Chapter 4

Climate Change, Renewable Energy and Planning Policy

SCOTTISHPOWER RENEWABLES

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4.1 Executive Summary

1. As the proposed Development will have an installed capacity of greater than 50 megawatts (MW), this application for consent and deemed planning permission is made to Scottish Ministers under section 36 of the Electricity Act 1989.

2. SPR is a licensed generator and has obligations under Schedule 9 of the Electricity Act 1989 which requires it to have regard to certain environmental matters when formulating development proposals. It is obliged to have regard to the desirability of preserving natural beauty, conserving listed natural heritage interests and to protecting sites, buildings and objects of architectural and historical interest. It must also do what it reasonably can to mitigate any effects of proposed development and it must not impact fisheries or fish stocks in any waters. These provisions acknowledge that major energy projects are likely to engender impacts on these resources and the best time to consider them is at the iterative design stage of the project. It is closely aligned to the concept of environmental impact assessment.

3. Through the Environmental Impact Assessment (EIA) process SPR has developed a scheme that has had full regard to the duties set out in Schedule 9 of the Electricity Act. The matters that are raised in Schedule 9 have been considered in the EIA process and the findings are presented in this EIA Report. Scottish Ministers are also required under Schedule 9 to consider these matters and whether SPR has met its obligations to undertake appropriate assessment and propose reasonable mitigation.

4. The climate change and renewable energy policy framework is a very important material consideration that must be taken into account in the determination of this section 36 application. In May 2019 the Scottish Government declared a 'climate emergency'. This resulted in the Climate Change (Emissions Reductions Targets) (Scotland) Act 2019, which received Royal Assent in October 2019. This Act, which amends the Climate Change (Scotland) Act 2009, commits Scotland to a target of net-zero emissions of all greenhouse gases by 2045 alongside a series of ambitious and challenging interim targets towards this net-zero target.

5. In its advice to the UK and Scottish Governments on achieving the net-zero target, the UK Committee on Climate Change have stated that renewable energy generation "*must quadruple*" and states that the Scottish Government should make "*use of planning powers to drive decarbonisation*." The requirement to update planning policy to reflect the increased ambition of these new climate change targets has been recently acknowledged by Scotland's First Minister in the Scottish Programme for Government (2019). It is therefore expected that future planning policy documents such as the emerging National Planning Policy Framework 4 will further intensify planning policy support in relation to the generation of energy and electricity from renewable energy sources.

6. In the case of section 36 applications, the test set out in section 25 of the Town and Country Planning (Scotland) Act 1997 - that development must accord with the terms of the Development Plan - is not engaged. Whilst for such an application the Development Plan does not have primacy in the decision-making process, it is nonetheless material to the determination of the application.

7. The proposed Development lies within both Dumfries & Galloway and East Ayrshire Councils. The Development Plan for Dumfries & Galloway, within which the proposed wind turbines and other main infrastructure elements are located, comprises the Dumfries and Galloway Local Development Plan 2 (DGLDP2), which was adopted in October 2019, along with its

adopted Supplementary Guidance. The Development Plan for East Ayrshire, within which one of the proposed access routes is located, comprises the East Ayrshire Local Development Plan (EALDP), the East Ayrshire Minerals LDP, and its adopted Supplementary Guidance. The EALDP was adopted in April 2017.

8. The key determining Development Plan policy for the proposed Development is DGLDP2 Policy IN2: Wind Energy. This provides that Dumfries and Galloway Council will support wind energy proposals that are located, sited and designed appropriately and sets out the considerations against which the acceptability of proposals will be assessed. In the determination exercise, Policy IN2 recognises that making a judgement on the acceptability of impacts is ultimately a balancing exercise which must take into account both the benefits of the proposals as well as the disbenefits.

9. DGLDP2 Policy IN2 also refers to Dumfries and Galloway's Wind Energy Spatial Framework Map. This identifies that the majority of the proposed Development is located within a 'Group 3 Area' where, as defined in Scottish Planning Policy, wind energy developments are likely to be acceptable subject to detailed consideration against identified policy criteria. The remainder of the Site lies within a 'Group 2 Area' where, also as defined in the Scottish Planning Policy, wind energy developments may be appropriate in some circumstances. It is understood that the Site falls partly within a Group 2 Area due to mapped areas of Class 1 and Class 2 carbon rich soil, deep peat and priority peatland.

4.2 Introduction

10. This Chapter identifies the climate change, renewable energy and planning legislation and policy relevant to the determination of this application for consent under section 36 of the Electricity Act 1989 for the proposed Development.

11. It is important to note that it is not the purpose of this chapter to provide an assessment of the proposed Development against these climate change, renewable energy and planning policies. Instead it sets out the context in which proposed Development will be considered. The more detailed analysis and assessment of the proposed Development against these policy considerations is instead contained in the separate supporting **Planning Statement** which accompanies this application.

4.3 Electricity Act 1989

12. This EIA Report has been prepared in respect of a development which will be applied for in the context of section 36 of the Electricity Act 1989.

