Planning Statement

Carrick Windfarm

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SCOTTISHPOWER RENEWABLES

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Executive Summary

A National 'climate emergency' was first declared by the First Minister for Scotland, Nicola Sturgeon, in her address to the Scottish National Party conference in April 2019. The declaration was accompanied by a pledge to live up to the responsibility to halt climate change. Subsequently the Climate Change (Emission Reduction Targets) Scotland Act 2019 received Royal Assent and became an Act of Parliament in October 2019. The Act established the requirement for a 100% reduction in CO_2 emissions by 2045 (with 56% reduction by 2020, 75% by 2030, and 90% by 2040).

The UK Committee on Climate Change's (CCC) advice to the UK and Scottish Governments on achieving the net zero target stated that to meet the targets, renewable electricity targets must quadruple and that the government should 'make use of planning powers to drive decarbonisation'. Significant deployment of renewable energy capacity, well in excess of historical and current levels, is therefore needed to achieve our climate change commitments. The long-awaited Energy White Paper was published on 14 December 2020. The Paper provides greater clarity to companies investing in the delivery of net zero target emissions and a broad blueprint on how the UK can accelerate decarbonisation.

The Scottish Government published the update to the Climate Change Plan (2018-2032) in December 2020 in an effort to accelerate decarbonisation. The update includes additional policies and proposals to build on the existing plan and sets out bold actions to realise net zero targets with a commitment to reduce emissions by 75% by 2030 (compared with 1990) and to net zero by 2045.

The Onshore Wind Policy Statement (OWPS) Refresh (2021) reaffirms the importance of onshore wind, which is considered vital to Scotland's future energy mix and to meet Scotland's legally binding net zero target. It confirms the Scottish Government's ambition to secure an additional 8-12 GW of installed onshore wind capacity by 2030

Wind energy was identified as a key building block at the centre of the energy system and highlights the need for continued growth in these industries. In addition, delivering the targets will lead to billions of pounds of investment for the green economic recovery and create ten thousand jobs across the country as it transitions away from fossil fuels.

The announcement of a clean hydrogen strategy to be published in the first quarter of 2021 further enforces the commitment to renewable power sources, and renewable hydrogen can be generated using electricity generated by wind.

This resonates with ScottishPower Renewable's (UK) Limited ('the Applicant') opinion that the Government will need to apply much more focus on renewables as the main source of energy beyond the anticipated demand for power which will increase thanks to a suite of other decarbonisation measures in transport and heat.

There is therefore a need to use every viable technology to decarbonise as fast and as cheaply as possible. Onshore wind is now a mature technology, supported by the electrical infrastructure and is one of the cheapest sources of electricity generation.

The Applicant is part of the ScottishPower group of companies operating in the UK under the Iberdrola Group, one of the world's largest utility companies and a world leader in wind energy. The Applicant now only produces 100% green electricity – its focus being on wind energy, smart grids and driving the change to a cleaner electric future. The Applicant's ambitious growth plans include expansion of its existing onshore wind portfolio, investment in new large scale solar deployment and innovative grid-storage systems including batteries. The company is also delivering the Iberdrola Group's offshore windfarms in the Southern North Sea off East Anglia. With over 40 operational windfarms, managing all its sites through its world leading Control Centre at Whitelee Windfarm, near Glasgow.

The development site ('the Site') is located in the South Ayrshire Council area within an existing commercial forest owned and managed by Forestry and Land Scotland (FLS). The Site covers an area of 827.28 hectares (ha) within Carrick Forest.

Carrick Windfarm ('the Proposed Development'), comprises of up to 13 wind turbines with a blade tip height of up to 200m, an Energy Storage Facility (i.e. battery) and associated infrastructure. For the purpose of the Environmental Impact Assessment (EIA), currently available wind turbine models are being considered which fit this height parameter and which have an electricity generating capacity of around 6MW, giving a total generating capacity for the Site of around 86 megawatts (MW). The Energy Storage Facility will have a storage capacity of around 20MW and will provide flexible management of energy delivery and ancillary support services to the national grid.

Recently the onshore wind energy industry has experienced a Europewide shift towards demand for larger wind turbines; being taller they have the capacity to capture higher wind speeds over a larger rotor swept area. Providing fewer but more efficient structures across windfarms can have environmental benefits, and reduced visual impact per MW of generation. There will be larger but fewer foundations to construct, with a reduced land take, potentially less peat disturbance, reduced need for concrete pour, less tree removal, and more efficient operation and management.

The Scottish Government recognised the need to enable developments with modern wind turbines in the 2017 Onshore Wind Policy Statement (paragraph 23): "We acknowledge that onshore wind technology and equipment manufacturers in the market are moving towards larger and more powerful (i.e. higher capacity) wind turbines, and that these – by necessity – will mean taller towers, and blade tip heights."

The Applicant is a licensed generator and has obligations under Schedule 9 of the Electricity Act 1989 to have regard to certain environmental matters when preparing development proposals. These include having regard to the desirability of preserving natural beauty, conserving listed natural heritage interest and protecting sites, buildings and objects of architectural and historic interest. It must also not impact fisheries or fish stocks. The Applicant has upheld these duties via the design of the Proposed Scheme as assessed in the Environmental Impact Assessment Report (EIAR) accompanying this application.

The EIAR presents the EIA of the Proposed Development. The design has evolved through an iterative design process which has removed, reduced or otherwise mitigated likely significant adverse environmental effects. The EIAR concludes that the predicted environmental effects associated with the Proposed Development are not significant other than that relating to localised (from certain points contained within a 6km distance) landscape and visual impacts and a significant effect to the setting of a heritage asset.

Local and Scottish national policy presents guidance that a significant adverse effect should not be read as an unacceptable effect, and a balance must be drawn that balances the Proposed Development's benefits against such effects and that it is also not unusual for onshore windfarm developments to have significant landscape and visual effects. The predicted significant landscape and visual effects of the Proposed Development would not be experienced within any international or national designations, such as National Parks or National Scenic Areas, where national policy says windfarms will not be acceptable, and are largely contained with 6km of the Site.

The Proposed Development would be located in an area which is suitable for the windfarm development in the context of Scottish planning policy. Although there will be some significant landscape and visual effects, this is expected from any renewable energy development including wind turbines, and it is a consequence of the development form. Given the urgent need for renewable energy developments, the benefits it will bring to meeting the net-zero targets and investments it will bring into the green economy, the significant effects are considered to be acceptable and outweigh any adverse impacts.

The Proposed Development is for a commercial windfarm development that would meet the need for clean energy at a low cost to the consumer. If the climate emergency is to be addressed, the Proposed Development must be realised and, subject to environmental considerations, be consented. The Proposed Development is an important and strategic opportunity to contribute to the Scottish Government's ambitious renewable energy targets. It would

make a valuable contribution to the fight against climate change. The Site's potential has been maximised whilst respecting the environmental constraints and sensitivities of it and surrounding area.

1 Introduction

1.1 The Application

1. This Planning Statement has been prepared on behalf of ScottishPower Renewables UK Limited (herein referred to as the 'Applicant') to accompany an application under Section 36 of the Electricity Act 1989 ('the 1989 Act') (as amended) seeking deemed planning permission to construct and operate Carrick Windfarm in South Ayrshire (the 'Proposed Development'). The application is made to the Scottish Ministers by way of the Scottish Government's Energy Consents Unit (ECU) which determines consent applications for power generation projects of over 50MW capacity.

2. The Proposed Development constitutes a Schedule 2 development under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (the EIA Regulations). An EIA has therefore been undertaken and the EIA Report (EIAR) has been prepared assessing the likely significant environmental effects of the Proposed Development. This has been prepared by WSP in support of the Section 36 consent application.

3. It should be noted that in the case of Section 36 applications the Development Plan does not take primacy in the decision-making process as it would were the application to be made under Section 25 of the Town and Country Planning (Scotland) Act 1997. However, it may be a material consideration in respect of determining the application. This Planning Statement provides an assessment of the Proposed Development against the relevant national and local energy policy legislation and the provisions of South Ayrshire Council's Local Development Plan.

1.2 The Applicant

4. The Applicant is part of the ScottishPower group of companies operating in the UK under the Iberdrola Group. The Iberdrola Group is one of the world's largest integrated utility companies and a world leader in wind energy. ScottishPower, the first integrated energy utility in the UK to generate 100% green energy, is already investing a total of £10bn over five years - £6million every working day, to power a greener future for everyone living and working in the UK.

5. ScottishPower Renewables is at the forefront of the development of the renewables industry through pioneering ideas, forward-thinking and outstanding innovation. Its ambitious growth plans include expansion of its existing onshore wind portfolio, investment in new large scale solar deployment and innovative grid-storage systems including batteries. The company is also delivering the Iberdrola Group's offshore windfarms in the Southern North Sea off East Anglia.

6. ScottishPower Renewables now has over 40 operational windfarm sites producing over 2,800MW and has made substantial investment in south west Scotland and currently owns and operates five windfarms in the South Ayrshire region (Arecleoch, Dersalloch, Glen App, Kilgallioch and Mark Hill) as well as a number in the nearby Dumfries and Galloway region.

1.3 Ownership

7. The Site, and the whole of Carrick Forest, are owned by the Scottish Ministers and managed by Forestry and Land Scotland (FLS).

1.4 Site Location and Description

8. The Site is located within the South Ayrshire Council administrative area, within the Carrick Forrest, a commercial forest within the National Forest Estate.

9. The Site covers an area of approximately 827.28 hectares. The land use is predominately commercial forest and rough grazing. The surrounding area is rural with land largely being used for forestry, recreation and agriculture. There is a comprehensive network of internal forestry roads connecting to the public road network at the east of the Site.

10. The Site lies between 243 – 430 metres (m) above ordnance datum (AOD). The highest point is Garleffin Fell, the summit of which lies within the western part of the Site Boundary.

11. The Merrick Wild Land Area (WLA) lies approximately three kilometres (km) to the southeast of the Site's boundary. The WLA comprises a range of hills, including Merrick which at 843m is the highest mainland hill in the south of Scotland. Together, with several other hills over 600m in height, these steep hills form a ridge with spurs collectively known as 'The Range of the Awful Hand'.

12. The Site is drained by tributaries of the River Stinchar catchment (which flows through the centre of the Site), Water of Girvan (which flows to the north and east of the Site) and Palmullen Burn (a sub-catchment of the Water of Girvan), encompassing much of the central and western parts of the Site. The area in the south of the Site is deep peat. FLS undertook bog restoration (The Eldrick Hill Blanket Bog Restoration) in this part of the Site in 2014 which was funded by the Peatland Action Fund. A Scottish Water pipeline runs directly adjacent to the south eastern edge of the Site and ends at Loch Bradan, which is a private water supply (PWS) to the east of the Site. A 275kV overhead ScottishPower transmission line passes through the south eastern corner of the Site.

13. The Site is located in the north of the Galloway Forest Park which is operated by FLS and provides a range of recreational opportunities. The proposed wind turbines lie within the Dark Sky Park Buffer Zone, and 3.6km from the Dark Sky Core Area. Linfern Loch, owned by a third party, is located directly to the south of the Site.

14. The following recreational routes cross the Site Boundary:

- two core paths cross the Site, SA 47 and SA 49 (which crosses the very south eastern edge of the Site);
- the Old Road through Straiton Heritage Path passes through the western part of the Site;
- the Scottish Hill Track also passes through the western and south eastern parts of the Site; and
- National Catalogue of Rights of Way (CRoW) (SKC.SKC7/1)); and
- forest roads (roads within the Galloway Forest Park).

15. The majority of the Site is within the Palmullan Burn catchment and Tairlaw Burn catchment (another sub-catchment of the Water of Girvan encompassing the north-eastern part of the Site). The southern part of the Site is within the River Stinchar catchment with the south-western corner sitting within the Dalquhairn Burn subcatchment. There are a number of small watercourses which are situated within or border the Site. Linfern Loch is also located directly to the south of the Site (outwith the Site Boundary). Peat is notable in open areas, such as forestry rides, clearings and in the vicinity of surface water bodies. FLS undertook bog restoration (The Eldrick Hill Blanket Bog Restoration) to the south of the Site in 2014 which was funded by the Peatland Action Fund.

16. The Site is within the United Nations Educational, Scientific and Cultural Organisation (UNESCO) Galloway and Southern Ayrshire Biosphere (GSAB) transition zone and buffer zone but it is out with the core area. The designated site of Auchalton Site of Special Scientific Interest (SSSI), cited for lowland grassland, is approximately 4km north of the Site. Knockgardner SSSI (approximately 4km north of the Site) and Blair Farm SSSI (approximately 3km north west of the Site) are cited for geological features.

17. There are no environmental designations within the Site. However, there are some within its proximity that will be influenced by the Proposed Development.

18. There are no residential properties within the Site, however there are a number of residential properties in proximity to the Site. The nearest settlement is Straiton located approximately 6km to the north of the Site.

1.5 Purpose of Planning Statement

19. The Purpose of the Planning Statement is to set out, explain and address the legislative framework within which the Proposed Development should be considered, and which is relevant to the Section 36 application. The intention is to assist decision makers in reaching a consent decision on the Proposed Development having regard to the relevant policy and environmental case.

20. The matters set out and addressed within this Planning Statement are as follows:

- The Proposed Development (**Chapter 2**);
- Benefits of the Scheme (**Chapter 3**);
- The Legislative Regime (**Chapter 4**);
- The Energy Policy Framework (**Chapter 5**);
- The National Policy Framework (**Chapter 6**);
- Environmental Considerations (**Chapter 7**);
- The Development Plan (**Chapter 8**); and,
- Conclusions and Planning Balance (**Chapter 9**).

2 The Proposed Development

21. The Applicant is seeking consent for the development of up to 13 three-bladed horizontal axis wind turbines with a blade tip height of up to 200m, an Energy Storage Facility (i.e., battery)[1] and associated infrastructure. For the purpose of the Environmental Impact Assessment (EIA), currently available wind turbine models are being considered which fit the height parameter and which have an electricity generating capacity of around 6.6MW, giving a total generating capacity for the Site of around 86 megawatts (MW). The Energy Storage Facility will have a storage capacity of around 20MW and will provide flexible management of energy delivery and ancillary support services to the national grid.

22. There is no proposal to limit the lifetime of the Proposed Development. Therefore, the Section 36 application is sought in perpetuity. However, the Applicant envisages that conditions will be applied requiring that the Site, or part thereof be decommissioned should the Proposed Development come to the end of its operational life. The Proposed Development also includes associated infrastructure including:

- wind turbine foundations;
- Aircraft Detection Lighting System (ADLS) activated lights fitted to each wind turbine;
- crane hardstandings and laydown areas;
- transformer/switchgear housings located adjacent to wind turbines;
- access tracks (upgrade of existing or new as required);
- watercourse crossings (upgrade of existing or new as required);
- underground electrical cabling linking the wind turbines to the substation;
- communication mast(s);
- close circuit television (CCTV) mast(s);
- up to four borrow pit search areas;
- LIDAR compound;
- Substation Compound and associated storage infrastructure;
- two temporary SPR construction compound areas (a main compound and a second northern compound); and
- one temporary SPEN construction compound.

23. It is proposed that the northern temporary SPR construction compound could be converted to a permanent car park for recreational users upon completion of construction works. The details of this would be agreed with FLS.

24. A detailed description of the Proposed Development and associated infrastructure is provided in **Chapter 4: Development Description** of the EIAR.

[1] Subject to landowner agreement.

3 Environmental Considerations

3.1 Site Selection

25. Scottish Planning Policy (SPP) (June 2014) (paragraphs 154 and 155) provide support for renewable energy development in principle and encourage local authorities to guide developments towards appropriate locations which achieve the full potential for electricity and heat from renewable sources in line with climate change targets.

26. Paragraph 162 of SPP requires that both strategic and local development planning authorities work together to identify where there is strategic capacity for wind farms, and areas with the greatest potential for wind development, considering cross-boundary constraints and opportunities.

27. The Site was selected by the Applicant as part of its onshore wind development portfolio. The Applicant is a leader in the development and operation of renewable energy. The Proposed Development will pioneer established and new renewable energy generation technology, providing a fully integrated renewable energy development solution that would make a valuable and tangible contribution to climate change targets and achieving government renewable energy targets.

28. The location for the Proposed Development has been considered as an appropriate location by the Applicant for the following reasons:

- initial desk-based studies and wind monitoring onsite suggest that there is good wind resource available at the Site to support a renewable energy development;
- the Site has been identified by the Applicant as suited for energy storage which would complement the operation of wind turbines;
- there are no international or national statutory designations for landscape and nature conservation in, or in proximity to, the Scoping Developable Area[2] of the Site;
- the Site takes advantage of the natural containment provided by the undulating foothills of the Site and its surroundings to provide screening of the proposed wind turbines to the wider landscape and visual receptors;
- it utilises existing forestry access from the public road network;
- there is the opportunity to use and upgrade the existing forestry road on-site where possible, especially at existing entrances from the C46W public road; and
- there are no residential properties within 1.04 km of the wind turbines.

29. For the reasons identified above, and with case as set out in the following parts of the statement, the Applicant considers the Proposed Development to be in line with SPP paragraphs 154 and 155.

3.2 The Consideration of Alternatives

30. Schedule 4 (2) of the EIA Regulations, requires the consideration of reasonable alternatives in terms of site location and the characteristics of the Proposed Development. To ensure that the potential negative environmental impacts are minimised, the Applicant has engaged in an iterative and constraint-led site selection process.

31. Regulation 5 (2) requires that an EIAR should define the main reasons for site selection. The considerations that have informed the Proposed Development's final design are summarised below and detailed further in **Chapter 3: Site Selection and Design** of the EIAR.

3.3 Design Evolution

32. The design process comprised four iterations. Amendments to the layout were made as a result of the findings of the baseline surveys to avoid, reduce or offset the potential environmental effects and to reflect engineering

[2] Scoping Developable area is the area not constrained by the design.

constraints or comments made during six design workshops held in July, August and September 2020. The workshops provided an opportunity to present the constraints and advance discussions of them.

33. The four design evolutions through Layouts A, B, C and D are described below. Full details of the design evolution are set out in Section 3.7 of **Chapter 3: Site Selection and Design** of the EIAR.

