

Glenvernoch Wind Farm

Environmental Impact Assessment Report Chapter 5: Renewable Energy and Planning Policy

October 2024

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5 RENEWABLE ENERGY AND PLANNING POLICY

Introduction

- 5.1 This chapter provides an outline of the national and local planning policies, guidance and other material considerations that are potentially relevant to the Proposed Development.
- 5.2 To maintain the impartiality of the Environmental Impact Assessment Report (EIA Report), this chapter does not assess whether the Proposed Development would comply with the identified policies. A separate Planning Statement which assesses the conformity of the Proposed Development with the Development Plan and other material considerations is also submitted as part of the planning application. The Planning Statement is separate from the EIA Report.
- 5.3 The proposed Development will be considered under Section 36 of the Electricity Act 1989. As part of the S.36 application process, the applicant will request that the 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.
- 5.4 In materially considering the Development Plan, the test to be applied is not the same as in the case of the Town and Country Planning (Scotland) Act 1997 as amended (the 1997 Act). The test, as set out in Section 25 of the 1997 Act, against the Development Plan is not triggered in the case of S36 applications. In effect 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.
- 5.5 Schedule 9 of the Electricity Act 1989 sets out environmental features which the decision maker must have regard to, these are:
- Preserving natural beauty;
 - Conserving flora, fauna and geological or physiological features of special interest; and
 - Protecting sites, buildings and objects of architectural, historic or archaeological interest.
- 5.6 In addition, Schedule 9 identifies that mitigation must be considered, requiring applicants to:
- Do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.
- 5.7 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."

- 5.8 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."

Planning Policy

The Development Plan

- 5.9 The Development Plan applicable to the Site consists of:

- The National Planning Framework 4; and
- Dumfries and Galloway Council Local Development Plan

- 5.10 Relevant policies are set out below.

The National Planning Framework 4

- 5.11 NPF4 was published on 13 February 2023 and combines the spatial framework for Scotland with Scottish Planning Policy for the first time, forming part of the statutory Development Plan.

- 5.12 Annex A (page 94) of the document explains how NPF4 is to be used. It states:

"The purpose of planning is to manage the development and use of land in the long-term public interest...Scotland in 2045 will be different. We must embrace and deliver radical change so we can tackle and adapt to climate change, restore biodiversity loss, improve health and wellbeing, reduce inequalities, build a wellbeing economy and create great places."

- 5.13 NPF4 contains a spatial strategy, national level development management policies and identification of national developments which are aligned to the strategic themes of the Government's Infrastructure Investment Plan. NPF4 therefore introduces, for the first time, centralised development management policies which are to be applied across Scotland.

- 5.14 Part 1 of NPF4 sets out details of the National Spatial Strategy for Scotland. From the outset, it is clear that tackling climate change and achieving net zero emissions is at the forefront of the National Spatial Strategy:

"we have set a target of net zero emissions by 2045, and must make significant progress towards this by 2030. This will require new development and infrastructure across Scotland."

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

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

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

- 5.17 Onshore wind farms exceeding 50 megawatts capacity are identified as national developments. NPF4 states:

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

A large increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets. Certain types of renewable electricity generation will also be required, alongside developments and increases in storage technology and capacity, to provide the vital services, including flexible response, that a zero-carbon network will require. Generation is for consumption domestically as well as for export to the UK and beyond, with new capacity helping to decarbonise heat, transport and industrial energy demand. This has the potential to support jobs and business investment, with wider economic benefits."

- 5.18 Even for wind farm developments that do not meet these national designation thresholds, the importance placed on rapid electricity generation indicates the government's keen stance on renewable energy infrastructure. This is further outlined by the statement of need and the fundamental part that renewable energy has in meeting net zero targets.

