



# Planning Statement

Harestanes South Windfarm Extension

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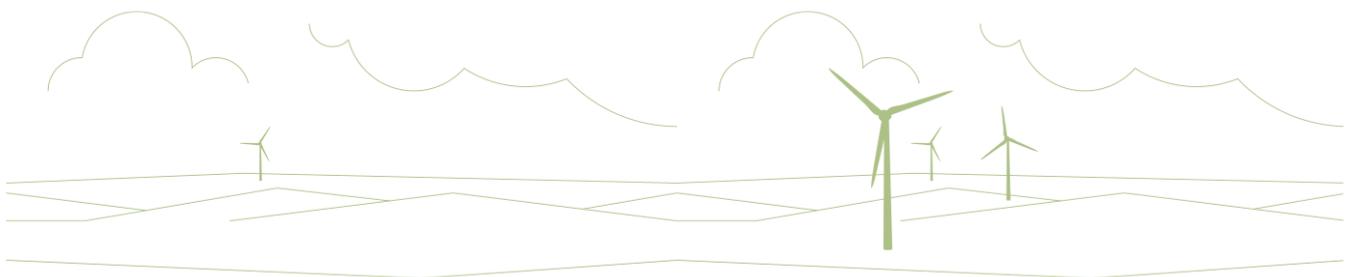
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# Executive Summary

A National 'climate emergency' was first declared by the First Minister for Scotland, Nicola Sturgeon, in her address to the SNP conference in April 2019. This declaration was accompanied by a pledge to live up to the responsibility to halt climate change. Subsequently the Climate Change (Emission Reduction Targets) Scotland Act 2019 received Royal Assent and became an Act of Parliament in October 2019. The Act established the requirement for a 100% reduction in CO<sup>2</sup> emissions by 2045 (with 56% reduction by 2020, 75% by 2030, and 90% by 2040). The Scottish Government's commitment to 'green recovery' includes plans to "*end our contribution to climate change*". Wind energy would be a key contributor to achieving the aims of a green recovery through the replacement of fossil fuels in energy production.

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

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

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

In addition to the operational Harestanes Windfarm, ScottishPower Renewables currently has three operational windfarms within the Dumfries and Galloway Council; Kilgallioch, Wether Hill and Ewe Hill.

This Proposed Development is a southern expansion of Harestanes Windfarm, which has been operational since 2014 and consists of 68, 125 metre (m) high turbines with an electricity generating output of 136 megawatts (MW). The Proposed Development, referred to as the Harestanes South Windfarm Extension, comprises 8 turbines with a blade tip height of up to 200m.

The Applicant is applying for consent for an electricity generating output of up to 50MW, however for the purpose of the Environmental Impact Assessment (EIA), the electricity generating output is based on a currently available turbine model, which has an electricity generating output of 5.6MW, giving a combined generating output of around 45MW. Based on the average household, the Proposed Development would generate enough power to supply over 32,550 UK households<sup>1</sup>.

Since the commencement of operations at Harestanes Windfarm the onshore energy industry has experienced a Europe-wide shift towards demand for larger wind turbines. Although visually there are potential implications for larger turbines; providing fewer, more efficient structures across windfarms can have environmental benefits, and reduced visual impact per MW generation.

Indeed, the Scottish Government recognises the need to enable developments with modern turbines in the 2017 Onshore Wind Policy Statement (paragraph 23): "*We acknowledge that onshore wind technology and equipment*

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<sup>1</sup> Based on an average electricity consumption per household in the UK of 3,729 kWh as quoted in the Department of Business, Energy and Industrial Strategy (BEIS) Sub-national Electricity and Gas Consumption (2019).

*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.”*

The development site ('the Site') covers an area of 1,036 hectares within the southern extent of the Forest of Ae. It is located north east of the scattered properties at Ae and approximately 13 kilometres (km) north of Dumfries. The Site is located in the Dumfries and Galloway Council area within an existing commercial forest owned and managed by Forestry and Land Scotland (FLS). It is predominantly covered by Sitka spruce plantations.

The main transport link in the vicinity of the Site is the A701, which runs approximately 1km to the east of the Site, is connected to its access track and links to the A71(M) at Beattock 11km to the north. There are also minor roads from the A701 westwards to Ae and beyond. As an extension to the operational Harestanes Windfarm the Proposed Development has made the best use of the existing infrastructure such as access tracks, construction compound, substation and grid connections.

The Proposed Development is estimated to generate approximately £2.7 million of operation and maintenance spend annually, of which, approximately £1.1 million is anticipated to directly benefit the local economy, with a further £1.6 million generated that would benefit the wider Scottish economy. At a Scotland wide level the Proposed Development would help to generate an additional four to six jobs, contributing approximately £0.21 million to £0.31 million in GVA per year. At the local level, the operation and maintenance phase of the Proposed Development is predicted to sustain three to five jobs, contributing approximately £0.16 million to £0.27 million in GVA per year.

In addition to the Proposed Development, the Applicant is proposing to implement wider enhancements. These proposed enhancements include the promotion of family friendly / beginner biking routes or horse-riding routes around the proposed windfarm using existing and upgraded forest tracks; the provision of information boards regarding the Proposed Development; and support for the employment of seasonal ranger to assist with the management of core footpaths. Subject to agreement, the applicant also proposes to support the installation of electric vehicle charging points in the Ae Forest car park; financial support to facilitate the purchase of E bikes for rental at the recreational centre; and the promotion of new electric bike routes within Forest of Ae.

The accompanying Environmental Impact Assessment (EIA) Report presents the EIA of the Proposed Development, dealing with matters such as landscape and visual impact, ecology, ornithology, cultural heritage, noise and hydrology among other environmental matters. The design of the Proposed Development has evolved through an iterative design process which has sought to reduce adverse impacts on the receptors identified in the early stages. The objective of each design iteration has been to remove, reduce or otherwise mitigate likely significant adverse environmental effects. The EIA Report concludes that the environmental effects associated with the Proposed Development are not significant except for those that relate to matters of landscape and visual impact.

The Site falls within the Ae landscape unit of the Foothills with Forest (18A) character type, which has been assessed by the Dumfries and Galloway Windfarm Landscape Capacity Study (DGWLCS) as having a medium landscape value. The DGWLCS provides a detailed sensitivity assessment of 'Very Large Turbines' (>130m) against the attributes of the Landscape Character Types (LCT). It concludes this landscape unit and any other in Dumfries and Galloway, would be highly sensitive to turbines greater than 150m in height (with the exception of one unit of the Southern Uplands).

