



# **Hare Hill Windfarm**

# **Repowering and**

# **Extension**

**Environmental Impact Assessment  
Report**

**Volume 1**

**Chapter 2: Legal and Policy Context**

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## Abbreviations

Abbreviation	Description
<b>CCUS</b>	Carbon Capture Utilisations and Storage
<b>CCC</b>	Climate Change Committee
<b>DGC</b>	Dumfries and Galloway Council
<b>DGLDP2</b>	Dumfries and Galloway Local Development Plan 2
<b>EAC</b>	East Ayrshire Council
<b>EALDP2</b>	East Ayrshire Local Development Plan 2
<b>EIA</b>	Environmental Impact Assessment
<b>GHG</b>	Greenhouse Gas
<b>IPCC</b>	International Panel on Climate Change
<b>MW</b>	Megawatts
<b>ND3</b>	National Development 3
<b>NPF4</b>	National Planning Policy Framework 4
<b>OWPS</b>	Onshore Wind Policy Statement
<b>UNEP</b>	United Nations Environment Programme

## 2. Legal and Policy Context

### 2.1. Introduction

1. This chapter of the Hare Hill Windfarm Repowering & Extension (the 'proposed Development') Environmental Impact Assessment (EIA) Report provides the legal, renewable energy and planning policy context considered relevant to the proposed Development EIA.
2. It sets out the climate change legislation at an international, national and local level, relevant UK and Scottish Government energy policy, the Development Plan and relevant Scottish planning guidance. Legislation, planning policy and guidance specific to each technical discipline are considered in the Technical Chapters.
3. A more detailed analysis of the policies is provided in the Planning Statement which does not form part of the EIA Report and has been submitted with the application to the Energy Consents Unit as a standalone document.

### 2.2. The Statutory Framework

#### 2.2.1. The Electricity Act 1989

4. This EIA Report has been prepared regarding a proposed Development for which consent and deemed planning permission will be sought under Section 36 of the Electricity Act 1989 (Electricity Act) and Section 57 of the Town and Country Planning (Scotland) Act 1997, as amended (the 1997 Act), respectively. The generating capacity of the proposed Development would exceed 50 megawatts (MW), therefore, in accordance with the Electricity Act, requires consent from the Scottish Ministers. Consequently, the determination of the proposed Development is not made by the Planning Authority, in this case, Dumfries and Galloway Council (DGC) and East Ayrshire Council (EAC). However, both DGC and EAC are a statutory consultee.
5. Scottish Ministers are required under Schedule 9, Sub-paragraph 3(2), to have regard to:  
*"the desirability of the matters mentioned in paragraph (a) of sub-paragraph (1) above; and  
the extent to which the person by whom the proposals were formulated has complied with his duty under paragraph (b) of the sub-paragraph."*
6. The duties referred to in Schedule 9 sub-paragraph 3(1)(a) and (b) of the Electricity Act do apply to ScottishPower Renewables (UK) Limited (the Applicant). Therefore, the Applicant as a licence holder to generate shall:  
*"have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and*

*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."*

7. The Applicant is also obliged under sub-paragraph 3(3) to:  
*"avoid, so far as possible, causing injury to fisheries or to the stock of fish in any waters."*
8. The requirements set out under Schedule 9 of the Electricity Act have been fully considered and accounted for throughout the design and EIA processes.
9. The role of the Development Plan under a Section 36 application differs from those considered under the 1997 Act. The test set out in Section 25 of the 1997 Act, which requires the determination of an application to be made in accordance with the Development Plan unless material considerations indicate otherwise, is not engaged in the case of a Section 36 application. Nonetheless, the Development Plan is likely to be an important consideration in the determination of a Section 36 application and.

## 2.3. Climate Change, Renewable Energy and Climate Emergency Policy

10. The following section sets out, at a strategic level, the international, national and regional context and provides an overall framework for the proposed Development in respect of climate change and renewable energy generation.

### 2.3.1. International Context

#### The Paris Agreement

11. The Paris Agreement was adopted at the UN Climate Change Conference, which was held in Paris in 2015. It is a legally binding international treaty on climate change, and its goal is to hold:  
*"the increase in the global average temperature to well below 2°C above pre-industrial levels" and to pursue efforts "to limit the temperature increase to 1.5°C above pre-industrial levels."*
12. 1.5°C is no longer achievable with current trajectories, and targets being set at international levels are slipping.