13. SPR holds a Generation Licence and is required to have regard to the matters set out I Schedule 9 of the Electricity Act in formulating relevant proposals. Paragraph 3(1)(a) of Schedule 9 requires SPR to consider the "*desirability of preserving natural beauty, of conserving flora, fauna and geological or physiological features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest.*" In addition, under Schedule 9, paragraph 3(1)(b) SPR must "*do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects*". Through the EIA process SPR has sought to develop a scheme that takes account of the duties set out in Schedule 9 of the Electricity Act. The matters that are raised in Schedule 9 have been considered in the EIA process and the findings are presented in this EIA Report. Scottish Ministers are then required, under Schedule 9, paragraph 3(2) to assess whether the applicant has fulfilled its duties as set out in Schedule 9, paragraph 3(1).

14. Schedule 9 also sets out requirements for the protection of fisheries by generating licence holders whereby paragraph 3(3) states that *"in exercising any relevant functions each of the following, namely, a licence holder, a person authorised by an exemption to generate or supply electricity and the Secretary of State shall avoid, so far as possible, causing injuries to fisheries or to the stock of fish in any waters."* The assessment of impacts on fish have been considered and are addressed in **Chapter 8: Ecology** and **Technical Appendix 8.3: Fish Habitat Assessment Report;**

4.4 International and EU Context

15. In order to understand the need for renewable energy generation in Scotland, it is important first to understand the international and European Union (EU) framework towards tackling climate change. The key targets and obligations in this regard are outlined below.

The COP 21 UN Paris Agreement

16. On 12 December 2015 delegates from nearly 200 different countries gathered at the Paris climate conference (COP 21) adopted a legally binding international agreement - known as 'the Paris Agreement' - by which all countries vowed to cut their carbon emissions. They agreed:

- a long-term goal of keeping the increase in global average temperature to well below 2 degrees Celsius (°C) above pre-industrial levels;
- to aim to limit the increase to 1.5 °C, since this would significantly reduce risks and the impacts of climate change;
- on the need for global emissions to peak as soon as possible, recognising that this will take longer for developing countries; and
- to undertake rapid reductions thereafter in accordance with the best available science, so as to achieve a balance between emissions and removals in the second half of the century.

17. Under the agreements, countries are also legally obliged to make new post-2030 commitments to reduce emissions every five years.

18. The EU formally ratified the Paris Agreement on 5 October 2016, thus enabling its entry into force on 4 November 2016. On the agreement, the European Commission stated "*the Paris Agreement sends a clear signal to investors, businesses, and policy-makers that the global transition to clean energy is here to stay and resources have to shift away from polluting fossil fuels*."

The EU 2030 Clean Energy Package

19. In October 2014, the European Commission agreed the EU 2030 Climate & Energy Policy Framework (EC 2015). This set a target to reduce EU domestic greenhouse gas emissions by at least 40 % below the 1990 level by 2030. Separate targets were also set for renewables and energy efficiency.

20. In 2019 the EU completed a comprehensive update of its energy policy framework to facilitate the transition away from fossil fuels towards cleaner energy and to deliver on the EU's Paris Agreement commitments. The new energy legislative framework – known as 'the Clean Energy Package for all Europeans' - was adopted the first half of 2019. As part of the Clean Energy Package, the revised Renewable Energy Directive (EU) 2018/2001 and the revised Energy Efficiency Directive (EU) 2018/2002 set new 2030 targets for renewable energy generation and energy efficiency. The targets for 2030 are:

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

21. On 29 March 2017 the UK submitted formal notification under Article 50 of the Treaty of the EU confirming that the UK intended to leave the EU. The process of leaving the EU is not anticipated to change the requirement to meet the above targets, as it is considered that any final withdrawal bill will convert all existing EU laws, rules and targets into domestic UK governance, either on a time-limited basis or indefinitely.

4.5 UK Context

22. Although the overarching position in the UK is that energy policy is not a devolved matter, the UK Government have made it clear that the Devolved Administrations must play an important role in helping the UK meet international and EU climate change targets. The key UK targets in this regard are outlined below.

4.5.1 Net Zero: The UK's Contribution to Stopping Global Warming

23. At COP 21, the Intergovernmental Panel on Climate Change (IPCC) was invited to publish a Special Report on the impacts of global warming of 1.5 °C and associated greenhouse gas emissions pathways. The IPCC released this Special Report on 8 October 2018. In response to the IPCC's Special Report, the UK Government requested advice from the Committee on Climate Change (a non-departmental public body that advises the Government on the climate) on the implications of the Paris Agreement. This included requesting advice on what further action was needed to meet the goals of the Paris Agreement.

24. On 2 May 2019 the Committee on Climate Change published their advice in 'Net Zero: the UK's Contribution to Stopping Global Warming'. The report made the following recommendations:

- UK overall: a new tougher emissions target of net zero greenhouse gases by 2050, ending the UK's contribution to global warming within 30 years. This would replace the previous target of an 80 % reduction by 2050 from a 1990 baseline.
- Scotland: a target of net zero greenhouse gases economy by 2045, reflecting Scotland's greater relative capacity to remove emissions than the UK as whole.
- A net zero greenhouse gases target for 2050 would deliver on the commitment that the UK made by signing the Paris Agreement.

