Quantans Hill Wind Farm Planning, Design and Access Statement

۲



۲

۲



Document history

Author	Lesley (Cartwright, S	Senior Pro	ject	Manager	30/11/2021
Checked	Emily G	alloway, Te	chnical Di	recto	or	02/12/2021
Approved	Alison	Sidgwick,	Director	of	Onshore	20/01/2023
	Planning	g & Environ	ment			

Client Details Contact Matt Bacon Client Name Vattenfall Wind Power Ltd

Issue	Date	Revision Details
А	02/12/2021	Draft issued for review
В	09/12/2021	Issued for further review
С	10/12/2021	Released
D	11/01/2023	Update
E	23/01/2023	Released

Local Office:

The Green House Forrest Estate Dalry Castle Douglas DG7 3XS SCOTLAND UK Tel: +44 (0) 1644 430 008 **Registered Office:**

The Natural Power Consultants Limited The Green House Forrest Estate, Dalry Castle Douglas, Kirkcudbrightshire DG7 3XS

Reg No: SC177881

VAT No: GB 243 6926 48

Contents

1.	Intro	duction	1
	1.1.	The Applicant	1
	1.2.	Consultants	2
2.	Envii	ronmental Impact Assessment Report	2
3.	Desi	gn and Access	2
4.	Over	view of the Proposed Development	4
5.	Natio	nal Legal and Policy Framework	4
	5.1.	The Electricity Act 1989	4
	5.2.	The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017	5
	5.3.	The Town and Country Planning (Scotland) Act 1997 (as amended)	5
	5.4.	Climate Change Legislation and Energy Policy	6
	5.5.	The Climate Change (Scotland) Act 2009	7
	5.6.	Scotland's Energy Strategy 2017	7
	5.7.	Scotland's Draft Energy Strategy and Just Transition Plan	8
	5.8.	The Climate Change Plan 2018	9
	5.9.	Net Zero - The UK's Contribution to Stopping Global Warming 2019	10
	5.10.	Climate Emergency	10
	5.11.	Climate Change (Emissions Reduction Targets) (Scotland) Act 2019	11
	5.12.	Reducing emissions in Scotland Progress Reports to Parliament, Committee on Climate Change, October 2020 and December 2021	11
	5.13.	A Stronger and More Resilient Scotland: Programme for Government 2022-23	12
	5.14.	The Sixth Carbon Budget, Climate Change Committee, December 2020	13
	5.15.	Onshore Wind Policy Statement 2022	13
	5.16.	Case History: Energy Policy	16
	5.17.	National and Legal Energy Policy Conclusions	16
6.	Scot	tish Planning Policy and Advice	17
	6.1.	National Planning Framework 3 (NPF3)	17
	6.2.	National Planning Framework 4 (NPF4)	17
	6.3.	Scottish Planning Policy (SPP)	22
7.	Deve	elopment Plan including Supplementary Guidance	28
	7.1.	Dumfries and Galloway Local Development Plan (LDP2) 2019	28
	7.2.	Policy IN1 Renewable Energy	28
	7.3.	Policy IN2 – Wind Energy	31
	7.4.	Other LDP Policies	33
	7.5.	Dumfries and Galloway LDP2 Wind Energy Development Management Considerations Supplementary Guidance	~~~
	7.0	February 2020	.33
0	7.0. Curr		.34
δ.	Sum	mary and Conclusions	.34

Appendix 1	36
------------	----

1. Introduction

Natural Power Consultants Limited (Natural Power) has on behalf of Vattenfall Wind Power Ltd (the Applicant) submitted an application under Section 36 of the Electricity Act 1989 to seek consent from the Scottish Ministers for the development of Quantans Hill Wind Farm. The application also seeks a direction under Section 57(2) of the Town and Country Planning (Scotland) Act 1997 (TCP(S)A) that planning permission for the development be deemed to be granted.

During this time, and especially over the last few years, the needs case and support for commercially viable renewable energy projects such as the Proposed Development has increased immeasurably. Notable amongst this support has been the SES and OWPS in 2017 and the CCC 'Net Zero' Report, both Scottish Government's and Dumfries and Galloway's declaration of a Climate Emergency, and the Climate Change (Emissions Reduction Targets) (Scotland) Act in 2019. All of these have highlighted the pressing legal need for a major shift in policy and practice to meet increasingly demanding targets for renewable energy generation in Scotland. Whilst a succession of delays to the NPF4 timetable have meant that these have still to be reflected in Scottish planning policy, it is clear from recent publications, such as the CCC progress report in both October 2020 and June 2021 and the NPF4 position paper at the end of 2020, that the need for this alignment is now a matter of when rather than if.

Despite the very clear need for a policy shift to enable substantially more renewable energy generation to come on stream and facilitate the transition to Net Zero in order to meet legally binding climate change targets, the planning policy response at the local level has failed to keep pace and, in some ways, has gone in the opposite direction. Areas such as the land at Quantans Hill, which are potentially suitable for wind energy development, in line with the SPP, and DGLDP2 Spatial Frameworks, and capable of accommodating (as demonstrated through the EIA process) the scale of development necessary to meet national targets have been artificially constrained by out of date and overly prescriptive local planning guidance. Given the age and lack of relevance of this planning guidance to the current and emerging national and international position on renewable energy, climate change and sustainable development, and technological development in line with the SPP it should be afforded limited weight in the assessment of this application. Instead, attention should be focussed on the outcome of the EIA and presumption in favour of sustainable development which is clear in the broader policy position.

This Planning, Design and Access Statement (PDAS) has been prepared by Natural Power to accompany the Section 36 application, and includes:

- The procedures used by the Applicant to find a suitable location and design for the Proposed Development;
- Details of the Proposed Development;
- The methods proposed by the Applicant to ensure that any residual environmental impacts are avoided/minimised/mitigated;
- Consideration of the Proposed Development against the relevant policies of the Scottish Ministers;
- Consideration of the broader UK and international commitments to climate change; and
- Consideration of the Proposed Development against the Local Development Plan (LDP) for Dumfries and Galloway, being the administrative area within which the Proposed Development is located, and other relevant considerations.

1.1. The Applicant

Vattenfall AB, the ultimate owner of Vattenfall Wind Power Ltd, is a leading European energy company with approximately 20,000 employees, owned by the Swedish state. For more than 100 years Vattenfall has powered industries, supplied energy to people's homes and modernised the way its customers live through innovation and cooperation.

Vattenfall has over 50 wind farms, onshore and offshore, across five countries and pioneered co-locating wind with solar and batteries. Vattenfall owns the largest onshore wind farm in England and Wales, Pen y Cymoedd, and in Scotland operates wind farms on the Isle of Skye and in Aberdeenshire. At a local level, Vattenfall developed the

consented South Kyle wind farm, near Dalmellington, lying within both East Ayrshire and Dumfries and Galloway, which is currently under construction by the Applicant and due to begin commercial operation in early 2023.

Vattenfall aims to make fossil-free living possible within a generation and is leading the transition to a more sustainable energy system through growth in renewables and climate-smart energy solutions for its customers. Since 2008, Vattenfall has invested over £3.5 billion in the UK and has enough wind to power nearly a million British homes. The Applicant has the necessary knowledge and experience in renewable energy to develop and construct the Proposed Development.

1.2. Consultants

Natural Power, the lead consultancy on the project, has been providing expertise to the renewable energy industry since the company was formed in 1995 and is one of the UK's leading renewable energy and infrastructure consultants. As well as development and EIA services, Natural Power also provide expert advice and due diligence consultancy, site construction management and site operation and maintenance.

Natural Power currently employs over 400 people working full time on providing renewable energy services internationally. In Scotland, Natural Power has offices in Stirling and Inverness, and its headquarters 'The Green House' is an award winning, environmentally friendly office building located in Dumfries and Galloway, situated approximately 15km from the Proposed Development.

2. Environmental Impact Assessment Report

The Environmental Impact Assessment Report (EIAR) has been prepared in line with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017. The EIAR reports the findings made in the Environmental Impact Assessment (EIA) of the Proposed Development. The scope of the EIA was the subject of a formal scoping opinion from the Scottish Government on behalf of Scottish Ministers, which included input from the relevant Local Planning Authority, Dumfries and Galloway Council, and from other consultees including Scottish Environment Protection Agency (SEPA), NatureScot (formerly Scottish Natural Heritage (SNH)) and Historic Environment Scotland (HES).

During the EIA process, site visits and desktop assessments, in line with relevant guidance, were carried out to ascertain the potential impacts and mitigation measures to be made. A review of planning and other relevant policies was also made to inform the assessment process and ensure the Proposed Development adequately considered local and national policy.

3. Design and Access

Whilst acknowledging that the Proposed Development is submitted under Section 36 of the Electricity Act 1989, as a measure of good practice, the Applicant has provided a detailed written statement about the design principles and concepts that were applied to the Proposed Development before submission in Chapter 2: Site Selection and Design Evolution of the EIAR. Consideration of access is normally required by the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 (the Regulations) and, although the details sought by these Regulations are of limited relevance to the Proposed Development, access issues have also been addressed in the EIAR, in particular Chapter 3: Project Description and Chapter 11: Traffic and Transport Assessment. It is therefore considered that this Design and Access Statement, in combination with the EIAR, fulfils the usual planning requirement for a statement on design and access.

The site has been selected through a pro-active prospecting exercise and chosen for its positive balance between high wind yield and low environmental effects in comparison to potential alternative sites which could host an onshore wind farm. The layout of the site itself has followed strict criteria to avoid sensitive features and avoid causing direct effects as much as possible. The design strategy has followed the principles within Planning Advice Note 68 – Design Statements. The design strategy for the key elements of the Proposed Development has taken into account the following objectives:

- To maximise site capacity and contribute to renewable electricity production and climate change targets;
- To consider and avoid, where possible, on-site constraints such as watercourses and sensitive habitats;
- To create a turbine layout which takes into account the scale of the landscape in which it is located;
- To provide a turbine layout which relates, as far as possible, to the landscape character of the site and its surroundings;
- To avoid an overly complex and visually confusing layout;
- To achieve a balanced composition of the turbines against the landscape and skyline from key viewpoint locations;
- To consider the relationship to nearby existing wind farms;
- To avoid being overbearing within the view or alter the area such that it becomes an unpleasant place to reside for local residential properties; and
- To reach a design that aims to balance all of the objectives stated above.

The various relevant bodies were consulted during the initial EIA process, feedback from which was fed directly into the iterative design process. Public events were also held, and full details of the consultation process are provided in the Pre-Application Consultation (PAC) Report which accompanies the application.

Chapter 2: Site Selection and Design Evolution of the EIAR details the design process and the rationale for location and the design of the Proposed Development.

Chapter 3: Project Description describes the arrangements for access in and around the site during construction and operational phases.

Chapter 11: Traffic and Transport deals with access primarily of larger components to the site during the construction phase.

Taking Design first, the project has been through several design iterations over the last decade responding to changes in policy and support systems for renewables, stakeholder consultation, wind modelling, understanding of constraints, cumulative issues and land availability and the interaction of these various issues.

The current proposed layout comprises primarily of 14 turbines up to 200 m to tip. The use of larger turbines reflects the need for greater efficiency in the project and advances in technology compared to when it was first considered by a previous applicant thus responding to changes in Government policy, the climate change emergency and electricity market dynamics. Modelling of this layout in relation to the wind regime present has produced a viable layout without the need for even larger turbines which would have given rise to additional landscape and visual effects.

During the design process, views from residential receptors and the Southern Upland Way (SUW) were key design considerations and turbines were positioned further back from these sensitive receptors to reduce the vertical extent and avoid being overbearing within the view or alter the area such that it becomes an unpleasant place to reside. The RVAA drew upon guidance from the Landscape Institute and the general approach to considering effects on the visual component of residential amenity first set out by Inspector Lavender and applied by Reporters in Scotland and Inspectors in England and Wales ('the Lavender Test'). It does not constitute a formal 'test', rather a set of factors, but it is widely used in the industry to help form a judgement with respect to the visual amenity component of residential properties within 2km area from turbines were assessed using this approach and effects were assessed not reach the threshold and therefore 'pass'.

On the ground, care has been taken to avoid sensitive habitats, areas of deeper peat, particularly given the classification of some of the Proposed Development Area, and the hydrological environment given the location within a catchment for a public water supply and the number of watercourses, both artificial and natural, within the Proposed Development Area.

The Proposed Development's primary option for abnormal load access to the Proposed Development Area is from the existing B729 road which leaves the A713, approximately 0.5 km to the east of Carsphairn. These roads will be utilised and upgraded where necessary. The transport route has been used by a number of wind farm developments, including South Kyle, and has already been subject to improvement to facilitate transport of components, such as the strengthening of Boneston Bridge in East Ayrshire.

In conclusion, it is considered that the Proposed Development voluntarily meets the usual Design and Access requirements for a major development under the TCPA and the Regulations. Although explored in more detail elsewhere in this statement, it is also the Applicant's view that the Proposed Development and its associated mitigation meets the requirements of the Applicant's design strategy as summarised above and that this in turn addresses the principal planning policy requirements for the Proposed Development.

4. Overview of the Proposed Development

The Proposed Development is located around Quantans Hill, in Dumfries and Galloway, northeast of the village of Carsphairn and east of the A713. It is situated on the predominantly southwest-facing slopes of hills at the southern base of Cairnsmore of Carsphairn (797 m) such as Willieanna (431 m) and Knockwhim (498 m). The main tops situated within the Proposed Development Area are Quantans Hill (338 m) and Furmiston Craig (324 m). The overall elevation range within the Proposed Development Area is from c.185 m to 350 m above sea level and covers an area of approximately 1,800 hectares.