#### The United Nations Emissions Gap Report 2024 (October 2024)

13. The United Nations Environment Programme (UNEP) prepare an annual report which reports on the progress in meeting the Paris Agreement set out above. The latest Emissions Gap Report 2024: No more hot air ...please! was published in October 2024 (UNEP, 2024). The report outlines that the year 2023 displayed a disturbing increase in the scale of climate records broken. The report states that:  
*"Unless global emissions in 2030 are brought below levels resulting from current policies and from the full implementation of the current Nationally Determined Contributions, it will become impossible to limit warming to 1.5°C with no or limited overshoot, and strongly increase the challenge of limiting warming to 2°C."*

## The IPCC's AR6 Synthesis Report: Climate Change 2023 (March 2023)

14. The International Panel on Climate Change (IPCC) prepares comprehensive Assessment Reports relating to the gathering of knowledge on climate change, including its impacts, further risks and possible mitigation measures. The IPCC's recent Sixth Assessment Report consists of three Working Group contributions and a Synthesis Report.
15. The AR6 Synthesis Report: Climate Change 2023 integrates the main findings from the working groups and outlines the impacts of global warming and recognises that human activity, principally through the emission of GHG, has unequivocally caused global warming. The report finds that limiting human-caused global warming required Net Zero CO<sub>2</sub> emissions.
16. The report emphasises that the severity of future climate change and its impacts are dependent on the level of future emissions. It also notes that not only have carbon dioxide concentrations increased, but the rate of increase has also accelerated. Over the next 20 years, global temperatures are expected to exceed or reach 1.5°C of warming. It is evident that without large-scale, sustained reductions in GHG emissions like carbon dioxide and methane, limiting global warming to 1.5°C is an improbable goal.

## 2.4. United Kingdom (UK) Government Context

17. This section provides an overview of climate change legislation, the climate emergency declaration and the policies and reports which followed this within a UK context.

### 2.4.1. The Climate Change Act 2008

18. The Climate Change Act 2008 (UK Parliament, 2008) which was amended by the Climate Change Act 2008 (2050 Target Amendment) Order 2019 (the 2008 Act) provides the basis for the UK's approach to adapting to and tackling climate change. The 2008 Act sets out the requirement for carbon dioxide and other GHG emissions to be reduced by 100% of 1990 levels by 2050 and the need for the UK to adapt to the impacts of climate change. The 2008 Act provides a framework to achieve these requirements.
19. The Act requires the UK Government to set out legally binding 'carbon budgets' towards achieving Net Zero. Once a carbon budget has been set, the UK Government is obliged to prepare policies to achieve the set target. Under the 2008 Act, the Climate Change Committee (CCC) was established as an independent advisor to advise the UK and devolved Governments on emission targets and progress towards the reduction of GHG emissions and adapting to climate change.

### 2.4.2. The Climate Emergency

20. On the 09 May 2019, the UK Government and Opposition parties unilaterally agreed to pass a motion to declare an environmental and climate emergency.

#### 2.4.3. The Sixth Carbon Budget: The UK's Path to Net Zero (December 2020)

21. On 09 December 2020 the CCC released the Sixth Carbon Budget (Climate Change Committee, 2020) which updates intermediary targets for the UK's progress to Net Zero and states in the Foreword:

*"Our recommended pathway requires a 78% reduction in UK territorial emissions between 1990 and 2035. In effect, it brings forward the UK's previous 80% target by nearly 15 years. There is no clearer indication of the increased ambition implied by the Net Zero target than this."*

22. The Foreword continues by stating:

*"The implication of this path is clear: the utmost focus is required from government over the next ten years. If policy is not scaled up across every sector; if business is not encouraged to invest; if the people of the UK are not engaged in this challenge - the UK will not deliver Net Zero by 2050. The 2020s must be the decisive decade of progress and action."*

#### 2.4.4. Net Zero Strategy: Build Back Greener (October 2021, updated 2022)

23. On 19 October 2021, the then UK Government published the Net Zero Strategy: Build Back Greener (UK Government, 2021), which set out the UK Government's policies and proposals for decarbonising the UK economy to meet Net Zero targets by 2050.