3.3.1 Layout A – Scoping

34. Layout A was developed following the initial design workshop on 18 March 2020. This informed the EIA Scoping Report issued on May 2020 and comprised 17 wind turbines at a maximum tip height of 200m. The layout sought to (among other factors):

- avoid siting wind turbines near breeding bird habitats;
- group the wind turbines into a continuous development maintaining a connection between the eastern and western sections of the Site;
- avoid siting the wind turbines on the steepest slopes to prevent instability and peat slide risk;
- site the wind turbines to reduce the effects of the Proposed Development on the perceived wild land characteristics of the Merrick WLA and minimise the visual presence of the Proposed Development from the Girvan and Stinchar Valleys;
- minimise the effects on visual amenity to nearby settlements, including Barr, Dailly, Crosshill and Straiton;
- maximise wind energy yield from the wind turbines as far as possible;
- avoid slopes in excess of 10% for access tracks;
- avoid areas of peat and known wet/boggy areas;
- reduce the requirement for watercourse crossings and maintain a buffer of 50m from watercourses;
- maintain appropriate buffers from ecological, ornithological, and cultural heritage features;
- maintain a buffer of 315m for roads and 220m for core paths;
- maintain a buffer of 1km from residential properties;
- maintain a 450m OHL buffer based on National Grid guidance; and
- maintain a 75m buffer for blade over sail from the Site Boundary.

3.3.2 Layout B – Refined \ Wind Turbine Layout Post Design Workshop

35. Layout B was developed following a design workshop on 8 July 2020. The aim was to reduce environmental impacts including impacts on landscape, visual, disturbance to peat and improving energy yield.

36. The wind turbines were repositioned into the centre of the Site, thereby reducing the impact to the Galloway Dark Sky Park and Merrick Wild Land Area and reduce visibility from properties, settlements and valleys.

3.3.3 Layout C – Infrastructure Design

37. The infrastructure design layout based in the wind turbine layouts from Layout B and considered at several design workshops as the design evolved. The key improvements included (inter alia):

- reducing the amount of cut and fill for crane hardstandings associated with the wind turbines. Cut and fill not only has implications for use of natural materials and transport but also for visual effects and forestry loss;
- the infrastructure at wind turbine 7 and wind turbine 10 was realigned further away from the watercourse buffer;
- a small bypass road was included to the south of wind turbine 12 to allow access for FLS vehicles and wagons out with wind turbine hardstanding; and
- in addition to the infrastructure amendments, the location for wind turbine 4 was realigned further up the slope of the hill and away from the watercourse buffer and steeper contours.

38. This infrastructure layout was used as the basis for phase 2 peat probing data collection to feed into the subsequent design iterations.

3.3.4 Layout D – 2020 Design Layout

39. A final design workshop was held on 22 September 2020. The amendments required to meet the final design layout included the confirmation of borrow pits, cut and fill alterations, changes to the access to former wind turbines 6 and 8, and the addition of three 150m spurs.

3.3.5 Final Design Layout

40. Following further consultation with SPEN in late 2020, the Substation Compound location was re-located to improve the connection to the OHL. The footprint was also increased to fully accommodate the area required for the SPEN substation.

41. A temporary construction compound was added in the north of the Site which is proposed to convert all, or part of, to a permanent cark park for recreational users and visitors to Carrick Forest upon completion of construction works and for the duration of the operational life of the windfarm. The exact details of the car park will be agreed with FLS.

42. A detailed narrative of the proposed design's evolution is set out in **Section 3.7 Design Evolution** of the EIAR

3.4 The Approach to Decision Making

43. The EIA Regulations set out the Scottish Ministers' duties to decision making. In particular, Regulation 21 includes an extensive list of matters which are required to be undertaken during the decision-making process.

44. In reaching their decision on the likely environmental impacts, the Scottish Ministers are to come to a 'reasoned conclusion' on the likely significant effects and other environmental information.

3.5 Likely Environmental Effects

45. The Site's environmental and technical constraints were identified in the early mapping process and are demonstrated in **Figure 3.2 Wider Environmental Designations** of the EIAR**.** In accordance with the EIA Regulations, the design has sought to avoid, reduce and mitigate potential significant environmental effects. The constraints considered during the design process, necessary design changes and the environment impact on each of them are considered under the relevant subheadings below.

46. The Applicant has also considered the responses received for the recent Clauchrie Windfarm proposal (an SPR scheme), owing to its proximity to the Proposed Development, and has anticipated how the Proposed Development may, through this comparative process, respond to similar comments made by the consultees.

3.5.1 Wind Analysis

47. The initial search area for the potential positioning of the wind turbines was established using wind yield calculations. South Ayrshire is recognised as having above average wind speeds. The wind analysis and efficiency modelling that have been carried out by the Applicant at key stages throughout the design evolution process has identified areas of the Site likely to produce the most yield and ensure the commercial viability of the Proposed Development.

48. The Onshore Wind Turbine: Planning Advice Note sets out the separation distance between wind turbines. It states:

'*Grouped turbines need to be positioned to allow a separation distance of around three to four rotor diameters between turbines. This is to limit energy loss through wind shadowing from upstream machines. Operators may have to balance the benefits of a compact site, which can minimise construction cost, and the gains from maximising energy capture from greater separation distances. The planning system should support the optimal arrangement where this does not lead to unacceptable visual impacts*'.

49. The Proposed Development is spaced at five times rotor diameter in all wind directions. This demonstrates that the Site's design has been developed through detailed consideration of wind analysis data to achieve optimum capacity for each wind turbine.

3.5.2 Offsite Access

50. The Applicant has undertaken an appraisal of potential significant effects of the proposed offsite access route to the Site upgrade works (set out in **Appendix 4.1 Offsite Access Appraisal** of the EIAR), concluding that there would be no potential significant effects likely to occur as a result of the offsite access route upgrade works.

3.5.3 Landscape Character and Visual Impact

51. Potential landscape and visual impacts have guided the design process from an early stage. Potential effects on the Site's landscape characteristics, watercourses and visual receptors have been central considerations both on their own, and in the cumulative setting of windfarm developments within the Study Area which are listed in **Table 5.3 Chapter 5: Landscape and Visual Impact Assessment** of the EIAR**.** These include the consented Kirk Hill Windfarm, the operational Dersalloch, Hadyard Hill and Penwhapple Windfarms as well as the proposed Clauchrie Windfarm (application), Craiginmoddie Windfarm (application), Knockcronal Windfarm (scoping) and Knockodhar Windfarm (scoping), which are located within approximately 10km of the Proposed Development.

52. **Chapter 5: Landscape and Visual Impact Assessment** of the EIAR presents the findings of the assessments of likely significant effects on the landscape and visual amenity from the Proposed Development. The Landscape and Visual Impact Assessment (LVIA) agreed Study Area, with a 30km radius from the proposed wind turbines, is shown in **Figure 5.9: Cumulative Sites Location Plan 30km Study Area** of the EIAR**.**

53. The Site lies within the 'Foothills with Forestry and Windfarms (17c)' Landscape Character Type (LCT) as outlined in the South Ayrshire Landscape Wind Capacity Study 2018 (SALWCS).

54. The designated landscapes within Chapter 5's Study Area are illustrated in **Figure 5.5: Landscape Designations** of the EIAR. Those landscape designations included in the LVIA are:

- Merrick Wild Land Area (WLA) (refer to **Appendix 5.5 Wild Land Assessment** of the EIAR);
- Water of Girvan Valley Local Landscape Area (Candidate Area - South Ayrshire Council);
- High Carrick Hills Local Landscape Area (Candidate Area - South Ayrshire Council);
- Stinchar Valley Local Landscape Area (Candidate Area - South Ayrshire Council);
- Galloway Hills Regional Scenic Area (Dumfries and Galloway Council);
- Rugged Uplands with Lochs and Forestry Sensitive Landscape Area (East Ayrshire);
- Foothills west of Doon Valley Sensitive Landscape Area (East Ayrshire); and
- Inventory Garden and Designed Landscapes.

55. The Site is also located within the buffer zone of the Galloway and South Ayrshire UNESCO Biosphere (GSAB). UNESCO identifies the GSAB as '*home to 95,000 people who work together to improve life whilst caring for the natural environment. Galloway and Southern Ayrshire hosts some of the finest examples of wildlife areas in Europe'.* The designation is recognised for its *'fantastic array of landscapes, cultural heritage and learning opportunities that SW Scotland offers for communities, business and visitors to experience and celebrate in a sustainable way'.*

56. The geographical area covered by GSAB has been considered in the landscape and visual assessment against the current defined national and local planning policy.

57. Consideration of the landscape and visual effects on the GSAB is included in the LVIA's assessments of the Merrick WLA and local landscape designations; which are either entirely or partially within the GSAB's boundaries. The conclusions on the effects on these designations therefore apply to the GSAB and have been a central theme throughout this Planning Statement and in the consideration of the specific Biosphere policy of the South Ayrshire LPD.

58. South Ayrshire Council considered that Clauchrie Windfarm would not uphold the objectives of South Ayrshire's Local Plan's Wind Energy policy and Wind Energy Supplementary Guidance in that it would have an adverse effect on landscape and visual outcomes. The consultation responses in relation to the GSAB for the Clauchrie Section 36 application have been considered in preparing the application for the Proposed Development.

59. NatureScot raised objections to the Clauchrie Windfarm on the grounds of landscape and visual effects. The Proposed Development has paid close attention to the extensive advice from NatureScot in their Scoping response forming part of South Ayrshire Council's Clauchrie Windfarm Scoping Opinion on landscape, as well as ecology, statutory designated sites, ornithology and peat areas. These comments have been taken on board in the relevant chapters of the EIAR.

60. RSPB Scotland raised issues as to why the Clauchrie Windfarm was located within the GSAB's transitional zone. **Chapter 3: Site Selection and Design** of the EIAR sets out why the Proposed Development Site's location is appropriate in response to the landscape designations that are encompassed by the GSAB. Having considered this, the Applicant is confident that the Proposed Development is designed in response to these requirements.

61. **Chapter 5: Landscape and Visual Assessment** of the EIAR concluded that there would be no significant effects on the landscape fabric and character or its visual amenity during the construction period.

62. The following adverse significant effects are anticipated during the Proposed Development's operation:

- Landscape Character: it is anticipated that there would be significant effects on the Foothills with Forest and Windfarms LCT and those LCTs within 6km of the proposed wind turbines;
- Landscape Designations: significant effects are predicted on some special qualities of the South Ayrshire Candidate LLAs of Carrick Hills, Stinchar Valley and Water of Girvan Valley within approximately 5-6km of the proposed wind turbines;
- Visual Effects: significant effects are anticipated to local residents, walkers and road users within close proximity of the wind turbines; several short recreational routes within proximity to the Site; and on visitors within the northern elevated and open parts of the Galloway Forest Park within 6km of the proposed wind turbines; and
- Cumulative Effects: Considerations included the application Clauchrie Windfarm and Craiginmoddie Windfarms and in-scoping Knockcronal and Knockodhar Windfarms. Significant cumulative sequential effects are predicted, restricted to the northern elevated parts of the Rugged Uplands. The combined effect of the Craiginmoddie Windfarm would increase the extent of wind turbines within the Foothills with Forest and Windfarm LCT. The combined cumulative effects on landscape character would include significant effects on the Middle Dale LCT, and a wider extent of the Stinchar Valley unit of the Intimate Pastoral Valley LCT. On visual receptors, significant combined cumulative effects (where the Proposed Development on its own would not have such effects) include residents at Maybole and longer extents of core paths SA47, SA1. Significant cumulative effects with the in-scoping Knockcronal Windfarm would occur in the same areas as the Proposed Development on its own, with increased effects along the Water of Girvan Valley to the north and north east within 5km. Significant sequential cumulative effects on the Stinchar Valley with the in-scoping Knockodhar Windfarm would also occur.
- Merrick Wild Lands: significant effects on the naturalness and remoteness attributes within 3km of the northern boundary, which is the least sensitive part of the WLA. No significant effects on the qualities and attributes of the WLA overall.
- Residential Amenity: The RVAA has identified that there would be no significant effects from the Proposed Development on residents at the property of Doughty Farm due to orientation of the property and enclosure by landform. Significant effects were assessed at Glenalla, Tairlaw Toll Cottage, Tairlaw Toll House and Tallaminnoch where the proposed visible wind turbines would be close and prominent in views from the property and/or curtilage. However, in all cases it is considered that the Residential Amenity Threshold would not be reached due to the separation provided by landform and vegetation, and orientation of the main outlooks from the properties. Combined cumulative effects on residential visual amenity have been assessed with the Proposed Development, Craiginmoddie Windfarm and Knockcronal Windfarm. This identified that the level of effect would increase from that assessed for the Proposed Development on its

own at Doughty Farm, Glenalla, and Tairlaw Toll Cottage, but for all properties would not reach the Residential Amenity Threshold.

63. It has been demonstrated that the Proposed Development has done everything it 'reasonably can' to minimise the environmental effects landscaping and visual, and that overall the landscape can accommodate the windfarm development and is therefore compliant with Schedule 9 (3a) of the 1989 Act, paragraph 29 of the SPP and the relevant policies relating to landscape protection in the Local development Plan.

3.5.4 Hydrology, Hydrogeology, Geology and Soils

64. A 50m buffer zone has been applied around the watercourses that traverse the Site. Where possible, and in accordance with windfarm construction best practice (NatureScot 2019), the wind turbines and associated infrastructure have not been located near to hydrological features.

65. Watercourse crossings have been minimised as far as possible, while consideration was also given to potential impacts on Private Water Supplies (PWS). A 500m buffer was applied around these PWS, and wind turbines were located outside of this buffer. The Site is not within a Drinking Water Protection Area.

66. **Chapter 6: Hydrology, Hydrogeology, Geology and Soils** of the EIAR considers the likely significant environmental effects of the Proposed Development on geomorphology and geology, soils, groundwater and drainage.

67. **Chapter 6: Hydrology, Hydrogeology, Geology and Soils** of the EIAR additionally provides further details on how SEPA and other bodies' advice and guidance have been followed to provide clear assessment and mitigation proposals and, as such, details on how the Applicant considers the Proposed Development has addressed these expectations.

68. Peat soils are present on the Site. As part of the design, all wind turbine locations, access tracks, the Substation Compound, temporary construction compounds and borrow pits have been designed to avoid areas which may be at risk of peat slide. **Chapter 6: Hydrology, Hydrogeology, Geology and Soils** of the EIAR also considers the effects on the geomorphological characteristics of the Site, changes to soil and peat characteristics related to erosion and stability, changes to groundwater infiltration and levels, and changes to the drainage regime and surface water runoff rates.

69. The Applicant has noted the advice received from the Energy Consents Unit (ECU), who consulted with the Scottish Environmental Protection Agency (SEPA) in formulating their EIA scoping response and took guidance from SEPA's response to the Clauchrie Windfarm application to ensure the Proposed Development's design, assessment and planning submission, would meet expectations. Notably, SEPA concluded that in the case of the Clauchrie Windfarm, that assuming any consent granted includes conditions requiring a Peat Management Plan (PMP), a Construction Environmental Management Plan (CEMP), a Water Quality Monitoring Plan and Flood Risk controls then they would not object. The Applicant has therefore sought to achieve this for the Proposed Development and demonstrate the same approach to include (but not be limited to):

- consultation with Scottish Water, SEPA and South Ayrshire Council to identify water abstractions and private water supplies;
- field surveys (undertaken in July 2020) to obtain watercourse crossings baseline data and confirm PWS data;
- peat assessment to include a peat landslide hazard and risk assessment and a soil and peat management plan;
- identification of the likely significant environmental effects of the proposal on sensitive receptors; and
- identification of options for the mitigation of likely significant environmental effects, taking account of Good Practice measures.

70. Following the implementation of good practice measures and specific mitigation measures outlined in **Chapter 6: Hydrology, Hydrogeology, Geology and Soils** of the EIAR, no significant effects are predicted for the hydrology, hydrogeology, geology and soils receptors.

3.5.5 Ecology

71. Ecological surveys have been carried out across the Site including (but not limited to) National Vegetation Survey, protected species surveys, fish and freshwater surveys and surveys for Groundwater Dependant Terrestrial Ecosystems.

72. Natural England's recommended habitat standoff distances from blade swept paths to key habitat features have been incorporated into the design to reduce collision risk to bats'.

73. **Chapter 7: Ecology and Biodiversity** of the EIAR presents the considerations of the likely significant biodiversity effects. It is not anticipated there will be any significant effects as a result of the Proposed Development on its own or cumulatively.

74. It is therefore considered that the Proposed Development supports the objectives of paragraph 3(1a) of Schedule 9 of the Electricity Act, paragraph 29 of the SPP and the relevant policies of the South Ayrshire Council Local Plan including Renewable Energy, and the landscape designation specific policies including the Development Plan's Biosphere policy. In particular, it has sought to do what it reasonably can to mitigate significant adverse effects on flora and fauna rich areas and has had regard to the principle of sustainable land uses.

3.5.6 Ornithology

75. Ornithological species surveys were carried out from 2018 to 2020. The design has taken into account the appropriate buffer areas placed around the sensitive features. These and the effects of the Proposed Development on ornithological outcomes have been reported in **Chapter 8: Ornithology** of the EIAR**.**

76. Consultation for the Proposed Development has been undertaken with NatureScot, RSPB Scotland as well as the local Raptor Study Group to help refine survey requirements.

77. RSPB Scotland has agreed with the scope of the assessment (2 June 2020) to include black grouse within the EIA, adding in commentary to include lekking black grouse, nightjar and that as the Proposed Development is sited within the Galloway Forest Park which is designated an Important Bird Area. Having taken this guidance into account, the Applicant is confident that the matters raised in regard to the Proposed Development and its wider area are addressed.

78. It is not anticipated that there would be significant effects on ornithological species as a result of the Proposed Development.

79. The Proposed Development is therefore considered to be compliant with the Objectives of Schedule 9 of the 1989 Act and paragraph 169 of the SPP by seeking to minimise the effects on bird life and fauna.

3.5.7 Noise

80. In agreement with South Ayrshire Council, noise sensitive receptors were identified at six individual locations. Consideration was also given to the cumulative effects of the operational noise from the Dersalloch, Hadyard Hill, Craiginmoddie and Knockcronal Windfarms. The potential cumulative noise impacts on these receptors has been a consideration informing the early design stages.

81. **Chapter 9: Noise** of the EIAR has considered potential noise and vibration effects that could arise as a result of the Proposed Development during the construction and operational phases.

82. The potential noise and vibrational impacts that have been assessed are:

- impacts as a result of possible borrow pit blasting works (noise, air overpressure and ground borne vibration), on current sensitive receptors; and
- impacts as a result of operational wind turbine noise on existing local noise sensitive receptors, when operating both in isolation and cumulatively with other local windfarm developments.

