



Euchanhead Renewable Energy Development

Planning Statement

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Executive Summary

1. There has been a step change in recent Government policy and attitudes towards the importance of reducing greenhouse gas emissions as soon as possible in order to significantly reduce the risks and impacts of climate change. In May 2019, the Scottish Government declared a 'climate emergency'. This resulted in the Climate Change (Emissions Reductions Targets) (Scotland) Act 2019, which received Royal Assent in October 2019. This Act now commits Scotland to a target of net zero emissions of all greenhouse gases by 2045, with interim targets to reduce emissions by 56 % by 2020, 70 % by 2030 and 90 % by 2040. A series of annual targets towards this net zero and interim target have also been set, with an annual increase in targets of around 1.9% from 2020 to 2030. The Act also places climate change duties on all Scottish public bodies, requiring them to exercise their functions in a manner which is consistent with meeting the net zero target.
2. In its advice to the UK and Scottish Governments on achieving the net zero target, the UK Committee on Climate Change have stated that renewable energy generation "*must quadruple*" and that the Scottish Government should make "*use of planning powers to drive decarbonisation.*" Increased support for the role of the planning system in more radically reducing greenhouse gas emissions has also come across as a central theme in consultee responses to the Scottish Government's Call for Ideas on the next National Planning Framework, the existing National Planning Framework (NPF3) and Scottish Planning Policy (SPP) now widely accepted as being critically out of date in terms of the increased ambition of the new net zero targets.
3. ScottishPower Renewables (UK) Ltd (SPR) is leading the UK in the development and operation of renewable energy generation, and now only produces 100 % renewable electricity. These will significantly help towards reducing greenhouse gas emissions and mitigating climate change by replacing fossil fuel energy generation, and investing in a sustainable future.
4. This Planning Statement has been prepared on behalf of SPR to accompany an application under section 36 of the Electricity Act 1989 for the construction and operation of a renewable energy development on land at Euchanhead near Sanquhar. The proposed Development would comprise of 21 wind turbines with blade tip heights of up to 230 metres and an associated energy storage facility. Based upon the proposed maximum turbine tip height it is anticipated that the installed nominal capacity of each wind turbine will be approximately 6 MW. Assuming a capacity factor of 35 %, the annual generation from the proposed wind turbines is estimated at approximately 386.3¹ gigawatt-hours (GWh). This will supply renewable electricity equivalent to the approximate annual domestic needs of up to 101,689² UK households.
5. The Scottish Government has recently identified investment in renewables as playing an important role in contributing towards Scotland's "green recovery" following the coronavirus (COVID-19) pandemic. The proposed Development represents a £183 million capital investment project in total. It is estimated that approximately £14.5 million of this capital expenditure could be secured locally in Dumfries & Galloway and East Ayrshire and £31.2 million secured within Scotland. This investment will support an estimated 98 jobs locally and 368 jobs nationally during the 22 month construction period. The local economy would also be expected to be boosted by approximately £6.9 million of net Gross Value Added (GVA) and the Scottish economy by approximately £26.2 million Gross Value Added during the construction of the proposed Development. It is estimated that during the operational phase (assessed over a nominal 40 year life), that the proposed Development would contribute lifetime GVA of just under £75 million to the local economy through direct, indirect and multiplier effects, and over £170 million to the economy of Scotland as a whole. It is considered likely that the proposed Development would operate in combination with other renewable energy developments to encourage the development of relevant skills and longer term business opportunities and that this has the potential to support transformative change for the South of Scotland's economy. SPR is committed to engaging with strategic bodies such as South of Scotland Enterprise to enable such economic benefits to be maximised.

¹ For example, using a 35% capacity factor, figures are derived as follows: 126 MW × 8,760 hours/year × 0.35 (capacity factor) = 386,316MWh. The actual capacity factor on the site is likely to be higher than 35%.

² This is calculated using the most recent statistics from BEIS showing that annual UK average domestic household consumption is 3,799kWh. The figure is calculated as follows: Annual energy generation / (UK average domestic electricity consumption/1000).

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6. National and local planning policy is strongly supportive of new development proposals for renewable energy generation. However, policy is clear that such development is not at any cost. Instead national and local planning policy provides that development must be guided to appropriate locations and that environmental effects need to be judged to be acceptable.
 7. The Site at Euchanhead has been chosen for a number of reasons. It benefits from high wind speeds, is free from any statutory designations, has few ecologically sensitive species present, is in close proximity to transport and grid connections, is within a commercial forest that precludes a strong sense of wildness and is within a sparsely settled area distant from the main populated settlements. The suitability of the Site is supported by the Wind Energy Spatial Framework within the adopted Dumfries & Galloway Local Development Plan 2 (DGLDP2), which identifies that the proposed Development is located almost wholly in a Group 3 Area as defined in SPP where wind energy developments are likely to be acceptable subject to detailed consideration against identified policy criteria.
 8. The layout and design of the proposed Development has sought to capitalise on all of the opportunities that the host landscape character type of the Site offers as well as to address the key constraints to development as identified in the Dumfries and Galloway Wind Farm Landscape Capacity Study (DGWFLCS). The steepness of the landform of the Site combined with their distance from the Site means that views of the proposed wind turbines from the main settlements of New Cumnock, Kirkcunneil, Sanquhar and Moniaive would be generally screened. The expansive upland landscape has meant that turbine size has been maximised, therefore augmenting the contribution that the proposed Development can make towards climate change. The use of taller turbines has also reduced the size of keyholing that will be required within the forest, therefore minimising the impact of the proposed Development on commercial forestry operations. To reflect the underlying topography and ensure design compatibility with the other existing and proposed wind energy developments found in the local area, turbines have been located along ridgelines. However, turbines have been located off the summits as far as possible to minimise effects upon the more sensitive neighbouring glen landscapes.
 9. With regard to the overall strategic pattern of development, through careful attention to layout and design the proposed turbines will in most cases be seen as part of a group of windfarms comprising the operational and consented Hare Hill, Sanquhar, Whiteside Hill and Lorg schemes as well as the proposed Sanquhar II scheme (if approved). Although forming a larger extended group, appropriate separation would still be maintained between this cluster and other windfarms and groups of windfarms including the Windy Standard group over 3 km to the west, Wether Hill approximately 5 km to the south and Twentyshilling Hill approximately 8 km to the east. Whilst there would be a noticeable increase in height of the proposed turbines compared with the other schemes in this group, this would not be easily apparent due to the proposed turbines being located in the centre of the group.
 10. In terms of adverse impacts, the Environmental Impact Assessment (EIA) Report which accompanies this application identifies that the only significant impacts upon environmental resources and communities that cannot be addressed by mitigation and conditions would be some localised landscape and visual impacts. Significant landscape character impacts are predicted within approximately 6 km of the proposed turbines within the Southern Upland (with and without forestry) and Narrow Wooded River Valley landscape character types. Beyond this distance, no significant impacts on landscape character in the wider parts of these landscape character types or any other landscape character types are predicted. The main significant visual impacts predicted from residential dwellings would be from a few residential properties with the Upper Shinnel Glen and the upper Water of Ken Valley, though no unacceptable impact upon their residential visual amenity is predicted. Other significant visual impacts are also predicted upon a 7 to 8 km section of the Southern Upland Way, on users of Core Paths and promoted Heritage Paths within the Site, on visitors to the Striding Arches at Colt Hill and Benbrack, and on hillwalkers on the higher ground above Glen Afton.
 11. Policy IN2 of the Dumfries and Galloway Local Development Plan is clear that determining the acceptability of landscape and visual impacts must be a balanced decision weighing up immediate local effects where adverse impacts are likely to be more significant along with impacts upon the wider landscape where, if sensitive areas and visual receptors are avoided, it may not have a significant adverse impact. Given that the location, layout and design of the proposed Development avoids any significant impacts upon any nationally designated landscapes, wild land areas, regional and local landscape designations it is considered that it avoids the most sensitive landscape receptors. Instead, most landscape effects would predominantly occur within the more open elevated upland areas which are already strongly influenced by wind energy developments. Given that no significant visual effects upon the main settlements and transport routes are predicted it is also considered that
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the main sensitive visual receptors have been avoided. Overall, the landscape and visual impacts of the proposed Development are therefore considered to be acceptable.

12. Taking into account the significant climate change, renewable energy and socio-economic benefits of the proposed Development, the significant weight it is considered should be given to the recent new law and net zero related pronouncement in determining applications and the associated urgency of the need case for carbon reduction measures including emphatically renewable energy development, it is concluded that the planning balance lies firmly in favour of the proposed Development.

1 Introduction

1.1 The Application

13. This Planning Statement has been prepared on behalf of ScottishPower Renewables (SPR) to accompany an application under section 36 of the Electricity Act 1989 for the construction and operation of a renewable energy development on land at Euchanhead near Sanquhar (herein after referred to as 'the proposed Development'). The application site (herein after referred to as 'the Site') lies within the administrative boundaries of both Dumfries & Galloway and East Ayrshire Councils.
14. In addition to the application for consent in terms of section 36 of the Electricity Act a request is also being made that a direction be issued under section 57 (2) of the Town and Country Planning (Scotland) Act 1997 that planning permission be deemed to be granted.
15. The proposed Development constitutes a Schedule 2 development under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017. The application is therefore accompanied by an Environmental Impact Assessment (EIA) Report. This Planning Statement does not form part of the EIA Report. However, reference is made to the conclusions of the EIA Report in assessing the acceptability of the proposals.

1.2 The Applicant

16. 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.
17. 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 £4 million every working day³ 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.
18. SPR 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.
19. SPR is already well established in south west Scotland and currently owns and operates seven onshore windfarms within Dumfries & Galloway and East Ayrshire. These include Harestanes, Ewe Hill, Wether Hill, Killgallioch, Hare Hill, Hare Hill Extension and Whitelee windfarms. With over 40 operational windfarms, ScottishPower Renewables manages all its sites through its world leading Control Centre at Whitelee Windfarm, near Glasgow.

1.3 Purpose of this Planning Statement

20. The purpose of this Planning Statement is to explain the legislative framework within which the proposed Development requires to be considered. In doing so, material considerations that are relevant to the determination of this section 36 application are then identified and assessed. The intention of this Planning Statement is to assist the decision maker (and the relevant planning authorities when responding to the decision maker) to reach an informed opinion regarding the planning balance and acceptability of the proposed Development.
21. This Planning Statement is structured as follows:
- **Section 2** identifies the location of the Site and provides an overview of the proposed Development.
 - **Section 3** sets out the benefits of the proposed Development.
 - **Section 4** summarises the legislative context for the determination of section 36 applications.

³ Between 2018 and 2022.

- **Section 5** sets out the key renewable energy and climate change legislation and policies which establish the 'need case' for the proposed Development.
- **Section 6** identifies the relevant national planning policy, Development Plan policies and associated guidance and the weight it is considered should be given to these material considerations in the determination of this application.
- **Section 7** provides an assessment of the proposed Development against the relevant planning policy and other considerations.
- **Section 8** weighs up the planning case for the proposed Development and provides concluding remarks on the overall acceptability of the proposals having regard to all material factors.

2 The Development

2.1 The Site and its Environs

22. The Site is located approximately 6.8 kilometres (km) to the south west of Kirkconnel, 8.5 km to the south east of New Cumnock and 9.8 km to the south west of Sanquhar, as measured to the nearest proposed wind turbine. The Site extends to approximately 2,389 hectares (ha) and lies within the administrative areas of both Dumfries & Galloway and East Ayrshire Councils. The location of the Site and its extent is shown on **Figure 1**.
23. The Site predominantly comprises a coniferous commercial forest which is managed by Forestry Land Scotland (FLS) on behalf of Scottish Ministers. The northern part of the Site comprises a forest block known as Euchanhead. The land in this northern part of the Site is characterised by steeply sloping ground to the east and more undulating hill ground to the west. The southern part of the Site includes two forest blocks known as Polskeoch and Shinnelhead. The topography of the southern part of the Site is undulating across the whole of the area. It incorporates the steep-sided domed shaped hills of Carnine, Polskeock Rig, and the northeast flank of Lorg Hill to the north, and Wether Hill and Troston Hill to the south, with the valley of Polskeock Burn between. There are ongoing felling and replanting forestry operations taking place across the Site. A timber haul road runs north-south through the Site and forms part of the Heads of the Valleys logging route.
24. The Site is not subject to any international or national landscape, built environment or nature conservation designations. Part of the Site is located within a Sensitive Landscape Area (SLA) as identified in the adopted East Ayrshire Local Development Plan. SLAs are a local landscape designation and are areas that are considered to have particular landscape qualities that make them more sensitive to development. None of the proposed wind turbines are to be located within this SLA, only one of the proposed access tracks to the public highway and a proposed borrow pit search area.
25. Part of the Site is located within the Afton Uplands Provisional Local Wildlife Site (pLWS). This non-statutory designation identifies areas that are considered to contain locally important natural heritage features of merit. In the case of the Afton Uplands pLWS, these features of merit encompass a range of upland mire, montane heath and grassland habitats. Again, none of the proposed wind turbines are to be located within this pLWS, only one of the proposed access tracks to the public highway.
26. Recreational activity on and in the vicinity of the Site is generally low except for the Southern Upland Way, a nationally important route which runs through the southern part of the Site, passing through the glen of Polskeoch Burn and across higher ground west of Wether Hill. Informal access is highest at Cairnhead, where one of the Striding Arches (a series of sandstone arches by the sculptor Andy Goldsworthy) attracts visitors. There are also a number of Core Paths, rights of way and promoted Heritage Paths which pass through the Site.
27. Two Regional Scenic Areas (RSAs) as identified in the adopted Dumfries & Galloway Local Development Plan 2 lie in the vicinity of the Site. The Thornhills Uplands RSA is located approximately 3.2 km to the east of the Site and the Galloway Hills RSA is located approximately 5.2 km to the south west of the Site, as measured to the nearest proposed wind turbine. RSAs are locally designated and are areas which are considered to be valued regionally or locally for their special scenic qualities.
28. Part of the Site lies within the outer edge of the Transition Zone for the Dumfries & Galloway Dark Sky Park. A Dark Sky Park is a place with particularly dark night skies. In November 2009, the International Dark-Sky Association designated the Galloway Forest Park Gold Tier Dark Sky Park Status due to the exceptional quality of its night sky. Promotion of the Dark Sky Park is aimed at attracting tourists to the Galloway Forest Park. The park consists of a Core Area and Buffer Area. The Transition Zone, within which the Site is located, surrounds the outside of the Dark Sky Park extending to a radius of approximately 16 km, its purpose being to discourage any adverse lighting impacts on the quality of the dark sky within the Park. The Core Zone lies approximately 22.3 km to the south west of the Site as measured to the nearest proposed wind turbine.
29. The Site is also within the Transition Zone for the Galloway and Southern Ayrshire Biosphere. The Galloway and Southern Ayrshire Biosphere is a UNESCO designation that aims to support the understanding and enjoyment of the areas cultural and

natural environment. The Core of the Biosphere is located approximately 19 km from the Site and the Buffer Zone approximately 13 km from the Site as measured to the nearest proposed turbine.

30. There is one residential property, Polskeoch, on the Site. This property is under the control of SPR and will be removed from residential use for the duration of the operational life of the proposed Development. The area surrounding the Site is relatively sparsely populated, the nearest individual residential properties being located at Dalgonar (approximately 1.8 km north east of the nearest proposed wind turbine), Shinnelhead (approximately 1.9 km south east of the nearest proposed wind turbine) and Bank Cottage / Glen Glass (approximately 2.1 km east of the nearest proposed wind turbine).
31. The Site is located within an area highly suited, and with few constraints to wind energy development. There are several existing developments nearby including Sanquhar Community Windfarm, Whiteside Hill Windfarm, with Hare Hill Windfarm and extension to the north west. Developments proposed include the consented Lorg and Sanquhar Six, while the application submitted for the proposed Sanquhar II is yet to be determined.

2.2 Overview of the Proposed Development

32. The proposed Development would comprise the following principal components:

- 21 wind turbines, each with a maximum blade tip height of 230 m and including aviation lighting;
- turbine foundations;
- an energy storage facility;
- hard standings adjacent to each wind turbine, including crane pads;
- underground electrical cabling;
- a substation control building and compound;
- new internal tracks and upgrading of existing forestry tracks, including watercourse crossings where necessary;
- search areas for up to seven borrow pits;
- a permanent meteorological mast up to 149.9 m high and associated laydown area;
- a permanent main construction and maintenance compound, including site offices and parking;
- two permanent auxiliary construction compounds;
- a temporary turbine component laydown area;
- a temporary security compound; and
- forest restructuring works.

33. The layout of the proposed Development is shown on **Figure 2**. It is requested that the precise locations of the proposed wind turbines may be micro-sited within a 50 m radius and the precise locations of the other ancillary infrastructure within 100 m from the positions shown on **Figure 2**. This micro-siting is requested in order to allow a degree of flexibility to take into account localised ground conditions and other environmental constraints which may be identified during post consent survey works. A planning condition requiring all micro-siting to be agreed in advance with the Planning Authority in consultation with SEPA is proposed.

2.3 Wind Turbines

34. A range of wind turbine models may be suitable for the Site, and the final choice of turbine model would be selected through a competitive procurement process. As there is an uncertainty relating to which wind turbine model would be used at the time of construction, this application requests a reasonable degree of flexibility for the permissible dimensions of the turbine. However, based upon a maximum blade tip height of 230 m, it is anticipated that the installed nominal capacity of each wind turbine will be approximately 6 MW.
35. In accordance with Civil Aviation Authority (CAA) guidance, the proposed wind turbines will be required to be fitted with visible aviation lighting, comprising of medium intensity 2000 candela steady red lighting on the nacelles and a low intensity 25 candela light at an intermedia level on the turbine tower.
36. CAA policy provides that this aviation lighting can be operated at 10 % of its intensity (i.e. 200 candela) when visibility is better than 5 km. Therefore a control system is proposed as part of this proposal to ensure that it operates at a lower intensity when visibility is good. In addition, further mitigation is proposed to minimise potential landscape and visual effects impacts of

aviation lighting, including an aircraft detection lighting system, whereby lights are only activated when aircraft are detected in the vicinity of the development by a surveillance system. Further details on these mitigation proposals are provided in the draft Aviation Lighting Landscape and Visual Impact Mitigation Plan in **Technical Appendix 15.2** of the EIA Report.

37. In accordance with the Ministry of Defences low flying requirements, the wind turbines will also be fitted with infra-red lighting which will not be visible to the human eye.

2.4 Energy Storage Facility

38. An energy storage facility is proposed to store the electricity generated by the wind turbines and to smooth out variances between wind resource and electricity demand. It may also be used to provide services to help stabilise the local electricity network.

39. The energy storage facility will be located within eight containers housing batteries. The containers will be approximately 17 m long, 8 m wide and 2.1 m high and will be similar in appearance to shipping containers.

40. It is anticipated that the energy storage facility will have a capacity of approximately 31.5 MW. However, battery storage technology has greatly increased over a very short period in recent times and is expected to continue to evolve rapidly. Therefore, if this application is consented it may be that the capacity of the batteries will have increased further by the time construction is started. Whilst the battery capacity may increase, the built development it is to be housed within will not and therefore this application requests Scottish Ministers and consultees consider the built development form of the energy storage facility rather than its specific capacity.

2.5 Ancillary Infrastructure

41. Turbine foundation construction design will be finalised at the detailed design engineering stage following selection of the final wind turbine to be used for construction.

42. A crane hardstanding of approximately 30 m by 100 m will be required adjacent to each wind turbine base, to provide a stable base for construction and crane erection activities. The crane hardstanding would also include a number of smaller crane pads along the access track typically 12 m by 12 m. These crane hardstanding areas will be permanently retained for maintenance operations.

43. In addition, two smaller areas measuring approximately 20 m by 4 m will also be constructed adjacent to each turbine. These will be used for storing the turbine blades prior to erection.

44. Two Site access route options from the A76 are proposed for the delivery of wind turbine components, as well as for general construction traffic. These routes comprise:

- Access Route A: This route will use the existing Hare Hill Windfarm (which is owned by SPR) access junction from the A76 and existing access tracks. Approximately 8.5 km of new access track will then be constructed from Hare Hill running south past Laglass Hill and Blackcraig Hill, before turning east at Greenlorg Hill and entering the Site near Graystone Hill. Some upgrading and alterations to the existing windfarm tracks will also be required to allow larger components to access the Site. The use of Access Route A may also include the use of Access Route B for some deliveries and personnel movements.
- Access Route B: This route will access the Site from the north western edge of Sanquhar from the A76 via a combination of the C128n Blackaddie Road and the U432n Euchan Water public roads.

45. For these access routes and to connect the site infrastructure, a total of approximately 52.4 km of access track will be required. This will comprise approximately 32.6 km of new track, and approximately 19.8 km of existing track which will require to be upgraded. This internal access track will require the formation of 18 new watercourse crossings and upgrading of 25 existing watercourse crossings.

46. The electricity produced by the wind turbines will be fed to a substation control building near Polskeoch Rig. The proposed substation control building will measure approximately 14 m by 23 m by 7 m high to ridge. In addition to electrical grid

equipment, the building would house storage, office and welfare facilities. A small carpark will be constructed outside the substation control building with parking for approximately six vehicles. The substation control building will be located within a larger hardstanding compound of approximately 100 m by 75 m which will also contain the energy storage facility (as described above) and electrical transmission equipment. A metal palisade security fence of approximately 3 m in height will be installed around the perimeter and the compound secured via a locked access gate.

47. A permanent meteorological mast is proposed to independently monitor the performance of the proposed wind turbines and to collect and store meteorological data. The mast will be of a freestanding lattice design constructed of galvanised steel and will have a maximum height of up to 149.9 m. A permanent hardstanding area measuring approximately 30 m by 40 m will be required adjacent to the mast to enable its erection.
48. For construction purposes, one main construction compound, two auxiliary construction compounds, a temporary laydown area and a temporary security compound will be required. The main construction compound will measure approximately 100 m by 100 m and will provide space for materials storage, site office cabins and welfare facilities as well as staff and visitor parking for approximately 25 vehicles. The compound will also be used for refuelling and concrete batching. The two auxiliary construction compounds will measure approximately 100 m by 75 m and 50 m by 50 m and will be used for similar purposes as the main compound. The temporary security compound, to be located at the Site entrance from Blackaddie Road, will measure approximately 30 m by 30 m and will include a security cabin, welfare facilities and parking. The temporary laydown area will measure approximately 100 m by 50 m and will primarily be used to transfer blades from the specialist blade lifter transport (as discussed further below) onto more conventional turbine component transportation vehicles for onward transport around the Site. Once construction is completed the security compound and the turbine component laydown area will be removed and the areas restored. However, the main construction compound and the two auxiliary compound will be retained post construction for site maintenance activities.
49. It is proposed to source aggregate for the construction of the proposed Development from onsite borrow pits, and for concrete to be batched on Site. It is estimated that approximately 367,600 m³ of aggregate will be required. Seven borrow pit search areas have been identified where borrow pits may be located. It is estimated that these borrow pit search areas may yield in excess of 480,000 m³ of aggregate and consequently not all of these will ultimately be required. As is standard practice, the ground investigations necessary for the detailed design of the borrow pits will be undertaken post consent. This will include the number, depth, orientation and design of the borrow pits within the search areas. This detailed design will then be submitted to the relevant Planning Authority for their approval, in consultation with relevant consultees.