25. The UK targets in the report have since been legislated through the Climate Change Act 2008 (2050 Target Amendment) Order 2019, which came into force on 27 June 2019. Prior to this, the UK was committed under the Climate Change Act 2008 to reducing net greenhouse gas emissions by at least 80 % of their 1990 levels by 2050. As discussed later in this chapter (see **Section 4.6**), the Scottish net-zero targets in the report have also since been legislated.

26. In terms of the new net-zero targets, the report makes it clear for both the UK and Scotland that "this is only possible if clear, stable and well-designed policies to reduce emissions further are introduced across the economy without delay." It continues that "current policy is insufficient for even the existing targets."

27. The Committee on Climate Change report sets out various scenarios for UK net zero greenhouse gases in 2050. These include one of extensive electrification, particularly of transport and heating. Page 23 of the Executive Summary states that this would need to be "*supported by major expansion of renewable and other low carbon power generation. The scenarios involve around a doubling of electricity demand, with all power produced from low carbon sources (compared to 50 % today).*"

28. The Committee on Climate Change scenarios for electricity generation estimate that to keep the UK on track to meet is net zero target, that renewable energy deployment will require a fourfold increase across the UK from current levels. It identifies that this quadrupling of renewable energy will require approximately 22 to 29 gigawatts (GW) of onshore wind capacity by 2030 and solar capacity increased to 23 to 43 GW. Currently, capacity for both is approximately 13 to 14 GW each.

29. The technical annexe to the report specifically addresses integrating variable renewables into the UK electricity system. The annexe makes it clear that variable renewable electricity such as large-scale onshore wind energy is now the cheapest form of electricity generation in the UK and can be deployed at scale to meet UK electricity demands.

30. The reports 'further ambition scenario' for the power sectors aims to see low- carbon sources providing 100 % of power generation in 2050, with variable renewable sources (including onshore wind) anticipated to contribute some 57 % of this total low carbon power generation.

4.5.1 The Fifth Carbon Budget

31. Under the Climate Change Act 2008, the UK Government must set five-yearly carbon budgets, twelve years in advance, from 2008 to 2050. The Government is required to consider - but not follow - the advice of the Committee on Climate Change when setting these budgets. The headline target of the Act was amended in June 2019 to reflect the Government's net zero target discussed above.

32. On 30 June 2016, the UK Government confirmed its intention to set the Fifth Carbon Budget to reduce UK greenhouse gas emissions relative to 1990 levels by 57 % by 2028-32. This is in line with advice provided to the UK Government by the

Committee on Climate Change. The Fifth Carbon Budget was officially set through The Carbon Budget Order 2016 which came into effect on 21 July 2016.

33. The UK Government published its Clean Growth Strategy (CGS) in October 2017, setting out a possible pathway for meeting the Fifth Carbon Budget. The CGS sets out a comprehensive set of policies and proposals that aim to accelerate the pace of 'clean growth' (i.e. deliver increased economic growth and decreased emissions). It states that "*in order to meet these objectives, the UK will need to nurture low carbon technologies, processes and systems that are as cheap as possible*".

34. The CGS draws on the UK's commitments under the Climate Change Act 2008. It is reported in the CGS that the UK outperformed the target emissions reduction of the first carbon budget (2008-2012) and is projected to outperform against the second and third budgets (covering 2013-2022). However, it is considered that in order to meet the fourth and fifth carbon budgets (covering the period 2023-2027 and 2028-2032) that the UK *"will need to drive a significant acceleration in the pace of decarbonisation*".

35. The Committee on Climate Change published a progress report in June 2020 to the UK Parliament. The report identifies that Fifth Carbon Budget is likely to be missed unless the UK Government takes further measures to reduce emissions from heat, transport, industry and agriculture. This report also highlights that the long-term target of net zero emissions by 2050 will also be at risk unless significant policy changes are made within the lifetime of the current Parliament. It states that *"the path to achieving net-zero emissions by 2050 will require a steeper reduction in emissions over the intervening three decades than is currently legislated in carbon budgets (out to 2032)*."

4.6 Scottish Government Climate Change and Energy Policy

36. The Scottish Government has continually adopted more ambitious climate change and renewable energy policy and targets than that of the UK Government. These key targets, and the strategies and policies to delivering them, are outlined below.

4.6.1 The Climate Change (Scotland) Act 2009

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

4.6.1 The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019

38. The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 received Royal Assent on 31 October 2019 and came into force in March 2020. The Act responds to the Paris Agreement and the declaration of a 'climate emergency' in Scotland. It amends the Climate Change (Scotland) Act 2009 and commits Scotland to a new target of net zero emissions of all greenhouse gases by 2045, with interim targets for reductions of at least 56 % by 2020, 75 % by 2030 and 90 % by 2040[1]. These new greenhouse emissions targets represent a substantial increase over the targets previously set in the 2009 Act. Section 3 of the Act takes the interim targets and produces annual targets, thereby ensuring ongoing commitments. **Table 4.1** shows the targets for each annual period between the 2020 and 2030 interim targets.