83. It is not anticipated that there would be significant effects arising as a result of the construction of the Proposed Development of the Proposed Development operating either in isolation or cumulatively with other local windfarms.

84. It is therefore considered that the Proposed Development supports the relevant objectives contained in paragraphs 29 and 170 of the SPP, and the Wind Energy Policy of the Local Development Plan which state that windfarms should consider the amenity impacts on their local areas.

3.5.8 Archaeology and Cultural Heritage

85. The layout of the Proposed Development has been designed as far as possible to avoid direct impacts on identified heritage assets within the Site boundary. Early desk-based assessments allowed for the subsequent design modifications around the identified assets.

86. **Chapter 10: Archaeology and Cultural Heritage** of the EIAR presents Historic Environment Scotland's (HES) comments, which have been welcomed and their concerns noted. Since the production of the Scoping Report the Scoping Developable Area and design have been reduced to avoid potential direct impacts on the assets of Knockinculloch Enclosures and the Bencallen Hill Chambered Cairn. The Study Area for the baseline has also been increased to include all heritage assets under HES' remit to 10km from the wind turbine locations. Further assessment of particularly sensitive heritage assets has also been considered.

87. The Applicant notes that HES has stated in their scoping response that they consider that it may be possible to accommodate a windfarm at this location and that more information would be required to understand how to avoid potential for significant adverse impacts on heritage assets and their settings located in the vicinity of the proposals.

88. In isolation, it is predicted that the Proposed Development would give rise to significant adverse effects on the setting of a single heritage asset within the Study Area.

89. The cumulative effects from other cumulative windfarms have been assessed and no significant effects are anticipated.

90. It is therefore considered that the Proposed Development accords with the objectives of paragraph 31a of the 1989 Act, paragraph 29 of the SPP and the Historic environment and Archaeology policies of the South Ayrshire Local Development Plan.

3.5.9 Access, Traffic and Transport

91. The design of the Proposed Development has sought to maximise the use of the existing forestry tracks, thereby reducing the footprint, impact and expenditure.

92. The Applicant has directly consulted with Scotways with regard to access tracks, paths and footways. Scotways has indicated a number of rights of way run through the Site, including; National Catalogue of Rights of Way (CROW) SKC7, Scottish Hill Tracks (SHT routes 78, 80, 81 and 82) cross the Site and/or lie along the boundary, core paths and Old Road through Straiton Heritage Path.

93. **Chapters 3: Site Selection and Design** and **Chapter 12: Socio-economics, Tourism and Recreation** of the EIAR has considered the location and siting of wind turbines in relation to the public access routes.

94. The layout of the Proposed Development has been carefully designed such that no adverse direct effects upon users over recreation access routes or recreational paths would occur once operational. A minimum standoff distance of 750m has been applied from all wind turbines core paths, rights of way and other promoted routes.

Consequently, none of the proposed wind turbines would over sail such routes. The acceptance of the over sail distance as the minimum distance is demonstrated by a number of operational and consented wind energy developments which lie within such distance of a footpath, for example at SPR's Whitelee Windfarm near Eaglesham.

95. The Applicant has over 20 years' experience developing and managing projects that promote access and crossings. This includes the integration of the turbines in the Kilgallioch Windfarm to create a new point of interest for users on the route and retain the existing features (for example woodlands, Laggangairn Stones, Craig Airie Fell viewpoint).

96. ScotWays requested that an Access Management Plan (AMP) be drawn up for the Proposed Development in order to ensure continued public recreational access can be achieved during construction, and to protect the recreational routes across the Site.

97. An AMP will be prepared as part of the CEMP in order to ensure public recreational access is continued throughout the construction period, with temporary diversions if necessary. The AMP will be developed in consultation with South Ayrshire Council. In considering this, the Applicant considers that the application has addressed the matters raised by Scotways.

98. It should be noted that in response to the EIA Scoping Request, Transport Scotland stated they found the approach to both Traffic and Transport Assessment and Abnormal Load Assessment acceptable, raised no objections and added only refinement suggestions.

99. **Chapter 11: Access, Traffic and Transport** of the EIAR has assessed the likely significant effects on receptors along the transport routes resulting from vehicle movements associated with the construction and operation.

100. No significant effects are anticipated as a result of the Proposed Development. This accords with the objectives of paragraph 29 of the SPP and the Land Use and Transport policy of the South Ayrshire Local Development Plan.

3.5.10 Socio-economics, Tourism and Recreation

101. During the constraints identification process, a number of recreational receptors were identified. As a result, a core path buffer was applied during the design process to avoid operational impacts on these recreational receptors.

102. **Chapter 12: Socio-economic, Tourism and Recreation** of the EIAR has assessed the effects of the Proposed Development on socio-economics, tourism and recreation. It has considered the benefits brought by the Proposed Development in terms of Gross Added Value (GVA), job creation, spending per annum, the opportunities for investments into the local community and enhancement to recreation.

103. The assessments estimate that during the construction phase the Proposed Development would generate up to 140 net jobs and create net GVA contributions of up to £8.8 million per year in South Ayrshire. At the Scottish level it would provide up to 421 net jobs and net GVA contributions of up to £26.4 million per year.

104. During the lifetime of the Proposed Development, it is estimated that, within the South Ayrshire area, up to 25 net jobs would be sustained, contributing up to £1 million GVA per year, while up to 35 net jobs and a GVA of up to £1.3 million per year would be provided at the Scottish level.

105. Mountaineering Scotland (MS) have responded to the Proposed Development's EIA Scoping request with requests for additional landscape and visual and tourism assets to be included in the Proposed Development's EIAR. The assessment considers the recreation and tourism assets of Galloway Forest including the Galloway Corbetts and Donalds. The assessment also considers the Dark Sky Park and Merrick WLA. **Section** Error! Reference source not found. **Potential Effects** of **Chapter 12: Socio-Economics** of the EIAR provides further detail on the potential effects on these receptors. The potential impacts of the Proposed Development on the Galloway Hills Regional Scenic area have been assessed in **Chapter 5: Landscape and Visual Assessment** of the EIAR**.**

106. It is not anticipated that the Proposed Development would have any significant effects on socio-economic, Tourism and Recreational assets, including the Galloway Dark Sky Park, Merrick WLA, Galloway and South Ayrshire UNESCO Biosphere, Merrick WLA, Galloway Forest Park, Shalloch on Minnoch Corbett and Donald, and Tarfessock Donald.

107. The Proposed Development accords with paragraph 29 of the SPP and Tourism policy of the South Ayrshire Council Local Development Plan in that it will support the existing tourist facilities.

108. The Applicant is committed to enhancing existing recreational and public access opportunities within the Site. These include recreational enhancements such as improvements to the condition of the core path SA47 (and provision of sign posts/waymarkers) within the Site Boundary, the provision of bins, seating areas and information boards informing users of the heritage route and existing recreational opportunities in the Carrick Forest and the potential for the northern temporary construction compound to be converted into a car park for recreational users. The exact details and location of these would be subject to agreement with the landowner.

109. The Applicant is committed to working with local stakeholders and consultees to identify additional recreational improvement and enhancement opportunities, where these are within the Site Boundary or if on third party land they will be subject to the approval of landowners. The final details would be agreed in consultation with FLS and South Ayrshire Council Access Officer.

3.5.11 Other Issues

110. **Chapter 13: Other Issues** of the EIAR considers 'Other Issues'. These include forestry and land use, aviation and radar, climate and carbon balance, telecommunications and shadow flicker.

Forestry and Land Use

111. A Windfarm Forest Plan has been developed for implementation if the Proposed Development is consented. The design process has considered how the local topography, existing forestry infrastructure can be utilised. An assessment of the potential effects of the Proposed Development on woodland resources is provided in **Appendix 13.1 Forestry** of the EIAR**.** This describes the plans for felling, restocking and forest management practices.

112. Approximately 223.48 hectares of advanced felling would be required for construction of the Proposed Development. The area of unplanted ground would increase and as a result, there would be a net loss of woodland area of 96.68ha. Compensatory planting would be required to mitigate for this loss of woodland area. The extent, location and composition of such planting to be agreed with Scottish Forestry, taking into account any revision to the felling and restocking plans prior to the commencement of operation of the windfarm.

113. The species composition of the forest would change as a result of the Proposed Development forestry proposals. In particular, the area of conifer woodland would decrease by 120.69ha and the area of broadleaf woodland would increase by 23.58 hectares.

114. It is proposed that full consideration and further clarification on forestry would be included in a Forestry Waste Management Plan to form part of the CEMP.

Aviation and Radar

115. Based on location of the Site and terrain screening, National Air Traffic Services (NATS) stated 23 June 2020, in response to the EIA Scoping, that the Proposed Development conflicts with NATS safeguarding criteria for Prestwick air traffic control.

116. NATS Safeguarding have raised objection to the Proposed Development stating in their consultation response: "*it has been determined that the terrain screening available will not adequately attenuate the signal, and therefore this development is likely to cause false primary plots to be generated. A reduction in the RADAR's probability of detection, for real aircraft, is also anticipated*."

117. The Applicant notes that, as with Clauchrie Windfarm, whilst the Proposed Development Site occupies Tactical Training Area 20 (T) within which military low flying activities take place, should the development be fitted with MOD accredited aviation safety lighting in accordance with the Civil Aviation Authority, Air Navigation Order 2016, the MOD has no concerns.

An assessment of the potential effects on the aviation is provided in **Chapter 13: Other Issues** of the EIAR.

Climate and Carbon Balance

118. Development on peatland was considered as a key part of design and siting constraints and has largely been avoided.

119. Outputs indicate the Proposed Development would pay back the carbon emissions associated with its construction, operation and decommissioning in 3.5 years applying the 'Grid Mix' replacement scenarios. Assuming a maximum of 40 year windfarm life, this equates to an overall carbon saving of 11 times the carbon emitted; however, it should be noted that the windfarm lifespan is likely to be longer. Furthermore, it is considered likely that the actual payback period for this development would be somewhere within the range between the Grid Mix and Fossil Fuel Mix estimates.

120. Based on the expected values input to the calculator, outputs indicate that approximately 33% of the carbon losses are from wind turbine life cycle, 20% of the carbon losses are from the felling of forestry, 29% of the carbon losses are due to the requirements for balancing capacity ('back-up generation' assumed to be predominantly from conventional fossil fuel sources), and 18% due to losses of soil organic matter. Additionally, in compiling carbon data, a conservative approach has been taken; therefore, little allowance has been made for CO_2 gains due to onsite improvements.

121. Although it is possible that some combination of changes could have an impact greater than the sum of their individual effects on payback, the sensitivity analysis embedded within the carbon calculator demonstrates that, even using conservative values for all of the factors contributing to the overall estimation of carbon payback, the carbon savings of the Proposed Development would still be substantially greater than the attributable carbon emissions.

Telecommunications

122. As a large structure, wind turbines have the potential to interfere with electromagnetic signals through reflection shielding or emissions. Telecommunication operators and owners of links that cross the Site have been consulted, which has informed the need for any mitigation measures. It is not predicted that the Proposed Development would lead to significant adverse effects on telecommunications, and no mitigation measures are required.

Shadow Flicker

123. The term 'shadow flicker' refers to the effects caused by rotating wind turbine blades periodically casting a shadow on nearby properties. It is anticipated that in a 'worse case' scenario there is potential for one property to be affected. **Chapter 13: Other Issues** of the EIAR has recommended that if shadow flicker is found to occur in practice then mitigation such as automated wind turbine shutdown should be implemented to limit the potential impact of shadow flicker. This would require the Applicant to investigate any shadow flicker complaints and to action appropriate mitigation if the complaints were found to be valid. Such a measure could be applied via a planning condition to limit the potential of shadow flicker.

Fisheries

124. Neither Marine Scotland or Galloway Fisheries Trust (GFT) raised objection to the Clauchrie Windfarm. Marine Scotland noted the provision of monitoring salmon supporting river catchment areas advising that the proposed mitigation measures were "carefully implemented including regular visual inspections of the watercourses by the appointed Ecological Clerk of Works as a means of avoiding and/or minimising potential impacts on the water

quality and fish populations". The Galloway Fisheries Trust welcomed the assessment undertaken and mitigation proffered, which with their recommendations if observed, stated would have no objection. The EIA for the Proposed Development has followed similar assessments assuming a similar expectation would come from both GFT and Ayrshire Rivers Trust (ART).

125. ART confirmed in consultation dated 14 July 2020 that the Proposed Development has the potential to have an impact on the water environment due to its close proximity to important tributaries of the River Stinchar and Water of Girvan. The accompanying EIA desk and field studies (observation and electrofishing) found 35 records of brown trout and 102 records of Atlantic salmon within or downstream of the Scoping Developable Area. Suitable habitat was present consistently within the area whilst electrofishing surveys undertaken demonstrated only brown trout are present in the Palmullan, Knockoner, Tairlaw and Pulreoch Burns. Both salmon and brown trout were present in the Dalquhairn Burn, located on the River Stinchar catchment, and the Balbeg Burn.

126. GFT noted that, at the time of Scoping, the Proposed Development lay to the north of the River Cree catchment and that Site's boundary touched the Water of Minnoch; the main tributary of the River Cree, and lies immediately adjacent to the Pilnyark Burn, a tributary of the Water of Minnoch. It was acknowledged by GFT that the Scoping Developable Area in the north of the Site is well away from the River Cree catchment. The Proposed Development has been confined to the Scoping Developable Area which does not encompass watercourses associated with the River Cree catchment. Consequently, there are no predicted impacts on watercourses within this catchment.

127. Appreciating the status/legal protection afforded (IUCN red list: Least Concern; UKBAP; SBL) and as such species are protected under the Conservation (Natural Habitats Regulations 1994 (as amended)), a Fish Monitoring Plan will be required, this will be included within the CEMP.

128. An Aquatic Ecology Species Protection Plan (AESPP) will be produced as part of the CEMP to detail the methods to be adhered to during all construction works, especially any in-stream works (e.g. for culverts). The AESPP will include for timing of construction works to be planned to avoid the sensitive lifecycle stages of the fish present. Given the above, the Applicant has addressed the matters which would be of concern from Marine Scotland and GFT and ART.

4 Benefits of the Development

129. The Pre-Application Consultation (PAC) Report, **Chapter 12: Socio-economics** and **Chapter 13: Other Issues** of the EIAR accompanying this application identifies that the Proposed Development will create a wide range of benefits, as set out below.

4.1 Local Economic Benefits

130. It is estimated that the Proposed Development will generate up to 140 net jobs in South Ayrshire per annum over the construction period; the total net GVA contributions during this period will be £8.8 million per annum.

131. Furthermore, up to 99 gross jobs in South Ayrshire and a gross GVA contribution of £5,871,191 will be generated during the operational lifetime of the Proposed Development.

132. The Proposed Development is set to commence construction in 2024 and will secure jobs in the face of the anticipated economic downturn forecasted due to the impact of the Covid-19 pandemic on the economy.

4.2 Renewable Electricity Generation

133. The Proposed Development's wind turbines would have an anticipated nominal capacity of around 86 MW. The annual generation from the wind turbines is estimated at approximately 255.5(GWh) based on an operational capacity factor of 34%.

134. By way of illustration, based on an average electricity consumption per household in the UK quoted by the Department of Business, Energy and Industrial Strategy of 3,729 kWh, the Proposed Development would generate enough power to supply over 71,421 average UK households.

135. Scotland is legally bound through the Climate Change (Scotland) Act (2009) to reduce carbon emissions to net zero by 2045 with interim targets to reduce emissions by 56 % by 2020, 75 % by 2030 and 90 % by 2040. To help deliver the long-term targets, the climate change legislation has also set out annual targets from 2018. **Annual Net Reduction Targets (Section 5.3)** confirms that the annual targets have not been met in Scotland in 2018 and 2019, while the 2020-2030 decade's annual targets have increased from 1% to 1.9%, while the 2030-2040 annual targets have a 1.5% increase per annum. This highlights the clear scale of the urgent challenge that Scotland is facing.

136. The Proposed Development would reduce greenhouse gas emissions through displacing fossil fuel generation. On the basis of anticipated renewable energy generation output presented above, it is submitted that the Proposed Development would make a substantial contribution towards climate change targets, in particular towards the interim target for a 75% reduction in greenhouse gas emissions by 2030.

4.3 Carbon Reduction

137. The energy generated by the Proposed Development further reduces the need for the creation of tonnes of greenhouse gas emissions from other sources such as coal and gas. **Chapter 13: Other Issues** of the EIAR identifies that the Proposed Development

138. Proposed Development would pay back the carbon emissions associated with its construction, operation and decommissioning in 3.5 years applying the 'Grid Mix' replacement scenarios. Assuming a maximum of 40 year windfarm life, this equates to an overall carbon saving of 11 times the carbon emitted; however, it should be noted that the windfarm lifespan is likely to be longer. Furthermore, it is considered likely that the actual payback period for this development would be somewhere within the range between the Grid Mix and Fossil Fuel Mix estimates.

4.4 Grid Balancing

139. The UK electricity grid is balanced by ensuring that demand of electricity consumers is constantly met by supply of electricity generation. This can only be achieved in practice by the national grid retaining a constant supply of extra power available for dispatch when the power required by customers is not equal to the power generated. The Balancing Mechanism is used to ensure that the network is in balance and reserve power is then used when the network comes under 'stress'.

140. When a sudden or unforeseen demand is put on the network, such as when a large power station suddenly comes offline or a powerline fails, then the national grid control room need an alternative source of power. This is achieved from rapid response facilities such as the proposed energy storage facility.

141. As an innovative technology, the proposed Energy Storage Facility will provide a flexible and rapid release of electricity to allow the national grid to regulate electricity supply and demand without any greenhouse gas emissions. Conversely, the proposed energy storage facility will also have the capacity to absorb electricity quickly which will allow for the oversupply of the grid to be managed.

4.5 Use of Existing Infrastructure

142. Due to the presence of existing windfarms, much of the infrastructure that is required to support the Proposed Development in terms of construction, maintenance and transmission, is already in place. This includes existing forestry access tracks, borrow pits and 275 kV ScottishPower OHL. The opportunity to use this existing infrastructure will help to reduce the impacts of the Proposed Development and comprises a tangible benefit relative to the potential impacts of providing the same capacity at an alternate standalone site.

