Planning Statement

Clauchrie Windfarm

SCOTTISHPOWER RENEWABLES

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Executive Summary

1. We are currently living in a declared climate emergency.

2. The First Minister for Scotland first declared the climate change emergency when addressing the SNP Conference in April of 2019. This was then followed by the statement from Climate Change Secretary Roseanna Cunningham to the Scottish Parliament on 14th May 2019. Following these statements, the Climate Change (Emissions Reduction Targets) Scotland Act 2019 received royal ascent and became an Act of Parliament in October 2019, which amended the Climate Change (Scotland) Act 2009. It requires the Scottish Ministers to ensure that Scottish emissions by 2045 are at least 100% lower than the 1990 baseline, which is essentially a net zero target.

3. SPR is part of the ScottishPower group of companies operating in the UK under the Iberdrola Group, one of the world's largest integrated utility companies and a world leader in wind energy. ScottishPower now only produces 100% green electricity – focusing on wind energy, smart grids and driving the change to a cleaner, electric future. The company is investing over £4m every working day to make this happen and is committed to speeding up the transition to cleaner electric transport, improving air quality and over time, driving down bills to deliver a better future, quicker for everyone. With over 40 operational windfarms, SPR manages all its sites through its world leading Control Centre at Whitelee Windfarm, near Glasgow.

4. The proposed Development comprises 18 turbines up to 200m to tip with a combined rated output in the region of 100 MW and with up to 25 MW of storage. The development site is predominately located within the South Ayrshire Council area, with some of the access infrastructure located within the Dumfries and Galloway Council area. The development site is largely located within the plateau moorland landscape character type and is predominately covered by commercial Sitka Spruce plantations. The surrounding area is rural with surrounding land uses predominately being agricultural and forestry. The nearest sizable settlement to the site is Barrhill, which is located around 6.6km to the south west. The proposed development would also include the provision of a recreational car park, which would offer access enhancement opportunities within the Site . An information board is also proposed within the car park which will provide archaeological interpretation of Cairnderry Chambered Cairn to help visitors understand the historical context and significance of the Scheduled Monument.

5. The proposed development, when compared to fossil fuel mix electricity generation would have a carbon payback period of around 2.8 years and would generate enough electricity to power approximately 84,000 homes.

6. SPR has submitted an application for the proposed development under the terms of section 36 of the Electricity Act 1989 (as amended). SPR intends to also seek consent in perpetuity and in support of the application SPR has submitted an EIA Report, which presents the findings of the environmental impact assessment that has been undertaken.

7. SPR intend to utilise the latest wind turbine technology when procuring the wind turbine generators, which could have a capacity of around 5.6MW each. The Applicant considers that the energy capture for the proposed development will be significantly greater than existing operational wind farms on a per turbine basis by way of utilising turbines with a higher tip height, a larger rated capacity and larger rotors. These turbines would also be capable of generating around four times as much energy per year compared to the same machines at the adjacent Mark Hill Windfarm. The resultant economies of scale would enable SPR to reduce the levelized cost of energy, which in time would provide a positive benefit to consumers in terms of the cost of electricity.

8. During construction it is anticipated that the proposed development will be worth in the order of £35m to the Scottish economy in terms of its gross value added per annum and 542 job years for construction workers. It is also anticipated that the operation and maintenance of the proposed development will be worth 15 job years per annum and around £1.3m in terms of gross value added per annum to the Scottish economy. SPR are also offering a package of community benefits, including a community investment opportunity where the community could purchase a stake in the development either through limited company or limited liability partnership status.

9. The EIA Report also provides the environmental impact assessment of the proposed development, dealing with matters such as landscape and visual impact, ecology, ornithology, cultural heritage, hydrology among other environmental matters. SPR has evolved the design of the proposed development carefully as part of the EIA process having been through four major

design iterations, where the objective of each design iteration was to remove, reduce or otherwise mitigate likely significant adverse environmental effects. The EIA Report concludes that all environmental effects associated with the proposed development are not significant except for those that relate to matters of landscape and visual impact (including the setting of an undesignated Cairn). It is normal for any commercial wind energy development project to have significant landscape and visual effects and in this regard the predicted residual significant landscape and visual effects would not be experienced by any designations of national status, particularly National Parks or National Scenic Areas where national policy says wind farms will not be acceptable.

10. The South Ayrshire Landscape Capacity Study identifies that part of the application Site is the only location within the South Ayrshire Council area that can accommodate large typology turbines. The Applicant believes that the proposed Development Site is an appropriate location for a wind farm in all regards and that the design of the proposed Development has evolved appropriate to its location.

11. The iterative design of the proposed Development has resulted in protection of those parts of the Merrick Wild Land Area that are most wild, with the only significant effects predicted to occur on limited areas of the Wild Land Area on its western slopes that are already subject to human influence. The proposed Development design has also achieved no turbine visibility from the identified viewing locations within the Galloway Forest Dark Sky Park.

12. The Applicant believes that the design response to developing a wind farm at this location is appropriate in environmental terms and considers that the duties imposed upon them by Schedule 9 of the Electricity Act have been met in all regards.

13. SPR also believe that in order for the 2030 70% reduction in emissions target to be met then it is imperative that renewable energy development such as this are consented without delay.

Planning Statement
Clauchrie Windfarm

1 Introduction

1.1 Background

14. Jones Lang LaSalle (JLL) has been commissioned by Clauchrie Wind Farm Ltd (the "Applicant") to provide planning and development advice with regard to the proposed Clauchrie Wind Farm (hereafter referred to as the "proposed Development"), s.36 application, which is submitted under the terms of Electricity Act 1989 (as amended).

15. An Environmental Impact Assessment (EIA) has been undertaken for the proposed Development and an EIA Report has been submitted in support of the application for s.36 consent.

16. This Planning Statement contains an assessment of the proposed Development against relevant legislative and policy considerations, which includes energy policy at the national levels, national planning policy and the relevant provisions of the Dumfries and Galloway Council (DGC) and South Ayrshire Council Local Development Plans (LDP). An assessment of Electricity Act Schedule 9 duties is also contained within this Planning Statement (see below).

17. This Planning Statement is supplementary to, and should be read in conjunction with, the EIA Report submitted in support of the s.36 application.

1.2 The proposed Development

18. The proposed Development comprises 18 three-bladed horizontal axis turbines up to 200 m tip height with a combined rated output in the region of 100 megawatts (MW) and with up to 25 MW of energy storage. The proposed Development also includes supporting infrastructure, comprising:

- turbine foundations;
- crane hardstandings;
- transformer/switchgear housings;
- access tracks (existing, upgraded or new as required);
- watercourse crossings (existing, upgraded or new as required);
- underground electrical cabling;
- permanent control compound area including substation, control buildings, LIDAR remote sensing unit, external equipment and ancillary grid service equipment/energy storage;
- permanent anemometer mast;
- up to two temporary Power Performance Masts;
- close circuit television mast(s);
- communication mast(s);
- site signage;
- eight borrow pit search areas; and
- two temporary construction compound areas

19. The provision of a permanent recreational car park is also proposed as part of the proposed Development. This will be constructed in an area of the temporary construction compound near to the entrance of the Site.

20. The proposed Development is located within the National Forest Estate. Forest restructuring would be required to enable construction and operation of the windfarm, which would comprise 298.7 hectares of advance felling to accommodate the proposed Development, the provision of new access tracks and the reuse of existing forestry tracks. A compensatory planting plan is proposed and is found at Technical Appendix 14.4 of the EIA Report.

21. Section 36 consent is sought in perpetuity with all infrastructure subject to a 50m micro siting allowance. Whilst consent is sought in perpetuity the Applicant would accept appropriate conditions requiring the site to be decommissioned once the proposed Development comes to the end of its operational life.

22. The annual energy production of the proposed Development would be approximately 320 GWh, equating to the annual power consumed by approximately 84,000 average UK households (BEIS, 2018). The proposed Development includes a facility for ancillary grid services and energy storage. The facility would be able to undertake a range of ancillary services as welcomed by National Grid, such as storing electricity, both importing and exporting power to the National Grid network as required and allowing the grid to manage both supply and demand (balancing services). The facility may also offer other services to National Grid such as frequency control, reactive power compensation and re-starting the electrical grid in the event of failure ('black start'). Amongst a range of services, an energy storage facility would provide back-up power to National Grid for the benefit of providing stability to the electricity supply network and the integration of more renewable energy generation.

23. Owing to the site being a commercial forestry plantation there is an existing road access and a network of forestry tracks through the Site. Where possible, existing access arrangements will be used, subject to the required upgrading. 13.5km of new track and 12.4km of upgraded track is proposed. The tracks will have a typical 5m running width, with wider sections required at junctions and bends.

24. In terms of the borrow pit search areas, these are proposed for investigation and if the quality and quantity of the aggregate is found to be sufficient, some or all of the borrow pits are to then be used for aggregate extraction. The borrow pit aggregate would be used for tracks and hard standing areas, with approximately 130,000 m3 of aggregate required.

25. The proposed Development is fully described within EIA Report Chapter 4 and those specific elements for which consent is sought are set out within the s.36 Application Letter.

1.3 Site Location and Description

26. The Site is predominantly covered by commercial Sitka spruce plantations which are owned by the Scottish Ministers and managed by Forestry and Land Scotland (FLS). Forested moorland is dominant throughout much of the site, with the exception of the north eastern section which is open rugged hillside. The topography rises in the northern section of the site above 300 AOD with distinctive steeply sided hills.

27. The proposed Development would be largely located within the 'Plateau Moorland' Landscape Character Type area defined in Scottish Natural Heritages (SNH) digital map-based Landscape Character Assessment (2019) and the 'Plateau Moorland With Forest and Wind Farm' Landscape Character Type (18c) identified in South Ayrshire Council (SAC) Landscape Wind Capacity Study (LWCS) August 2018.

28. The surrounding area is rural, with the land predominantly used for agriculture and forestry. The site also lies within the Galloway Forest Park and the buffer zone of the Galloway Forest Dark Sky Park.

29. The nearest sizeable settlement to the Site is Barrhill which is located around 6.6 km to the south west of the nearest turbine. Other nearby settlements include Barr, located approximately 4.5 km to the north, Pinwherry located 7.4 km to the west and Glentrool at 10.8 km to the south (all to the nearest respective turbine).

30. The closest landscape designation out with the site is the Dumfries and Galloway Regional Scenic Area located 36 km to the east of the nearest turbine. The site is currently located within the South Ayrshire Scenic Area. There are no ecological designations within or adjacent to the site and there are no Listed Buildings within the Site.

31. The proposed Development is also located within the Galloway and Southern Ayrshire Biosphere Reserve. The Biosphere Reserve is a non-statutory designation aimed at ensuring sustainable development within its boundary and is "…*comprised of a major bio-geographic region represented by an upland massif centred on the Merrick and the rivers that flow from this upland down through forests and farmland to the sea. Landscape mosaics in the area comprise uplands, moorlands, mires, woodlands and forests, farmland, river valleys, coast and shoreline. The Biosphere Reserve is working to demonstrate the importance of landscapes and ecosystems for the future of sustainable development in a region which is undergoing change in traditional livelihoods*." (UNESCO, 2012).

1.4 The Applicant

32. SPR is part of the ScottishPower group of companies operating in the UK under the Iberdrola Group, one of the world's largest integrated utility companies and a world leader in wind energy. ScottishPower now only produces 100 % green electricity – focusing on wind energy, smart grids and driving the change to a cleaner, electric future. The company is investing over £4m every working day to make this happen and is committed to speeding up the transition to cleaner electric transport, improving air quality and over time, driving down bills to deliver a better future, quicker for everyone.

33. 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 as part of an international pipeline of projects across Europe and the USA.

34. With over 40 operational windfarms, SPR manages all its sites through its world leading Control Centre at Whitelee Windfarm, near Glasgow.

1.5 Ownership

35. The site is owned by the Scottish Ministers and is managed by Forestry and Land Scotland (FLS). In accordance with the land agreement, FLS have given their approval for this s.36 application to be made and on lodging the application the Applicant has notified FLS that the application has been made.

1.6 Purpose of Planning Statement

36. The purpose of this Planning Statement is to explain the legislative framework within which the proposed Development requires to be considered. In doing so, considerations that are relevant to the determination of the s.36 application are set out and assessed. The intention of this Planning Statement is to assist the decision maker and the Planning Authorities reach an informed planning balance regarding the acceptability of the proposed Development.

37. The matters set out and assessed within this Planning Statement are as follows:

- The Legislative framework including the Electricity Act and The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (See Chapter 2);
- The environmental effects of the proposed Development (See Chapter 3);
- National energy policy and climate change legislation (See Chapter 4);
- National planning policy (See Chapter 5);
- The relevant provisions of the Development Plans (See Chapter 6); and
- Conclusions on the planning balance that the Applicant recommends be adopted by the decision maker are set out in Chapter 7.

2 The Legislative Regime

2.1 Introduction

38. This Chapter describes the consenting and environmental assessment regime that applies to the determination of the s.36 application. Reference is made to the status of the Development Plans and other material considerations that are relevant to the decision to be taken.

2.2 The Electricity Act

39. A decision on the Application under the 1989 Act is the principal decision to be made in this case. In the event that a decision is taken to grant a s.36 consent, the Applicant requests that planning permission is also deemed to be granted by way of relevant Direction. The Applicant cannot envisage a circumstance where the Scottish Ministers would grant s.36 consent but withhold issuing a deemed planning Direction.

40. Paragraph 3 of Schedule 9 to the Electricity Act 1989 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 he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.

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

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

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

41. Regarding this legal framework within which the proposed Development requires to be assessed, it is submitted that the statutory Development Plans are a consideration which should be taken into account in the round with all other relevant considerations. Section 25 (s.25) of the Town & Country Planning (Scotland) Act 1997 is not engaged and on this basis primacy need not be given to determining whether the proposed Development accords with the Development Plan.

2.3 The EIA Regulations

42. The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 apply in this case (the EIA Regulations). A Scoping opinion was received from the ECU in May 2019.

43. The structure of the EIA Report 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.

2.4 Scope of the EIA

44. The Scope of the EIA has been agreed through the EIA Scoping exercise and in accordance with Regulation 5 of The EIA Regulations the EIA has been 'based' on the Scoping Opinion adopted by the Scottish Ministers. The scope is fully described within Chapter 2 of the EIA Report. In short, the following environmental matters have been assessed:

- Chapter 6 'Landscape & Visual Impact' assesses the potential landscape and visual impact of the proposed Development;
- Chapter 7 'Hydrology, Hydrogeology, Geology & Soils' assesses the potential effects on hydrology, hydrogeology, geology and soils;
- Chapter 8 'Ecology & Biodiversity' assesses the potential effects on ecology and biodiversity;
- Chapter 9 'Ornithology' assesses the potential effects on ornithology;
- Chapter 10 'Noise & Vibration' assesses the potential effects on noise and vibrations;
- Chapter 11 'Archaeology & Cultural Heritage' assesses the potential effects on archaeology and cultural heritage;
- Chapter 12 'Access, Traffic & Transport' assesses the potential effects on access, traffic and transportation; and
- Chapter 13 'Socio-economics, Tourism & Recreation' assesses the potential effects on socio-economics, tourism and recreation.
- Chapter 14 'Other Issues' assesses the potential effects on aviation and radar, forestry, telecommunications, shadow flicker, as well as climate and carbon balance.