However, a significant effect should not be read as an unacceptable effect, and a balance needs to be drawn in terms of the Proposed Development's benefits. It should also not be considered unusual for onshore windfarm developments to have significant landscape and visual effects. In this instance it may be noted that the predicted significant landscape and visual effects would not be experienced by any designations of national status, particularly National Parks or National Scenic Areas, where national policy says windfarms will not be acceptable.

As set out in Section 3 of this Statement, the design of the Proposed Development has carefully considered the context of the Site and its surroundings to minimise impact while maximising the use of key infrastructure. Against this consideration, the prescribed height restrictions of the DGWLCS appear arbitrary, and the Applicant considers

that primacy should be afforded to the findings of the site-specific Landscape and Visual Impact Assessment (LVIA) to inform on the overall acceptability of the Proposed Development.

The Applicant believes that the design response to developing a windfarm at this location is appropriate in environmental terms and considers that the duties imposed by Schedule 9 of the 1989 Act have been met in all regards.

In order for the 2030 70% reduction in emissions target to be met the Applicant maintains that renewable energy development such as this are consented without delay.

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# 1 Introduction

## 1.1 Background

1. WSP has been instructed by ScottishPower Renewables (the 'Applicant') to prepare an application for consent under Section 36 of the Electricity Act 1989 ('the 1989 Act') (as amended), and for deemed planning permission under Section 57(2) of the Town and Country Planning (Scotland) Act 1997 as amended, for the proposed Harestanes South Windfarm Extension, which is an extension to the operational Harestanes Windfarm.
2. This Planning Statement provides an assessment of the Proposed Development against relevant national and local energy policy legislation and the provisions of the Dumfries and Galloway Council (DGC) Local Development Plan (LDP2). An assessment of Proposed Development in accordance with the 1989 Act's Schedule 9's duties is contained within this Planning Statement.
3. The Proposed Development constitutes a Schedule 2 development under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulation 2017 (the EIA Regulations). An Environmental Impact Assessment (EIA) has therefore been undertaken for the Proposed Development and the EIA Report assessing the likely significant environmental effects of the Proposed Development has been prepared by WSP in support of the s.36 consent application. This Planning Statement should be read in conjunction with the supporting EIA Report.

## 1.2 The Applicant

4. ScottishPower Renewables (UK) ('the Applicant') is part of the ScottishPower group of companies operating in the UK under the Iberdrola Group, one of the world's largest integrated utility companies and a world leader in wind energy. ScottishPower now only produces 100% green electricity – focusing on wind energy, smart grids and driving the change to a cleaner, electric future. The company is investing over £4m every working day to make this happen and is committed to speeding up the transition to cleaner electric transport, improving air quality and over time, driving down bills to deliver a better future, quicker for everyone.
5. ScottishPower Renewables is at the forefront of the development of the renewables industry through pioneering ideas, forward thinking and outstanding innovation. Its ambitious growth plans include expansion of its existing onshore wind portfolio, investment in new large scale solar deployment and innovative grid storage systems including batteries. The company is also delivering the Iberdrola Group's offshore windfarms in the Southern North Sea off East Anglia.
6. With over 40 operational windfarms, ScottishPower Renewables manages all its sites through its world leading Control Centre at Whitelee Windfarm, near Glasgow.
7. In addition to the operational Harestanes Windfarm, the Applicant currently has three operational windfarms within the DGC area, which are: Kilgallioch, Wether Hill and Ewe Hill.

## 1.3 Ownership

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

## 1.4 Purpose of Planning Statement

9. The purpose of this Planning Statement is to set out and address the legislative framework within which the Proposed Development should to be considered, and which is relevant to the s.36 application. The intention is to assist decision makers in reaching a decision on the planning balance regarding the acceptability of the Proposed Development.

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

- the Legislative Framework (Chapter 2);
- environmental Considerations (Chapter 3);
- the Energy Policy Framework (Chapter 4);
- the National Policy Framework (Chapter 5);
- the Development Plan (Chapter 6); and
- conclusions and Planning Balance (Chapter 7).

### 1.5 Site Location and Description

11. The Site, as encompassed by the application boundary, is located within the Dumfries and Galloway Council administrative area, within the southern extent of the Forest of Ae approximately 13km north of Dumfries as shown on **EIA Report Figure 1.1 Site Location**.
12. The topography rises to a high point of 393m at Pumro Fell with further high points including 347m at Brownmoor Hill, adjacent to the west of the Site. There is a steep valley at its western extent, through which Glenkiln Burn runs from north to south. The eastern extent of the Site has a gentle sloping relief to a low of approximately 300m. One of the 7Stanes mountain biking trail centres is located in the Forest of Ae, with one of the trails running approximately 500m west of the Site at its closest point. There are multiple other forest tracks throughout the Site, and a section of the Romans and Reivers long-distance walking path.
13. The Site also features the operational Harestanes Windfarm at its northern extent, including ancillary infrastructure such as access tracks and a substation.
14. The area surrounding the Site is rural in character, with the land predominantly used for agriculture and commercial forestry purposes. The Forest of Ae surrounds the area to the west and north, while agricultural fields and rural settlements are more prominent to the east and south. The nearest group of properties to the Site are located at Ae 2.2km to the south west and Parkgate 2.6km to the south. Glenkiln is located adjacent to the Application Boundary; however, this is a derelict property which is owned by the Applicant and there is no intention of bringing it back into residential use.
15. The A701 to the east of the Site runs in a south to north-east direction. This is the main transport link in the surrounding area. The remaining road network in the surrounding area comprises minor roads and tracks.
16. The Site is surrounded by a number of either operational or consented windfarms. This includes Harestanes Windfarm within the Site to the north (68 turbines), Minnygap Windfarm to 1km the north west (10 turbines) and Dalswinton Windfarm 5km to the west (15 turbines). The agreed Landscape and Visual Impact Assessment's Study Area is a 30km radius from the proposed turbines and is justified and explained in more detail in **EIA Report Section 5.4.1: Study Area**.
17. There are no international, national or local landscape designations within the Site Boundary. Designated landscapes within the EIA Report Study Area are:
- Regional Scenic Areas – Thornhill Uplands, Moffat Hills, Torthorwald Ridge, and Terregles Ridge;
  - Wild Land Areas – Talla Hart Fell, which lies 18.5km north east of the Site; and
  - Inventory Garden and Designed Landscapes - Drumlanrig Castle and Raehills.
18. **EIA Report Figure 5.5: Landscape Designations and Key Routes** shows the designations within the Study Area.
19. Similarly, there are no internationally, nationally or locally designated sites for nature conservation within the Site Boundary. One statutory ecological designated site has been identified within 5km of the Site; which is Black Loch Site of Special Scientific Interest (SSSI) located 3.5km to the south west.