2.6 Construction Phase

50. It is anticipated that construction activities for the proposed Development would take approximately 22 months.
51. It is anticipated that either King George V Dock in Glasgow or the Port of Ayr will be used as the port of entry for the wind turbine components. Abnormal loads transporting these components will then route as follows:
- From King George V Dock via the M8, before turning onto the M77 and heading south west towards Kilmarnock, then south east on the A76 through New Cumnock.
 - From Port of Ayr via the A77 to Bellfield Interchange then south on the A76, passing through New Cumnock.
52. Between New Cumnock and the Site it is proposed to use a specialist blade lift adapter transportation vehicle to transport the wind turbines blades rather than conventional turbine component transportation vehicles. This vehicle has the capability to lift a blade component to an inclination of 60 degrees from the horizontal, thereby allowing the vehicle to navigate tight turns.
53. The proposed access routes to the Site are shown on **Figure 3**.

2.7 Operational Phase

54. SPR's experience through operation of the United Kingdom's largest portfolio of windfarms suggests that there is no operational need to limit the lifetime of a renewable energy development. Therefore, consent is being sought for the proposed Development in perpetuity. Increasing the operational period allows the costs of renewable energy to be reduced and

maximises the contribution that the proposed Development can make towards climate change and renewable energy targets. There are no current statutory or legislative limits to the duration of consent for renewable energy development proposals.

55. Where operational components of the proposed Development require to be replaced, SPR would replace the appropriate renewable energy infrastructure with a similar model of the same dimensions and appearance to that removed.

3 Benefits of the Development

3.1 Renewable Electricity Generation

56. The proposed wind turbines would have an anticipated nominal capacity of 126 MW. The annual generation from the wind turbines is therefore estimated at approximately 386.3 gigawatt-hours (GWh) based on a capacity factor of 35 %. To put this figure into context, based upon the Department for Business, Energy and Industrial Strategy (BEIS) Energy Trends Data for 2018 the proposed Development alone would have generated the equivalent of 28 % of Dumfries & Galloway's renewable energy generation (1,377 GWh) from onshore wind.
57. Based upon this predicted annual electricity generation figure and the most recent energy statistics provided by BEIS which identify that average UK domestic household consumption is 3,799 kilowatt hours per annum, it is estimated that the proposed Development will supply renewable electricity equivalent to the current annual domestic needs of approximately 101,689 households.
58. Scotland is legally bound through the Climate Change (Scotland) Act (2009) to reduce carbon emissions to net zero by 2045, with interim targets to reduce emissions by 56 % by 2020, 70 % by 2030 and 90 % by 2040. A series of annual targets towards this net zero and interim target have also been set. As discussed in Section 4 of this Planning Statement, these annual targets have not been met in Scotland for the past two years, demonstrating the clear scale of the challenge that Scotland is urgently facing.
59. The proposed Development would reduce greenhouse gas emissions through replacing fossil fuel generation. On the basis of anticipated renewable energy generation output presented above, it is submitted that the proposed Development would make a substantial contribution towards climate change targets, in particular towards the interim target for a 70 % reduction in greenhouse gas emissions by 2030.

3.2 Carbon Payback

60. The length of time a wind turbine needs to be in operation before it has, by displacing fossil fuel energy generation, avoided as much carbon dioxide as was released in its lifecycle is known as the carbon payback period.
61. A carbon balance assessment has been undertaken for the proposed Development using the latest version of the Scottish Government's carbon calculator for windfarms (version 2.9.0). The methodology used for the carbon calculator includes a range of factors that account for carbon losses including:
- turbine lifecycle (e.g. manufacture, construction and decommissioning);
 - backup power generation when the wind turbines cannot generate energy;
 - reducing carbon fixing potential from peat loss;
 - soil organic matter from peat losses;
 - dissolved organic carbon and particulate organic carbon leaching from changes in drainage in peat; and
 - forestry felling.
62. The methodology also includes the following range of factors that account for carbon savings including:
- improvement of degraded bogs;
 - improvement of felled forestry;
 - restoration of peat from excavations; and
 - removal of drainage from foundations and hardstanding.
63. The results of the annual carbon savings calculations are presented as equivalent to the tonnes of carbon dioxide per year (tCO₂ yr⁻¹) saving relative to coal fired electricity generation, fossil fuel generation, and grid mix generation (which includes some fossil fuels and low carbon electricity generation sources such as nuclear, hydro-electric and wind energy).

64. The carbon savings calculations for the proposed Development are presented in **Table 3.1** for three scenarios. The first scenario is the expected scenario, which uses impact factors that are considered to be the most likely for the proposed Development. Two further (minimum and maximum) scenarios are also presented that use a wide range of factors that test the sensitivity of expected predictions to input variations.

Table 3.1: Anticipated carbon emissions

Results	Exp.	Min.	Max.
Net emissions of carbon dioxide (t CO ₂ eq.)	268,089	187,045	300,752
Annual CO ₂ emission saving over coal - fired electricity generation (t CO ₂ / yr)	355,411	354,395	356,426
Annual CO ₂ emission saving over grid mix electricity generation (t CO ₂ / yr)	97,962	97,682	98,242
Annual CO ₂ emission saving over fossil fuel mix electricity generation (t CO ₂ / yr)	173,842	173,346	174,339
Carbon payback time			
Coal-fired electricity generation (years)	0.8	0.5	0.8
Grid-mix of electricity generation (years)	2.7	1.9	3.1
Fossil fuel - mix of electricity generation (years)	1.5	1.1	1.7
Ratio of CO ₂ eq. emissions to power generation (g / kWh) (TARGET ratio by 2030 (electricity generation) < 50 g /kWh)	17.35	12.07	19.52

65. As identified in the table, the estimated carbon payback period for the proposed Development under the expected scenario would be between 0.8 and 2.7 years, which would lead to substantial net carbon savings over the operational lifespan of the development. This positive aspect of the development is augmented by the layout of the proposed Development largely avoiding deposits of deep peat and by the proposed peatland restoration that will be undertaken.

3.3 Grid Balancing

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

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

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

3.4 Socio-Economic Benefits

69. The proposed Development represents a £183 million capital investment project in total. It is estimated that approximately £14.5 million of this capital expenditure could be secured locally in Dumfries & Galloway and East Ayrshire and £31.2 million secured within Scotland from the development and construction of the proposed Development.
70. In terms of employment during the construction and operational stages, this investment creates a number of economic opportunities for local and national businesses. The construction of the proposed Development will directly support an estimated 98 temporary full time equivalent jobs locally and 368 full time equivalent jobs within Scotland during the 22 month

construction period. The local economy would be expected to be boosted by approximately £6.9 million of net Gross Value Added (GVA) and the Scottish economy by approximately £26.2 million GVA during the construction of the proposed Development. The operational phase of the proposed Development will directly support between 3 and 5 full time equivalent jobs locally and a similar number of full time equivalent jobs within Scotland. It is estimated that during the operational phase (assessed over a nominal 40 year life), that the proposed Development would contribute lifetime GVA of just under £75 million to the local economy through direct, indirect and multiplier effects, and over £170 million to the economy of Scotland as a whole.

71. Information from other renewable energy projects developed by SPR indicates that a wide selection of supply chain businesses could expect to benefit from the investment in the local and Scottish economy. This may include services such as ground and road maintenance, catering, building trades and plant hire. SPR is committed to employing good practice measures with regard to maximising local procurement and would adopt established good practice measures such as 'Meet the Developer/Contractor Days' prior to construction, aimed specifically at small to medium enterprises, to discuss the types of contracts being let during construction and operation. It is also considered likely that the proposed Development would operate in combination with other renewable energy projects in the area to encourage the development of relevant skills and longer term business opportunities as the south of Scotland continues to capitalise on its natural energy resources as part of its commitment to economic recovery and response to climate change. SPR is committed to engaging with strategic bodies such as South of Scotland Enterprise to enable local benefits to be maximised.

3.5 Peatland Restoration and Habitat Management

72. A Habitat Management Plan (HMP) will be produced for the proposed Development. The overall purpose of the HMP will be to implement positive land management for the benefit of landscape and nature conservation which will mitigate any adverse impacts that the proposed Development may have. In addition to purely mitigating any adverse impacts, SPR is committed to enhancing the nature conservation and landscape value of the Site.
73. At the heart of the HMP for the proposed Development will be proposals for blanket bog restoration. A draft HMP is included in **Technical Appendix 8.8: HMP** of the EIA Report which outlines the proposals for the restoration of bog habitat within an area of 23 ha of peatland currently situated beneath coniferous plantation forestry, but which is proposed to be open ground within the current baseline forest plan.
74. SPR has been at the forefront of blanket bog restoration, developing new techniques to restore these habitats which are effective and scalable to meet the challenges of biodiversity, climate change, water quality and natural flood management. Between 2010 and 2019 SPR has implemented approximately 1,500 ha of peatland restoration from commercial forestry across their projects. This work transcends windfarms, with the techniques now being adopted by other organisations including FLS, RSPB and NatureScot (formerly SNH) to assist with their own restoration ambitions and objectives.
75. Once the proposed peatland restoration has succeeded, it is considered that it would result in a net positive impact and likely net gain in biodiversity.

3.6 Public Access and Outdoor Recreation

76. SPR is committed to enhancing recreational and public access opportunities at the Site. As part of the proposed Development, an additional route for users of the Southern Uplands Way is proposed, running along the western edge of the forest. This would create a circular route which would allow users to take an alternative route with more open views across the hills than the current route. The route would also provide an alternative to using the existing routes within the Site that follow operational forestry roads.
77. In addition to the proposed additional route, provision of signage and interpretation boards would also be provided as part of the proposed Development. These would provide information relating to local views, history, and archaeology experienced as well as signposting of paths to enable easy navigation of the Site and wider access network by members of the public.
78. **Chapter 14: Socio-economics, Recreation and Tourism** of the EIA Report provides further details regarding these proposed access enhancements, with their locations shown on **Figure 14.2**.

79. The final details of the proposed enhancements would be agreed in consultation with the FLS and the Countryside Access Teams for Dumfries & Galloway and East Ayrshire Councils. SPR would also be willing to enter into discussions with both Councils and other local recreation groups over the provision of other footpaths or signage within the Site where it is considered that these would make a valuable addition to the overall path network.

3.7 Community Benefit and Shared Ownership

80. Consistent with SPR's other operational sites, SPR is committed to offering a package of benefits to communities local to the proposed Development. In addition, SPR is also proposing to offer local communities the option to invest in the proposed Development.
81. SPR has begun to engage with local stakeholders to identify which communities would be appropriate to participate in these benefits, keeping local communities informed as the project progresses and, in line with Scottish Government guidance, providing information in a timely manner so that communities are able to fully assess the opportunity. SPR will continue to keep local communities informed on these matters as the project progresses.
82. It is expected that any proposed income streams from these community benefit payments and profit from any community investment in the project could be used to support community projects within the local area. Local communities would be empowered to choose how the money is spent.
83. Benefits would accrue from the scale and nature of the proposed income streams associated with the proposed Development and could have a lasting positive effect on access to resources, improvement to local amenities and the quality of life of local residents as well as economic benefits. The long-term nature of the income would allow the community to plan ahead, to draw in other sources of match funding to maximise the benefits and investment projects could be designed to match local priorities.
84. Whilst the quantum of funding that would be available is currently uncertain, it is clear from the level of community funding that has been delivered to date by other SPR renewable energy projects that the proposed community investment measures could offer real socio-economic benefits to the local community and does have the potential to be significant.
85. It is acknowledged that community benefits (including shared ownership) are not a material consideration in the assessment of the proposed Development and are therefore not discussed in any further detail in this Planning Statement. However, it is considered that the associated socio-economic benefits that this investment in the local area may generate arise should be considered material in the assessment of the proposed Development.

4 Legislative Context

4.1 Section 36 of the Electricity Act 1989

86. As the proposed Development will have an installed capacity of greater than 50 MW, the application for consent and deemed planning permission is made to Scottish Ministers under section 36 of the Electricity Act 1989.
87. SPR is a licenced generator and has obligations under Schedule 9 of the Electricity Act 1989 which requires it to have regard to certain environmental matters when formulating development proposals. It is obliged to have regard to the desirability of preserving natural beauty, conserving listed natural heritage interests and to protecting sites, buildings and objects of architectural and historical interest. It must also do what it reasonably can to mitigate any effects of proposed development and it must not impact fisheries or fish stocks in any waters. These provisions acknowledge that major energy projects are likely to engage impacts on these resources and the best time to consider them is at the iterative design stage of the project. SPR has fulfilled all these duties by undertaking the project formulation as reported in the EIA Report accompanying this application. The EIA process encompasses consideration of all the matters set out in Schedule 9(3)(1)(a). Indeed, the EIA process has a broader topic range than that contained in the sub-paragraph. Furthermore, where significant effects are found as part of the EIA process, appropriate mitigation is proposed. The EIA Report sets out in detail how the Applicant has approached the design of the scheme and how very careful consideration has been given throughout that process to the matters that are listed in sub-paragraph (1)(a). In the circumstances, it is therefore considered that SPR has fulfilled the statutory requirements of Schedule 9.
88. In addition, Schedule 9 also imposes duties upon the Scottish Ministers when determining section 36 applications. They are obliged to have regard to desirability of the matters mentioned in paragraph (a) of sub-paragraph (1) and must also have regard to the extent to which the Applicant has complied with their duties to mitigate any effects on those resources. Again, the Scottish Ministers can be satisfied that the EIA process has been undertaken appropriately and addresses these matters comprehensively.
89. In terms of determinations under section 36, there are no specific statutory presumptions that apply. As identified above, there are considerations which have to be taken into account and dealt with under Schedule 9. In that context, important factors that must be taken into account include European Union, United Kingdom and Scottish climate change and energy policy, Scottish Government planning policy, relevant provisions of the Development Plan and the views of statutory consultees and interested parties. All these matters are material and should be taken into account in the decision making process. The ultimate weight of any particular factor in the decision making process is a matter for the decision maker, though guidance on the weight that SPR considers should be afforded to these considerations is provided in this Planning Statement.
90. In the case of section 36 applications, it is important to note that the role of the Development Plan is not the same as in the case of a planning application made under the Town and Country Planning (Scotland) Act 1997. The test set out in Section 25 of the Town and Country Planning (Scotland) Act 1997, which provides that development must accord with the terms of the Development Plan, is not engaged in the case of a section 36 application. Whilst for such an application the Development Plan does not have primacy in the decision-making process, it may nonetheless be a material consideration in respect of determination of the application.

5 Climate Change and Renewable Energy Policy Framework

5.1 Introduction

91. This section outlines the key climate change and renewable energy policy framework and associated targets. These set the need case for the proposed Development, which is to address the impacts of climate change through the generation of renewable energy whilst also maintaining a secure energy supply.

92. The conclusion to this section includes in **Table 5.1** a summary of the main Scottish climate change and renewable energy targets and considers the progress that has been made towards them to date. It also considers the weight and urgency that should be attributed to this climate change and renewable energy policy framework in the determination of this application.

5.2 International and European Union Context

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

5.2.1 The COP 21 UN Paris Agreement

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

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

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

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

5.2.2 The EU 2030 Clean Energy Package

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

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

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

5.3 United Kingdom Context

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

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

100. At COP 21, the Intergovernmental Panel on Climate Change (IPCC) was invited to publish a Special Report on the impacts of global warming of 1.5 °C and associated greenhouse gas emissions pathways. The IPCC released this Special Report on 8 October 2018. In response to the IPCC's Special Report, the UK Government requested advice from the Committee on Climate Change (a non-departmental public body that advises the Government on the climate) on the implications of the Paris Agreement. This included requesting advice on what further action was needed to meet the goals of the Paris Agreement.
101. On 2 May 2019 the Committee on Climate Change published their advice in 'Net Zero: the UK's Contribution to Stopping Global Warming'. The report made the following recommendations:
- UK overall: a new tougher emissions target of net zero greenhouse gases by 2050, ending the UK's contribution to global warming within 30 years. This would replace the previous target of an 80 % reduction by 2050 from a 1990 baseline;
 - Scotland: a target of net zero greenhouse gases economy by 2045, reflecting Scotland's greater relative capacity to remove emissions than the UK as whole; and
 - a net zero greenhouse gases target for 2050 would deliver on the commitment that the UK made by signing the Paris Agreement.
102. The UK targets in the report have since been legislated through the Climate Change Act 2008 (2050 Target Amendment) Order 2019, which came into force on 27 June 2019. Prior to this, the UK was committed under the Climate Change Act 2008 to reducing net greenhouse gas emissions by at least 80 % of their 1990 levels by 2050. As discussed later in this section, the Scottish net zero targets in the report have also since been legislated.
103. In terms of the new net zero targets, the report makes it clear for both the UK and Scotland that *"this is only possible if clear, stable and well-designed policies to reduce emissions further are introduced across the economy without delay."* It continues that *"current policy is insufficient for even the existing targets."*
104. The Committee on Climate Change report sets out various scenarios for UK net zero greenhouse gases in 2050. These include one of extensive electrification, particularly of transport and heating. Page 23 of the Executive Summary states that this would need to be *"supported by major expansion of renewable and other low carbon power generation. The scenarios involve around a doubling of electricity demand, with all power produced from low carbon sources (compared to 50 % today)."*
105. The Committee on Climate Change scenarios for electricity generation estimate that to keep the UK on track to meet its net zero target, that renewable energy deployment will require a fourfold increase across the UK from current levels. It identifies that this quadrupling of renewable energy will require approximately 22 to 29 gigawatts (GW) of onshore wind capacity by 2030 and solar capacity increased to 23 to 43 GW. Currently, capacity for both is approximately 13 to 14 GW each.
106. The technical annexe to the report specifically addresses integrating variable renewables into the UK electricity system. The annexe makes it clear that variable renewable electricity such as large-scale onshore wind energy is now the cheapest form of electricity generation in the UK and can be deployed at scale to meet UK electricity demands.
107. The reports 'further ambition scenario' for the power sectors aims to see low- carbon sources providing 100 % of power generation in 2050, with variable renewable sources (including onshore wind) anticipated to contribute some 57 % of this total low carbon power generation.

5.3.2 The Fifth Carbon Budget

108. Under the Climate Change Act 2008, the UK Government must set five-yearly carbon budgets, twelve years in advance, from 2008 to 2050. The Government is required to consider - but not follow - the advice of the Committee on Climate Change

when setting these budgets. The headline target of the Act was amended in June 2019 to reflect the Government's net zero target discussed above.

109. On 30 June 2016, the UK Government confirmed its intention to set the Fifth Carbon Budget to reduce UK greenhouse gas emissions relative to 1990 levels by 57 % by 2028-32. This is in line with advice provided to the UK Government by the Committee on Climate Change. The Fifth Carbon Budget was officially set through The Carbon Budget Order 2016 which came into effect on 21 July 2016.
110. The UK Government published its Clean Growth Strategy (CGS) in October 2017, setting out a possible pathway for meeting the Fifth Carbon Budget. The CGS sets out a comprehensive set of policies and proposals that aim to accelerate the pace of 'clean growth' (i.e. deliver increased economic growth and decreased emissions). It states that *"in order to meet these objectives, the UK will need to nurture low carbon technologies, processes and systems that are as cheap as possible"*.
111. The CGS draws on the UK's commitments under the Climate Change Act 2008. It is reported in the CGS that the UK outperformed the target emissions reduction of the first carbon budget (2008-2012) and is projected to outperform against the second and third budgets (covering 2013-2022). However, it is considered that in order to meet the fourth and fifth carbon budgets (covering the period 2023-2027 and 2028-2032) that the UK *"will need to drive a significant acceleration in the pace of decarbonisation"*.
112. The Committee on Climate Change published a progress report in June 2020 to the UK Parliament. The report identifies that Fifth Carbon Budget is likely to be missed unless the UK Government takes further measures to reduce emissions from heat, transport, industry and agriculture. This report also highlights that the long-term target of net zero emissions by 2050 will also be at risk unless significant policy changes are made within the lifetime of the current Parliament. It states that *"the path to achieving net zero emissions by 2050 will require a steeper reduction in emissions over the intervening three decades than is currently legislated in carbon budgets (out to 2032)."*

5.4 Scottish Government Context

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

5.4.1 The Climate Change (Scotland) Act 2009

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

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

115. The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 received Royal Assent on 31 October 2019. The Act responds to the Paris Agreement and the declaration of a 'climate emergency' in Scotland. It amends the Climate Change (Scotland) Act 2009 and commits Scotland to a new target of net zero emissions of all greenhouse gases by 2045, with interim targets for reductions of at least 56 % by 2020, 75 % by 2030 and 90 % by 2040. These amended greenhouse emissions targets, and the series of annual targets towards them, represent a substantial increase over the targets set in the previous Act.
116. Part 4 of the 2009 Act places climate change duties on Scottish public bodies. It states that a *"public body must, in exercising its functions, act: in the way best calculated to contribute to the delivery of (Scotland's climate change) targets; in the way best calculated to help deliver any (Scottish adaption programme); and in a way that it considers most sustainable"*. This means that all public sector organisations, including Scottish Ministers and local authorities, are obliged in exercising their functions to do so in a manner which is consistent with meeting the net zero climate change target.

5.4.3 The Climate Emergency

117. At the SNP Conference in April 2019, Scotland's First Minister declared a 'climate emergency'. The First Minister stated:

"As First Minister of Scotland, I am declaring that there is a climate emergency. And Scotland will live up to our responsibility to tackle it."

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

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

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

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

5.4.4 Climate Change Plan

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

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

- by 2032, Scotland's electricity system will supply a growing share of Scotland's energy needs and by 2030, 50 % of all Scotland's energy needs will come from renewables.
- by 2032, Scotland's electricity system will be largely decarbonised and will be increasingly important as a power source for heat and transport.
- electricity will be increasingly important as a power source for heat and in transport to charge Scotland's growing fleet of ultra-low emission vehicles.