The Proposed Development may include:

- Up to 14 wind turbines;
- Turbine foundations;
- External transformer housing;
- Crane pads;
- Substation, control building and compound;
- Battery/energy storage infrastructure;
- Upgraded and new access tracks, including a public footpath;
- Underground/ overhead cables;
- Anemometry mast;
- Signage;
- Temporary borrow pits;
- Temporary batching plant area(s);
- Temporary construction and storage compounds, laydown areas and ancillary infrastructure; and
- Drainage and drainage attenuation measures (as required).

Any public road utilised for access to the site entrance may be utilised subject to upgrades where necessary. Habitat management, which would provide net biodiversity gain as a result of the Proposed Development, may be undertaken in the Proposed Development Area, although an alternative regional habitat approach taking a more strategic approach across a broader offsite has also been proposed. Some of the land where turbines would be erected has been recently planted with forestry and further forest development has been consented, although not yet commenced at the time of writing, and, as such, forest felling and replanting may be undertaken to facilitate the Proposed Development.

The Proposed Development is expected to have an operational life of up to 35 years. For the EIA, the Applicant has considered turbines with a maximum height from base to blade tip not exceeding 200 m.

A layout plan is provided in Appendix 1.

5. National Legal and Policy Framework

5.1. The Electricity Act 1989

For the Proposed Development, an application is prepared and submitted under Section 36 of the Electricity Act 1989 ("the 1989 Act") as it would have an installed capacity in excess of 50 MW. The scheme therefore requires consent from the Scottish Government under Section 36 of the 1989 Act to construct and operate the Proposed

Development, and involves the Scottish Ministers considering the arguments for and against the Proposed Development before determining an application and awarding any consent.

Pursuant to Schedule 9 of the 1989 Act, regard is given to the desirability of preserving natural beauty, conserving flora and fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural interest. The Scottish Ministers will consider the extent to which the Applicant has taken measures, within reason, to mitigate any effect the proposal might have on these features. There is also a requirement when exercising relevant functions related to the generation of supply of electricity for a licence holder to seek to avoid, so far as reasonably practicable, causing injury to fisheries or fish stocks.

As an electricity generation licence holder, the Applicant has considered the matters in schedule 9 in the formulation of the proposals. These matters have been addressed as appropriate in the design of the project and assessments of these features have been undertaken and are described along with a summary of the proposed mitigation measures, in the relevant sections of the EIAR to mitigate potential environmental effects upon these assets. It is therefore considered that the Proposed Development is in accordance with the relevant requirements of the Electricity Act 1989.

5.2. The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017

Regulation 3 states that a Section 36 application for consent which requires an EIA shall not be granted unless the requirements of the regulations have been satisfied. The Applicant must submit an EIAR and adhere to the proper publicity procedures. In determining the application, the Scottish Ministers must take the findings of the EIAR and other environmental information into account.

The EIA identifies the direct and indirect potential significant effects of the Proposed Development during each stage of the development. It considers these impacts on the following factors and the interaction between those factors: population and human health; biodiversity; land, soil, water, air and climate; material assets; cultural heritage; and the landscape.

The EIAR has been structured in such a way as to best present the impacts on the factors outlined above. Relevant maps and plans of the Proposed Development have also been included within the EIAR. The relevant potential significant effects created by the Proposed Development have been assessed and presented in the EIAR. The design alternatives have also been considered in Chapter 2 of the EIAR. It is therefore considered that the requirements of the Regulations have been duly followed.

5.3. The Town and Country Planning (Scotland) Act 1997 (as amended)

With the application submitted under Section 36 of the Electricity Act 1989, the Applicant also seeks a direction under Section 57(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) (TCPA) that planning permission for the development be deemed to be granted.

Dumfries and Galloway Council is a statutory consultee for the application, as the Proposed Development is located within their local authority boundary. Although carrying less weight than a determination under the TCPA, the relevant development plans for the Proposed Development, along with other guidance and emerging policies of the planning authority, are considered in Sections 9 and 10 of this planning, design and access statement.

The Planning (Scotland) Act 2019 amended the TCP(S)A to make explicit provision that the National Planning Framework will have an enhanced status in the determination of planning applications and includes "*meeting any targets relating to the reduction of emissions of greenhouse gases, within the meaning of the Climate Change (Scotland) Act 2009, contained in or set by virtue of that Act"* as one of its statutory outcomes.

It also sets out a new 'Purpose of Planning' which is "to manage the development and use of land in the long term public interest". The Act goes on further to explain that anything which contributes to sustainable development is to be considered as being in the long-term public interest.

5.4. Climate Change Legislation and Energy Policy

Amid the growing concern globally of climate change and the risks it poses to habitats and human way of life, the Paris Agreement represents a landmark agreement to limit its effects. **The Paris Agreement** was negotiated in Paris in December 2015 between 195 countries. Nations including the UK signed the Agreement in April 2016 to make the global plan to limit global warming below 2 °C legally binding.

The Paris Agreement entered into force in November 2016. In addition to the target of keeping global warming below 2 °C of pre-industrial levels, there is a commitment to pursue efforts to limit the temperature increase to 1.5 °C.

The UK hosted the UN's Conference of Parties climate summit ('COP26') summit in November 2021 which was an opportunity to demonstrate the UK's climate leadership and provide clear milestones for the next steps in the UK's emission targets climate adaptations, as well as to push forward international commitments.

COP26 finalised the Paris Agreement with nearly 200 countries agreeing to the **Glasgow Climate Pact**, which committed to the 1.5 °C target and resolved a number of important outstanding elements of the Paris Agreement.

The Scottish Government is a devolved administration and is responsible for climate change policy and, although reserved to Westminster, also publishes relevant Scottish energy policy. In line with the UK's agreement with the Kyoto Protocol, the Paris Agreement and the targets set out in the European Directive 2009/28/EC, the Scottish Government brought into force:

- The Climate Change (Scotland) Act 2009;
- The Scottish Energy Strategy 2017; and
- The Scottish Onshore Wind Energy Policy Statement 2017.

These documents are the main drivers in steering Scotland towards a low-carbon economy and meeting international targets on climate change and renewable energy generation.

The Scottish Energy Strategy, published in December 2017, sets targets for the energy system for 2030, building on those presented by the 2020 Routemap for Renewable Energy in Scotland 2011 which is an extension and update of the Scottish Renewables Action Plan 2009. It includes the aim to meet 50% of Scotland's whole energy demand from renewables by 2030; a target which more recent analysis has suggested will be largely dependent on onshore wind to deliver.

The document outlines a vision to drive Scottish Energy Production for 2050 and stresses the importance of renewable energy in achieving a low-carbon economy in Scotland. The importance of renewable energy to Scotland's economy is also recognised.

More explicitly the **Scottish Onshore Wind Energy Policy Statement** (and draft refresh published November 2021) sets out the vital role of onshore wind in meeting these targets.

Since the publication of these landmark documents, considerable additional weight has been afforded to the matters raised by them through the publication (amongst others) of;

- The Climate Change Plan 2018;
- The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019;
- Net Zero The UK's Contribution to Stopping Global Warming 2019;
- Climate Emergency: Scotland;
- Reducing emissions in Scotland Progress Report to Parliament Committee on Climate Change October 2020;
- Protecting Scotland, Renewing Scotland: The Government's Programme for Scotland 2020-2021; and
- The Sixth Carbon Budget, Climate Change Committee, December 2020

In August 2021, the Scottish Government and the Scottish Green Party Parliamentary Group created a shared draft policy programme – the **Bute House Agreement** – that would see the parties working together to achieve objectives relating to the climate emergency over the next five years. It details commitments to investing at least £1.8 billion over this period in energy efficiency and renewable heating and creating a bigger focus on green jobs.

Whilst significant delays in the process have meant that these have yet to be referred to in national planning policy, in the meantime the overall direction of travel within these documents is clear and is a material consideration that should be given due weight in the determination of this application. These points are explained further below.

5.5. The Climate Change (Scotland) Act 2009

The Climate Change (Scotland) Act 2009 is a key commitment of the Scottish Government which establishes a framework and creates mandatory climate change targets to drive greater efforts at reducing greenhouse gas emissions in Scotland.

Section 44 of the Climate Change (Scotland) Act 2009 placed a duty on every public body to act:

- In the best way calculated to contribute to the delivery of the emissions targets in the Act;
- In the best way calculated to help deliver the Scottish Government's climate change adaption programme; and
- In a way that it considers is most sustainable.

Owing to its energy production from a renewable source, emission savings, economic and social effects, as noted in the relevant chapters of the EIAR, the Proposed Development will make a significant contribution to achieving the targets set by the Climate Change (Scotland) Act 2009 and should be given due consideration by the relevant public authorities when exercising their duties under this legislation. As noted above, specific provisions have now been incorporated into the TCPA by the Planning (Scotland) Act 2019 to ensure that the implementation of the Climate Change (Scotland) Act 2009 is reflected in Scottish planning legislation and policy moving forward. The 2019 Act brought forward the targets and also set annual targets. Any explicit updates on this situation will need to be reflected in the decision-making process over the course of this application's determination, but the strong direction of travel towards meeting the objectives of the Climate Change (Scotland) Act 2009 should be given due weight in the meantime.

5.6. Scotland's Energy Strategy 2017

Scotland's Energy Strategy (SES) was published in December 2017 and outlines a vision for the future of energy production in Scotland for 2050. The vision is centred on achieving a strong, low carbon economy in which renewable energy is recognised to play an important part. Specifically, page 43 states:

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

SES states the target to produce 50% of Scotland's energy demand for heat, transport and electricity, as well as to increase the productivity of energy use across the Scottish economy, by 30%.

SES also sets out the aim to achieve a largely decarbonised economy by 2050. This represents a significant progression in policy terms towards meeting wider climate change goals and targets compared to those which were reflected in the Scottish Planning Policy (SPP) in 2014. These policies have recently been formally carried over into Scottish planning policy in the newly approved NPF4. In the meantime, this movement in Scottish Government policy terms (and the lag that has been created in planning policy) is itself a material consideration in the determination of this application. Accordingly, it is the Applicant's view that greater weight must be given to these more recent and demanding targets than historic planning policies.

An important driver of the SES is the recognition of the requirements of the renewable energy industry to improve efficiency by utilising taller wind turbines with larger rotor diameters to operate in the market following the removal of government subsidy through Renewable Obligation Certificates (ROCs) and uncertainty around future Contracts for Difference (CfD) allocation rounds (AR) including the eligibility of onshore wind to compete beyond AR4 (expected in December 2021). Enabling these requirements is essential in order to meet the ambitious, but achievable, targets set out in the SES.

SES recognises that Scotland's energy system is changing and there has been a sharp rise in harnessing the country's renewable resources as a means of energy production. It is also recognised that renewables are a key driver in Scotland's economy as well as the need for more energy storage as part of a new, smarter energy system.

The 'Annual Energy Statement' produced by the Scottish Government in 2019 provided an update on progress towards targets since the publication of SES in 2017. In terms of plans for future actions, the Statement highlighted the need to:

"Reiterate the strategic case for a route to market for renewable technologies in Scotland, and for network investments and regulatory outcomes which support our strategic priorities."

The second 'Annual Energy Statement' produced by the Scottish Government in 2020 provides further update highlighting that, whilst renewable energy generation had continued to grow since 2019, the commitment to achieve a 75% reduction in emissions by 2030 remains challenging and needs a concerted effort by public and private sectors to be achieved.

The Proposed Development has necessarily been designed to operate in the current and emerging market conditions and, as such, will contribute positively towards reaching the targets set out in the SES and towards the estimated 17 GW of installed renewable capacity required by 2030 in order to reach these targets.

5.7. Scotland's Draft Energy Strategy and Just Transition Plan

On January 10th 2023, a route map to secure Scotland's fastest possible fair and just transition away from fossil fuels was published for consultation. The draft 'Energy Strategy and Just Transition Plan' sets out a plan for Scotland's renewables revolution to be accelerated as North Sea basin resources decline.

This would result in a net jobs gain across the energy production sector, with the potential to increase renewable energy exports and reduce exposure to future global energy market fluctuations.

Key policy proposals published for consultation include:

- substantially increasing the current level of 13.4 Gigawatts (GW) of renewable electricity generation capacity, with an additional 20 GW by 2030, which could produce the equivalent of nearly 50% of current demand
- an ambition for 5 GW of renewable and low-carbon hydrogen power by 2030, and 25 GW by 2045
- increasing contributions of solar, hydro power and marine energy to the energy mix
- generation of surplus electricity enabling export of electricity and renewable hydrogen to support decarbonisation across Europe
- setting out final policy positions on fossil fuel energy, including consulting on a presumption against new exploration for North Sea oil and gas
- accelerated decarbonisation of domestic industry, transport and heat in buildings
- increasing access to affordable energy by urging the UK Government to take stronger, more targeted action for fair energy market reform
- maximising household, business and community benefit from energy projects, including through shared ownership of renewables

In relation to onshore wind the draft Strategy reflects the fact the national policy has just been published and will not change. For onshore wind the strategy provides further support to the removal of barriers to deployment and supports the work set on in the Onshore Wind Policy Statement (OWPS) relative to maximising the economic benefits deriving from the sector and enhanced opportunities to support communities.