20. Only one non-statutory designated site has been identified within 5km of the Site; this being the United Nations Educational Scientific and Cultural Organization (UNESCO) Transition Area of the Galloway and Southern Ayrshire Biosphere Reserve, the closest edge of which is 3km west of the Site. The Transition Area is where sustainable economic and community development is being actively promoted. The Biosphere designation does not regulate activities of the area.

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## 2 The Proposed Development

21. The Proposed Development is a renewable energy development and would contribute towards international and national targets for reducing CO<sub>2</sub> emissions by ensuring that the electricity is generated from renewable resources. It seeks to maximise the renewable energy potential of the Site. It would comprise eight three-blade turbines with a blade tip height of up to 200 metres (m). The Applicant is applying for consent for an electricity generating output of up to 50MW, however for the purpose of the EIA, the electricity generating output is based on a currently available turbine model, which has an electricity generating output of 5.6MW, giving a combined generating output of around 45MW. The Proposed Development includes associated infrastructure works including:
- turbine foundations;
  - crane hardstandings;
  - transformer/switchgear housings located adjacent to turbines;
  - access tracks (upgrade of existing or new as required);
  - watercourse crossings (upgrade of existing or new as required);
  - underground electrical cabling to the operational Harestanes Windfarm substation;
  - permanent anemometer mast and LIDAR compound;
  - temporary power performance mast;
  - closed-circuit television mast(s);
  - communication mast(s);
  - permanent control building;
  - container to house electrical equipment to facilitate connection to the grid;
  - up to three borrow pit search areas; and
  - reuse of an existing construction compound area.
22. The Proposed Development's site (the 'Site') is located within the southern section of the Forest of Ae, as shown in **EIA Report Figure 1.2: Application Boundary**. A 'keyhole' approach has been adopted in establishing the siting of the turbines to minimise the extent of forestry felling required.
23. There is an existing site access and a network of forestry tracks due to the Site being located within a commercial forest and adjacent to the operational Harestanes Windfarm. Approximately 13km of the proposed access tracks for the Proposed Development would use existing infrastructure, whether upgraded forestry tracks or tracks used for the operational Harestanes Windfarm. In addition, only 3.14km of new track is proposed for spur roads accessing the individual turbines, which is 20.7% of the overall track requirement. The tracks would have a typical running width of approximately 5m with an average stone thickness of 500mm. The construction traffic passing places would be 70m by 5m to accommodate the largest turbine component vehicles.
24. In total, 82.23 hectares (ha) of commercial plantation is required to be felled this includes the removal of a small area of ancient / native woodland at the Site's entrance. The required felling would facilitate construction works and installation of permanent features such the turbines and access tracks; some of which would be subsequently restocked (see **EIA Report Figure 13.1.7 Wind Farm Restocking Plan**). The requirements and undertaking of felling would be carried out in close consultation with Forestry and Land Scotland and Scottish Forestry. The extent, location and composition of such planting would be agreed with Scottish Forestry. Details on the forestry assessment are contained in **EIA Report Appendix 13.1: Forestry**.
25. The application for Section 36 consent is sought in perpetuity. However, the Applicant would accept conditions requiring that the Site, or part thereof be decommissioned should the Proposed Development come to the end of its operational life.
26. The combined generating capacity of the eight turbines equates to an annual energy production of approximately 45MW. This is an annual power consumption of approximately 32,550 average households (BEIS 2019). The electrical power produced by the turbines would be fed back to the operational Harestanes Windfarm substation for onward connection to the national electricity network, thereby making best use of existing infrastructure.

27. The model of wind turbines to be installed is to be selected through a competitive procurement process. However, for the purpose of this Application it is assumed that the candidate turbine would have a blade tip height of up to 200m (classed as 'very large turbines', being greater than 130m)..
28. Larger wind turbines have the benefit of accommodating an increased yield, therefore reducing the overall number of turbines required on a per MW basis. This in turn reduces the scale of the associated infrastructure required and provides other intrinsic environmental benefits.
29. Turbine foundations would be designed to accommodate the final choice of turbine and to suit site specific conditions. Each turbine would be served by an electrical transformer/switchgear unit that would be located either externally adjacent to the turbine base or within the turbine tower. The transformer housing would measure approximately 10m (l) x 5m (w) and 4m (h) and be mounted on a concrete plinth. The external finishes would typically be metal, or glass reinforced or moulded plastic.
30. A crane hardstanding area and turning area at each turbine would accommodate assembly cranes and construction vehicles. This would comprise crushed stone and be approximately 94m long by 34m wide. Adjacent to the crane hardstanding would be a laydown area for the blades comprising a disturbance area of approximately 78m long by 28m wide. These would be permanent features to facilitate maintenance works.
31. Three borrow pits searches are located within the Site would be used to source aggregate for construction of the Proposed Development. The borrow pit search areas are proposed to provide a total of approximately 36,220m<sup>3</sup> of material required to construct the Proposed Development.
32. The Proposed Development is described fully in **EIA Report Chapter 4: Development Description**.

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## 3 Benefits of the Development

33. The EIA Report that accompanies this application identifies that the Proposed Development will help to a wide range of benefits, as set out below.

### 3.1 Renewable Electricity Generation

34. The electrical energy generating capacity of the Proposed Development would be approximately 45MW, with the exact capacity depending on the model and type of turbine selected. It would be expected that the Site would generate around 121.4GWh per year. By way of illustration of what this figure means, based on an average electricity consumption per household in the UK quoted by the Department of Business, Energy and Industrial Strategy of 3,729 kWh, the Proposed Development would generate enough power to supply over 32,550 average UK households.
35. Scotland is legally bound through the Climate Change (Scotland) Act (2009) as amended to reduce carbon emissions to net zero by 2045, with interim targets to reduce emissions by 56 % by 2020, 75 % by 2030 and 90 % by 2040. 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.
36. 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

37. The Carbon Payback for a wind turbine is based upon 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.
38. **EIA Report Chapter 13: Other Issues** identifies that the Proposed Development would pay back the carbon emissions associated with its construction, operation and decommissioning in 3.7 years applying the 'Grid Mix' replacement scenario. Assuming a maximum of 40 year windfarm life, this equates to an overall carbon saving of 11 times the carbon emitted. It should also be noted that the windfarm lifespan is likely to be considerably longer. Applying the more realistic 'Fossil Fuel Mix' replacement scenario would reduce the payback period to 2.1 years, equating to a carbon saving of 19 times the carbon emitted over 40 years.