3 Environmental Considerations

3.1 Site Selection

45. The proposed Development 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.

46. The proposed Development site has been selected by the Applicant for the development of onshore wind energy for the following reasons:

- there are no international or national natural heritage designations in, or within close proximity of the turbine development area;
- The site is located within an area which the Local Development Plan has identified as having potential for windfarm development;
- initial desk-based studies and wind monitoring onsite suggest that there is a good wind resource
- There are available options to connect the proposed Development onsite substation to the substation at the nearby Mark Hill Windfarm;
- Access is available from the public road network particularly for longer blades, which allows consideration of larger turbines to make the best use of the expected wind resource;
- There is potential to upgrade much of the existing forestry track, especially along the access route, from the A714.
- There is the potential to re-use some of the existing FLS borrow pits; and
- the Site is reasonably separated from the nearest residential properties, with the closest located at around 1.15 km from the nearest turbine.

3.1 The Consideration of Alternatives

47. In accordance with Schedule 4 (2) of the EIA Regulations, reasonable alternatives in terms of project design, technology, location, size and scale and characteristics of the proposed Development has been considered. The consideration of alternative sites is not required unless in the case of sourcing land say for a new airport where there will only ever be one. The alternative design options considered are set out below under the heading ‘Design Evolution’ and more fully within Chapter 3 of the EIA Report.

3.2 Design Evolution

48. The design evolution of the proposed Development is set out within Chapter 3 of the EIA Report, including the environmental and engineering-based factors that informed the design approach. As part of the design evolution process, four main development layouts and configurations were considered by the Applicant. Layouts A, B, C and D, are described below.

3.2.1 Layout A

49. Layout A was developed to inform the EIA Scoping Report issued in March 2019. Layout A comprised 16 turbines at 200 m to blade tip.

50. At EIA scoping stage, a “likely developable area” was identified, which aimed to keep development predominantly within the commercial Sitka spruce plantations that are typical of the Site. The boundary of the likely developable area also aimed to provide a limit to the eastern edge of the Site, ensuring turbines remained an appropriate distance from the Merrick Wild Land Area (WLA).

3.2.2 Layout B

51. Layout B comprised 16 turbines at 200 m to blade tip. It was developed following a design meeting held on 29 April 2019 with the aim of improving buildability and energy yield.

52. Wind yield analysis by the Applicant identified several turbines which could benefit from yield improvements, which informed re-siting of turbines.

53. From a desktop review of Scottish Natural Heritage (SNH) and British Geological Survey (BGS) resources, it appeared likely that T1 and T2 would have been located in areas of deeper peat and their locations were revised accordingly. The results of the ecology surveys were also considered, although it was established that ecology was not a significant constraint to the location of the turbines.

54. Layout B improved energy yield and buildability but increased the visibility of the turbines from the Merrick WLA area and the closest settlements.

3.2.3 Layout C

55. Layout C comprised 18 turbines at 200 m to blade tip. Sufficient data had been obtained from the Site's two temporary anemometer masts to gain a good understanding of the wind regime on the site. A review of the wind data allowed a change in the direction of the turbine ellipses which created two gaps in the layout and sub sequently allowed for two additional turbines to be included within the same development footprint.

56. Whilst Layout C was attractive from an energy yield perspective, the landscape and visual concerns from previous layout iterations remained.

57. Peat probing was undertaken in July 2019 to examine the peat depths at turbine and track locations for this layout.

3.2.4 Layout D

58. On 15 August 2019 the third design workshop was held, where it was agreed that turbines T14 and T15 required movement to reduce the visibility of the Site from the Merrick WLA. By moving these turbines south, by approximately 200m and 400m, respectively, the visibility from viewpoints within the lower-lying core area of the Merrick WLA could be eliminated. It was recognised that from the western ridge line of the Merrick WLA the turbines remained visible, but that this was in the context of a landscape with existing windfarms and dense forestry cover.

59. Responding to feedback from Public Information Days and an initial review of residential amenity wirelines, it was also decided that turbines T2, T3 and T18 should be relocated to increase their distance from the closest residential receptors. This design iteration layout is now subject to the application for s.36 consent.

3.3 The Approach to Decision Making

60. Regulation 21 of the EIA Regulations applies to decision making and requires the Scottish Ministers, among other matters, to notify the developer of the decision and to set out the main reasons for making the decision.

61. The Scottish Ministers require to reach a 'reasoned conclusion' on the EIA Report and other environmental information in reaching their decision. The decision of the Scottish Ministers requires to address the likely significant effects of the development on the environment.

3.4 Likely Environmental Effects

62. The approach to the EIA, in accordance with the EIA regulations, has been to avoid, reduce and where appropriate mitigate likely environmental effects. The EIA has been an iterative process and one of evolving the design. The following summary of environmental effects is drawn from the EIA Report

3.4.1 Landscape and Visual Impact

63. Chapter 6 of the EIA Report presents the findings of the landscape and visual impact assessment for the proposed Development. The LVIA study area is shown in Figure 6.1 of the EIA Report, which illustrates a 60 km search area for the consideration of potential receptors, within which a 45 km radius study area has been defined as appropriate for the assessment.

64. In terms of the landscape baseline, the site is located within a scaled plateau area that has a simple large-scale land form. The land cover in the area is dominated by commercial forestry plantation and as such is sparsely settled. The proposed Development is located largely within the north eastern part of the plateau moorlands, within the forestry and wind farms

landscape character area and with 2 of the wind turbines located within the rugged uplands with lochs and forest character area.

65. In terms of landscape designations, the Fleet Valley National Scenic Area is located approximately 30km south east of the study area. Part of the site (2 turbines on the northern edge of the Site) is located within the South Ayrshire Scenic Area and 3.6km from the Galloway Hills Regional Scenic Area. The Merrick Wild Land Area is located approximately 5.8km to the east of the nearest turbine, which itself lies within the Galloway Hills Scenic Area and Galloway Forest Dark Sky Park.

66. The visual assessment of the proposed Development has been based on the assessment of likely impacts upon principal visual receptors, which include: - settlements, roads, rail routes, ferry routes, recreational routes, other footpaths, long distance cycle routes, hill walking, recreational destinations and visitor attractions. The Galloway Forest Park, the Galloway Forest Dark Sky Park, the Galloway and Southern Ayrshire Biosphere and selected viewpoints.

67. In so far as landscape character areas are concerned, significant adverse effects are predicted as follows, which includes cumulative considerations:

- Plateau Moorlands with Forestry and Wind Farms (18c) which is significant locally only within 3 km of turbines with low additional cumulative effects predicted for all scenarios
- Rugged Uplands with Loch and Forest (21) and East Ayrshire - Rugged Uplands - Lochs & Forest (21) is significant locally. Low additional cumulative effects are also predicted for all scenarios
- Rugged Uplands with Loch and Forest (21) and East Ayrshire - Rugged Uplands - Lochs & Forest (21) which is significant locally within 2.5 km and 4.5-9.5 km to the east with low additional cumulative effects predicted for all scenarios
- Intimate Pastoral Valley (13) which is significant from northern upper sides of Stinchar Valley only with low additional cumulative effects predicted for all scenarios
- Dumfries and Galloway - Rugged Granite Upland (21) which is significant across west facing slopes of Merrick foothills at 6-8km only and with low additional cumulative effects predicted for all scenarios

68. In terms of landscape designations, the following effects are predicted, which includes cumulative considerations:

- South Ayrshire Scenic Area: Significant only within localised areas immediately to the north of the proposed Development; extending to 4.5km-9.5 km to the east across Rugged Uplands with Loch and Forest LCT; and from northern upper sides of Stinchar Valley
- Galloway Hills Regional Scenic Area: Significant only across west facing slopes of Merrick foothills at 6-8 km.

69. In terms of viewpoints the following viewpoints are predicted to receive significant effects, most of which are within 15km of the proposed Development, and which are baseline scenario effects. No additional cumulative effects are predicted:

- 5 Knockdolian
- 7 Auchensoul Hill
- 8 The Merrick
- 9 Barr (Glenginnet Rd)
- 13 Shalloch on Minnoch
- 14 Corserine
- 17 Kirriereoch Picnic Site
- 19 B734 Approach to Barr
- 20 New Barr Trail (near White Knowes)
- 21 Barr Trail (Barr to Loch Doon Cycle Route)

70. Turbine lighting is proposed and a visual assessment of lighting has been undertaken from 5 viewpoints where it is only Viewpoints 24 and 17 that are expected to experience significant night time effects. Viewpoint 24 (Benyellary) is an illustrative

viewpoint which was included based on a request from SNH. The viewpoint is from the summit of Benyellary, where walkers descending/ascending tend to look westwards out from the WLA. This viewpoint has been assessed with regards to night time lighting only.

71. In terms of residents and the users of routes and roads, limited significant effects are predicted, none of which would be likely to have unacceptable amenity effects.

72. Mitigation for landscape and visual impacts is generally embedded within the design of the proposed Development.

3.4.2 Hydrology, Geology & Soils

73. The study area for the assessment incorporated the area within the site application boundary plus 1 km outwards. A stage 1 peat probing exercise was undertaken to understand the coverage of peat within the application site and then a Stage 2 survey was undertaken to establish detailed peat depths at infrastructure locations.

74. In terms of designations there are no geological or hydrological designations within the study area. Four private water supplies were identified within the study area including a number of river catchments and burns.

75. The assessment has considered matters such as changes to ground water flow, peat slide impact on surface water drainage, long term changes to ground water flow regimes, de-watering of peat, and impacts upon the wider hydrological regime.

76. The assessment identifies no significant adverse effects both on an individual and cumulative basis partly due to using good practice construction techniques and the implementation of a peat management plan.

3.4.3 Ecology

77. The ecological assessment of the proposed Development has been informed by a Phase 1 habitat survey, an NVC survey, a protected mammal survey, a bat survey, and a fisheries study which included a check for the presence of Freshwater Pearl Mussel. In terms of designated sites for matters relating to ecology, the site is not within or immediately adjacent to any statutory nature conservation sites. The closest statutory nature conservation sites are the Merrick Kells Special Area of Conservation and Site of Special Scientific Interest (SSSI), which is located 4.4 km east and the Feoch Meadows SSSI which is located 3.3km to the south.

78. With regards to habitats, over 70% of the study area is either planted with woodland or has been recently felled of coniferous plantation woodland. The EIA concludes that the habitat effects of the proposed Development, including mitigation, extend to no more than being 'barely perceptible'. This is principally due to the main habitats within the site being associated with commercial forestry plantation and the siting of infrastructure outwith forestry habitats being sited to avoid those of greater sensitivity. Nevertheless, a Habitat Management Plan (HMP) is proposed, which would be implemented during the construction and operation phases of the proposed Development that would focus on restoration of wet modified bog through the blocking of drains as well as creation of riparian woodland. The HMP is outlined in Technical Appendix 8.7 of the EIA Report and includes measures within a 45 ha Habitat Management Area (HMA) located in the north of the Site.

79. In terms of protected species, the assessment also concludes that there will be no significant effects on both an individual and cumulative basis or on fish populations.

3.4.4 Ornithology

80. Following agreement of the methodology for assessing the ornithological impacts of the proposed Development through the scoping exercise, the evaluation of the potential ornithological effects within the EIA Report focused on the following matters: -

- Consideration of direct habitat loss through construction;
- Displacement of birds through direct and indirect construction and operational factors;
- Habitat modification;
- Collision risk resulting in death or injury; and
- The cumulative effects with other wind farm projects within the same natural heritage zone.

81. In terms of site constraints, the development site is not located within or immediately adjacent to any designation for ornithological interests. The proposed Development site is located 4.7km away from the Merrick Kells Site of Special Scientific Interest and 14km from the Glen App and Galloway Moors Special Protection Area and Site of Special Scientific Interest. Assessment of the potential effects of the development both on an individual and cumulative basis on these designations has been undertaken and no significant environment effects are anticipated.

82. The environmental assessment of collision risk, habitat loss and potential disturbance arising from construction and operational effects also concludes that the development will result in no significant effects.

83. The assessment concludes that no mitigation is required, as no likely significant effects have been identified through the EIA process.

3.4.5 Noise and Vibration

84. A background noise survey was carried out at agreed monitoring locations and the results of noise monitoring were then considered and modelled with regards to the candidate turbine noise profile. An assessment was then undertaken in accordance with ETSU-R97 and the Institute of Acoustics Good Practice Guide to determine if the proposed development could operate within accepted limits during all wind conditions. The assessment concludes that some mitigation in the form of curtailment of turbines may be required during certain wind conditions and subject to this, no significant residual effects are predicted.

3.4.6 Archaeology and Cultural Heritage

85. The cultural heritage assessment is reported within Chapter 11 of the EIA Report. The inner study area considered within the assessment includes the area within the application boundary where an assessment of potential direct effects on cultural heritage assets was undertaken. The outer study area, where potential indirect / setting effects could occur extends to 10 km from the outer most turbine location.

86. The inner study area is dominated by commercial forestry there are no statutory designated assets within the inner study area with the exception of Cairnderry Chambered Cairn, which is a Scheduled Monument. There is also an undesignated Cairn located within the inner study area, Cairnhill Cairn, which is also assessed as being of high sensitivity. All other identified assets within the inner study area were assessed as being of low sensitivity.

87. Within the outer study area there are 9 Scheduled Monuments, 7 category B listed buildings, 12 category C listed buildings, 1 conservation area and 35 NSR sites. Subject to the implementation of appropriate construction mitigation, the assessment identifies that all construction effects on cultural heritage assets would be of no more than minor significance, i.e. not significant in EIA terms. In terms of operational effects, the assessment identifies that all effects will either be of minor or negligible significance with the exception of 1 residual effect of moderate significance on the setting of Cairnhill Cairn. The assessment identifies that although a significant effect is predicted, it would not compromise the cultural significance of the Cairn.

88. An information board is also proposed within the car park which will provide archaeological interpretation of Cairnderry Chambered Cairn to help visitors understand the historical context and significance of the Scheduled Monument.

3.4.7 Access Traffic and Transport

89. Chapter 12 of the EIA Report assesses the proposed Developments effects on transport matters. The proposed Development would be accessed directly from an improved forest access junction on the A714 near Cairnderry Cairn. The existing access junction would be widened to accommodate the proposed turbines and construction traffic. Traffic count data has been obtained for the traffic assessment, which concludes that the construction and operational traffic predicted can be accommodated within the capacity of the highway network subject to suitable traffic management arrangements. This conclusion also applies to the cumulative construction traffic scenario associated with the proposed extensions to Kilgallioch and Arecleoch Wind Farms. Accordingly, no significant adverse effects are predicted with regards traffic and transport.