143. The Proposed Development substation would be located directly beside the Transmission Owners (TO) Substation, which is to be designed, built and operated by SP Energy Networks (hereafter referred to as 'SPEN'). Energy generated by the windfarm would be exported to the Grid by a direct connection from the TO Substation in to the existing 275kV ScottishPower overhead line (OHL) which is located within the south eastern edge of the Site. The Proposed Development substation would contain a 33kV/275kV transformer, switchgear, protection, control and metering equipment, and other high voltage and low voltage electrical equipment to connect to the TO Substation and facilitate the export of electrical power to the Grid.

4.6 Community Benefit and Shared Ownership

144. The Applicant has to date contributed £8million in community benefit funding to local communities in the area. This is just part of over £45 million in community benefit funds delivered from their operational windfarms across the United Kingdom (UK). These funds contribute to a variety of groups and organisations to assist them in delivering projects which they have identified as having benefit to those living, working or visiting the surrounding area. It is expected that the Proposed Development would establish a community benefit arrangement with local communities. It is anticipated that the community development funds at the Proposed Development would provide enhancements to the local area by upgrading sections of the existing forest tracks.

145. In addition to the community benefits fund, the local community would also have an opportunity to invest in the Proposed Development through the opportunity for a shared ownership / community investment scheme. This has the potential to support greater partnerships in working and empowering communities to build their capacity and generate income.

146. The Scottish Government lends its supports to shared ownership because it believes it can support greater partnership working, empower communities and build their capacity, generate income that can have a lasting legacy, and strengthen corporate social responsibility.

4.7 Peatland Restoration and Habitat Management

147. A Habitat Management Plan (HMP) will be produced for the Proposed Development. The overall purpose of the HMP will be to implement positive land management for the benefit of landscape and nature conservation which will mitigate any adverse impacts that the Proposed Development may have. In addition to purely mitigating any adverse impacts, SPR is committed to enhancing the nature conservation and landscape value of the Site.

148. The key focus for the HMP for the Proposed Development is the proposal for blanket bog restoration. A draft HMP is included in **Appendix 7.6: Outline Habitat Management Plan** of the EIAR which outlines the proposals for the restoration of approximately 28ha of bog habitat creation. It is anticipated that in turn this will give rise to other biodiversity benefits, for example invertebrates, amphibians and ground nesting birds.

149. SPR has been at the forefront of blanket bog restoration, developing new techniques to restore these habitats which are effective and scalable to meet the challenges of biodiversity, climate change, water quality and natural flood management. Between 2010 and 2019 SPR has implemented approximately 1,500 ha of peatland restoration from commercial forestry across their projects. This work transcends windfarms, with the techniques now being adopted by other organisations including FLS, RSPB and NatureScot[3] to assist with their own restoration ambitions and objectives.

[3] Formerly known as Scottish Natural Heritage (SNH).

5 The Legislative Regime

5.1 Introduction

151. This chapter describes the consenting and environmental assessment regime that applies to the Section 36 decision making process.

5.2 The Electricity Act

152. A decision on the Application under the 1989 Act is the principal decision to be made in this case.

153. In the event that a decision is taken to grant a Section 36 consent, the Applicant requests that planning permission is also deemed to be granted by way of a relevant Direction.

154. Paragraph 3 of Schedule 9 to the 1989 Act is relevant to licenced generators when formulating generation development proposals that require consent under the terms of the Act. Paragraph 3 states:

"(1) In formulating any relevant proposals, a licence holder or a person authorised by an exemption to generate, distribute, supply or participate in the transmission of electricity:

(a) shall have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeology interest; and

(b) shall do what they reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.

(2) In considering any relevant proposals for which their consent is required under section 36 or 37 of this Act, the [Scottish Ministers] shall have regard to:

(a) the desirability of the matters mentioned in paragraph (a) of sub-paragraph (1) above; and

(b) the extent to which the person by whom the proposals were formulated has complied with their duty under paragraph (b) of that sub paragraph

(3) Without prejudice to sub-paragraphs (1) and (2) above, 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."

155. It is relevant to note the use of the terms 'desirability' and 'reasonably' with regard to the Proposed Development's design, siting and mitigation. 'Desirability' is the valuing of the receptor in question. The EIAR has done this in a systematic way. The EIAR has also proposed mitigation through the design of the project, embedded mitigation and further mitigation. This collectively demonstrates compliance with the duties. This recognises that there are balances to be considered in decision making for this type of development.

5.3 The EIA Regulations

156. The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 apply in this case (the EIA Regulations).

157. The structure of the EIAR follows the requirements of Schedule 4 of the EIA Regulations, it addresses the requirements of Regulations 4 and 5 and other relevant good practice guidance.

5.4 Scope of the EIA

158. The scope of the EIAR has been agreed with ECU through the EIA scoping process and in accordance with Regulation 5 of The EIA Regulations. The EIA has been 'based' on the Scoping Opinion issued by the Scottish Ministers. The scope is fully described within **Chapter 2: EIA Process and Methodology** of the EIAR, and has assessed the following environmental matters:

- **Chapter 5: Landscape and Visual Assessment;**
- **Chapter 6: Hydrology, Hydrogeology, Geology and Soils;**
- **Chapter 7: Ecology and Biodiversity;**
- **Chapter 8: Ornithology;**
- **Chapter 9: Noise;**
- **Chapter 10: Archaeology and Cultural Heritage;**
- **Chapter 11: Access, Traffic and Transport;**
- **Chapter 12: Socio-economics, Tourism and Recreation; and**
- **Chapter 13: Other Issues.**

6 The Energy and Climate Policy Framework

6.1 Introduction

159. Recently the United Kingdom and Scottish Government's policies have increasingly focused on addressing climate change and reducing greenhouse gas emissions. Each tier of governmental regulation has developed targets, policies and actions to achieve these policy objectives.

160. This chapter sets out the renewable energy policy framework, which is an important material consideration that requires to be weighed in the decision-making balance. While the energy and climate change policy and legislative framework set out the needs case for the Proposed Development, which is to address the impacts of climate change through renewable energy generation whilst also maintaining energy security.

6.2 International Context

6.2.1 The COP UN Paris Agreement

161. On 12 December 2015 delegates from almost 200 countries gathered at the Paris climate conference (COP 21) and adopted a legally binding international agreement - known as 'the Paris Agreement' - under which all countries vowed to cut their carbon emissions. The agreement included:

- a long-term goal of keeping the increase in global average temperature to well below 2°C above pre-industrial levels;
- to meet the aim to limit the increase to 1.5 °C, since this would significantly reduce risks and the impacts of climate change;
- 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.

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

6.3 United Kingdom Context

163. 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 climate change targets.

6.4 Climate Emergency Context

6.4.1 Net Zero – UK's Contribution to Stopping Global Warming'

164. The CCC published its landmark report entitled 'Net Zero – UK's Contribution to Stopping Global Warming' in May 2019. The report responds to requests from the Governments of the UK, Wales and Scotland, asking the CCC to reassess the UK's long-term carbon emissions targets.

165. The Foreword of the report (page 8) sets out that the CCC has "*reviewed the latest scientific evidence on climate change, including last year's* [Intergovernmental Panel on Climate Change] *IPCC special report on global warming of 1.5^{C} and considered the appropriate role of the UK in the global challenge to limit future temperature increases". It adds, "Net Zero is a more fundamental aim than previous targets. By reducing emissions produced in the UK to zero, we also end our contribution to rising global temperatures*".

166. The Foreword also sets out that "*we must now increase our ambition to tackle climate change. The science demands it; the evidence is before you; we must start at once; there is no time to lose*".

167. The report makes recommendations for the UK economy including:

- UK overall: a new tougher emissions target of net zero greenhouse gases (GHG) 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 GHG economy by 2045, reflecting Scotland's greater relative capacity to remove emissions than the UK as a whole; and
- A net zero GHG target for 2050 would deliver on the commitment that the UK made by signing the Paris Agreement.

168. In terms of the UK and Scottish targets, the report makes it clear that, "*this is only possible if clear, stable and well-designed policies to reduce emissions further are introduced across the economy without delay. Current policy is insufficient for even the existing targets*".

169. The report also adds for Scotland that:

"*Scotland has proportionately greater potential for emissions removal than the UK overall and can credibly adopt a more ambitious target. It should aim for net zero greenhouse gas emissions by 2045. Interim targets should be set for Scottish emissions reductions (relative to 1990) of 75% by 2030 and 90% by 2040".*

170. The CCC report sets out various scenarios for UK net zero GHGs 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)."*

171. It also adds that in terms of preparation (Executive Summary page 34) and with regard to low carbon power, *"the supply of low carbon power must continue to expand rapidly ..."*.

172. 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 is now the cheapest form of electricity generation in the UK and can be deployed at scale to meet UK electricity demands.

173. The CCC's 'further ambition scenario' for the power sector sees low carbon power sources providing 100% of power generation by 2050. This would be through a mix of variable renewables (including onshore wind) contributing some 57% of power, with firm low carbon power such as nuclear or other plants fitted with carbon capture and storage (38%) and de-carbonised gas such as hydrogen (5%).

174. The report contains a number of key messages including that "*intermittency of renewables does not prevent full decarbonisation of the power system. Deployment of variable renewables, alongside system flexibility, is a low regret and low cost means of de-carbonising the UK's electricity system*".

175. The CCC published a progress report to Parliament in July 2019 and the Foreword of the Report states that in May 2019, the CCC's Net Zero report offered compelling analysis of the need to reduce greenhouse gas emissions in the UK effectively to zero by 2050. The net-zero target meets the UK's obligations under the Paris Agreement and responds to the urgent need for action highlighted by the IPCC in the 2018 Special Report on 1.5°C of global warming.

176. The Report states that the CCC strongly welcomes the UK Parliament's decision to make net zero law – and the corresponding decisions of the Welsh Assembly and the Scottish Parliament. These are acknowledged to be positive steps which are of *"fundamental consequence for the future path of our economy, our society and the climate. Carbon neutrality has now become a mainstream goal".*

177. The Report adds that tougher targets do not themselves reduce emissions and new plans must be drawn up to deliver them and that *"climate change adaptation is a defining challenge for every government, yet there is only limited evidence of the present UK Government taking it sufficiently seriously".*

178. Other key points include:

- the Adaptation and Mitigation Committees have reviewed the UK Government's approach to climate change adaptation and emissions reduction. The Report states "*we find a substantial gap between current plans and future requirements and an even greater shortfall in action".*
- planning for climate change adaptation is a statutory obligation but the National Adaptation Programme ("NAP") is incomplete. Of the 56 risks and opportunities identified in the UK's Climate Change Risk Assessment, 21 have no formal actions in the NAP.
- there are substantial impacts of a global temperature rise of just 1°C. The Paris Agreement targets a threshold of well below 2°C, ideally 1.5°C, but current global plans give only a 50% chance of meeting 3°C. The Report adds that *"Government cannot hide from these risks".*

179. The Clean Growth Strategy, the UK's plan for emissions reduction, provides a solid foundation for the action needed to meet a net-zero GHG target but "*policy ambition and implementation now fall well short of what is required".*

180. Indeed, the opening paragraphs of the Strategy recognise the significance of seizing on the opportunity for clean growth:

'*Clean growth is an important element of our modern Industrial Strategy: building on the UK's strengths; improving productivity across the country; and ensuring we are the best place for innovators and new businesses to start up and grow.*

A good example of this is offshore wind, where costs have halved in just a few years. A combination of sustained commitment – across different Governments – and targeted public sector innovation support, harnessing the expertise of UK engineers working in offshore conditions and private sector ingenuity, has created the conditions for a new industry to flourish, while cutting emissions. We need to replicate this success in sectors across our economy'.

181. The CCC concludes by stating that the central premise of the Climate Change Act 2008 is that the Government of the day holds the responsibility to act to protect future generations. This principle is at risk if the priority given to

climate policy is not substantially increased over the next year. The report adds "*The need for action has rarely been clearer. Our message to Government is simple: Now, do it*".

182. On 27 June 2019 the UK Government became the first major economy in the world (the first G7 country) to pass legislation to end its contribution to global warming by 2050 – by way of 100% reduction of greenhouse gas emissions. The target is now legally binding by way of an amendment to the Climate Change Act 2008.

6.4.2 The Energy White Paper: Powering Our Net Energy Future (2020)

183. The Energy White Paper was published in December 2020. It details the steps to deliver '*overwhelmingly decarbonised power in the 2030s'*, with a new £6.7bn support scheme to be set up to tackle fuel poverty and a UK variant of the Emissions Trading Scheme to be introduced.

184. The White Paper essentially builds on the Prime Minister's Ten Point Plan for a Green Industrial Revolution and outlines how the nation plans to transform its power and heating systems to support the net-zero emissions target. Specifically, new measures will help cut emissions from industry, transport and buildings by 230 million metric tons in the period to 2032.

185. Wind and solar energy are identified as being the key building blocks of the future generation mix. There is therefore a need to sustain growth in these areas to ensure that the zero emissions target is met in lieu of all future demand scenarios.

186. The Applicant acknowledges the White Paper's ambitious programme to build a fairer, greener energy system. They intend to continue working alongside the government and industry stakeholders to make the transition to net zero without while avoiding consumer costs.

6.5 Scottish Government Context

187. 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 deliver them, are outlined below.

6.5.1 The Climate Change (Scotland) Act 2009

188. 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.

6.6 Climate Change Legislation

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

189. On 31 October 2019, The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 received royal assent and became an Act of Parliament, which amended the Climate Change (Scotland) Act 2009. The 2019 Act now requires that "*The Scottish Ministers must ensure that the net Scottish emissions account for the net-zero emissions target year is at least 100% lower than the baseline (the target is known as the "net-zero emissions target").*" The target year is 2045 and the Act also sets annual targets to meet the 10-yearly interim targets:

190. **Table 1: Annual Net Reduction Targets** sets out the annual targets. The carbon reduction targets for the next decade are ambitious, increasing from 1% per annum (in the period to 2019) to 1.9% per annum (until 2030). This additional 0.9% per annum on top of the 1% figure that Scotland has failed to meet since 2018 puts into perspective the urgency to capitalise on opportunities for renewable energy sources and achieve 100% net zero-emissions by 2045.

Year	Annual Target	Year	Annual Target
2018	54.0%	2032	78.0%
2019	55.0%	2033	79.5%
2020 (interim target)	**56%**	2034	81.0%
2021	57.9%	2035	82.5%
2022	59.8%	2036	84.0%
2023	61.7%	2037	85.8%
2024	63.6%	2038	87.0%
2025	65.5%	2039	88.5%
2026	67.4%	**2040 (interim target)**	**90%**
2027	69.3%	2041	92.0%
2028	71.2%	2042	94.0%
2029	73.1%	2043	96.0%
2030 (interim target)	**75%**	2044	98.0%
2031	76.5%	**2045**	**100% (net zero-emissions)**

Table 1 Annual Net Reduction Targets

It is important to note that these targets are minimum targets, they are not maximums or aspirations. Furthermore, the demand is a moving target that is predicted to double thanks to a suite of other decarbonisation measures in transport and heat, which increases the risk of the Government falling further behind in meeting them. Despite this, the targets legally bind the Scottish Ministers and have largely been legislated to set the framework for Scotland's response to the climate change emergency.

191. It is also very important to note Section 44 of the Climate Change Act 2009 '*duties of public bodies relating to climate change'* which obliges all public bodies, including the Scottish Ministers in determining this Section 36 application to *"…… Act in the way best calculated to contribute to the delivery of the targets set in or under Part 1 of this Act*". It should also be noted that Schedule 1 to the 2009 Act identifies that the Scottish Ministers are within the definition of Public Body, as are bodies such as NatureScot and Historic Environment Scotland.

6.7 Climate Emergency and Programme for Government

6.7.1 Climate Emergency

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

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

193. Furthermore, former Climate Change Secretary Roseanna Cunningham made a statement on 14 May 2019 to the Scottish Parliament on the 'Global Climate Emergency'. Again, with reference to the recent CCC Report. She stated:

"We acted immediately with amendments to our Climate Change Bill to set a 2045 target for net zero emissions - as we said we'd do. If agreed by Parliament, these will be the most stringent legislative targets anywhere in the world and Scotland's contribution to climate change will end, definitively, within a generation. The CCC was clear that this will be enormously challenging...."

194. The Minister also highlighted the important role of the planning system stating:

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

In June 2021, the CCC warned Britain is not prepared for the devasting consequences of global warming. In response to this statement, the new Minister for Environment and Land Reform - Mairi McAllan stated*:*

"So adaptation is a focus, but if the climate change committee is warning us that we're not yet doing enough, then we have to listen that loud and clear".

195. The Scottish Government has therefore acted on the stark warnings issued by the IPCC who have stated that by 2030 it would be too late to limit global heating to 1.5c. In considering the further report by the CCC, the Scottish Government has stated unequivocally that there needs to be a transformative change and that action must be quick and decisive. An emergency requires action and as set out in the conclusions below, the planning system must be responsive to that.

6.7.2 Update to the Climate Change Plan (2018-2032): Securing a Green Recovery on a Path to Net Zero

196. The Scottish Government published the update to the Climate Change Plan (2018-2032) in December 2020. The Scottish Government's last two programmes have committed to delivering a Green New Deal, setting out how the investments it has made will support a *"holistic and fair transformation of our economy in the coming decades, leading to greater prosperity and social outcomes".* As set out in the Ministerial Foreword (page 3), this update to the 2018 Climate Change Plan, builds on that work and sets out bold actions to realise this Deal and achieve new emissions targets to 2032. This includes a commitment to reduce emissions by 75% by 2030 (compared with 1990) and to net zero by 2045. The next statutory Climate Change Plan is proposed to be completed by early 2025.

197. This update includes policies and proposals for the electricity sector that build on those contained in the 2018 Plan. Further policies provide for the continued rapid growth in renewable generation over the past twenty years, moving from a low to a zero-carbon electricity system.

198. The update states that the Scottish Government will commit to a continued review of its energy consenting processes, stating that it will make further improvements and efficiencies where possible. Additionally, it states that the Government will also deliver the actions from its Offshore Wind Policy Statement published in October 2020 which supports the development of between 8 and 11 GW of offshore wind capacity by 2030. The Government will also review and publish an updated Electricity Generation Policy Statement by 2022, "reflecting the contribution that renewable electricity generation is likely to have to achieving its Net Zero target in line with the CCC recommendation to do so". Furthermore, the Government will continue its efforts to "ensure a sustainable security of electricity supply" with a proposal in 2021 to launch "a call for evidence and views on technologies including….energy storage to deliver sustainable electricity supply".