### 3.3 Use of Existing Infrastructure

39. As set out above, the Proposed Development comprises a substantial addition to the renewable energy generation capacity in the region. As an extension to an existing windfarm, much of the infrastructure that is required to support the project, in terms of construction, maintenance and transmission, is already in place. The opportunity to use this existing infrastructure will help to reduce the impacts of the Proposed Development, and comprises a tangible benefit relative to the potential impacts of providing the same capacity at an alternate standalone site.

### 3.4 Wider Community Benefits

40. The Applicant is committed to offering a package of community benefits to local communities. For the Proposed Development, the Applicant would hold discussions with local stakeholders to decide which communities would be appropriate to participate in any community benefits offered. It is expected that any community benefit funds could provide a long-term revenue which could be used to support community projects. Local communities would have the flexibility to choose how the money is spent and prioritise it on the things which matter most to them.

41. In addition to the community benefits fund, the local community could also have an opportunity to invest in the Proposed Development through participation in a community investment scheme. The Scottish Government is committed to shared ownership because it believes it can support greater partnership working, empower communities and build their capacity, generate income that can have a lasting legacy, and strengthen corporate social responsibility.
42. The Proposed Development would be liable for non-domestic rates, the payment of which would contribute directly to public sector finances. Analysis of the rateable values of several windfarm development scenarios suggests that there is potential for a rateable value per MW of £17,700, and that the total rateable value would be up to £793,000. Given a poundage rate of £0.498 per £1 of rateable value it is estimated that the Proposed Development could contribute up to £395,000 annually to public finances, and contribute £15.8 million over the first 40 years of its operational lifetime. However, the actual contribution would depend on variables such as the actual load factor, and the potential for any relief from non-domestic rates. These non-domestic rates, by providing an additional revenue stream, would support the delivery of local government services.

### 3.5 Habitat Management Plan

43. An outline Habitat Management Plan is submitted with this application as **EIA Report Appendix 7.7: Outline Habitat Management Plan**. This document sets out the broad measures for positive management and enhancement of habitats within the Site to benefit biodiversity, and its implementation would comprise a tangible benefit.

### 3.6 Public Access and Outdoor Recreation

44. The Applicant is committed to providing and promoting recreational benefits including:
- electric vehicle charging points in the Ae Forest carpark (subject to agreement);
  - financial support to facilitate the purchase of E bikes for rental at the recreational centre (subject agreement);
  - promotion of new electric bike routes within Forest of Ae (subject to agreement);
  - promotion of family friendly / beginner biking routes or horse-riding routes around the proposed windfarm using existing and upgraded forest tracks;
  - provision of a shelter with tools for bike maintenance and a place to shelter / picnic within the windfarm (subject to agreement);
  - provision of information boards regarding the Proposed Development; and
  - support for the employment of seasonal ranger to assist with the management of core footpaths in the area.
45. **EIA Report Chapter 12: Socio Economics, Tourism and Recreation** records that existing forest tracks that would be used as an access track for the construction works would be upgraded as part of the Proposed Development. The conditions of these tracks would therefore be improved as part of the Proposed Development and can be considered an enhancement over the baseline condition.

## 4 The Legislative Framework

### 4.1 Introduction

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

### 4.2 The Electricity Act

47. A decision on the Application under the 1989 Act is the principal decision to be made in this case.
48. In the event that a decision is taken to grant a s.36 consent, the Applicant requests that planning permission is also deemed to be granted by way of relevant Direction. The Applicant cannot envisage a circumstance where the Scottish Ministers would grant s.36 consent but withhold issuing a deemed planning Direction.
49. Paragraph 3 of Schedule 9 to the 1989 Act is relevant to licenced generators when formulating generation development proposals that require consent under the terms of the Act. Paragraph 3 states:

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

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

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

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

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

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

*(3) Without prejudice to sub-paragraphs (1) and (2) above, in exercising any relevant functions each of the following, namely, a licence holder, a person authorised by an exemption to generate or supply electricity and the Secretary of State shall avoid, so far as possible, causing injuries to fisheries or to the stock of fish in any waters.”*

50. It is relevant to note the use of the term ‘desirability’ and ‘reasonably’ with regard to project design, siting and mitigation. This recognises that there are balances and reconciliations to be considered in decision making for this type of development.
51. In the ruling of the recent Section 36 consent application for Fallago Rig Windfarm extension, the Scottish Ministers noted that Schedule 9 of the 1989 Act does not contain any substantive development management tests. Instead the Ministers contested that in place of development management tests, the environmental assessments supporting an application for consent is to map out the considerations of the design and its impacts on the environment.
52. It has been demonstrated from the Proposed Development’s outset that the Applicant has given regard to the relevant environmental matters, and that they have done what they reasonably can to mitigate any impact, and therefore accord with the objectives of Schedule 9 of the 1989 Act.

### 4.3 The EIA Regulations

53. The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 apply in this case (the EIA Regulations). A Scoping Opinion was received from the ECU on 15<sup>th</sup> June 2020. An updated Scoping Opinion was provided on 11<sup>th</sup> August 2020 which includes comments submitted to the Scottish Ministers from consultees after the original Scoping Opinion was published.
54. The structure of the EIA Report follows the requirements of Schedule 4 of the EIA Regulations, it addresses the requirements of Regulations 4 and 5 and other relevant good practice guidance.

### 4.4 Scope of the EIA

55. The scope of the EIA Report has been agreed with ECU through the EIA scoping process and in accordance with Regulation 5 of The EIA Regulations. The EIA has been 'based' on the August 2020 Scoping Opinion adopted by the Scottish Ministers. The scope is fully described within EIA Report **Chapter 2: EIA Process and Methodology**, and has assessed the following environmental matters:
  - Chapter 5: Landscape and Visual Impact Assessment
  - Chapter 6: Hydrology, Hydrogeology, Geology and Soils
  - Chapter 7: Ecology and Biodiversity
  - Chapter 8: Ornithology
  - Chapter 9: Noise
  - Chapter 10: Archaeology and Cultural Heritage
  - Chapter 11: Access, Traffic and Transport
  - Chapter 12: Socio-economics, Tourism and Recreation
  - Chapter 13: Other Issues

# 5 The Energy Policy Framework

## 5.1 Introduction

56. In recent years, the policies of the European Union, the United Kingdom and Scottish Governments have focused increasingly on addressing climate change and reducing greenhouse gas emissions. Each tier of governmental regulation has developed targets, policies and actions to achieve these policy objectives.
57. This chapter sets out the renewable energy policy framework that applies and is an important material consideration that requires to be weighed in the decision-making balance. The energy and climate change policy and legislative framework sets out the needs case for the proposed development, which is to address the impacts of climate change through renewable energy generation whilst also maintaining energy security.
58. The approach taken within this Planning Statement has been to place this information in the current climate emergency context (which has recently rationalised by the Committee on Climate Change (CCC)) and then to follow this with the current legislative and policy position.