24. The strategy states that:

*"the Net Zero economy will be underpinned by cheap clean electricity, made in Britain. A clean, reliable power system is the foundation of a productive Net Zero economy as we electrify other sectors – so we will fully decarbonise our power system by 2035, subject to security of supply. Our power system will consist of abundant, cheap British renewables, cutting edge new nuclear power stations, and be underpinned by flexibility including storage, gas with CCS, hydrogen and ensure reliable power is always there at the flick of a switch."*

#### 2.4.5. Climate Change Explained (October 2014 (updated 2023))

25. The UK Government recognises that human influence has unequivocally led to an altered climate. The Department for Energy Security and Net Zero highlights in their Climate Change Explained (October 2014 (updated 2023)) (UK Government, 2023) that there is undeniable evidence of climate change, stating:

*"The United Kingdom (UK) is experiencing rising temperatures. The most recent decade (2012 - 2021) has been on average 1.0°C warmer than the 1961 - 1990 average. All ten of the warmest years in the UK have occurred since 2003. 2022 was the UK's hottest year on record, with an average year-round temperature above 10°C seen for the first time."*

#### 2.4.6. Progress in reducing emissions 2024 Report to Parliament (July 2024)

26. On 18 July 2024, the CCC published their latest report to the UK Parliament on the progress to date in reducing emissions (Climate Change Committee, 2024).
27. In relation to the UK commitment to reduce emissions in 2030 by 68% compared to 1990 levels, the Executive Summary states:

*“...the country is not on track to hit this target despite a significant reduction in emissions in 2023.”*
28. The Executive Summary outlines that there was significant fall in emissions last year but notes:

*“However, this is not enough. Our assessment is that only a third of the emissions reductions required to achieve the 2030 target are currently covered by credible plans. Action is needed across all sectors of the economy, with low-carbon technologies becoming the norm.”*
29. In relation to priority actions, the Executive Summary states:

*“The UK should now be in a phase of rapid investment and delivery. Yet almost all our indicators for low-carbon technology roll-out are off track, with rates needing to significantly ramp up. By 2030:*

  - Annual offshore wind installations must increase by at least three times, onshore wind installations will need to double and solar installations must increase by five times.*

### 2.5. UK Energy Context

30. The following section provides a summary of the UK Government's key energy policies and strategies. It should be noted that a number of these policies and strategies were published under the previous Conservative UK Government.
31. The Right Honourable Ed Miliband, Secretary of State for Energy Security and Net Zero set out his priorities for the Department of Energy Security and Net Zero on 8 July 2024 following the election of the Labour UK Government on 5 July 2024. His priorities are:
  - Accelerating clean power deployment by 2030 to boost energy independence and lower bills.
  - Supporting publicly owned Great British Energy to drive investment in renewables like onshore wind.
  - Creating good green jobs, particularly in industrial regions, ensuring a just transition.
  - Reforming the energy system to empower consumers and enable more renewables.
  - Contributing to international climate leadership through strong domestic renewable progress.

### 2.5.1. Clean Power 2030 Action Plan: A new era of clean electricity

32. On 13 December 2024, the UK Government published the Clean Power 2030 Action Plan (UK Government, 2024) ,which sets out the UK Government's measures to a clean power system by 2030.
33. The Clean Power 2030 Action Plan provides several key recommendations and strategic points for the energy sector regarding onshore wind energy and the wider energy system.
34. The plan recognizes that onshore wind has shorter lead times compared to offshore wind, making it a crucial contributor to the 2030 targets, also seeking to streamline planning processes by integrating onshore wind projects into the Nationally Significant Infrastructure Project regime.
35. The plan sets out several key points for the generation of onshore wind in the wider energy system:
  - Target of 27-29 GW of Onshore Wind by 2030: This aligns with the broader ambition of expanding renewables, including offshore wind (43-50 GW) and solar power (45-47 GW)
  - Addressing Aviation and Defence Constraints: Wind turbines can interfere with civil and military radar. The Onshore Wind Industry Taskforce is working on solutions to address these concerns, with a policy statement expected by Spring 2025
36. The Clean Power 2030 Action Plan outlines a comprehensive roadmap to expand onshore wind energy as part of a broader clean energy transition. The key focus areas include accelerating deployment, resolving planning barriers, improving financial incentives, addressing radar and aviation conflicts, and integrating wind into a more resilient energy system. By implementing these strategies, the UK aims to reduce fossil fuel dependency, enhance energy security, and meet its decarbonization targets.