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

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

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

5.21 Part C of the policy sets out that:

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

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

5.23 Part A of the policy states that:

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

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

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

- 5.25 Part D of Policy 3 requires any adverse effects, including cumulative impacts, resulting from the Proposed Development on biodiversity, nature networks and natural environment to be mitigated and minimised through careful planning and design.
- 5.26 Policy 4 'Natural Places' seeks to protect, restore and enhance natural assets making best use of nature-based solutions.
- 5.27 Policy 4(a) considers development proposals that will have an unacceptable impact on the natural environment by virtue of type, location and scale, will not be supported.
- 5.28 Policy 4(d) considers the effects proposals will have on designated landscapes such as a local nature conservation site or landscape area in the LDP. The following considerations are made:
- i. Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or*
 - ii. Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.*
- 5.29 Policy 4(f) allows for proposals to be supported if they meet the relevant statutory tests where it has been identified that there is likely to be an adverse effect on species protected by legislation. *"If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application."*
- 5.30 Policy 4(g) removes the need for consideration of effects of development on wild land if the development is meeting renewable energy targets and states buffer zones around wild land will not be applied in this case.
- 5.31 Policy 5(a) allows for proposals to be supported if they are designed and constructed according to the mitigation hierarchy by firstly avoiding and then minimising the amount of disturbance to soils on undeveloped land, and in a manner that protects soil from damage and minimises soil sealing.
- 5.32 Policy 5 (c) allows for the use of peatland, priority peatland and carbon rich soils for a limited number of uses, including renewable energy generation and states planning applications of this nature should be supported.
- 5.33 Policy 5(d) allows for development on peatland, carbon-rich soils and priority peatland habitat subject to a detailed assessment which identifies the baseline depth, habitat condition, quality and stability of carbon-rich soils, the likely effects of the development on peatland, and the likely effect of the development on climate emissions.
- 5.34 Policy 7 'Historic assets and places' seeks to protect and enhance historic environment assets and places.
- 5.35 Part A of Policy 7 sets out that development proposals with the potential to significantly impact historic assets and places must be accompanied by an assessment which is based

on an understanding of the cultural significance of the historic asset and/or place. Assessments should identify likely physical or visual impacts of any proposals, including cumulative effects.

5.36 Policy 7(h) allows for development proposals that will affect scheduled monuments to be supported where direct impacts on scheduled monuments are avoided, significant adverse impacts on the integrity of the setting of the scheduled monument are avoided, and exceptional circumstances have been demonstrated to justify the impact on a scheduled monument and its setting and that any such impacts are minimised.

5.37 Policy 11 seeks to encourage, promote and facilitate all forms of renewable energy development onshore and offshore and states that “LDPs should seek to realise their area's full potential for electricity and heat from renewable, low carbon and zero emission sources by identifying a range of opportunities for energy development”. The policy outlines a number of considerations for renewable energy development:

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

5.38 Policy 22 ‘Flood risk and water management’ seeks to strengthen the resilience to flood risk by promoting avoidance as the first principle and reducing the vulnerability of existing and future development to flooding.

- 5.39 Part C of Policy 22 requires development proposals to not be at risk of surface water flooding, increase the risk of surface water flooding to others, manage all rain and surface water through integrated Sustainable Urban Drainage Systems (SUDS), and seek to minimise the area of impermeable surface.
- 5.40 Policy 22(e) supports development proposals that implement measures to create, expand or enhance opportunities for natural flood risk management.
- 5.41 The accompanying Planning Statement assesses the Proposed Development against NPF4.

Dumfries and Galloway Council Local Development Plan

- 5.42 Dumfries & Galloway Council adopted its current Local Development Plan (LDP) in October 2019. It provides the planning framework for the Council area and will be kept under review and replaced at least every five years.
- 5.43 The LDP acknowledges at the outset that:

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

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

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

- 5.44 The LDP sets out a 'vision' of what Dumfries and Galloway will look like in 20 years' time. This includes the statement on page 11 that:

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

- 5.45 Policy IN1 relates to renewable energy and Policy IN2 relates specifically to onshore wind development. These are the two most relevant policies for the Proposed Development.
- 5.46 Policy IN1 states:

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

- *Landscape and visual impact;*
- *Cumulative impact;*

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

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

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

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

5.47 Policy IN2 states:

"Assessment of all windfarm proposals:

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

Renewable energy benefits:

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

Socio-economic benefits:

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

Landscape and visual impacts:

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

Cumulative impact:

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

Impact on local communities and residential interests:

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

Impact on infrastructure:

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

Impact on aviation and defence interests:

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

Other impacts and considerations:

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

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

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

- 5.48 The following policies of the LDP are also considered to be relevant to the Proposed Development:
- 5.49 Policy OP1 is an overarching policy that sets out general development considerations. It highlights that development will be assessed against various considerations depending on the scale, nature and location of the proposal including general amenity; historic landscape; landscape; biodiversity and geodiversity; transport and travel; sustainability; and the water environment.
- 5.50 Policy OP2 is an overarching policy that sets out general considerations in relation to design quality of new development. It highlights that development proposals should achieve high quality design in terms of their contribution to the existing built and natural environment, contributing positively to a sense of place and local distinctiveness.