## 5.2 Climate Emergency Context

59. The CCC published its landmark report entitled 'Net Zero – UK's Contribution to Stopping Global Warming' in May 2019. The report responds to requests from the Governments of the UK, Wales and Scotland, asking the CCC to reassess the UK's long-term carbon emissions targets.
60. The Foreword of the report (page 8) sets out that the CCC has "*reviewed the latest scientific evidence on climate change, including last year's IPCC special report on global warming of 1.50°C and considered the appropriate role of the UK in the global challenge to limit future temperature increases*". It adds, "*Net Zero is a more fundamental aim than previous targets. By reducing emissions produced in the UK to zero, we also end our contribution to rising global temperatures*".
61. The Foreword also sets out that "*we must now increase our ambition to tackle climate change. The science demands it; the evidence is before you; we must start at once; there is no time to lose*".
62. The report makes recommendations for the UK economy including:
- UK overall: a new tougher emissions target of net zero greenhouse gases (GHG) by 2050, ending the UK's contribution to global warming within 30 years. This would replace the previous target of an 80% reduction by 2050 from a 1990 baseline;
  - Scotland: a target of net-zero GHG economy by 2045, reflecting Scotland's greater relative capacity to remove emissions than the UK as a whole;
  - A net zero GHG target for 2050 would deliver on the commitment that the UK made by signing the Paris Agreement.
63. In terms of the UK and Scottish targets, the report makes it clear that, "*this is only possible if clear, stable and well-designed policies to reduce emissions further are introduced across the economy without delay. Current policy is insufficient for even the existing targets*".
64. The report also adds for Scotland that:
- "Scotland has proportionately greater potential for emissions removal than the UK overall and can credibly adopt a more ambitious target. It should aim for net zero greenhouse gas emissions by 2045. Interim targets should be set for Scottish emissions reductions (relative to 1990) of 70% by 2030 and 90% by 2040"*.
65. The CCC report sets out various scenarios for UK net zero GHGs in 2050. These include one of extensive electrification, particularly of transport and heating. Page 23 of the Executive Summary states that this would need

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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).”

66. It also adds that in terms of preparation (Executive Summary page 34) and with regard to low carbon power, “the supply of low carbon power must continue to expand rapidly ...”.
67. The Technical Annex to the CCC report specifically addresses integrating variable renewables into the UK electricity system. The Annex makes it clear that variable renewable electricity such as large-scale onshore wind is now the cheapest form of electricity generation in the UK and can be deployed at scale to meet UK electricity demands.
68. The CCC’s ‘further ambition scenario’ for the power sector sees low carbon power sources providing 100% of power generation by 2050. This would be through a mix of variable renewables (including onshore wind) contributing some 57% of power, with firm low carbon power such as nuclear or other plants fitted with carbon capture and storage (38%) and de-carbonised gas such as hydrogen (5%).
69. The report contains a number of key messages including that “intermittency of renewables does not prevent full decarbonisation of the power system. Deployment of variable renewables, alongside system flexibility, is a low regret and low cost means of de-carbonising the UK’s electricity system”.
70. The CCC published a progress report to Parliament in July 2019 and the Foreword of the Report states that in May 2019, the CCC’s Net Zero report offered compelling analysis of the need to reduce greenhouse gas emissions in the UK effectively to zero by 2050. The net-zero target meets the UK’s obligations under the Paris Agreement and responds to the urgent need for action highlighted by the United Nations Intergovernmental Panel on Climate Change (“IPCC”) in the 2018 Special Report on 1.5°C of global warming.
71. The Report states that the CCC welcomes strongly the UK Parliament’s decision to make net zero law – and the corresponding decisions of the Welsh Assembly and the Scottish Parliament. These are acknowledged to be positive steps which are of “fundamental consequence for the future path of our economy, our society and the climate. Carbon neutrality has now become a mainstream goal”.
72. The Report adds that tougher targets do not themselves reduce emissions and new plans must be drawn up to deliver them and that “climate change adaptation is a defining challenge for every government, yet there is only limited evidence of the present UK Government taking it sufficiently seriously”.
73. Other key points include:
  - the Adaptation and Mitigation Committees have reviewed the UK Government’s approach to climate change adaptation and emissions reduction. The Report states “we find a substantial gap between current plans and future requirements and an even greater shortfall in action”.
  - planning for climate change adaptation is a statutory obligation but the National Adaptation Programme (“NAP”) is incomplete. Of the 56 risks and opportunities identified in the UK’s Climate Change Risk Assessment, 21 have no formal actions in the NAP.
  - There is a substantial impact of a global temperature rise of just 1°C. The Paris Agreement targets a threshold of well below 2°C, ideally 1.5°C, but current global plans give only a 50% chance of meeting 3°C.
74. In these circumstances, although the UK is committed to working for global action to parallel our own adoption to a net-zero statutory target, it is prudent to plan adaptation strategies for a scenario of 4°C, but there is little evidence of adaptation planning for even 2°C. The Report adds that “Government cannot hide from these risks”.
75. The Clean Growth Strategy, the UK’s plan for emissions reduction, provides a solid foundation for the action needed to meet a net-zero GHG target but “policy ambition and implementation now fall well short of what is required”.

76. In June 2018, the CCC advised that 25 headline policy actions were needed for the year ahead. Twelve months later, only one has been delivered by Government in full. Ten of the actions have not shown even partial progress. Government continues to be off track for the fourth and fifth carbon budgets – on their own appraisal – and the policy gap has widened further this year as an increase in the projection of future emissions has outweighed the impact of new policies.
77. The Report concludes by stating that the central premise of the Climate Change Act 2008 is that the Government of the day holds the responsibility to act to protect future generations. This principle is at risk if the priority given to climate policy is not substantially increased over the next year. The report adds “*The need for action has rarely been clearer. Our message to Government is simple: Now, do it*”.
78. On 27 June 2019 the UK Government became the first major economy in the world (the first G7 country) to pass legislation to end its contribution to global warming by 2050 – by way of 100% reduction of greenhouse gas emissions. The target is now legally binding by way of an amendment to the Climate Change Act 2008. Scotland followed soon after.