123. Policy proposals include:

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

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

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

5.4.5 2020 Routemap for Renewable Energy in Scotland

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

126. The Routemap committed Scotland to generating an equivalent of 100 % of electricity demand from renewable sources by 2020. It stated that *“the successful delivery of the capacity required to deliver the equivalent of 100 % of Scottish electricity consumption will demand a significant and sustained improvement over the deployment levels seen historically.”*
127. Sectoral routemaps were provided for each of the key renewables technologies that it was anticipated would contribute towards achieving the 2020 targets. With regard to onshore wind, the stated ambition was *“that by 2020, onshore wind developments ranging from small and community-scale to large power utility scale maximise engagement with communities; contribute electricity to renewables targets; and through displacement of fossil fuel generation, help to reduce fossil fuel consumption.”*
128. The Routemap identified that *“onshore wind is a mature and relatively low cost renewable technology with a large supply chain already established. It is capable of being deployed at a high rate. Onshore wind turbines can make a very large contribution to the progress to Scotland’s renewable electricity target, and help establish Scotland’s reputation as rapidly becoming the green powerhouse of Europe.”*

5.4.6 Scottish Energy Strategy (SES)

129. The SES was published in 2017 and was therefore also prepared in the context of the far lower greenhouse gas emissions targets set initially under the Climate Change (Scotland) Act 2009. The SES sets out the Scottish Government vision for the future energy system in Scotland for the period through to 2050. The SES identifies that Scotland’s long-term climate change targets will require the near complete decarbonisation of our energy system by 2050, with renewable energy meeting a significant share of our needs.
130. The SES sets a target for the equivalent of 50 % of the energy for Scotland’s heat, transport and electricity consumption to be supplied from renewable sources by 2030. This 50 % target roughly equates to of 17 GW of installed capacity in 2030. Provisional figures for 2018 on the Scottish Government’s Energy Statistics Hub estimate that 21.1 % of total Scottish energy consumption came from renewable sources. The SES also sets a second target for an increase by 30 % in energy productivity by 2030 across the Scottish economy from a baseline of 2015. Provision figures for 2018 on the Scottish Government’s Energy Statistics Hub estimate that energy productivity in Scotland is 0.6 % above the 2015 baseline.
131. Alongside these energy targets, the SES also sets out six strategic priorities These include:
- *“System security and flexibility – we should have the capacity, the connections, the flexibility and resilience necessary to maintain secure and reliable supplies of energy to all of Scotland’s homes and businesses as our energy transition takes place.*
 - *Renewable and low carbon solutions – we will continue to champion and explore the potential of Scotland’s huge renewable energy resource, and its ability to meet our local and national heat, transport and electricity needs – helping to achieve our ambitious emissions reduction targets.”*
132. The SES advises that onshore wind energy development is essential to Scotland’s transformation to a fully decarbonised energy system by 2050 and brings opportunities which underpin our vision to grow a low carbon economy and build a fairer society.
133. The SES is also clear that energy storage has an important role to play in the future of Scotland’s energy system. It states that *“changes in how we store energy across the system, and particularly in terms of electricity and heat, could have a profoundly important bearing on our low carbon economy”.*
134. The SES notes that the Scottish Government want to *“see a significant increase in shared ownership of renewable energy projects in Scotland – putting energy into the hands of local communities and delivering a lasting economic asset to communities across Scotland”.* The ambition is for at least half of newly consented renewable energy projects by 2020 to have an element of shared ownership. The Scottish Government believe that *“Shared ownership will play a key part in helping to meet our targets of 1 GW of community and locally-owned energy by 2020 and 2 GW by 2030.”* The Scottish Government *“expect community involvement in onshore wind developments to continue to play a vital role in reaching these targets.”*

5.4.7 Onshore Wind Policy Statement (OWPS)

135. The Scottish Government's OWPS is one of three policy statements accompanying the SES and was also published in December 2017. It includes separate sections on key priority areas as follows:
- route to market;
 - repowering;
 - developing a strategic approach to new development;
 - barriers to deployment;
 - protection for residents and the environment;
 - community benefits; and
 - shared ownership.
136. The OWPS reiterates and emphasise the Scottish Government's undiminished, in principle, policy support for further new onshore wind energy projects. This is made clear in paragraph 4 of the OWPS, which states that "*Scotland will continue to need more onshore wind development and capacity, in locations across our landscape where it can be accommodated.*"
137. The necessity for taller turbines is recognised in paragraph 23 of the OWPS, which states that the Scottish Government "*acknowledge that onshore wind technology and equipment manufacturers in the market are moving towards larger and more powerful (i.e. higher capacity) turbines and that these by necessity will mean taller towers and blade tip heights*". Paragraph 25 of the OWPS continues that the Scottish Government "*fully supports the delivery of large wind turbines in landscapes judged to be capable of accommodating them without significant adverse impacts.*"
138. The OWPS also discusses what it describes as the "*common (although not universal) assumption*" of a time limit of 25 years for consent for wind energy developments. Paragraph 41 of the OWPS confirms that there is no current statutory or legislative durational period and reiterates the position in Scottish Planning Policy that areas identified for wind energy developments should be suitable for use in perpetuity. It provides that the operating period of an individual wind energy development is a matter which developers can discuss and consider prior to the submission of an application but identifies that decommissioning provisions will still be required.
139. Shared ownership is promoted in the OWPS, with developers encouraged to include elements of shared ownership within their proposals. The OWPS reiterates the Scottish Governments target for at least 50 % of newly consented renewable energy projects to have an element of shared ownership by 2020.

5.5 Conclusions

140. The broad climate change policy context is clearly strongly supportive of the urgent need for additional renewable energy generation capacity. That support in principle derives: at international level, including from the Paris Agreement; at European level, from the European Commission's targets; at the United Kingdom level, from the government's own commitments to that agreement and from its own targets; and from the Scottish Government level, from its policies, targets and priorities.
141. In the context of setting the need case for the proposed Development, **Table 5.1** sets out a summary of the key Scottish climate change and renewable energy targets and the current progress towards these targets.

Table 5.1: Summary of Scottish Climate Change and Renewable Energy Targets

Target	Target Year	Source	Latest Position	Source
Climate Change				
Reduce greenhouse gas emissions by 56 %	2020	Climate Change (Emissions Reduction Targets) (Scotland) Act 2019	50 % (as of 2018)	Scottish Greenhouse Gas Emissions 2018 (Scottish Government, 2020)
Reduce greenhouse gas emissions by 70 %	2030	As above	As above	As above
Reduce greenhouse gas emissions by 90 %	2040	As above	As above	As above

Target	Target Year	Source	Latest Position	Source
Reduce greenhouse gas emissions to net zero	2045	As above	As above	As above
Renewable Energy				
30 % of total energy use from renewable sources	2020	Scottish Energy Strategy (2017)	20 % (as of 2017)	Annual Energy Statement 2019 (Scottish Government, 2019)
50 % of total energy use from renewable sources. This equates to approximately 17 GW of installed capacity.	2030	As above	As above	As above
Meet 100 % of electricity demand from renewables	2020	2020 Routemap for Renewable Energy in Scotland (2011)	90.1 % (as of 2019)	Scottish Energy Statistics

142. In declaring a climate change emergency and enshrining the UK Committee on Climate Changes recommended net zero targets into law, there has undoubtedly been a step change over the past 18 or so months in Government policy and attitudes towards the importance of reducing greenhouse gas emissions as soon as possible in order to significantly reduce the risks and impacts of climate change.
143. However, with the most recent statistics identifying that greenhouse emissions in Scotland have actually increased by 1.5 % in 2018 compared to 2017 and the yearly target for emissions in Scotland not being met for the second year in a row, the scale of the challenge towards meeting these net zero targets remains clear. The importance of very substantial increases in renewable energy generation to reduce greenhouse gas emissions has therefore been emphatically acknowledged, the Committee on Climate Change identifying in 2019 that renewable energy generation “*must quadruple*” if net zero targets are to be met.
144. Overall, it is therefore concluded that the urgency of the net zero greenhouse gas emissions targets set by the UK and Scottish Governments and the associated vital role that renewable energy developments such as the proposed Development can play in meeting these targets should be afforded substantial weight in the determination of this application.

6 Planning Policy Context

6.1 Introduction

145. This section outlines the key national and Development Plan policies relevant to the proposed Development and considers the weight that should be attributed to these material considerations in the determination of this application. An assessment of the proposed Development against the determining issues from these policies is contained in **Section 7**.

6.2 National Planning Policy Context

6.2.1 National Planning Framework (NPF)

146. The NPF is a long term plan for Scotland that sets out where development and infrastructure is needed to support sustainable and inclusive growth.
147. The current NPF3 identifies that improved energy efficiency and further diversification of energy supplies is required in order to meet climate change targets, renewable energy targets and maintain secure energy supplies.
148. NPF3 identifies that the energy sector accounts for a significant share of greenhouse gas emissions and provides that in order to facilitate the transition towards a low carbon economy that Scotland must seek to capitalise upon its considerable renewable energy resources.
149. NPF3 provides specific policy support for onshore wind energy development. Paragraph 3.23 of NPF3 states the Scottish Government's position that "onshore wind will continue to make a significant contribution to diversification of energy supplies".
150. Whilst NPF3 is strongly supportive of the deployment of renewables, including onshore wind, it must be noted that it was published in 2014 and was therefore prepared in the context of the targets set in the Climate Change (Scotland) Act 2009 rather than the far more ambitious net zero targets set in the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019.
151. The Scottish Government are currently reviewing NPF3, and it is expected that this review will place significantly greater focus upon how the planning system can meet the new net zero greenhouse gas emission targets. Indeed, the recently published 'Analysis of Responses to the Call for Ideas' (Scottish Government, 2020) for the next NPF, which will be known as NPF4, states that:

"The urgency of tackling climate change was a theme of many responses with a view that NPF4 offers a real opportunity to place the planning system at the heart of the climate change agenda, and that NPF4 will be crucial to ensuring that all decisions consider the net zero by 2045 target."

152. The analysis of responses also states that:

"There was support for maximising the contribution of renewable electricity generation to meeting the net zero target in a sustainable way and it was suggested that NPF4 should be clear that a significant increase in the generation of renewable energy will be required."

153. It must also be noted that NPF4 will also now integrate Scottish Planning Policy and will have the elevated status of the Development Plan for planning purposes. An interim NPF4 position statement is due to be published in autumn 2020, and a draft NPF4 laid in the Scottish Parliament in autumn 2021. A final version of NPF4 is not anticipated until spring 2022.

6.2.2 Scottish Planning Policy (SPP)

154. SPP sets out national planning policies which reflect the Scottish Government's priorities for the operation of the planning system and the development and use of land. It contains overarching policies that promote sustainability and placemaking as well as subject-specific planning policies.

155. SPP was published in 2014 in the context of the targets set in the Climate Change (Scotland) Act 2009 rather than the more ambitious net zero targets and, as with NPF3, is therefore considered to be out of date with regards to the urgency of the need to tackle climate change. As identified above, the Scottish Government are currently reviewing SPP, with the new SPP to be incorporated into NPF4.

156. Notwithstanding that SPP is now considered to be an out of date policy framework for the assessment of renewable energy developments, given that it still represents current national planning policy the following paragraphs set out the matters within it of relevance to the proposed Development.

6.2.3 SPP Policy Principles

157. The SPP Policy Principles (paragraphs 24 to 57) include a presumption in favour of development that contributes to sustainable development, listing at paragraph 29 a number of principles to guide decisions. Those of relevance to the proposed Development are referenced in the assessment section (**Section 7**) of this Planning Statement.

158. **SPP paragraphs 32 and 33** then set out the implications of the presumption in favour of development that contributes to sustainable development in the determination of applications. **SPP paragraph 32** states that:

“The presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. Proposals that accord with the up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising. For proposals that do not accord with up-to-date Development Plans, the primacy of the plan is maintained and this SPP and the presumption in favour of development that contributes to sustainable development will be material considerations.”

6.2.4 SPP Subject Policies: A Low Carbon Place

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

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

- support the transformation change to a low carbon economy, consistent with national objectives and targets, including deriving the equivalent of 100 % of electricity demand from renewable sources by 2020;
- support the development of a diverse range of electricity generation from renewable energy technologies – including the expansion of renewable energy generation capacity; and
- guide development to appropriate locations and advise on the issues that will be taken into account when specific proposals are being assessed.

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

162. With specific regard to onshore wind, **SPP paragraph 161** provides that Development Plans should include a spatial framework for all scales of wind energy development appropriate to their areas, and should set out the criteria that will be considered in deciding applications for all wind energy developments. The approach to be adopted for the preparation of spatial frameworks is set out in Table 1 of the SPP and is reproduced in **Table 6.1**.

Table 6.1: SPP Spatial Frameworks (Table 1 of the SPP)

SPP Spatial Framework Group		
Group 1: Areas where wind farms will not be acceptable: National Parks and National Scenic Areas.		
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.		
National and international designations: <ul style="list-style-type: none"> 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. 	Other nationally important mapped environmental interests: <ul style="list-style-type: none"> areas of wild land as shown on the 2014 SNH map of wild land areas; carbon rich soils, deep peat and priority peatland habitat. 	Community separation for consideration of visual impact: <ul style="list-style-type: none"> an area not exceeding 2 km 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.
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.		

163. Paragraph 169 of SPP sets out the criteria to be considered in the determination of energy infrastructure developments. Each of these development management criteria are referenced in the assessment section (**Section 7**) of this Planning Statement.

164. Paragraph 170 of SPP provides that areas identified for wind energy developments should be suitable for use in perpetuity. It states that although consents may be time-limited that wind energy developments should nevertheless be sited and designed to ensure impacts are minimised and to protect an acceptable level of amenity for adjacent communities.

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

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

166. Further details of these relevant SPP subject policies are referenced in the assessment section (**Section 7**) of this Planning Statement.

6.2.5 Scottish Government Online Advice on Onshore Wind Turbines

167. This online advice was first published in February 2011 and last updated in May 2014. It therefore pre-dates SPP. Nevertheless, the advice provides a helpful summary of the criteria planning authorities may wish to apply in assessing wind energy proposals.

168. In considering the landscape impacts of wind turbines when determining applications, the guidance recognises that the receiving landscape features and the design of the development can play a significant role in ensuring the proposals are integrated into the landscape setting. It states that *“the ability of the landscape to absorb development often depends largely on features of landscape character such as landform, ridges, hills, valleys and vegetation. This can also be influenced by careful siting and the skills of the designer.”*

169. In relation to the impacts on wildlife and habitats, the advice, although recognising the potential for adverse impacts, also identifies the beneficial effects that wind energy developments may have. It states that “*Wind turbine developments have the capacity to have both positive and negative effects on the wildlife, habitats, ecosystems and biodiversity of an area. For example, the effects of climate change are known to have damaging effects on wildlife, habitats, ecosystems and biodiversity, and the production of renewable energy counters this. There are also many opportunities for wind turbine developments to introduce environmental improvement through land management, land restoration and habitat creation, as part of a development scheme.*”
170. The online advice also provides specific guidance on the role of landscape capacity studies in preparing planning policy for dealing with proposed wind energy developments. It describes landscape capacity studies as “*supportive studies relevant to development management and for planning policy related to natural heritage and the landscape*”. The supporting onshore wind planning: frequently asked question document (Scottish Government, 2016) describes the role of landscape capacity studies as being to “*establish a better view of local landscape sensitivity, identify acceptable levels of landscape change, identify cumulative effects and set objectives and guidance for managing these effects and identify scope for further development*”.

6.3 Dumfries & Galloway Planning Policy Context

The Development Plan for Dumfries & Galloway comprises the Dumfries & Galloway Local Development Plan 2, which was adopted in October 2019 and was therefore prepared in the context of the lower greenhouse gas emissions targets set initially under the Climate Change (Scotland) Act 2009. In addition, Dumfries & Galloway Council has approved a number of statutory Supplementary Guidance and non-statutory Planning Guidance documents. The statutory Supplementary Guidance also forms part of the Local Development Plan.

6.3.1 Dumfries & Galloway Local Development Plan 2 (DGLDP2)

171. The DGLDP2 sets out a vision, spatial strategy and policies to guide development in Dumfries & Galloway for the next 20 years. The DGLDP vision includes a statement that, in 20 years’ time, there will be a viable rural economy and community characterised by, amongst other things, a range of renewable energy developments. Developing this theme, the economic strategy of the plan highlights the importance of the renewable energy sector and its contribution to the economy and a low carbon place. Additionally, the energy strategy of the DGLDP2 notes that planning policy is seen as a key tool to help deliver climate change action. Clearly, renewable energy development proposals that conform to policies within the plan would therefore contribute to the realisation of the vision and strategy of the plan.
172. Proposals for renewable energy developments are generally considered against **Policy IN1: Renewable Energy**, which states that Dumfries & Galloway Council will support development proposals for all renewable energy generation and storage which are located, sited and designed appropriately. It provides that the acceptability of proposals will be assessed against a range of considerations, each of which is referenced in the assessment section (**Section 7**) of this Planning Statement
173. Policy IN1 states that “*acceptability will be determined through an assessment of the details of the proposal including its benefits and the extent to which its environmental and cumulative impacts can be satisfactorily addressed.*” Policy IN1 therefore recognises that making a judgement on the acceptability of impacts is ultimately a balancing exercise which must take into account both the benefits as well as the disbenefits of the proposal.
174. Development management considerations specific to wind energy applications are contained in **Policy IN2: Wind Energy**. The policy states that Dumfries & Galloway Council will support wind energy proposals that are located, sited and designed appropriately. It states that the acceptability of any proposed wind energy development will be assessed against a range of considerations that are broadly similar to those contained within paragraph 169 of SPP, the main exception being the additional consideration that proposals will also be assessed on the extent to which they avoid or adequately resolve any potential significant adverse impact on forests and woodland.
175. In the determination exercise, Policy IN2 states in a similar vein to Policy IN1 that “*acceptability will be determined through an assessment of the details of the proposal including its benefits and the extent to which environmental and cumulative impacts can be addressed satisfactorily.*” It is considered that this balanced approach adopted within Policy IN2 represents a realistic reflection of the assessment process as it applies to commercial wind energy developments given that such developments will inevitably result in some significant impacts in EIA terms.

176. Policy IN2 also refers to the Dumfries & Galloway Council's Spatial Framework for wind energy developments. Unlike earlier iterations of it which were produced, the current Spatial Framework (which is provided in Map 8 of the DGLDP2, see **Figure 4**) has been prepared in accordance with the criteria set out in Table 1 of SPP. It identifies areas within Dumfries & Galloway which the Council consider have potential for windfarm development, and those which don't, including areas requiring significant protection. According to the DGLDP 2 Spatial Framework Map, the proposed Development is located almost wholly in a Group 3 Area (areas with potential for wind farm development), with only very small parts of the Site considered to be in Group 2 Areas (areas for significant protection). It is understood that these small parts of the Site fall within Group 2 Areas due to mapped areas of Class 1 and Class 2 carbon rich soil, deep peat and priority peatland.

177. As well as Policies IN1 and IN2, the following DGLDP2 policies are also considered to be relevant to the determination of this application:

- Policy OP1: Development Considerations
- Policy OP2: Design Quality and Placemaking
- Policy OP3: Developer Contributions
- Policy ED10: Galloway and Southern Ayrshire Biosphere
- Policy ED11: Dark Skies
- Policy ED13: Minerals
- Policy H1: Listed Buildings
- Policy HE2: Conservation Areas
- Policy HE3: Archaeology
- Policy HE4: Archaeological Sensitive Areas
- Policy HE6: Gardens and Designed Landscapes
- Policy NE1: National Scenic Areas
- Policy NE2: Regional Scenic Areas
- Policy NE3: Areas of Wild Land
- Policy NE5: Species of International Importance
- Policy NE7: Forestry and Woodland
- Policy NE8: Trees and Development
- Policy NE11: Supporting the Water Environment
- Policy NE12: Protection of Water Margins
- Policy NE14: Carbon Rich Soil
- Policy NE15: Protection and Restoration of Peat Deposits as Carbon Sinks
- Policy CF4: Access Routes
- Policy IN7: Flooding and Development
- Policy IN8: Surface Water Drainage and Sustainable Urban Drainage Systems

178. These policies, and the supporting Supplementary Guidance relating to them, are referenced in the assessment section (**Section 7**) of this Planning Statement.

6.3.2 Supplementary Guidance: Wind Energy Development: Development Management Considerations (WED)

179. The WED Supplementary Guidance was adopted by Dumfries & Galloway Council in February 2020 and forms part of, and has the same weight as, the DGLDP2. Its purpose is to provide further detail in support of the development management considerations in DGLDP2 Policy IN2, noting that proposals will be assessed against all relevant policies in the DGLDP2 along with any other relevant material considerations. Although it provides some additional detail and guidance, as discussed below the guidance does not change the focus of Policy IN2 or its respective policy tests.

180. Paragraph 2 of the WED Supplementary Guidance makes direct reference to the Dumfries & Galloway Wind Farm Landscape Capacity Study (DGWLCS) as a supportive study to the guidance and includes it as an appendix to the guidance. Further commentary on the DGWLCS and its role in the assessment of individual applications for wind energy developments is considered in paragraphs 182 to 184 of this Planning Statement.

181. Section 3 of the WED Supplementary Guidance indicates the various issues to be taken into account in the assessment of wind energy proposals. Paragraph 3.3 states that in considering proposals that Dumfries & Galloway Council will make an assessment by balancing all applicable factors outlined and considering against all relevant policies contained within LDP2. It clarifies that although a proposal may be detrimental in terms of one or more of these factors that this does not automatically

result in a proposal being recommended for refusal. Instead it provides that proposals will be considered favourably where Dumfries & Galloway Council is satisfied 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. This approach accords with that set out in DGLDP2 Policy IN2.

6.3.3 Supplementary Guidance: Dumfries & Galloway Wind Farm Landscape Capacity Study (DGWLCS)

182. The DGWLCS is an appendix to the WED Supplementary Guidance and provides a study of relative sensitivity of different landscapes to development of different scales.

183. As made clear in paragraph 4.109 of the DGLDP2, the DGWLCS is intended to be used as a supportive study only. It is therefore not intended to be used to replace proposal-specific detailed assessment contained in an individual Landscape and Visual Impact Assessment. This view is consistent with the executive summary of the DGWLCS, which states that the study *“does not replace the need for individual and visual impact assessments and/or Environmental Assessments for individual wind energy developments.”* It is also consistent with recent windfarm appeal decisions. It is also important to note that the DGWLCS does not, as clarified by the document itself, provide a tool for assessing whether or not there is capacity in the landscape for any given development.

184. For the purposes of this proposal, the DGWLCS has therefore been used as a source of background information and a starting point to inform judgements about landscape sensitivity in the much more detailed proposal-specific Landscape and Visual Impact Assessment presented in **Chapter 7** of the EIA Report. The conclusions of this detailed Landscape and Visual Impact Assessment are discussed in the assessment section (**Section 7**) of this Planning Statement.

6.4 East Ayrshire Planning Policy Context

185. The Development Plan for East Ayrshire comprises the East Ayrshire Local Development Plan (EALDP), which was adopted in April 2017, and the East Ayrshire Minerals LDP, which was adopted in January 2020. The EALDP was therefore prepared in the context of the lower greenhouse gas emissions targets set initially under the Climate Change Act 2009. In addition, East Ayrshire Council has approved a number of statutory Supplementary Guidance and non-statutory Planning Guidance documents. The statutory Supplementary Guidance also forms part of the Local Development Plan.

186. East Ayrshire Council has recently published a Main Issues Report as the first statutory stage in the preparation of the emerging East Ayrshire Local Development Plan 2 (EALDP2). It is considered that minimal weight should be afforded to this document in the determination of this application given its current early stage of preparation.

6.4.1 East Ayrshire Local Development Plan (EALDP)

187. The EALDP provides East Ayrshire Council's planning policy framework for all matters with the exception of minerals which is covered in a separate LDP. The introductory sections to the EALDP confirm that East Ayrshire Council continues to see renewables playing a key role in the Council's efforts to tackle climate change as well as economic development. The overall EALDP vision includes reference to the use of renewable energy technologies as a means of working towards a low carbon economy. Clearly, renewable energy development proposals that conform to policies within the plan would therefore contribute to the realisation of the vision of the plan.

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

189. Although the requirements of Policy RE3 are mainly in respect of the wind turbines within a wind energy development and the only elements of the proposed Development that will be located within East Ayrshire is one of the proposed access tracks and two proposed borrow pit search areas, it is acknowledged that regard still has to be made to how these elements of the proposed Development would affect matters raised in the policy such as landscape and visual impacts; impacts on carbon rich soils, deep peat and peatland habitats; effects on natural heritage; impacts on the historic environment; effects on hydrology and the water environment; and impacts on road traffic and adjacent trunk roads.

190. The Spatial Framework, which is provided as Map 12 of the EALDP, identifies that the majority of this proposed access track falls within a Group 3 Area (see **Figure 5**). However, small parts of the proposed access track also lie in a Group 2 Areas due to mapped areas of Class 1 carbon rich soil, deep peat and priority peatland. Within Group 3 Areas, Policy RE3 provides that proposals will be supported where it can be demonstrated that they are acceptable in terms of all applicable Renewable

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

191. As well as Policy RE3, the following EALDP policies are also considered to be relevant to the determination of this application:

- Overarching Policy OP1
- Policy RES 11: Residential Amenity
- Policy TOUR 4: The Dark Sky Park
- Policy TOUR 5: Galloway and Southern Ayrshire Biosphere
- Policy RE5: Financial Guarantees
- Policy ENV1: Listed Buildings
- Policy ENV2: Scheduled Monuments and Archaeological Resources
- Policy ENV4: Gardens and Designed Landscapes
- Policy ENV6: Nature Conservation
- Policy ENV7: Wild Land and Sensitive Landscape Areas
- Policy ENV8: Protecting and Enhancing the Landscape
- Policy ENV9: Trees, Woodland and Forestry
- Policy ENV10: Carbon Rich soils
- Policy ENV11: Flood Protection
- Policy ENV12: Water, Air and Light and Noise Pollution
- Policy T1: Transportation Requirements for New Development
- Policy T4: Development and Protection of Core Paths and Natural Routes

192. These policies, and the supporting Supplementary Guidance relating to them, are referenced in the assessment section (**Section 7**) of this Planning Statement.