199. Section 2.5 refers specifically to planning, and key points referenced in this regard include:

- "Planning is a key delivery mechanism for many of the policies within this Climate Change Plan update, across all sectors".
- "The (NPF4) Position Statement strongly signals a need to have climate change as a guiding principle for all plans and decisions. It signals key outcomes that planning policy can further support: reducing emissions.."

6.8 Current Scottish Energy Policy

200. The recently published Scottish Government energy policy position, by way of published energy policy documents, is contained within the Scottish Energy Strategy (SES) Position Statement (published March 2021) and the Onshore Wind Policy Statement (OWPS) refresh 2021: Consultative draft (published October 2021). These documents are examined below.

6.8.1 Scottish Energy Strategy (SES) Position Statement (2021)

201. The SES Position Statement aims to provide stakeholders with a clear overview of the Scottish Government's policies in relation to energy. It reinforces the Scottish Government's "commitment to remain guided by the principles set out in Scotland's Energy Strategy 2017" and reaffirms the importance it attaches to supporting the energy sector in its journey towards achieving Net Zero.

202. Chapter 8 of the Position Statement sets out the Scottish Government's commitment in supporting the increase of onshore wind in appropriate locations to help deliver the Net Zero target. This includes support for the Department of Business, Energy & Industrial Strategy (BEIS) Contracts for Difference (CfD) scheme which supports low-carbon electricity generation.

203. The Scottish Government has recently been engaging closely with Ofgem to highlight the importance of energy networks in helping to meet Scotland's decarbonisation and net zero targets, and that "certainty over the availability of baseline funding during the next price control period is going to be critical to maintaining confidence in the renewable sector – for example, to the progress of new onshore…wind developments".

6.8.2 Onshore Wind Policy Statement (OWPS) Refresh (2021): Consultative Draft

204. The OWPS Refresh (2021) Consultative Draft sets out the Scottish Government's ambition to secure an additional 8-12 GW of installed onshore wind capacity by 2030. The Ministerial Foreword sets out that "Onshore wind remains vital to Scotland's future energy mix, and we will need much more as we continue our progress to meet Scotland's legally binding net zero target".

205. As part of Scotland's efforts to deploy additional onshore wind capacity, it will continue to encourage communities to engage with the planning process, in recognition of the significance of the community benefit schemes resulting from these projects.

206. Chapter 2 is entitled 'Future Position and Net Zero' and sets out a number of future opportunities and challenges to the deployment of onshore wind capacity as it considers the demand for green electricity will increase over the next decade. The Government's "aim is to maintain the supportive policy and regulatory framework which will enable us to increase that deployment still further". Chapter 5 addresses economic opportunities where responses are sought on matters pertaining to supply chains, Government support to enable successful bids and contract wins, encouragement of refurbishment and recovery to advance Scotland's ambitions for the circular economy, skills and training opportunities in the onshore wind sector including diversifying the workforce and the impacts of wind farms on tourism.

6.9 Recent Onshore Wind Energy Decisions

207. In order to establish the weight that should be given to the renewable and climate change policy framework in decision making, it is helpful to examine the position of Reporters in recent Section 36 and Appeal Decisions.

208. In the Arecleoch Windfarm S36 Decision (November 2021), the Scottish Ministers acknowledged the NPF3 and the importance of the planning system to facilitate the transition to a low carbon economy. They have also

considered the 'seriousness' of climate change, considering it a priority. In regard to emissions reduction targets, the Ministers state that:

209. "The proposed development makes a significant contribution towards meeting greenhouse gas emission and renewable electricity targets"…adding further that they are *"satisfied that the deployment of this amount of renewable energy produced in Scotland is entirely consistent with the Scottish Government's policy on the promotion of renewable energy and its target date for net-zero emissions of all greenhouse gases by 2045".*

210. In the Golticlay Windfarm S36 Decision (March 2021), the Scottish Ministers addressed the vital role of onshore wind in meeting Scotland's energy targets as set out in the Onshore Wind Policy Statement ("OWPS") stating:

"As set out in the OWPS, the Scottish Government remains committed to overcoming barriers to deployment to support the growth in onshore wind where possible to help meet climate change and renewables targets" (page 10 of the Decision Letter).

211. In the Corriemoillie Windfarm S36 Decision (December 2019), the Reporter considered climate change and renewable targets and stated that:

"the seriousness of climate change, its potential effects and the need to cut carbon dioxide emission, remains a priority of Scottish Ministers" (page 7 of the Decision Letter).

212. In the Gordonbush Windfarm Extension S36C Decision (issued November 2019), when considering the size of the wind turbines in response to Scottish Government policy, the Scottish Ministers were:

"*satisfied that deploying larger and more efficient turbines of the proposed varied Development would provide considerable carbon savings and these savings would be of an order that weighs in favour of the proposed varied Development".*

213. In the Pencloe Windfarm Section 36 Decision (December 2018) the Reporter addressed national energy policy in their overall conclusions (Chapter 9 of the Inquiry Report) and set out at paragraph 9.7 the following position:

"I see no sign that the Scottish Government is slackening the pace; rather, the latest policy statements on energy and onshore wind indicate that the effort is being intensified. The latest target of generating 50% of energy from renewable sources by 2030 is a deliberately challenging one, which may require around 17GW of installed capacity by that date. The newly adopted Scottish Energy Strategy and the accompanying Onshore Wind Policy Statement are explicit that onshore wind will continue to play a vital role in that regard".

214. In the Hopsrig Appeal Decision Notice at paragraph 64, the Reporter referred to Dumfries and Galloway Council's position that the SES and OWPS add little to that already set out in SPP and NPF3. They took a different view and stated:

"However, I agree with the appellant that the OWPS uses particularly positive language when discussing onshore wind. For example, in paragraph 3, it is described as playing a "vital role in meeting Scotland's energy needs and a material role in growing our economy." It is also stated that "Onshore wind generation will remain crucial in terms of our goals for a decarbonised energy system…". I find it significant that, despite the progress that has been made in recent years in the delivery of onshore wind energy development and the consequent improvement there has been in the provision of energy in ways that minimise greenhouse gas emissions, there remains undiminished, in principle, policy support for further such development. This is made clear in paragraph 4 of the OWPS – "Scotland will continue to need more onshore wind development and capacity, in locations across our landscapes where it can be accommodated."

215. In summary, in recent decisions the renewable energy policy at the UK and Scottish Government levels has been a significant material consideration. It is also the case that the Programme for Government and The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 were published post these decisions and add

substantially to the Scottish Governments ambitions to address the climate change emergency. Substantial weight being attributed to the proposed Windfarm's climate change benefits would be appropriate in determining this application for Section 36 consent.

6.10 Conclusions on Energy Policy

216. The declaration of a climate change emergency and committing to the net zero targets demonstrates an undoubtable step change in Government policy and attitudes towards the importance of reducing greenhouse gas emissions as soon as possible in order to reduce the impacts of climate change.

217. As required by Section 44 of the Climate Change Act 2009 (as amended) in determining the Section 36 application the Scottish Ministers are bound to exercise their decision-making function in a way it considers most sustainable and in the best way to achieve net-zero and the target within the interim 2020, 2030 and 2040 dates. There is a long way to go to achieve net zero, and at present the challenge of meeting the yearly target for emissions in Scotland is not being met for the second year in a row and is in danger of slipping further behind.

218. The Proposed Development has a capacity in the region of 86MW of electricity from wind power, which is estimated to be capable of powering the equivalent of approximately 171,421 average homes annually. It would make a valuable contribution to legislated climate change targets and government policy objectives; thereby implementing Government policy, which encourages more electricity generation from renewable sources.

219. The Scottish Government is unequivocal in making it clear that renewable energy generation is a key component of the ways in which climate change can be addressed and a key component in meeting climate change targets. The SES and OWPS Refresh 2021 recognises that onshore wind is a vital part of Scotland's renewable energy future and that it is the most cost-effective way of generating renewable energy. On this basis it must be considered as being the energy generation technology that could contribute the most to climate change objectives in the short term.

220. There is a powerful case in favour of consenting the Proposed Development in the context of the current climate change emergency, the scale of the challenge to meet Scotland's ambitious net zero carbon target through the deployment of additional wind capacity, and the contribution that the Proposed Development can make.

7 National Planning Policy

7.1 Introduction

221. This chapter considers relevant national planning policy, guidance and advice. These are significant material considerations to the determination of the application and set the framework of development management factors and the approach to Spatial Frameworks for onshore wind energy.

7.2 The National Planning Framework 3 (NPF3)

222. The NPF3 was published on 23 June 2014 and is a long-term strategy for Scotland. It is the spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. However, NPF3 was published before the more recent climate change commitments and is therefore not consistent with other Government legislation.

223. Together, the NPF3 and SPP when applied at the strategic and local levels, are intended to help the planning system deliver the Scottish Government's vision and outcomes for Scotland and to contribute to the Government's central purpose. High level support for renewables is provided through the 'vision', which is referred to as (inter alia):

- ***A successful, sustainable place*** - "*we have a growing low carbon economy which provides opportunities…*";
- ***A low carbon place*** - "*we have seized the opportunities arising from our ambition to be a world leader in low carbon generation, both onshore and offshore…*"; and
- ***A natural resilient place*** - "*natural and cultural assets are respected; they are improving in condition and represent a sustainable economic, environmental and social resource for the nation…*".

224. Further support is provided in Chapter 3 "A Low Carbon Place" which sets out the role that Planning will play in delivering the commitments set out in 'Low Carbon Scotland: The Scottish Government's Proposals and Policies'. It states:

"the priorities identified in this spatial strategy set a clear direction of travel which is consistent with our world leading climate legalisation".

225. The introduction to Chapter 3 states that the Scottish Government's ambition *"is to achieve at least an 80% reduction of greenhouse gas emissions by 2050".*

226. Paragraph 3.7 states onshore wind is "…*recognised as an opportunity to improve the long-term resilience of rural communities".*

227. Paragraph 3.23 states that "*onshore wind will continue to make a significant contribution to diversification of energy supplies. We do not wish to see wind farm development in our National Parks and National Scenic Areas. Scottish Planning Policy sets out the required approach to spatial frameworks which will guide new wind energy development to appropriate locations, taking into account important features including wild land.".*

228. In conclusion, it is clear that onshore wind development is recognised in policy as a key technology in the energy mix which will contribute to Scotland becoming 'a low carbon place,' which in turn will be a key part of the 'vision' for Scotland (as set out at paragraph 1.2 of NPF3). Furthermore, the Scottish Government has made it unequivocally clear that it wants to continue to "capitalise on our wind resource" except for developments located within National Parks and National Scenic Areas. The Proposed Development is not within a National Park or National Scenic Area and would contribute to the renewable electricity and energy targets as set out in NPF3, and to the longer-term Government policy objectives and targets identified in **Chapter 4** of this Planning Statement. Predicted effects on the Merrick WLA have been assessed in **Chapter 5: Landscape and Visual Impact Assessment** of the EIAR.

7.3 Draft Fourth National Planning Framework (Draft NPF4)

229. The Draft Fourth National Planning Framework 4 (Draft NPF4) was laid before Parliament on 10 November and will be considered for a period of up to 120 days. The Draft NPF details the Scottish Government's long term plan for what Scotland could be in 2045.

230. Draft NPF4 *Policy 2: Climate emergency*, requires that significant weight should be given to the Global Climate Emergency when considering all development proposals. The aim of this policy is to ensure the planning system responds to the climate emergency.

231. Draft NPF4 *Policy 19: Green Energy* supports opportunities for new renewable energy development including 'in principle' support for enabling works such as transmission and distribution infrastructure and energy storage such as battery storage.

232. Part g) of Draft NPF4 *Policy 19: Green Energy* adds that *"areas identified for wind farms should be suitable for use in perpetuity"* providing that wind farms are sited and designed to ensure impacts are minimised and protects an acceptable level of amenity for adjacent communities. This policy seeks to ensure that sites in Scotland support continued expansion of low-carbon and net-zero energy technologies as a key contributor to net zero emissions by 2045.

233. The Scottish Government's recognition that more renewable and low-carbon energy resources will be needed and its support for the diversification and expansion of renewable energy schemes, is welcomed by the Applicant. It is considered that the Proposed Development will be essential for Scotland to meet its net zero emissions targets.

7.4 Scottish Planning Policy (SPP)

234. Scottish Planning Policy (SPP) was published on 23 June 2014 and therefore does not reflect the current climate change and renewable energy policy framework. The purpose of SPP is to set out national planning policies which reflect the Scottish Government Ministers' priorities for the operation of the planning system, and for the development and use of land. Paragraph (iii) states that the content of SPP is a material consideration that carries significant weight, although it is for the decision maker to determine the appropriate weight to be afforded to it in each case.

7.4.1 Relationship of SPP to National Outcomes

235. Paragraph 9 of SPP refers to 'Outcomes' as they relate to the Scottish Government's 'Purpose' *"of creating a more successful country, with opportunities for all of Scotland to flourish through increasing sustainable economic growth…"*.

236. Paragraph 10 adds that the Scottish Government's 16 national outcomes articulate in more detail on how the Purpose is to be achieved. It adds that the pursuit of these outcomes provides the impetus for other national plans, policies and strategies and many of the principles and policies set out in them are reflected in the SPP, NPF3 and Draft NPF4

237. Paragraph 13 of SPP introduces four planning outcomes which explain *"how planning should support the vision*" for the planning system in Scotland.

238. Paragraph 18 makes reference to the Climate Change (Scotland) Act 2009 which has set a target of reducing greenhouse gas emissions by at least 80% by 2050, (now 100% by 2045 as set out in the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019) with an interim target of reducing emissions by at least 42% by 2020 (now 56%). SPP explains that section 44 of the 2009 Act places a duty on public bodies to act in the best way to contribute to the delivery of emissions targets as set out in the Act, and to help deliver the Scottish Government's climate change adaption programme.

7.4.2 Principal Policies of SPP

239. SPP contains two Principal Policies, namely 'sustainability' and 'placemaking'[4].

240. Sustainability is addressed at Page 9. SPP states at paragraph 24 that:

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

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

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

[4] 'Placemaking is not addressed in this Planning Statement as it is directed at the built environment and not renewable energy development.

7.4.3 Presumption in Favour of Development that Contributes to Sustainable Development

243. Paragraph 27 of SPP introduced a "presumption in favour of development that contributes to sustainable development". Paragraph 28 states:

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

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

245. Paragraph 32 states that "*the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making". "Proposals that accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising …".*

246. Paragraph 33 adds:

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

247. The footnote to this paragraph specifies that Development Plans or their policies should not be considered as out of date solely on the grounds that they were adopted prior to the publication of SPP.

248. The approach set out above, requires that in circumstances where the relevant policies are out of date**, or where the Development Plan document is more than five years old**, the presumption in favour of sustainable development is engaged.

249. The Modified Proposed Replacement South Ayrshire Local Development Plan (MPLDP2) is proposed to replace the South Ayrshire Local Plan (adopted September 2014). However, at the time of submission the MPLDP2 has not been adopted, and the Development Plan is more than five years old in this case. The presumption in favour of sustainable development is therefore engaged.

7.4.4 Relevant Appeal and Section 36 Cases and the Presumption in Favour

250. A recent appeal case which deals with the presumption in favour of sustainable development, in the context of the Highland area, is the Dell Windfarm Appeal Decision issued on 22 August 2019. At para. 94, the Reporter agrees with the Appellant "*that paragraph 33 of SPP is engaged and is a significant material consideration given that the local development plan is more than five years old".*

251. The Reporter cited the Caplich Section 36 Decision[5], which was issued on 27 April 2018, in coming to this conclusion. The Inquiry Report (IR) is very informative (dated 29 November 2017). The paragraphs of the IR that are most relevant are 2.128 through to 2.144.

252. The Reporter starts by setting out their position on the presumption with a clear rebuttal of the Highland Council's position on how the presumption should operate where they state at paragraph 2.128:

[5] The Scottish Ministers agreed with the Reporters findings, reasoning and conclusions as set out in the IR and adopted them for the purposes of their own decision (Caplich, Ministers Decision Letter, page 4).

"I agree with the Applicant that the introduction of a formal policy presumption into SPP was a very significant step. I do not accept the Council's view that it effectively repeats the approach of a criteria-based policy such as LDP Policy 67 (in which support in principle was offered, provided that certain criteria are satisfied). My view is that, by being set out separately in SPP as a requirement to be followed both in policy formulation and decision making, the presumption has greater significance, and that it would not be "double counting" as the Council suggests, to give weight to the presumption, over and above the positive weight that would be given to a proposal that complied with the relevant development plan policy".

253. The Reporter further rebutted the Council's position at paragraph 2.143 of the IR where they stated:

"I do not agree with the Council that the wording of LDP Policy 67, which is supportive of renewable energy proposals unless they would be "significantly detrimental overall" is effectively equivalent to the requirement of SPP paragraph 33 for adverse effects to "significantly and demonstrably" outweigh a proposals benefit. The Policy 67 test relates to an assessment of the overall degree of harm arising from a proposal rather than to the balancing exercise of harm against benefit, as is the purpose of Paragraph 33".

254. The Reporter was very clear in setting out the approach to be taken in order to decide whether the presumption applies and how it should be implemented. In this regard, at paragraph 2.129 they stated:

"It is of course necessary, if the presumption is to have any bearing on the determination of this application, for it to be demonstrated that what is proposed could reasonably and accurately be described as a development that would contribute to sustainable development".

255. At paragraph 2.131 the Reporter stated that the presumption applies to all forms of development that would contribute to sustainable development, regardless of the age of content of a Development Plan, but importantly stated:

"*However, the effect of paragraphs 32 and 33 of SPP is that the age and content of the development plan may affect the weighing of a proposal's positive and negative implications in the planning balance".*

256. At paragraph 2.133, the Reporter referred to what the Reporter described as the "tilted balance" where they stated:

"*When a development plan is more than five years old, paragraph 33 is engaged and this requires that when weighing the benefits and disbenefits of a proposal in the planning balance, it will be necessary for any adverse impacts 'significantly and demonstrably' to outweigh the benefits of the proposal'.*

257. It should be noted that the Reporter[6] is clear on the matter of the tilted balance being engaged as a result of the operation of paragraph 33, where at paragraph 2.141 of the IR they state:

258. "*SPP paragraph 33 not only refers to policies being out of date as being a trigger for the tilted balance. It also separately applies that where a development plan is more than five years old (as is the case here). This suggests that a development plan that is less than five years old but contains out of date policies may trigger the tilted balance, but that a plan that is more than five years old, conclusively will".*

259. The Reporter went on in the following paragraph to state:

[6] The Reporter in the Fauch Hill Appeal Decision Notice (dated 13 June 2018, Ref: PPA-400-2084), also in a case in which the Development Plan was more than five years old, took the same approach, referencing the tilted balance, stating at paragraph 74: "The second provision of paragraph 33 [of SPP] effectively tilts an assessment of the balance between a development proposal's positive and negative implications, in favour of approval, because it requires any adverse impact not only to outweigh, but to significantly and demonstrably outweigh, its benefits. I have adopted this 'tilted balance' in my approach to the assessment of this proposal's positive and negative aspects".