Table 4.1: Annual emissions target reductions

Target Year	Percentage reduction
2020 (interim target)	56%
2021	57.9%

[1] targets are expressed as percentage reductions from the 1990/1995 baseline

2022	59.8%
2023	61.7%
2024	63.6%
2025	65.5%
2026	67.4%
2027	69.3%
2028	71.2%
2029	73.1%
2030 (interim target)	75%

Source: Scottish Government https://www.gov.scot/policies/climate-change/reducing-emissions/

39. The most recent monitoring report published (Scottish Greenhouse Gas Emissions, Scottish Government 2020) shows that greenhouse gas emissions estimates for the most recent target year available (2018) show a 50.0 % reduction from baseline levels and as a result, the statutory emissions reduction target of 54.0 % for 2018 has not been achieved. This underperformance against targets indicates that renewed action is needed to keep pace with ongoing target reduction requirements.

40. Part 4 of the 2009 Act places climate change duties on Scottish public bodies. It states that a "public body must, in exercising its functions, act: in the way best calculated to contribute to the delivery of (Scotland's climate change) targets; in the way best calculated to help deliver any (Scottish adaption programme); and in way that it considers most sustainable". This means that all public sector organisations, including local authorities, are obliged in exercising their functions to do so in a manner which is consistent with meeting the net zero climate change target.

41. The latest statistics published in June 2020 (Scottish Government, 2020a) identify that the Scottish Government missed its 2018 target of a reduction of greenhouse gas emissions by 54 %. Overall carbon source emissions increased by 1.5 % in 2018 compared with 2017. This increase was largely as a result of an increase in emissions from the energy sector the report identifies.

4.6.2 The Climate Emergency

42. At the SNP Conference in April 2019, Scotland's First Minister Nicola Sturgeon declared a 'climate emergency'. She stated:

"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."

43. In May 2019 the Scottish Government formally declared a climate emergency. In a speech to the Scottish Parliament, the Climate Change Secretary Roseanna Cunningham stated:

"There is a global climate emergency. The evidence is irrefutable. The science is clear. And people have been clear: they expect action."

44. The Minister also highlighted the important role of the planning system in achieving climate change objectives:

"…the next National Planning Framework and review of the Scottish Planning Policy will include considerable focus on how the planning system can support our climate change goals."

45. In response to the declaration of a climate emergency in Scotland, the Programme for Government published in September 2019 sets out actions that will be taken to end Scotland's contribution to global climate change.

46. The recently established Climate Emergency Response Group has noted 12 specific requests that the Programme for Government has responded to. One such request is for the completion of plans for how renewable electricity is generated in order to reach net zero emissions by 2045. Page 37 of the Programme for Government confirms that the Scottish Government's next Energy Statement will set out the extent to which renewable and low carbon energy generation will need to be combined in order to meet net-zero.

4.6.3 Climate Change Plan (2018)

47. The Scottish Government published its most recent Climate Change Plan (CCP) in 2018 under the provisions of the Climate Change (Scotland) Act 2009. An updated CCP was due to be published in April 2020[2] which will consider what policies and proposals are necessarily to deliver against the new targets set under the Climate Change (Emissions Reduction) (Scotland) Act 2019.

48. In terms of the electricity sector, the current CCP states that:

- 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 will come from renewables.
- By 2032, Scotland's electricity system will be largely decarbonised and will be increasingly important as a power source for heat and transport.
- Electricity will be increasingly important as a power source for heat and in transport to charge Scotland's growing fleet of ultra-low emission vehicles.

49. Policy proposals include:

- Policy Outcome 1: "*From 2020 onwards, Scotland's electricity grid intensity will be below 50 grams of carbon dioxide per kilowatt hour. The system will be powered by a high penetration of renewables, aided by a range of flexible and responsive technologies*".
- Policy Outcome 2: "*Scotland's energy supply is secure and flexible, with a system robust against fluctuations and interruptions to supply*".

50. Implementation indicators for Policy Outcomes 1 and 2 are:

- Increase the amount of electricity generated from renewable sources in Scotland.
- Increase the installed capacity of sites generating electricity from renewable sources in Scotland. By 2030, it is expected that the installed capacity of renewable electricity generation sources will be between 12 and 17 GW.
- Increase total community and locally owned renewable energy capacity operational, and in development, in Scotland.
- Increase total renewable capacity in Scotland by planning stage.
- Increase the share of electricity generated from renewable sources, as a proportion of total electricity generated in Scotland.

4.6.4 2020 Routemap for Renewable Energy in Scotland (2011)

51. The 2020 Routemap for Renewable Energy in Scotland was initially published in July 2011. Further updates to the Routemap were subsequently published in October 2012, December 2013 and September 2015. The Routemap and subsequent updates were therefore prepared in the context of the lower greenhouse gas emissions targets set initially under the Climate Change (Scotland) Act 2009.

52. The Routemap committed Scotland to generating an equivalent of 100% of electricity demand from renewable sources by 2020. It stated that "*The successful delivery of the capacity required to deliver the equivalent of 100 % of Scottish electricity consumption will demand a significant and sustained improvement over the deployment levels seen historically*."