6.4.2 East Ayrshire Minerals Local Development Plan (EAMLDP)

193. The EAMLDP was adopted by East Ayrshire Council in January 2020. Two of the proposed borrow pit search areas along Proposed Access Route A are located within East Ayrshire. The main policy within the EAMLDP relevant to the proposed Development is considered to be Policy MIN SUP2: Borrow Pits. Further details on this policy are referenced in the assessment section (**Section 7**) of this Planning Statement.

6.4.3 Supplementary Guidance: Planning for Wind Energy

194. East Ayrshire Council's Planning for Wind Energy Supplementary Guidance was formally adopted in December 2017 as part of the EALDP and supports policy RE3 of that plan. Section 2 of the guidance provides East Ayrshire Council's spatial approach to wind energy development. The guidance confirms that the Site is primarily within Group 3 (areas with potential for wind development) with the only potential area of significant protection (Group 2) relating to areas of carbon rich soils.

195. Section 3 of the guidance provides further detail on the assessment criteria listed in Schedule 1 of the EALDP against which all commercial scale wind energy proposals should be assessed.

6.4.4 East Ayrshire Landscape Wind Capacity Study 2018 (EALWCS)

196. The EALWCS was published in 2018 as non-statutory guidance to the EALDP. The study considers the landscape and visual sensitivity of 12 landscape character types within East Ayrshire to a range of wind turbine developments; these principally categorised on the basis of turbine height.

197. The EALWCS has been used as a source of background information in designing the proposed Development and undertaking the detailed Landscape and Visual Impact Assessment of it as presented in **Chapter 7: Landscape and Visual Impact Assessment** of the EIA Report. However, as none of the proposed turbines will be located within East Ayrshire no specific consideration of this study is included in this Planning Statement.

7 Planning Policy Assessment

7.1 Introduction

198. This section outlines the development management considerations identified from national and local planning policies and guidance in the preceding section and assesses the proposed Development against these issues in order to assess the overall acceptability of the proposals.
199. Since the key policies for assessment of renewable energy developments and wind energy developments within the DGLDP2 (Policies IN1 and IN2) and the EALDP (Policy RE3) both provide that acceptability of such developments will be assessed against development management considerations broadly set out in paragraph 169 of SPP, this section has been structured on this basis.
200. For each of these development management considerations for renewable energy developments set out in paragraph 169 of SPP, other relevant Local Development Plan policies and supplementary guidance assessment criteria relating to this topic are also identified and assessed where appropriate.
201. Where SPP, Local Development Plan policies and supplementary guidance also include additional development management considerations relevant to the proposed Development or policy tests, these have also been identified and assessed individually in turn.

7.2 Net Economic Impact

202. The Scottish Government is keen to encourage the development of renewables as a measure to promote the Scottish economy, in particular in rural communities such as the South of Scotland. Furthermore, the Scottish Government has recently identified investment in renewables as playing an important role in contributing towards Scotland's "green recovery" following the coronavirus (COVID-19) pandemic. Both Dumfries & Galloway's WED Supplementary Guidance and East Ayrshire's Planning for Wind Energy Supplementary Guidance also explicitly identify the positive contribution that wind energy proposals can make to the local economy.
203. **SPP paragraph 169** provides that assessment of renewable energy development proposals should consider net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities, with **DGLDP2 Policies IN1 and IN2** and **EALDP Policy RE3** and their associated Supplementary Guidance also cross referencing to this consideration. In addition, **DGLDP2 Policy OP1(f)** also provides that all development proposals should promote sustainable development by assisting the development of the local economy through sustainable economic growth.
204. The net economic benefits of the proposed Development in terms of employment and investment are assessed in **Chapter 14: Socio-Economics, Tourism and Recreation** of the EIA Report. They are also summarised in **Section 3.4** of this Planning Statement.
205. It is recognised that tourism is an important element of local economies of both Dumfries & Galloway and East Ayrshire and that any consideration of net economic benefits must therefore take into account potential impacts on tourism. As discussed in the socio-economic assessment and paragraphs 319 to 322 of this Planning Statement, there is no evidence to suggest that tourism and visitor numbers would be diminished as a result of the proposed Development.
206. Overall, it is therefore concluded that the net economic benefits of the proposed Development to the local area would be strongly beneficial. Given that paragraph 29 of SPP provides that giving due weight to such economic benefits is one of its guiding principles for planning policies and decisions, it is therefore submitted that these benefits should be afforded significant weight in the determination of this application when weighing up the benefits and disbenefits of the proposal.

7.3 Contribution to Renewable Energy Generation Targets

207. As discussed in **Section 5** of this Planning Statement, the Scottish Government has set very ambitious targets for the generation of renewable energy. **SPP paragraph 154** requires the planning system to contribute towards these renewable energy generation targets in order to support Scotland's transformation to a low carbon economy.

208. **SPP paragraph 169** provides that assessment of renewable energy development proposals should consider the scale of their contribution towards renewable energy generation, with **DGLDP2 Policies IN1 and IN2** and **EALDP Policy RE3** and their supporting Supplementary Guidance also cross referencing to this consideration.
209. The potential renewable electricity output from the proposed Development, the potential contribution of the proposal towards renewable energy targets and the number of households which could be powered by electricity generated by the proposed Development are provided in **Chapter 3: Description of the proposed Development** of the EIA Report. This information is also summarised in paragraphs 56 to 59 of this Planning Statement.
210. Overall, on the basis of these figures it is submitted that the proposed Development will provide a positive and substantial contribution towards meeting renewable energy targets and that this benefit should be afforded very significant weight in the determination of this application when weighing up the benefits and disbenefits of the proposal.

7.4 Effect on Greenhouse Gas Emissions

211. **SPP paragraph 154** requires the planning system to support Scotland's transformation to a low carbon economy and contribute to the Scottish Government's legally binding greenhouse gas emissions targets. As discussed in **Section 5** of this Planning Statement, it is considered that the requirement for the planning system to contribute towards reducing greenhouse gas emissions has significantly strengthened since SPP was published in 2014 as a direct result of the declaration of a climate emergency and the ambitious net zero greenhouse gas emissions targets which have since been adopted. It is expected that this increased support for the role of the planning system in more radically reducing greenhouse gas emissions in order to reduce climate change will be addressed in future national planning policy documents, this topic coming across for example as the central theme in consultee responses to the Scottish Government's Call for Ideas on NPF4 published in August 2020.
212. **SPP paragraph 169** provides that assessment of renewable energy development proposals should consider effects on greenhouse gas emissions, with **DGLDP2 Policies IN1 and IN2** and **EALDP Policy RE3** and their associated Supplementary Guidance also cross referencing to this consideration.
213. The contribution of the proposed Development towards the reduction of greenhouse gas emissions is presented in **Chapter 15: Other Issues** of the EIA Report and is also summarised in paragraphs 60 to 65 of this Planning Statement.
214. Overall, on the basis of these figures it is submitted that the proposed Development will provide a positive and substantial contribution towards reducing greenhouse gas emissions and addressing climate change and that this benefit should be afforded very significant weight in the determination of this application when weighing up the benefits and disbenefits of the proposal.

7.5 Cumulative Impacts

215. **SPP paragraph 169** states that planning authorities should be clear about likely cumulative impacts arising from all the considerations listed in paragraph 169, recognising that in some areas the cumulative impact of existing and consented energy development may limit the capacity for further development. **DGLDP2 Policies IN1 and IN2** and **EALDP Policy RE3** and their associated supplementary guidance also cross reference to this consideration.
216. The cumulative impacts of the proposed Development on each of the considerations set out in paragraph 169 of SPP as well as the additional considerations set out in DGLDP Policies IN1 and IN2 and EALDP Policy RE3 are assessed under each of the topic assessments in this section where it is considered significant cumulative effects may potentially occur. These cumulative impact assessments take into account all operating and consented wind energy developments and those that are the subject of valid but undetermined section 36 and planning applications.

7.6 Impacts on Communities and Individual Dwellings

217. **SPP paragraph 169** provides that assessment of renewable energy development proposals should consider impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker. **DGLDP2 Policies IN1 and IN2** and **EALDP Policy RE3** and their associated Supplementary Guidance both cross reference to these considerations also. **DGLDP2 Policy OP1(a)** and **EALDP Policies OP1 (ii) and RES 11** are also relevant with regard to the protection of residential amenity.

7.6.1 Visual Impact

218. The visual impacts of the proposed Development are discussed in paragraphs 258 to 262 of this Planning Statement.

7.6.2 Residential Visual Amenity

219. It is a long established principle of planning law that there is no “right to a view” per se. In general, the outlook from a private property is a private interest and not a public one to be protected by the planning system. However, where the degree of harm to the amenity of local residents is so severe, it is acknowledged that the impact may be a material consideration when deciding whether consent should be granted.

220. **Paragraph E7 of Dumfries & Galloway Council's WED Supplementary Guidance** provides guidance on what levels of visual impact are deemed by Dumfries & Galloway Council to be so severe that they harm the amenity of local residents. It states that:

“there may be circumstances where the proximity, size and scale of a wind energy development would render a residential property 'so unattractive a place to live' - albeit not uninhabitable - that planning permission should be refused. This may be the case where turbines affect visual amenity in a way that is 'unpleasantly overbearing' or where they are 'inescapably dominant and overwhelming'.”

221. Section 3 of East Ayrshire's Planning for Wind Energy Supplementary Guidance provides similar guidance. It states that:

“the Council will only support applications when the applicant can demonstrate that the proposal will not result in a visual impact that is of such a magnitude that the affected properties change from being satisfactory places to live to unsatisfactory places in which to live.”

222. A Residential Visual Amenity Assessment (RVAA) is contained in **Technical Appendix 7.7** of the EIA Report. The RVAA considers the potential effects of the proposed Development on all properties within 5 km from the proposed wind turbine locations. This 5 km study area accords with the study area recommended in Dumfries & Galloway Council's WED Supplementary Guidance for such assessments.

223. The RVAA follows a four stage assessment process. The first three stages broadly fall within the scope of the landscape and visual impact assessment and essentially identify those properties with the potential to experience a significant effect (in EIA terms) on views from their property or its curtilage during the operational period of the proposed Development. The final stage then considers, for those properties where significant visual impacts are predicted, whether or not the impacts are of such a magnitude or nature that may affect the living conditions experienced by the occupiers of the property.

224. Three residential properties were taken forward for detailed assessment in the RVAA. These three properties comprise Lorg Cottage, Dalgonar and Shinnelhead, the final property of which was only considered on a precautionary basis at the request of the residents. Each of these properties are considered in turn below.

225. Lorg Cottage is located approximately 1 km south west of the nearest proposed turbine. The property is not currently in residential use. Furthermore, the Applicant for the consented but currently not built Lorg Wind Farm have confirmed that this property would remain empty for the operational life of that development. The property comprises a small, single storey building with main elevations facing south west / north east. The RVAA identifies that the majority of the proposed Development would be screened from view by intervening landform but that the closest wind turbines (turbines 9 to 11) would appear at close proximity above the hilltop to the rear of the property. Although seen at close proximity, the RVAA establishes that these turbines would not impinge on views from within the house or in the primary views looking along the Lorg Glen. The assessment concludes that the visual effects of the proposed Development on this property overall would not be sufficient to affect the living conditions of the residents such that their home would become an unattractive place in which to live.

226. The Dalgonar property is located approximately 1.8 km north from the nearest proposed wind turbine. It is understood that the Applicant's for the proposed Sanquhar II development intend that this property would be taken out of residential use for the operational life of that development if approved and built. This property comprises a single storey dwelling that occupies an elevated position above the road on the northern side of the Scaur Water valley and is set amongst mature gardens. The RVAA identifies that there would be oblique, cross valley views of the nearest proposed wind turbines from some south facing windows and part of the gardens and along valley views, but that they are unlikely to be visible from elsewhere within

the property. It also identifies that there would be further relatively open views of the proposed turbines to the west from west facing window and parts of the garden. However, both would occupy a relatively limited arc of view and would be seen in a view already influenced by the consented wind energy development at Lorg. The assessment establishes that it is unlikely that both the proposed turbines to the south and west would be seen together from the property due to intervening garden vegetation. It concludes that there would remain ample areas with the property that would be unaffected of the proposed Development and that the visual effects of the proposed Development would not be sufficient to affect the living conditions of the residents such that their home would become an unattractive place in which to live.

227. The Shinnelhead property is located approximately 1.9 km east from the nearest proposed wind turbine. This property comprises a 1.5 storey house and a number of barns and outbuildings. The property is set amongst mature trees with the main elevations of the house oriented broadly north/south and no windows on the gable end elevation oriented towards the proposed Development. The RVAA identifies that there would be no views of the proposed Development from within the house and that from within the main garden that vegetation would provide considerable screening of the wind turbines. Although the RVAA identifies that more open views would be available from parts of the gardens and around outbuildings where turbines would be seen along the top of the Shinnel Glen, the assessment concludes that the visual effects of the proposed Development on this property would not be sufficient to affect the living conditions of the residents such that their home would become an unattractive place in which to live
228. Overall, it is therefore concluded that the proposed Development would not adversely impact upon residential visual amenity to a significant and unacceptable degree. The proposed Development would therefore be in accordance with the policies and guidance listed at paragraphs 217, 220 and 221 of this Planning Statement with regards to residential visual amenity.

7.6.3 Noise

229. It is proposed that construction activities that may give rise to audible noise at the nearest residential properties will be carried out between the hours of 07:00 to 19:00 during weekdays and 07:00 to 16:00 at weekends. Should Access Route B be used, it is also proposed that some construction activities would be further restricted – specifically it is proposed that no HGV traffic will be allowed to use Access Route B during Saturday afternoons and Sundays and light vehicles will be phased to spread intensity of use so there are no more than approximately 35 vehicle movements per hour. In addition, it is proposed that activities related to the upgrading of the access track or construction of the temporary site compound within 500 m of the Euchanbank property would be restricted to weekdays (07:00 to 19:00) and Saturday mornings (07:00 to 13:00). These measures could be secured through an appropriate planning condition. On the basis of these mitigation measures, the noise impact assessment in **Chapter 13: Noise** of the EIA Report concludes that although some of the construction activities may be audible at various times from those residential properties located more closely to the works, that they would remain with acceptable limits.
230. Notwithstanding that construction noise effects are not considered likely to be significant, a range of best practice mitigation measures are nonetheless proposed in **Technical Appendix 13.1** of the EIA Report to further manage and reduce the potential effects of construction noise. Again, these mitigation measure can be secured through an appropriate planning condition.
231. If blasting is employed to win stone from the proposed borrow pits, a planning condition requiring the submission of a blasting method statement for the approval of the Planning Authority is proposed to ensure that these operations do not result in any unacceptable noise and vibration impacts upon residential amenity. An outline of the mitigation measures that such a blasting method statement would include are identified in **Chapter 13: Noise** of the EIA Report.
232. The potential for operational noise from the proposed wind turbines to cause unacceptable noise impacts, in particularly cumulatively with other existing and proposed wind energy developments, has been very carefully considered as part of the design process for the proposed Development. This has primarily been achieved through providing appropriate setback distances between turbine locations and residential properties in the vicinity of the site. As a result of this design process, the operational noise impact assessment confirms that predicted noise levels at all noise sensitive receptors from the proposed wind turbines would comply (both individually and cumulatively) with the noise limits contained within the ETSU-R-97 guidance without the need for any curtailment or any other forms of mitigation. Appropriate planning conditions can be imposed to ensure compliance within these limits. Other operational elements of the proposed Development (including the proposed energy storage facility) have been located remote from any residential properties and would not therefore have the potential either individually or cumulatively for any unacceptable impacts upon residential noise amenity.

233. Overall, it is therefore concluded that with the implementation of the proposed restrictions during construction, that the proposed Development (both individually and cumulatively) will not significantly impact upon residential noise amenity. The proposed Development would therefore be in accordance with the policies and guidance listed at paragraph 217 of this Planning Statement with regards to noise.

7.6.4 Shadow Flicker

234. Shadow flicker is an effect that can occur when the sun passes behind the rotor of a wind turbine and casts a shadow over neighbouring properties. When the turbine blades rotate, the shadow moves across the ground. Where the shadow of a moving wind turbine blade passes over a small opening (such as a window), briefly reducing the intensity of light within the room, it may appear to flicker on and off. Shadow flicker effects occur to properties situated within 130 degrees either side of north and within ten rotor diameters of a wind turbine.
235. The layout of the proposed Development has been designed to avoid any potential shadow flicker effects from occurring, with no residential properties located within 130 degrees either side of north and within ten rotor diameters of a wind turbine of any proposed wind turbine locations. Adequate separation distance between the proposed wind turbines and residential properties has also been allowed to take into account the requested 50 m micro-siting allowance for wind turbines sought in this application.
236. Overall, it is therefore concluded that the proposed Development will not result in any unacceptable shadow flicker effects. The proposed Development is therefore in accordance with the policies listed at paragraph 217 of this Planning Statement with regards to shadow flicker.

7.7 Landscape and Visual Impact

237. **SPP paragraph 169** provides that assessment of renewable energy development proposals should consider landscape and visual impacts. Landscape and visual impacts also form one of the development management considerations for wind energy development proposals within **DGLDP Policies IN1 and IN2**. **EALDP Policy RE3** also reference landscape and visual impacts as being a consideration for the assessment of renewable energy developments. More generally, **DGLDP2 Policy OP1(c)** and **EALDP Policy OP1(x)** are also relevant with regard to the protection and enhancement of local landscape character.

7.7.1 Landscape Effects

238. Dumfries & Galloway Council consider that landscape character and capacity are key considerations in considering the effects of wind energy proposals. In this regard, they provide that the guidance for specific landscape character types (LCTs) contained in their DGWFLCS should be taken into account in the assessment of proposals.
239. Whilst the DGWFLCS is relevant in considering the strategic context of capacity for wind energy developments, as acknowledged in the study itself no site specific conclusions should be drawn from it. Instead, as identified in **Section 6** of this Planning Statement, all wind energy proposals should be considered on their own unique locational design characteristics as well as their strategic context.
240. Consideration of the proposed Development against the DGWFLCS is set out below, followed by consideration of the site specific landscape capacity conclusions reached in the Landscape and Visual Impact Assessment (LVIA) in **Chapter 7: LVIA** of the EIA Report.

DGWFLCS

241. The DGWFLCS assesses the sensitivity of the LCTs, and more locally defined character units, across Dumfries & Galloway to different sizes of wind turbine development based primarily on turbine height. The proposed wind turbines are located within the Ken unit of the Southern Uplands with Forest LCT (19a). The key findings of the DGWFLCS with regard to this host LCT unit are as follows:
- The host LCT unit is one of only six units within Dumfries & Galloway identified as having some scope for very large (150 m+ to blade tip) typology wind turbines. Apart from the Eskdalemuir unit of the Southern Upland with Forest LCT unit, no units within Dumfries & Galloway are identified as having scope to accommodate wind turbines towards 200 m high to blade tip.

- The host LCT unit is identified as being of high-medium underlying landscape and visual sensitivity to very large (150 m+) typology turbines. This is the lowest level of underlying landscape and visual sensitivity to this typology of turbine identified within the study.
- The host LCT unit is identified as being of medium-low sensitivity in respect of landscape values overall. This is the second lowest level of landscape value overall identified in the study. Only three units were identified as having a low level sensitivity, of which only one (18a Stroan unit of the foothills with Forest LCT) is identified as having opportunities for very large (150 m+) typology turbines.

242. The DGWFLCS identifies the opportunities the host LCT unit presents for wind energy developments in terms of its expansive scale and predominantly simple, gentle rolling landform; its sparsely settled nature and distance from more populated lowland areas; and the extent of commercially managed forestry found across it which precludes a strong sense of wildness. The location and design of the proposed Development has sought to capitalise on all of these opportunities. Turbine size has been maximised to take advantage of the extensive large-scale upland landscape of the host LCT, whilst the proposals are located within an existing commercial forest with few residential properties in proximity to the Site.

243. Careful consideration has been given in the location and design of the proposed Development to addressing the constraints identified for the further development of wind energy proposals within the host LCT. The key manner in which these constraints have been assessed is as follows:

- The steepness of the landform of the Site, which is characteristic of the Southern Uplands, leads to a pattern of inter-visibility where panoramic views of the proposed turbines are possible on higher ground but from lower ground views are very constrained. This means that inter-visibility and influence of the proposed turbines on landscape character would tend to occur mainly within the open elevated upland areas which are already strongly influenced by wind energy developments.
- The layout of the proposed Development has been designed to follow the natural rhythm of the undulating landscape. The proposed turbines have been located along ridgelines to reflect the topography and design compatibility with existing operational Sanquhar and Whiteside Hill, the consented Lorg and Sanquhar Six, and the proposed Sanquhar II wind energy developments. However, turbines have been located off the summits to minimise effects upon the neighbouring glens as far as possible.
- With regard to the overall strategic pattern of development, the proposed turbines have been located to consolidate and increase the operational and consented windfarm development between Hare Hill, Sanquhar, Whiteside Hill and Lorg. Although forming a larger extended group, the proposed turbines would be clearly perceived within the core of the Southern Uplands LCTs and would not be seen to reduce separation with any other groups of windfarms. Whilst the scale of the proposed turbines compared to the existing Hare Hill, Sanquhar and Whiteside Hill schemes would be noticeable from parts of the host LCT, there is already a variation of scale of turbines within this cluster and hence it is considered that any scale disparity can more easily be accommodated.

244. As a result of the careful location and design of the proposed turbines, the proposed Development would avoid the creation of a concentrated band of windfarm development that visually links the windfarms located in the Ken Unit with the Blackcraig and Mochrum windfarms located in the Stroan Unit of the Foothills with Forest LCT to the south. It is not considered that the addition of the proposed Development would exacerbate impacts upon the Upland Glens LCT, whilst the LVIA predicts that there would be no significant effects upon users accessing Cairnsmore of Carsphairn or the Rhinns of Kells. There would be no impacts on the setting and views to the Loch Doon area or Cairnsmore of Carsphairn, whilst impacts upon the Upper Glen of the Dalwhat Water and on the sculptural hill of Cairnsmore of Carsphairn would be limited. Only a limited number of turbines would be visible from the head of the Lorg Glen. Whilst there would unavoidably be additional cumulative effects as a result of the addition of the proposed Development within the Ken LCT unit, the proposed turbines are located within an area already strongly influenced by renewable energy developments thereby moderating an increase in cumulative effects. Overall, it is therefore considered that the location, layout and design of the proposed Development responds favourably to the design advice relating to local landscape character contained within the DGWFLCS.

7.7.2 LVIA

245. One of the key attractions of the Site for development of wind energy is that it is located outwith and far away from any national landscape designations, the nearest National Scenic Areas being located over 35 km from the Site and not considered by the LVIA to have the potential for any significant adverse effects. The nearest area of wild land at Merrick is located over 25 km away, and again given this separation distance is not considered by the LVIA to have the potential for any

significant adverse effects as a result of the proposed Development. The absence of such potential effects on nationally important landscape designations and valued landscapes is considered to be an important factor in favour of the proposals.

