse gas reductions and to attain energy security of supply.
- b) The installed capacity of the Proposed Development is estimated to be 92.4 MW (assuming 14 x 6.6 MW machines). The amount of electricity produced by the Proposed Development is estimated to be 215 GWh per year based on a capacity factor of 26.6% which could generate enough electricity to meet the demands of 59,509 homes. This is detailed at Technical Appendix 3.1. However, this figure is based on the UK average which includes older, less efficient machines and therefore it is expected that output will far exceed this. Modern turbines and turbines at the scale proposed are far more efficient compared to older models and it is anticipated that this wind farm would operate at a capacity of around 35%. This would result in a predicted output that could generate enough electricity to supply the equivalent of 78,302 homes ( $92.4\text{MW} \times 0.35 \times 8,760 / 3,618$ ).
- c) In addition, the Proposed Development could give rise to a range of opportunities for civil engineering and associated works for local contractors during the construction phase, with investment in the local economy and supply chain. SPP paragraph 169 is clear that net economic impact, including the community socio-economic benefits such as employment, associated business and supply chain opportunities are relevant material considerations in the determination of onshore wind proposals.
- d) As set out at Chapter 15 of the EIA Report, utilising RenewableUK assumptions the Applicant would invest more than £113 million in the project. This is a significant investment with a strong policy fit both regionally and nationally -
- e) The total value of contracts that could be secured in South Ayrshire has been estimated at £22.8 million and in Scotland as a whole businesses could secure contracts worth £47.2 million -
- f) Energiekontor is keen to maximise these local economic benefits and will put a local contracting procurement policy in place for the Proposed Development (see **Appendix A**) which will give price advantage to local firms in bidding for contracts.
- g) Enhancement measures to improve opportunities for recreational access in the area are proposed. In particular, the Site offers the opportunity to link up a number of existing recreational opportunities in the area as illustrated on Figure 14.2 and set out in Chapter 14 of the EIA Report.
- h) In September 2015 the Scottish Government published the document 'Scottish Government Good Practice Principles for Shared Ownership of Onshore Energy Developments'. This document outlines the Scottish Government's belief that shared ownership projects offer Scotland the opportunity for improved community empowerment, that will in turn lead to increased local economic and social benefits. In line with these ambitions, the Proposed Development would include a shared ownership offer for the local community.
- i) The Proposed Development would be expected to generate significant business rates revenue over its 35 year lifetime. This revenue would be retained by the Council.

6.77 The Proposed Development would therefore result in a wide range of benefits which should be afforded significant weight in the planning balance when determining the acceptability of this proposal.

## 7 CONCLUSIONS

### Summary and Conclusions

- 7.1 As the Proposed Development will have an installed capacity exceeding 50MW, the application for consent and deemed planning permission is made to Scottish Ministers under Section 36 of the Electricity Act 1989. Paragraph 3(2) of Schedule 9 to 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 that accompanies this application addressed these. It is considered that 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 1989 in this regard.
- 7.2 The Proposed Development would also comply with those elements of the adopted Development Plan which are themselves consistent with SPP -
- 7.3 The Proposed Development would introduce a new, commercial scale wind energy development into foothills forming a plateau between the Girvan and Stinchar Valleys where commercial wind farms are an existing characteristic feature. It would extend this form of development further inland and would comprise turbines of larger scale, representing an evolution in wind turbine technology from the currently operational wind farms in the area which have been present in the landscape for a number of years. In terms of future policy and guidance, the Government has set out twelve key opportunities as part of the NPF4 Position Statement, which itself should be given material weight in the determination of current applications; this specifically references the support for renewables supporting energy development and recognising the role of extending existing wind farms which is expected to make consenting easier for extensions to existing projects.
- 7.4 Any wind energy development is likely to result in significant effects on local landscape. The Proposed Development would result in some change to the local area and this would involve change to the local character and composition from a number of views, but change in itself is not unacceptable and notable is the fact that significant effects are only predicted in some parts of the LCT areas. Views from the upper floor of Dalquharran Castle may be adversely affected as a result of the Proposed Development on a precautionary basis, but this harm is limited and relates to one aspect. 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.
- 7.5 The scale of the threat we face through climate change is more widely acknowledged by governments across the world. This is reflected in a number of recent publications including:
- The National Planning Framework 4 Position Statement (November 2020);
  - The National Audit Office (NAO) report, 'Achieving Net Zero' (December 2020);
  - The Committee on Climate Change Sixth Carbon Budget, 'the UK's Path to Net Zero' (December 2020);

- The UK Energy White Paper 'Powering our Net Zero Future' (14 December 2020); and
- The Update to the Climate Change Plan (2018-2032) 'Securing a Green Recovery on a Path to Net Zero' (16 December 2020).

7.6 Having examined the material planning issues raised by consultees in 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 planning permission should be refused. Specifically, in drawing our conclusions, our view is that:

- Scottish Government has made it unequivocally clear that it wants to continue to "capitalise on our wind resource" and the declaration of a climate emergency has resulted in an urgent and radical recent shift in policies encapsulated in the Climate Change Plan (Scotland 2019) and recently published Update to the Climate Change Plan (2018-2033). This now commits Scotland to a new objective of net zero emissions of all greenhouse gases by 2045 and a series of interim and annual targets towards this. The need case for the new renewable generation has been materially strengthened by the new net zero legislation. 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 this application.
- NPF3 and SPP set out a strong position of support for renewable energy developments. In particular onshore wind energy development and the contribution that they can make towards a low carbon economy, sustainability and reducing greenhouse gas emissions. This support is qualified by the need to ensure that such developments are guided to appropriate locations and the need to ensure that environmental impacts are satisfactory. In terms of the spatial framework set out in the Table 1 of SPP, the Site is identifiable as a 'Group 3' area with 'potential for wind farm development'. Within such areas, SPP notes that wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria.
- Onshore wind is the specific renewable technology referenced in the key opportunities as set out in the NPF4 Position Statement and is therefore expected to play a significant role in the plan for net-zero emissions.
- The 'presumption in favour' is a material consideration and the Proposed Development is considered to be consistent with the principles of sustainable development.

7.7 There are forceful material considerations that lend support to the case that consent should be granted for the reasons explained above. A key consideration in this regard is the presumption in favour of sustainable development as set out in SPP and It is our view that the presumption is engaged. Another key consideration is the direction of travel for policy in recognition of the urgency and need to act on the climate change challenge.

7.8 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.

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

## APPENDIX A:

# Energiekontor Contractor Procurement Policy

### Background

*Energiekontor UK Ltd is a renewable energy development company with offices in Leeds, Glasgow and Edinburgh. 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.***



**ENERGIEKONTOR UK LTD**

**SCOTLAND**

31 Dewar Place Lane  
Edinburgh  
EH3 8EF  
T: +44 (0)131 6000 850

**ENGLAND**

4330 Park Approach  
Thorpe Park  
LEEDS  
LS15 8GB  
T: +44 (0)113 204 4850

[info@energiekontor.co.uk](mailto:info@energiekontor.co.uk)  
[www.energiekontor.co.uk](http://www.energiekontor.co.uk)