260. "*If the proposed Development is found to be that which would contribute to sustainable development, then as a result of SPP paragraph 33, the planning balance should be tilted in its favour, such that any adverse impact it would have must be shown significantly and demonstrably to outweigh its benefits*"[7].

261. In this case, the South Ayrshire Council Local Development Plan is more than 5 years old and all development components located within the administrative area of South Ayrshire Council should benefit from the presumption. Accordingly, drawing on the appeal decisions referred to above, the Proposed Development should benefit fully from the tilted balance in favour of development which contributes to sustainable development. In applying the tilted balance, the adverse impacts of the Proposed Development would be required to significantly and demonstrably outweigh the benefits of the Proposed Development in order for consent to be withheld. The benefits of the Proposed Development have been outlined above and below, and principally include the contribution the development will make to achieving the 2045 net zero target and the socio-economic benefits that the development could bring to the Scottish and local economies.

7.4.5 SPP Appraisal of the Proposed Development with regard to the Presumption in Favour

262. Paragraph 29 of SPP assists by setting out that policies and decisions should be guided by a number of principles. Those of relevance are listed in the table below together with a summary response of the extent to which the Proposed Development is consistent or otherwise with the respective principle:

Policy Principle	Proposed Development
1. Giving due weight to net economic benefit.	**Chapter 12: Socio-economics, Tourism and Recreation** of the EIAR anticipates that there would be beneficial effect on job generation and GVA as a result of the Proposed Development.
2. Respond to economic issues, challenges and opportunities, outlined in local economic strategies.	The proposal upholds the Government's objectives, encourages renewable energy development and provides opportunity for community investments.
3. Supporting good design and the six qualities of successful places.	The layout has been achieved through an iterative design process, has upheld the qualities of successful places including the creation of a *distinctive, safe accessible* and *resource efficient* place that fits within the landscape character and minimises adverse effects on the environment.
4. Supporting delivery of infrastructure, for example transport, education, energy, digital and water.	The Proposed Development would deliver energy infrastructure.
5. Supporting climate change mitigation and adaptation including taking account of flood risk.	The Proposed Development would help to support climate change mitigation by reducing fossil fuel energy generation, thereby reducing emissions associated with energy generation and climate change gases.
6. Improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation.	The Proposed Development provides opportunities for enhanced recreational access to the forest.

[7] This approach is consistent with the approach in Suffolk Coastal DC v Hopkins Homes and Richborough Estates v Cheshire East BC [2017] UKSC 37 – the Supreme Court adopted the rubric "tilted balance" in terms of the operation of the presumption at paragraph 14 of the NPPF, addressing how it operated in practice and stated "the balance is tilted in favour of the grant of permission, except where the benefits are 'significantly and demonstrably' outweighed by the adverse effects" (paragraph 54).

Policy Principle	Proposed Development
7. Having regard to the principles for sustainable land use set out in the Land Use Strategy.	The Land Use Strategy (2016-21) is a key tool in committing to the Climate Change (Scotland) Act 2009 (as amended). The Strategy cross references policies such landscape protection, biodiversity, and renewable energy development from the Development Plan, which, through planning decision making will help deliver the Strategy's principles for sustainable land use. Three groups (see Excerpt 1: Table 1 of the SPP under Section 5.3.7: SPP: Spatial Framework Approach below) are identified that set out the requirement for planning authorities to produce spatial frameworks for windfarm development. The Proposed Development is identified as being predominately in a Group 3 category, while the design iterations have demonstrated that the significant effects on the qualities of the area have been overcome by siting, design and mitigation) and would contribute positively to climate change and care for the environment.
8. Protecting, enhancing and promoting access to cultural heritage, including the historic environment.	The Proposed Development has incorporated mitigation to limit impact on and retain a good level of access throughout the Study Area. In addition, the Proposed Development would include the implementation of a number of recreational enhancements, to include provision of information boards along the Linfairn to Burnside Footpath (***HA95***) path within the Site Boundary to inform readers of the cultural heritage along the route. This is set out in **Chapter 10: Archaeology and Cultural Heritage** of the EIAR.
9. Protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment.	The Proposed Development would promote access to the surrounding area and provide opportunity for enhancement to the local area.
10. Avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.	The design of the Proposed Development has had regard to the objectives of Policy Principle 10 and construction and operation will accord with this policy principle.

Table 2: SPP Paragraph 29 Policy Principles

7.4.6 SPP and National Outcomes

263. Paragraph 9 of SPP refers to 'Outcomes' as they relate to the Scottish Government's 'Purpose' *"of creating a more successful country, with opportunities for all of Scotland to flourish through increasing sustainable economic growth…".*

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

- outcome 1: a successful sustainable place – supporting sustainable economic growth and regeneration, and the creation of well designed, sustainable places;
- outcome 2: a low carbon place – reducing our carbon emissions and adapting to climate change;

- outcome 3: a natural, resilient place – helping to protect and enhance our natural and cultural assets and facilitating their sustainable use; and
- outcome 4: more connected place – supporting better transport and digital connectivity.

265. In particular, the Proposed Development would assist in delivering sustainable economic growth in line with outcome 1 of paragraph 13 of the SPP.

266. The Proposed Development, by its nature would assist in achieving Outcome 2 'a low carbon place'. Indeed, as set out in **Chapter 13**: **Other Issues** of the EIAR, the Proposed Development would reduce fossil fuel emissions associated with its construction, operation and decommissioning in 3.5 years.

267. The Proposed Development would also assist in achieving a 'natural, resilient place' by the part it plays in mitigating the effects of climate change. The Site is considered to fall into the classification of a Group 3 location (with a small section of the site within Group 2 area due to the presence of some Deep Peat; however, peat impacts have been appropriately mitigated and a large part of the proposed Development would operate as if it were in a Group 3) (see **Table 1 of the SPP under 6.3.7: SPP: Spatial Framework Approach** below**)** and is predominantly in a location in which windfarms are likely to be acceptable. In considering the partial group allocation, this application has demonstrated that the significant effects on the qualities of the area have to be overcome by siting, design and mitigation.

268. The fourth outcome relates to supporting better transport and digital connections. The Proposed Development supports outcome four by facilitating future electrification, for example electric cars or powering data centres.

269. The Proposed Development contributes to, and reinforces the engagement of, the presumption in favour of sustainable development[8].

7.4.7 Conclusions on the SPP Presumption in Favour

270. As set out above, the Proposed Development satisfies the principles set out at paragraph 29 of SPP and it would assist in delivering the Outcomes– indicating that overall the proposed Development is consistent with sustainable development.

271. The Proposed Development would contribute to sustainable development and as a result, para.32 of SPP is engaged and the planning balance is in its favour. From the overall planning appraisal undertaken, the small number of significant adverse effects that would arise from the Proposed Development are found to be demonstrably outweighed by the planning benefits.

272. In the context of the more up-to-date policy positions within the SES, OWPS and the Programme for Government (PfG) it is considered that this deserves substantial weight in the Section 36 decision making process for this application.

7.4.8 SPP: Development Management for Energy Infrastructure Developments

273. Paragraph 154 of SPP states that the planning system should:

- Support the transformational change to a low carbon economy, consistent with national objectives and targets, including deriving:

[8] The Reporter in the Caplich case also made the point (paragraph 8.32 of the IR) that with regard to the four planning outcomes and policy principles in SPP "the objective of any analysis of compliance….should be to see whether there is a 'broad fit' with the themes and objectives of the various outcomes and principles, rather than to test the proposal against each issue as though it were a specific policy test." This approach is consistent with Suffolk Coastal UKSC with regard to the interpretation of policies in the NPPF (the equivalent of SPP in England) – i.e. they should be approached in the same way as outlined in Tesco – namely statements should not be construed as if they were statutory or contractual provisions (i.e. should not be too literal).

  - 30% of overall energy demand from renewable sources by 2020;
  - 11% of heat demand from renewable sources by 2020; and
  - The equivalent of 100% of electricity demand from renewable sources by 2020;
- Support the development of a diverse range of electricity generation from renewable energy technologies – including the expansion of renewable energy generation capacity – and the development of heat networks;
- Guide development to appropriate locations and advise on the issues that will be taken into account when specific proposals are being assessed;
- Help to reduce emissions and energy use in new buildings and from new infrastructure by enabling development at appropriate locations that contributes to:
  - Energy efficiency;
  - Heat recovery;
  - Efficient energy supply and storage;
  - Electricity and heat from renewable sources; and
  - Electricity and heat from non-renewable sources where greenhouse gas emissions can be significantly reduced.

274. Footnote 63 of the SPP states that "further targets may be set in due course, for example district heating targets have been prosed".

275. Paragraph 169 of SPP states that proposals for windfarms should always take into account Spatial Frameworks for wind energy developments. It adds that considerations will vary relative to the scale of a proposal and area characteristics, but are likely to include:

- *net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities;*
- *the scale of contribution to renewable energy generation targets;*
- *effect on greenhouse gas emissions;*
- *cumulative impacts – planning authorities should be clear about the likely cumulative impacts arising from all of the considerations below …;*
- *impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker;*
- *landscape and visual impacts, including effects on wild land;*
- *effects on the natural heritage, including birds;*
- *impacts on carbon rich soils, using the carbon calculator;*
- *public access, including impact on long distance walking and cycling routes and scenic routes identified in the NPF;*
- *impacts on the historic environment, including scheduled monuments, listed buildings and their settings;*
- *impacts on tourism and recreation;*
- *impacts on aviation and defence interests and seismological recording;*
- *impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;*
- *impacts on road traffic;*
- *impacts on adjacent trunk roads;*
- *effects on hydrology, the water environment and flood risk;*
- *the need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration;*
- *opportunities for energy storage; and*
- *the need for a robust planning obligation to ensure that operators achieve site restoration."*

276. In terms of WLAs, paragraph 215 of SPP does not apply as the Proposed Development is located outside of Merrick WLA. The policy position that does apply to the Proposed Development and WLAs is contained in the sixth bullet of paragraph 169, which is quoted above. The Proposed Development has a potential visual effect on the

Merrick WLA which is located 0.6km to the south east. A Wild Lands Assessment is provided in **Appendix 5.5: Wild Land Assessment of the** EIAR**.**

277. The findings of the EIAR and the policy appraisal set out in this Planning Statement demonstrate that the Proposed Development is consistent with policy objectives of the SPP.

7.4.9 SPP Subject Policies – A Low Carbon Place

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

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

280. Paragraph 154 states that the planning system *"should support the transformational change to a low carbon economy, consistent with national objectives and targets (with further targets being set in due course), including deriving 30% of overall energy demand from renewable sources by 2020 and the equivalent of 100% of electricity demand from renewable sources by 2020.It will also aim to support the development of a diverse range of electricity generation from renewable energy technologies – including the expansion of renewable energy generation capacity"*.

281. Onshore wind development is recognised as a key technology in contributing to Scotland becoming a 'low carbon place' and would contribute to attaining this objective.

7.4.10 Onshore Wind

282. Onshore wind is specifically addressed at Paragraph 161 of SPP. Detailed guidance is provided for Planning Authorities with regard to the preparation of Spatial Frameworks for onshore wind development, and it makes it clear that proposals for onshore wind turbine development should continue to be determined whilst Spatial Frameworks and local policies are being prepared and updated.

7.4.11 SPP: Spatial Framework Approach

283. The NatureScot Carbon and Peatland Map 2016 is available on the Scotland's Soils Website. The Map is a predictive tool which provides an indication of distribution of carbon and peatland classes across the whole of Scotland. On a coarse scale it gives a value to indicate the likely presence of carbon-rich soils, deep peat and priority peatland habitat identified in Table 1 of SPP (see **Excerpt 1: Table 1 of the SPP** below).

284. The Map identifies eight soil classes (Class -2, -1 and 0 to 5). All areas mapped under Class 1 to 5 contain some peat soils. On the Map the top two classes (1 and 2) taken together identify the nationally important recourses set out in Table 1 of SPP:

- **Class 1**: Nationally important carbon-rich soils, deep peat and priority peatland habitat; areas likely to be of high conservation value; and
- **Class 2:** Nationally important carbon-rich soils, deep peat and priority peatland habitat; areas of potentially high conservation value and restoration potential.

285. **Table 7.5** of the EIAR**: Summary of Carbon and Peatland Classes Present within the Site in order of Dominance Onsite** in **Chapter 6: Hydrology, Hydrogeology, Geology and Soils** of the EIAR, identifies that the

area is predominantly in Class 5 (84.2%). There is a small area of Class 1 soil located adjacent to the track leading to wind turbine 5 and its hardstanding (0.3%). There are no Class 2 soils within the Site Boundary.

286. With reference to **Excerpt 1: Table 1 of the SPP below**, the Site is therefore located within a Group 3 area. Accordingly, the Site is considered to have the properties of being within Group 3: 'Areas with potential for windfarm development'.

<table>
<tr><td colspan="3">Group 1: Areas where wind farms will not be acceptable:

National Parks and National Scenic Areas.</td></tr>
<tr><td colspan="3">Group 2: Areas of significant protection:

Recognising the need for significant protection, in these areas wind farms may be appropriate in some circumstances. Further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.</td></tr>
<tr><td>National and international designations:

• World Heritage Sites;
• Natura 2000 and Ramsar sites;
• Sites of Special Scientific Interest;
• National Nature Reserves;
• Sites identified in the Inventory of Gardens and Designed Landscapes;
• Sites identified in the Inventory of Historic Battlefields.</td><td>Other nationally important mapped environmental interests:

• areas of wild land as shown on the 2014 SNH map of wild land areas;
• carbon rich soils, deep peat and priority peatland habitat.</td><td>Community separation for consideration of visual impact:

• an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge. The extent of the area will be determined by the planning authority based on landform and other features which restrict views out from the settlement.</td></tr>
<tr><td colspan="3">Group 3: Areas with potential for wind farm development:

Beyond groups 1 and 2, wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria.</td></tr>
</table>

Excerpt 1: Table 1 of the SPP

287. In terms of development management, paragraph 169 of SPP sets out considerations for energy infrastructure and these have been referred to above.

288. Paragraph 170 of SPP states that areas identified for windfarms should be suitable for use in perpetuity. It further adds that consents may be time limited, but nevertheless "*wind farms should … be sited and designed to ensure impacts are minimised and to protect an acceptable level of amenity for adjacent communities*".

289. The provision of paragraph 170 is not a new matter. Circular 4/98: the use of conditions in planning permissions in relation to the use of conditions in planning permissions sets out paragraph 105 that *"the reason for granting a temporary permission can never be that a time limit is necessary because of the effect of the development on the amenity of the area"*.

Another important point to note with regard to paragraph 170 of SPP is that it further supports the Government's position that wind energy developments are one of a range of developments making use of renewable sources which can play an important role in meeting the energy needs of the country whist contributing to carbon targets.

290. As identified above, there are now more challenging carbon saving and renewable energy targets set for the long term that go beyond those referenced in NPF3 and SPP. Windfarms operating on a long term, or in perpetuity basis, will clearly sustain and contribute to those targets.

7.4.12 Spatial Planning for Onshore Wind Turbines – Natural Heritage Considerations – Guidance

291. NatureScot published a policy document on the topic of spatial planning in June 2015 entitled 'Spatial Planning for onshore Wind Turbines – Natural Heritage Considerations – Guidance'. The document replaces the NatureScot 'Strategic Locational Guidance' for onshore windfarms. The guidance also makes the links between the SPP section on onshore wind (paragraphs 161-172) and other parts of the policy which relate to natural heritage. The guidance states in the introduction on page 3:

"SPP identifies a clear need for wind energy development to be accommodated in appropriate locations across Scotland to meet energy generation targets and mitigate climate change. Most planning authorities should therefore assume that there will be a future level of landscape change within some of their areas from wind turbines; obvious exclusions will include the National Park Authorities and the most densely populated areas. This guidance seeks to help planning authorities plan for this change and is focused on helping to guide development to the right locations (SPP para 39)".

7.5 Conclusions on National Planning Policy & Guidance

292. NPF3 and SPP set out a strong position of support in relation to renewable energy, climate change and renewable energy targets (now in part superseded) and recognises the significant energy resource provided by onshore wind. This clearly cannot be at any cost and development continues to be guided by national policy to appropriate locations and where environmental effects are judged to be acceptable.

293. The Proposed Development's contribution to sustainable development strongly supports a successful determination. In addition, it clearly meets Outcomes 1, 2 and 3 of paragraph 13, while the Site is in a location that can be regarded as a Group 3 location (with a small exception of Group 2 where areas of deep peat are present). Group 3 areas are those with potential for windfarm development and where they are likely to be accepted under the criteria in paragraph 169 of SPP, and subject to the specific site design.

294. It is evident that the Proposed Development should benefit from the presumption in favour of development that contributes to sustainable development and is in accordance with the guiding principles relevant to this type of development set out in paragraph 29 of SPP.

8 The Development Plans

8.1 Introduction

295. The principal statutory development consent is an electricity consent granted under Section 36 of the 1989 Act. The Development Plan does not have primacy under section 25 of the Town and Country Planning (Scotland) 1997 Act because the decision is not being made pursuant to the Act. However, development plans policies are relevant to understanding in a local context, the generic duties under Schedule 9(2) to the 1989 Act and are also material considerations in the decision-making process alongside national energy and planning policy. The policies and compliance with the Development Plan are therefore considered in this chapter.

296. The Site is located within the South Ayrshire Council area. The relevant development plan is the South Ayrshire Council Local Development Plan (LDP), adopted September 2014.

8.2 South Ayrshire Local Development Plan

297. The adopted South Ayrshire Local Plan is proposed to be replaced with the Modified Proposed Replacement South Ayrshire Local Development Plan (MPLDP2). However, at the time of submission the MPLDP2 has not been adopted. As mentioned in Section 6.4 of this Statement, the Development Plan is more than five years old and therefore the presumption in favour of sustainable development is engaged.