246. In terms of regional and locally designated landscapes, proposed Access Route A and proposed Borrow Pit Search Areas BP06 and BP07 are partly located within a Sensitive Landscape Area (SLA) as identified in the adopted East Ayrshire Local Development Plan. In summary, the LVIA identifies that as none of the proposed wind turbines would be located within the SLA, that the main impacts of the proposed Development would be on the scenic quality experienced by recreational receptors within the East Ayrshire Southern Uplands and Glen Afton. It establishes that whilst there would be some significant effects on these recreational users as a result of the proposed Development, this area is already strongly influenced by wind energy development. Overall, the assessment therefore concludes that whilst the scenic qualities of the area would be affected by the proposed Development, that the overall integrity of the landscape character of the SLA would not be compromised.
247. The Thornhill Uplands Regional Scenic Area (RSA) is located approximately 3.2 km to the east of the Site at its closest point as measured to the nearest proposed wind turbine. In summary, the LVIA establishes that within the areas which are the focus of the designation that there would be little or no impact except from some of the elevated hills which form the edges and within the Shinnel Glen. It also establishes that there would be limited inter-visibility from with the valley LCTs and that the key quality of contrasts between upland and valley scenery would remain wholly intact. Overall, the assessment therefore concludes that the key qualities of the Thornhill Uplands RSA would not be significantly altered and that the overall integrity of the designation would not be compromised.
248. The Galloway Hills RSA is located approximately 5.2 km to the south west of the Site, as measured to the nearest proposed wind turbine. The assessment establishes that although there would be some inter-visibility with the areas that are the focus of the designation, that these would be between 15 to 35 km distant and the effect would not be significant. Whilst the assessment identifies that there would be some change in the composition from some of the most popular hills summits, it considers that impacts would not be significant and notes they do not form a key part of this designation in any event. Overall, the assessment therefore concludes that the key qualities of the Galloway Hills RSA would not be significantly altered and that the overall integrity of the designation would not be compromised.
249. In terms of landscape character effects, as identified above inter-visibility and influence of the proposed turbines on landscape character would tend to occur mainly within the open elevated upland areas which are already strongly influenced by wind energy developments. The LVIA establishes that the significant landscape character effects would be confined to approximately 6 km of the proposed turbines within the Southern Uplands LCTs (with and without forestry) and Narrow Wooded River Valley LCT. Beyond this distance, the LVIA concludes that there would be no significant effects on landscape character in the wider parts of these LCTS or any other LCTs.
250. The LVIA includes an assessment of the impacts of this aviation lighting on landscape character area at night. The assessment has been undertaken on the basis that automatic dimming of the 2000 candela steady red lights on the turbine nacelles and towers to a nominal intensity of 200 candela during periods of meteorological visibility in excess of 5 km would be employed. The assessment also considers use of aircraft detection lighting system which would mean that aviation warning lights on the wind turbines are only activated when aircraft are detected. With just the embedded mitigation included the assessment concludes that there would be significant night-time impacts on the nearest Southern Uplands and Narrow Wooded River Valley landscapes. However, with the implementation of an aircraft detection lighting system the assessment concludes that there would be no significant landscape effects.
251. Although part of the Site is located within the Transition Zone of the Galloway Forest Dark Sky Park, the proposed wind turbines would be over 22 km from the Core Area. The LVIA identifies that most visual receptors within the Dark Sky Park would have no potential visibility the proposed Development with the exception of from the summit of Brockloch Hill within the Galloway Red Deer Range where lighting on up to eight of the turbine nacelles would be visible above the horizon over 30 km away to the northeast. The assessment establishes that the scale of this change would be small and would not result in any significant effects.
252. The LVIA also considers the potential cumulative effects on landscape character that may arise as a result of the addition of the proposed Development to other consented and proposed wind energy developments. The most relevant cumulative schemes in this regard are the consented Lorg scheme and the current tip height increase proposals, the consented Sanquhar Six scheme, and the Sanquhar II proposals. The assessment establishes that the addition of the proposed

Development in combination with these developments would create an even larger cluster with the existing Hare Hill, Sanquhar and Whiteside Hill wind energy schemes which would further reinforce the increased influence from renewable energy but would stay within those LCTs already affected and not result in any increased level of effect on them.

7.7.3 Conclusions

253. Overall, it is therefore concluded that the location of the proposed Development is such that there would be no significant effects upon any national landscape designations. The proposals would therefore comply with **DGLDP Policy NE1** in this regard. Nor would there be any significant effects upon any wild land areas. The proposals would therefore comply with **DGLDP Policy NE3** and **EALDP Policy ENV7** in this regard. Nor would there be any significant effects on the objectives of the Dark Sky designation. The proposed Development would therefore be in accordance with **DGLDP2 Policy ED11** and **EALDP Policy TOUR4** and associated Supplementary Guidance in this regard.
254. Given the careful attention that has been given to the layout and design of the proposed Development, the proposed Development avoids any significant effects upon the special qualities of any regionally and locally valued landscapes. The proposed development would therefore comply with **DGLDP Policy NE2** and **EALDP Policy ENV7**.
255. Instead, significant landscape effects of the proposed Development would be localised to an approximate 6 km radius of the proposed turbines within the Southern Uplands LCTs (with and without forestry) and Narrow Wooded River Valley LCT. Such localised significant landscape effects as predicted are an inevitable consequence of any commercial scale wind energy development. The wording of DGLDP2 Policy IN2 is clear that the identification of such significant effects is not sufficient grounds for refusal of an application. This was clarified by the Reporter in the examination for the DGLDP2 (case ref LDP-170-2), whose report stated:
- “The wording [of Policy IN2] does not indicate that the council would not support wind farm proposals that have a significant detrimental landscape or visual impact, rather that it will not support proposals where these impacts are not accommodated by the landscape, in which circumstances the policy interpretation would be that the proposal would have an unacceptable impact. Only then would the council not support the planning application. This is likely to be a balanced decision weighing up immediate local effects where, as the representation ... suggests, adverse impacts are likely to be more significant, along with impacts on the wider landscape where, as the council suggests, if sensitive areas and visual receptors are avoided, it may not have a significant adverse impact on the landscape.”*
256. Overall, given the limited landscape impacts and the value of the landscapes which would be affected it is considered that the landscape is capable of accommodating these impacts and that the design and scale of the proposal is appropriate to the scale and character of its setting, respects the main features of the site and the wider environment and fully addresses all potential mitigation. It is therefore concluded that the proposed Development complies with **DGLDP Policy IN2** and its associated Supplementary Guidance in this regard.

7.7.4 Visual Impact

257. From the main settlements of Sanquhar and Kirkconnel, given the location of the Site and the careful attention paid to these communities during the design process, the LVIA establishes that views of the proposed Development would be limited and would not be significant. Where wind turbines would be visible from these settlements the LVIA identifies they would not be readily discernible from the existing operational wind energy developments seen. The main significant visual effects from residential dwellings would therefore be restricted to a few residential properties with the Upper Shinnel Glen and the upper Water of Ken Valley. As identified in paragraphs 225 to 228 of this Planning Statement, there would be no unacceptable impacts upon the residential visual amenity of any of these dwellings.
258. The LVIA also assesses the visual effects of the proposed Development that would be experienced when travelling along roads and paths within the study area. The key route assessed in this regard is the Southern Upland Way, where the LVIA identifies that there would be approximately a 7 to 8 km section of the route between Manquhill and Whing Head where views of the proposed wind turbines and other site infrastructure may be obtained. Whilst the undulations in landform and variability in forestry cover along this section of the Southern Upland Way would mean that views would be intermittent, in locations where the proposed Development would be experienced at very close range and therefore become the most prominent element in the view, the LVIA concludes that there would be significant effects. Significant visual effects are also predicted on users of Core Paths and promoted Heritage Paths within the Site, such effects being unavoidable given their proximity, and from hillwalkers on the higher ground above Glen Afton, such effects being unavoidable given their elevated position.

259. Finally, the LVIA assesses the visual effects of the proposed Development on visitors to the Striding Arches, these sculptures being located on the summits of Benbrack, Colt Hill and Bail Hill and at the Byre at Cairnhead. The LVIA identifies that there would be views of the proposed Development from the summits of Benbrack, Colt Hill and Bail Hill. It establishes that the view to each of the other summits would remain intact and that the views of the Arches from surrounding areas would also remain intact. The LVIA considers that the changes to the views at Colt Hill and Benbrack would result in a significant visual impact.
260. Whilst significant visual impacts are predicted on users along parts of the Southern Upland Way, on other promoted paths as well as on visitors to the Striding Arches sculptures at Benbrack and Colt Hill, it is considered that receptors making any journey along the routes and visiting the Striding Arch sculptures would be aware of wind energy developments as an established element within the landscape. In this context it is considered that further development of the scale and nature of the proposed Development would not be uncharacteristic or unacceptable.
261. Overall, it is therefore concluded that that no unacceptable visual impacts would occur. The proposed Development would therefore comply with the policies listed in paragraph 237 of this Planning Statement with regards to visual impacts.

7.8 Natural Heritage and Biodiversity

262. **SPP paragraph 195** identifies that all public bodies have a duty under the Nature Conservation (Scotland) Act 2004 to further the conservation of biodiversity, and that this duty must be reflected in development management decisions. **SPP paragraph 203** provides that planning permission should be refused where the nature or scale of proposed development would have an unacceptable impact on the natural environment.
263. **SPP paragraph 169** provides that assessment of renewable energy development proposals should consider effects on the natural heritage, including birds. **DGLDP Policies IN1 and IN2** and **EALDP Policy RE3** and their associated Supplementary Guidance both cross reference to this consideration. The following Development Plan policies are also relevant in this regard:
- **DGLDP2 Policies OP1(d), NE4, NE5 and NE6.**
 - **EALDP Policies OP1 (ii) and (ix) and ENV6.**
264. The proposed Development has been assessed in terms of natural heritage in **Chapter 8: Ecology** and **Chapter 9: Ornithology** of the EIA Report and associated technical appendices. In general, there are four types of effects that the proposed development could have on the natural heritage resource and these have been categorised and assessed as follows:
- effects upon international and national nature conservation designated sites;
 - effects upon protected habitats and species;
 - effects upon ornithology; and
 - effects upon locally designated nature conservation sites and biodiversity.
265. These potential effects are considered in turn below.

7.8.1 International and National Nature Conservation Designations

266. The Site is not protected by any international or national nature conservation designations. Outwith the Site, the ecology assessment establishes that due to the distance and the lack of hydrological connectivity or other pathways there is no likely potential for any significant effects upon any non-avian international and national nature conservation designations. As discussed in paragraph 277 of this Planning Statement, no likely significant effects upon any international and national nature conservation designations for ornithological interests are predicted for similar connectivity reasons.
267. Overall, it is concluded that the proposed Development would be in accordance with the policies and guidance criteria listed in paragraphs 262 to 263 of this Planning Statement with regards to the protection of international and national nature conservation designations.

7.8.2 Protected Habitats and Species

268. An extended Phase 1 Habitat Survey, a National Vegetation Classification (NVC) survey, fish habitat surveys and protected species surveys were all undertaken to establish if the Site has any sensitive ecological habitats of nature conservation importance or value for protected species.

269. The primary habitat within the Site is coniferous woodland plantation which is considered to be of no more than local value. However, some areas of blanket bog and flush spring habitats considered of regional importance were found. Some areas of blanket bog, wet and dry modified bog, and marshy grassland habitats found were also identified as being potentially groundwater dependent terrestrial ecosystems (GWDTEs). These are defined as wetlands directly dependent on groundwater bodies and are of national importance. However, a detailed assessment of these potential GWDTEs established that most of these habitats are sustained by incidental rainfall and surface water rather than groundwater, with the exception of some groundwater springs recorded near proposed Borrow Pit Search Area BP07. This detailed assessment of potential GWDTEs is presented in **Technical Appendix 10.3: GWDTE Assessment** of the EIA Report.
270. Careful consideration was given in the layout and design of the proposed Development to minimise the loss of more sensitive natural habitats, in particular areas of blanket bog and flush spring habitats, where possible. As a result, the ecology assessment identifies that the loss of any of the habitats within the Site as a result of the footprint of the proposed Development will not result in any significant adverse effects with the exception of approximately 9.79 ha of blanket bog and approximately 3.24 ha of modified bog habitat. This loss of these sensitive habitats will be compensated for through the 23 ha peatland restoration proposed with the Habitat Management Plan, further details of which are provided in **Section 3.5** of this Planning Statement. Once the peatland restoration has succeeded, it is considered that it would result in a net positive impact and likely net gain in biodiversity.
271. To ensure that the construction of the proposed Borrow Pit BP07 (if required) does not adversely affect the groundwater springs identified near it by intercepting groundwater and reducing the flow of water emerging east of the borrow pit, mitigation measures are proposed to ensure that shallow groundwater flow paths to the springs are maintained. These mitigation measures are detailed in **Technical Appendix 10.3** of the EIA Report and can be secured through an appropriate planning condition. Following the implementation of the proposed mitigation measures, no potential significant effects upon any GWDTEs are predicted.
272. With regards to protected species, the desk based studies and surveys undertaken identified potential evidence of otter, water vole, pine martin, red squirrel, reptiles, bats, freshwater pearl mussel and some notable fish species on or near to the Site. Potential water pollution effects on protected and notable species during the construction of the proposed Development will be overcome through the best practice and the mitigation measures identified in **Chapter 10: Hydrology, Hydrogeology, Geology and Soils** of the EIA Report being employed. Best practice measures and further mitigation measures to minimise the potential for adverse impacts to protected and notable species as a result of disturbance, displacement or injury during construction are identified in **Chapter 8: Ecology** of the EIA Report. The ecology assessment concludes that, following the implementation of these best practice construction and mitigation measures, that there would be no significant adverse effects on any protected or notable species as a result of construction (both in isolation and cumulatively) of the proposed Development.
273. Operational wind turbines can affect bats in a number of ways, although the main concerns relate to collision mortality, barotrauma (i.e. injury caused by a change in air pressure) and other injuries resulting from collision with, or flying in very close proximity to, moving turbine blades. Since 2015, SPR have been working to understand more closely how bats interact with windfarms in Scotland. This work was incorporated into the 2019 joint agency guidance on bat and windfarms (<https://www.nature.scot/bats-and-onshore-wind-turbines-survey-assessment-and-mitigation>), of which SPR was a contributing author and member of the review panel. SPR fully endorse the improvements this guidance has made for new windfarm projects and have developed a bat mitigation and monitoring plan for the proposed Development in response. This plan proposes curtailment of the operation of wind turbines during certain weather conditions at certain times of year to reduce the level of risk to *Nyctalus* and *Pipistrellus* bats from operational turbines. Further details of this proposed mitigation are set out in **Technical Appendix 8.10** of the EIA Report.
274. In addition to the net positive impacts that would be secured through the proposed peatland restoration, the walkover fisheries surveys identified a number of culverts currently on the Site that act as barriers to fish migration. In addition to ensuring that all new and upgraded watercourse crossings are designed to facilitate fish migration, subject to agreement with the relevant landowners SPR is committed to providing support to Nith District Salmon Fisheries Board and Galloway Fisheries Trust to improve the suitability of other watercourse crossings within the Site for fish passage, even when not directly affected by the proposed Development. This would result in a positive effect on fish in the longer term.
275. Overall, it is therefore concluded that the proposed Development would be in accordance with the policies and guidance listed in paragraph 262 to 263 of this Planning Statement with regards to protected habitats and species.

7.8.3 Ornithology

276. Baseline data on ornithological interests has been obtained from desk based studies and various bird surveys. The desk based study included a review of extensive surveys that were previously undertaken at the Site between 2012 and 2016. Bird surveys undertaken in 2019 / 2020 have included one full breeding season of flight activity surveys, breeding bird surveys of open ground, scarce breeding bird surveys and black grouse surveys. The acceptability of one year of bird survey work to inform the ornithological assessment was agreed in consultation with SNH (now NatureScot).
277. The Site is not statutorily designated at international or national levels for ornithological interests. The nearest Special Protection Area (SPA) is the Muirkirk and North Lowther Uplands SPA which lies approximately 8.8 km north east of the Site as measured to the nearest proposed wind turbine. This SPA is designated for breeding hen harrier, golden plover, merlin, peregrine, short-eared owl and non-breeding hen harrier. The distance to this SPA (and other designated sites of ornithological interest further afield) is such that the species cited in the designation would not be adversely affected by the proposed Development. The baseline survey data collected and reported in the ornithology assessment confirms minimal use of the Site and the wider survey area by any SPA qualifying species found.
278. The baseline desk study and bird surveys undertaken and reported in the ornithology assessment also establish that there are very low levels of flight activity of protected bird species over the Site and that the Site and wider survey area is not a sensitive area for bird interests. Consequently, the only bird species considered in the ornithological assessment to be of high and moderate Nature Conservation Importance and whose presence during the surveys was deemed sufficient to merit further assessment were goshawk, peregrine and golden plover.
279. It is proposed that a Bird Protection Plan (BPP) be agreed with the Planning Authority, in consultation with NatureScot, prior to the commencement of construction activities to safeguard Schedule 1 birds nesting and roosting in close proximity to the proposed Development. This BPP will describe survey methods for the identification of sites used by Schedule 1 protected birds and will detail protocols for the prevention, or minimisation, of disturbance to birds as a result of activities associated with the proposed Development. Implementation and compliance with the BPP would be overseen by an Ecological Clerk of Works (ECoW). The requirement for a BPP and an ECoW can be secured through appropriate planning conditions.
280. On the assumption that a BPP is employed, the ornithology assessment concludes that the habitat loss arising from the construction of the proposed Development is unlikely to result in significant adverse impacts upon any bird species, including goshawk, peregrine and golden plover. It also establishes that population reductions due to habitat loss, displacement and/or collision mortality during the operation of the proposed Development will be negligible and therefore not significant for all bird species. No potential for significant cumulative effects with other wind energy developments was identified.
281. Overall, it is therefore concluded on the basis of the ornithology assessment and subject to the proposed conditions that the Site and wider survey area is not a sensitive area for bird interests and that the proposed Development (both individually and cumulatively) would not result in any significant effects upon birds. The proposed Development would therefore be in accordance with the policies and guidance criteria listed in paragraphs 262 to 263 of this Planning Statement with regards to protecting birds.

7.8.4 Local Nature Conservation Sites and Biodiversity

282. In addition to assessing impacts upon natural heritage designations, habitats and species at international and national level, both the local development plan policies and supplementary guidance for Dumfries & Galloway and East Ayrshire also require that impacts on these features be assessed at a local level.
283. Proposed Access Route A lies within the Afton Uplands Provisional Local Wildlife Site (pLWS). There will be direct (ground clearance) and indirect (e.g. de-watering) impacts on some of upland mire, montane heath and grassland habitats this site is designated for due to the construction of the access road and proposed Borrow Pit Search Areas BP06 and BP07. Total habitat loss within the Afton Uplands pLWS will be approximately 3.02 ha (direct loss) and 12.51 ha (indirect loss). This equates to less than 0.4 % of the pWLS. The ecology assessment therefore concludes that impacts upon this pWLS would not be significant.
284. In addition, the whole of the Site lies within the Transition Zone of the Galloway and Southern Ayrshire Biosphere reserve. Further details on the purpose of this Biosphere reserve are provided in paragraph 29 of this Planning Statement. Due to the Site's location in the Transition Zone and the predominantly coniferous plantation of the Site, the ecology assessment concludes that impacts upon the Biosphere would not be significant.

285. The ecology and ornithology assessments have both taken into account the presence of Local Biodiversity Action Plan (LBAP) habitats and species, in particular in defining the level of conservation sensitivity that should be attributed to individual habitats and species in the assessment. Both assessments identify that although there are a number of habitats and species listed under the Dumfries & Galloway and East Ayrshire LBAPs that could potentially be affected by the proposed Development, that no significant effects upon any such species or habitats are predicted.

286. Overall, it is therefore concluded that the proposed Development would not result in any unacceptable impacts upon any local nature conservation sites and would not conflict with the aims and objectives of the LBAPs for Dumfries & Galloway or East Ayrshire. The proposed Development would therefore comply with the policies and guidance criteria listed in paragraph 262 to 263 of this Planning Statement in this regard.

7.9 Carbon Rich Soils and Peat

287. **SPP paragraph 169** provides that assessment of renewable energy development proposals should consider impacts on carbon rich soils, including peat land. **DGLDP Policy IN2** and **EALDP Policy RE3** and their associated Supplementary Guidance both also cross reference to this consideration.

288. **Table 1 of SPP** identifies carbon rich soils and peat as areas of special protection (i.e. Group 2 areas) where it is necessary for applicants to show that any significant effects of windfarm development can be substantially overcome. **SPP paragraph 205** provides that where peat and other carbon rich soils are present, that applicants should assess the likely effects of development on carbon dioxide (CO₂) emissions. It continues that developments should aim to minimise the release of CO₂ to the atmosphere that can be caused by the drainage or disturbance of peatland.

289. The following planning policies and their associated supplementary guidance criteria are also relevant in this regard:

- **DGLDP2 Policies NE14** and **NE15**; and
- **EALDP Policy ENV10**.

290. As previously identified, it is noted that small parts of the Site are located within a Group 2 area due to mapped areas of Class 1 and Class 2 carbon rich soil, deep peat and priority peatland. Further analysis of SNH's (now NatureScots) Carbon and Peatland Map 2016 has identified Class 4 and Class 5 peatland may also be present across the Site. Whilst this national level mapping taken from SNH's Carbon and Peatland Map 2016 is helpful in identifying the potential presence of peat when preparing spatial frameworks for wind energy developments, it must be noted that it is not intended to be used as development management tool for assessing individual proposals. SNH's 'Spatial Planning for Onshore Wind Turbines – natural heritage considerations' (SNH, 2015) guidance document makes this clear. It states that the national level peatland map information:

“cannot (and should not) be used in isolation to determine the impacts of a specific development proposal on peat. This should be based on a detailed, site specific survey of peatland habitats and peat depths across the site using existing methods. The location of a proposal in the mapped area does not in itself mean that the proposal is unacceptable, or that carbon rich soils, deep peat and priority peatland habitat will be adversely affected. The quality of peatland tends to be highly variable across an application site and a detailed assessment is required to identify the actual effects of the proposal, and to inform the location of site infrastructure...”

291. This detailed site specific assessment of the impact of the proposed Development on peat is presented in **Chapter 10: Hydrology, Hydrogeology, Geology and Soils** of the EIA Report and its supporting technical appendices.

292. Careful consideration to the presence of peat has been given in the layout and design of the proposed Development. Initial peat probing assessments were undertaken in accordance with current SEPA guidance during the early design stages. This peat probing established that the areas of deepest peat are generally located in the areas with flatter gradients and that on the majority of steeper slopes where wind turbines would mostly likely be located that the development of peat is significantly more limited, generally comprising peaty soils of less than 0.5 m depth. Much of the peat identified was also found to have been disturbed by the commercial forestry on the Site. The results of this initial peat probing exercise were used to locate wind turbines away from areas of deep peat, or away from peat altogether. This was done to minimise the potential for disturbance and degradation of peat from construction activities, as well as to minimise the risk of peat slide occurring.