53. Sectoral routemaps were provided for each of the key renewables technologies that it was anticipated would contribute towards achieving the 2020 targets. With regard to onshore wind, the stated ambition was *"that by 2020, onshore wind developments ranging from small and community-scale to large power utility scale maximise engagement with communities;*

[2] Delayed due to Coronavirus; expected 2020

contribute electricity to renewables targets; and through displacement of fossil fuel generation, help to reduce fossil fuel consumption."

54. The Routemap identified that "onshore wind is a mature and relatively low cost renewable technology with a large supply chain already established. It is capable of being deployed at a high rate. Onshore wind turbines can make a very large contribution to the progress to Scotland's renewable electricity target, and help establish Scotland's reputation as rapidly becoming the green powerhouse of Europe."

55. A letter from the Scottish Government Planning and Architecture Division to all Heads of Planning entitled 'Energy Targets and Scottish Planning Policy' was published on 11 November 2015. The letters set out the Scottish Government's position on onshore wind energy developments. With regard to the 100 % of gross electricity consumption from renewables target by 2020, the letter states that "*the target is a statement of intent and that it is known that Scotland has the potential resource to deliver and exceed it*." The letter adds that there is no cap on the support for renewable energy development, including onshore wind, once the target has been reached.

56. The latest statistics from the Scottish Government's Energy Statistics Hub (Scottish Government 2020b) identified that the equivalent of 90.1 % of gross electricity consumption was from renewable sources. The 2020 target of 100 % gross electricity consumption equates to approximately 16 GW of installed renewable energy capacity. The latest statistics identify that as of March 2020 Scotland has 11.9 GW of installed capacity operational, a shortfall of approximately 4.1 GW.

4.6.5 Scottish Energy Strategy (2017)

57. The Scottish Energy Strategy (SES) was published in 2017 and was therefore prepared in the context of the lower greenhouse gas emissions targets set initially under the Climate Change (Scotland) Act 2009. The SES sets out the Scottish Government vision for the future energy system in Scotland for the period through to 2050. The Strategy identifies that Scotland's long-term climate change targets will require the near complete decarbonisation of our energy system by 2050, with renewable energy meeting a significant share of our needs.

58. The SES sets a target for the equivalent of 50 % of the energy for Scotland's heat, transport and electricity consumption to be supplied from renewable sources by 2030. This 50 % target roughly equates to of 17 GW of installed capacity in 2030. Provision figures for 2018 on the Scottish Government's Energy Statistics Hub estimate that 21.1 % of total Scottish energy consumption came from renewable sources. The SES also sets a second target for an increase by 30 % in energy productivity by 2030 across the Scottish economy from a baseline of 2015. Provision figures for 2018 on the Scottish Government's Energy Statistics Hub (Scottish Government 2020b) estimate that energy productivity in Scotland is 0.6 % above the 2015 baseline.

59. Alongside these energy targets, the SES also sets out six strategic priorities. These include:

- *"System security and flexibility – we should have the capacity, the connections, the flexibility and resilience necessary to maintain secure and reliable supplies of energy to all of Scotland's homes and businesses as our energy transition takes place.*
- *Renewable and low carbon solutions – we will continue to champion and explore the potential of Scotland's huge renewable energy resource, and its ability to meet our local and national heat, transport and electricity needs – helping to achieve our ambitious emissions reduction targets."*

60. The SES advises that onshore wind energy development is essential to Scotland's transformation to a fully decarbonised energy system by 2050 and brings opportunities which underpin our vision to grow a low carbon economy and build a fairer society.

61. The SES is also clear that energy storage has an important role to play in the future of Scotland's energy system. It states that *"changes in how we store energy across the system, and particularly in terms of electricity and heat, could have a profoundly important bearing on our low carbon economy".*

62. The SES notes that the Scottish Government want to "see a significant increase in shared ownership of renewable energy projects in Scotland – putting energy into the hands of local communities and delivering a lasting economic asset to communities across Scotland". The ambition is for at least half of newly consented renewable energy projects by 2020 to have an element of shared ownership. The Scottish Government believe that "Shared ownership will play a key part in

helping to meet our targets of 1 GW of community and locally-owned energy by 2020 and 2 GW by 2030." The Scottish Government "expect community involvement in onshore wind developments to continue to play a vital role in reaching these targets."

4.6.6 Onshore Wind Policy Statement (2017)

63. The Scottish Government's Onshore Wind Policy Statement (OWPS) is one of three policy statements accompanying the SES and was also published in December 2017. It includes separate sections on key priority areas as follows:

- route to market;
- repowering;
- developing a strategic approach to new development;
- barriers to deployment;
- protection for residents and the environment;
- community benefits; and
- shared ownership.

64. The OWPS reiterates and emphasise the Scottish Government's undiminished, in principle, policy support for further new onshore wind energy projects. This is made clear in paragraph 4 of the OWPS, which states that "*Scotland will continue to need more onshore wind development and capacity, in locations across our landscape where it can be accommodated*."

65. The necessity for taller turbines is recognised in paragraph 23 of the OWPS, which states that the Scottish Government "acknowledge that onshore wind technology and equipment manufacturers in the market are moving towards larger and more powerful (i.e. higher capacity) turbines and that these by necessity will mean taller towers and blade tip heights". Paragraph 25 of the OWPS continues that the Scottish Government "fully supports the delivery of large wind turbines in landscapes judged to be capable of accommodating them with significant adverse impacts."