3.4.8 Socio Economics

90. Chapter 13 of the EIA Report provides an assessment of the proposed Development on socio economics. The assessment considers potential beneficial effects from community benefit payments, the community investment opportunity, impacts on tourism and recreation as well as the potential beneficial economic effects arising from construction, operation and maintenance expenditure.

91. The assessment identifies that the construction of the proposed Development is likely to be worth in the order of **£35 million to the Economy** and **542 job years** for construction workers. In terms of operational effects, it is estimated that, per annum, the operation and maintenance of the proposed Development will be worth **15 job years** and around **£1.3 million to the economy**. These effects are assessed as being of either minor or negligible beneficial significant.

92. In terms of community investment, the Applicant is offering an opportunity for community investment to local communities where the community could purchase a stake in the development either though limited company or limited liability partnership.

93. In terms of recreation, the Applicant proposes to construct a permanent car park adjacent to the site entrance, which would open the site up for recreational purposes. As above, an archaeological interpretation board is also proposed to be constructed within the car park.

94. No significant adverse effects are identified on recreation or tourism interests as a result of the implementation of the proposed Development.

3.4.9 Other Issues

95. Chapter 14 of the EIA considers 'Other Issues', which includes aviation, shadow flicker, forestry, climate and carbon balance, land use; and telecommunications.

96. In terms of aviation, the proposed Development has been determined to present no constraint to aviation providers or the Ministry of Defence, with the exception of Glasgow Prestwick Airport (GPA).The chapter concludes that the proposed development will not have a significant effect on aviation infrastructure, but as a precaution, to mitigate any possible effects on GPA, a surveillance system may be deployed within the Development Area. The requirement for this will be determined following further consultation with GPA and the Civil Aviation Authority (CAA).

97. In terms of aviation lighting, a detailed study has been undertaken as set out within Chapter 6: Landscape and Visual. The assessment concluded that significant effects would be experienced from Viewpoints 17 and 24. Various light mitigation measures are being considered, one of which is the use of an aviation detection lighting system (i.e. aviation warning lights are only activated when aircraft are detected, by a surveillance system, in the vicinity of the proposed development). Technical Appendix 14.2 to Chapter 14 of the EIA Report also notes that the airspace above the proposed Development is relative quiet and that the detection system would only be required for non-commercial flights. As such it is anticipated that, with the detection system, the turbine lighting would be rarely illuminated.

98. No significant effects are predicted on telecommunications or land use.

99. No significant effects are predicted for shadow flicker or upon forestry subject to appropriate environmental mitigation, which includes agreeing to a Shadow Flicker Protocol and providing compensatory planting.

100. In terms of climate change and carbon balance, the proposed development has sought to minimise its impact on peatland and carbon rich soils. The following carbon balance scenarios have been calculated:

Results	Expected	Minimum	Maximum
Net emissions of carbon dioxide (t CO_2 eq.)	291,086	221,604	333,904
Carbon Payback Period of proposed Development Comparison			
Displacing Coal-fired electricity generation (years)	1.3	0.9	1.7
Displacing Grid-mix of electricity generation (years)	4.9	3.4	6.2
Displacing Fossil fuel - mix of electricity generation (years)	2.8	1.9	3.5

101. The calculations of total CO2 emission savings and payback time for the proposed Development indicates the overall payback period of a windfarm with 18 turbines with an average (expected) installed capacity in the region of 100 MW would be approximately **2.8 years.** Although consent is sought in perpetuity, the carbon balance is based on an assumed 40 years operational life. Using this length of time, the proposed Development will provide clean green energy for 37.2 years of its operation. This will provide energy that could have otherwise been generated from fossil fuel, therefore displacing the resulting carbon emissions.

102. The potential savings in CO_2 emissions due to the proposed Development replacing other electricity sources over the lifetime of the proposed Development (assumed to be 40 years for the purposes of the carbon calculator) are approximately:

- **216,000 tonnes of CO_2** per year over coal-fired electricity (8.64 million tonnes assuming a 40 year lifetime for the purposes of the carbon calculator);
- **60,000 tonnes of CO_2** per year over grid-mix of electricity (2.4 million tonnes assuming a 40 year lifetime for the purposes of the carbon calculator); or
- **106,000 tonnes of CO_2** per year over a fossil fuel mix of electricity (4.24 million tonnes assuming a 40 year lifetime for the purpose of the calculator).

4 The Energy Policy Framework

4.1 Introduction

103. This Chapter explains the renewable energy policy framework that applies as an important material consideration that requires to be weighed in the decision-making balance. The energy and climate change policy and legislative framework sets 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.

104. The approach taken within this Planning Statement has been to place this information in the current climate emergency context, which has been recently well explained by the Committee on Climate Change (CCC) and then to follow this with the current legislative and policy position.

4.2 Climate Emergency Context

105. 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.

106. 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 IPCC special report on global warming of 1.50C 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".*

107. 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".*

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

- UK overall: a new tougher emissions target of net zero[1] 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;
- A net zero GHG target for 2050 would deliver on the commitment that the UK made by signing the Paris Agreement.

109. 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".*

110. The report also adds for Scotland that:

111. *"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 (relatively to 1990) of 70% by 2030 and 90% by 2040".*

112. 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)."*

[1] A net zero target would require 100% reduction in greenhouse gas emissions. It is referred to as 'net' as the expectation is that it would be met with some remaining sources of emissions which would need to be offset by removals of CO_2 from the atmosphere.

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

114. The Technical Annexe to the CCC 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.

115. The CCC's 'further ambition scenario' for the power sector sees low power carbon 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%).

116. 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".*

117. 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 United Nations Intergovernmental Panel on Climate Change ("IPCC") in the 2018 Special Report on 1.5°C of global warming.

118. The Report states that the CCC welcomes strongly 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".*

119. 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".*

120. Other key points include:

121. 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".*

122. 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.

123. We are now seeing the 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.

124. In these circumstances, although the UK is committed to working for global action to parallel our own adoption of a net-zero statutory target, it is prudent to plan adaptation strategies for a scenario of 4°C, but there is little evidence of adaptation planning for even 2°C. The Report adds that *"Government cannot hide from these risks".*

125. 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".*

126. In June 2018, the CCC advised that 25 headline policy actions were needed for the year ahead. Twelve months later, only one has been delivered by Government in full. Ten of the actions have not shown even partial progress. Government continues to be off track for the fourth and fifth carbon budgets – on their own appraisal – and the policy gap has widened further this year as an increase in the projection of future emissions has outweighed the impact of new policies.

127. The Report concludes by stating that the central premise of the Climate Change Act 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".*

128. 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. Scotland followed soon after (See below).

4.3 Climate Change Legislation

129. On 31 October 2019 The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 received Royal Ascent and became an Act of parliament, which amended the Climate Change (Scotland) Act 2009. The Act 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 out challenging interim targets. It requires that:

"The Scottish Ministers must ensure that the net Scottish emissions account for the year—

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

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

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

130. It is important to note that these targets are minimum targets, they are not maximums or aspirations. 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 – see below.

131. It is also very important to note at Section 44 of the Climate Change Act 2009 'duties of public bodies relating to climate change' 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 Scottish Natural Heritage and Historic Environment Scotland.

4.4 Climate Emergency & Programme for Government

4.4.1 Climate Emergency

132. 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".

133. Furthermore, Climate Change Secretary Roseanna Cunningham made a statement on 14 May 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...."

134. 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".

135. 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 1.5 degrees. In light of the further report by the CCC the Scottish Government has stated unequivocally that there needs to be *"transformative change"* and that action has to be quick and decisive. An emergency requires action and as set out in the conclusions below, the planning system must be responsive to that.

136. The current climate change emergency must therefore significantly inform the weight to be attributed to the climate change benefits that would result from the operation of the proposed Development.

137. Therefore, the proposed development would likely 'payback' its carbon footprint resulting from construction activities within 3 years, which is less than 10% of the potential operational period of the proposed Development, assuming a 40-year operational period, which informed the carbon calculator conclusions.

4.4.2 Programme for Government – 2019-20

138. The Scottish Government published the Government Programme for 2019-20 entitled 'Protecting Scotland's Future' on 3 September 2019. In the introduction from the First Minister, the 'Climate Emergency' is acknowledged and it states that *"this Programme for Government sets out some of the next step in Scotland's journey to net zero emissions and raises our ambition in light of the emergency we face. We are leading the world in setting challenging targets but we must also redouble our efforts to meet them".*

139. The Introduction also refers to the preparation of the National Planning Framework 4 and confirms that an updated Climate Change Plan will be prepared that will take full account of the advice of the UK Committee on Climate Change.

140. The Executive Summary (page 10) addresses 'ending Scotland's contribution to climate change' and states that "*Our response to the global climate emergency requires us to accelerate our good work*" and reference is made to the recently established Climate Emergency Response Group (CERG).

141. Chapter 1 of the Programme entitled 'Ending Contribution to Climate Change' makes it clear that Scotland is facing a climate emergency and key points include the following: -

- Reference is made to Scotland already having committed to some of the toughest emissions reductions in the world and adopting a net zero emissions target by 2042 and underlines the Government's ambition that Scotland will no longer contribute to global climate change.
- Scotland has a unique opportunity to be at the forefront of global action; and
- This Programme for Government commits to vital early action to accelerate Scotland's journey towards net zero.

142. With reference to the CERG, '12 specific asks' are set out and these include:

- *"Making regional land use plans for maximising the potential of every part of Scotland's land to contribute to the fight against climate change…*
- *Completion of plans for how Scotland generates the renewable electricity needed to reach net zero. In this regard reference is made to the next Energy Statement which is to set out the extent to which renewable and low carbon energy generation will need to combine in order to meet net zero and that this will then be monitored on an annual basis."*

143. Page 38 also states that the Scottish Government is making a number of other major commitments in response to the climate emergency and in terms of 'Planning' this will include the fourth National Planning Framework which will help to radically accelerate reduction of emissions.

144. Page 39 refers specifically to planning and key points referenced in this regard include:

- *"The global climate emergency means that the time is right for wide-ranging debate on more radical planning policy options.*

- *Innovation, infrastructure and investment will be needed to transform our cities, towns and rural areas into places that support lower emissions lifestyles and businesses. Planning is a vital tool in leveraging the changes we need to make to achieve our goals.*
- *We will begin engagement on the fourth National Planning Framework in autumn this year. Through it, we will explore planning options that radically accelerate reduction of emissions.*
- *By summer next year, we will publish a draft National Planning Framework which sets out how and where development should take place across Scotland for the period up to 2050.*
- *This will be part of a wider package to deliver the reform envisaged by the Planning Act 2019. As part of that wider programme, we will introduce legislation on permitted development rights. This would support, for example, developments such as micro-renewable technologies. We will also launch a programme of digital transformation to make better use of digital technologies and data, including a digital mapping prototype to support co-ordinated and sustainable development. The Programme also makes reference to the Climate Change (Emissions Reduction Targets) Bill which seeks to introduce a legally-binding net zero target of 2045. The Bill passed Stage 3 on 25 September 2019 and is due to become an Act of the Scottish Parliament once it receives Royal Assent. Notably, the change in reduction targets will make Scotland's statutory targets the most stringent in the world and shows yet another commitment to meeting its net-zero ambition five years ahead of the date set for the UK."*

4.5 Energy Policy

145. The most up-to-date Scottish Government energy policy position, by way of published energy policy documents, is contained within the Scottish Energy Strategy (SES) and the Onshore Wind Energy Policy Statement (OWPS), which establish the policy position to deliver clean energy to support the commitments within the Climate Change Plan (2018). These documents are examined below.

146. However, it requires to be noted that the Climate Change Plan, the SES and OWPS were published in advance of The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019, which sets significantly more ambitious climate change targets than were in place when this current suite of energy policy documents were published. Accordingly, the current suite of energy policy requires to be read in the context of current legislated climate change targets.

4.5.1 The Scottish Energy Strategy (SES)

147. The SES sets a 2050 vision for energy in Scotland as "a flourishing, competitive local and national energy sector, delivering secure, affordable, clean energy for Scotland's households, communities and businesses". The vision is guided by three core principles namely:

- *A whole system view;*
- *An inclusive energy transition; and*
- *A smarter local energy model.*

148. The 2050 vision is expressed around six priorities including:

"Renewable and low carbon solutions – we will continue to champion and explore the potential of Scotland's huge renewable energy resource, and its ability to meet our local and national heat, transport and electricity needs – helping to achieve our ambitious emissions reduction targets".

149. The strategy also contains new whole system targets for 2030 as follows: -

- *The equivalent of 50% of the energy for Scotland's heat, transport and electricity consumption to be supplied from renewable sources;*
- *An increase by 30% in the productivity of energy use across the Scottish economy.*

150. The longer term target is further articulated on page 34 where it is stated: "*Scotland's long term climate change targets will require the near complete decarbonisation of our energy system by 2050, with renewable energy meeting a significant share of our needs."* However, these targets may need to be revisited in light of the recent legislated climate change targets.

151. The SES refers to *"Renewable and Low Carbon Solutions"* as a strategic priority (page 41) and states "*we will continue to champion and explore the potential of Scotland's huge renewable energy resource, its ability to meet our local and national heat, transport and electricity needs – helping to achieve our ambitious emissions reduction targets".*

152. Onshore wind is identified as a key technology and the SES states *"we will push for UK wide policy support for onshore wind, and take action of our own to prioritise and deliver a route to market – combined with a land use planning approach which continues to support development while protecting our landscapes".*

153. The Government has highlighted the importance of the need for onshore wind to have a route to market and the importance of this consideration is clearly emphasised in the final SES.

154. The SES goes on to set out what is termed the "*Opportunity*" for onshore wind and there is explicit recognition that onshore wind is amongst the lowest cost forms of power generation of any kind which will allow it to contribute to one of six priorities, which is "*to protect consumers from excessive or avoidable costs*" (Page 8). It is also recognised as "*a vital component of the huge industrial opportunity that renewables creates for Scotland*". Reference is made to the employment levels and economic activity derived from onshore wind and the SES sets out that the Government is "*determined to build on these strengths*".

155. The SES sets out the Government's clear position on onshore wind namely:

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

"That means continuing to support development in the right places, and – increasing the extension and replacement of existing sites with new and larger turbines, all based on an appropriate, case by case assessment of their effects and impacts and it means developers and communities working together and continuing to strike the right balance between environmental impacts, local support, benefits, and – where possible economic benefits driving from community ownership".