293. Following the identification of a preferred design layout, detailed peat depth surveys and a peat slide risk assessment were undertaken, and the layout of the turbines and associated infrastructure was further refined to avoid areas of deep peat and areas which may be prone to peat slides where possible. A floating road design solution was also identified for approximately 4.8 km of the proposed new access tracks where peat was recorded as exceeding 1.5 m depth.
294. As a result of the above, all wind turbine locations for the proposed Development are located on peat/peaty soils with an average peat/peaty soil depth of 0.48 m, ranging from 0.1 m to 2.5 m. The excavated access tracks would be located on an average peaty soil/peat depth of 0.48 m. Overall, it is anticipated that the construction of the proposed Development will result in the excavation of approximately 204,482 m³ of peat, of which approximately 25 % will be acrotelmic peat and 5 % will be catotelmic peat. Details of where this excavated peat is proposed to be re-used on Site are contained in **Technical Appendix 10.2: Outline Peat Management Plan** of the EIA Report. In summary, it is anticipated that the excavated peat will be used to reinstate track verges, turbine bases, crane hardstandings and restoration of on-site borrow pits to create a good landscape tie-in with the original ground form and habitat. On the basis of the anticipated volumes of peat on the Site, the Outline Peat Management Plan concludes that the volumes of excavated peat and requirements for re-use are likely to be roughly equal and that consequently there will not be any surplus peat resulting from the construction of the proposed Development.
295. Pre-construction, further information including detailed ground investigations to determine the peat characteristics across the Site will be collected to enable detailed design of the Site infrastructure and to enable a detailed Peat Management Plan to be prepared. The requirement for a detailed Peat Management Plan can be secured through an appropriate planning condition.
296. A peat slide risk assessment for the proposed Development is provided in **Technical Appendix 10.1** of the EIA Report. The assessment establishes that due to the careful site design process employed as discussed above, that all of proposed turbine and associated crane hardstanding locations are located in areas classified as being of negligible or low peat slide risk.
297. As identified in **Section 3** of this Planning Statement, the proposed Development includes peatland restoration which it is considered would lead to a net positive impact and likely net gain in biodiversity in time once the peatland restoration has succeeded. This accords with the SPP policy principles for the natural environment, which provides that the planning system should seek benefits for biodiversity from new development where possible including the restoration of degraded habitats.
298. In terms of the test set in **DGLDP2 Policies NE14 and NE15** and **EALDP Policy ENV10** that the balance of advantage in terms of climate change mitigation must lie with the development proposal, as previously discussed the carbon calculations derived for the proposed Development from the Scottish Government's online carbon calculator indicate a favourable carbon payback period of between 0.8 and 2.7 years, which would lead to substantial net carbon savings of between 97,962 and 355,411 t CO₂ / yr, when compared to the grid mix / coal – fired electricity generation over the operational lifespan of the development. This positive aspect of the development is augmented by the layout of the proposed Development largely avoiding deposits of deep peat and by the proposed peatland restoration that will be undertaken.
299. Overall, it is concluded that the proposed Development would not result in any unacceptable impacts upon carbon rich soils, including peat. The proposed Development is therefore in accordance with the policies and guidance listed at paragraph 287 to 289 of this Planning Statement with regards to impacts upon peat and soils. Furthermore, it is concluded that while at first glance small parts the proposed Development are located within a Group 2 area, that issues of peat and carbon rich soil have been satisfactorily addressed such that there are no Group 2 constraints so far as the proposal is concerned. Therefore, the Site is effectively a Group 3 location and should be regarded as such.

7.10 Public Access

300. **SPP paragraph 169** provides that assessment of renewable energy development proposals should consider impacts on public access, including impact on long distance walking and cycling routes identified in NPF3. **DGLDP Policies IN1 and IN2** and **EALDP Policy RE3** and their supporting Supplementary Guidance both cross reference to this consideration. The following Development Plan policies are also relevant in this regard:

- **DGLDP2 Policy CF4;** and
- **EALDP Policy T4.**

301. The proposed Development has been assessed in terms of public access in **Chapter 14: Socio-Economics, Tourism and Recreation** of the EIA Report.
302. The Southern Upland Way is promoted as one of Scotland's Great Trails and passes through the Site for approximately 7 km. The construction of the proposed Development will require a temporary diversion around the western boundary of the Site to be put in place of a 3.7 km section of the Southern Upland Way within the Polskeoch forest block, where the Southern Upland Way currently shares the Heads of the Valley logging route. Given the short-term nature of the diversion, the slight nature of the diversion and the fact that this section of the Southern Upland Way is often diverted for forestry and timber haulage operations in any event, the assessment concludes that there would be no direct significant effects upon users of the Southern Upland Way within the Site during construction.
303. Outwith the Site, the Southern Upland Way shares a 100 m section of the C128n Blackaddie Road over the River Nith with proposed Access Route B. To avoid any potential unacceptable amenity or traffic safety issues on uses of the Southern Upland Way associated with construction vehicles passing along this public road, the outline Construction Traffic Management Plan included in **Technical Appendix 12.4** of the EIA Report sets out a range of mitigation and management that would be implemented. These include signage to warn drivers of construction vehicles of the potential for there to be pedestrians (or cyclists and equestrians), information for users of these routes and the use of stop/go boards where pedestrians and other non-motorised users are not segregated from vehicular traffic.
304. In terms of other direct impacts, there are several Core Paths, rights of way and promoted heritage paths which pass through the Site. These include Core Path 504, which shares the same route as the Southern Upland Way. Where public access to any of these routes will be diverted during construction, it is confirmed that a suitable diversion which minimises the length of path affected will be put in place along with the display of signage at each end of the route where the route is diverted. The signage will detail the path which is closed, the proposed alternative route and the duration of the closure. All signage will be agreed with the Access Officer for Dumfries & Galloway Council prior to the commencement of construction. The duration of all temporary closures and diversion will also be minimised as far as a possible.
305. General access rights to the Site under the Land Reform (Scotland) Act 2003 will require to be temporarily suspended on land where construction work is being carried out. This suspension will only apply to areas where construction operations are active, rather than the whole of the Site, and will be kept to the minimum area and the minimum duration that is reasonable and practicable. Given that such suspension of access rights would be temporary, already commonly occur for forestry operations and given alternatives for public access in the local area, impacts upon public access during construction are considered to be acceptable.
306. Once operational, the layout of the proposed Development has been carefully designed such that no adverse direct effects upon users of the Southern Upland Way or other paths would occur. A minimum standoff distance of 100 m has been applied from all wind turbines to the Southern Upland Way, core paths, rights of way and other promoted routes. Consequently, none of the proposed wind turbines would oversail such routes. The acceptance of the oversail distance as the minimum distance is demonstrated by a number of operational and consented wind energy developments which lie within such distance of a footpath, for example at SPR's Whitelee Windfarm near Eaglesham.
307. As detailed in **Section 3** of this Planning Statement, SPR is committed to enhancing recreational and public access opportunities at the Site as part of the proposed Development. These measures include retaining the proposed diversion to the Southern Upland Way around the western boundary of the Site. It is proposed that all public access mitigation and enhancement measures be set out in an Access Management Plan. The requirement for an Access Management Plan can be secured through an appropriate planning condition.
308. Overall, it is concluded that the proposed Development would be in accordance with the policies listed at paragraph 300 of this Planning Statement with regards to impacts upon public access.

7.11 Historic Environment

309. **SPP paragraphs 135 to 151** deal with the historic environment in detail. They recognise that the historic environment is a key part of Scotland's cultural heritage and that it enhances national, regional and local distinctiveness. They seek to ensure that planning authorities safeguard historic assets but recognises that the historic environment can be adapted to accommodate new uses whilst retaining its special character.

310. **SPP paragraph 169** provides that assessment of renewable energy development proposals should consider impacts on the historic environment, including scheduled monuments, listed buildings and their setting. **DGLDP Policies IN1 and IN2** and **EALDP Policy RE3** and their associated Supplementary Guidance both cross reference to this consideration.
311. The following planning policies and Supplementary Guidance are also relevant in this regard:
- **DGLDP2 Policies OP1, HE1, HE2, HE3, HE4 and HE6 and associated Historic Built Environment Supplementary Guidance.**
 - **EALDP Policy OP1 (ii) and (ix) and Policies ENV1, ENV2, ENV4.**
312. The proposed Development has been assessed in terms of the historic environment in **Chapter 11: Archaeology and Cultural Heritage** of the EIA Report.
313. There are no scheduled monuments, listed buildings, Inventory Gardens and Designed Landscapes or inventoried battlefields within the Site. Although there are a number of archaeological features within the Site, the layout of the proposed Development has been designed to avoid these assets. Where this has not been possible, mitigation measures including fencing around known assets, watching briefs in areas of potential unrecorded buried archaeology and a programme of archaeological investigation may be required. It is considered that a planning condition requiring a written scheme of investigation to be agreed with the Planning Authority prior to the commencement of development would address this matter.
314. Outwith the site, the cultural heritage assessment concludes that there would be no significant indirect effects as a result of the proposed Development (both in isolation and cumulatively) upon any scheduled monuments, listed buildings, conservation areas or gardens, Inventory Gardens and Designed Landscapes or inventoried battlefields.
315. As part of the proposed Development interpretation boards will be erected to provide information on the heritage of the area. It is anticipated that this will include interpretation boards at Allan's Cairn, a covenants' grave marker situated on the Southern Upland Way. The proposed Development will also improve access to Allan's Cairn as an indirect result of the proposed access improvements to the Southern Upland Way. Although not significant, the cultural heritage assessment identifies that these enhancement measures will have a positive beneficial effect.
316. Overall, it is therefore concluded on the basis of the cultural heritage assessment that the proposed Development would be in accordance with the policies and guidance listed at paragraph 309 to 311 of this Planning Statement with regards to impacts upon the historic environment.

7.12 Tourism and Recreation

317. **SPP paragraph 169** provides that assessment of renewable energy development proposals should consider impacts upon tourism and recreation. **DGLDP Policies IN1 and IN2** and **EALDP Policy RE3** and their associated Supplementary Guidance both cross reference to this consideration also. The following Development Plan policies are also relevant in this regard:
- **DGLDP2 Policy ED10;** and
 - **EALDP Policies OP1 (x) and TOUR 5.**
318. The visual impacts upon visitors to the Striding Arches, users of the Southern Upland Way and other recreational routes that pass through the Site are considered to be the primary considerations with regard to the potential impacts on tourism and recreation for this application. These visual impacts are summarised in paragraphs of 258 to 260 of this Planning Statement.
319. It is recognised that the acceptability of the visual impact of renewable and wind energy developments is largely subjective matter and that there is no evidence that wind turbines have a negative effect upon tourism or recreation interests. In assessing the acceptability of the visual impact of the proposed Development on tourists and recreation, significant weight should be given to a number of studies (as referred to in **Chapter 14: Socio-Economics, Recreation and Tourism** of the EIA Report) which have been undertaken in order to identify if the presence of a wind turbines would have any negative effects. These show that for the majority of tourists, wind turbines are not a major factor in their decision making, whilst amongst those who do take note of them, most regard them as having a positive or a neutral effect on the landscape (Scottish Government , 2008 and VisitScotland 2012). On the basis of these studies it is concluded that there is no evidence that windfarm proposals have a negative impact upon tourism. This conclusion is supported by the findings in the Scottish

Parliaments Economy, Energy and Tourism Committee's (2012) 'Report on the Achievability of the Scottish Government's Renewable Energy Targets' which concluded that there is "*no empirical evidence which demonstrates that the tourism industry in Scotland will be adversely affected by the wider deployment of renewable energy projects, particularly onshore and offshore wind.*" Subsequent studies have reported similar findings, one of the most recent being a study by BiGGAR Economics published in 2016 which actually found that in the majority of cases sustainable tourism employment actually performed better in areas surrounding windfarms than in the wider local authority area. SPR's own experience on projects such as Whitelee Windfarm also demonstrates that windfarms can become important tourist attractions in their own right. On this basis it is concluded that the proposed Development will not result in any unacceptable impacts upon tourism and recreation.

320. **Chapter 14: Socio-Economics, Recreation and Tourism** of the EIA Report establishes that there would be no other significant adverse effects upon any tourism or recreational facilities, including the Dark Sky Park and Biosphere, as a result of the proposed Development.

321. Overall, it is therefore concluded that the proposed Development would comply with the policies and guidance listed at paragraph 317 of this Planning Statement with regards to tourism and recreation.

7.13 Aviation and Defence

322. **SPP paragraph 169** provides that assessment of renewable energy development proposals should consider impacts upon aviation and defence interests. **DGLDP Policy IN2** and **EALDP Policy RE3** and their associated Supplementary Guidance both also cross reference to this consideration.

323. **Chapter 15: Other Issues** of the EIA Report assesses the potential impact of the proposed Development on aviation and defence systems within the vicinity of the Site. It identifies that the proposed Development would interfere with the current radar arrangements at Glasgow Prestwick Airport (GPA) and at Lowther Hill and Great Dun Fell and that these impacts may have a significant adverse effect upon the provision of Aviation Technical Services by Glasgow Prestwick Airport Air Traffic Control and NATS En Route Plc (NERL).

324. Such impacts upon radar arrangements are not uncommon for wind energy proposals, particularly in this part of Scotland. SPR will engage with GPA and NERL to establish the extent of any detrimental impact on their radar systems as a result of the proposed Development. Should a detrimental effect on radar performance be established, **Technical Appendix 15.2: Aviation Impact Assessment (AIA)** indicates that GPA's Terma PSR should operate to automatically mitigate any radar line of sight turbine impacts, so no detrimental impact on GPA's air traffic service should occur. **Technical Appendix 15.2: AIA** also outlines a radar solution available to resolve any NERL issues, namely use of the Cumbernauld PSR infill. The Cumbernauld mitigation has been successfully deployed for nearby windfarms, including SPR's Hare Hill Extension. Should mitigation be required, SPR will work to agree a suitably worded planning condition and the underlying commercial arrangements to allow the mitigation to be implemented so as to assure certainty of generation and reasonable cost. Mitigation should only be required for so long as there remains no obligation on aviation stakeholders to ensure that their surveillance infrastructure is windfarm tolerant.

325. As previously identified in **Section 3** of this Planning Statement, the proposed turbines will require to be fitted with visible aviation lighting to assist their detection by aircraft. To minimise the landscape and visual impacts of this aviation lighting, a variety of light minimisation strategies are being proposed, one of which is the use of aircraft detection lighting system which would mean that aviation warning lights on the wind turbines are only activated when aircraft are detected. It is predicted that given the relatively quiet airspace above the Site that with such a system in place that the turbine lighting would be rarely illuminated.

326. The Civil Aviation Authority (CAA) is in the process of consulting on a new policy statement on En-Route Aviation Detection Systems for Wind Turbine Obstruction Lighting Operation. SPR has had an opportunity to review the CAA's proposal as part of an industry working group. Given the general support for the use of aircraft detection lighting system that has been expressed in the CAA's proposal, it is considered that such a system will likely be available by the time of construction of the proposed Development. It is therefore proposed that it is appropriate for an aviation lighting scheme detailing any mitigation and operating protocols considered necessary to reduce the visual impacts of the wind turbine lighting to be secured through the use of an appropriately worded suspensive condition, as provided in **Technical Appendix 15.3: Indicative Aviation Lighting Landscape and Visual Impact Mitigation Plan (IALLVMP)**. Such a condition would prevent the operation of any

wind turbines forming part of the proposed Development prior to the agreement and implementation of the relevant aviation lighting scheme.

327. Overall, it is concluded that, subject to the proposed conditions, that the proposed Development would be in accordance with the policies and guidance listed at paragraph 322 of this Planning Statement with regards to aviation and defence interests.

7.14 Telecommunications, Broadcasting Installations and Transmission Links

328. **SPP paragraph 169** provides that assessment of renewable energy development proposals should consider impacts upon telecommunication and broadcasting installations, in particular ensuring that transmission links are not compromised. **DGLDP Policy IN2** and **EALDP Policy RE3** and their associated Supplementary Guidance both cross reference to this consideration.

329. The proposed Development has been assessed in terms of telecommunications and broadcasting installations in **Chapter 15: Other Issues** of the EIA Report. The assessment concludes, after consultation, that the proposed Development will have no effect on any telecommunications, broadcasting or transmission link interests. In the unlikely event that issues do arise, it is a matter that may be mitigated and could be the subject of planning conditions. Overall, it is therefore concluded that the proposed Development would be in accordance with the policies and guidance listed at paragraph 328 of this Planning Statement.

7.15 Traffic and Transportation

330. **SPP paragraph 169** provides that assessment of renewable energy development proposals should consider impacts on road traffic as well as impacts on adjacent trunk roads. **DGLDP Policy IN2** and **EALDP Policy RE3** both cross reference to this consideration. The following planning policies and supplementary guidance criteria are also relevant in this regard:

- **DGLDP2 Policy OP1(e)**; and
- **EALDP Policy T1**.

331. The proposed Development has been assessed in terms of access and traffic impacts in **Chapter 12: Access, Traffic and Transportation** of the EIA Report.

332. There will be three types of traffic during construction of the proposed Development:

- abnormal indivisible loads that will deliver the turbine components (blades, towers, hubs and nacelle units) and cranes for turbine assembly and erection;
- standard load heavy goods vehicles (HGV) delivering construction materials and equipment to the Site; and
- ancillary vehicles and other light goods vehicles (LGV) used by construction staff and deliveries.

333. As identified in **Section 3** of this Planning Statement and shown on **Figure 3.12**, there are two proposed access routes for the wind turbine components being delivered to the Site depending upon the final port of origin (either King George V Dock in Glasgow or the Port of Ayr). Both these routes involve the use of the A76 through New Cumnock.

334. A Visual Route Assessment for transporting abnormal loads from both ports to the Site has been undertaken. This identifies that a blade lift adapter may be required to be used to transfer the wind turbine blades between a location to the west of New Cumnock and the Site in order to overcome potential pinch-points on this route that would otherwise be difficult to mitigate. Using Access Route A, it is likely that wind turbines blades will require to be raised and lowered to overcome the mini roundabout at New Cumnock. Using Access Route B, it is also likely wind turbines blades will require to be raised on the approach to Kirkconnel and lowered within the village; raised on the entry to Sanquhar and lowered immediately after the junction; and raised on the U432n Euchan Water and lowered at the laydown areas within the Site.

335. For the avoidance of doubt, the use of a blade lift adapter vehicle will not be necessary for the other wind turbine components, including the turbine towers. Instead these wind turbine components will be transported using conventional turbine component transportation vehicles. The Visual Route Assessment establishes the suitability of the two proposed abnormal access routes for such vehicles, subject to the potential need for structural bridge assessments and any localised temporary works at junctions to facilitate movements.

336. Once the final route, turbine model and vehicle type is confirmed, a detailed Abnormal Loads Assessment and Abnormal Load Traffic Management Plan (ALTMP) will be prepared. The ALTMP will set out the key points and issues associated with abnormal loads for the selected turbine delivery. The requirement for an ALTMP can be secured through an appropriate planning condition.
337. Over the entire 22 month construction period, it is expected that there would be an average of 38 HGV and 79 conventional LGV two way vehicle movements per day if, as proposed, aggregate is won and concrete batched on Site. This would increase to 162 HGV daily two way vehicle movements per day in the highly unlikely worst case scenario that aggregate and concrete is imported to Site. During the peak month of construction (months three and four) it is expected that there would be a maximum of 125 HGV two way vehicle movements per day if, as proposed, aggregate is won and concrete batched on Site. This equates to approximately five to six HGVs in each direction per hour. In the highly unlikely worst case scenario that aggregate and concrete is imported to Site, then the peak months of construction would be month 8 when there would be a maximum of 515 HGV two way vehicle movements per day. LGV generation will be a maximum of 150 two-way vehicle movements per day.
338. The transportation assessment establishes that there would be no significant effects if Access Route A only is used and, if as proposed, aggregate is won and concrete batched on Site. If Access Route B is used, the assessment predicts that level of traffic generation may have the potential to give rise to significant road safety effects on the C128N Blackaddie Road and the U432n Euchan Water. In the highly unlikely worst case scenario that aggregate and concrete is imported to site, significant pedestrian amenity effects are also predicted on these local routes. However, these predicted significant effects are primarily as a result of their very low baseline HGV traffic flows that currently take place on these roads. Consequently, any increase in HGV traffic on these routes would be likely to have predicted significant effects.
339. To mitigate for these potentially significant effects, a Construction Traffic Management Plan is proposed (CTMP) is proposed. This CTMP would identify the measures to be implemented in order to manage and minimise the impact of construction traffic. An outline CTMP is provided in **Technical Appendix 12.4** of the EIA Report. Proposed mitigation measures in the outline CTMP include timing abnormal vehicle movements to avoid peak hours, including at night for those that are able to do so. Local residents will also be notified prior to construction starting and kept fully informed of details in relation to the timing of the delivery of turbine parts. During the delivery of the turbines, SPR (or its appointed contractor) will also communicate information, where appropriate, via local notice boards and the project specific website. Taking into account the short term nature of these potentially significant effects and the proposed mitigation measures to be implemented through the CTMP, the transportation assessment concludes that construction of the proposed Development will not result in any significant issues on the transport network or road safety.
340. Overall, on the basis of the transportation assessment and subject to the proposed conditions, it is therefore concluded that the proposed Development (both individually and cumulatively) will not result in any significant issues on the transport network or road safety. The proposed Development would therefore be in accordance with the policies listed at paragraph 330 of this Planning Statement in this regard.

7.16 Hydrology, Water Environment and Flood Risk

341. **SPP paragraph 169** provides that assessment of renewable energy development proposals should consider effects on hydrology, the water environment and flood risk. **DGLDP Policy IN2** and **EALDP Policy RE3** and their associated Supplementary Guidance both cross reference to this consideration. The following planning policies and supplementary guidance criteria are also relevant in this regard:
- **DGLDP2 Policies OP1(f) and (g), NE11, NE12, IN7, IN8 and IN11.**
 - **Dumfries and Galloway Flooding and Development Supplementary Guidance.**
 - **Dumfries and Galloway Water Drainage and Sustainable Drainage Supplementary Guidance.**
 - **EALDP Policies ENV11 and ENV12.**
342. The construction period is the most likely to give rise to potential pollution and contamination of the water environment, associated with the formation of wind turbine bases and other ancillary infrastructure. Pollution may also potentially arise during the construction stage from storage of materials and chemicals on-site and from site welfare facilities. This matter has been addressed in **Chapter 10: Hydrology, Hydrogeology, Geology and Soils** of the EIA Report, which identifies a number of general pollution prevention measures that would be employed to ensure that both ground and surface waters are not contaminated. All of these mitigation measures will be included within a Construction Environment Management Plan

(CEMP) which will be submitted for approval to the Planning Authority prior to the commencement of any construction works. Subject to the adoption of best practice techniques and these identified mitigation measures being employed, no unacceptable adverse consequences in terms of pollution and contamination of the water environment are identified in relation to the proposed Development.

343. Sustainable Urban Drainage Systems (SUDS) are also discussed within **Chapter 10** of the EIA Report. The principles and outline drainage systems associated with the proposed Development have been designed to comply with SUDS. The implementation of SUDS will ensure that the rate of runoff from the Site post development is no greater than that prior to development. It will allow the quality of water to be managed at source prior to any discharge being made. Further, the proposed habitat management proposals include a programme of ditch blocking which would reduce both the rate and volume of peak water flows, thereby providing a flood risk benefit when compared to existing conditions. With the implementation of the proposed drainage scheme, it has been assessed that the proposed Development would not be at significant risk of flooding or lead to increased flood risk elsewhere.
344. The impact of the proposed Development on private water supplies is assessed in **Technical Appendix 10.4** of the EIA Report. The assessment identifies that there would be no potential source-pathway-receptor linkage with any of these private water supplies, with the exception of a stream abstraction at Euchanbank which is used for livestock welfare only. To ensure that this stream abstraction will not be adversely impacted by the proposed Development, a planning condition requiring adoption of a monitoring programme both prior to and during construction is proposed.
345. Overall, it is therefore concluded, taking into account the proposed mitigation which could be secured by planning conditions, that the proposed Development would not result in any unacceptable impacts upon hydrology, the water environment or flood risk and would therefore be in accordance with the policies and guidance listed at paragraph 341 of this Planning Statement.