These are also key components of the Just Transition Plan published as part of the draft Energy Strategy. This also details the support being provided to grow Scotland's highly skilled energy workforce, increase jobs in energy generation and the supply chain, while enabling communities and businesses, particularly in the North East, to prosper.

Analysis shows the number of low carbon production jobs is estimated to rise from 19,000 in 2019 to 77,000 by 2050 as the result of a just energy transition, meaning there will be more jobs in energy production in 2050 than there are now.

The Strategy also sets out recommended actions for the UK Government to take in reserved policy areas, including powers relating to energy security, market mechanisms, network investment and market regulation.

Scottish Ministers have invited the UK Government to join an Energy Transition delivery group to drive forward the vision set out in the Strategy.

The Proposed Development has necessarily been designed to operate in the current and emerging market conditions and, as such, will contribute positively towards reaching the targets set out in the draft Energy Statement and Just Transition Plan.

5.8. The Climate Change Plan 2018

Published in February 2018, the Climate Change Plan sets out Scotland's strategy to meet emission reduction targets between 2018 and 2032, taking a visionary approach. It is published under the Climate Change (Scotland) Act 2009 and is intended to be the last plan published under this Act, with future plans being proposed under the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019. The Climate Change Plan set out the emissions reductions pathway towards 2032, with the target of reducing emissions by 66% against 1990 levels. It was acknowledged that "this will be an enormous transformational change" (page 22 of Climate Change Plan).

The Plan states the following targets for the electricity sector, aligning itself with the SES (2017):

- By 2032, Scotland's electricity system will supply a growing share of Scotland's energy needs and by 2030, 50% of all Scotland's energy needs across heat, transport and electricity will come from renewables.
- By 2032, Scotland's electricity system will be largely decarbonised and be increasingly important as a power source for heat and transport.

Electricity will be increasingly important as a power source for heat and transport to charge Scotland's growing fleet of ultra-low emission vehicles.

On 16 December 2020, the Scottish Government published Securing a Green Recovery on a Path to Net Zero: Climate Change Plan 2018-2032 - update. This provides an update to Scotland's 2018-2032 Climate Change Plan and sets out the Scottish Government's pathway to new targets set by the Climate Change Act 2019. It is a key strategic document on green recovery from COVID-19.

This plan maintains support of the development of a wide range of renewable technologies by addressing current and future challenges, including market and policy barriers. It also maintains support for improvements to electricity generation and network asset management, including network charging and access arrangements that encourage the deployment and viability of renewables projects in Scotland. Alongside this. a new renewable, all energy consumption target of 50% by 2030, covering electricity, heat and transport.

It proposes to introduce a new framework of support for energy technology innovation, delivering a step change in emerging technologies funding to support the innovation and commercialisation of renewable energy generation, storage and supply. The Scottish Government commits to carrying out detailed research, development and analysis during 2021 to improve our understanding of the potential to deliver negative emissions from the electricity sector. They will continue to review the energy consenting processes, making further improvements and efficiencies where possible, and seeking to reduce determination timescales for complex electricity generation and network infrastructure applications.

To ensure that all radars are wind turbine tolerant/neutral during the coming decade, they commit to.accelerate work with aviation, energy and other stakeholders.

At its inception, the Proposed Development was intended to make a meaningful contribution to these commitments and targets. Noting that these targets have increased further in the meantime highlights an even more pressing need for this development.

5.9. Net Zero - The UK's Contribution to Stopping Global Warming 2019

This UK initiative on Climate Change is a reassessment of emissions targets. The 'Net Zero – The UK's contribution to stopping global warming' report (May 2019) responds to a request from the Governments of the UK, Wales and Scotland, asking the Committee on Climate Change (CCC) to reassess the UK's long-term emissions targets. The new emissions scenarios draw on ten new research projects, three expert advisory groups, and reviews of the work of the Intergovernmental Panel on Climate Change (IPCC) and others.

The report's key findings are that:

- The CCC recommends a new emissions target for the UK: net-zero greenhouse gases by 2050 (acted upon by The Climate Change Act 2008 (2050 Target Amendment) Order 2019).
- In Scotland, the CCC recommends a net-zero date of 2045, reflecting Scotland's greater relative capacity to remove emissions than the UK as a whole (acted upon by the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019).
- In Wales, the CCC recommends a 95% reduction in greenhouse gases by 2050.

A net-zero greenhouse gas (GHG) target for 2050 will deliver on the commitment that the UK made by signing the Paris Agreement. It is considered achievable with known technologies, alongside improvements in people's lives, and within the expected economic cost that Parliament accepted when it legislated the existing 2050 target for an 80% reduction from 1990.

However, this is only possible if clear, stable and well-designed policies to reduce emissions further are introduced across the economy without delay. Current policy is considered insufficient for even the existing targets. The alignment of the Proposed Development with climate change commitments and more recent Scottish energy policies provides an example of the type of change which this report identifies as being necessary to meet the targets.

5.10. Climate Emergency

Scottish First Minister Nicola Sturgeon declared a "Climate Emergency" in her speech to the SNP Conference in April 2019, stating:

"As First Minister of Scotland, I am declaring that there is a climate emergency. And Scotland will live up to our responsibility to tackle it." Referring to the recently published CCC advice, Ms Sturgeon added "if that advice says we can go further or go faster, we will do so".

Furthermore, Climate Change Secretary Roseanna Cunningham made a statement on 14 May 2019 to the Scottish Parliament on the 'Global Climate Emergency', again, with reference to the recent CCC Report:

"We acted immediately with amendments to our Climate Change Bill to set a 2045 target for net zero emissions - as we said we would do. If agreed by Parliament, 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 Minister also highlighted the important role of the planning system stating:

"And subject to the passage of the Planning Bill at Stage 3, the next National Planning Framework and review of Scottish Planning Policy will include considerable focus on how the planning system can support our climate change goals".

In September 2019 the Scottish Government further responded to the global climate emergency by adopting an ambitious new target to reduce emissions and become net zero by 2045.

In June 2019, Dumfries and Galloway Council declared its own climate emergency and has embarked on baseline studies to inform future policy within the area. The Climate Emergency Declaration is a 12-point plan which aims to set the target of emitting net zero carbon in the region by 2025. It covers:

- creating a new and specific council priority, a review of policy and practice across the council and embedding climate change in all policy and practice risk assessments
- understanding the impacts of climate change locally and consider adaptations for people and the environment

- using innovations and technology to reduce our impact and bring about economic development
- creation of new climate change working groups, appointment of a climate change officer and an environmental champion
- communications and cooperation with the public and other organisations on these issues
- production of a climate change Strategic Action Plan

Their Carbon Neutral Strategic Plan (November 2021) sets out the commitments to reduce carbon emissions including to:

- Lead on the transition to cleaner and greener technologies.

Aside from contributing to the Scottish renewable energy target, local renewable energy generation would contribute to the carbon neutral target in Dumfries and Galloway in two different ways:

- When local renewable generation sites connect to the grid, they contribute to the continuing decarbonisation of the national electricity grid. This will be reflected in the Dumfries and Galloway carbon footprint via a lower electricity emission factor.
- Where renewable generation sites directly supply local buildings, buildings using this zero carbon electricity will reduce the carbon footprint associated with electricity use.

5.11. Climate Change (Emissions Reduction Targets) (Scotland) Act 2019

The Act responds directly to the Paris Agreement and other policies and commitments set out above by amending the Climate Change (Scotland) Act 2009 and setting a legally binding Net Zero target for Scotland to be achieved by 2045, five years ahead of UK as a whole.

To achieve this target it sets out interim targets where '*The Scottish Ministers must ensure that the net Scottish emissions account for the year* —

(a) 2020 is at least 56% lower than the baseline,

(b) 2030 is at least 75% lower than the baseline, and

(c) 2040 is at least 90% lower than the baseline.'

And further annual targets to ensure the interim targets are made. For example:

The relevant target figure for each year in the 2021-2029 period is a percentage figure calculated by-

(a) taking the difference between the percentage figures applying for the purposes of the interim targets for 2020 and 2030, and

(b) apportioning that difference in a way which results in there being an equal percentage point change between the percentage figure for each consecutive year in the period beginning with 2020 and ending with 2030.

i.e a doubling of the response through this next decade to lower emissions by at least 75% by 2030.

In doing so, it provides further legislative backing to the urgent and pressing need for these targets to be taken seriously in the context of decisions surrounding the infrastructure which is needed to deliver these targets in Scotland. The Proposed Development provides a substantial opportunity to contribute towards the delivery of these legally binding targets within the timescales established in this Act.

5.12. Reducing emissions in Scotland Progress Reports to Parliament, Committee on Climate Change, October 2020 and December 2021

This CCC report provides a useful benchmark of Scotland's progress towards meeting climate change targets. Whilst noting that good progress was made during the 2010s towards reducing emissions, this was largely through the increase in renewable energy generation alongside the closure of Scotland's last coal-fired power station in 2016. The challenge ahead will be focussed on accelerating the decarbonisation of other sectors, primarily through further electrification, which will act to increase demand for electricity at the expense of natural gas in heating and petroleum

for transport. The paper recognises how the Scottish Government has taken important steps to 'embed Net Zero as a core Government policy, framing major fiscal and Parliamentary events around climate change'.

The document also highlights that net zero emissions and improved climate resilience are integral to the Covid-19 recovery noting that the Scottish Government must take actions to improve resilience by integrating adaption into all Government Policy.

Within the table of recommended actions the CCC recommends the following to the Scottish Government:

Table 1

Recommendation: Consolidate Scotland's net zero and adaptation objectives more closely within the National Performance Framework. **Timing:** Next Parliament

Recommendation: Align the next National Planning Framework (NPF4) closely to Net Zero and adaptation, providing a favourable planning and consenting regime for a low carbon and efficient energy system and climate-resilient infrastructure. **Timing:** 2021

Table 6

Recommendation: Align the National Planning Framework (NPF4) to a net-zero energy system – enforcing a favourable planning and consenting scheme for onshore wind and other renewables in manner that is consistent with other policies on land use, supporting repowering and life extension of existing wind power in Scotland, and aligning with adaptation priorities under the Scottish Climate Change Adaptation Programme. **Timing:** 2021-2022

In December 2021 the tenth annual Progress Report to the Scottish Parliament as required by the Climate Change (Scotland) Act 2009 was issued. This year's report shows that, in 2019, Scotland's greenhouse emissions fell by 2% compared to 2018, and are now 44% below 1990 levels. The reductions were largely driven by the manufacturing and construction, and fuel supply sectors, with electricity generation remaining the biggest driver of emissions cuts over the past decade (2009-2019). This is the tenth annual Progress Report to the Scottish Parliament as required by the Climate Change (Scotland) Act 2009. This year's report shows that, in 2019, Scotland's greenhouse emissions fell by 2% compared to 2018, and are now 44% below 1990 levels. The reductions were largely driven by the manufacturing and construction, and fuel supply sectors, with electricity generation remaining the biggest driver of emissions cuts over the past decade to 2018, and are now 44% below 1990 levels. The reductions were largely driven by the manufacturing and construction, and fuel supply sectors, with electricity generation remaining the biggest driver of emissions cuts over the past decade (2009-2019). Climate policy in Scotland must focus on the transition to Net Zero and the need for rapid progress by 2030.

Given the lifespan of the Proposed Development and the intention of these statements to meet targets for 2030 and beyond this intention also needs to be given due weight and consideration ahead of the NPF4 being adopted.

5.13. A Stronger and More Resilient Scotland: Programme for Government 2022-23

The Scottish Government published its strategy 'A Stronger and More Resilient Scotland' in September 2022 which, alongside the Bute House Agreement, sets out actions and plans for the full parliamentary term.

In the introduction delivered by First Minister Nicola Sturgeon it states that:

"we are clear that much of the answer to the current cost crisis and the poverty it will cause lies in our journey to net zero, investment in a strong economy, and in building a fairer society.

Our journey to net zero is not just part of the solution to this crisis: it is also critical to minimising the impending climate crisis, the impact of which will be even more significant than what we expect to see in coming months.

The extreme weather this year across the world – most recently in Pakistan – demonstrates that the climate and nature emergency is becoming more urgent. Our response to the cost crisis must also deliver for the climate.

This Programme for Government builds on ambitious, long-term commitments made in the Bute House Agreement and restates our commitment to the importance of delivering on our ambitions for the climate.".

She continues saying "in the coming months we will set out the future of Scotland's energy system: how we will meet future demand, realise the economic opportunities of moving to a net zero energy system, and secure a just transition.".

The programme states that 'Addressing the cost crisis is not, and should not be viewed as, separate from addressing the ongoing climate and nature crises'.

'The development of renewable energy will help to reduce energy price fluctuations and costs, so better use of our natural resources through a wider package of ambitious measures can also reduce costs and help households and businesses to save money'.

In this programme key actions were identified to help reduce costs and meet our climate change and nature targets. These include:

- Publish an Energy Strategy and our first Just Transition Plan, providing a roadmap for the energy sector's journey towards achieving our emissions reduction targets and securing a net zero energy system for Scotland.
- Publish the final Onshore Wind Policy Statement and a Vision for Onshore Wind in Scotland enabling up to 12 GW of onshore wind to be developed.
- Support over 20 projects through our Just Transition Fund for the North East and Moray with a total value of over £50 million over 4 years, with £20 million allocated this year.
- Improve the content and extend the scope of our Green Jobs Workforce Academy and develop a refreshed Climate Emergency Skills Action Plan by the end of 2023.