298. The Pre-application consultation meeting minutes received from South Ayrshire Council dated 16 September 2020 advised that the South Ayrshire Council may now apportion significant weight to those principles or policies of MPLDP2 which are not the subject of unresolved representations.

299. However, the MPLDP2 is currently in the consultation stage and is otherwise unlikely to be the determining factor decision making, remaining subordinate in status to the adopted LDP. Despite this, it is worth noting that the applicable policies in MPLDP2 are not materially different to those of the existing LDP. Indeed, with the exception of the Dark Skies Park policy (which retains the same aims) each of the policies that are considered most relevant to the Proposed Development and which have been assessed further in the sections below have been carried over almost exactly into the emerging Plan.

300. The LDP policies listed in **Table 3** below are also considered applicable to the Proposed Development. The policy is Wind Energy which provides the details by which wind energy proposals are assessed. This section also reviews other policies considered most pertinent to the Proposed Development.

301. The South Ayrshire LDP was adopted in 2014. Paragraph 33 of SPP notes that where a development plan is more than five years old it is a trigger for the tilted balance. Supplementary Guidance (SG): Wind Energy remains relevant, with its windfarm spatial framework having been incorporated into MPLDP2, and the SG is likely to be re-adopted in similar form under the adopted MPLDP2.

302. The following LDP policies are considered most relevant to the Proposed Development and have been provided in full in **Appendix 1: Local Development Plan Policies.**

LDP Policy Topic	Policy
Spatial Strategy	Spatial Strategy Sustainable Development
Economic Development	Tourism Glasgow and Prestwick Airport Galloway and Southern Ayrshire Biosphere
Communities	Residential Policy within Settlements

LDP Policy Topic	Policy
Environment & Climate Change	Landscape Quality Landscape Protection Woodland & Forestry Water Environment Air, Noise & Light Pollution Minerals & Aggregates Renewable Energy Wind Energy Historic Environment Archaeology Natural Heritage Dark Skies
Transport	Land use and Transport Outdoor Public Access and Core Paths

Table 3: Relevant Policies of the South Ayrshire Council LDP

8.2.1 Policy: Wind Energy

303. The primary policy consideration in the current LDP is **'***Wind Energy'*. It provides a spatial strategy for wind energy and guidance on how the policy of the LDP will be applied in consideration of the proposals.

304. The LDP acknowledges that the aim of the renewable energy policy framework within the Plan is to support developments that do not have unacceptable effects on the natural or built environment. In terms of wind energy, the LDP states:

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

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

305. The Policy states that wind energy developments will be supported if they can demonstrate compliance with the policy's listed criteria. How these have been considered by the Proposed Development is demonstrated below:

a) Capable of being accommodated in the landscape in a manner which respects its main features and character

306. Landscape accommodation aims to retain the overall character of the landscape, yet it should be accepted that development may be allowed to have an impact locally. While the Proposed Development would have some effect, it would fit into the existing context of adjoining wind farms and would not change its character on a large scale.

b) They do not have a significant detrimental impact on views experienced from surrounding receptors

307. The assessments presented in the EIAR have demonstrated the Applicant has sought to do all they reasonably can to limit the visual environmental effects. Although a small number of adverse significant effects are predicted, this is commensurate with the type of development proposed and not unacceptable in relation to the objectives of policy Wind Energy (a) and (b). The views experienced by the identified receptors, landscape designations and GSAB are protected.

c) They do not have a detrimental effect on the amenity of nearby residents

308. **Appendix 5.4: Residential Visual Amenity Assessment** of the EIAR assess the potential effects of the Proposed Development on residential receptors where the proposed visible wind turbines would be close and prominent in views from the property and/or curtilage. The visual assessment identified that there would be significant effects at four residential properties where views could theoretically be obtained, however, in all cases it is considered that the Residential Amenity Threshold would not be reached.

309. There is the potential to cause shadow flicker on five properties. One property could be affected in excess of an acceptable level is the worst case scenario is considered. However, if once the Proposed Development is operational these effects do occur, it is recommended that mitigation such as automated wind turbine shutdown would be implemented to limit the potential impact of shadow flicker.

310. **Chapter 9: Noise** of the EIAR has considered potential noise and vibration effects that could arise as a result of the Proposed Development during the construction and operational phases. With the identified measures in place, it has been identified that a significant effect would not arise a result of the Proposed Development operating either in isolation or cumulatively with other local windfarms.

d) They do not have a significant detrimental effect on natural heritage features

311. No adverse significant effects on important ecological features are predicted for the Proposed Development considered alone, or in combination with other plans and projects.

e) They do not have a significant detrimental effect on the historic environment

312. The potential significant effects on the historic environment have been assessed in Chapter 10: Archaeology and Cultural Heritage of the EIAR. The assessment of the Proposed Development alongside cumulative schemes would not result in an increase in significance of effect. They do not adversely affect aviation, defence interests and broadcasting installations.

313. An evaluation of the potential effects of the Proposed Development on aviation is provided in **Appendix 13.2 Aviation Impact Assessment. Chapter 13: Other Issues** concludes there are no areas for concerns specifically in relation to airspace or airspace users. Where radar impacts result in an adverse impact on the Air Traffic Service (ATS) provided, mitigation may be required.

314. An Instrument Flight Procedure (IFP) Safeguarding Assessment has been undertaken and is provided in **Appendix 13.3. IFP Safeguarding Assessment.** The assessment considers the impact of the Proposed Development near Prestwick Airport; specifically to determine if any of the wind turbines infringe the protection surfaces of the IFPs serving the Airport. This assessment concludes the wind turbines associated with the Carrick wind farm have no impact on Glasgow Prestwick Airport's IFPs as currently published.

315. An assessment of potential effects of the Proposed Development on telecommunications is provided in **Chapter 13: Other Issues**. It is concluded that the Proposed Development would have no effect on any telecommunications links.

316. The Applicant proposes that no construction would commence until an Aviation Lighting Landscape and Visual Impact Mitigation Plan (ALLVIMP), which includes the use of an aircraft detection lighting system, is approved in consultation with the CAA; Further detail on the Applicant's proposed mitigation measures and how they are being taken forward is provided in **Appendix 13.4 Indicative Aviation Lighting Landscape and Visual Impact Mitigation Plan (IALLVMP**) of the EIAR.

317. Therefore, it is not anticipated that significant effects will occur as a result of the Proposed Development, however the Applicant is committed to working with stakeholders to implement mitigation measures in response to their concerns.

f) Their cumulative impact is acceptable.

318. Cumulative impacts have been considered within all EIAR technical assessments. All assessments predict that additional cumulative effects in the cumulative scenarios considered would not add substantially to the assessment of effects of the Proposed Development alone.

8.2.2 Policy: Renewable Energy

319. The '*Renew Energy'* policy is a general policy that does not materially add to the Wind Energy policy. It recognises South Ayrshire Council's support for proposals generating renewable energy if they do not have a significant effect on residential amenity, the appearance of the area and its landscape character biodiversity and cultural heritage. Matters that have been considered throughout this Planning Statement and the EIAR.

8.2.3 Policy: Galloway and Southern Ayrshire Biosphere

320. The policy reconciles UNESCO's reasons for the GSAB's designation and identifies 'Its unique combination of special landscape and wildlife areas, rich cultural heritage and communities that care about their environment and culture and want to develop its sustainability'. The existing windfarms that are operated by the Applicant reinforces that the South Ayrshire region is compatible with the aims of the Biosphere,

321. The policy advises that support will be given to development that promotes the aims of the GSAB and shows an innovative approach to sustainable living and the economy, while supporting and improving its environment.

322. In considering how the Proposed Development supports the aim of the GSAB, it is recognised that all biospheres share three goals; *conservation, learning* and *development.*

323. Collectively these goals have been assessed in **Chapter 5: Landscape and Visual Assessment, Chapter 7: Ecology, Chapter 8: Ornithology, Chapter 10: Cultural Heritage and Chapter 12: Socio-economic, Tourism and Recreation** of the EIAR. Throughout these chapters it has been demonstrated the Proposed Development supports these goals by, in summary:

- **Conservation of biodiversity and cultural diversity**: The supporting technical documents and operation of existing windfarms not only demonstrate the Applicant's continued commitment to contributing to decarbonisation to limit the impact of climate change, but also their adoption of a responsible approach to the protection of habitats and restoration activities;
- **Economic development that is socio-culturally and environmentally sustainable**: **Chapter 12: Socio-economics, Tourism and Recreation** of the EIAR sets out the economic benefits (i.e. jobs and GVA during construction and operation) the Proposed Development will bring. These benefits are in addition to it helping to create and maintain a sustainable industry providing green jobs and investment, which in turn help to support local communities to retain their social and cultural diversity by contributing to the viability of more remote settlements; and
- **Logistic support, underpinning development through research, monitoring, education and training**: The Applicant currently contributes to learning activities within the Biosphere's region and is actively exploring options for recreational enhancements, and opportunities for supporting local communities. This includes supporting vocational educational courses as well as early stage environmental awareness education, and educational providers through community benefit funding.

324. Renewable energy development provides one of the best possible mechanisms for contributing holistically to the qualities of the GSAB. The innovative technologies synonymous with windfarms supplemented by Environmental Impact Assessments, Habitat Management and Peat Management Plans, utilising SPR's proven and innovative peatland restoration techniques and provision of community benefits encourage sustainable living and a vibrant economy, therefore according with, and contributing to the aims of the GSAB. The Proposed Development will further contribute to this without undermining the GSAB's designation.

8.2.4 Policy: Dark Skies

325. The Policy states that South Ayrshire Council supports the designation of the Dark Skies Park and will assess proposals for development on their merits, securing levels of lighting that are appropriate to the nature of the development, contribute to sustainable development, and do not adversely affect the status of the Dark Skies Park.

326. The effects of the wind turbine aviation lighting on landscape and visual receptors are addressed in **Chapter 5: Landscape and Visual Impact Assessment** of the EIAR.

327. The Proposed Development will not be built until there is an ADLS activated lighting solution approved in consultation with the CAA. Therefore, the Proposed Development would not adversely affect the Dark Sky's Park status and is therefore considered to accord with the Dark Skies policy.

8.3 Wind Energy Supplementary Guidance (adopted December 2015)

328. South Ayrshire Council's Wind Energy Supplementary Guidance (SG) (2015) sets out a spatial strategy for wind energy within South Ayrshire. It provides guidance to developers on how the LDP policy will be interpreted. It recognises that within areas identified as having potential for wind energy development, a wide range of wind turbine topologies and heights might be acceptable. It goes on to state that '*there may be some limited opportunity for development where it can be demonstrated that the significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation'.*

329. The second part of the SG provides detail on how the criteria within the LDP will be applied in the assessment of windfarm proposals. The development criteria (listed A-H) are largely consistent with the criteria considered under the Local Plan's Wind Energy policy's considerations and the considerations for the Proposed Development's acceptability assessed throughout the EIAR.

330. Within the Communities Quality of Life and Amenity section, the SG requests a prescribed setback of 180m (or 1.5 the wind turbine height if greater) from rail, road and active travel routes. This equates to a 300m setback. All turbines are setback by a minimum of 315m from core paths with the exception of wind turbines 5 and 6 which are setback 263m and 290m respectively. This is a non-compliance of 34m and 10m respectively.

331. However, in this instance it is considered arbitrary to prescribe a standard setback distance for all wind turbines, and instead greater consideration should be given to the conclusions of the EIAR.

332. **Chapter 12: Socio-economics, Tourism and Recreation** of the EIAR has assessed the direct and indirect effect on routes (including for example rights of way, core paths and other routes) during the construction and operation phases. It is not anticipated that the Proposed Development would result in significant effect on these designations.

333. SPR's own experience on projects such as Whitelee Windfarm also demonstrates that windfarms can become important tourist attractions in their own right. On this basis, it is concluded that the Proposed Development will not result in any unacceptable impacts upon tourism and recreation.

334. Within the Visual Impact section, LDP policy is referred to which states: *"We will support proposals if: they do not have a significant detrimental visual impact, taking into account views experienced from surrounding residential properties and settlements, public roads and paths, significant public viewpoints, and important recreational assets and tourist attractions."*

335. Within the Cumulative Impact section, LDP policy is referred to which states: "*We will support proposals if: Their cumulative impact in combination with other existing and approved wind energy developments, and those for which applications for approval have already been submitted, is acceptable.*" It states that the threshold of acceptability will be monitored and where it is judged the limit of acceptable cumulative impact has been reached this will limit the capacity for further development.

8.4 South Ayrshire Landscape Wind Capacity Study (August 2018)

336. The South Ayrshire Landscape Wind Capacity Study (SALWCS) was published in August 2018 and updated the July 2013 study. It is technical guidance informing the Supplementary Guidance and is a material consideration in the determination of applications for windfarms.

337. The SALWCS sets out constraints, opportunities and guidance for siting wind energy development for each landscape character type for different development typologies. The Site lies within the Foothills with Forest and Windfarm (17c) Landscape Character Types (LCT). The guidance assesses this typology as a High-Medium sensitivity to change for wind turbines >70m. Specific sensitivities noted are the potential for impacts on the Stinchar and Girvan valleys and on the adjacent Rugged Uplands, Lochs and Forest character type.

338. **Chapter 5: Landscape and Visual Assessment** of the EIAR has assessed the overall acceptability of the Proposed Development on the visual impacts on the LCTs. It is anticipated that the significant effects will be on the character of the landscape (which is already populated by Windfarms) that the proposed wind turbines lie within and pockets of areas within 6km of the proposed wind turbines. As the LVIA has given consideration to the SALWCS, it is considered that its assessment of effects for landscape character types should be given considerable weight by decision makers given that the Proposed Development would introduce large scale wind turbines into a generally large scale landscape where its influence would be generally perceived within the wider context of the forested foothills and operational windfarms.

339. With the exception of the potential cumulative effects on heritage assets (bog habitat) significant effects from the Proposed Development are limited to landscape and visual effects. All other effects have been mitigated either through careful site selection, design or the commitment to good practice construction techniques.

340. The effects of the Proposed Development are not found to result in any significant issues of non-compliance with the Development Plan where the Proposed Development would undermine the land use planning framework. The need to enable developments with modern wind turbines is acknowledged in paragraphs 23 and 24 of the OWPS, and subsequently it is considered reasonable to expect that there will be an effect on the visual baseline, partly because of the installation of larger wind turbines.

8.5 The South Ayrshire Sustainable Development and Climate Change Strategy

341. South Ayrshire Council approved its first Sustainable Development and Climate Change Strategy in June 2019. The aim of the Strategy is to drive the delivery of the Council's climate change duties until 2024. It pulls together the existing commitments and aligns with the Council's strategies on social and economic development to fulfil its three themes of a sustainable council, environment and community and by placing the onus on the Council including the need to:

- address climate change as a guiding principle in all council strategies and plans;
- create green jobs growth through transition to low carbon economy;
- support renewable energy generation across South Ayrshire, helping to reduce the area's carbon footprint; and
- minimise fuel poverty.

342. This Statement and the supporting EIAR have demonstrated throughout how the Proposed Development would support these requirements.

9 Conclusions

9.1 Introduction

343. This Planning Statement considers the Proposed Development including in terms of its predicted environmental effects, in the context of the relevant renewable energy policies and national and local level planning policy frameworks.

344. Whilst the EIAR's assessments have focused on the main environmental effects, the Planning Statement also considers wider matters relevant to how the Proposed Development addresses the requirements of Schedule 9 of the Electricity Act 1989. This should inform decision makers in weighing the adverse and beneficial effects of the Proposed Development against the need to mitigate climate change.

9.2 Overall Benefits

345. The ambitious targets to deliver net-zero emissions mean that large onshore wind sites with good wind resource and readily available infrastructure along with limited significant environmental impacts should be encouraged. The Proposed Development fulfils the estimated carbon saving as follows:

- coal-fired electricity - 235,103 t CO2/yr;
- grid-mix – 64,802 t CO2/yr; and
- fossil fuel – 114,996 CO2/yr.

346. In addition to the carbon saving the Proposed Development's benefits can be summarised as follows:

- installation of around 86MW and low carbon generation of 255.5GWh per annum;
- annual power equivalent of 71,421 households per year;
- National Grid connection including energy storage;
- efficient use of existing infrastructure including roads, compound and laydown areas;
- anticipated construction expenditure of £14.9;
- anticipated creation of up to 386 national and up to 99 local jobs during construction;
- expected expenditure of £0.7 million locally and £1.1 million nationally during the operational lifetime of the Proposed Development;
- creation of 35 peak national employment and 25 local employment during operation;
- package of community benefits to local communities including the opportunity to invest;
- opportunities for local suppliers, goods and services;
- opportunity to implement recreational enhancements and improvements;
- potential for ecological enhancement in the longer term once peatland restoration has been completed and bog habitat conditions have established and matured; and
- Carbon payback period of 3.5 years.

347. The selection of the Site has demonstrated that it is capable to accommodate the Proposed Development for the following reasons:

- it makes efficient use of existing land and infrastructure tracks;
- the layout of the wind turbines is capable of maintaining a connection between the eastern and western sections of the Site;
- there is scope to allow the wind turbines being sited on the steepest slopes, preventing instability and peat loss;
- the wind turbines have been appropriately positioned to reduce the effects on the perceived land characterises of the Merrick WLA and minimise the visual presence of the Proposed Development from the Girvan and Stinchar Valleys;
- potential effects on nearby settlements have been minimised; and

9.3 The wind energy yield is maximised. Schedule 9 Duties

348. In terms of how the Applicant carries out the duties of Schedule 9, the EIAR demonstrates that significant regard has been given to minimising environmental effects on natural beauty, flora, fauna (including fisheries), geographical and physiographical features and to protecting sites of historic, architectural or archaeological interest. It is considered that the Applicant has mitigated such effects through site selection, evolving the design and environmental mitigation and has reduced any significant adverse effects to a level whereby the development is acceptable having regard to other material considerations.

349. It is submitted that the Proposed Development accords with the requirements of Schedule 9, and it is respectfully submitted that the Applicant has complied with their Schedule 9 duties.

9.4 Policy Conclusions

350. There is overwhelming policy support to urgently tackle climate change and facilitating renewables is a key part of this. The existing policy framework for renewable energy technologies (the NPF and SPP) pre-date the emissions targets set by Scottish Minsters in the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019. However, the Proposed Development is consistent with the shared vision of the NPF3 and SPP and it achieves a balance between the latter's outcomes 1, 2, 3 and 4 by significantly contributing towards decarbonisation and meeting the 2019 Act's climate change target, whilst ensuring the preservation of the natural environment.