7.17 Decommissioning and Site Restoration

346. **SPP paragraph 169** provides that assessment of renewable energy proposals should consider the need for conditions relating to the decommissioning of the development, including ancillary infrastructure, and site restoration. It also provides that assessment of renewable energy proposals should consider the need for a robust planning obligation to ensure that operators achieve site restoration.
347. **DGLDP Policies IN1 and IN2** and **EALDP Policy RE3** and their associated Supplementary Guidance make similar requirements regarding provisions for decommissioning and restoration. Furthermore, **EALDP Policy RE5** requires an appropriate financial guarantee for wind energy proposals to ensure that all decommissioning, restoration, aftercare and mitigation requirements are met in full.
348. As previously identified, consent for the proposed Development is being sought in perpetuity. If approved, it is anticipated that standard conditions dealing with the requirements for decommissioning of wind turbines (for example where they have not been operational for a certain period of time) and site restoration be attached to the consent and deemed planning permission. On this basis it is considered that the proposed Development is consistent with the policies and guidance listed in paragraph 346 and 347 of this Planning Statement in this regard.

7.18 Forestry and Woodlands

349. In addition to the considerations for renewable energy developments set out in **SPP paragraph 169**, **DGLPD2 Policies IN1 and IN2** as well as **EALDP Policy RE3** and their associated Supplementary Guidance also provides that the acceptability of such development will be assessed against the extent to which the proposal avoids or adequately resolves any other significant adverse impact on forests and woodland. The following planning policies and Supplementary Guidance criteria are also relevant in this regard:
- **Scottish Government's Policy on Control of Woodland Removal (2009)**
 - **DGLDP2 Policies NE7 and NE8**
 - **Dumfries and Galloway Trees and Development Supplementary Guidance.**
 - **EALDP Policy ENV9.**
350. As previously identified, the proposed Development is located within a commercial forest which is managed by FLS on behalf of Scottish Ministers. The existing Upper Nithsdale Land Management Plan (LMP) for the area will be amended if consent is granted for the proposed Development. The amended LMP would remove the infrastructure footprint of the proposed

Development from the ongoing operational forestry area. **Technical Appendix 3.2: Forestry** of the EIA Report identifies that there would be a net loss of approximately 67.6 ha of forest, and a planning condition requiring this amount of compensatory planting is proposed. All felling and replanting outwith the infrastructure footprint of the proposed Development will be approved through a FLS approved LMP. This will ensure that the elements of the application directly required for the proposed Development are within the remit of the Planning Authority, while all other felling and replanting is within the control of FLS.

351. Subject to an appropriate condition relating to compensatory planting being attached, the proposed Development would comply with the policies and guidance listed in paragraph 349.

7.19 Minerals

352. **DGLDP Policy ED13** provides that proposals for new mineral workings will be supported where a variety of environmental considerations have been addressed to the satisfaction of Dumfries & Galloway Council. These considerations include disturbance and disruption from noise, blasting and vibration; potential pollution of land, air and water; and the impacts on local communities and residential property, landscape, visual amenity, the historic environment and areas of nature conservation interest during and after development.

353. **EAMLDP Policy MIN SUP2** provides that borrow pits will only be permitted by East Ayrshire Council where there are significant environmental or economic benefits compared to obtaining material from local quarries; they are time-limited; they are tied to a particular project; and there are appropriate reclamation measures in place. The policy also identifies a range of other considerations that will be taken into account in assessing proposals for borrow pits.

354. The potential locations for the borrow pit search areas have been identified based upon a review of geological mapping and site reconnaissance. The location of each borrow pit search area has been considered and refined with respect to the site infrastructure and environmental constraints. During design optimisation, the locations of infrastructure and track design has been refined in order to minimise the amount of earthworks and cut and fill required to construct the proposed Development, thereby minimising the amount of aggregate and hence the number and size of borrow pits required as far as possible.

355. As is standard practice, the ground investigations necessary for the detailed design of the borrow pits will be undertaken post consent. This will include the number, depth, orientation and design of the borrow pits within the search areas. To ensure that the detailed design of the proposed borrow pits are acceptable in terms of noise, landscape and the other environmental considerations set out in **DGLDP Policy ED13** and **EAMLDP Policy MIN SUP2**, a planning condition is proposed requiring a site specific scheme for the working and restoration of the borrow pits forming part of the proposed Development to be submitted for the approval of the relevant Planning Authority in consultation with SEPA.

356. In terms of the other assessment criteria within **EAMLDP Policy MIN SUP2**, the use of onsite borrow pits will provide significant environmental benefits in terms of traffic movements on the local road network. The borrow pits would be tied to the proposed Development and a planning condition could be imposed to time limit their use.

7.20 SPP Policy Principles – Sustainable Development

357. SPP advises that a significant material consideration in the assessment of all applications should be ‘the presumption in favour of development that contributes to sustainable development’. The principles of sustainable development are given in **SPP paragraph 29**. Those of relevance are listed in **Table 7.3** along with a summary of the extent to which the proposed Development is considered consistent with the respective principle.

Table 7.3: SPP Policy Principles

Policy Principle	Proposed Development
Giving due weight to net economic benefits	There would be net positive socio-economic effects, as summarised in Section 3 of this Planning Statement.

Policy Principle	Proposed Development
Respond to economic issues, challenges and outcomes, as outlined in local economic strategies.	The proposed Development is consistent with the support for renewable energy development in the Dumfries and Galloway Regional Economic Strategy (2017) and the East Ayrshire Economic Development Strategy (2014).
Supporting good design and the six qualities of successful places.	As discussed in detail in the Design and Access Statement, the layout and design of the proposed Development has been designed to maximise the potential energy production of the Site whilst minimising any potentially detrimental environmental effects on the surrounding area and is therefore considered to be good design.
Supporting delivery of infrastructure, for example transport, education, energy, digital and water.	The proposed Development would deliver energy infrastructure in accordance with this principle.
Supporting climate change mitigation and adaption including taking account of flood risk.	The proposed Development would make a substantial contribution towards climate change mitigation by replacing fossil fuel energy generation, thereby reducing greenhouse gas emissions.
Having regard to the principles for sustainable land use set out in the Land Use Strategy.	The proposed development would contribute positively to climate change action and the landscape is considered capable of accommodating it. The proposed wind turbines are located within a Group 3 area as defined in SPP where wind energy developments are likely to be acceptable subject to detailed consideration against identified policy criteria.
Protecting, enhancing and promoting access to cultural heritage, including the historic environment.	There would be no conflict with this policy principle. The proposed Development will provide information boards and facilitate enhanced access to archaeological features within the Site in accordance with this principle.
Protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment.	There would be no conflict with this policy principle. The proposed Development will provide enhanced access and recreational opportunities to the Site.
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.

358. For the reasons set out above, it is therefore considered that the proposed Development should be considered as development that contributes to sustainable development. This conclusion is in accordance with other decisions, for example at Muirhall South (PPA-380-2050), where the Reporter concluded that by their nature wind energy developments are inherently sustainable developments.
359. It is acknowledged that the Development Plans for both Dumfries & Galloway and East Ayrshire are up to date and contain policies relevant to the proposal. In these circumstances, the SPP indicates that a 'presumption in favour of development that supports sustainable development' will still be a material consideration.

8 Conclusions

8.1 Electricity Act 1989

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

361. Paragraph 3(2) of Schedule 9 to the Electricity Act 1989 Act provides a specific statutory requirement on the Scottish Ministers to have regard to various matters when considering development proposals. The information that is contained within the EIA Report that accompanies this application addresses these. It is considered that the EIA Report confirms that the proposed Development is environmentally acceptable. On this basis SPR has fulfilled its obligations under Schedule 9 of the Electricity Act 1989 in this regard.

8.2 Renewable Energy and Climate Change Policy Framework

362. There has been a strong commitment in recent times from government across the world towards reducing the risks and impacts of climate change. However, a rapidly changing climate has driven many governments to formally declare a 'climate emergency', the UK and Scottish Governments both declaring such climate emergencies in 2019.

363. In response to the declared climate emergency, there has been a step change in policy and attitudes towards the importance of reducing greenhouse gas emissions to combat climate change as soon as possible. This has seen the Scottish Government adopting even more ambitious climate change and renewable and targets than it had previously set, in particular setting statutory targets through the Climate Change (Emissions Reductions Targets) (Scotland) 2019 which now commit Scotland to a new target of net zero emissions of all greenhouse gases by 2045 and a series of interim and annual targets towards this. The evidence clearly shows the scale of the challenge required to meet these targets. The importance of very substantial increases in renewable energy generation to reduce greenhouse gas emissions has therefore been emphatically acknowledged, the UK Committee on Climate Change identifying that renewable energy generation "*must quadruple*" if net zero targets are to be met.

364. It is therefore concluded that the need case for the new renewable generation has been materially strengthened by this new net zero legislation. That being the case, the contribution the proposed Development would make to these targets by replacing fossil fuel energy generation and thereby reducing greenhouse gas emissions is a factor in its favour to which substantial weight should be attached in the determination of this application.

8.3 National Planning Policy & Guidance

365. NPF3 and SPP set out a strong position of support for renewable energy developments, in particular onshore wind energy developments, in relation to the contribution that they can make towards a low carbon economy, sustainability and reducing greenhouse gas emissions. This support is qualified by the need to ensure that such developments are guided to appropriate locations and the need to ensure that environmental impacts are satisfactory.

366. The proposed Development is considered to be a site eminently suitable for large scale wind energy development as it benefits from high wind speeds, is free from any statutory designations, has few ecologically sensitive species present, is in close proximity to transport and grid connections, is within a commercial forest that precludes a strong sense of wildness and is within a sparsely settled area distant from the main populated settlements. This conclusion is supported by the fact that the Site is predominantly located within a Group 3 area where SPP provides that wind energy developments are likely to be acceptable subject to detailed consideration against identified policy criteria. Although small parts of the Site fall within a Group 2 area owing to mapped areas of Class 1 and Class 2 carbon rich soil, deep peat and priority peatland, these constraints have been overcome through careful siting and design such that there are no Group 2 constraints so far as the proposal is concerned. Therefore, the whole Site is effectively a Group 3 location and should be regarded as such.

367. Taking account of the development management considerations for energy infrastructure developments set out at paragraph 169 of SPP, for the reasons set out in the preceding section of this Planning Statement it is concluded that:

- In terms of benefits, the proposed Development would have a positive net economic impact, including local and community socio-economic benefits such as employment and associated business and supply chain opportunities. It

would also make a substantial contribution to renewable energy generation targets and have a consequent beneficial effect on greenhouse gas emissions.

- There would be no significant effects on communities and individual dwellings in terms of noise or shadow flicker, nor would the proposed Development adversely impact upon residential visual amenity to a significant and unacceptable degree.
- Although the proposed Development would have some significant adverse landscape and visual impacts, these would be localised, would not impact upon any recognised sensitive landscape areas and avoid the main sensitive receptors. Instead most landscape and visual effects would occur within the more open elevated upland areas which are already strongly influenced by wind energy developments. It is therefore considered that the landscape is capable of accommodating the proposed Development and that the proposals would not result in any unacceptable landscape and visual impacts.
- The proposal would have no significant effects on the natural heritage, including birds. Its impact on carbon rich soils has been assessed using the carbon calculator and would not be unacceptable. There would be no significant effect on public access, including impact on long distance walking and cycling routes and scenic routes identified in NPF3. There would be no significant effects on the historic environment, including scheduled monuments, listed buildings and their settings, no significant impacts on tourism and recreation, telecommunications and broadcasting installations.
- Effects on road traffic and the trunk road network could be minimised by conditions. Conditions could also regulate effects on hydrology, the water environment and flood risk and could secure the decommissioning of the development (for example where wind turbines have not been operating for a period of time) as well as site restoration. Potential aviation constraints (including the impacts of aviation lighting) can be overcome through radar mitigation and turbine activated lighting solutions and can be controlled by suspensive conditions.
- On-site energy storage is proposed as part of the proposed Development and is a further matter to which positive weight should be attached given the benefits it offers to the national grid and integration of renewables into the grid.
- There would be no significant cumulative effects with any other existing or proposed development.

368. Overall, it is therefore concluded that the proposed Development would comply with requirements of paragraph 169 of SPP.

369. In addition, SPP introduces a presumption in favour of development that contributes to sustainable development. For the reasons set out in the preceding section, it is considered that the proposed Development should be categorised as such, and that this is a significant factor in its favour.

370. Whilst the proposed Development is considered to be in accordance with, and indeed draws positive support from NPF3 and SPP, both policies were published in 2014 and therefore are now acknowledged to be out of date in terms of the new net zero legislation and the urgent need for carbon reduction measures. Although it is noted that NPF3 and SPP remain as current policy until final approval of NPF4, given it seems clear that NPF4 will almost certainly place increased urgency on the planning system to contribute towards net zero targets it is considered that the greater weight should be given now to renewable energy developments and their benefits in the planning balance exercise than current national planning policy provides. This would shift the pivot of this balance ever further in favour of the proposed Development.

8.4 Development Plan

371. The key relevant policy tests in the DGLDP2 are policies IN1 and IN2. These set out the specific policies for the assessment of renewable energy developments and wind energy developments. Both set out the development management considerations against which the acceptability of such proposals will be assessed, and provide that acceptability with these policies 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 Supporting WED Supplementary Guidance also clarifies that although a proposal may be detrimental in terms of one or more of these factors that this does not automatically result in a proposal being recommended for refusal.

372. The development management considerations for wind energy developments in DGLDP2 Policies IN1 and IN2 are broadly the same as those set out in paragraph 169 of SPP, the main exception being that both also reference forestry as a consideration. For the reasons set out above in relation to national planning policy, it is considered that the proposed Development is in accordance with these considerations. With regards to forestry, the proposed Development will provide the necessary compensatory planting required to offset the forest lost as a result of the construction and operation of the proposed Development. This can be secured through an appropriate planning condition. It is therefore concluded that the proposed Development would have no unacceptable effects upon forestry.

373. Overall, it is therefore concluded that the environmental and cumulative impacts of proposed Development have been addressed satisfactorily through the layout and design of the proposed Development or can be addressed through appropriate planning conditions. Taking into account the important climate change, renewable energy and socio-economic benefits of the proposed Development, it is concluded that the planning balance lies in favour of the proposal. On this basis it is concluded that the proposed Development accords with DGLDP Policies IN1 and IN2 and its associated Supplementary Guidance.
374. The proposed Development is also considered to be in accordance with all the other relevant policies within the DGLDP2 and their associated supplementary guidance. The proposed Development would therefore be consistent with the DGLDP2, insofar that it is a relevant consideration in the determination of a section 36 application.
375. The proposed Development is also considered to be in accordance with the relevant policies within the EALDP and its associated supplementary guidance, in so far that these are relevant given that only one of the proposed access tracks and two proposed borrow pit search areas will be located within East Ayrshire.

8.5 Overall Conclusions

376. The UK and Scottish Government objective is clear in terms of the urgency of the need case for carbon reduction measures, including emphatically the requirement for the rapid development of renewable energy. It is only large schemes such as the proposed Development that utilise the tallest and most efficient turbines, that are located on sites that benefit from high wind speeds, and that have a short carbon payback period that can make the most significant contribution towards this objective.
377. Given this strong need case, it must surely be demonstrated in terms of the planning balance exercise that if proposals for such schemes are not to be granted consent that they must either be located on unsuitable sites and/or that their adverse environmental impacts must be out of the ordinary or exceptional. As demonstrated, this is clearly not the case with this proposal. The proposed Development is located almost wholly within a Group 3 area of search where SPP seeks to direct wind energy developments towards. It is located within an extensive, upland area remote from any settlements, this being identified in SNH's (now NatureScot) Siting and Design guidance as the being best suited landscape for large wind turbines. It is also located within an area of extensive existing and consented wind energy developments, therefore reaffirming the general suitability of this location for such development. Whilst the proposed Development would have some localised landscape impacts, such impacts are an inevitable consequence of any large renewable energy development. However, careful consideration has been given in the layout and design of the proposed Development to minimising these landscape and visual impacts as far as reasonably possible. Where this has not been possible, the layout and design of the proposed Development has sought to ensure that the most sensitive landscapes and visual receptors are avoided. It has also sought to ensure that there are no significant cumulative effects as a result of the addition of the proposed Development. It is considered that the final layout of the proposed Development achieves both these objectives.
378. Overall, it is therefore concluded that the landscape and visual effects of the proposed Development are acceptable and that the significant localised landscape and visual impacts that the proposals would have do not outweigh its positive climate change, renewable energy and socio-economic benefits. On this basis, it is concluded that section 36 consent and deemed planning permission should be granted for the proposed Development.