## 2.6. Scottish Context

37. The Scottish Government are committed to transforming the energy system and ending Scotland's contribution to climate change. The following section provides an overview of the climate change legislation, relevant climate change and energy policy and the progress towards meeting the GHG emissions reduction and renewable energy targets.

### 2.6.1. The Climate Change (Scotland) Act 2009 and The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019

38. The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 amended the 2009 Act to set a target date of 2045 for reaching Net Zero emissions.
39. The Scottish Ministers are legally bound by the 2009 Act.
40. On 18 April 2024, the Net Zero and Energy Cabinet Secretary Mairi McAllan confirmed the Scottish Government's commitment to Net Zero by 2045. In response to the CCC's Progress in reducing emissions in Scotland – 2023 Report to Parliament the Net Zero and Energy Cabinet Secretary confirmed that:

*“the 2030 target for emissions reduction is not achievable, this will no longer be a statutory target.”*

41. The Net Zero and Energy Cabinet Secretary stated that:

*“new legislation will be brought forward to introduce multi-year ‘Carbon budgets’ replacing the current, annual targets.”*

42. It is therefore understood that the annual targets and 2030 target are no longer statutory targets now the legislative changes are made, but the at least 90% lower than the baseline target of 1990 by 2040 and Net Zero by 2045 targets remain.

#### **2.6.2. The Climate Change (Emissions Reduction Targets) (Scotland) Act 2024**

43. The Climate Change (Emissions Reduction Targets) (Scotland) Act 2024 (The Scottish Parliament, 2024) was passed on 05 September 2024 and became an Act on 22 November 2024, modifying the 2009 Act.

44. The 2024 Act replaces the annual emissions targets, which were vulnerable to year-to-year fluctuations, with five-year carbon budgets from 2026-2045. Additionally, the Act has amended the deadline for finalising the next Climate Change Plan for Scotland to align with the timescale for carbon budgets.

#### **2.6.3. The Climate Emergency**

45. On 14 May 2019, the then Climate Change Secretary, declared a climate emergency in her statement to the Scottish Parliament.

46. The Climate Change Secretary's statement indicates that the Scottish Government has placed climate change at the core of its ambitious agenda. The Scottish Government recognises that responding to climate change is essential as the

*“cost of inaction far outweighs the cost of action.”*

47. EAC has published the Climate Change Strategy. The stated vision in the Climate Change Strategy states that:

*“East Ayrshire will be a low carbon place with a thriving and diverse environment. We will have strong, healthy, resilient and vibrant communities that benefit from high quality places, multi-functional green spaces and access to high quality services that are well located to maximise sustainable travel choices. Our economy will have recovered and be fairer, greener and more inclusive, with all East Ayrshire citizens able to benefit from greater economic opportunities.”*

#### **2.6.4. Securing a Green Recovery on a Path to Net Zero: Climate Change Plan 2018-2032 Update (December 2020)**

48. The Updated Climate Change Plan 2018 -2032 was adopted on 16 December 2020 (Scottish Government, 2020) and provides an update to the Climate Change Plan published in 2018. The updated document sets out the Scottish Government's pathway to achieving the targets set out in the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019.

49. The Plan focuses the ambitious target to address Net Zero by 2045 and delivering a green recover and states:

*"The green recovery and transition to Net Zero present considerable economic opportunities for Scotland. By capitalising on Scotland's strengths in energy, natural capital, innovation and our skilled workforce and universities, we can set Scotland at the forefront of growing global."*

#### 2.6.5. Onshore Wind Policy Statement (December 2022)

50. On the 21 December 2022, Scottish Ministers published The Onshore Wind Policy Statement (OWPS) (Scottish Government, 2022). The OWPS sets out the Scottish Government's ambition to deploy 20 GW of onshore wind by 2030.