156. The SES adds:

"this can be done in a way which is compatible with Scotland's magnificent landscapes, including our areas of wild land. This means that the relevant planning and consenting processes will remain vitally important. A major review of the Scottish planning system is well underway, and will continue as now to fully reflect the important role of renewable energy and energy infrastructure, in the right places".

157. The SES goes on to cross refer to further detail in relation to onshore wind as contained within the OWPS which as noted, has been published alongside the SES. The SES therefore, in addition to setting new stretching renewable energy and electricity targets, gives unequivocal strong policy support for the further development of onshore wind. In essence there is a renewed and enhanced impetus being imparted, rather than just a continuation of previous support.

158. Page 69 references "near term actions" for onshore wind including:

- *"Build on the positive and practical provision for onshore wind in our planning system under the next National Planning Framework and Scottish Planning Policy; and*
- *Implement the new Onshore Wind Policy Statement, which underlines the continued importance of this established low cost resource".*

159. In terms of energy storage, the SES recognises the importance of storage for flexibility. The SES notes on page 21 that *"energy storage is another important source of flexibility. Energy can be stored in different ways – for example, in pumped*

hydro storage facilities, chemical batteries, thermal stores, stocks of coal at power stations, gas storage facilities and more locally in the form of petrol and diesel in refilling stations or in vehicle tanks.

160. *Changes to how we store energy across the system, and particularly in terms of electricity and heat, could have a profoundly important bearing on our low carbon future."*

161. The SES also notes on page 47 that *"Combining storage with wind and solar assets presents a valuable solution for the energy system as a whole, offering the potential for demand to be managed locally. This kind of flexibility and control will be important as electric vehicles become an integral part of the transport system."*

162. On page 59 under the heading 'System Security and Flexibility' the SES further notes the importance of storage and states:

"Renewables will play a huge part in meeting our future energy needs. But there will be roles too for other sources and technologies – for thermal generation with carbon capture, for pumped storage hydro and other forms of storage, and for smarter, more interconnected networks…

The Scottish Government agrees that storage is a strategically important issue, with real potential benefits for Scotland. We will continue to support innovation and deployment in this area, and to work with energy sector and academic stakeholders on steps designed to accelerate its penetration and value across Scotland…

Electricity storage The UK Smart Systems Plan includes a strong commitment to improving the prospects for and uptake of electricity storage. We are seeing remarkable growth and changes in storage potential and technologies – such as the availability and reducing cost of batteries which can help manage and control domestic demand, with much larger applications able to complement large scale renewable generators connected to higher voltage networks."

4.5.2 Onshore Wind Policy Statement (OWPS)

163. The Ministerial Foreword of the OWPS sets out that *"there is no question that onshore wind is a vital component of the huge industrial opportunity that renewables more generally create for Scotland".*

164. It adds *"our energy and climate change goals mean that onshore wind will continue to play a vital role in Scotland's future – helping to substantively decarbonise our electricity supplies, heat and transport systems, thereby boosting our economy".*

165. Chapter 1 is entitled 'Route to Market' and it sets out (paragraph 2) that onshore wind, as a mature and established technology, is now amongst the lowest cost forms of generating electricity, renewable or otherwise. It adds *"we expect onshore wind to remain at the heart of a clean, reliable and low carbon energy future in Scotland".*

166. Establishing a route to market is essential to enable wider deployment and an increased contribution from onshore wind. In a subsidy free context, it will be the larger scale developments that can capture a good wind resource, and which have cost effective grid connection arrangements which will make a valuable early contribution to targets.

167. Paragraph 3 continues: *"In order for onshore wind to play its vital role in meeting Scotland's energy needs, and a material role in growing our economy, its contribution must continue to grow. Onshore wind generation will remain crucial in terms of our goals for a decarbonised energy system, helping to meet the greater demand from our heat and transport sectors, as well as making further progress towards the ambitious renewable targets which the Scottish Government has set".*

168. The statement therefore makes it very clear that onshore wind is expected to make a significant contribution to Scotland's energy needs including renewable targets into the long term. A number of parties opposed to onshore wind farms have in recent years continued to advance an argument that because Scotland's 2020 target in relation to the generation of renewable electricity could be within reach, that less weight should be placed on the contribution and benefits that could arise from onshore wind energy. Put simply, this argument does not stack up, particularly in light of the recent legislated climate change targets that will require a green energy generation response to address decarbonising the grid, heat and transport.

169. Paragraph 4 of Chapter 1 states that given the recognised contribution that onshore is expected to make to Scotland's future energy and renewable targets *"this means that Scotland will continue to need more onshore wind development and capacity, in locations across our landscapes where it can be accommodated".*

4.6 Recent Onshore Wind Energy Decisions

170. 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 s.36 and Appeal Decisions.

171. In the Pencloe Wind Farm s.36 Decision (December 2018) the Reporter addressed national energy policy in his 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". (underlining added)

172. In the Hopsrig[3] Appeal Decision Notice at paragraph 64, the Reporter referred to Dumfries and Galloway Council's position that the Scottish Energy Strategy ("SES") and Onshore Wind Policy Statement ("OWPS") add little to that already set out in SPP and NPF3. He took a different view and stated:

"However, I agree with the appellant that the OWPS uses particularly positive language when discussing on-shore 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."

173. In summary, in recent decision making the renewable energy policy at the UK and Scottish Government levels has been a significant material matter. 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 Developments climate change benefits would be appropriate in determining this application for s.36 consent.

4.7 Conclusions on Energy Policy

174. The UK and Scottish Government renewable energy policy documents, and associated renewable energy and climate change targets, all provide considerable support in favour of renewable energy development. Owing to the recent enactment of climate change legislation and the clear recognition in the Programme for Government of the climate change emergency that we are in; the need case for the proposed Development must be considered significant and a weighty material consideration.

175. As required by S44 of the Climate Change Act 2009 (as amended) in determining the s.36 application the Scottish Ministers are bound to exercise their decision-making function in the interests of sustainable development and in the best way to contribute to the net zero target and the interim 2020, 2030 and 2040 targets. There is a long way to go to achieve net zero and simply because the 2020 target may be considered in reach does not reflect the scale of the net zero challenge.

176. The proposed Development has a capacity in the region of 100MW, and is predicted to have a 2.8-year carbon payback period and is estimated to be capable of powering the equivalent of approximately 84,000 homes. 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.

177. The proposed Development comprises around 25MW of energy storage, which the SES identifies as being of profound importance to our low carbon future. Thus, including substantial energy storage alongside the proposed wind turbine generators will allow the proposed Development to better meet energy demand with supply and thus result in a more sustainable form of energy generation.

[3] It should be noted that the Hopsrig decision is currently the subject of a challenge by way of judicial review in the Court of Session.

178. The Scottish Government makes it unequivocally 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 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 and on this basis must be considered as being the energy generation technology that could contribute the most to our climate change objectives in the short term.

179. The scale of the challenge presented by the new targets adopted by the Scottish Government on the advice of the CCC is considerable, especially given the requirements for decarbonisation of heat and transport, which will require significant increases in renewable energy generation well beyond historic deployment levels.

180. The Energy Minister has stated that in light of adopting the CCC recommendations "*this means we have the most stringent statutory targets in the world*". Moreover, the CCC is unambiguous in stating that "Current policy is insufficient for even the existing targets". It cannot be the case therefore that it is 'business as usual' for decision makers.

181. Accordingly, the current climate change emergency, the scale of the challenge and the contribution that the proposed Development can make must be a very weighty consideration in favour of consenting the proposed Development.

5 National Planning Policy

5.1 Introduction

182. Relevant national planning policy guidance and advice is addressed in this Chapter. Reference is made to the National Planning Framework 3 (NPF3), Scottish Planning Policy (SPP). National planning policy is a very important consideration: amongst other matters it sets the framework of development management factors and the approach to Spatial Frameworks for onshore wind energy.

5.2 The National Planning Framework 3

183. The NPF3 was published on 23 June 2014 and it is anticipated that a draft NPF 4 will be consulted upon during the latter part of 2020. NPF3 is a long-term strategy for Scotland and is the spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure but is not now up-to-date in terms of current climate change commitments. Together, NPF3 and SPP, 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. SPP is further considered below.

184. 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…";*
- 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…".*

185. 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".

186. 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 2020".*

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

188. Paragraph 3.9 states:

"Our Electricity Policy Statement sets out how our energy targets will be met. We are making good progress in diversifying Scotland's energy generation capacity, and lowering the carbon emissions associated with it, but more action is needed. Maintaining security of supplies and addressing fuel poverty remain key objectives. We want to continue to capitalise on our wind resource…".

189. 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.*".

190. In conclusion, it is clear that onshore wind development is recognised 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 2020 renewable

electricity and energy targets as set out in NPF3 and to longer term Government policy objectives and targets assessed in Chapter 4.

5.3 Scottish Planning Policy (SPP)

191. 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 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.

5.3.1 Relationship of SPP to National Outcomes

192. 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…".*

193. 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 both SPP and NPF3.

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

195. 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) 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.

5.3.2 Principal Policies of SPP

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

197. 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".

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

199. 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".*

5.3.3 Presumption in Favour of Development that contributes to Sustainable Development

200. A new 'Policy Principle' in the planning system, introduced in SPP, is the statement at Paragraph 27, which is as follows:

"This SPP introduces a presumption in favour of development that contributes to sustainable development".

201. Paragraph 28 continues and 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".

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

202. 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.

203. 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*". SPP directs decision makers as follows:

"proposals that accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising …".

204. 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".

205. 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.

206. 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. In this case, the SAC LDP is considered out of date (i.e. older than five years).

Relevant Appeal and s.36 Cases and the Presumption in Favour

207. A recent appeal case which deals with the presumption in favour of sustainable development, in the context of the Highland area, is the Dell Wind Farm 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".*

208. The Reporter cited the Caplich s.36 Decision[1], which was issued on 27 April 2018, in coming to this conclusion. The Inquiry Report (IR) is very informative (dated 29 November 2017). The particular paragraphs of the IR that are most relevant are 2.128 through to 2.144.

209. The Reporter starts by setting out his position on the presumption with a clear rebuttal of the Highland Council's position on how the presumption should operate where he states at paragraph 2.128:

"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".

210. The Reporter further rebutted the Council's position at paragraph 2.143 of the IR where he 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

[1] 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).

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".

211. The Reporter was very clear in setting out the approach to be taken in order to decide whether or not the presumption applies and how it should be implemented. In this regard, at paragraph 2.129 he 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".

212. 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".

213. At paragraph 2.133, the Reporter made reference to what the Reporter described as the "tilted balance" where he 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. Therefore, in such circumstances, the planning balance is tilted in favour of the proposal".

214. It should be noted that the Reporter[2] 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 he states:

"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" .

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

"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"[3].

216. In this case, the SAC Local Development Plan is more than 5 years old and all development components located within the administrative area of SAC 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 require 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.

[2] 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*".

[3] 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).

SPP Appraisal of the proposed Development with regard to the Presumption in Favour

217. 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.	There would be net positive socio-economic benefits as set out in Chapter 13 of the EIA Report.
2. Respond to economic issues, challenges and opportunities, outlined in local economic strategies.	The proposal fits with the drive to encourage renewable energy development.
3. Supporting good design and the six qualities of successful places.	Limited relevance - but a layout has been achieved through iteration that fits with landscape character and minimises adverse effects upon the environment.
4. Supporting delivery of infrastructure, for example transport, education, energy, digital and water.	The proposal would deliver energy infrastructure.
5. Supporting climate change mitigation and adaptation including taking account of flood risk.	The proposal would help to support climate change mitigation by replacing fossil fuel energy generation with renewable energy, thereby reducing emissions associated with energy generation.
6. Improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation.	The proposal would provide opportunities for enhanced recreational access to the forest including walking, cycling and horse riding. This will be enhanced by the addition of a recreational car park close to the site access.
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 commitment in the Climate Change (Scotland) Act 2009 (as amended). The Strategy cross refers to development plans and their policies such landscape protection, biodiversity, and renewable energy development which, through planning decision making will help deliver the Strategy and the principles for sustainable land use. The proposal would contribute positively to climate change action and demonstrate care for the landscape by being predominantly in a 'Group 3' location and one which can draw some support from the SAC landscape capacity study.
8. Protecting, enhancing and promoting access to cultural heritage, including the historic environment.	The proposed Development would have a neutral effect in relation to this principle albeit, the proposed Development would enhance understanding through the provision of an archaeological interpretation board within the proposed car park.
9. Protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment.	The proposal would promote access to the surrounding area and whilst there would be some significant landscape effects, the landscape has the capacity for the development at the scale proposed. The Habitat Management Plan (HMP) would bring positive benefits to habitats and biodiversity across the Site, with the introduction of broadleaf tree planting and other habitat enhancement measures.
10. Avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.	There would be no conflict with this policy principle.

218. The fourth, fifth and twelfth principles in SPP relate to town centre and regeneration priorities and specifically housing, business, retail uses, and waste management and resource recovery etc. They are of no relevance to the proposed Development.

SPP & National Outcomes

219. 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…".*

220. 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; and
- Outcome 3: a natural, resilient place – helping to protect and enhance our natural and cultural assets, and facilitating their sustainable use.

221. In particular, the proposed Development would assist in delivering sustainable economic growth in line with Outcome 1.

222. The proposed Development, given its nature and use would clearly assist in achieving Outcome 2 'a low carbon place'. Indeed, as set out in the Carbon Balance Assessment contained within EIA Report Chapter 14, the proposed Development would pay back the carbon emissions associated with its construction in 2.8 years when assessed against the displacement of fossil fuel mix energy generation.

223. The proposed Development would also assist in achieving Outcome 3 'a natural, resilient place', by reference to paragraph 21 in particular, which deals with the concept of a natural, resilient place in a wider context than merely visual amenity or landscape character. The proposed Development would contribute to a natural, resilient place through the part it plays in mitigating the effects of climate change. As explained, the application site can operate as a Group 3 location (Group 2 for peat) meaning that it is free of national level designations and many other types of constraints and is in a location in which wind farms are likely to be acceptable.

224. It also needs to be noted that very few developments would be able to contribute to all four outcomes – that the proposed Development contributes positively to three (and the fourth one is not relevant) is to its credit and reinforces the engagement of the presumption[5].

5.3.4 Conclusion on the SPP Presumption in Favour

225. As set out above, the proposed Development satisfies the principles set out at paragraph 29 of SPP and it would assist in delivering Outcomes 1, 2 and 3 – indicating that overall the proposed Development is consistent with sustainable development. SPP sets out a clear presumption in favour of proposals that contribute to sustainable development.

226. The proposed Development would contribute to sustainable development and as a result, para.33 of SPP is engaged and the planning balance should be 'tilted' in its favour. From the overall planning appraisal undertaken, the significant impacts that would arise from the proposed Development are not found to significantly and demonstrably outweigh the benefits.

227. In the context of the more up-to-date policy positions within the SES, OWPS and the PfG it is submitted that this deserves substantial weight in the s.36 decision.