5.14. The Sixth Carbon Budget, Climate Change Committee, December 2020

The sixth carbon budget sets out the CCC's recommendations for the UK's path to Net Zero in 2050. In doing so it requires a 78% reduction in UK territorial emissions between 1990 and 2035 bringing forward the previous 80% target by 15 years and describes the goal of legislating for the Budget as soon as possible being the strongest statement of our ambition to tackle climate change.

Within the electricity generation paper which accompanies the budget the CCC notes that all net zero scenarios see new onshore wind generation being deployed by 2050 and that its modelling doubles the onshore wind capacity in the UK to 25-30 GW in all net zero scenarios.

5.15. Onshore Wind Policy Statement 2022

The Scottish Onshore Wind Policy Statement underwent consultation following draft published in November 2021. The final OWPS 2022 was published in December 2022.

The OWPS refers to the Climate Change Plan Update and RenewableUK 'Onshore Wind Industry Prospectus' which sets out the need for Scotland to develop an additional 12GW of onshore wind capacity.

The Climate Change Committee (CCC) developed four exploratory scenarios for emissions to 2050. These estimate that, in every scenario, the UK will require a total of 25-30 GW of installed onshore wind capacity by 2050 to meet government targets - which would mean doubling the current UK installed capacity.

In line with this commitment, and reflecting the natural life cycles of existing windfarms, The OWPS sets 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 the 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.

Meeting 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.

The Proposed Development is therefore considered to adhere to the OWPS and will contribute positively to the Scottish economy and towards meeting renewable energy targets. It is imperative that decision makers give due

weight to the content of this important document especially in relation to the age and consequent relevance of other policy documents in assessing the merits of this application.

The key headline in for the OWPS is the identification in Scottish Government Policy that Scotland needs to "go further and faster than before" along with the inclusion in policy of the "minimum installed capacity of 20GW" ambition for onshore wind in Scotland by 2030. The following text considers the weight that should be attached to the climate emergency in the decision making process. It then considers the elements of the document that are relevant to the proposed development.

The key polices set out in OWPS 2022, are focused on the change of ambition and the formal agreement to the higher minimum target by 2030. The text in this section identifies a range of matters, relevant to the consideration of the Application within the OWPS 2022.

The Ministerial Foreword of the OWPS 2022 which provides important context to the subsequence emergence of the ambition to achieve a minimum of 20GW onshore wind by 2030. The Cabinet Secretary acknowledges the specific contribution that onshore wind can make to meeting climate change objectives and the transition towards a net zero society.

The Cabinet Secretary's foreword, paragraph two, identifies the issues caused by the invasion of Ukraine. The Ukraine invasion has resulted in serious concerns about the extent to which Scotland's current energy system can meet demands for energy. The second aspect raised in respect of the invasion of Ukraine is the consequence for energy prices.

The Ministerial Foreword demonstrates how price competitive onshore wind is, paragraph 11 is clear that onshore wind is "good value for consumers" and it can therefore make a contribution to a future which seeks to provide greater price certainty for consumers whilst also providing additional generation which can help to meet the future security of supply.

The Foreword is also clear that it is not onshore wind at any cost, paragraph 13 is clear that the ambition needs to be delivered in a way which continues to enhance Scotland's rich natural heritage and native flora and fauna and supports actions to address the nature crisis and the client crisis.

The OWPS 2022 sets a specific renewable onshore wind capacity target. To date, the focus of the justification for most renewable energy projects has been in relation to climate change and emissions reduction with links made to the legally binding targets which are set out in amended Climate Change (Scotland) Act 2009. As identified above the urgent needs case is strengthened by the additional energy related concerns.

Chapter 1 of the OWPS contains specific acknowledgement of the need for further the speedy deployment of onshore wind. It states "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". As a result of this the policy ambition set out at 1.3.2 there is a need for a minimum installed capacity of 20GW by 2030. If that ambition is to be achieved, consents need to be granted to allow deployment as quickly as possible. Schemes consented now are likely to be delivered around 2026 and an increase in deployment has to occur now.

OWPS 2022 introduces the Onshore Wind Sector Deal which is a clear commitment for the Scottish Government and the onshore wind industry to work together to deliver the additional 20 GW of installed capacity by 2030. This is a new approach and clearly demonstrates the Government commitment to reaching the targets. paragraph 2.4.2 states that *"Onshore wind will play a crucial role in delivering our legally binding climate change targets."*

5.15.1 Environmental considerations

Chapter 3 of the OWPS 2022 is entitled Environmental Considerations; Achieving Balance and Maximising Benefits, this is clear that it is all about balance. The following text considers what the OWPS 2022 says in respect of landscape and biodiversity in the order in which they are covered in that document.

5.15.2 Biodiversity

The initial text on biodiversity relates to the need to secure positive effects for biodiversity, as set out in the statutory outcomes of NPF4 2022. It then refers to the consultation on the Scottish Biodiversity Strategy.

Paragraph 3.5.6 refers to the role in which onshore wind can play in addressing the biodiversity crisis. It states:

"the resolution of the balance between its [onshore wind] deployment and biodiversity interests requires careful discussion and planning at a local level. As the rate of onshore wind deployment increases in the coming years, we see a great opportunity for wind energy developments to further contribute significantly to our biodiversity ambition. By proactively managing intact habitats and the species they support, restoring degraded areas and improving connectivity between nature-rich areas, onshore wind projects will contribute to our climate change targets and help address the biodiversity crisis."

5.15.3 Landscape

The OWPS 2022 Chapter 3 includes a section which covers landscape and visual matters. In paragraph 3.6.1 there is acknowledgement of the need for taller and more efficient turbines and the recognition that these will inevitably change the landscape. Paragraph 3.6.2 states:

"Outside of these areas [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." This must be seen as a clear acknowledgement, from the Scottish Government, that in order to achieve the 2030 targets, a higher level of landscape and visual impact will need to be accepted, this expressly includes landscape change. It is clear that there is a need to accept change to the landscape and that increased weight should be given to the contribution of the development to the climate emergency as well as community benefits in considering the decision making balance.

Paragraph 3.6.3 is clear that where the landscape and visual impacts are localised and and/or appropriate mitigation has been applied then the impacts will generally be considered acceptable.

The OWPS 2022 at paragraphs 3.6.5 and 3.6.6 contains discussion of the use of landscape sensitivity studies.

5.15.4 Benefits to Local Communities and Financial Mechanisms

Chapter 4 devotes attention to benefits to local communities and financial mechanisms. While neither shared ownership or the delivery of monetary community benefits are material to the consideration of the Application the benefits which such arrangements bring may be material and are addressed below and in chapter 14: Socioeconomics of EIAR. They are summarised as follows:

- Expenditure during the construction phase is estimated to be approximately £56 million.
- The Scottish economy would benefit by some £36 million net GVA during construction.
- During the operational phase, based on a 30 year period, the proposed development would contribute some £13 million in GVA to the Scottish economy through direct, indirect and multiplier effects,
- If consented, Community Benefit Fund would be made available to communities in the region of the Proposed Development.

5.15.5 Onshore Wind, Energy Systems and Regulation

The concluding chapter of the OWPS, Chapter 8 states "The deployment of onshore wind is mission-critical for meeting our climate targets. As an affordable and reliable source of electricity generation, we must continue to maximise our natural resource and deliver net-zero in a way that is fully aligned with, and continues to protect, our natural heritage and native flora and fauna.

Our renewed commitment to this technology will ensure we keep leading the way in onshore wind deployment and support within the UK. We are establishing a clear expectation of delivery with our ambition for a minimum installed capacity of 20 GW of onshore wind in Scotland by 2030 and providing a vehicle for that delivery through the creation of our Onshore Wind Strategic Leadership Group.

Onshore wind will remain an essential part of our energy mix and climate change mitigation efforts, but we are also in a nature crisis. Onshore wind farms must strike the right balance in how we care for and use our land, and we expect the onshore wind industry in Scotland to take up the following challenges:

• Showcase considered schemes that will not just mitigate impact but also improve and enhance our natural environment - identifying opportunities to secure positive outcomes for peatlands, forestry and biodiversity.

• Embrace bespoke management plans which incorporate industry-wide advances in thinking as well as site-specific knowledge to ensure the optimum outcome.

• Actively engage with relevant authorities, agencies and government to ensure effective collaboration as we work together to support our net zero and nature ambitions."

5.16. Case History: Energy Policy

In decision of Rothes, October 2022: The Reporter's Report was clear that the proposed development, in that case, "consenting the original proposal would be for Ministers the action most sustainable and best calculated to achieve the statutory emissions-reduction targets, and therefore the action indicated by their duties under section 44(1) of the Climate Change (Scotland) Act 2009."

Scottish Ministers' decision then stated "the proposed Development and the alternative Development "would make a significant contribution to meeting targets" and "would represent tangible progress to providing the additional onshore-wind capacity that the CCC has found would be necessary to meet the UK and Scottish emissions-reduction targets" and are therefore satisfied that the deployment of this amount of renewable energy produced in Scotland is entirely consistent with the Scottish Government's policy on the promotion of renewable energy and its target date for net-zero emissions of all greenhouse gases by 2045..." It went on to advise that the Scottish Ministers considered that documents including the OWPS and Scottish Energy Strategy and the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019, are significant considerations which strongly support the decision to grant consent and deemed planning permission.

It also advised that, at the time of decision, emerging policies were considered (although as draft afforded limited weight) with the Draft NPF4 setting out the spatial strategy with a shared vision that is to guide future development in a way which reflects the overarching spatial principles and relevant policies in Draft NPF4 'strengthen the support afforded to renewable energy development proposals which are not sited in National Scenic Areas or National Parks, setting out that renewable energy proposals should be supported in principle unless the impacts identified are unacceptable'. The Onshore Wind Policy Statement Refresh 2021: Consultative Draft also sets out 'that additional onshore wind will be vital to Scotland's future energy mix and in meeting net zero targets.'

5.17. National and Legal Energy Policy Conclusions

Taken together, the documents listed above provide compelling policy reasons to support the Proposed Development. At a national level, these documents provide an overriding and undisputable needs case, if one were still needed, for additional levels of renewable energy in general and onshore wind in particular in order to facilitate the change towards low-carbon technologies and meet our Net Zero Targets, alleviate the energy crisis, secure energy supply and stabilising rising energy costs. On top of these, the UK white paper looks to accelerate deployment of clean electricity through the 2020s and recognises onshore wind turbines as a key technology. Updates, reviews and new policies are beginning to set deployment level targets for specific technologies to hit climate change targets. New routes to market for onshore wind are also becoming available with onshore being included in next CfD round (March 2023). The role of, and need for, larger more efficient wind turbines to meet these targets in a cost-effective manner is paramount, as is the need for wind farms to be located in areas with good wind resource. These drivers have all fed into the siting, design and layout of the Proposed Development alongside onsite constraints and planning policy considerations. The balance of these matters is considered in the remainder of this statement including whether or not national and local planning policy has kept pace with this rapidly changing position.

6. Scottish Planning Policy and Advice

At the time this document was drafted National planning policy and advice in Scotland was contained in a number of documents including the following:

- National Planning Framework 3 (NPF3) provides a spatial vision for the future growth of Scotland. It provides the strategic policy context for decisions and actions by the Scottish Government and its agencies;
- Scottish Planning Policy (SPP) provides a succinct statement of national planning policy;
- Circulars contain guidance on policy implementation through legislative or procedural change; and
- Planning Advice Notes (PAN) provide information and advice relevant to particular policies.

National Planning Policy 4 was not approved at the time this document was drafted. NPF4 was initially laid before the Scottish Parliament in November 2021 and has subsequently been the subject of consultation and Parliamentary Committee scrutiny. A revised version of NPF4 2022, which reflects the Scottish Government's consideration of the responses received as part of the consultation, was laid before the Scottish Parliament on 8 November 2022 for approval.

NPF4 2022, received final approval from the Scottish Parliament on 11 January 2023 and awaits adoption by the Scottish Ministers. Regulations have now been laid before the Parliament enabling the Scottish Ministers to adopt the plan, and this is likely to happen in February 2023. NPF4 will replace Scottish Planning Policy (SPP) 2014 and NPF3 and will become the national element of the statutory development plan for all parts of Scotland.

Due to the timing of the drafting of this Planning Design and Access Statement NPF 4 2022 has not been considered in the full assessment however it is acknowledged that the application will be considered in the context of NPF4 2022. A brief review of the context of NPF4 2022 is provided in section 6.2.

6.1. National Planning Framework 3 (NPF3)

Scotland's third National Planning Framework was laid in the Scottish Parliament on 23 June 2014.

NPF3 is the spatial expression of the Scottish Government's Economic Strategy – with a focus on supporting sustainable economic growth and the transition to a low carbon economy. NPF3 sets out the ambition for Scotland as a whole and highlights the distinctive opportunities for sustainable growth in our cities and towns, or rural areas and our coast and islands.

NPF3 promotes the greater use of renewable energy, supporting further deployment of onshore wind farms and moving Scotland further towards becoming a "Low Carbon Place".

The Proposed Development adheres to the vision set by NPF3 and will contribute to the reduction of greenhouse gases by producing electricity from a renewable source and reducing the need for fuel from finite resources. It will increase the percentage of electricity supplied by renewable sources and move Scotland closer towards having a low carbon economy and reaching energy supply targets. The Proposed Development is therefore supported in principle by NPF3.