51. The Ministerial Foreword states that the world is facing a climate emergency and, in addition:

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

52. Renewable energy has the ability to generate significant benefits for the Scottish public, particularly in the case of onshore wind, which *"has the ability to be deployed quickly, is good value for consumers and is widely supported by the public."*

53. The OWPS recognises that the deployment of wind energy projects must be delivered quickly. In paragraph 1.1.2 of the OWPS 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."*

54. This ambition has been set to allow:

*"the rapid decarbonisation of our energy system, and the sectors which depend upon it, as well as aligning with a just transition to Net Zero whilst other technologies reach maturity."*

55. The OWPS outlines the Scottish Government's approach to environmental considerations in Chapter 3. The OWPS clearly outlines that to achieve the ambitious target of 20GW there will be impacts to the landscape. Paragraph 3.6.1 states:

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

56. The Chapter 5: Onshore Wind and Benefits to Scotland of the OWPS outlines, that onshore wind developments already provide significant socio-economic benefits through investment, innovation and the creation of jobs. The Scottish Government anticipate that all onshore wind development will support the national and local supply chains.

57. The conclusion of the OWPS states that:

*"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."*

#### 2.6.6. Draft Energy Strategy and Just Transition Plan (January 2023)

58. The Scottish Government Published the Draft Energy Strategy and Just Transition Plan (Scottish Government, 2023) (the draft Strategy) on 10 January 2023 for consultation. The Ministerial Foreword clearly states that we are entering a decade that will be critical in determining the future of Scotland's energy system and that:

*"we must deliver an energy system that meets the challenge of becoming a Net Zero nation by 2045, supplies safe and secure energy for all, generates economic opportunities, and builds a just transition."*

59. The draft Strategy outlines the need for a transformation of the energy sector at a time of increasing uncertainty and change and that delivery of the draft Strategy will address issues with affordability, fluctuation in energy costs and reduce the likelihood of future energy crises.

60. The draft Strategy refers to scaling up renewable energy and section 3.1 states:

*"We will continue to build a diverse renewable energy mix, with significant offshore and onshore wind deployment supported by technologies such as hydro and solar."*

#### 2.6.7. Onshore Wind Sector Deal for Scotland (September 2023)

61. The Onshore Wind Sector Deal for Scotland (Scottish Government, 2023) outlines the Scottish Government's commitments to the onshore wind industry to deliver the ambitious target of 20GW of onshore wind by 2030. The deal encapsulates the Scottish Government's vision for wind energy to drive economic growth, reduce emissions and benefit local communities. The onshore wind sector deal is a deal between the sector and government with commitments on each side to support the delivery of the 20GW.

62. The deal aims to reduce the time required for the consideration of Section 36 applications and insists that:

*"The ambition of 20GW of installed onshore wind capacity by 2030 will require a significant number of new sites, the repowering and extension of existing sites and the realisation of unbuilt consented sites. Meeting this ambition will require the determination of applications to be made much more quickly than in recent years. Success in expediting the decision-making process will only be possible if a number of key commitments are made and acted upon collectively. This acceleration of both the determination of applications for development and the discharge of conditions can be achieved, but only if all stakeholders act in concert."*

#### 2.6.8. Green Industrial Strategy (September 2024)

63. The Green Industrial Strategy (Scottish Government, 2024) was published by the Scottish Government on 11 September 2024 and identifies areas of competitive global growth and

opportunity for Scotland to realise the maximum possible economic benefit in the transition to Net Zero.

64. The Joint Ministerial Foreword notes that:

*"We now stand in the midst of the next energy transition – to clean and renewable power. Scotland can, and should, play a leading role in this next revolution, just as it did in the growth of the fossil fuel economy in earlier decades."*

65. Under Part Two: Opportunity Areas on page 20, the Strategy outlines the significant opportunities for attracting onshore and offshore wind. Page 21 continues by stating:

*"Onshore wind is the biggest single technology in Scotland's current mix of renewable electricity generation, comprising 62% of installed capacity. A thriving onshore wind sector is therefore critical to the decarbonisation in Scotland and the UK."*

### 2.6.9. Progress Towards Energy and Emissions Targets

66. It is considered that the key targets for Scotland are:

- to reach Net Zero GHG emissions by 2045;
- to generate the equivalent of 50% of the energy for Scotland's heat, transport and electricity consumption to be supplied from renewable sources by 2030; and
- A minimum installed capacity of 20GW of onshore wind by 2030.

### 2.6.10. Progress Towards Scottish Targets

67. As noted above, the Scottish Government has confirmed that the 70% reduction in GHG emissions is out of reach. The Net Zero target by 2045 still remains. It is also understood the interim target of a 90% reduction by 2040 is still in place.