### 5.3 Climate Change Legislation

79. On 31 October 2019, The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 received royal assent and became an Act of Parliament, which amended the Climate Change (Scotland) Act 2009. The 2019 Act requires that “*The Scottish Ministers must ensure that the net Scottish emissions account for the net-zero emissions target year is at least 100% lower than the baseline (the target is known as the “net-zero emissions target”).*” The target year is 2045 and the Act also sets out annual targets to meet the 10-yearly interim targets:
80. **Table 1: Annual Net Reduction Targets** sets out the annual targets. The annual targets for the next decade are the most ambitious, increasing from 1% to 1.9% per annum. The 0.9% additional increase on top of Scotland’s failure to meet the last two year’s targets puts into perspective the urgency to create opportunities for renewable energy sources and achieve 100% net zero-emissions by 2045.

Year	Annual Target	Year	Annual Target
2018	54.0%	2032	78.0%
2019	55.0%	2033	79.5%
<b>2020 (interim target)</b>	<b>56%</b>	2034	81.0%
2021	57.9%	2035	82.5%
2022	59.8%	2036	84.0%
2023	61.7%	2037	85.8%
2024	63.6%	2038	87.0%
2025	65.5%	2039	88.5%
2026	67.4%	<b>2040 (interim target)</b>	<b>90%</b>
2027	69.3%	2041	92.0%
2028	71.2%	2042	94.0%

Year	Annual Target	Year	Annual Target
2029	73.1%	2043	96.0%
<b>2030 (interim target)</b>	<b>75%</b>	2044	98.0%
2031	76.5%	<b>2045</b>	<b>100% (net zero-emissions)</b>

Table 1: Annual Net Reduction Targets

81. It is important to note that these targets are minimum targets, they are not maximums or aspirations. The targets legally bind the Scottish Ministers and have largely been legislated to set the framework for Scotland's response to the climate change emergency.
82. It is also very important to note at Section 44 of the Climate Change Act 2009 '*duties of public bodies relating to climate change*' obliges all public bodies, including the Scottish Ministers in determining this Section 36 application to "*..... Act in the way best calculated to contribute to the delivery of the targets set in or under Part 1 of this Act*". It should also be noted that Schedule 1 to the 2009 Act identifies that the Scottish Ministers are within the definition of Public Body, as are bodies such as NatureScot and Historic Environment Scotland.

## 5.4 Climate Emergency and Programme for Government

### 5.4.1 Climate Emergency

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

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

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

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

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

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

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

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

88. The proposed development would likely 'pay back' its carbon footprint resulting from construction activities within 1.7 years, which is less than 7% of the potential operational period of the Proposed Development, (assuming a 25-year operational period), which informed the carbon calculation.

#### 5.4.2 Programme for Government – 2019-20

89. The Scottish Government published the Government Programme for 2019-20 entitled 'Protecting Scotland's Future' on 3 September 2019. In the introduction from the First Minister, the 'Climate Emergency' is acknowledged and it states that *"this Programme for Government sets out some of the next steps in Scotland's journey to net zero emissions and raises our ambition in light of the emergency we face. We are leading the world in setting challenging targets but we must also redouble our efforts to meet them"*.
90. The introduction also refers to the preparation of the National Planning Framework 4 and confirms that an updated Climate Change Plan will be prepared that will take full account of the advice of the UK Committee on Climate Change.
91. The Executive Summary (page 10) addresses 'ending Scotland's contribution to climate change' and states that *"Our response to the global climate emergency requires us to accelerate our good work"* and reference is made to the recently established Climate Emergency Response Group (CERG).
92. Chapter 1 of the Programme entitled 'Ending Contribution to Climate Change' makes it clear that Scotland is facing a climate emergency and key points include the following: -
- reference is made to Scotland already having committed to some of the toughest emissions reductions in the world and adopting a net zero emissions target by 2045 underlines the Government's ambition that Scotland will no longer contribute to global climate change;
  - Scotland has a unique opportunity to be at the forefront of global action; and
  - this Programme for Government commits to vital early action to accelerate Scotland's journey towards net zero.
93. With reference to the CERG, '12 specific asks' are set out and these include:
- *"Making regional land use plans for maximising the potential of every part of Scotland's land to contribute to the fight against climate change..."*
  - *Completion of plans for how Scotland generates the renewable electricity needed to reach net zero. In this regard reference is made to the next Energy Statement which is to set out the extent to which renewable and low carbon energy generation will need to combine in order to meet net zero and that this will then be monitored on an annual basis."*
94. Page 38 also states that the Scottish Government is making a number of other major commitments in response to the climate emergency and, in terms of planning, this will include the fourth National Planning Framework which will help to radically accelerate reduction of emissions.
95. Page 39 refers specifically to planning, and key points referenced in this regard include:
- *"The global climate emergency means that the time is right for wide-ranging debate on more radical planning policy options.*
  - *Innovation, infrastructure and investment will be needed to transform our cities, towns and rural areas into places that support lower emissions lifestyles and businesses. Planning is a vital tool in leveraging the changes we need to make to achieve our goals.*
  - *We will begin engagement on the fourth National Planning Framework in autumn this year. Through it, we will explore planning options that radically accelerate reduction of emissions.*
  - *By summer next year, we will publish a draft National Planning Framework which sets out how and where development should take place across Scotland for the period up to 2050.*

- *This will be part of a wider package to deliver the reform envisaged by the Planning Act 2019. As part of that wider programme, we will introduce legislation on permitted development rights. This would support, for example, developments such as micro-renewable technologies. We will also launch a programme of digital transformation to make better use of digital technologies and data, including a digital mapping prototype to support co-ordinated and sustainable development. The Programme also makes reference to the Climate Change (Emissions Reduction Targets) Bill which seeks to introduce a legally-binding net zero target of 2045. The Bill passed Stage 3 on 25 September 2019 and is due to become an Act of the Scottish Parliament once it receives Royal Assent. Notably, the change in reduction targets will make Scotland's statutory targets the most stringent in the world and shows yet another commitment to meeting its net-zero ambition five years ahead of the date set for the UK."*

## 5.5 Current Scottish Energy Policy

96. The recently published Scottish Government energy policy position, by way of published energy policy documents, is contained within the Scottish Energy Strategy (SES) and the Onshore Wind Policy Statement (OWPS), which establish the policy position to deliver clean energy to support the commitments within the Climate Change Plan (2018). These documents are examined below.
97. It should be noted that the Climate Change Plan, the SES and OWPS were published in advance of The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019, which sets significantly more ambitious climate change targets than were in place when this current suite of energy policy documents was published. Accordingly, the determining issues in relation to the Section 36 application are; energy policy (OWPS, SPP); the environmental and other impacts of the Proposed Development, including those referred to under Schedule 9 of the Electricity Act; the Development Plan, other planning policy and the responses from consultees.