Whilst NPF3 remains extant at the time of writing, it is imperative that it is viewed within the context of the current Net Zero ambitions of the Scottish Government, as well as the emerging NPF4, and its enhanced commitment to address climate change through the Scottish planning process.

6.2. National Planning Framework 4 (NPF4)

NPF4 will form part of the statutory Development Plan on adoption and publication (assuming the Scottish Minsters commence the necessary provisions in the Planning Act). It is expected that NPF4 will be adopted on 13th February 2023, prior to the consideration of the application for the proposed development.

Section 13 of the 2019 Act amends Section 24 of the 1997 Act regarding the meaning of 'development plan', such that for the purposes of the 1997 Act, the development plan for an area is taken as consisting of the provisions of:

• The National Planning Framework;

- Any Strategic Development Plan; and
- Any Local Development Plan.

NPF4 introduces centralised development management policies which are to be applied Scotland wide, and also provides guidance to Planning Authorities with regard to the content and preparation of LDPs.

Annex A adds that NPF4 is required by law to contribute to six outcomes. These relate to meeting housing needs, health and wellbeing, population of rural areas, addressing equality and also "*meeting any targets relating to the reduction of emissions of greenhouses gases, and, securing positive effects for biodiversity*".

The spatial strategy is to support the delivery of:

- 'Sustainable Places': "where we reduce emissions, restore and better connect biodiversity";
- 'Liveable Places': "where we can all live better, healthier lives"; and
- 'Productive places': "where we have a greener, fairer and more inclusive wellbeing economy".

Page 6 of NPF4 addresses the delivery of sustainable places. Reference is made to the consequences of Scotland's changing climate, and it states, *inter alia*:

"Scotland's Climate Change Plan, backed by legislation, has set our approach to achieving net zero emissions by 2045, and we must make significant progress towards this by 2030.....Scotland's Energy Strategy will set a new agenda for the energy sector in anticipation of continuing innovation and investment."

Part 2 of NPF4 (page 36) addresses national planning policy by topic under the three themes of sustainable, liveable and productive places.

NPF4 continues the approach set out in NPF3 of identifying **national developments**. National Development 3 is entitled "*Strategic Renewable Electricity Generation and Transmission Infrastructure*"

Annex B of NPF 4., Page 103, provides the Statement of Need for National Development 3 and it states:

"This national development supports renewable electricity generation, repowering, and expansion of the electricity grid.

A large and rapid 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, which will include energy storage technology and capacity, to provide the vital services, including flexible response, that a zero carbon network will require. Generation is for domestic consumption 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.

The electricity transmission grid will need substantial reinforcement including the addition of new infrastructure to connect and transmit the output from new on and offshore capacity to consumers in Scotland, the rest of the UK and beyond. Delivery of this national development will be informed by market, policy and regulatory developments and decisions."

The location for ND3 is set out as being all of Scotland and in terms of need it is described as:

"Additional electricity generation from renewables and electricity transmission capacity of scale is fundamental to achieving a net zero economy and supports improved network resilience in rural and island areas."

Reference is made to the designation and classes of development which would qualify as ND3, and it states in this regard:

"A development contributing to 'Strategic Renewable Electricity Generation and Transmission' in the location described, within one or more of the Classes of Development described below and that is of a scale or type that would otherwise have been classified as 'major' by 'The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009', is designated a national development:

(a) on and off shore electricity generation, including electricity storage, from renewables exceeding 50 megawatts capacity;

(b) new and/or replacement upgraded on and offshore high voltage electricity transmission lines, cables and interconnectors of 132kv or more; and

(c) new and/or upgraded Infrastructure directly supporting on and offshore high voltage electricity lines, cables and interconnectors including converter stations, switching stations and substations."

The Proposed Development would therefore have national development status as per these provisions of NPF4.

Annex A of NPF4 sets out the way in which the document is to be used. In terms development management and the application of the **national levels policies** in the consideration of applications, NPF4 states:

"The policy sections are for use in the determination of planning applications. The policies should be read as a whole. Planning decisions must be made in accordance with the development plan, unless material considerations indicate otherwise. It is for the decision maker to determine what weight to attach to policies on a case by case basis. Where a policy states that development will be supported, it is in principle, and it is for the decision maker to take into account all other relevant policies".

In terms of 'sustainable places' policies which are relevant to the proposed development include the following:

- Policy 1: Tackling the Climate and Nature Crisis;
- Policy 3: Biodiversity;
- Policy 4: Natural Places;
- Policy 5: Soils;
- Policy 6: Forestry, Woodland and Trees;
- Policy 7: Historic Assets and Places; and
- Policy 11: Energy.

For the consideration of onshore wind energy development, Policy 11 is the lead policy against which the Proposed Development falls to be considered.

Policy 11 states:

a) Development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported. These include:

i. wind farms including repowering, extending, expanding and extending the life of existing wind farms;

ii. enabling works, such as grid transmission and distribution infrastructure;

iii. energy storage, such as battery storage and pumped storage hydro;

b) Development proposals for wind farms in National Parks and National Scenic Areas will not be supported.

The Proposed Development is a wind farm with up to 14 turbines and may also include battery storage increasing renewable energy generation. The Proposed Development is not in a National Park or National Scenic Area.

A carbon balance assessment report has been produced and SEPA's Carbon Calculator completed to determine the carbon payback time for the Proposed Development (see EIAR Technical Appendix 13.1 for full details).

The results reveal, after initial 2 year payback time, that the wind farm is likely to be generating carbon-free electricity, this could result in more than **4.6 million tonnes of net CO**₂ emission savings when replacing fossil fuel electricity generation.

NPF4 Policy 11(c) details that '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.'

EIAR Chapter 14: Socioeconomics reports that during the construction and operational phase of the development, the Proposed Development is predicted to generate jobs and contracting opportunities in this relatively remote part of South West Scotland. Based on information provided by the Applicant of another similar scale project within its portfolio at construction stage it is expected that the Proposed Development has the potential to offer positive socioeconomic benefits nationally, regionally and locally. See section 6.3.3 of this document and EIAR Chapter 14: Socioeconomics for further details

Investment from the construction and operation of the Proposed Development is expected to trickle down to provide additional spending within this relatively remote local area, thus contributing to the local economy throughout the construction period and operational lifetime of the Proposed Development. The Proposed Development will be subject to paying the LPA business rates expected to be worth millions of pounds over the operational period and

thereby contributing to the range of public services provided by the relevant local authority and enjoyed by the broader community, such as roads, schools, and adult social care.

Policy 11(e) requires that a proposed development, through its design and mitigation, demonstrates how a number of impacts are addressed by the development. Table 6.1 sets out the way in which the Proposed Development has addressed, these potential impacts. It does not repeat commentary already provided but rather cross refers to where the relevant information can be found.

Table 6.1:	NPF4	Policy	11(e)
------------	------	--------	-------

Impact (Policy 11(e))	Addressed
i. impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker;	EIAR chapter 5: LVIA, chapter 10: Noise and chapter 13: Other Effects, Chapter 14: Socioeconomics and Technical Appendix 5.5: Residential Visual Amenity address impacts and mitigations on these.
<i>ii. significant landscape and visual impacts,</i> <i>recognising that such impacts are to be expected for</i> <i>some forms of renewable energy. Where impacts are</i> <i>localised and/or appropriate design mitigation has</i> <i>been applied, they will generally be considered to be</i> <i>acceptable;</i>	Chapter 5 of the EIAR (LVIA) should be referred to for full detailed assessment. It concludes that, as expected for wind energy developments of this nature, there would be several significant effects to both landscape and visual receptors but these would affect a relatively small number of landscape and visual receptors. Within the wider area, it is not predicted that significant effects would occur to landscape and visual receptors due to a combination of screening from landform and woodland. The potential significant effects identified are restricted to landscape and visual effects upon a limited number of receptors within close proximity of the Proposed Development.
iii. public access, including impact on long distance walking and cycling routes and scenic routes;	There is a Public Right of Way that traverses the site but does not physically exist in The Proposed Development Area. Nonetheless, the Proposed Development has been designed to ensure a safe passage across the site is maintained. Furthermore, the Applicant is looking into the potential for a community heritage program; linking the recreational access benefits the project is seeking to provide, with sign posting and interpretation of some key historic features. See both EIAR chapter 13: Other Issues and chapter 9: Cultural Heritage for details.
iv. impacts on aviation and defence interests including seismological recording	Chapter 13: Other Issues addresses impact on Aviation and mitigations to address these.
v. impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;	Following consultation with BT Openreach, EE and SPEN it was concluded the Proposed Development does not directly affect microwave fixed links and the potential effect on microwave fixed links is not significant. The potential effect of the Proposed Development is considered to be not significant with respect to other radio communication networks. For further details see chapter 13: Other issues
vi. impacts on road traffic and on adjacent trunk roads, including during construction;	Embedded mitigation is delivered through a preliminary Traffic Management Plan (TMP). The preliminary TMP includes, amongst others, temporary

Impact (Policy 11(e))	Addressed
	pedestrian crossings, temporary signage to inform both drivers and pedestrians, temporary railings along footpaths and temporary speed restrictions. EIAR chapter 11: Traffic and Transport addresses these impacts and mitigations in more details
vii. impacts on historic environment;	The Proposed Development has been designed, where possible, to avoid direct impacts on known heritage assets. The only direct effects on known heritage assets would be on non-designated assets of Low importance with a negligible to medium sensitivity and the magnitude of impact would not exceed Low in each case. EIAR chapter 9: Cultural heritage provides more detail on these.
viii. effects on hydrology, the water environment and flood risk;	EIAR chapter 8: Hydrology, Geology and Hydrogeology outlines mitigations to minimise impact on hydrology, water environment and flood risk. This results in no significant risk.
ix. biodiversity including impacts on birds;	EIAR chapters 6: Ecology and Biodiversity and 7: Ornithology detail both biodiversity and impact on birds. The draft Habitat Management plan also shows an overall net gain in biodiversity (see also section 6.3.5)
x. impacts on trees, woods and forests;	Whilst large parts of the Proposed Development Area are open, some of the land where turbines are proposed has recently been planted and further forest development has been consented, although not yet commenced at the time of writing, and as such forest felling and replanting may be undertaken to facilitate the Proposed Development.
	In order to comply with the Scottish Government's Control of Woodland Removal Policy, compensatory planting would be required to mitigate for the loss of woodland area. The Applicant is committed to providing appropriate compensation to replace the loss of woodland area in terms of the relevant policy requirements as applicable at the time. See Chapter 12: Forestry of EIAR for further details.
xi. proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration;	Chapter 3: Project Description outlines preliminary decommissioning and reinstatement plans.
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	See Chapter 3: Project Description and draft CEMP for details.
xiii. cumulative impacts.	Cumulative impacts have been considered throughout EIAR. These are detailed in each assessment where applicable. See EIAR figures 5.9 and 5.10 for cumulative sites.

Policy 11, part e) also incorporates a paragraph which is important in considering the acceptability of wind farm proposals. At the end of part e) there is the following statement, "*In considering these impacts, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets.*". The key to this particular passage is that those benefits are related to the scale of a proposed development. In the context of the proposed Development, as set out in section 4, it incorporates two elements with a combined capacity of 136.8 MW. That combined capacity will assist in responding to greenhouse gas emissions.

The remaining polices are all relevant to the consideration of the Proposed Development but as set out in Annex A of NPF 4 the weight to be attached policies in a matter for the decision maker.

As set out in Section 5 and above of this planning statement, the Proposed Development is already aligned with this direction of travel and the specifics of the national energy policies and, as such, is to be supported by Part 1 of NPF4 as approved by the Scottish Minsters.

6.3. Scottish Planning Policy (SPP)

Published in June 2014, the current SPP provides a statement of Scottish Government Policy on nationally important land use. As well as providing a context for different types of development in Scotland, it also sets out policy on how the planning system should operate and how planning authorities should prepare development plans and supplementary guidance and determine planning applications.

In terms of its Core Principles for the planning system, SPP makes it clear that the system for planning decisions under the TCPA should be plan led, to the point where decision making is transparent and predictable, that constraints on development are necessary and proportionate and that all interests are engaged as early as possible, all seeking to ensure there is a clear focus on the quality of outcomes.

Although the SPP has in some respects been superseded in energy policy terms by the publication of the SES and OWPS in 2017, the Proposed Development has nevertheless considered the relevant constraints and opportunities presented by the site, had due regard to the development plan for the area, included consultation with all stakeholders including the planning authority, statutory consultees and local communities from an early stage throughout the design and assessment process (see the accompanying Pre-Application Consultation (PAC) Report for further information) and has therefore been developed in accordance with the Core Principles of SPP. Relevant sections of SPP are described in more detail in relation to the Proposed Development in the paragraphs below.

6.3.1. A Low Carbon Plan

SPP states in paragraph 152 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's Report on Proposals and Policies. Our spatial strategy facilitates the development of generation technologies that will help to reduce greenhouse gas emissions from the energy sector. Scotland has significant renewable energy resources, both onshore and offshore. Spatial priorities range from extending heat networks in our cities and towns to realising the potential for renewable energy generation in our coastal and island areas".