## 2.7. National Planning Framework 4 (NPF4)

68. The Scottish Government adopted and published NPF4 (Scottish Government, 2024) on 13 February 2023.

69. Annex A of NPF4 explains that the document is to be read as a whole. The weight to be attached to policies is for the decision-maker to determine. It explains that:

*"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."*

70. The NPF4 includes three parts:

Part 1 – A National Spatial Strategy for Scotland 2045;

Part 2 – National Planning Policy; and

Part 3 – Annexes.

### 2.7.1.The National Spatial Strategy

#### Delivery of Sustainable Places

71. The opening to Part 1 of NPF4 highlights the national priority of tackling climate change and supporting development that reduces GHG emissions.

72. Part 1 – A National Spatial Strategy for Scotland 2045 states:

*“The global climate emergency means that we need to reduce greenhouse gas emissions and adapt to the future impacts of climate change. We will need to respond to a growing nature crisis, and to work together to enable development that addresses the social and economic legacy of the coronavirus pandemic, the cost crisis and longstanding inequality.”*

73. The Spatial Strategy (Part 1) begins:

*“The global climate emergency means that we need to reduce greenhouse gas emissions and adapt to the future impacts of climate change.”*

74. Page 4 outlines six spatial principles. Those particularly relevant to the proposed Development are:

- Just transition: Empower people to shape places and ensure a fair transition to Net Zero.
- Conserving and recycling assets: Use existing buildings, land, and services to lock in carbon and reduce waste.
- Rebalanced development: Direct investment to areas of past decline; manage growth sustainably elsewhere.
- Rural revitalisation: Support rural growth and development alongside urban areas.

75. These principles underpin the delivery of:

- Sustainable places: reducing emissions, restoring biodiversity.
- Liveable places: healthier living environments.
- Productive places: supporting a greener, fairer economy.

76. Page 6 links sustainable places to Scotland’s legislative target of Net Zero by 2045, with major progress needed by 2030. The Energy Strategy will guide future innovation and investment.

77. Page 7 reiterates that:

*“Scotland’s future places will be net zero, nature-positive... [requiring] a rapid transformation across all sectors of our economy and society ... ensuring the right development happens in the right place.”*

78. The Scottish Government encourages the:

*“Expansion of renewable energy generation.”*

79. One of six national developments is Strategic Renewable Electricity Generation and Transmission Infrastructure, which:

*"Supports electricity generation and associated grid infrastructure throughout Scotland, providing employment and opportunities for community benefit, helping to reduce emissions and improve security of supply."*

80. Page 8 confirms:

*"The global climate emergency and the nature crisis have formed the foundations for the spatial strategy as a whole. The regional priorities share opportunities and challenges for reducing emissions and adapting to the long-term impacts of climate change, in a way which protects and enhances our natural environment."*

## National Developments

81. NPF4 has identified eighteen national developments, which are defined within Annex A as:

*"...significant developments of national importance that will help to deliver the spatial strategy... National development status does not grant planning permission for the development and all relevant consents are required. Their designation means that the principle of the development does not need to be agreed in later consenting processes, providing more certainty for communities, business and investors."*

82. The principle of the development has been accepted and the national need for such developments has been explicitly recognised.

83. As a development over 50MW, the proposed Development is designated as a national development in NPF4 under National Development 3 Strategic Renewable Electricity Generation and Transmission Infrastructure (ND3).

84. Page 103 sets out ND3 of NPF4 and it asserts that:

*"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."*

### 2.7.2. National Planning Policy

85. It is considered Policy 11 Energy is the lead policy for the proposed Development.

86. Policy 11 Energy's stated intent is:

*"To encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This includes energy generation, storage, new and replacement*

*transmission and distribution infrastructure and emerging low-carbon and zero emissions technologies including hydrogen and carbon capture utilisations and storage (CCUS)".*

87. The policy outcome is for:

*"Expansion of renewable, low-carbon and zero emissions technologies."*

88. Policy 11 is supportive of all forms of renewable, low-carbon and zero-emission energy developments (as detailed in criteria a) and includes (i) wind farms.