- 5.51 Policy ED11 relates to the Council's support for the Galloway Forest Dark Sky Park. The Council will assess proposals for development on their merit where they do not adversely affect the objectives of the Dark Sky Park designation.
- 5.52 Policy HE1 relates to listed buildings. It sets out that certain considerations that apply to development proposals that impact on the character or appearance of a listed building or its setting.
- 5.53 Policy HE2 relates to Conservation Areas. It sets out that the Council will support development within or adjacent to a Conservation Area that preserves or enhances the character and appearance of the area.
- 5.54 Policy HE3 relates to archaeology. It sets out that the Council will support development and protects significant archaeological and historic assets, and protect the wider historic environment from adverse effects.
- 5.55 Policy HE4 relates to Archaeologically Sensitive Areas. It sets out that the Council will support development that safeguards the character, archaeological interest and setting of Archaeologically Sensitive Areas as designated by the Council.
- 5.56 Policy HE6 relates to gardens and designed landscapes. It sets out that the Council will support development that protects or enhances the significant elements, specific qualities, character, integrity and setting, including key views to and from, gardens and designed landscapes included in the Inventory of Gardens and Designed Landscapes or the Non-Inventory List. Proposals that would have a detrimental effect on the specific quality, character or integrity of a garden or designed landscape will not be approved unless it is demonstrated that the proposal has benefits of overriding public interest.
- 5.57 Policy NE2 relates to Regional Scenic Areas. It sets out that development within, or which affects Regional Scenic Areas, may be supported where the Council is satisfied that the landscape character and scenic interest for which the area has been designated would not be significantly adversely affected.
- 5.58 Policy NE4 relates to sites of international importance for biodiversity. It sets out that development proposals likely to have a significant effect on an existing or potential Special Protection Area, existing or candidate Special Area of Conservation or Ramsar site, including developments outwith the site, will require an appropriate assessment and will only be permitted where inter alia the development does not adversely affect the integrity of the site.
- 5.59 Policy NE5 relates to species of international importance. It sets out that development proposals that would be likely to have an adverse effect on a European Protected Species will not be permitted unless it can be shown inter alia that the development would not be detrimental to the maintenance of the population of the species at a favourable conservation status in its natural range, and that there is no satisfactory alternative and the development is required for preserving public health or safety or for other areas of overriding public interest.
- 5.60 Policy NE6 relates to sites of national importance for biodiversity and geodiversity. It sets out that development affecting Sites of Special Scientific Interest and other national nature conservations will only be permitted where inter alia it will not adversely affect the integrity of

the area or the qualities for which it has been designated or that any such adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.

- 5.61 Policy NE7 relates to forestry and woodland. It sets out that proposals should seek to ensure that ancient and semi-natural woodlands and other woodlands with high nature conservation value are protected and enhanced.
- 5.62 Policy NE8 relates to trees and development. It sets out that where it is not possible to retain woodland then appropriate replacement planting will be required. Any such replacement planting scheme would be located where possible within the region and follow guidance contained within the Forestry and Woodland Strategy.
- 5.63 Policy NE11 relates to the water environment. It sets out that the Council will not permit development which would result in deterioration in the status of a waterbody or which would likely impede the improvements in waterbody status as set out in the Solway Tweed River Basin Management Plan, unless there are exceptional justifying circumstances. The policy further sets out that culverting of waterbodies should only be carried out where acceptable mitigation measures would be put in place to protect habitats, passage of fauna, and river form and flow.
- 5.64 Policy NE12 relates to protection of water margins. It sets out that where new development is proposed adjacent to or in the vicinity of waterbodies, the water margins will be protected unless there are compelling reasons to justify why this should not be done.
- 5.65 Policy NE15 relates to the protection and restoration of Peat Deposits as Carbon Sinks. It sets out that the Council will safeguard and protect peat deposits. Where renewable energy generating development is proposed the balance of advantage in terms of climate change mitigation must be with the proposed development.
- 5.66 Policy T1 relates to transport infrastructure. It sets out that development proposals will be appraised to determine their effects on the performance of the strategic and regional highway network.