SPP: Development Management for Energy Infrastructure Developments

[5] 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).

228. Paragraph 169 of SPP states that proposals for wind farms 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;*
- *the need for a robust planning obligation to ensure that operators achieve site restoration."*

229. In terms of Wild Land, paragraph 215 of SPP does not apply as the proposed Development is located outside of wild land areas. The policy position that does apply to the proposed Development and Wild Land is contained in the sixth bullet of paragraph 169, which is quoted above.

230. Given the findings of the EIAR and in light of the policy appraisal set out in this Planning Statement, the proposed Development is considered to be acceptable in terms of the above considerations – see consideration of Wild Land matters in Chapter 6.

5.3.5 SPP Subject Policies – A Low Carbon Place

231. 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.

232. 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.

5.3.6 Onshore Wind

233. 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.

5.3.7 SPP: Spatial Framework Approach

234. With reference to the Spatial Framework approach set out in Table 1 of SPP, the application site does not lie within any 'Group 1' areas, or within any national and international designations for ecology, ornithology, cultural heritage or wild land (Group 2 areas). The site is predominantly located within a Group 3 area (with the exception of deep peat) and the design approach and Site specific surveys have sought to identify and avoid areas of deep peat and priority peatland habitat, where significant impacts have been substantially overcome. Accordingly, the site is considered to have the properties of a Site within Group 3: 'Areas with potential for wind farm development'.

Table 1: Spatial Frameworks

<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>

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

236. Paragraph 170 of SPP states that areas identified for wind farms 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".*

237. The provision of paragraph 170 is not a new matter. Circular 4/98 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".*

238. 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 can play an important role in the long term renewable generation platform of the country, thereby sustaining carbon savings and renewable energy generation targets. As explained above and in Chapter 7, and set out in

the very recent Government publications (the Climate Change Act (as amended), the SES and PfG): there are now further very challenging carbon saving and renewable energy targets set for the long term that go beyond those referenced in NPF3 and SPP, wind farms operating on a long term, or in perpetuity basis, will clearly sustain and contribute to those targets.

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

239. SNH 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 SNH 'Strategic Locational Guidance' for onshore wind farms. The guidance also makes the links between the SPP section on onshore wind (paras 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)".

5.4 Conclusions on National Planning Policy & Guidance

240. 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.

241. It is considered that the proposed Development would satisfy the principles set out at paragraph 29 of SPP and it would assist in delivering Outcomes 1, 2 and 3 – indicating that the proposal is consistent with sustainable development.

242. The presumption is fully engaged, which should lend significant support in favour of a positive determination of the application – i.e. the presumption is in favour of giving consent. This provision of national planning policy must mean that positive support should be given in favour of the proposed Development, leading to the granting of consent unless significant adverse effects are found to be demonstrably unacceptable and to outweigh the benefits of the proposed Development.

243. The application site is in a location that can be regarded as a Group 3 location (with the exception of peat) in which wind farms are likely to be acceptable subject to consideration of the criteria at paragraph 169 of SPP with regard to specific site and design approach circumstances.

244. It is considered that the proposed Development can claim the presumption in favour of development that contributes to sustainable development, not only because it is the right development in the right place (paragraph 28 of SPP) and not only because the proposed Development is in accordance with the guiding principles relevant to this type of development set out in paragraph 29 of SPP, but also because what is proposed has a strong consistency with the declared planning outcomes within SPP.

6 The Development Plans

6.1 Introduction

245. In considering the overall statutory and regulatory framework within which the proposed Development should be assessed, the Development Plan is a material consideration which should be taken into account in the round with all other relevant material considerations. It is important to note, however, that s.25 of the 1997 Act is not engaged as there is no 'primacy' of the Development Plan in an application made under the 1989 Act (see Chapter 2). This matter is now settled following various High Court and Court of Session cases in recent years. Accordingly, Development Plans do not have statutory status as they do under the Planning Act regime.

246. The proposed Development Site is located within both the Dumfries and Galloway and South Ayrshire Council Areas (DGC and SAC). The Development Plans comprise the DGC Local Development Plan 2 ("LDP2") (adopted 3 October 2019) and the South Ayrshire Local Development Plan 2014, and relevant Supplementary Guidance.

247. All wind turbines are located within SAC. The infrastructure located within DGC comprises borrow pits A, B and C and 7,050 km of access tracks. The site access is also located within the DGC area. The assessment of the proposed Development against the relevant provisions of the Development Plans has been informed by the infrastructure located within each council area as well as the receptors that are predicted to be affected within each council area.

248. This Chapter provides an assessment of the proposed Development against the relevant provisions of the Development Plans. Appendix 1 sets out the relevant Development Plan policies in full and should be read alongside this Chapter.

6.2 South Ayrshire Local Development Plan

249. The following SAC LDP policies are found to be of most relevance to the proposed Development and are assessed below. The focus of the assessment is on the policies of most relevance to the proposed Development, being 'Renewable Energy' and 'Wind Energy'. It is also noted, as stated above, that the Development Plan is more than 5 years old and, on this basis, the proposed Development benefits from the full application of the presumption in favour of sustainable development set out within SPP and as assessed in Chapter 5.

Policy Topic	Policy
Infrastructure	Renewable Energy Wind Energy
Natural Environment	Natural Heritage Galloway and Southern Ayrshire Biosphere Landscape Quality Landscape Protection Woodland & Forestry Water Environment Air, Noise & Light Pollution Minerals & Aggregates
Historic Environment	Historic Environment Archaeology
Transport	Landuse and Transport

6.2.1 Infrastructure (Polices Renewable Energy and Wind Energy)

250. The LDP recognises the Scottish Government's commitment to increase the amount of electricity generated from renewable sources *"as a vital part of the response to climate change*". The LDP also 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."

251. The renewables policies support proposals for generating and using renewable energy 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. As many appeal decisions have illustrated a 'significant effect' does not automatically translate to an unacceptable effect. The term 'harmful' within the policies is treated here as the acceptability test for effects that are predicted to be significant within the EIA Report, consistent with the objective of the renewables policies within the LDP. The headings below reflect the matters set out in the LDP renewables policies.

252. The LDP renewables policies do not include matters relating to carbon balance or the contribution to renewable energy generation or greenhouse gas reduction targets within the policy tests. Accordingly, these matters are considered in the context of the DGC LDP policy position in so far as the Development Plan position applies.

6.2.1.1 Residential Amenity

253. Due to the degree of separation between the proposed Development and settlements, no significant effects upon receptors within settlements are predicted within the EIA Report. There are 3 properties within 2km of the proposed Development and the effects on these properties from a visual perspective is assessed and reported in EIA Report Technical Appendix 6.4 'Residential Visual Amenity Assessment':

254. Significant effects are predicted at Ferter, Shalloch Well and White Clauchrie within the SAC area at various stages of the forestry felling programme; however, the assessment finds that in no circumstances will amenity thresholds be breached.

255. The EIA report also predicts no significant effects on residents within any of the other EIA technical assessments.

6.2.1.2 Landscape

256. Some significant landscape effects are predicted. Within SAC, localised significant effects are predicted on the 'Plateau Moorlands with Forestry and Wind Farms', the 'Rugged Uplands with Loch and Forest' and 'Intimate Pastoral Valley' landscape character areas. Some localised effects are also predicted on the South Ayrshire Scenic Area. The LVIA undertaken of the proposed Development has assessed the updated South Ayrshire Wind Capacity Study 2018 (The SAC Capacity Study) and finds that the proposed Development is largely located within the 'Plateau Moorlands with Forestry and Wind Farms' landscape character type. The SAC Capacity Study identifies that this landscape character type "presents the only landscape in South Ayrshire where some scope for very large turbines > 130m were identified as being able to be accommodated….as either additional new developments or 'repowered' schemes for existing well -sited windfarms".

257. Accordingly, the proposed Development is consistent with the SAC Capacity study. By way of design evolution, the proposed Development has evolved to minimise its landscape effects whilst ensuring a commercially viable renewable energy development and is located within a large scale landscape that is considered to have the capacity to accommodate the proposed Development.

6.2.1.3 Visual

258. The visual effects of the proposed Development are also reported within the LVIA. The LVIA has considered the effects of the proposed Development on agreed representative viewpoints, settlements, transport routes, recreational routes and dispersed residential properties. The assessment has also considered effects on landscape designations (see above) and the Merrick WLA. The LDP does not provide a policy framework that is relevant to effects on the Merrick WLA, which is assessed against the terms of the DGC LDP.

259. The LVIA considers, in most instances, the magnitude of change for visual receptors to be 'low', 'low-medium' or 'medium'. There are no instances where the magnitude of change is considered 'high'. Some significant visual effects are predicted; however, none are found to be unacceptable. There are no visual effects of the development when considered in the context of the SAC LDP that are considered nationally significant that would be in the public interest to reject granting consent.

260. In terms of night time effects, the proposed turbines require to be fitted with medium intensity 'steady' red aviation lights (emitting 2,000 candela) at nacelle level. In addition, the CAA requires low intensity lights to be fitted at the intermediate level on the turbine tower at 32 candela. The 2000 candela lights can be dimmed to not less than 10% of 2000 candela (i.e. 200 candela) should there be clear visibility in all directions for greater than 5km from the turbines.

261. A visual assessment of lighting has been undertaken from 5 viewpoints, assessing the likely visual effects at night-time when the lighting would be visible. Viewpoints 24 (Benyellary), 10 (A714 near Creeside) and 17 (Kirriereoch Picnic Area) are located within the Galloway Forest Dark Sky Park (DSP) and the assessment concludes that there would be no significant effects from viewpoint 10 but that significant effects would be likely from viewpoints 24 and 17, which includes cumulative scenarios. The proposed Development is located within the DSP Buffer Zone but not within the Core Zone. The closest turbine is approximately 3.9km to the west of the Core Zone.

262. There are 10 dark sky viewing locations mapped and promoted by the DSP as specific viewing sites. These viewpoints, in particular, have been considered in the visual assessment due to their potential sensitivity as viewing sites that people visit

with the express intention of viewing the night sky. The proposed turbines would not be visible from any of the 10 dark skies viewing locations due to being outwith the area of theoretical visibility.

263. Whilst a significant effect is predicted from viewpoints 24 and 17, owing to the limited visibility of the turbines from within the core area of the DSP and there being no visibility of the turbines from the 10 dark skies viewing locations, it is considered that there would not be an unacceptable impact upon the DSP or its objectives.

264. The visual assessment of lighting also considers the effects upon 2 viewpoints located outwith the DSP where lighting levels are low. These are viewpoints 2 (Minor Road South of Barrhill) and 19 (Approach to Barr) and no significant effects are predicted.

6.2.1.4 Ecology and Biodiversity

265. The proposed Development site is largely commercial forestry plantation with low ecological value. The most ecologically rich areas within the site have largely been avoided through design and layout. No significant effects are predicted upon ecological or ornithological resources, with the EIA Report predicting effects that are barely perceptible or of low environmental significance at worst. This includes potential impacts upon Natura 2000 sites. With regards to ecological benefit, the Applicant proposes an Habitat Management Plan (HM), which would be implemented during the construction and operation phases of the proposed Development. The HMP will focus on restoration of wet modified bog through the blocking of drains as well as creation of riparian woodland. This will lead to positive effects on this habitat.

266. In terms of the sites location within the Galloway and Southern Ayrshire Biosphere, the site is located within this non-statutory designation and it has been found unlikely to result in significant effects upon it.

6.2.1.5 Cultural Heritage

267. The cultural heritage assessment contained within the EIA Report does not predict any significant effects on cultural heritage assets with statutory protection. Negligible impacts are predicted on listed buildings and conservation areas within the study area and low impacts, at worst, upon Scheduled Monuments. A significant setting effect is predicted upon Cairn Hill Cairn, which is a non-designated cultural heritage asset. The effect is predicted on both an individual and cumulative basis but it is considered that it would not compromise the cultural significance of the Cairn The asset will not be directly affected and it does not attract the same level of policy protection as assets subject to statutory designation. The asset is already affected by the presence of commercial forestry and the effects from the proposed Development cannot be considered so severe as to be unacceptable.

268. Some archaeological enhancement is proposed within the EIA Report. This includes providing archaeological interpretation, as part of a new car park located near to the site entrance to highlight the cultural heritage significance of Cairnderry Cairn and to inform visitors of its function, date and social context. The information would also provide background relating to the finds from excavations carried out on the cairn.

6.2.1.6 Aviation, Defence and Broadcasting

269. As set out within Chapter 14 of the EIA Report, the proposed Development is unlikely to affect aviation, defence or broadcasting installations, with the exception of potential impacts upon Glasgow Prestwick Airport that can be mitigated. The EIA concludes that effects on these resources are likely to be negligible post mitigation.

6.2.1.7 Cumulative Effects

270. All technical chapters within the EIA Report consider cumulative effects, and where relevant are reported above. Throughout the EIA Report limited additional significant cumulative effects are reported. It is concluded that the proposed Development has an acceptable relationship with existing, consented or proposed wind energy developments.

6.2.1.8 Supplementary Guidance (SG): Wind Energy

271. The Supplementary Guidance sets out a spatial framework for wind energy development largely consistent with the requirement of Table 1 of SPP. The site is within a Group 2 area due to the presence of some Deep Peat; however, peat impacts can be appropriately mitigated and a large part of the proposed Development would operate as if it were in a Group 3 area, which SPP identifies as 'areas with potential for wind farm development'. The SG also sets out a 'landscape strategy' for wind energy development and with regards to upland areas notes *"Within South Ayrshire the upland landscapes are a more extensive scale and can better accommodate larger scale turbines. The strategy will seek to consolidate the generally*

successful association of larger turbines with this particular landscape character type. Mitigation of their visual impact will be sought by setting development well back into the upland interior and considering limitations in the height of turbines."

272. The SG provides some description of the cumulative areas which it considers are constrained for further wind energy development; some of which apply to the proposed Development. In this regard it is important to note that the SG cannot predict or assess individual design responses to site specifics, nor assess fully on a strategic basis where clustering is more appropriate than in other places.

273. The proposed Development is found to be able to draw some support from the SG, despite not being consistent with the SGs position on cumulative sensitivities.

6.2.1.9 Natural Environment

274. As above, in the absence of landscape and visual effects, no significant effects on the natural environment are predicted to arise from the proposed Development. In terms of the polices 'Landscape Protection' and 'Landscape Quality', neither presumes against development within the South Ayrshire Scenic Area. The policy objectives are to preserve those most important landscape qualities, which requires to be weighed against the recognition within the LDP of how SAC can contribute to the climate challenge through the deployment of wind energy development (See above).