89. Policy 11 'Energy' 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;*

*vi. small scale renewable energy generation technology;*

*v. solar arrays;*

*vi. proposals associated with negative emissions technologies and carbon capture; and*

*vii. proposals including co-location of these technologies.*

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

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

*d) Development proposals that impact on international or national designations will be assessed in relation to Policy 4.*

*e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:*

*i. impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker;*

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

*iii. public access, including impact on long distance walking and cycling routes and scenic routes;*

*iv. impacts on aviation and defence interests including seismological recording;*

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

*vi. impacts on road traffic and on adjacent trunk roads, including during construction;*

*vii. impacts on historic environment;*

*viii. effects on hydrology, the water environment and flood risk;*

- ix. biodiversity including impacts on birds;
- x. impacts on trees, woods and forests;
- xi. proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration;
- xii. the quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans; and
- xiii. cumulative impacts.

*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.*

*Grid capacity should not constrain renewable energy development. It is for developers to agree connections to the grid with the relevant network operator. In the case of proposals for grid infrastructure, consideration should be given to underground connections where possible.*

- f) *Consents for development proposals may be time-limited. Areas identified for wind farms are, however, expected to be suitable for use in perpetuity.”*

90. Other relevant policies within NPF4 are:

- Policy 1 - Tackling the Climate and Nature Crises
- Policy 2 - Climate Mitigation and Adaptation
- Policy 3 – Biodiversity
- Policy 4 – Natural Places
- Policy 5 – Soils
- Policy 6 – Forestry, Woodland and Trees (if applicable)
- Policy 7 – Historic Assets and Places
- Policy 12 – Zero Waste
- Policy 20 – Blue and green infrastructure
- Policy 22 – Flood Risk and Water Management
- Policy 23 – Health and Safety

91. A full assessment of the NPF4 policy direction as applicable to the proposed Development is included in the Planning Statement submitted in support of this S36 application.

## 2.8. Dumfries and Galloway

- 2.8.1. Dumfries and Galloway Local Development Plan 2 (2019);
- 92. The Dumfries and Galloway Local Development Plan (DGLDP2) (Dumfries and Galloway Council, 2019) was adopted on 3 October 2019 and provides a planning framework for the future developments within Dumfries and Galloway. The framework gives guidance for

future developments within Dumfries and Galloway over the next ten years while outlining the potential development opportunities available. The Council states that:

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

93. The DGLDP2 recognises that action is needed to address the pressures of climate change and therefore has outlined policies specific to renewable energy developments. The DGLDP2 has included a spatial framework specifically for development of wind energy and provides two policies that directly support the proposed Development: Policy IN1: Renewable Energy and Policy IN2: Wind Energy.
94. A full assessment of the proposed Development against policies within the DGLDP2 is included in the Planning Statement submitted in support of this S36 application.

## 2.9. East Ayrshire

- 2.9.1. The East Ayrshire Local Development Plan 2 (EALDP2) 2024;
95. East Ayrshire Local Development Plan 2 (EALDP2) (East Ayrshire Council, 2024) was adopted in April 2024. The EALDP2 provides guidance on how East Ayrshire should be developed over the next 10-20 years.
96. A full assessment of the proposed Development against policies in EALDP2 is included in the Planning Statement submitted in support of this Section 36 application.

## References

Climate Change Committee, 2024. *2024 Progress Report to Parliament*. [Online] Available at: <https://www.theccc.org.uk/publication/progress-in-reducing-emissions-2024-report-to-parliament/>

Dumfries and Galloway Council, 2019. *Local Development Plan*. [Online] Available at: <https://www.dumfriesandgalloway.gov.uk/planning-building/planning/planning-policy/local-development-plan/local-development-plan-2-ldp2> [Accessed 26 January 2025].

East Ayrshire Council, 2024. *Adopted Local Development Plan 2*. [Online] Available at: <https://www.east-ayrshire.gov.uk/PlanningAndTheEnvironment/development-plans-and-policies/ldp2/ldp2.aspx> [Accessed 26 January 2025].

IPCC, 2023. *Summary for Policymakers*. In: *Climate Change 2023: Synthesis Report*. [Online] Available at: <https://www.ipcc.ch/report/sixth-assessment-report-cycle/>

Scottish Government, 2017. *The future of energy in Scotland: Scottish energy strategy*. [Online] Available at: <https://www.gov.scot/publications/scottish-energy-strategy-future-energy-scotland-9781788515276/> [Accessed 25 January 2025].