SPP states in paragraph 154 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;
 - 11% of heat demand from renewable sources by 2020; and
 - 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 the development of heat networks;

- guide development to appropriate locations and advise on the issues that will be taken into account when specific proposals are being assessed;
- help to reduce emissions and energy use in new buildings and from new infrastructure by enabling development at appropriate locations that contributes to:
 - Energy efficiency;
 - Heat recovery;
 - Efficient energy supply and storage;
 - Electricity and heat from renewable sources; and
 - Electricity and heat from non-renewable sources where greenhouse gas emissions can be significantly reduced."

The Proposed Development will increase the amount of renewable energy generation in Scotland, thus helping to support the transformational change to a low-carbon economy consistent with national objectives and targets. A carbon balance assessment report has been produced and SEPA's Carbon Calculator completed to determine the carbon payback time for the Proposed Development (see EIAR Technical Appendix 13.1 for full details).

The results from the carbon calculator reveal that the net impact of the Proposed Development will be positive overall given the carbon payback period represents approximately 5.7% (2 years) of the operational period (up to 35 years) and the positive contribution is 94.3% (33 years). Therefore, it is possible to conclude that the positive contribution is statistically significant. In addition, over the expected 33 years that the wind farm is likely to be generating carbon-free electricity, this could result in more than **4.6 million tonnes of net CO₂ emission savings** when replacing fossil fuel electricity generation.

The Proposed Development therefore illustrates a significantly positive net impact in terms of its contribution towards the reduction of greenhouse gas emissions from energy production.

The carbon dioxide emissions savings and renewable electricity generating capacity are consistent with the aims of SPP from transitioning to a low-carbon economy and increased renewable energy supply. Again, it is noted in this regard that the targets presented in the SPP have been superseded by those in the SES, OWPS, other climate change legislation, policy and reports published since 2017, including the Net Zero 2045 target as set out above and should be considered with this in mind.

6.3.2. Onshore Wind

SPP has a section dedicated to onshore wind. Paragraph 161 states that:

"Planning authorities should set out in the development plan a spatial framework identifying those areas that are likely to be most appropriate for onshore wind farms as a guide for developers and communities. Development plans should indicate the minimum scale of onshore wind development that their spatial framework is intended to apply to. Development plans should also set out criteria that will be considered in deciding all applications for wind farms of different scales – including extensions and re-powering – taking account of the considerations set out at paragraph 169."

Paragraph 169 states "Proposals for energy infrastructure developments should always take account of spatial frameworks for wind farms and heat maps where these are relevant. Considerations will vary relative to the scale of the proposal and area characteristics but are likely to include:

- 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 likely cumulative impacts arising from all of the considerations below, recognising that in some areas the cumulative impact of existing and consented energy development may limit the capacity for further development;

- impacts on 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; Scottish Planning Policy 41
- opportunities for energy storage; and
- the need for a robust planning obligation to ensure that operators achieve site restoration.

All such constraints have been taken into account with regards to the Proposed Development and fed into the detailed design process outlined in section 2 of this statement. This included consideration of the spatial framework for wind farms as set out in Table 1 of the SPP. In this regard the Proposed Development sits mostly in Group 3 which are 'Areas with potential for wind farm development'. Those parts of the site which fall within Group 2 due to the strategic identification of carbon rich soils have, through design, avoided significant effects and can therefore be treated as class 3. Taking both together it is clear that the Proposed Development is in an area which has strategic support from the SPP.

The resulting impacts of the siting and design of the Proposed Development have been assessed during the EIA process with the outcome that with the exception of landscape and visual impacts there were no residual significant effects identified. Having regard to the landscape and visual effect the potential significant effects are limited by design and topography to the area close to the wind farm itself avoiding significant impacts on settlements and other receptors further afield. The results of the EIA are presented in further detail in the relevant chapters of the EIAR but confirm that the various factors outlined in paragraph 169 of the SPP have been taken into account.

In addition to the construction and operational impacts, paragraph 169 requires decommissioning and restoration to be taken into account. The Proposed Development has a high-level strategy for decommissioning which is presented in Chapter 3: Project Description in Volume 1 of the EIAR and is considered in each of the different assessments carried out. A detailed decommissioning strategy would be developed in agreement with Dumfries and Galloway Council towards the end of the operational period of the Proposed Development.

The Proposed Development including its inclusion of energy storage facilities is therefore considered to be in accordance with the most directly relevant part(s) of the SPP in so far as these remain relevant following the publication of the more recent SES, OWPS and other climate change legislation and policies.

6.3.3. Promoting Rural Development

The overall approach advocated in SPP is that of a proactive stance to development in rural areas. Relevant parts of Paragraph 75 of the SPP state that the planning system should:

- "In all rural and island areas promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces; and
- Encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality."

The Proposed Development will be situated in a relatively remote upland rural area.

EIAR Chapter 14: Socioeconomics reports that during the construction and operational phase of the development, the Proposed Development is predicted to generate jobs and contracting opportunities in this relatively remote part of South West Scotland. Based on information provided by the Applicant of another similar scale project within its portfolio at construction stage it is expected that the Proposed Development has the potential to offer positive socioeconomic benefits nationally, regionally and locally. The Proposed Development will generate economic benefits both during its development and construction and during its operation and maintenance. In particular, its development and construction are expected to generate:

- £56 million GVA and 810 years of employment in the UK; including
- £36 million GVA and 480 years of employment in Scotland as a whole; including
- £12 million GVA and 160 years of employment in the South West of Scotland; including
- £7 million Gross Value Added (GVA) and 90 years of employment in Dumfries and Galloway.

The expenditure for the operation and maintenance of the Proposed Development could deliver up to:

- £1.9 million GVA and 31 jobs in the UK; including
- £1.3 million GVA and 22 jobs across Scotland; including
- £0.6 million GVA and support 8 jobs in the South West of Scotland; including
- £0.5 million GVA and support 7 jobs in Dumfries and Galloway.

Investment from the construction and operation of the Proposed Development is expected to trickle down to provide additional spending within this relatively remote rural area, thus contributing to the local economy throughout the construction period and operational lifetime of the Proposed Development. The Proposed Development will be subject to paying the LPA business rates expected to be worth millions of pounds over the operational period and thereby contributing to the range of public services provided by the relevant local authority and enjoyed by the broader community, such as roads, schools, and adult social care.

The Proposed Development will also add to the supply of renewable electricity locally which will contribute to the wider decarbonisation of the local economy. The Proposed Development is therefore considered to be in line with the SPP's vision for rural development.

6.3.4. Valuing the Historic Environment

The SPP supports the recognition of the contribution made by cultural heritage to our economy, cultural identity and quality of life and describes the historic environment in paragraph 136 as a *"key cultural and economic asset and a source of inspiration that should be seen as integral to creating successful places."* As per paragraph 137, the *"planning system should:*

- promote the care and protection of the designated and non-designated historic environment (including individual assets, related settings and the wider cultural landscape) and its contribution to sense of place, cultural identity, social well-being, economic growth, civic participation and lifelong learning; and
- enable positive change in the historic environment which is informed by a clear understanding of the importance of the heritage assets affected and ensure their future use. Change should be sensitively managed to avoid or minimise adverse impacts on the fabric and setting of the asset, and ensure that its special characteristics are protected, conserved or enhanced."

In line with SPP paragraph 140 the siting and design of the Proposed Development took into account the sensitivities of the historic environment in the area having consulted the records held by both local authorities. EIAR Chapter 9: Cultural Heritage confirms that having done so there are no direct or indirect significant effects associated with the construction, operation and decommissioning of the Proposed Development predicted in relation to cultural heritage. In line with SPP paragraph 150 a Written Scheme of Investigation is also proposed to manage the potential discovery of low sensitivity features within the Proposed Development Area. In addition, the applicant is proposing the establishment a footpath stemming from the Proposed Development's access tracks to facilitate pedestrian access to Asset 17 (crash site of a Bristol Blenheim Mk IV bomber). The wind farm's access tracks would also bring users within appreciative distance of the Cemetery Wood and a suspected prehistoric hut circle. These footpaths and the

wind farm's access tracks could be furnished with interpretive boards and QR codes to increase the readers' understanding and appreciation of some of the cultural heritage assets located on the Proposed Development. Stakeholder feedback has also indicated this could be extended to include an understanding of the etymology of some of the placenames within the Proposed Development, which shed light on the cultural and natural history of the area.

6.3.5. Valuing the Natural Environment

The SPP recognises the value of the Scottish environment for enjoyment, recreation and sustainable economic activity as well as the role for planning in protecting, enhancing, promoting access and supporting sustainable use of our environmental resources. Paragraph 194 of the SPP sets out criteria for the planning system to achieve this.

The development of a wind farm at Quantans Hill is a positive change which has carefully utilised the distinctive landscape character to avoid and minimise the additional significant impacts beyond those within the immediate environment of the Proposed Development.

Through its layout and design the Proposed Development has sought to conserve and enhance the peatland habitats found on the site as well as promoting the protection of the sensitive water environments within the Proposed Development Area.

Siting and design has also sought to avoid impact on carbon rich soils such that the Proposed Development fits with the requirements of SPP Table 1 in that regard.

The Proposed Development sets out a strategy for woodland replacement noting that this applies to commercial rather than natural or ancient woodland.

As highlighted above the significant investment arising from the Proposed Development provides an opportunity to restore and improve some of the degraded habitats found within the site as well as opportunities for access. It has been assessed that the Proposed Development's Habitat Management Plan will provide long-term net biodiversity gain and, furthermore a proposal for an alternative regional habitat management approach would allow funding to be spent in a broader area on a range of natural heritage initiatives.

It is worth noting that although impacts on Wild Land have been considered in the assessment of the Proposed Development the specific test in paragraph 215 of the SPP does not apply since it is not itself in an area of wild land.

6.3.6. A Successful, Sustainable Place

The SPP recognises the importance of supporting sustainable economic growth and regeneration, setting out the role that the Scottish Government expects the planning system to play in the sustainable economic growth of Scotland.

The Applicant is committed to facilitating access to commercial opportunities for local supply chains in its development, construction, and operations activities with the potential economic impacts set out above and in Chapter 14: Socioeconomics. The Applicant estimates that, historically, more than 70% of its total onshore wind expenditure has stayed within the UK with high-value, green jobs in environmental services, civil engineering and surveying, construction, and operational activities typically delivered by UK-based firms, including large numbers of SMEs. Operational expenditure in particular tends to be overwhelmingly locally based, with over 90% of the Applicant's spending on UK firms.

The Applicant has been engaging extensively with businesses in the South-west of Scotland, and Scotland more broadly, during the construction period of the South Kyle wind farm spanning 2020-23. It is anticipated that the Proposed Development will build on what the Applicant has learned of the strengths of the local, and Scottish, economy, including the use of a database of more than 1,000 Scottish-based suppliers to market opportunities.

Along with the operational requirements of the South Kyle wind farm, c.10km from the Proposed Development, the Applicant has the opportunity to create a green hub for its long-term operations in South-west Scotland should this scheme be consented which will create long-term direct, indirect, and induced local economic benefits in a sustainable industry.

In December 2021, the Applicant also announced a policy to require its supply chain to reduce its emissions intensity by 50% by 2030. Not only will the Proposed Development engender significant emissions reductions and provide economic opportunities in the green economy, the Applicant's supply chain policies are also expected to help local businesses to think about and become more sustainable themselves, even where they are already active in a green sector.

6.3.7. Planning Advice Notes (PAN)

Specific Advice Sheet: Onshore Wind Turbines

Specific Advice Sheet: Onshore Wind Turbines (updated in 2014) has replaced Planning Advice Note (PAN) 45 – Renewable Energy and is a source of specific advice for the development of onshore wind farms. The document provides specific advice to inform both development plans, decision-makers and developers involved in onshore wind projects. It is updated online and identifies key issues to be considered within the design and development process.

Other PANs

In addition to the Specific Advice Sheet: Onshore Wind Turbines is a range of topic and procedural Planning Advice Notes which have been considered in the design and assessment of the Proposed Development, including:

- PAN 1/2013 Environmental Impact Assessment and Annex A
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 60 Planning for Natural Heritage
- PAN 68 Design Statements
- PAN 73 Rural Diversification
- PAN 75 Planning for Transport
- PAN 3/2010 Community Engagement
- PAN 1/2011 Planning and Noise
- PAN 2/2011 Planning and Archaeology

The Proposed Development has progressed with careful consideration of the advice contained within the Specific Advice Sheet: Onshore Wind Turbines and other PAN. The design and assessment of the Proposed Development has evolved to comply with the advice supplied and has been clearly addressed throughout the EIAR. The Proposed Development is therefore considered to be in accordance with the general principles of these PAN.

6.3.8. Scottish Planning Policy Conclusions

This section has considered the wide range of national policies and legislation which are relevant to the consideration of this Section 36 application. The importance of this suite of national policies and legislation to the determination of wind farm applications was highlighted in the 2020 approval of the Paul's Hill II Wind Farm in Moray (WIN-300-3). The decision notice highlights that in his recommendation to Ministers, Reporter David Buylla noted that:

"I find that the proposal can draw support from the development plan and SPP and from more recent expressions of national policy and strategy. Recent developments in response to climate change, particularly the enactment of legislation in 2019 that commits Scotland to net zero carbon emissions by 2045 are also supportive."