66. The OWPS also discusses what it describes as the "*common (although not universal) assumption*" of a time limit of 25 years for consent for wind energy developments. Paragraph 41 of the OWPS confirms that there is no current statutory or legislative durational period and reiterates the position in Scottish Planning Policy that areas identified for wind energy developments should be suitable for use in perpetuity. It provides that the operating period of an individual wind energy development is a matter which developers can discuss and consider prior to the submission of an application but identifies that decommissioning provisions will still be required.

67. Shared ownership is promoted in the OWPS, with developers encouraged to include elements of shared ownership within their proposals. The OWPS reiterates the Scottish Governments target for at least 50 % of newly consented renewable energy projects to have an element of shared ownership by 2020.

4.7 Scottish Government Planning Policy

4.7.1 National Planning Framework

68. The National Planning Framework is a long term plan for Scotland that sets out where development and infrastructure is needed to support sustainable and inclusive growth. The current National Planning Framework (NPF3) was published in 2014 and was therefore prepared in the context of the targets set in the Climate Change (Scotland) Act 2009. The Scottish Government are currently reviewing NPF3, and as outlined above it is expected that this review will place significant focus upon how the planning system can meet the new net-zero greenhouse gas emission targets. The updated document, which will also now integrate Scottish Planning Policy, will be known as National Planning Framework 4 (NPF4). It will also have the status of the development plan for planning purposes. A consultation draft of NPF4 is due to be published in Quarter 3 of 2020, with the final version due to be laid before Parliament in Quarter 4 of 2021.

69. NPF3 identifies that the energy sector accounts for a significant share of greenhouse gas emissions, and provides that in order to facilitate the transition towards a low carbon economy that Scotland must seek to capitalise upon its considerable renewable energy resources.

70. NPF3 also identifies that improved energy efficiency and further diversification of energy supplies is required in order to meet climate change targets, renewable energy targets and maintain secure energy supplies.

71. NPF3 provides specific policy support for onshore wind energy development. Paragraph 3.23 of NPF3 states the Scottish Government's position that "*onshore wind will continue to make a significant contribution to diversification of energy supplies*".

4.7.2 Scottish Planning Policy

72. Scottish Planning Policy (SPP) was published in June 2014 and sets out national planning policies which reflect the Scottish Government's priorities for the operation of the planning system and the development and use of land. It contains overarching policies that promote sustainability and placemaking as well as subject-specific planning policies. As identified above, the Scottish Government are current reviewing SPP, with the new SPP to be incorporated into NPF4. The following paragraphs set out the policy issues within the current SPP which are most relevant to the proposed Development.

73. The SPP Policy Principles (paragraphs 24 to 57) include a presumption in favour of development that contributes to sustainable development, listing at paragraph 29 a number of principles to guide decisions. Included amongst these are supporting the delivery of infrastructure (energy) and supporting climate change mitigation.

74. The SPP subject policies on delivering a low carbon place (paragraphs 152 to 192) set out how the planning system should manage the process of encouraging, approving and implementing renewable energy proposals when preparing development plans and determining applications.

75. With respect to the delivery of electricity, paragraph 154 of SPP states that the planning system should, amongst other principles:

- Support the transformation change to a low carbon economy, consistent with national objectives and targets, including deriving 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.
- Guide development to appropriate locations and advise on the issues that will be taken into account when specific proposals are being assessed.

76. Paragraph 155 emphasises the Scottish Government's commitment to maximising the generation of renewable energy. It states that "*development plans should seek to ensure an area's full potential for electricity and heat from renewable sources is achieved, in line with national climate change targets, giving due regard to relevant environmental, community and cumulative impact considerations*."

77. With specific regard to onshore wind, paragraph 161 provides that Development Plans should include a spatial framework for all scales of wind energy development appropriate to their areas, and should set out the criteria that will be considered in deciding applications for all wind energy developments.

78. The approach to be adopted for the preparation of spatial frameworks is set out in Table 1 of the SPP and is discussed in detail in the Planning Statement which accompanies this application. Paragraph 163 of the SPP provides that the approach to spatial framework preparation set out in the SPP should be followed in order to deliver consistency. It also provides that additional constraints beyond those identified in Table 1 of the SPP should not be applied.

79. Paragraph 169 sets out the criteria to be considered in the determination of energy infrastructure developments. It states that these criteria will vary relative to the scale of the proposal and the 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;
- opportunities for energy storage; and
- the need for a robust planning obligation to ensure that operators achieve site restoration.

80. In addition to the SPP subject policies on delivering a low carbon place, a number of other subject policies within the SPP are also considered to be of relevance to the proposed Development, namely:

- Promoting rural development (paragraphs 74 to 91);
- Valuing the historic environment (paragraphs 135 to 151);
- Valuing the natural environment (paragraphs 193 to 233);
- Managing flood risk and drainage (paragraphs 254 to 268); and
- Promoting sustainable transport and active travel (paragraphs 269 to 291).

81. These other subject policies are covered within the relevant technical chapters of this EIA Report and in the **Planning Statement** which accompanies this application.