Scottish Government, 2020. *Securing a green recovery on a path to net zero: climate change plan 2018–2032 - update*. [Online] Available at: [https://www.gov.scot/publications/securing-green-recovery-path-netzero-update-climate-change-plan-20182032/pages/2/](https://www.gov.scot/publications/securing-green-recovery-path-net-zero-update-climate-change-plan-20182032/pages/2/) [Accessed 25 January 2025].

Scottish Government, 2022. *Onshore wind: policy statement 2022*. [Online] Available at: <https://www.gov.scot/publications/onshore-wind-policy-statement-2022/> [Accessed 26 January 2025].

Scottish Government, 2023. *Draft Energy Strategy and Just Transition Plan*. [Online] Available at: <https://www.gov.scot/publications/draft-energy-strategy-transition-plan/> [Accessed 26 January 2025].

Scottish Government, 2023. *Onshore wind sector deal*. [Online] Available at: <https://www.gov.scot/publications/onshore-wind-sector-deal-scotland/> [Accessed 25 January 2025].

Scottish Government, 2024. *Energy Statistics for Scotland - Q2 2024*. [Online] Available at: <https://www.gov.scot/publications/energy-statistics-for-scotland-q2-2024/>

Scottish Government, 2024. *Green industrial strategy*. [Online] Available at: <https://www.gov.scot/publications/green-industrial-strategy/pages/3/> [Accessed 26 January 2025].

Scottish Government, 2024. *National Planning Framework 4*. [Online] Available at: <https://www.gov.scot/publications/national-planning-framework-4/> [Accessed 26 January 2025].

Scottish Government, 2024. *Scottish Greenhouse Gas Statistics 2022*. [Online] Available at: <https://www.gov.scot/publications/scottish-greenhouse-gas-statistics-2022/> [Accessed 26 January 2025].

The Scottish Parliament, 2024. *Climate Change (Emissions Reduction Targets) (Scotland) Bill*. [Online] Available at: <https://www.parliament.scot/bills-and-laws/bills/s6/climate-change-emissions-reduction-targets-scotland-bill> [Accessed 25 January 2025].

UK Government, 2019. *Climate Change (Emissions Reduction Targets) (Scotland) Act 2019*. [Online] Available at: <https://www.legislation.gov.uk/asp/2019/15> [Accessed 2025].

UK Government, 2020. *Energy white paper: Powering our net zero future*. [Online] Available at: <https://www.gov.uk/government/publications/energy-white-paper-powering-our-net-zero-future> [Accessed 25 January 2024].

UK Government, 2021. *Net Zero Strategy: Build Back Greener*. [Online] Available at: <https://www.gov.uk/government/publications/net-zero-strategy>

UK Government, 2022. *British energy security strategy*. [Online] Available at: <https://www.gov.uk/government/publications/british-energy-security-strategy/british-energy-security-strategy> [Accessed 2025 January 2025].

UK Government, 2023. *Climate change explained*. [Online] Available at: <https://www.gov.uk/guidance/climate-change-explained>

UK Government, 2023. *Powering Up Britain: Energy Security Plan*. [Online] Available at: <https://www.gov.uk/government/publications/powering-up-britain/powering-up-britain-energy-security-plan> [Accessed 25 January 2025].

UK Government, 2023. *Powering Up Britain: Net Zero Growth Plan*. [Online] Available at: [https://www.gov.uk/government/publications/powering-up-britain/powering-up-britain-netzero-growth-plan](https://www.gov.uk/government/publications/powering-up-britain/powering-up-britain-net-zero-growth-plan) [Accessed 25 January 2025].

UK Government, 2024. *Clean Power 2030 Action Plan: A new era of clean electricity*. [Online] Available at: <https://assets.publishing.service.gov.uk/media/677bc80399c93b7286a396d6/clean-power-2030-action-plan-main-report.pdf> [Accessed 19 February 2024].

UK Parliament, 2008. *Climate Change Act 2008*. [Online] Available at: <https://publications.parliament.uk/pa/cm200708/cmbills/169/08169.1-6.html>

UNEP, 2024. *Emissions Gap Report 2024*. [Emissions Gap Report 2024 | UNEP - UN Environment Programme](https://www.unep.org/resources/reports/2024/01/unep-unece-emissions-gap-report-2024) [Accessed 20 January 2025].

Climate Change (Emissions Reduction Targets) (Scotland) Act 2024 [Online] [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Act 2024](https://www.legislation.gov.uk/asp/2024/10) [Accessed 18 June 2025]