275. With regards to woodland, as noted above, the majority of the site is commercial forestry plantation. Forestry felling is proposed to allow the wind turbine infrastructure to be constructed. A Forestry Management Plan has been produced in consultation with Forestry and Land Scotland, which when implemented would result in a net loss of 121 hectares of woodland. The Applicant proposes to mitigate this by way of delivering compensatory planting offsite, prior to the operation of the proposed Development. Subject to this mitigation, negligible environmental effects are predicted.

276. In terms of the water environment, the EIA Report identifies no significant adverse effects both on a solus and cumulative basis. This is subject of using good practice construction techniques and the implementation of a peat management plan.

277. Regarding mineral extraction, eight borrow pit search areas have been identified onsite, to provide a total of approximately 130,000 m3 of material to construct the proposed Development. There are active borrow pits present on site that are used for forestry purposes, some of which may be used pending more detailed investigation. The EIA Report assesses the potential environmental impact from borrow pits as part of the proposed Development and no significant effects are predicted for this component of the development that is proposed.

6.2.1.10 Landuse and Transport

278. Transport matters are considered within the assessment of the DGC LDP owing to the site access being located within DGC.

279. In terms of landuse, the proposed Development site is largely a commercial forestry plantation and on this basis the landscape has and continues to accommodate a commercial land use. The site is also assessed as being appropriate in terms of ecology, ornithology and hydrology matters, whereby there will be very limited effects on the environment and none significant. Vehicular access can be accommodated at the site and in a technical sense the proposed Development is unlikely to affect aviation interests such as military low flying or civil radar interference, with the exception of possible impacts at Glasgow Prestwick Airport, which can be mitigated. The proposed Development could therefore operate without significantly effecting aviation, defence or broadcasting installations. The wind speed at the site is excellent and a grid connection can be provided. No designations or species of national interest would be affected by the development, the site would largely operate as Group 3 (as per Table 1 of SPP) and the environmental effects predicted are generally of local significance and are not considered to be severe or found unacceptable. Accordingly, the proposed land use of a wind farm at this location should be considered acceptable.

6.2.2 Conclusions

280. The predominant policies within the LDP are those infrastructure policies that apply to renewable energy generally and to wind energy development specifically. Those policies are multi criteria and to a large extent present policy tests that are covered by other Development Plan policies but specific to renewables development. The infrastructure policy framework contains an acceptability test and presumes against unacceptable significant environmental effects.

281. Within the SAC area a significant setting effect is predicted upon an unscheduled cultural heritage asset (Cairn Hill Cairn) and some landscape and visual effects are predicted, which is inevitable for any wind energy development. The development

is mainly located within a landscape that the SAC Capacity Study identifies has some capacity to accommodate large scale turbines and is also located within the South Ayrshire Scenic Area. The policy framework that applies to the Scenic Area does not presume against wind energy development, which is also evident by the findings of the Capacity Study. The LVIA identifies that the qualities that have resulted in the Scenic Area being locally designated would not be undermined by the proposed Development to such a degree as those qualities would cease to exist.

282. The proposed Development is found to accord with the infrastructure policies within the LDP and is also found to be consistent with the policy objectives of all other policies within the LDP, such as those that relate to ecology, ornithology, the water environment, minerals, residential amenity, aviation, transport and cultural heritage.

6.3 Dumfries and Galloway Local Development Plan 2

283. The DGC LDP 2 was adopted in October of 2019. The plan is up to date in so far as it responds to national planning policy, but not insofar as it relates to the latest legislative and policy position on climate change. Low carbon energy development, greenhouse gas reduction and climate change matters are integrated within the LDP policy procedures. The introduction to the plan recognises that:

"The need to tackle climate change, and in particular reduce emissions of the greenhouse gases that contribute to it, is a principal challenge to sustainable economic growth. The Climate Change (Scotland) Act (2009) and other recent legislation and associated regulation provides a broader background to factors such as the design and operation of buildings, river basin management, sustainable flood management, conservation of biodiversity, renewable energy development, promotion of active travel and so on.

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

284. The LDP 'Vision' also notes that a viable rural economy and community is characterised by, amongst other things, a range of renewable energy developments. The Economic Strategy within the LDP also states that:

"It is important that the Plan acts as a facilitator of economic development and this will be achieved through a policy framework which supports the principles of the South of Scotland Competitiveness Strategy, Dumfries and Galloway's Regional Economic Strategy, Dumfries and Galloway's Regional Tourism Strategy and the Borderlands Inclusive Growth Initiative.

The Borderlands Inclusive Growth Initiative brings together the five cross-border local authorities to promote the economic growth and competitiveness of this area which straddles the Scotland-England border. The Borderlands Initiative is based around the twin drivers of a future economy focused on top class digital provision and a zero carbon approach. The Initiative will seek to address the region's poor productivity performance, low levels of innovation and lack of internationalisation by delivering the infrastructure, both place and people, to surmount these barriers to inclusive growth. The key investment need is to build the economy through leading edge digital technology and develop the region's low carbon credentials, generating and distributing cheap, clean energy to power the electrification of the economy…"

285. The DGC LDP sets out an 'Energy Strategy', which recognises that the "planning system is seen as an essential element of the Scottish Government's approach to meeting statutory climate change targets…to support the transformational change to a low carbon economy, the Council proposes to prepare a Regional Energy Strategy".

286. Accordingly, the LDP policy framework, by way of the aims and objectives of the plan, is geared towards supporting renewable energy development as part of the response to climate change and as an economic driver for the region.

287. Owing to the likely receptors affected within DGC, the following DGC LDP2 policies are considered of most relevance to the proposed Development.

Policy Topic	Policy
Infrastructure	Policy IN1: Renewable Energy Policy IN2: Wind Energy
Overarching Policies	Policy OP1: Development Considerations

	Policy OP2: Design Quality and Place Making
Natural Environment	Policy NE2: Regional Scenic Areas Policy NE3: Areas of Wild Land Policy NE5: Species of International Importance Policy NE6: Sites of National Importance for Biodiversity and Geodiversity Policy NE7: Forestry and Woodland Policy NE11: Supporting the Water Environment Policy NE14: Carbon Rich Soil
Historic Environment	Policy HE1: Listed Building Policy HE3: Archaeology Policy HE6: Gardens and Designed Landscapes
Transport	Policy T1: Transport Infrastructure
Community Services and Facilities	Policy CF4: Access Routes
Economic Development	Policy ED10: Galloway and Southern Ayrshire Biosphere Policy ED11: Dark Skies Policy ED 13: Minerals

288. Policy IN2 'Wind Energy' is the predominant policy within the plan with which to assess the proposed Development. This is assessed first.

6.3.1 Policy IN2: Wind Energy

289. The policy is a multicriteria based policy that provides explicit support for the development of wind energy development, where the development is sited and designed appropriately. The policy then sets out the considerations that 'acceptability' will be judged against. The assessment of this policy is set out below and is presented on the basis of the headings within the policy:

6.3.1.1 Renewable energy benefits

290. As above, the proposed Development will result in low carbon energy development with the carbon payback period being estimated as follows:

Results	Expected	Minimum	Maximum
Net emissions of carbon dioxide (t CO_2 eq.)	291,086	221,604	333,904
Carbon Payback Period of proposed Development Comparison			
Displacing Coal-fired electricity generation (years)	1.3	0.9	1.7
Displacing Grid-mix of electricity generation (years)	4.9	3.4	6.2
Displacing Fossil fuel - mix of electricity generation (years)	2.8	1.9	3.5

291. The proposed Development will also generate enough power to power approximately 84,000 homes and make a valuable contribution to the unmet 2020 renewable energy target and most importantly the 2045 net zero target and the interim targets of 2020, 2030 and 2040, which require serious efforts to be made to decarbonise not only the energy grid but also heat and transport. The above carbon payback figures do not include the developments contribution to decarbonising heat and transport. Therefore, in reality, if a whole systems approach was taken to calculating the developments carbon payback period, it would be significantly lower. The renewable energy benefits the development would deliver are considered significant.

6.3.1.2 Socio-economic Benefits

292. As set out in Chapter 13 of the EIA Report the construction of the proposed Development is likely to be worth in the order of £35 million to the Scottish Economy and 542 job years for construction workers. In terms of operational effects, it is

estimated that, per annum, the operation and maintenance of the proposed Development will be worth 15 job years and around £1.3 million to the economy. These effects are beneficial and whilst not significant in EIA terms, are considered a vital contribution to sustaining the renewable energy industry as a whole.

6.3.1.3 Landscape and visual impacts (including wild land)

293. Prior to considering the landscape and visual impact of the proposed Development, it is important to recognise that a carefully considered design approach has been adopted by the Applicant in order to minimise significant effects on the landscape and visual resource.

294. The LVIA presented within Chapter 6 of the EIA Report has identified that there would be limited significant effects on landscape designations within Dumfries and Galloway, most notably an effect on the Galloway Hills Regional Scenic Area, which is predicted to be significant only across west facing slopes of the Merrick foothills at 6-8 km from the boundary of the proposed Development.

295. Significant effects on the landscape and visual resource from commercial wind energy development is inevitable and the predicted effects on landscape character and viewpoints is summarised within Chapter 3 above. The design approach for the proposed Development has sought to protect receptors of national significance including the Merrick WLA, which is located 5.8km to the east of the nearest proposed turbine.

296. A Wild Land Assessment is presented in Technical Appendix 6.3 of the EIA Report. The methodology applied to assessing the proposed Developments impact on wild land is very similar to the methodology applied to assessing the effects of the Limekilns Wind Farm upon the East Halladale Flows WLA. This methodology was accepted by the Reporter who presided over the Public Inquiry and by the Scottish Ministers within the s.36 decision.

297. The Wild Land Assessment for the proposed Development concludes that the parts of the Merrick WLA which demonstrate the strongest overall wildness qualities are limited to the lower-lying ‘interior’, principally due to the influence upon the wildness of the outer edges and tops of the Merrick WLA from existing windfarm developments and other adjacent land uses outwith its boundary. The assessment concludes that the proposed Development will have no effects on the wildness qualities experienced from within this ‘interior’ area of the Merrick WLA owing predominately to the proposed Development not being visible.

298. The assessment predicts that the likely significant effects arising from the proposed Development are contained, in the main, to the western flank of the Merrick WLA that forms the range of the Awful Hand and are limited to significant effects on a particular wildness quality, which relates to increased influence of human elements being visible. The assessment also concludes that the construction and operation of the proposed Development will result in a relatively low change to the overall character of the Merrick WLA, with its varied and distinctive landscapes continuing to define its overall character.

299. The WLA assessment concludes overall that the proposed Development would not have an effect upon the WLA that would undermine its integrity as a whole. Similar conclusions were reached for the Limekilns Windfarm application in respect to the WLA. and which were accepted by the Scottish Ministers in determining the Limekilns s.36 application.

300. In terms of lighting, the likely effects of turbine lighting have been assessed above with regards the SAC LDP including the DSP.

6.3.1.4 Cumulative impact

301. Cumulative impacts have been considered within all EIA Report technical assessments. All assessments predict that additional cumulative effects in the cumulative scenarios considered would not add substantially to the baseline assessment of effects.

6.3.1.5 Impact on Infrastructure

302. Chapter 12 of the EIA Report considers the proposed Development’s impact in terms of traffic and transport. With the implementation of proposed mitigation, the proposed Development would not result in any detrimental impacts in terms of traffic and transport. In addition, the proposed Development would not impact upon telecommunications or transmission links. The proposed Development is therefore deemed acceptable in terms of infrastructure.

303. The proposed Development would be accessed directly from an improved forest access junction on the A714 near Cairnderry Cairn. The existing access junction would be widened to accommodate the proposed turbines and construction traffic. Traffic count data has been obtained for the traffic assessment, which concludes that the construction and operational traffic predicted can be accommodated within the capacity of the highway network subject to suitable traffic management arrangements. This conclusion also applies to the cumulative construction traffic scenario associated with the proposed extensions to Kilgallioch and Arecleoch Wind Farms.

6.3.1.6 Impact on aviation and defence interests

304. Aviation and defence interests have been assessed above.

6.3.1.7 Other impacts and considerations

305. The proposed Development would not result in any significant adverse impacts on the natural environment with the exception of landscape and visual effects. The proposed Development's impact in terms of cultural heritage is considered above and with regards to assets within the DGC area, there would be no significant cultural heritage effects.

306. Overall, the proposed Development is considered to be acceptable in terms of other impacts and considerations and would result in some positive benefits in terms of habitat enhancement, socio-economics, archaeological understanding and peat restoration.

6.3.1.8 Conclusion

307. In conclusion, the proposed Development is considered to be in accordance with Policy IN2 as it has been located, sited and designed appropriately. The proposed Development makes efficient use of existing infrastructure within an area already characterised as having wind turbines in the landscape. The proposed Development would operate largely as a Group 3 area and there are mitigation measures proposed in the EIA Report to ensure any impacts are limited beyond landscape and visual. The proposed Development would also result in a number of benefits to the local area.

6.3.2 Other Policies

308. Policy IN1 is a general renewable energy policy and does not add materially to the wind energy specific policy IN2 by way of additional policy tests. There are four policies within the LDP that do add to Policy IN2 with regards the developments likely impacts upon receptors within the study area. These are OP1 'Development Considerations, OP2 'Design Quality and Place Making', NE3 'Areas of Wild Land' and ED11 'Dark Skies'.

309. Whilst Policies OP1 and OP2 have materially different policy tests built into them, these policies are general development assessment policies designed for the assessment of traditional bricks and mortar forms of development. Their relevance to wind energy development is considered low and accordingly are not considered expressly. Policies NE3 and ED11 are considered below:

6.3.3 Policy ED11: Dark Skies

310. The Policy states that the Council supports the designation of the DSP 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 objectives of the DSP.

311. The night time lighting assessment undertaken and reported upon above identifies that the DSP Core Area will be protected with their being no visibility of the turbines from the 10 identified viewing locations within the DSP. The objectives of the DSP are therefore considered to not be affected by the proposed Development

312. As set out in Chapter 14 of the EIA Report, the Applicant is exploring the use of light minimisation strategies including an aviation detection lighting system (i.e. where aviation warning lights are only activated when aircraft are detected in the vicinity of the Development by a surveillance system).

313. The proposed Development is considered to accord with this policy.

6.3.4 Policy NE3: Areas of Wild Land

314. The Merrick WLA is located approximately 4.4 km from the nearest turbine of the proposed Development and Policy NE34 presumes against development that would adversely affect the wild land area unless it can be demonstrated that any significant effects have been substantially overcome. The policy largely replicates the SPP policy test that applies to

developments within wild land areas. It would be in appropriate to apply this policy test to developments outwith WLA and on this basis it is submitted that the NE3 policy test should only apply to developments within Wild Land Areas.

315. The development is not within a WLA and the assessment of the potential Wild Land effects concludes that the construction and operation of the proposed Development will result in a relatively low change to the overall character of the Merrick WLA, with its varied and distinctive landscapes continuing to define its overall character. The WLA assessment concludes overall that the proposed Development would not have an effect upon the WLA that would undermine its integrity as a whole.