4.8 Development Plan

4.8.1 The role of the Development Plan

82. In the case of section 36 applications, the role of the Development Plan is not the same as in the case of the Town and Country Planning (Scotland) Act 1997 as amended (the 1997 Act). The test set out in Section 25 of the 1997 Act, which sets out that development must accord with the terms of the Development Plan, is not engaged in the case of a Section 36 application. The Development Plan is nonetheless material to the determination of the application.

4.8.2 Dumfries and Galloway Local Development Plan

83. The Dumfries and Galloway Local Development Plan 2 (DGLDP2) was adopted in October 2019 and sets out the policies to guide development in Dumfries and Galloway for the next 20 years. The DGLDP2 includes over 50 policies with more detailed information and advice set out in separate Supplementary Guidance. Supplementary Guidance relevant to this application includes the Wind Energy Development: Development Management Considerations (WED) and the associated Dumfries and Galloway Wind Farm Landscape Capacity Study (DGWLCS), both of which were adopted in February 2020.

84. Proposals for renewable energy developments are generally considered under **Policy IN1: Renewable Energy**, which states that Dumfries and Galloway Council will support development proposals for all renewable energy generation and/or storage which are located, sited and designed appropriately. It provides that the acceptability of proposals will be assessed against the following considerations:

- landscape and visual impact;
- cumulative impact;

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

85. It states that "acceptability will be determined through an assessment of the details of the proposal including its benefits and the extent to which its environmental and cumulative impacts can be satisfactorily addressed." To enable this assessment to be made, the policy sets out relevant information that must be submitted in support of the application. This includes the scale of contribution to renewable energy targets; effects on greenhouse gas emissions; and net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.
Policy IN1 therefore recognises that making a judgement on the acceptability of impacts is ultimately a balancing exercise which must take into account both the benefits of the proposal as well as the disbenefits.

86. Development management considerations specific to wind energy applications are contained in **Policy IN2: Wind Energy.** The policy states that the Council will support wind energy proposals that are located, sited and designed appropriately. It states that the acceptability of any proposed wind energy development will be assessed against the following considerations:

- **Renewable energy benefits.**
  - The scale of contribution to renewable energy targets, effect on greenhouse gas emissions and opportunities for energy storage.
- **Socio-economic benefits**
  - Net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.
- **Landscape and visual impacts**
  - The extent to which the landscape is capable of accommodating the development with significant detrimental landscape or visual impacts, including effects on wild land; and
  - That the design and scale of the proposal is appropriate to the scale and character of its setting, respecting the main features of the site and the wider environment and that it addresses fully the potential for mitigation.
- **Cumulative impact**
  - The extent of any cumulative landscape or visual impact or impacts on existing patterns of development from two or more wind energy developments and the potential for mitigation.
- **Impact on local communities and residential interests**
  - The extent of any detrimental impact on communities, individual dwelling, residents and local amenity, including assessment of the impacts of noise, shadow flicker, visual dominance and the potential for associated mitigation.
- **Impact on infrastructure**
  - The extent to which the proposal addresses any detrimental impact on road traffic, adjacent trunk roads and telecommunications, particularly ensuring transmission links are not compromised.
- **Impact on aviation and defence interests**
  - The extent to which the proposal addresses any impacts arising from location within an area subject to potential aviation and defence constraints, including the Eskdalemuir Safeguard Area.
- **Other impacts and considerations**
  (a) the extent to which the proposal avoids or adequately resolves any other significant adverse impact on the natural environment, including biodiversity, forests and woodland, carbon-rich soils, hydrology, the water environment and flood risk, the historic environment, cultural heritage, tourism and recreational interests and public access.
  (b) The extent to which the proposal addresses any physical site constraints and appropriate provision for decommissioning and restoration.

87. In the determination exercise, Policy IN2 states that "Acceptability will be determined through an assessment of the details of the proposal including its benefits and the extent to which environmental and cumulative impacts can be addressed satisfactorily." It is considered that this balanced approach adopted within Policy IN2 represents a realistic reflection of the assessment process as it applies to wind energy developments given that such developments will inevitably result in some significant impacts in EIA terms.

88. Policy IN2 also refers to the Council's Spatial Framework for wind energy developments. The Spatial Framework is in accordance with the criteria set out in Table 1 of SPP and a Spatial Framework Map provided as Map 8 of the DGLDP 2. The

Spatial Framework Map identifies areas which have potential for wind farm development, and those which don't, including areas requiring significant protection. According to the DGLDP 2 Spatial Framework Map, the proposed Development is located primarily in Group 3 Areas (areas with potential for wind farm development), with the remainder of the Site considered to be in Group 2 Areas (areas for significant protection). It is understood that the Site falls partly within Group 2 Areas due to mapped areas of Class 1 and Class 2 carbon rich soil, deep peat and priority peatland. In the determination of applications, Policy IN2 makes it clear that the Spatial Framework Map provides strategic guidance only.

89. **Table 4.2** lists the other DGLDP policies and associated Supplementary Guidance documents considered to be relevant to the proposed Development. These other policies and guidance are covered within the relevant technical chapters of this EIA Report and in the **Planning Statement** which accompanies this application.