Material Considerations

- 5.67 This section sets out relevant material considerations, namely:

- International Renewable Energy Policy Framework
- UK Carbon and Renewable Energy Policy
- Scottish Government Renewable Energy Policy Documents
- Scottish Government Web Based Renewable Guidance
- Local landscape capacity and wind farm sensitivity studies

- 5.68 These are considered in turn below.

International Renewable Energy Policy Framework

- 5.69 This section identifies the renewable energy policy framework at the international and national level that applies to renewable electricity generation and related climate change action.
- 5.70 The Planning Statement that accompanies this EIAR examines these policy documents in detail and sets out the hierarchy of EU, UK and Scottish Government renewable energy policy.
- 5.71 In terms of the relevant policy framework at the International and European level, the following key documents are of relevance:
- International Agreements and Obligations – The COP21 UN Paris Agreement and COP26 Paris Rulebook and Glasgow Climate Pact
 - EU Renewable Energy progress Report – October 2020

UK Carbon and Renewable Energy Policy

- 5.72 In terms of UK carbon and renewable energy policy, the following documents are of relevance:
- UK Energy White Papers
 - The UK's Sixth Carbon Budget (June 2021)
 - Net Zero: Build Back Greener (2021)
 - British Energy Security Strategy (2022)

Scottish Government Renewable Energy Policy Documents

- 5.73 The following Scottish government renewable energy policy documents are also of relevance:
- Scotland's Energy Strategy (2017);
 - The Committee on Climate Change (CCC) advice to the Scottish Government on recovery from the Covid-19 crisis (May 2020);
 - The recommendations from the Scottish Government's Advisory Group on Economic Recovery (June 2020);
 - The Report from the Climate Emergency Response Group (CERG) 'Eight Policy Packages for Scotland's Green Recovery' (July 2020);
 - The Update to the Climate Change Plan (December 2020);
 - The Scottish Energy Strategy Position Statement (March 2021);
 - Scottish Government's 'Bute House Agreement' (August 2021);
 - Scottish Government Programme for Government 2021-2022;
 - Onshore Wind Policy Statement (2022);
 - Draft Energy Strategy and Just Transition Plan (2023); and
 - Onshore Wind Sector Deal (2023).

Scotland's Energy Strategy

- 5.74 The Scottish Energy Strategy 2017 sets out the Scottish Government's overarching position on many forms of energy, including onshore wind. Specifically, it states that *"onshore wind must continue to play a vital role in Scotland's future" ... "which can be done in a way which is compatible with Scotland's magnificent landscapes."* The Energy Strategy is currently being updated, with a draft Energy Strategy accompanying the Just Transition Plan in early 2023. These reiterate the findings of the Onshore Wind Policy Statement and aim to drive Scotland towards Net Zero by 2045, with a clear focus on the delivery of 12GW of new installed capacity by 2030.

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

- 5.75 The CCC advice to the Scottish Government in May 2020 came after the Scottish Government approached the CCC requesting advice on a green recovery for Scotland in light of the Covid 19 pandemic. Within its response, the CCC sets out that *"reducing greenhouse gas emissions and adapting to climate change should be integral to any recovery package."* The CCC also note that many of the large infrastructure programmes are *"critical to preparing for climate change and achieving net zero emissions."* Reference is specifically made to onshore wind as part of the large infrastructure required, and the CCC add that *"acceleration of these projects should take priority."*

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

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

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

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

The Update to the Climate Change Plan

- 5.78 In December 2020, the Scottish Government published an update to the Climate Change Plan, covering the period 2018 to 2032, and responding to the new requirement in Scotland to meet net zero by 2045. Page 9 in particular sets out the strategic goal of achieving “decarbonisation across the whole energy system, including electricity, transport, industry and buildings” and “integrating climate change action into all of the decisions we make across Government”.
- 5.79 The Update sets out the intention to prepare an Energy Strategy in 2021 and an updated Electricity Generation Policy Statement by 2022. Page 19 refers to a 2032 ‘pathway’ whereby decisions take account of benefits across all energy sectors as well as economic and social benefits they create across Scotland. By 2032 it is intended that we will generate at least the equivalent of 50% of our energy from renewable sources. It is stated on page 18, importantly, that “there will be a substantial increase in renewable generation, particularly through new offshore and onshore wind capacity”.
- 5.80 The planning and consenting systems are recognised (p78) as remaining a “critical enabler of rapid renewables deployment in Scotland”. The Climate Change Plan Update expects that renewable energy generation is expected to increase substantially between now and 2032 with an expectation of the development of between 11 and 16GW of new capacity to meet a rapidly increasing electricity demand.