316. Accordingly, in so far as this policy can legitimately apply to developments outwith WLAs, the proposed Development is not found to be in conflict with its requirements.

6.3.5 DGC Wind Energy Development: Development Management Considerations Draft Supplementary Guidance & Appendix C Wind Farm Landscape Capacity Study

317. As part of drafting the now adopted LDP2, DGC issued a Draft Supplementary Guidance ("the Draft SG") for consultation in January 2018. The purpose of the SG is to provide further detail in support of the development management considerations in Policy IN2.

318. The Draft SG is to be reported to Committee on 19th November 2019, after which it is due to be submitted to the Scottish Ministers for approval. The SG is not due to be adopted until early/mid 2020 and is currently a material consideration in the context of LDP2.

319. The Dumfries and Galloway Wind Farm Landscape Capacity Study (DGWLCS) forms an appendix to the Draft SG and updates the Landscape Capacity Study adopted 22nd June 2017 ("the 2017 LCS). The 2017 LCS has been considered as part of the EIA Report (especially in Chapter 6).

320. The SG does not materially add to the consideration of the Development Plan set out above. At the current time there is no SG that deals within Wind Energy development that forms part of the Development Plan.

6.3.6 DGC Development Plan Conclusions

321. The proposed Development has been considered above in the context of the DGC Development Plan policy framework that applies to the consideration of the proposed Development. Policy IN 2 is of most relevance as it applies directly to considering the acceptability of wind energy development and provides support for wind energy development where environmental and technical effects are considered acceptable.

322. The aims and objectives of the LDP set a clear commitment to supporting further renewable energy development, to supporting sustainable development and development that contributes to the fight against climate change. Policy IN2 requires to be considered in this context, with regards to establishing acceptability.

323. It has been set out that the only significant effects likely to be experienced within the DGC area are of a landscape and visual nature. All other effects have been mitigated either through careful site selection, design or the commitment to good practice construction techniques. The residual significant landscape and visual effects will be experienced locally, and no interests of national significance will be affected with the exception of a significant effect on a perceptual response within the Merrick WLA. The assessment predicts that within the western flank of the WLA there will be increased influence of human elements being visible.

324. 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 proposed Development is found to accord with the Development Plan.

6.4 Conclusions: The Development Plans

325. As above, there are no aspects of the proposed Development that have been found to be in conflict with the Development Plans that would allow a conclusion to be drawn other than the proposed Development accords with the relevant provisions of the Development Plans.

7 Conclusions

7.1 Introduction

326. This Planning Statement has considered the proposed Development in terms of its potential locational and environmental effects in the context of the relevant energy and planning policy framework at the national and local levels.

327. This assessment allows informed conclusions to be reached on whether the proposed Development accords with Schedule 9 duties within the Electricity Act, which in itself should be informed by weighing the adverse and beneficial effects of the development against the relevant policy framework and legislated climate change objectives.

7.2 Schedule 9 Duties

328. In terms of Schedule 9 Duties, it is clear from the EIA Report that significant regard has been given to the desirability of minimising environmental effects upon natural beauty, flora, fauna (including fisheries), geographical and physiographical features and in protecting sites of historic, architectural or archaeological interest.

329. It is considered that the Applicant has done what they reasonably can to mitigate such effects through site selection, evolving the design and environmental mitigation. It is submitted that the proposed Development should be found to accord with the requirements of Schedule 9, and it is respectfully submitted that the Applicant has complied with their Schedule 9 duties.

7.3 Policy Conclusions

330. The findings of the EIA Report have been tested against policy and it is recognised that the legislative position on climate change and the associated policy position has evolved significantly since SPP and NPF3 were adopted in 2014. Consequently, as it is predominately these policy documents that inform preparation of LDPs, the LDPs for DGC and SAC must then also be considered out of date.

331. Whilst the DGC LDP was adopted in the later part of 2019, the SAC LDP is over 5 years old, which means that the presumption in favour of sustainable development as set out within SPP is engaged when considering acceptability. It must also be recognised that the only development components of the proposed Development within the DGC area comprises the upgrading of 12.6km length of access tracks.

332. In engaging the presumption in favour of sustainable development, drawing on how the presumption has been applied in relevant on-shore wind energy decisions, the 'tilted balance' must be applied in favour of consenting the proposed Development unless it can be established that the environmental effects likely to arise from implementing the proposed Development are both significant and demonstrably unacceptable and outweigh the benefits.

333. The presumption in favour of sustainable development also points very strongly towards attaching significant weight to the climate change and renewable energy benefits of the development. The Climate Change Act (2009) (as amended) is also of relevance with regards the presumption in favour of sustainable development, as it requires decision makers to exercise their functions in the best way possible to meet climate change objectives and targets. The 2045 net zero target, as set out within the Climate Change Act, will be very challenging to meet and to which the proposed Development will make a valid contribution. In this regard the energy storage component of the proposed Development should also attract beneficial weight in the s.36 decision owing to this development component allowing the proposed development to better match supply with electricity demand, resulting in the potential for less reliance on demand-based fossil fuel generating plants.

334. The First Minister declared a climate emergency in her speech to the SNP conference in April 2018, partly recognising that in order to meet climate change ambitions the NPF and SPP will require to include considerable focus on how the planning system can support climate change goals. The Programme for Government, which was subsequently published on 3rd September 2019, recognises that to meet our climate change ambitions and those targets set out in the Climate Change Act, Scotland's efforts must *"redouble to meet them"* and that in order to meet those ambitions the response through planning requires a debate on *"more radical planning policy options"*.

335. What this means is that the national and local planning policy position has not kept pace with energy policy nor climate change obligations as set out within the Climate Change Act (as amended). It also means that in order to 'redouble' efforts to meet climate change objectives, recognising that heat and transport require to be decarbonised in a large part through additional renewable energy generation; significant additional renewable capacity requires to be consented and deployed. It

is onshore wind energy development that is likely to make the largest contribution to additional renewables deployment in the short to medium term owing to the maturity of the technology and it being the lowest cost form of renewable energy generation.

336. Therefore, in determining renewable energy development proposals, significantly more weight requires to be given to development viability, climate change benefits and sustainability credentials than has been the case in past decision making.

337. In terms of the relationship of the proposed Development to the national and local policy position, this still remains as a relevant consideration. At a national level, the development is not located within areas of national interest, such as a national scenic area or national park, which NPF3 finds unsuitable for wind energy development in principle. In terms of other interests, the proposed Development will not result in any adverse effects upon protected species or designations of international or national importance or on nationally important natural heritage designations, listed buildings or scheduled monuments.

338. The proposed Development is located around 5.8km outside of the Merrick WLA, a wild land assessment has been undertaken and the conclusions of this assessment are that those areas of most wildness will not be affected by the proposed Development. No unacceptable effects on residential amenity from landscape, visual, noise, traffic, vibration or other land use matters have been predicted within the EIA Report. The site is not rich in peat deposits, the deepest peat has largely been avoided through the siting of infrastructure, appropriate peat mitigation is in place to manage the developments construction effects and the carbon payback period for the development is estimated to be around 2.8 years. The proposed development would be operating in carbon credit for over 90% of its operational life based on the carbon assessment that has assumed a 40-year operational period.

339. In terms of socio economics, the Applicant has offered a package of community benefits including the opportunity for local communities to invest in the proposed Development. . The proposed Development would also bring minor beneficial enhancements to recreation through the provision of a car park and the access enhancement opportunities within the Site associated with this.

340. The location of the proposed Development, its design evolution and predicted likely environmental effects raise no issues of substantial conflict with either the national or local planning policy frameworks and it is submitted that the proposed Development should be found to accord with those policy provisions.

341. As above, substantial support can be drawn from the climate change and renewable energy policy and legislative position, which weighed in the balance with other policy considerations, in the Applicant's opinion, strongly favours consenting the proposed Development.

7.4 Overall Conclusions

342. In conclusion, the Applicant has complied with their duties set out within Schedule 9 of the Electricity Act 1989 (as amended). It has also been found that significant support can be drawn from the renewable energy and climate change policy and legislative frameworks.

343. It is found that the residual environmental effects that remain should be deemed acceptable and would not result in the land use planning policy framework at the national or local levels being undermined.

344. In addition, it has also been concluded that environmental receptors of national and international importance have largely been protected from the effects of the development that is proposed, in accordance with the locational guidance for wind energy development within national planning policy.

345. It is respectfully requested that Section 36 consent be granted.

Appendix 1: Local Development Plan Policies

Policy No.	Policy Name	Text
		Dumfries and Galloway Council LDP
OP1 :	Development Considerations	Development will be assessed against the following considerations where relevant to the scale, nature and location of the proposal: a) General Amenity Development proposals should be compatible with the character and amenity of the area and should not conflict with nearby land uses. The following issues which may result from the development will be a material consideration in the assessment of proposals:- • noise and vibration; • odour and fumes; • potential loss of privacy, sunlight and daylight on nearby properties; • emissions including dust, smoke, soot, ash, dirt or grit or any other environmental pollution to water, air, or soil; and • light pollution. b) Historic Environment Development proposals should protect and/or enhance the character, appearance and setting of the region's rich historic environment principally by ensuring they are sympathetic to nearby buildings, sites and features, integrate well and complement the surrounding area. The information contained within the Council's Historic Environment Record and the Historic Environment Scotland Policy Statement, and any subsequent revised or amended document, will be a material consideration in the assessment of proposals. c) Landscape Development proposals should respect, protect and/or enhance the region's rich landscape character, and scenic qualities, including features and sites identified for their landscape qualities or wild land character as identified on the 2014 Scottish National Heritage map (or any subsequent revised or amended map) of wild land areas. They should also reflect the scale and local distinctiveness of the landscape. The detailed guidance set out in the Dumfries and Galloway Landscape Assessment, and any subsequent revised or amended document, will be a material consideration in the assessment of proposals. d) Biodiversity and Geodiversity Development proposals should respect, protect and/or enhance the region's rich and distinct biodiversity, geodiversity and sites identified for their contribution to the natural environment at any level including ancient and semi-natural woodland. The guidance contained within the Local Biodiversity Action Plan, and any subsequent revised or amended document, will be a material consideration in the assessment of proposals. e) Transport and Travel Development proposals should minimise the need for travel by car and encourage active and other more sustainable forms of travel whilst avoiding or mitigating any adverse impact on the transport network or road safety. f) Sustainability

Policy No.	Policy Name	Text

		Development proposals should limit the impacts of climate change, support resilience, and promote sustainable development by:
		• assisting the development of the local economy through sustainable economic growth;
		• minimising adverse impacts on water, air and soil quality;
		• reusing and/or regenerating previously used land and property, including derelict and contaminated land;
		• making the most efficient use of land. This means looking for and where practical making use of opportunities to reduce greenhouse gas emissions, including low carbon district heating networks;
		• integrating with existing infrastructure where possible;
		• supporting the Scottish Government's Zero Waste objectives and the Council's waste resource management objectives;
		• avoiding areas of significant flood risk;
		• using sustainable drainage systems (SuDS);
		• supporting reduction in carbon emissions through:
		  • a reduction in carbon dioxide emissions through the introduction of energy efficiency measures and, where feasible, the installation of on-site renewable energy generation technology (information on this matter is provided in supplementary guidance: Design Quality and Placemaking);
		  • passive aspects of design, including consideration of: location, layout, orientation, massing, materials, detailed design, topography, and vegetation; and
		  • all new buildings being required to demonstrate that a proportion of the carbon emissions
		• reduction standard set by Scottish Building Regulations will be met through the installation and operation of low and zero carbon technologies. The relevant building standards and percentage contribution required is set out in supplementary guidance. The supplementary guidance will be kept under review to ensure that the proportion of the carbon emissions reduction standard to be met by these technologies will increase over time.*
		
		* Supplementary guidance provides further detail on this including its application to existing buildings and the circumstances where exceptions should apply.
		
		g) Water Environment
		Development proposals should maintain or enhance water quality, and take account of the need to manage water quantity, including flooding. In securing these objectives they should also seek to contribute positively to the general environmental quality of their area.

OP2 :	Design Quality and Placemaking	Development proposals should achieve high quality design in terms of their contribution to the existing built and natural environment contributing positively to a sense of place and local distinctiveness. Where relevant proposals should: • relate well to the scale, density, massing, character, appearance and use of materials of the surrounding area and in so doing be sympathetic to the local built forms as well as respecting the important physical, historic and landscape features of the site and its vicinity; • be designed with people, not vehicle movement, as the primary focus, incorporating the principles set out in 'Designing Streets' and where possible increase connectivity to nearby places, paths, streets and open spaces; • ensure that any open space required is of high quality, appropriate and integrated to the development and where possible provides linkages to the wider green network; • incorporate a hard landscaping and planting scheme which includes the proposed treatment of existing trees and other landscape features;

Policy No.	Policy Name	Text
		• be designed to create safe, accessible and inclusive places for all people which are well integrated into existing settlements and respect the established historic layout and patterns of development, that are also adaptable to future changes; • integrate sustainable energy and design measures. Supplementary guidance provides further detail on the above elements. A Masterplan and/or development brief may be needed for some sites, the site guidance in Chapter 6 outlines where this is required.
ED10 :	Galloway and Southern Ayrshire Biosphere	The Council supports the designation and aims of the Biosphere and will encourage development that demonstrates innovative approaches to sustainable communities and the economy, and supports the enhancement, understanding and enjoyment of the area as a world class environment. Development must be appropriate to the role of the different zones within the Biosphere.
ED11 :	Dark Skies	a) Galloway Forest Dark Sky Park The Council supports the designation of the Galloway Forest Dark Sky 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 objectives of the Dark Sky Park designation. b) Dark Skies Supplementary guidance provides guidance on the adoption of good lighting principles and practice for Dumfries and Galloway, including those relating particularly to the Galloway Forest Dark Sky Park.
ED13 :	Minerals	Permanent development that would result in the sterilisation of mineral resources that are viable at present or that may become viable in future and which either could be extracted in accordance with LDP policy or which are the subject of extraction interest will not be permitted. Proposals for new mineral workings or the extension of existing workings will be supported where the following have been addressed to the satisfaction of the Council: • disturbance and disruption from noise, blasting and vibration and potential pollution of land, air and water; • the impact on local communities and residential property, landscape, visual amenity, the historic environment and areas of nature conservation interest during and after development; • the impact on surface and ground water resources, drainage and fishery interests and soil (see Policy NE13 and NE14); • effective and sustainable waste solutions in the reuse of mineral waste or any secondary material; • the cumulative effect of all of the above, especially if there are already two or more consented sites that could raise similar impacts within 5km of a nearby settlement; • transport assessment demonstrating that the development will not have a significant negative impact on local communities; • a site restoration scheme where appropriate including an aftercare programme and a financial guarantee to ensure the programme can be fully implemented; and • an appropriate method statement. Proposals for surface coal mining should address all of the criteria set out in the bullet points above, to show that the proposal is environmentally acceptable (or can be made so by planning conditions) and, if relevant, provide evidence to show that there are local or community benefits which clearly outweigh the likely impacts of extraction.