### 5.5.1 Scottish Energy Strategy (2017)

98. The SES sets a 2050 vision for energy in Scotland as “*a flourishing, competitive local and national energy sector, delivering secure, affordable, clean energy for Scotland's households, communities and businesses*”. The vision is guided by three core principles namely:
- A whole system view;
  - An inclusive energy transition; and
  - A smarter local energy model.
99. The 2050 vision is expressed around six priorities including:
- “Renewable and low carbon solutions – we will continue to champion and explore the potential of Scotland's huge renewable energy resource, and its ability to meet our local and national heat, transport and electricity needs – helping to achieve our ambitious emissions reduction targets”.*
100. The strategy also contains new whole system targets for 2030 as follows:
- The equivalent of 50% of the energy for Scotland's heat, transport and electricity consumption to be supplied from renewable sources.
  - An increase by 30% in the productivity of energy use across the Scottish economy.
101. The longer-term target is further articulated on page 34 where it is stated: “*Scotland's long-term climate change targets will require the near complete decarbonisation of our energy system by 2050, with renewable energy meeting a significant share of our needs.*” However, these targets may need to be revisited in light of the recent legislated climate change targets.
102. The SES refers to “*Renewable and Low Carbon Solutions*” as a strategic priority (page 41) and states “*we will continue to champion and explore the potential of Scotland's huge renewable energy resource, its ability to meet*

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*our local and national heat, transport and electricity needs – helping to achieve our ambitious emissions reduction targets”.*

103. Onshore wind is identified as a key technology and the SES states “*we will push for UK wide policy support for onshore wind, and take action of our own to prioritise and deliver a route to market – combined with a land use planning approach which continues to support development while protecting our landscapes”.*
104. The Government has highlighted the importance of the need for onshore wind to have a route to market and the importance of this consideration is clearly emphasised in the final SES.
105. The SES goes on to set out what is termed the “Opportunity” for onshore wind and there is explicit recognition that onshore wind is amongst the lowest cost forms of power generation of any kind which will allow it to contribute to one of six priorities, which is “*to protect consumers from excessive or avoidable costs” (Page 8)*. It is also recognised as “*a vital component of the huge industrial opportunity that renewables create for Scotland”*. Reference is made to the employment levels and economic activity derived from onshore wind and the SES sets out that the Government is “*determined to build on these strengths”*.
106. The SES sets out the Government’s clear position on onshore wind namely:

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

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

107. The SES adds:

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

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

109. Page 69 references “near term actions” for onshore wind including:

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

### **5.5.2 Onshore Wind Policy Statement (OWPS) (2017)**

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

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111. It adds *“our energy and climate change goals mean that onshore wind will continue to play a vital role in Scotland’s future – helping to substantively decarbonise our electricity supplies, heat and transport systems, thereby boosting our economy”*.
112. Chapter 1 is entitled ‘Route to Market’ and it sets out (paragraph 2) that onshore wind, as a mature and established technology, is now amongst the lowest cost forms of generating electricity, renewable or otherwise. It adds *“we expect onshore wind to remain at the heart of a clean, reliable and low carbon energy future in Scotland”*.
113. Establishing a route to market is essential to enable wider deployment and an increased contribution from onshore wind. In a subsidy free context, it will be the larger scale developments that can capture a good wind resource, and which have cost effective grid connection arrangements (which is readily available with no significant network infrastructure upgrades required), and makes a valuable early contribution to targets.
114. Paragraph 3 continues: *“In order for onshore wind to play its vital role in meeting Scotland’s energy needs, and a material role in growing our economy, its contribution must continue to grow. Onshore wind generation will remain crucial in terms of our goals for a decarbonised energy system, helping to meet the greater demand from our heat and transport sectors, as well as making further progress towards the ambitious renewable targets which the Scottish Government has set”*.
115. The Statement therefore makes it very clear that onshore wind is expected to make a significant contribution to Scotland’s energy needs including renewable targets into the long term. A number of parties opposed to onshore windfarms have in recent years continued to advance an argument that because Scotland’s 2020 target in relation to the generation of renewable electricity could be within reach, that less weight should be placed on the contribution and benefits that could arise from onshore wind energy. However, this point of view appears to be inconsistent with the recent legislated climate change targets that will require a green energy generation response to address decarbonising the grid, heat and transport.
116. Paragraph 4 of Chapter 1 states that, given the recognised contribution that onshore is expected to make to Scotland’s future energy and renewable targets, *“this means that Scotland will continue to need more onshore wind development and capacity, in locations across our landscapes where it can be accommodated”*.
117. Paragraph 23 of Chapter 1 recognises the need to enable developments to use modern turbines with taller towers, larger rotas and increased tip heights: *‘Many of our stakeholders equated or interpreted the concept of efficiency as strongly, if not wholly, related to the increasing size and power of wind turbines. We 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’*.
118. Paragraph 24 goes on to state: *‘The technology shift towards larger turbines may present challenges when identifying landscapes with the capacity to accommodate larger scale development, as not all will be suitable. However, fewer but larger wind turbines may also present an opportunity for landscape improvement, as well as increasing the amount of electricity generated’*.

## 5.6 Recent Onshore Wind Energy Decisions

119. In order to establish the weight that should be given to the renewable and climate change policy framework in decision making, it is helpful to examine the position of Reporters in recent s.36 and Appeal Decisions.
120. In the Corriemoillie Windfarm S36 Decision (December 2019), the Reporter considered climate change and renewable targets and stated that:
- “the seriousness of climate change, its potential effects and the need to cut carbon dioxide emission, remains a priority of Scottish Ministers”* (page 7 of the Decision Letter).
121. In the Gordonbush Windfarm Extension S36C Decision (issued November 2019), when considering the size of the turbines in response to Scottish Government policy, the Scottish Ministers were:

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

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

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

123. In the Hopsrig Appeal Decision Notice at paragraph 64, the Reporter referred to DGC’s position that the Scottish Energy Strategy (“SES”) and Onshore Wind Policy Statement (“OWPS”) add little to that already set out in SPP and National Planning Framework 3. He took a different view and stated:

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

124. In summary, in recent decisions the renewable energy policy at the UK and Scottish Government levels has been a significant material matter. It is also the case that the Programme for Government and The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 were published post these decisions and add substantially to the Scottish Governments ambitions to address the climate change emergency. Substantial weight being attributed to the Proposed Development’s climate change benefits would be appropriate in determining this application for s.36 consent.