Table 4.2: Relevant DGLDP policies and Supplementary Guidance

DGLDP Policies	Associated Supplementary Guidance
Policy IN1: Renewable Energy	-
Policy IN2: Wind Energy	Wind Energy Development: Development Management Considerations Dumfries and Galloway Wind Farm Landscape Capacity Study
Policy OP1: Development Considerations	-
Policy OP2: Design Quality and Placemaking	Design Quality and Placemaking
Policy OP3: Developer Contributions	Developer Contributions
Policy ED10: Galloway and Southern Ayrshire Biosphere	-
Policy ED11: Dark Skies	Dark Skies Friendly Lighting
Policy ED13: Minerals	-
Policy HE1: Listed Buildings	Historic Environment
Policy HE2: Conservation Areas	
Policy HE3: Archaeology	
Policy HE4: Archaeologically Sensitive Areas	
Policy HE6: Gardens and Designed Landscapes	
Policy NE1: National Scenic Areas	
Policy NE2: Regional Scenic Areas	
Policy NE3: Areas of Wild Land	
Policy NE5: Species of International Importance	
Policy NE7: Forestry and Woodland	
Policy NE8: Trees and Development	Trees and Development
Policy NE11: Supporting the Water Environment	
Policy NE12: Protection of Water Margins	
Policy NE14: Carbon Rich Soil	
Policy NE15: Protection and Restoration of Peat Deposits as Carbon Sinks	
Policy CF4: Access Routes	
Policy IN7: Flooding and Development	Flooding and Development
Policy IN8: Surface Water Drainage and Sustainable Drainage Systems (SuDS)	Surface Water Drainage and Sustainable Drainage Systems (SuDS)

4.8.3 East Ayrshire Local Development Plans

90. The Development Plan for East Ayrshire comprises the East Ayrshire Local Development Plan (EALDP), which was adopted in April 2017, and the East Ayrshire Minerals LDP, which was adopted in January 2020. In addition, East Ayrshire Council has approved a number of statutory Supplementary Guidance and non-statutory Planning Guidance documents. The statutory Supplementary Guidance also forms part of the Local Development Plan. Relevant Supplementary Guidance includes the Planning for Wind Energy Supplementary Guidance (WESG), which was adopted in December 2017.

91. **Policy RE3: Wind Energy Proposals Over 50 metres in Height** is the primary EALDP policy for the assessment of wind energy proposals. It states that wind energy proposals will be assessed using the Spatial Framework for wind energy development and all relevant renewable energy and LDP policies.

92. It is important to note that the only elements of the proposed Development that will be located within East Ayrshire is one of the proposed access tracks to the Site, part of which forms the existing access track to Hare Hill Windfarm. The Spatial Framework, which is provided as Map 12 of the EALDP, identifies that the majority of this proposed access track falls within a Group 3 area. However, parts of the proposed access track also lie Group 2 Areas due to mapped areas of Class 1 carbon rich soil, deep peat and priority peatland.

93. Within Group 3 Areas, Policy RE3 provides that wind energy proposals will be supported where it can be demonstrated that they are acceptable in terms of all applicable Renewable Energy Assessment Criteria set out in Schedule 1. Within Group 2 Areas, Policy RE3 provides that wind energy proposals may be appropriate in some circumstances in cases where it can be demonstrated that any significant adverse effects on the environmental characteristics of these areas can be substantially overcome by siting, design or other mitigation and where the proposal is acceptable in terms of all applicable Renewable Energy Assessment Criteria set out in Schedule 1.

94. Assessment criteria set out in Schedule 1 that are considered relevant to determining the acceptability of the proposed access track include landscape and visual impact; impacts on carbon rich soils, deep peat and peatland habitats; effects on natural heritage; impacts on the historic environment; effects on hydrology and the water environment; and impacts on road traffic and adjacent trunk roads.

95. **Table 4.3** lists the other EALDP policies and associated Supplementary Guidance documents considered to be relevant to the proposed Development. These other policies and guidance are covered within the relevant technical chapters of this EIA Report and in the Planning Statement which accompanies this application.

Table 4.3: Relevant EALDP policies and Supplementary Guidance

EALDP Policies	Associated Supplementary Guidance
Overarching Policy OP1	-
Policy RES 11: Residential Amenity	-
Policy TOUR 4: The Dark Sky Park	Dark Sky Park Lighting
Policy RE3: Wind Energy Proposals Over 50 metres in Height	Planning for Wind Energy
Policy RE5: Financial Guarantees	-
Policy ENV1: Listed Buildings	-
Policy ENV2: Scheduled Monuments and Archaeological Resources	-
Policy ENV4: Gardens and Designed Landscapes	-
Policy ENV6: Nature Conservation	-
Policy ENV7: Wild Land and Sensitive Landscape Areas	-
Policy ENV8: Protecting and Enhancing the Landscape	-
Policy ENV9: Trees, Woodland and Forestry	-
Policy ENV10: Carbon Rich Soils	-
Policy ENV11: Flood Protection	-

ENV12: Water, Air and Light and Noise Pollution	-
T1: Transportation Requirements for New Development	-
T4: Development and Protection of Core Paths and Natural Routes	-

4.9 References

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