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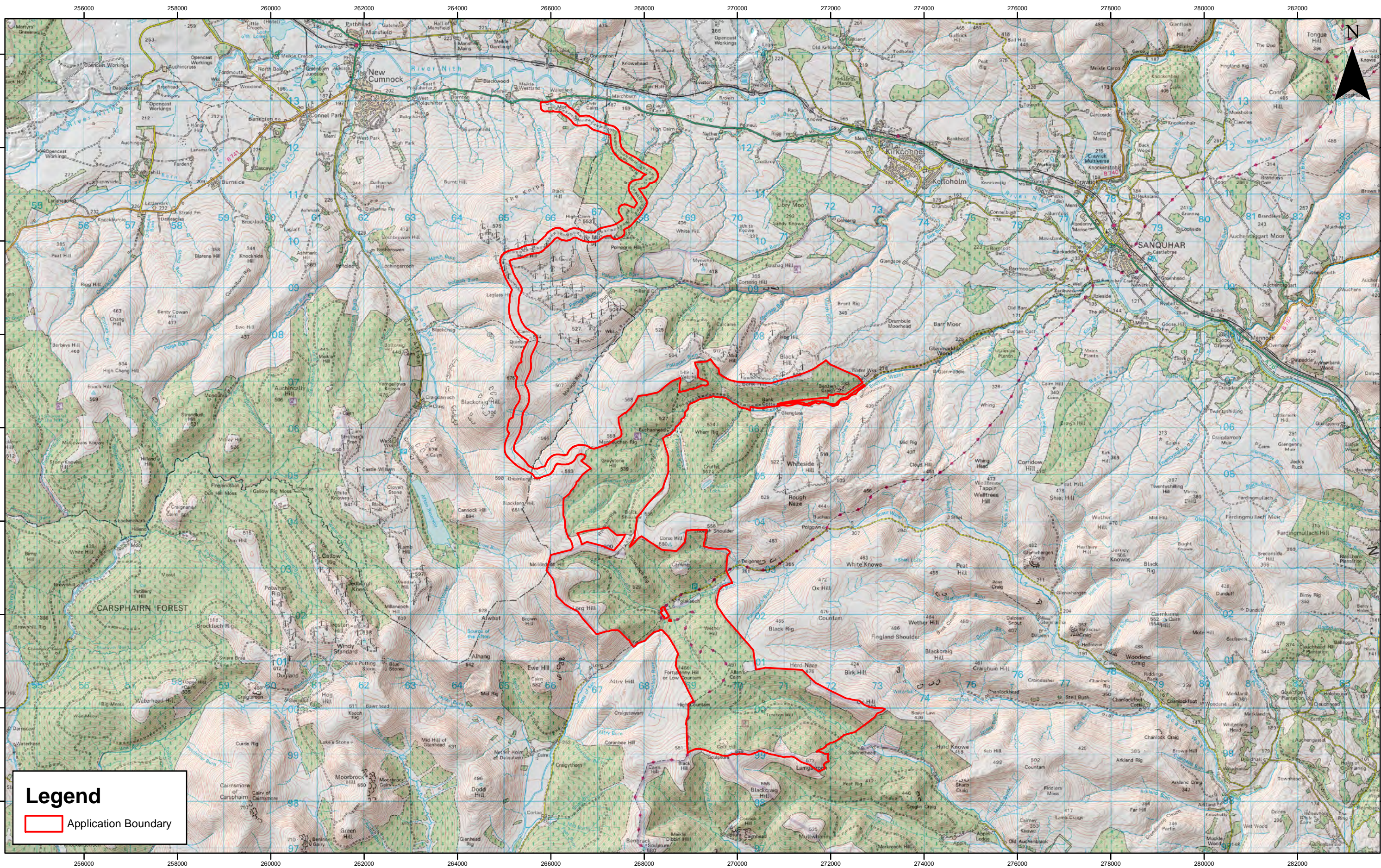
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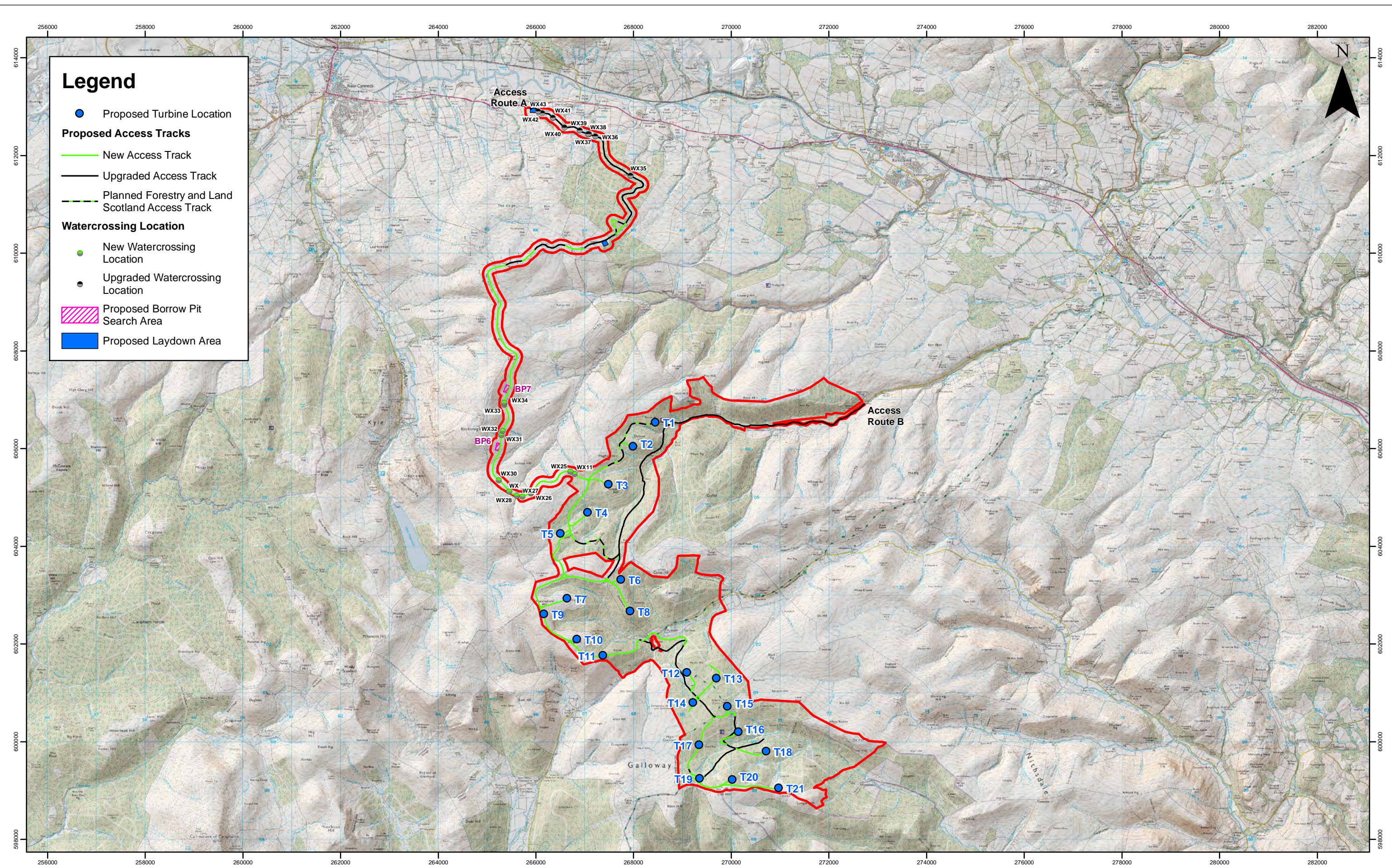
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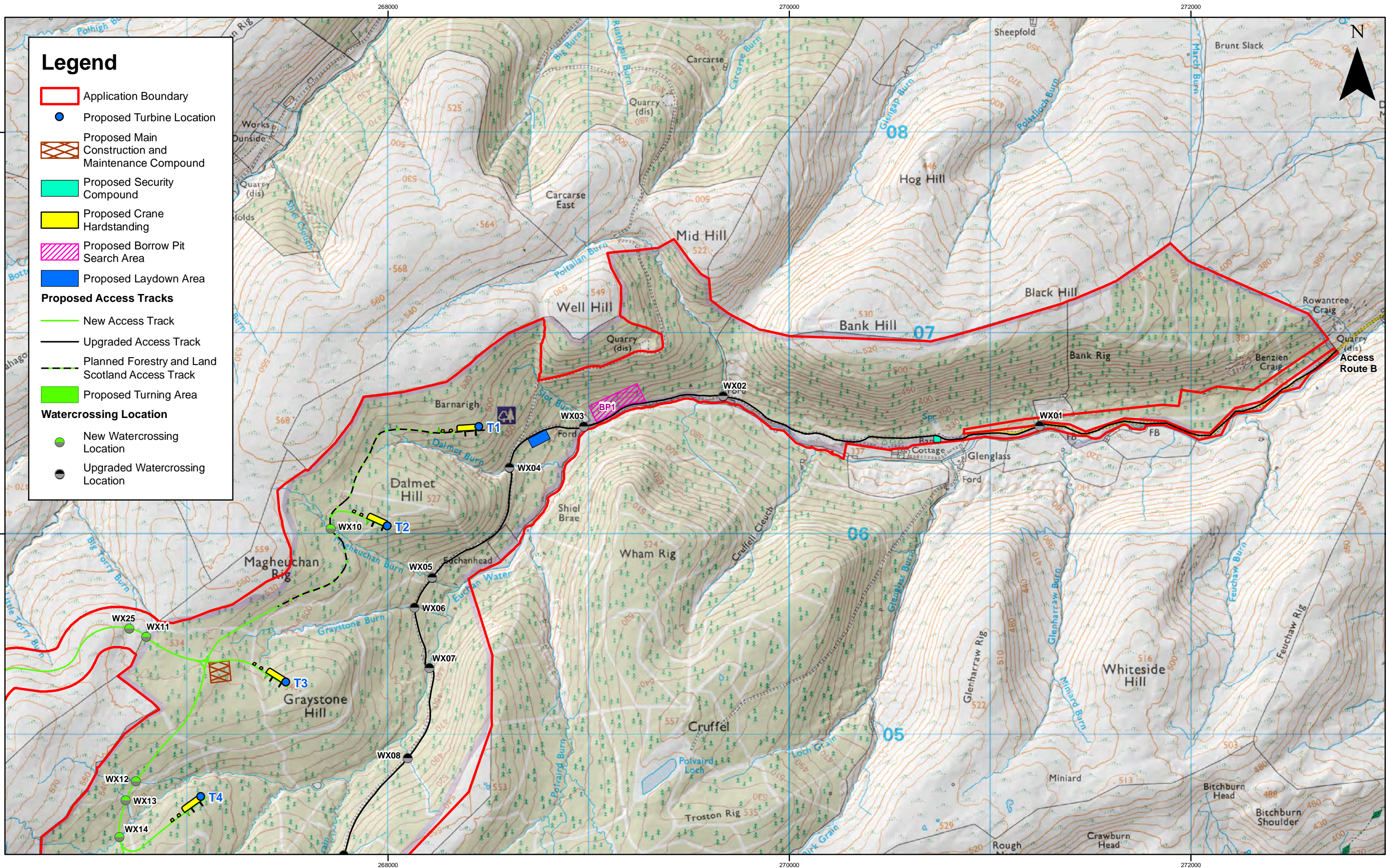
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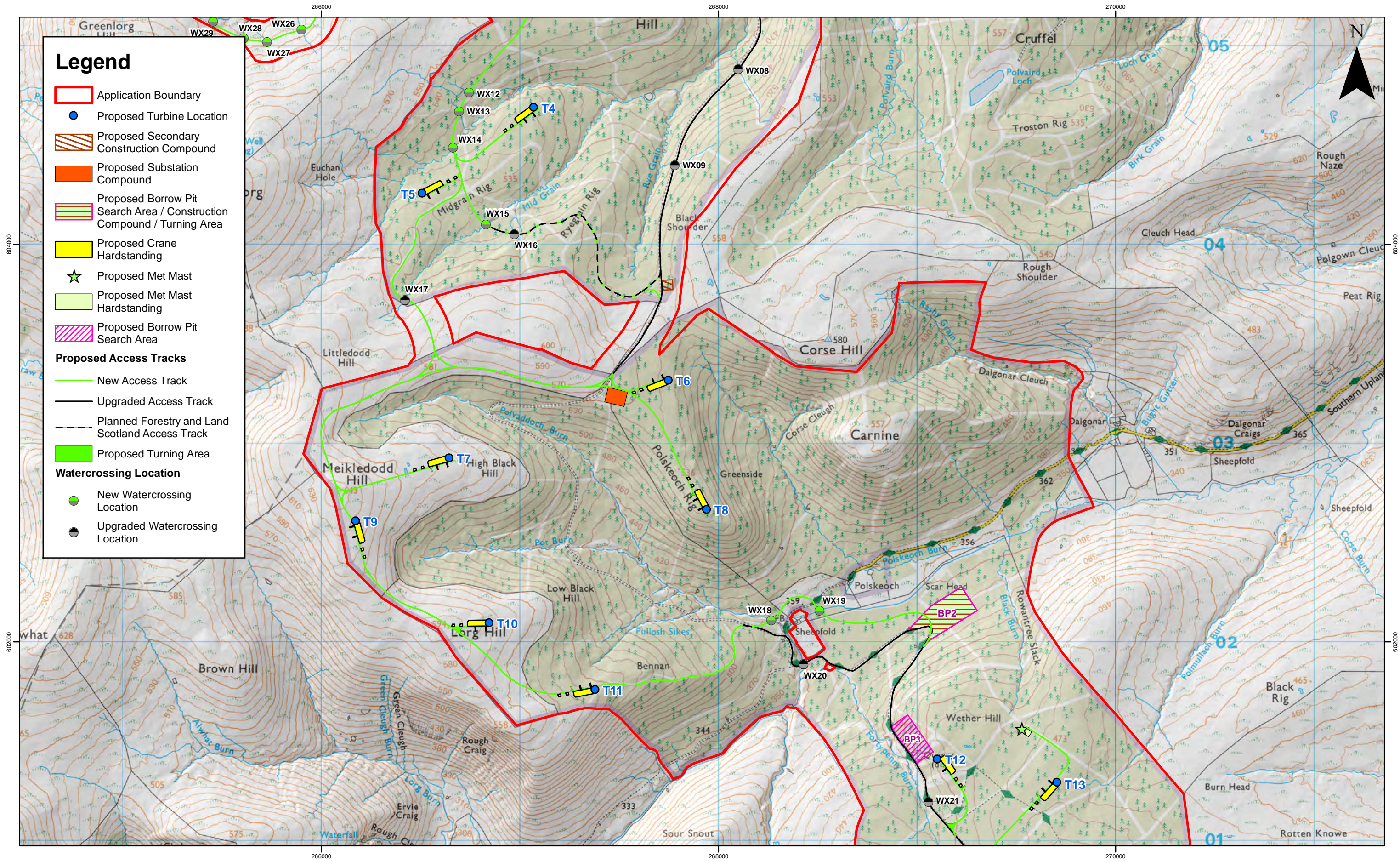
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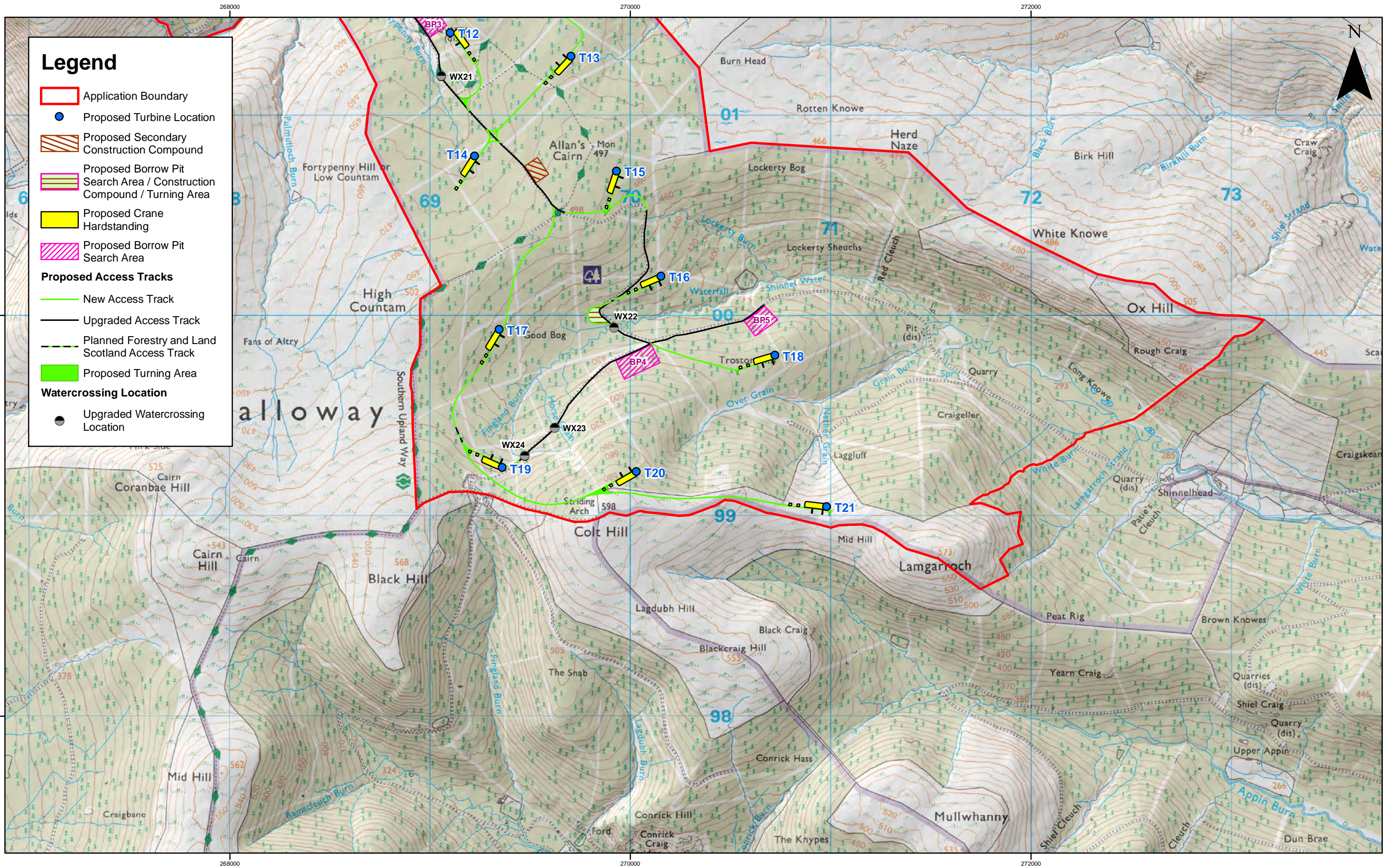
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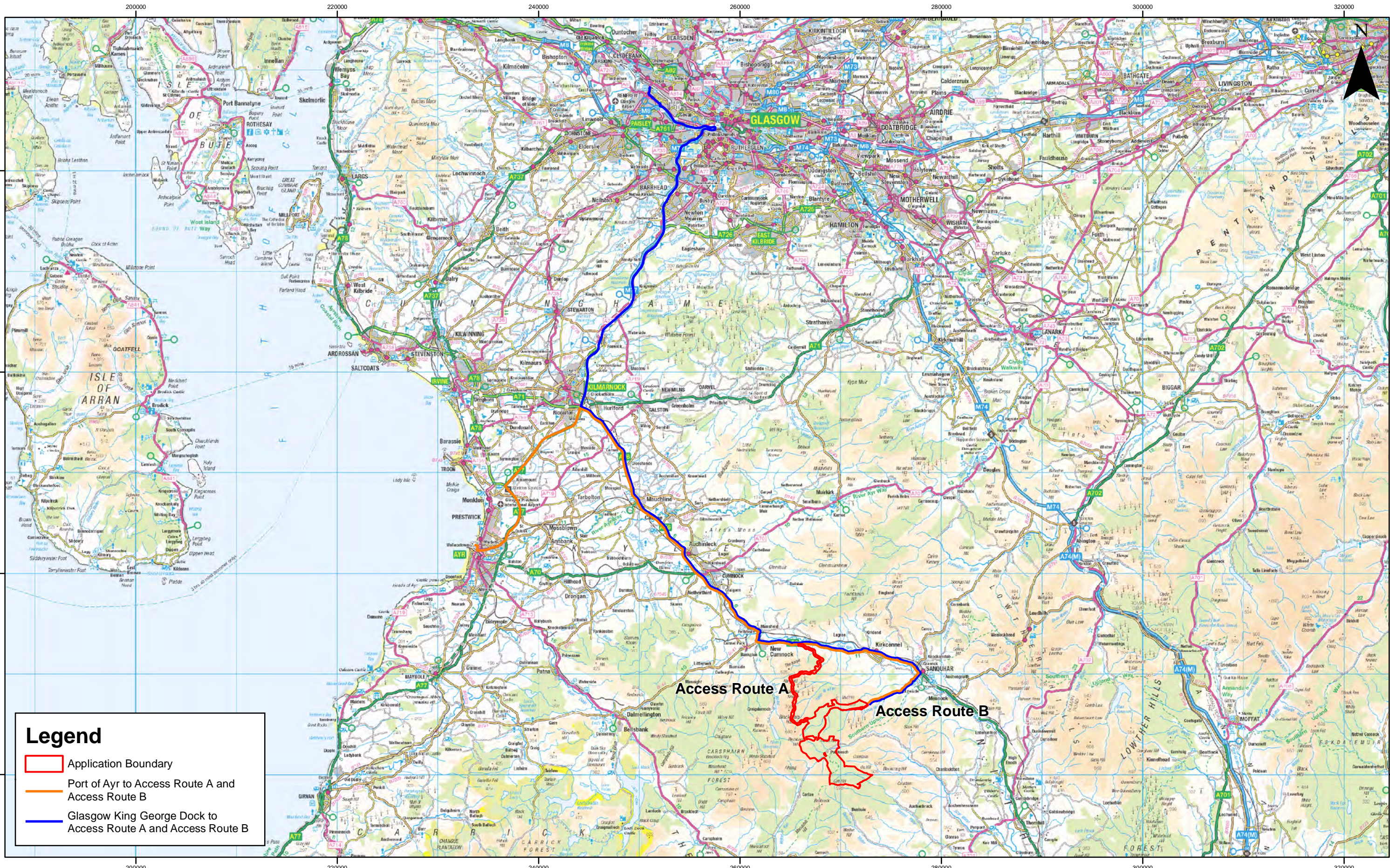
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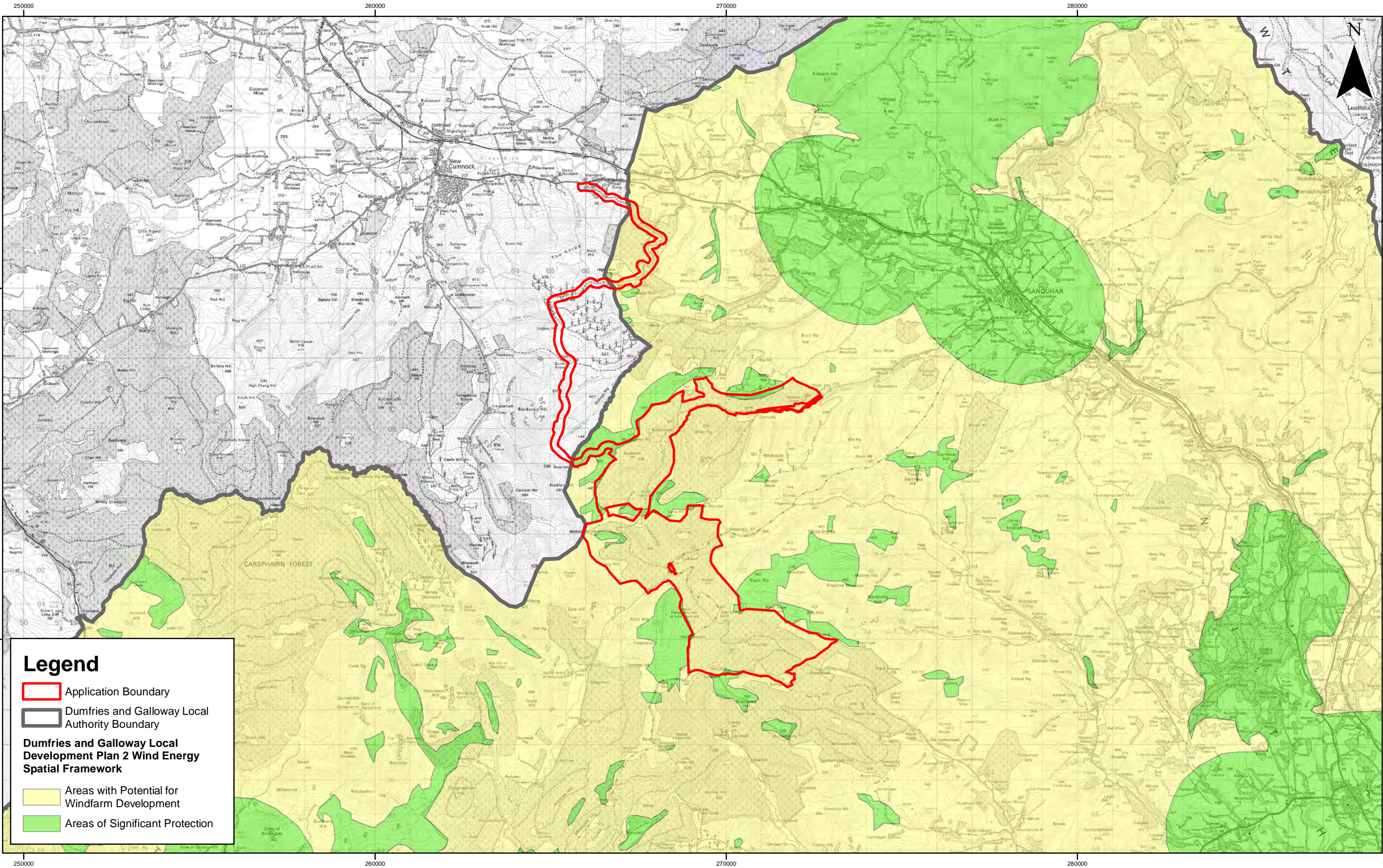
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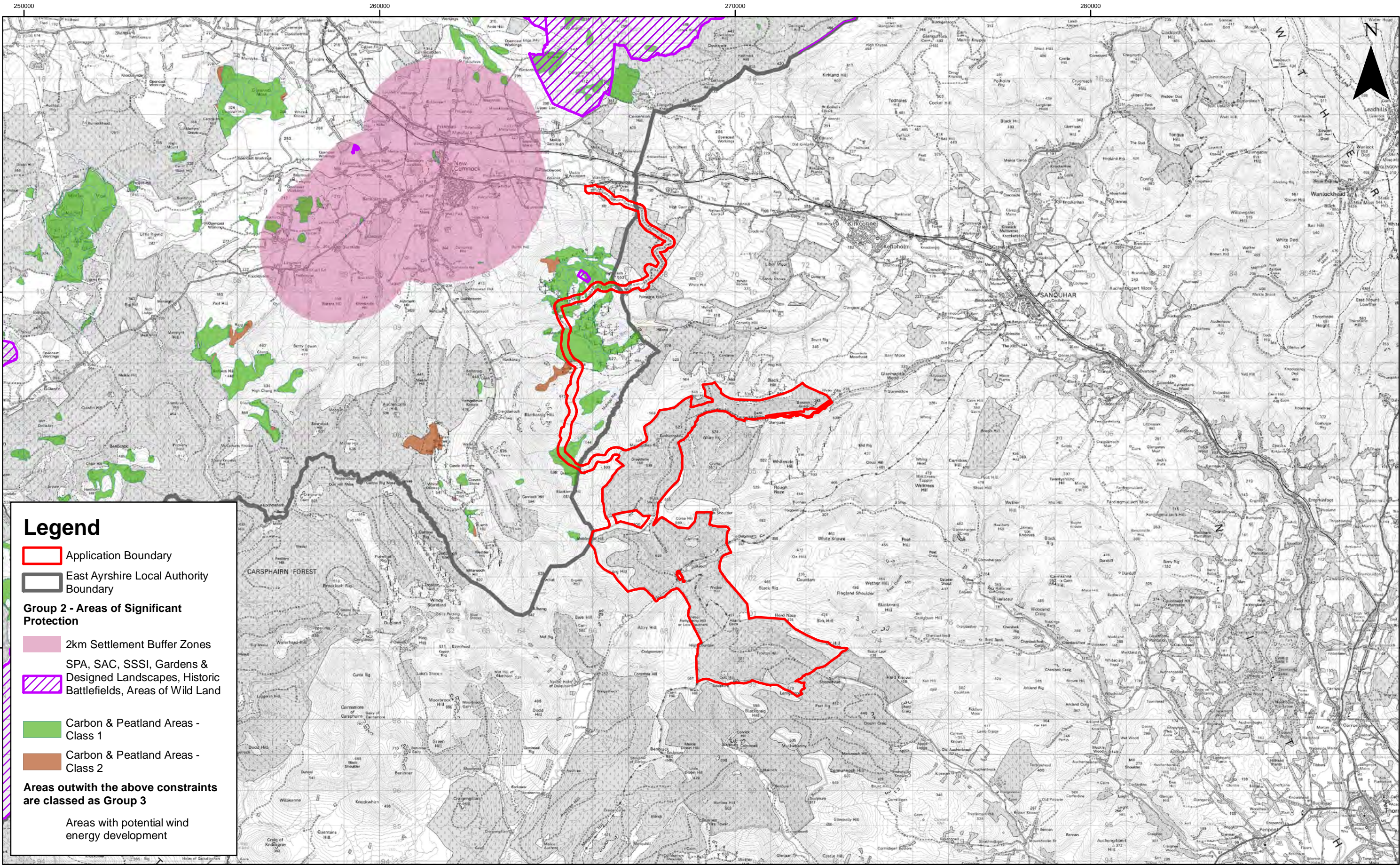






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Eucharhead Renewable Energy Development EIAR
Planning Statement
Dumfries and Galloway Local Development Plan 2
Wind Energy Spatial Framework



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