Section 8.33 of the accompanying report further reiterates that:

"For the reasons I set out in Chapter 2, I find that the support this proposal can draw from SPP has been strengthened by the publication of subsequent policy and strategy documents such as the OWPS and SES. Very recent changes to legislation that commit Scotland to net zero carbon emissions by 2045 add some further support to the proposal, given the clear policy position that on-shore wind energy is a positive contributor to the objective of lower carbon emissions. Further support can be drawn from the clear recognition by the CCC of the need for much greater progress on carbon emissions reduction in the future, which has led to the declaration of a climate emergency." For similar reasons to those cited by the reporter at Paul's Hill, it is the Applicant's view that the Proposed Development at Quantans Hill should also draw support from these policies and the strengthening commitment to climate change targets.

7. Development Plan including Supplementary Guidance

The statutory presumption in terms of the development plan under the TCPA does not apply either to the Section 36 determination or the grant of any deemed planning permission, which differentiates the determination of an application under Section 36 from the determination of a planning application made under the TCPA. As such, there is no requirement for the determination to be made in accordance with the development plan unless material considerations indicate otherwise. Notwithstanding, it is acknowledged that the relevant provisions of the development plan are a consideration in relation to the Section 36 determination process, but it is for the decision maker to determine the weight to be attached to each of the relevant considerations. This statement sets out the Applicant's view of the relative weight which ought to be afforded to the development plan/s in this case given the terms of the presumption in favour of sustainable development set out in the SPP.

Given the overlapping and interdependent nature of the relevant supplementary guidance notes that have been produced by the local authority, these have been included in this section of the Planning Statement. The relative weight to be afforded to these again will depend on whether they have been adopted as statutory guidance but also, in accordance with the above, whether they are considered to be consistent with the requirements of the SPP.

Once adopted the National Planning Policy's which are contained in NPF4 will take precedence over the policies of the Local Development Plan. It will therefore be appropriate to assess the proposed development against the National Planning Policies in NPF4. Due to the timing of this submission that assessment has not be undertaken in this document.

7.1. Dumfries and Galloway Local Development Plan (LDP2) 2019

The relevant local development plan relating to Proposed Development is the Dumfries and Galloway Local Development Plan 2019 (DGLDP2) which was adopted on 3 October 2019. The key policy requirements of the DGLDP2 are outlined in the following paragraphs.

The aim of DGLDP2 is to provide a planning framework and guide the future use and development of land in towns, villages and the rural area, as well as indicating where development should and where it should not happen.

DGLDP2 will be kept under review and will be replaced at least every five years. The overarching principle of the DGLDP2 is that:

"all development proposals should support sustainable development, including the reduction of carbon and other greenhouse gas emissions".

DGLDP2 recognises that climate change is a pressing issue globally and outlines polices specific to renewable energy developments. There are two policies directly relevant to the Proposed Development; IN1 and IN2. These are further informed by the inclusion of a Spatial Framework in accordance with SPP Table 1. The Spatial Framework confirms that the area surrounding Quantans Hill is predominantly in Group 3 of Table 1 Areas with potential for wind farm development. The pockets of land falling into Group 2 of Table 1 are due to the presence of peat and carbon rich soils. This is discussed further below.

7.2. Policy IN1 Renewable Energy

Policy IN1 – 'Renewable Energy' 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;

All proposals will be required to provide sufficient detail to aid this assessment, including:

- 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."

The acceptability of the proposal 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".

Landscape and Visual impact

With the matters raised above the direct impacts and effects arising from turbines and other infrastructure located within Dumfries and Galloway require to be considered. These matters were fully considered during the design of the Proposed Development as set out in section 3 of this statement and Chapter 2 of the EIAR, whilst the resulting impacts and effects have been assessed in Chapter 5 of the EIAR. As a consequence of both, it is possible to conclude that although there are some significant landscape and visual impacts which will inevitably be experienced within the immediate surrounds of the Proposed Development, the design and scale of the Proposed Development is appropriate to the scale and character of its setting. The main features of the wider environment have been adequately considered and, where possible, impacts mitigated through design and that the overall impact of the Proposed Development is appropriate and therefore acceptable on balance.

Cumulative Impact

The siting and design of the Proposed Development has also given particular consideration to the potential cumulative impacts of other wind farms that are operational, consented or currently in planning, notably with Shepherds Rig. The Proposed Development alongside Shepherds Rig wind farm would increase the concentration of turbines and in some cases increase the horizontal extent and appearing as one development. However, whilst working with the inherent landscape character and topography of the site, the extent of potentially significant effects which might otherwise have arisen, have been reduced through mitigation.

The cumulative operational noise assessment shows that there are no significant cumulative noise impacts predicted, and no significant cumulative construction noise impacts are expected. This assessment was done on a 'worse case' basis that the proposed adjacent Shepherd's Rig development, which was the subject of an undetermined public inquiry at the time of assessment, was subsequently approved and constructed.

Local communities and Individual Dwellings

The potential impact on Carsphairn as the nearest community to the Proposed Development has been considered and deemed to be acceptable in terms of noise, visual dominance and shadow flicker as a result of the siting and design, distance and intervening topography. The Proposed Development has the potential to create job opportunities throughout the construction and operational phases and contribute to meeting the goals of the Dumfries & Galloway Regional Economic Strategy. Employment opportunities will be created during the lifecycle of the project in a relatively rural area and foster their diversification into new industries. The Applicant is also committed to

supporting the long-term ambitions of local communities through local community benefits worth an estimated £13 million over 30 years. The effect that a community benefit fund could have on the economies of Dumfries and Galloway, South West Scotland and Scotland as a whole will depend on the projects that this funding supports and the ability of the funding to leverage in wider support. The Applicant is actively engaging with local community groups to ensure that this funding has the maximum socio-economic benefit to local communities and is identifying investment priorities through a Community Development Strategy. This process is ongoing.

Noise and Shadow flicker

The potential effects upon noise are assessed in Chapter 10 of the EIAR. An operational noise assessment has been undertaken by comparing predicted noise levels for a candidate turbine, based on the indicative dimensions of turbines proposed, for the Proposed Development with the noise limits derived from baseline noise measurements carried out at a number of properties in the vicinity of the Proposed Development. Predicted noise levels are below these noise limits under all wind speed and wind direction conditions, and therefore the operational noise impacts are not significant.

Noise from traffic during the construction and decommissioning phases were assessed against the noise limits set out in BS 5228. Noise from construction activities will be below this noise limit and therefore the noise from such activities is not significant.

The increase in noise levels due to construction traffic accessing the site was assessed by comparing the noise levels generated including the construction traffic with the predicted road traffic noise levels in the absence of construction activities. The predicted increase is less than 1 dB and therefore there will be no perceptible impact.

There are 16 properties deemed to be at risk of shadow flicker. All 16 properties were assessed and none were shown to experience shadow flicker beyond an established threshold and would not cause a significant adverse effect upon amenity due to shadow flicker. Therefore, it has been concluded that the Proposed Development is deemed acceptable.

Natural and Historic Environment (including cultural heritage and biodiversity)

Whilst there are no significant effects predicted, additional controls will be put in place during construction through creation of site-specific Construction Environment Management Plan (CEMP), Species Protection Plan, Bird Protection Plan (BPP) and appointing an Environmental Clerk of Works (ECoW) to monitor adherence to such plans.

In addition, a Habitat Management Plan (HMP) is proposed as a benefit of the project to restore modified and damaged bog and heathland habitats and proposes to plant significantly more riparian broadleaf planting than is expected to be removed from recently planted non-native commercial conifer crops, although an alternative offsite regional approach is also offered for discussion with the consenting authorities.

A full assessment of cultural heritage is provided in Chapter 9 of the EIAR. It concludes that there will be no significant effects upon cultural heritage. It also recommends a programme of mitigation works. These would be proposed in a Written Scheme of Investigation and include appointing an Archaeological Clerk of Works to offset any potential loss of low sensitivity cultural heritage features within the Proposed Development Area.

This application proposes the establishment of a footpath stemming from the Proposed Development's access tracks to facilitate pedestrian access to Asset 17 (see EIAR Chapter 9 for Asset descriptions). The wind farm's access tracks would also bring users within appreciative distance of Asset 1 and Asset 10. These footpaths and the wind farm's access tracks could be furnished with interpretive boards and QR codes to increase the readers' understanding and appreciation of some of the cultural heritage assets located on the Proposed Development. Stakeholder feedback has also indicated this could be extended to include an understanding of the etymology of some of the placenames within the Proposed Development, which shed light on the cultural and natural history of the area.

Forestry and Woodlands

Whilst there is currently no forestry on the ground where wind turbines are proposed, some of the land where turbines will be erected has recently been planted and further forest development has been consented, although not yet commenced at the time of writing, the treatment of this new forestry is such that it is considered to be aligned with this policy. These matters are covered in Chapter 12 of the EIAR.

For reasons above and explained elsewhere in this statement, the Proposed Development is considered to have been designed and sited in an appropriate manner such that it can be supported by the overall objectives of this policy. The EIAR notes that receptors close to the Proposed Development (primarily residential receptors) may experience significant effects but that these are limited both in their extent and number. Further afield, it is acknowledged that the Proposed Development will be visible from outside the site boundary. It is further noted in the preamble to this policy that the need for energy storage is becoming increasingly important at both domestic and commercial levels. The inclusion of storage facilities within the Proposed Development is also therefore supported by the DGLDP2. Sufficient detail has been provided in the EIAR to enable compliance with the second part of this policy and the detailed findings of the EIAR would point towards the balance between benefits and impacts required under this policy concluding in favour of the Proposed Development.

7.3. Policy IN2 – Wind Energy

The Proposed Development also falls within DGLDP2 Policy IN2: Wind Energy which has also been used to consider the potential impacts of the Proposed Development on the D&G area. This policy indicates support for development where it can be accommodated without unacceptable significant adverse effects and cross references other relevant polices.

As with IN1, this policy is split into two parts. Part 1 states that the acceptability of any proposed wind energy development will be assessed against the following considerations:

Landscape and Visual Impact

"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."

As in IN1 above, the direct impacts and effects arising from turbines and other infrastructure located within Dumfries and Galloway require to be considered. Please see IN1 discussion for the conclusions to the assessments carried out.

Elements of the proposed development at 150m or greater in height would require lighting under Article 222 of the Air Navigation Order (ANO, 2016). This requires medium intensity 'steady' red aviation lights (emitting 2,000 candela) to be fitted at the wind turbine nacelle level. In addition, the CAA requires low intensity lights to be fitted at the intermediate level on the turbine tower (CAA, 2017). The intermediate lights will be 32 candela. It is proposed that visibility sensors are installed on relevant turbines to measure prevailing atmospheric conditions and visibility range. Should atmospheric conditions (for example an absence of low cloud cover, rain, mist, haze or fog) mean that visibility around the site is greater than 5km from the Proposed Development, CAA policy permits lights to operate in a lower intensity mode of 200 candela (being a minimum of 10% of their capable illumination). If visibility is restricted to 5km or less, by weather conditions, the lights would operate at their full 2,000 candela. In effect, the CAA policy allows 'dimming' of the lights depending on meteorological conditions, which has the effect of reducing the perceived intensity of light in clear conditions.

A reduced lighting scheme has been developed for the project to minimise the visual effects of aviation lighting on receptors. This has led to five turbines being lit around the perimeter of the Proposed Development and includes turbines T5 / T8/ T12 / T13/ T15.

A night-time aviation lighting ZTV for the reduced lighting scheme was produced and indicated that theoretical visibility would be very limited within The Merrick Wild Land Area and from the core area of the Galloway International Dark Skies Park. This would be perceived alongside lights from regular traffic travelling on the A713 road, and isolated properties in the foreground. This would result in a Moderate (not significant) effect due to the limited extent of the proposed artificial lighting combined with distance. Chapter 13 also provides examples of further potential mitigation technologies which seek to minimise aviation lighting impact by significantly reducing the amount of time the lights would be activated.

Technical Appendix 13.2 of the EIAR assesses the probable amount of time that visible lighting on the Proposed Development would be switched on by passing aircraft if a transponder-activated lighting system (TALS) was fitted

to the wind farm. It was found that, even if the maximum amounts of activity in each category of air traffic are assumed, the lights would be switched on for less than 0.13% of the periods of official night (Sunset +30 minutes until Sunrise -30 minutes). For those maximum periods to occur, every military night low level flight through west central and south west Scotland would have to fly within 4km of Quantans Hill – a highly improbable scenario. This would substantially reduce any night time effects identified in Chapter 5 LVIA.

Cumulative Impact

"The extent of any detrimental landscape and visual impact from two or more energy developments and the potential for mitigation".

The siting and design of the Proposed Development has also given particular consideration to the potential cumulative impacts of other wind farms that are operational, consented or currently in planning, notably with Shepherds Rig. The Proposed Development alongside Shepherds Rig wind farm would increase the concentration of turbines and in some cases increase the horizontal extent and appearing as one development. However, whilst working with the inherent landscape character and topography of the site, the extent of potentially significant effects which might otherwise have arisen, have been reduced through mitigation.

Impact on Local Communities

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

The potential impact on Carsphairn as the nearest community to the Proposed Development has been considered and deemed to be acceptable in terms of noise, visual dominance and shadow flicker as a result of the siting and design, distance and intervening topography.

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".

The potential impact on local roads has been minimised with any residual impacts being addressed through the commitment to implement a Traffic Management Plan, see EIAR Chapter 11.

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".