Policy No.	Policy Name	Text
		This policy is supported by supplementary guidance. The guidance includes maps showing consented extraction sites that are underlain by the mineral reserves that make up the landbank of mineral reserves. It also identifies areas where surface coal extraction is most likely to be acceptable.
HE1 :	Listed Building	The Council will support development that makes effective, efficient and sustainable use of listed buildings. In considering development that impacts on the character or appearance of a listed building or its setting the Council will need to be satisfied that: a) Alterations • proposals to extend or alter a listed building respect the appearance, character and features which contribute to its listing as a building of special architectural or historic interest; and • the layout, design, materials, scale, siting and the future use shown in any development proposals are appropriate to the character and appearance of the listed building and its setting; and • proposals for a change of use will not result in loss of character or special architectural or historical features. Proposals to extend or alter a listed building should include written justification demonstrating a full and proper understanding of the character and special interest of the building. b) Demolition or Partial Demolition of Listed Buildings Proposals that involve the demolition or substantial demolition of a listed building or buildings or structures within its curtilage will only be supported where it is demonstrated that one of the tests below is met: • the building is not of special interest; or • the building is incapable of repair; or • the demolition of the building is essential to the delivery of significant benefits to economic growth or the wider community; or • the repair of the building is not economically viable and that it has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period. c) Recording Schemes In considering proposals that involve the alteration, demolition or partial demolition of a listed building or buildings or structures within its curtilage the Council will require that a scheme for recording of the building is submitted, agreed with the Council and implemented by the developer where there will be loss of historic fabric, detail or changes to the general arrangement. The Historic Built Environment Supplementary Guidance provides further information in respect of justifying the design of alterations or extensions, the evidence required in the Historic Environment Policy for Scotland 2019 for demolition to be supported; and Association of Local Government Archaeological Officers (ALGAO) survey information for recording the existing fabric.
HE3 :	Archaeology	**a)** The Council will support development that protects significant archaeological and historic assets, and the wider historic environment from adverse effects. In considering development proposals the Council will need to be satisfied that: • the development preserves or enhances the appearance, fabric or setting of the site or asset in situ; and/or

Policy No.	Policy Name	Text
		• where there is uncertainty about the location, extent or significance of these assets an agreed scheme of assessment and evaluation to inform the application is included with the proposal; and/or • due consideration has been given to the significance and value of the site or asset in relation to the long-term benefit and specific need for the development in the location proposed. **b)** Where, due to exceptional circumstances, development is to proceed and the preservation of historic assets in situ including buildings is not possible, a scheme of mitigation involving excavation, recording, analysis, publication and archiving and any other measures appropriate to the case has been agreed with the Council. The Historic Built Environment Supplementary Guidance provides further advice in respect of this policy.
HE6 :	Gardens and Designed Landscapes	**a)** The Council will support development that protects or enhances the significant elements, specific qualities, character, integrity and setting, including key views to and from, gardens and designed landscapes included in the Inventory of Gardens and Designed Landscapes or the Non-Inventory List. In considering development proposals the Council will need to be satisfied that: • the development protects or enhances the significant elements of the garden or landscape in situ; and • due consideration has been given to the significance and value of the asset in relation to the long term benefit and specific need for the development in the location proposed. **b)** Developers will be required to submit the results of an assessment of the impact of their proposals on the sites and their settings including details of any potential mitigation measures. **c)** Proposals that would have a detrimental effect on the specific quality, character or integrity of a garden or designed landscape will not be approved unless it is demonstrated that the benefits of the proposal are of sufficient public interest to override that detriment. Boundaries are shown on Map 7 and the Proposals Maps.
NE2 :	Regional Scenic Areas	The siting and design of development within a Regional Scenic Area (RSAs) should respect the special qualities of the area. Development within, or which affects Regional Scenic Areas, may be supported where the Council is satisfied that: • the factors taken into account in designating the area would not be significantly adversely affected; or • there is a specific need for the development at that location. • Boundaries of RSAs are shown on the Proposals Maps.
NE3 :	Areas of Wild Land	Development which would affect the Merrick Wild Land Area in Galloway and the Talla Hart Fell Wild Land Area north of Moffat would not be supported unless the Council is satisfied that it is demonstrated that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation. The boundaries of these sites are shown on the Proposals Maps.
NE4 :	Sites of International Importance for Biodiversity	Development proposals likely to have a significant effect on an existing or proposed Special Protection Area (SPA), existing or candidate Special Area of Conservation (SAC) or Ramsar Site, including developments outwith the site, will require an appropriate assessment and will only be permitted where: • the development does not adversely affect the integrity of the site; or

Policy No.	Policy Name	Text
		• there are no alternative solutions; there are imperative reasons of overriding public interest, including those of a social or economic nature; and compensatory measures have been identified and agreed to ensure that the overall coherence of the Natura network is protected. The boundaries of these sites are shown on the Proposals Maps.
NE5 :	Species of International Importance	Development proposals that would be likely to have an adverse effect on a European Protected Species will not be permitted unless it can be shown that: • there is no satisfactory alternative; and • the development is required for preserving public health or public safety or for other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment; and • the development would not be detrimental to the maintenance of the population of the species at a favourable conservation status in its natural range.
NE6 :	Sites of National Importance for Biodiversity and Geodiversity	Development that affects Sites of Special Scientific Interest, not designated as International Sites, and other national nature conservation designations will only be permitted where: • it will not adversely affect the integrity of the area or the qualities for which it has been designated, or • any such adverse effects are clearly outweighed by social, environmental or economic benefits of national importance. The boundaries of these sites are shown on the Proposals Maps.
NE7 :	Forestry and Woodland	The following policy will apply to those woodland/forestry felling, planting and replanting proposals which do not require planning permission but where the Council acts as a consultee to Forestry Commission Scotland. The Council will support the creation and protection of sensitively designed and managed forests and woodlands. Proposals should seek to ensure that ancient and semi-natural woodlands and other woodlands with high nature conservation value are protected and enhanced. In determining its response to individual forestry felling, planting and replanting consultations where Forestry Commission Scotland are the determining authority, the Council will: • take into account environmental and other interests identified in the Forestry and Woodland • Strategy including biodiversity, water (including flood risk management), soil and air, landscape setting, historic environment and land restoration; • consider the scheme's location as set out in the Forestry and Woodland Strategy; • seek to ensure an appropriate balance between both afforested and un-afforested areas in the locality; • encourage planting of a type, scale, design, age, composition and species mix that is appropriate to the locality; • actively encourage proposals to have a positive effect on nature conservation and/or natural and historic environment interest; • encourage proposals to take account of possible recreational use in the design of any planting schemes and indicate how such recreational uses have been investigated; and • ensure that proposals do not have an adverse impact on the road network.

Policy No.	Policy Name	Text
NE11 :	Supporting the Water Environment	The Council will not permit development which would result in deterioration in the status of a waterbody or which would likely impede the improvements in waterbody status as set out in the Solway Tweed River Basin Management Plan (2015) or any update or adopted review of it, unless there are exceptional justifying circumstances. This includes minor watercourses draining into the waterbodies identified in the Solway Tweed plan. Development proposals should not normally include the culverting of any waterbody. If culverting would be the only way to enable a proposed development, then permission could be granted if the Council is satisfied that there would be acceptable mitigation measures to protect habitats, passage of fauna, and river form and flow. Other physical alterations and changes to waterbodies should, if possible, and in general be avoided. An exception to this is where re-naturalisation or natural flood management is proposed. Thus, existing culverted or canalised watercourses or barriers to fish movement in redevelopment and land rehabilitation schemes should be restored when this is practical, neutral or positive in respect of flood risk elsewhere, and consistent with the relevant Regulations. Development proposals which could adversely affect Drinking Water Protection Areas identified by the Scottish Government will be subject to consultation with SEPA. Where the likely adverse effect cannot be avoided or mitigated against, the development will not be permitted.
NE14 :	Carbon Rich Soil	Support for the role of soils as natural carbon sinks will be material in development decisions. Developments proposed on areas of carbon rich soil2 will need to clearly justify the loss of the carbon sink. Development may be permitted if it can be demonstrated that in accordance with the Scottish Government's 'carbon calculator' or other equivalent independent evidence the balance of advantage in terms of climate change mitigation lies with the development proposal. All developments should take account of soil carbon content and, as appropriate, should adopt: • means of minimising impact on carbon rich soil; and • management measures relative to carbon rich soil. Any proposal affecting peat accumulations will be subject to Policy NE15. Policy NE15: Protection and Restoration of Peat Deposits as Carbon Sinks 2 Categories 5 and 6 (over 12% organic carbon concentration) on Scotland's Soils website Map 'topsoil organic carbon concentration'.
IN1 :	Renewable Energy	The Council will support development proposals for all renewable energy generation and/or storage which are located, sited and designed appropriately. The acceptability* of any proposed development will be assessed against the following considerations: • landscape and visual impact; • cumulative impact; • impact on local communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker; • the impact on natural and historic environment (including cultural heritage and biodiversity); • the impact on forestry and woodlands; • the impact on tourism, recreational interests and public access.

Policy No.	Policy Name	Text
		To enable this assessment sufficient detail should be submitted, to include the following as relevant to the scale and nature of the proposal: • any associated infrastructure requirements including road and grid connections (where subject to planning consent); • environmental and other impacts associated with the construction and operational phases of the development including details of any visual impact, noise and odour issues; • relevant provisions for the restoration of the site; • the scale of contribution to renewable energy generation targets; • effect on greenhouse gas emissions; and • net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities. The Council will support proposals for district heating systems. Planning applications for major applications will be required to include an energy statement which includes the consideration of the feasibility of meeting the developments heat demand through a district heating network or other de-carbonised alternatives. All proposed developments located adjacent to significant heat sources or proposed/existing heat networks should be designed in such a way as to be capable of connecting to a heat network from that source and any land required for the heat network infrastructure is connected should be protected. * Acceptability will be determined through an assessment of the details of the proposal including its benefits and the extent to which its environmental and cumulative impacts can be satisfactorily addressed.
IN2 :	Wind Energy	Assessment of all Wind Farm Proposals The Council will support wind energy proposals that are located, sited and designed appropriately. The acceptability* of any proposed wind energy development will be assessed against the following considerations: Renewable energy benefits The scale of contribution to renewable energy generation targets, effect on greenhouse gas emissions and opportunities for energy storage. Socio-economic benefits Net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities. Landscape and visual impacts • The extent to which the landscape is capable of accommodating the development without significant detrimental landscape or visual impacts, including effects on wild land; and • That the design and scale of the proposal is appropriate to the scale and character of its setting, respecting the main features of the site and the wider environment and that it addresses fully the potential for mitigation. Cumulative impact The extent of any cumulative detrimental landscape or visual impact or impacts on existing patterns of development from two or more wind energy developments and the potential for mitigation. Impact on local communities and residential interests

Policy No.	Policy Name	Text
		The extent of any detrimental impact on communities, individual dwellings, residents and local amenity, including assessment of the impacts of noise, shadow flicker, visual dominance and the potential for associated mitigation. Impact on infrastructure The extent to which the proposal addresses any detrimental impact on road traffic, adjacent trunk roads and telecommunications, particularly ensuring transmission links are not compromised. Impact on aviation and defence interests The extent to which the proposal addresses any impacts arising from location within an area subject to potential aviation and defence constraints, including the Eskdalemuir Safeguard Area. Other impacts and considerations a) the extent to which the proposal avoids or adequately resolves any other significant adverse impact on the natural environment, including biodiversity, forests and woodland, carbon-rich soils, hydrology, the water environment and flood risk, the historic environment, cultural heritage, tourism and recreational interests and public access. b) b) the extent to which the proposal addresses any physical site constraints and appropriate provision for decommissioning and restoration. Further details on this assessment process, including its application to smaller wind farms and more detailed development management considerations, are provided through supplementary guidance on Wind Energy Development. This will also include separate mapping of the constraints relevant to the considerations above. The Spatial Framework Map** (Map 8) provides strategic guidance. However, it must be read in conjunction with the supplementary guidance and its Appendix, the Dumfries and Galloway Wind Farm Landscape Capacity Study. The landscape capacity study is a supportive study, the consideration of which does not replace the need to assess the landscape or visual impacts of individual proposals. * Acceptability will be determined through an assessment of the details of the proposal including its benefits and the extent to which environmental and cumulative impacts can be addressed satisfactorily. ** The Spatial Framework Map relates to one turbine or more over 20 metres.
T1 :	Transport Infrastructure	Proposals for the improvement of existing transport infrastructure and, where appropriate, the provision of new transport infrastructure and/or services will be supported provided they accord with the Regional and Local Transport Strategies; and where it can be demonstrated to the satisfaction of the Council that following appropriate assessment (where needed), the proposal has no adverse effects either alone or in combination on the integrity of any Natura site. Development of facilities for cyclists and pedestrians will be supported. a) Strategic Network The strategic transport network includes the trunk road, motorway and rail networks. Development proposals that have the potential to affect the performance or safety of the strategic transport network need to be appraised to determine their effects. The national and strategic role of these routes should

Policy No.	Policy Name	Text
		not be compromised by development which individually or incrementally materially reduces the level of service of a route. b) Regional Network Development which involves a new direct access onto the regional road network should not, individually or incrementally, materially reduce the level of service of a route.

Policy	Text
	South Ayrshire Council Local Development Plan
Galloway and Southern Ayrshire Biosphere	We will support development that promotes the aims of the biosphere and shows an innovative approach to sustainable living and the economy, and supports improving, understanding and enjoying the area as a world-class environment.
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.
Landscape Protection	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.

Policy	Text
	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; 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. Coal 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 the natural 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. **Expanding existing sites to extract minerals**

Policy	Text
	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. **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 and paths, 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 broadcasting 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. We will produce supplementary guidance on wind farms, which will identify preferred areas of search, areas with potential constraints and areas requiring significant protection; and will provide more detail on how the above-mentioned criteria will be applied in assessing all proposals for wind farms and turbines. We

Policy	Text
	will use the South Ayrshire Landscape Wind Capacity Study (or any subsequent updates to that study) to help us decide the effect of proposals on the landscape. Development proposals will not be permitted where, either individually or cumulatively, they would adversely affect the integrity of a Natura 2000 site."
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 c. Policies giving guidance on 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 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

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	primary importance to the environment. Other allowable exceptions are subject to the views of the European Commission (via Scottish Ministers). **National Designations** 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. **Local Designations** 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 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. **Protected Species** Planning Permission will not be granted for development that would be likely to have an adverse effect on protected species unless it 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.]
Landuse 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;

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	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 those identified 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. 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.”

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