The Scottish Energy Strategy Position Statement

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

Scottish Government's 'Bute House Agreement'

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

The Scottish Government's Programme for Government 2021-2022

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

Onshore Wind Policy Statement

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5.92 The Vision Statement includes the following statement:

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

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

- Shared land use;
- Peat and carbon-rich soils;
- Forestry;
- Biodiversity;
- Landscape and visual amenity; and
- Noise

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

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

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

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

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

Draft Energy and Just Transition Plan

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

Onshore Wind Sector Deal

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

Scottish Government Web Based Renewables Guidance

- 5.99 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.
- 5.100 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.
- 5.101 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.

Local landscape capacity and wind farm sensitivity studies

Supplementary Guidance, Part 1 Wind Energy Development

- 5.102 In February 2020 the Council updated its *Supplementary Guidance, Part 1 Wind Energy Development: Development Management Considerations* document. It provides additional guidance in support of Part 1 of LDP Policy IN2. It sets out a range of development

management considerations which should be taken into account when determining proposals for wind energy development, rather than providing specific additional development management considerations beyond what is already contained within the relevant policies of the LDP. The document also includes an updated Wind Farm Landscape Capacity Study prepared by Carol Anderson Landscape Associates as an appendix ("the 2020 DGWLCS").

5.103 The 2020 DGWLCS finds that there is only scope for additional large turbine development (80-150m) in the following landscapes:

- Plateau Moorland (17)
- Plateau Moorland with Forest (17a)
- Foothills with Forest – Ae, Stroan, Eskdale, Oer and Tinnisburn (18a)
- Southern Uplands – NW Lowthers area only (19)
- Southern Uplands with Forest – Ken area (19a).

5.104 The Site is located within the 17a Plateau Moorland with Forest unit. It is therefore one of only a handful of areas within Dumfries and Galloway that has been identified as having scope for additional large turbine development.

5.105 In relation to the Plateau Moorland with Forest unit, the 2020 DGWLCS makes the following comments:

- There would be a High sensitivity to the Very Large typology (turbines >150m high) comprising new developments principally due to cumulative effects that would be likely to occur with some operational wind farms which comprise substantially smaller turbines, and effects on the Galloway Hills, Merrick wild land area and smaller scale diverse landscape features.
- There would be a High-medium sensitivity to the large typology (turbines 80m-150m) because of potential effects on the Galloway Hills, Merrick wild land area and smaller scale diverse landscape features.
- The generally simple landform, expansive scale and uniform land cover of coniferous forestry which could relate to larger typologies.
- The sparsely settled nature of this landscape and the relatively limited visibility from areas which are distant from public roads and settlement and the screening provided by forestry.
- An absence of landscape designations.
- All development typologies should avoid impacting on the setting and views to small lochs, on areas of more complex landform, including small but pronounced hills such as Glenvernoch Fell, and on archaeological features as these enrich the landscape of this character type and often provide focus in views.
- Intrusion on key views to the Galloway Hills, for example from the A714 and the Cree Valley, should be avoided.

- Potential cumulative landscape and visual effects with other operational and consented wind farms would need to be carefully considered as this landscape is considered to be close to reaching capacity for additional development. Key cumulative sensitivities are likely to include effects on smaller scale settled landscapes on the outer fringes of this landscape, on the Merrick wild land Area and on views from the south-eastern coast of the Rhins, parts of the Machars, the Galloway Hills and the A75 and A714.

Summary

- 5.106 This chapter outlines the key national and local planning policies, guidance and other material considerations that are relevant to the proposed development, and which inform the EIA Report and design.
- 5.107 To maintain the impartiality of the EIA Report, the chapter does not assess whether the proposed development would comply with the identified policies. A separate Planning Statement which assesses the compliance of the proposed development with the Development Plan and other material considerations is also submitted as part of the application. The Planning Statement is separate from the EIA Report.