The Proposed Development sits outwith the Eskdalemuir Safeguarding Area and is therefore does not impact defence constraints. The potential effects of the Proposed Development on aviation have been mitigated by the inclusion of aviation warning lights on some of the turbines. The effects of these on landscape and visual have in turn been mitigated by a reduced lighting scheme which has been agreed with CAA (see above).

Other Impacts and Considerations

"The extent to which the proposal avoids or adequately resolves any other significant adverse impact including:on the natural and historic environment, cultural heritage, biodiversity; forest and woodlands; and tourism and recreational interests.

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

The potential impacts of the Proposed Development on 'other considerations' have been addressed through careful siting and design and the inclusion of appropriate mitigation measures which can be secured by appropriately worded planning conditions.

The acceptability of a development proposal 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 addressed satisfactorily".

The DGLDP2 seeks to develop its renewables sector to help support growth in the Dumfries and Galloway area, aligning its renewable energy policy with SPP. The DGLDP2 also recognises the importance of the renewable energy sector and its contribution to the economy.

Part 2 of Policy IN2 - Wind Energy states that wind energy developments will be supported when appropriately sited and are of the right design. Wind farm developments should also take into account the spatial framework provided within the plan, which outlines appropriate locations.

Policy IN2 is phrased in a similar way and covers a similar range of topics such that it is possible to draw similar conclusions to those under IN1. It is the Applicant's view that the efforts to ensure that this project is appropriately sited and of the right design alongside the alignment with the SPP discussed in Section 6 of this statement are such that this application can be supported under this policy.

7.4. Other LDP Policies

The DGLDP2 contains other policies relevant to the Proposed Development which have the overarching aim to encourage prosperous and sustainable communities and businesses, balance with protecting and improving the quality of the environment. These are listed below:

- NE2 Regional Scenic Areas
- NE6 Forestry and Woodland
- NE7 Trees and Development
- T1 Transport Infrastructure

Of these policies the one of greatest relevance to the proposed development is NE2 Regional Scenic Areas. Chapter 5 of the EIAR addresses the issues raised and concludes that whilst there would be several significant effects to both landscape and visual receptors - these would affect a relatively small number of landscape and visual receptors located within Upper Glenkens and the immediate hillsides. Within the wider area, it is not predicted that significant effects would occur to landscape and visual receptors due to a combination of screening from landform and woodland. The potential significant effects identified are restricted to landscape and visual effects upon a limited number of receptors within close proximity of the Proposed Development. In terms of those policies which are more directly relevant to the Proposed Development, some of the land where turbines will be erected has recently been planted and further forest development has been consented, although not yet commenced at the time of writing. Mitigation through the design process has reduced the amount of woodland loss required by the Proposed Development. Where infrastructure has impacted upon the current woodland design, this has been directed, where practical, to utilise open ground and minimise the disruption of planted compartment. The residual construction effects on forestry are a reduction of planted ground within each forest unit, in total by 13.81 ha. However, when considering the proposed mitigation measures, including compensatory planting, the overall magnitude of impact would be negligible and there would be no likely significant effect. The treatment of this forestry is such that it is considered to be aligned with NE6 and NE7. These matters are covered in Chapter 12 of the EIAR. Access onto the public road network is also deemed to be acceptable under T1. These matters are covered in Chapter 11 of the EIAR.

Overall, it is considered that through careful siting and design the Proposed Development has addressed the principal requirements of the DGLDP2 in relation to both the direct effects and impacts of the Proposed Development which is within the region as well as the wider landscape and visual effects which arise from the turbines. Having found there to be an overall level of alignment with the aims of DGLDP2 and, furthermore, concluded that the balance to be struck between the principal policies of the DGLDP2 have been met and that there was no overall conflict with the other relevant policies in the plan, then it has also been concluded that the Proposed Development is sufficiently aligned with the DGLDP2 to support an approval.

7.5. Dumfries and Galloway LDP2 Wind Energy Development Management Considerations Supplementary Guidance February 2020

The purpose of this Statutory Guidance (SG) is to provide further detail in support of Policy IN2 assessed in 7.7 of this statement. The Dumfries and Galloway Wind Farm Capacity Study (DGWLCS) is attached as an appendix to the SG. Section 1.3 of the SG notes that the purpose of the DGWLCS is to provide advice and does not to replace

the need to assess the impacts of a proposal. The EIAR which accompanies this application has considered where relevant the various detailed considerations outlined in this SG and having concluded a 'Not significant' response for all but one of the topics considered, is deemed to be generally aligned with this guidance.

The only area where significant effects were predicted is in the landscape and visual chapter of the EIAR. The level and nature of effects are however noted as being expected for a development of this scale in this location. It is also noted that due to careful siting and design of the Proposed Development relative to the surrounding landscape, topography and the natural screening that this provides, the extent of these significant effects is limited. Many elements of infrastructure including the temporary construction compound, substation, control building, energy storage, have been located to avoid proximity to residential receptors and to avoid ridgelines, steep slopes and large areas of cut and fill as much as possible. Further screening with woodland establishment is also proposed to minimise impact. Impacts on local designations are also limited and not significant. Overall, therefore the Proposed Development is deemed to have adequately considered the content of this guidance in its design and layout and that this is reflected in the results of the EIAR.

Whilst the appendix updates the previous 2017 version of the DGWLCS in a series of minor text changes listed outline at the start of the document, the document, its methodology and its findings remain relatively unchanged from the earlier version. The DGWLCS guidance for development within this landscape states that: "There is no scope for the larger development typologies (turbines >50m) to be sited within this character type without incurring significant impacts on a number of key characteristics". In particular the DGWLCS is still a 'Capacity Study' in name and continues to seek to impose limits on turbine size and location in a prejudicial manner. This is now clearly at odds with the approach to the draft landscape planning which is promoted by NatureScot and which has been discussed at length in numerous Public Inquiries.

The Applicant would wish to revert back to the purpose of this appendix as stated in the SG. That is to provide advice and not to replace the need for detailed assessment. In the views of NatureScot, the lack of any regionally agreed targets means this document is unable to advise with any authority on the capacity to accommodate development which has not been defined. Instead based on the suggested proper use of this as a sensitivity study, the relative sensitivities of the landscape surrounding the Proposed Development have been taken into account in the design of the Proposed Development and that the success of the design process is reflected in the limited extent of significant effects identified. Overall whilst the appendix to the SG presents a number of inherent conflicts between its advice and the priorities of the Scottish Government to meet its Climate change objectives and also more recent changes to the SPP, the Applicant has taken on board the general requirements of the SG in so far as it is practical to do so and from that can claim a reasonable and practical level of compliance with this document.

7.6. Development Plan Conclusions

The Proposed Development is well aligned with the strategic elements of the development plan in the local authority area. This strategic element in itself aligns with the general requirements of national planning energy and climate change policy. At a more detailed level the Proposed Development aligns well with the general balancing requirements of the development plan in terms of environmental effects. As the approach taken in the guidance of the local authority represents an additional constraint that does not facilitate and support sustainable development, this guidance can be given limited weight in the decision-making process. Instead, weight should be given to the alignment of the Proposed Development and the Development Plan more generally with national and strategic policy and legislation, the actual suitability of the site for wind farm development, the design response and the detailed findings of the EIAR. Taken together and having regard to the need to apply the planning balance, it is the Applicant's view that the Proposed Development is sufficiently supported by the development plans of the local authority to warrant a positive response.

8. Summary and Conclusions

The development of the Quantans Hill Wind Farm dates back over many years and straddles changes to legislation, regulations, national and local policy and support mechanisms. The one constant throughout that period has been

the suitability of the physical attributes of the Quantans Hill site to accommodate a commercial scale wind farm. This includes:

- The availability of suitable wind resource both in terms of speed and quality (this having been established through onsite monitoring and modelling) with an expected capacity factor of 38.5% comparing very favourably to the UK average for onshore wind of 26.5%;
- Lack of any onsite national natural or cultural heritage designations; and
- Is considered to not present any unacceptable environmental effects;

Despite this, the Applicant is going a step further and pursuing:

- Opportunities to enhance Proposed Development Area access and proposed footpath to a site of cultural interest (Second World War aircraft crash site); and
- Proposals for local or regional Habitat Management Plans, enhancing and restoring natural habitats.

During this time and especially over the last few years the needs case and support for commercially viable renewable energy projects such as the Proposed Development has increased immeasurably. Notable amongst this support has been the SES and OWPS in 2017 and the CCC 'Net Zero' Report, both Scottish Government's and Dumfries and Galloway's declaration of a Climate Emergency, and the Climate Change (Emissions Reduction Targets) (Scotland) Act in 2019. All of these have highlighted the pressing legal need for a major shift in policy and practice to meet increasingly demanding targets for renewable energy generation in Scotland. It is clear from NPF4 that there is a need for, and the commitment to, implement renewable energy to meet the legally binding targets. With the OWPS offering further material strengthening of the needs case and extends justification for onshore wind energy generation to provide a significant contribution to the wider energy needs.

Despite the very clear and obvious need for a policy shift to enable substantially more renewable energy generation to come on stream and facilitate the transition to Net Zero in order to meet legally binding climate change targets, the planning policy response at the local level has failed to keep pace and, in some elements, has gone in the opposite direction. Areas such as the land at Quantans Hill, which are potentially suitable for wind energy development, in line with the SPP, and DGLDP2 Spatial Frameworks, and capable of accommodating (as demonstrated through the EIA process) the scale of development necessary to meet national targets have been artificially constrained by out of date and overly prescriptive local planning guidance. Given the age and lack of relevance of this planning guidance to the current and emerging national and international position on renewable energy, climate change and sustainable development, and technological development in line with the SPP it should be afforded limited weight in the assessment of this application. Instead, attention should be focussed on the outcome of the EIA and presumption in favour of sustainable development which has been arrived at having regard to the requirements of this broader policy position.

The outcome of this is a development which:

- will generate between 86.8 to 92.4 MW of renewable power making a notable contribution to current renewable energy targets and climate change/carbon emissions reduction targets;
- will include proposals for up to 50 MW of energy storage to contribute to a smarter energy grid which benefits local and national energy users through better matching of electricity supply and demand and improvement to grid frequency stability;
- will provide direct employment in a rural part of south west Scotland which has comparatively limited employment opportunities;
- will provide contracts for local businesses during the construction, operation and decommissioning phases;
- will provide community benefit funding to assist local communities to undertake their own green recovery and meet their own local net zero targets in line with local economic strategies;
- will include funding to enhance and maintain existing recreational access in the surrounding area;
- will provide significant business rates payable to LPA;
- will provide rental payments to landowners in a rural economy setting;
- will provide opportunities and the investment required to enhance the current land and habitat management of site including peat restoration in line with Scottish Government objectives;

- will do so for up to 35 years and in so doing continue to make a notable contribution to targets beyond the 2045 net zero target date;
- will do so in an area which is recognised at a national and strategic level as being in a Group 3 area with
 potential for wind farm development and having been shown through siting, design and mitigation to have
 substantially overcome the reasons why some parts of the site were in Group 2 areas;
- will, as a result of a detailed siting and design process, do so with no significant effects on all but one of the topics assessed in the EIAR and with opportunities to enhance the current land and habitat management of site; and
- having had regard to topography of the site and its surroundings can be developed with limited significant landscape and visual impacts relative to other infrastructure including already consented and operational wind farms in the surrounding area.

For these reasons and on the basis of the overall balance of planning and other policy in favour of the Proposed Development it is requested that this application be approved.

Appendix 1

• Figure 1.1: Site Layout



Notes: a) Information on this plan is directly reproduced from digital and other material from different sources. Minor discrepancies may therefore occur. Where further clarification is considered necessary, this is noted through the use of text boxes on the plan itself. b) For the avoidance of doubt and unless otherwise stated: 1. this plan should be used for identification purposes only, unless otherwise stated in accompanying documentation. 2. The Natural Power Consultants Limited accepts no responsibility for the accuracy of data supplied by third parties. 3. The Natural Power Consultants Limited accepts no liability for any use which is made of this plan by a party other than its client. No third party who gains access to this plan shall have any claim against The Natural Power Consultants Limited in respect of its contents. 4. Where a line or feature recorded in the key of this plan is also shown as a line or feature by the Ordnance Survey, and that line or feature is located in a different position on the ground than shown by the Ordnance Survey, then the line or feature shall be deemed to follow the position as existing on the ground.

Project: Quantans Hill Wind Farm, Dumfries & Galloway
Title: Figure 1.1: Site Layout and Location
Кеу
Site boundary
 Proposed turbine
Proposed anemometry mast
Proposed permanent cranepad and hardstanding
Proposed temporary cranepad and hardstanding
Proposed track
Proposed thoroughfare track
Proposed substation, operations centre and battery storage
Proposed temporary compound
Proposed temporary batching plant
Proposed borrow pit
 Watercourse crossing
© Crown Copyright 2022. All rights reserved. Ordnance Survey Licence 0100031673.
Scale @ A3: 1:25,000 Coordinate System: British National Grid N
0 0.25 0.5 0.75 1 km
Date: 24-05-22 Prepared by: DM Checked by: LC
Ref: GB200515_M_196_H Layout: 010921_14t_A
Drawing by: The Natural Power Consultants Limited The Green House Forrest Estate, Dalry Castle Douglas, DG7 3XS, UK Tei: +44 (0)1845 299 1236 Email: sayhello@naturalpower.com www.naturalpower.com



The Greenhouse Forrest Estate, Dalry Castle Douglas DG7 3XS Scotland

www.naturalpower.com



۲