351. The Site is considered to be in a Group 3 location (except for a small area of Group 2 in which peat is present there is a small area of Class 1 soils in the vicinity of Wind turbine 5, which has been avoided by design) in which windfarms are likely to be acceptable subject to the considerations of paragraph 169 of the SPP. The technical reports accompanying this Statement have assessed the criteria of paragraph 169 as being achieved in the consideration of applications relating to proposals for renewable energy development.

352. The Proposed Development offers the opportunity to provide local and national socio-economic benefits such as job creation, community investments and enhancement to recreational facilities.

353. There would be some adverse significant landscape and visual residual effects (however these have been contained by good siting and design to ensure that impacts are localised), and a cumulative adverse significant effect on heritage assets, which are commensurate with the nature of the development, wild land areas and the landscape setting. This Statement has demonstrated that on balance, the benefits to the meeting climate change and renewable energy policy legislative position weigh in favour of the application.

9.5 Overall Conclusions

354. The Government's objectives are to cut carbon emissions whilst also delivering electricity to consumers at the lowest cost. As such, onshore windfarm sites with good wind speeds, readily available infrastructure and acceptable environmental impacts are vital to the delivery of the Scottish Government's targets and policy objectives.

355. The EIA Regulations state that EIAs are to establish 'likely significant effects on the environment that could arise from implementing a project'. This has been demonstrated in the site-specific LVIA (**Chapter 5: Landscape and Visual Assessment)** and **Chapter 10: Archaeology and Cultural Heritage** of the EIAR**,** which should be the primary considerations of decision makers.

356. The need for larger modern wind turbines has been recognised by the Scottish Government in the OWPS, while in recent rulings the Scottish Ministers have considered the scale of wind turbines in light of the climate change emergency and net-zero targets. It is not therefore considered that the differences in scale outweighs the benefit of the new development.

357. In conclusion, the Applicant has complied with the duties set out in Schedule 9 of the 1989 Act.

358. Significant effects are not the same as unacceptable effects and in setting out the benefits of the Proposed Development, significant effects must be considered in the planning balance. In this instance, on balance, the benefit of the Proposed Development is considered to outweigh the significant residual effects.

359. It is therefore respectfully requested that Section 36 consent be granted.

Appendix 1: Local Development Plan Policies

Policy	Text
Spatial Strategy	
Sustainable Development	We will support the principles of sustainable development by making sure that all development meets the following standards. • is appropriate in terms of its amenity impact, layout, scale, massing, design and materials in relation to its surroundings. • is designed to maximise energy efficiency through building siting, orientation and materials. • respects the character of the landscape. • respects, protects, and where possible enhances natural, built and cultural heritage resources. • helps mitigate and adapt to the effects of climate change. • protects peat resources. • is appropriate to the local area in terms of road safety and • effect on the transport network. • contributes to an efficient use of public services, facilities and infrastructure. • has sustainable urban drainage and avoids increasing • (and where possible reduces) risks of or from all forms of flooding. • supports, and, where possible, improves the Central Scotland Green Network. • does not have a negative effect on air and water quality. • is not within Health and Safety Executive safeguard zones if this would lead to increased risk or danger. • is designed in a way that helps prevent crime. • wherever possible, is in an accessible location, with opportunities for the use of public transport, and other sustainable transport modes including cycling and walking. • includes the use of micro-renewables, wherever appropriate and feasible.
Economic Development	
Tourism	We will look favourably on proposals which will provide or improve tourist and leisure facilities and we will support keeping and improving existing significant leisure, recreation and tourist facilities. We would aim to keep large-scale commercial leisure developments to the town centres of Ayr, Prestwick, Troon, Girvan and Maybole. If there is no alternative site in or next to a town centre, we may accept developments outside existing centres but still within settlements if there is convenient and regular public transport and the developer can show that there would be no negative effect on the vitality or viability of a town centre. We will encourage proposals for tourist accommodation which are in accordance with LDP policy: the coast and which would improve the standards and appearance of self-catering or touring caravan and camping sites, and we will normally allow new sites to be developed (or existing sites to be expanded) as long as:

Policy	Text
	a. all new accommodation is for holiday use only; b. the development has suitable screening and is appropriate in terms of the landscape setting and design; and c. the development is not isolated or scattered. We will protect existing golf courses and will encourage the development and improvement of golf facilities. We will not usually allow development which we consider may negatively affect the status of Turnberry and Royal Troon as venues for the Open Championship. When considering applications for planning permission, we will take account of the Ayrshire and Arran Tourism Strategy.
Glasgow and Prestwick Airport	We will protect land for runway-related development and will look favourably on proposals which: a. are directly concerned with the operational requirements of the airport; b. can show they need a location with direct access to the runway; or c. are a logical extension to existing activities in the airport. Development proposals must not have a negative effect on the environment or infrastructure of the airport. We will favourably consider development which would expand the terminus facilities if it is directly concerned with the airport's requirements. To decide how any proposal would affect public safety, we will get the views of the Civil Aviation Authority when considering planning applications. To protect the current operation of the airport, and any associated industrial or office use, and make sure of the airport's future economic stability and growth, development proposals must be in line with the preferred uses shown in the Glasgow Prestwick Airport strategy map. In line with LDP policy: office development, proposals for new office development must satisfy us that the proposed location is essential for office use. We will not allow new office development at the airport in areas where there is a risk of flooding, unless developers can show us there are no other suitable locations, including those which utilise existing buildings. When assessing development proposals that affect surface access arrangements to the airport, we will consider the airport's surface access strategy. We will support renewable energy or low-carbon technology manufacturing or servicing at the airport, as long as it does not compromise the operational functionality of the Airport, or the aerospace uses surrounding the airport. We will take account of the Prestwick Enterprise Area when considering development proposals at Glasgow Prestwick Airport.
Galloway and Southern Ayrshire Biosphere	We will support development that promotes the aims of the biosphere and shows an innovative approach to sustainable living

Policy	Text
	and the economy, and supports improving, understanding and enjoying the area as a world-class environment.
Communities	
Residential Policy within Settlements	We will aim to protect the character and amenity of areas that are mainly residential, particularly from non-residential development which could have negative effects on the local amenity. Within settlements, we will normally allow residential development, housing extensions, replacement houses and residential property conversions as long as: a. the site has adequate access for vehicles, which is separate from other property and which directly connects to the public road network; b. the layout, density, plot ratio, scale, form and materials of any proposed development do not detract from the character of the surrounding buildings and the local area; c. it does not affect the privacy and amenity of existing and proposed properties; d. the site does not form an area of maintained amenity or recreational open space unless it is already part of the established housing land supply; e. The site provides a suitable residential environment; and f. it provides appropriate private and public open space in accordance with the requirements of LDP policy: open space, and our open space guidelines. We expect windfall sites to also meet the conditions above and comply with policies within the local development plan. We will particularly need to consider the effect on the landscape of windfall sites out with existing settlement boundaries. You can find more guidance on the design, amenity and open-space standards we expect in the supplementary guidance.
Environment & Climate Change	
Landscape Quality	We will maintain and improve the quality of South Ayrshire's landscape and its distinctive local characteristics. Proposals for development must conserve features that contribute to local distinctiveness, including: a. community settings, including the approaches to settlements, and buildings within the landscape; b. patterns of woodland, fields, hedgerow and tree features; c. special qualities of rivers, estuaries and coasts; d. historic landscapes; and e. skylines and hill features, including prominent views.

Policy	Text
Protecting the Landscape	We will consider proposals within or next to Scenic Areas (as defined on the LDP environment map) against the following conditions. a. The significance of impacts and cumulative impacts on the environment, particularly landscape and visual effects as informed by the Ayrshire Landscape Character Assessment (SNH 1998)". b. How far they would benefit the economy. c. Whether they can be justified in a rural location.
Woodland & Forestry	We will support proposals for woodland and forestry that are: a. consistent with the objectives and main actions of the Ayrshire and Arran Woodland Strategy; and b. sympathetic to the environmental, nature and wildlife interests of the area, and, wherever appropriate, provide recreational opportunities for the public.
Water Environment	We support the objectives of the Water Framework Directive (2000/60/EC). We will only allow development that meets these objectives and shows that: a. it will not harm the water environment; b. it will not pose an unacceptable risk to the quality of controlled waters (including groundwater and surface water); and c. it will not harm the biodiversity of the water environment.
Air, Noise & Light Pollution	We will not allow development which would expose significant numbers of people to unacceptable levels of air, noise or light pollution.
Minerals & Aggregates	We will seek to ensure that known mineral deposits are not permanently sterilised by development proposals unless there are significant benefits which outweigh protecting the deposits. We will support the extraction of the mineral resource before other development takes place if it can be carried out in an acceptable timescale and in an environmentally acceptable manner, in accordance with the relevant criteria listed below. In all cases, development proposals which will have an adverse effect on the integrity of Natura 2000 sites will not be permitted. Minerals other than coal. We will accept proposals for extracting and working minerals other than coal if they accord with the following criteria: a. they help to ensure the availability of an adequate supply of the mineral in question within the relevant market area; b. they ensure that the environmental impacts on local communities, including from noise, blasting and vibration, and potential pollution of land, air and water, are adequately controlled or mitigated; c. they do not have a significant adverse landscape or visual impact;

Policy	Text
	d. they do not have a significant adverse effect on the natural heritage and historic environment; and e. they ensure that the impact of the transportation of the mineral on local communities, and particularly the road traffic generated, is kept to a minimum. In determining applications for winning and working minerals, we will have regard to the benefits to the local and national economy. We will also take into account any cumulative impacts that may arise in connection with other mineral workings or landfill sites. <u>Coal</u> We will accept proposals for surface coal mining if they accord with the following criteria: a. they ensure that the environmental impacts on local communities, including from noise, blasting and vibration, and potential pollution of land, air and water, are adequately controlled or mitigated; b. they do not have a significant adverse landscape or visual impact; c. they do not have a significant adverse effect on thenatural heritage and historic environment; and d. they ensure that the impact of the transportation of the coal on local communities, and particularly the road traffic generated, is kept to a minimum. In determining applications for surface coal mining we will also have regard to the following considerations: e. the benefits to the local and national economy: f. any other benefits to local communities (for example, from the restoration of existing areas of damaged or degraded land, or the stabilisation of previously undermined areas); g. the distance of the workings from the edge of communities; h. the length of the period of disturbance to communities, especially if this were to be for more than 10 years; and i. any cumulative impacts that may arise in connection with other mineral workings or landfill sites. <u>Expanding existing sites to extract minerals</u> Proposals for extensions to existing mineral workings, including surface coal mining, will be assessed against the same criteria as above. In addition we will have regard to the following considerations: a. whether the site is a logical progression of the existing working; b. whether the extension would help to improve the restoration of the whole site; and c. the extent to which the proposed extension would delay the restoration of the whole site, and lengthen the period of disturbance to local communities.

Policy	Text
	Restoration of mineral extraction sites We will expect all planning applications for mineral extraction to include detailed proposals for the restoration and after-care of the site, including its intended after-use. Where appropriate the progressive restoration of mineral extraction sites will be required to reduce the effect of the workings and to return the land to a productive and beneficial use (including creating habitats for animals and plants) at the earliest opportunity. We will expect restoration to be designed and implemented to the highest standard. To ensure that restoration of the site can be completed to the required standard we will require a guarantee that sufficient funds will be available at all times.
Renewable Energy	We will support proposals for generating and using renewable energy in stand-alone locations, and as part of new and existing developments, if they will not have a significant harmful effect on residential amenity, the appearance of the area and its landscape character, biodiversity and cultural heritage. Development proposals will not be permitted where they would adversely affect the integrity of a Natura 2000 site.
Wind Energy	We will support proposals if: a. they are capable of being accommodated in the landscape in a manner which respects its main features and character (as identified in the South Ayrshire Landscape Wind Capacity Study or in any subsequent updates to that study), and which keeps their effect on the landscape and the wider area to a minimum (through a careful choice of site, layout and overall design); b. they do not have a significant detrimental visual impact, taking into account views experienced from surrounding residential properties and settlements, public roads andpaths, significant public viewpoints, and important recreational assets and tourist attractions; c. they do not have any other significant detrimental effect on the amenity of nearby residents, including from noise and shadow flicker; d. they do not have a significant detrimental effect on natural heritage features, including protected habitats and species, and taking into account the criteria in LDP policy: natural heritage; e. they do not have a significant detrimental effect on the historic environment, taking into account the criteria in LDP policy: historic environment and LDP policy: archaeology; f. they do not adversely affect aviation, defence interests and broad casting installations; and g. their cumulative impact in combination with other existing and approved wind energy developments, and those for which applications for approval have already been submitted, is acceptable.

Policy	Text
Historic Environment	We will support development proposals, affecting the following heritage resources, if we believe the quality and design of the proposed development will protect, conserve and improve them. Listed buildings of architectural and historic interest We are in favour of protecting listed buildings and their settings, especially from inappropriate development, and will actively encourage their sensitive maintenance, restoration and reuse. Conservation areas All new development in, or affecting the setting of, a conservation area, has to improve or preserve the area's character or appearance. We will actively encourage and, where resources permit, implement upgrading and enhancement for conservation areas. We will use conservation area appraisals and management plans to help make sure development is carried out to a consistent high standard. Scheduled monuments We will not accept development which would negatively affect the site or setting of a scheduled ancient monument. Gardens and Designed Landscapes We will not accept development which would negatively affect gardens and designed landscapes included in the Inventory of Gardens and Designed Landscapes in Scotland. More guidance We will follow the supplementary guidance on historic environment when considering all proposals which would affect our heritage resources. This gives detailed guidance on the following. a. Principles of development affecting built heritage resources; b. Conservation area appraisals and management plans; and c. Policies giving guidanceon specific types of development.
Archaeology	We will only allow development which will negatively affect a known archaeological site, or archaeological resources discovered during the period of the local development plan, if developers can show that the benefits of the proposal will clearly outweigh the archaeological value of the site or feature. To fully assess and understand the implications of development on archaeological sites, we will ask the advice of the West of Scotland Archaeological Service.
Natural Heritage	International Designations Development, either individually or in combination with other plans or projects, which is likely to have a significant effect on a designated or proposed Natura 2000 site (Special Protection Areas, Special Areas of Conservation) will be subject to an appropriate assessment of the implications for the site in view of the site's

Policy	Text
	conservation objectives. Development proposals will only be supported where the assessment concludes that: a. it will not adversely affect the integrity of the site; or, b. there are no alternative solutions, and there exist imperative reasons of overriding public interest, including those of a social or economic nature. Where such a site hosts a priority habitat and/or priority species as defined by the Habitats Directive (92/43/EC), the imperative reasons of overriding public interest must relate to human health, public safety or beneficial consequences of primary importance to the environment. Other allowable exceptions are subject to the views of the European Commission (via Scottish Ministers). <u>National Designations</u> Development, either individually or in conjunction with other proposals, which would affect a designated or proposed Site of Special Scientific Interest will only be permitted where ecological appraisals have demonstrated to the satisfaction of the Council as planning authority that: a. it will not adversely affect the integrity of the site or the qualities for which it has been designated; or, b. any adverse effects are clearly outweighed by social, environmental or economic benefits of national importance. <u>Local Designations</u> Development, either individually or with other proposals, which would affect the following local heritage sites and designations, shall only be supported where the developer can show that the integrity of the site will not be put at risk. a. Local nature reserves; b. Sites containing species protected by the Habitats Directive, Wildlife and Countryside Act 1981 or the Badgers Act 1992; c. Wildlife sites; d. Tree Preservation Orders; e. Forest Parks; f. Wildlife corridors; and g. Ornithological sites. In all instances, the Council will require development proposals to have regard to safeguarding features of nature conservation value including woodlands, hedgerows, lochs, ponds, watercourses, wetlands and wildlife corridors. <u>Protected Species</u> Planning Permission will not be granted for development that would be likely to have an adverse effect on protected species unless it

Policy	Text
	can be justified in accordance with the relevant protected species legislation.
Dark Skies	We will support the Galloway Forest Dark Sky Park, and will presume against development proposals within the boundaries of the park that would produce levels of lighting that would adversely affect its 'dark sky' status. The boundaries of the Dark Sky Park [and of the buffer zone] are shown on the map on page 40. Development will have to be in line with the supplementary guidance on lighting within the Galloway Forest Dark Sky Park, which we will produce jointly with the adjoining planning authorities and Forestry Commission Scotland. This will also provide guidance for proposed developments within the buffer zone which may have a lighting impact on the Dark Sky Park. [The supplementary guidance will define the geographical extent of the buffer zone.]
Transport	
Land use and Transport	Development proposals should: a. align with the Regional Transport Strategy and our Local Transport Strategy; b. take appropriate measures to keep any negative effects of road traffic on the environment to a minimum; c. ensure accessibility to local services is maintained and improved by the integration of transport networks linking services to local communities; d. where otherwise in accordance with the LDP and where required to facilitate development, provide interventions to the strategic transport network to maintain the efficiency of the transport network for both users and operators; e. where possible, closely link to existing and proposed walking, cycling and public transport networks; f. ensure essential use of the private car is accommodated within the context of an integrated approach to transport; g. safeguard existing car parking facilities, particularly strategic car parking facilities and thoseidentified in the LDP strategy maps; h. provide parking that reflects the role of the development, the location in which it is situated and the projected capability of existing parking facilities; i. ensure roadside facilities for drivers, including snack bars, are directed to settlements, and especially town centres, with a preference for the use of permanent structures rather than mobile or temporary ones which are to be used on a long-term basis; j. encourage freight to be transported by rail, sea or air rather than by road; and k. meet the costs of new transport infrastructure and services (in cases where these would not be provided commercially) which are needed as a result of their development.

Policy	Text
	Green travel plans will be encouraged for all developments and, where appropriate, will be required for those with a significant effect on traffic and parking.”
Outdoor Public Access and Core Paths	We will aim to improve and protect all core paths and other significant access routes - including recognised rights of way, disused railway lines, riverside walkways, wind farm access tracks and cycleways and cycle parking facilities. We will only support proposals which would have a negative effect on a core path or other significant access route if we are satisfied that they provide a suitable alternative route. Development or redevelopment sites should include appropriate facilities for active travel, particularly walking and cycling. Development that is next to or near the core paths network should provide suitable links to the network, where appropriate and practical. Development proposals will not be permitted where they would adversely affect the integrity of the Glen App and Galloway Moors Special Protection Areas.

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