## 5.7 Conclusions on Energy Policy

125. The UK and Scottish Government renewable energy policy documents, and associated renewable energy and climate change targets, all provide considerable support in favour of renewable energy development. Owing to the recent enactment of climate change legislation and the clear recognition in the Programme for Government of the climate change emergency that we are in; the need case for the Proposed Development must be considered significant and a strong material consideration.
126. As required by Section 44 of the Climate Change Act 2009 (as amended) in determining the s.36 application the Scottish Ministers are bound to exercise their decision-making function in the interests of sustainable development and in the best way to contribute to the net zero target and the interim 2020, 2030 and 2040 targets. There is a long way to go to achieve net zero and simply because the 2020 target may be considered in reach does not reflect the scale of the net zero challenge.
127. The Proposed Development has a capacity to generate approximately 121.4GWh per year, which is estimated to be capable of powering the equivalent of approximately 32,550 homes annually. In addition, by provided an estimated 37.9 years of clean energy (based on an assumed 40-year lifespan and fossil fuel mix scenario), it would make a valuable contribution to legislated climate change targets and government policy objectives; thereby implementing Government policy, which encourages more electricity generation from renewable sources.

128. The Scottish Government makes it unequivocally clear that renewable energy generation is a key component of the ways in which climate change can be addressed and a key component in meeting climate change targets. The SES recognises that onshore wind is a vital part of Scotland's renewable energy future and that it is the most cost-effective way of generating renewable energy and on this basis must be considered as being the energy generation technology that could contribute the most to our climate change objectives in the short term.
129. The scale of the challenge presented by the new targets adopted by the Scottish Government on the advice of the CCC is considerable, especially given the requirements for decarbonisation of heat and transport, which would require significant increases in renewable energy generation well beyond historic deployment levels.
130. The Energy Minister has stated that in light of adopting the CCC recommendations "*this means we have the most stringent statutory targets in the world*". Moreover, the CCC is unambiguous in stating that "*Current policy is insufficient for even the existing targets*".
131. Accordingly, the current climate change emergency, the scale of the challenge to meet net zero carbon targets, and the contribution that the Proposed Development can make, forms a strong consideration in favour of consenting the Proposed Development.

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## 6 National Planning Policy

### 6.1 Introduction

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

### 6.2 The National Planning Framework 3 (NPF3)

133. The NPF3 was published on 23 June 2014 and is a long-term strategy for Scotland. It is the spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. However, NPF3 was published before the more recent climate change commitments and is therefore not consistent with other Government legislation. (It is noted that a draft NPF 4 is anticipated to be published and subject to consultation during the latter part of 2020, which may update this situation).

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

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

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

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

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

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

138. Paragraph 3.9 states:

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

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

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

### 6.3 The National Planning Framework 4: Position Statement

141. The National Planning Framework 4 (NPF4) Position Statement was published 26 November 2020 and sets out the Scottish Government’s current thinking on the issues that will need to be addressed when preparing Scotland’s fourth NPF.
142. The key opportunities of the Position Statement include ‘*supporting renewable energy developments, including the re-powering and extension of existing wind farms*’. This is further upheld by the ‘*Potential Policy Changes which considers the priority policy change to support spatial strategy for net-zero emissions, including ‘strengthening our support for re-powering and expanding existing windfarms’.*
143. *This recognition is welcomed by the Applicant, and it is considered that the Proposed Development will be crucial in achieving this opportunity.*

### 6.4 Scottish Planning Policy (SPP)

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

#### 6.4.1 Relationship of SPP to National Outcomes

145. Paragraph 9 of SPP refers to ‘Outcomes’ as they relate to the Scottish Government’s ‘Purpose’ “*of creating a more successful country, with opportunities for all of Scotland to flourish through increasing sustainable economic growth...*”.
146. Paragraph 10 adds that the Scottish Government’s 16 national outcomes articulate in more detail on how the Purpose is to be achieved. It adds that the pursuit of these outcomes provides the impetus for other national plans, policies and strategies and many of the principles and policies set out in them are reflected in both SPP and NPF3.
147. Paragraph 13 of SPP introduces four planning outcomes which explain “*how planning should support the vision*” for the planning system in Scotland.
148. Paragraph 18 makes reference to the Climate Change (Scotland) Act 2009 which has set a target of reducing greenhouse gas emissions by at least 80% by 2050, (now 100% by 2045 as set out in the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019) with an interim target of reducing emissions by at least 42% by 2020 (now 56%). SPP explains that section 44 of the 2009 Act places a duty on public bodies to act in the best way to contribute to the delivery of emissions targets as set out in the Act, and to help deliver the Scottish Government’s climate change adaptation programme.

#### 6.4.2 Principal Policies of SPP

149. SPP contains two Principal Policies, namely 'sustainability' and 'placemaking'<sup>2</sup>.

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

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

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

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

#### 6.4.3 Presumption in Favour of Development that Contributes to Sustainable Development

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

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

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

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

156. Paragraph 33 of the SPP advises that if the Development Plan is over five years old, the relevant policies are out of date, then the presumption in favour of development is a significant material consideration. The Dumfries and Galloway Council Local Development Plan 2 (DGCLDP2) was adopted in October 2019 and therefore this requirement is not triggered.

157. Therefore, in this case, the following can be considered:

- the Development Plan is up to date but it is not given primacy as the application for consent is made under the 1989 Act;
- as set out in Table 1 below, the Proposed Development is considered to be in line with the principles set out in paragraph 29 of the SPP;
- as identified throughout this Planning Statement and the EIA Report the benefits of the Proposed Development would outweigh its impacts.

158. Accordingly, the presumption in favour of sustainable development is a material consideration and the planning balance should be tilted in its favour.

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<sup>2</sup> 'Placemaking is not addressed in this Planning Statement as it is directed at the built environment and not renewable energy development.

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

159. The Reporter cited the Caplich s.36 Decision<sup>3</sup>, which was issued on 27 April 2018, in coming to this conclusion. The Inquiry Report (IR) is very informative (dated 29 November 2017). The particular paragraphs of the IR that are most relevant are 2.128 through to 2.144.

160. The Reporter starts by setting out their position on the presumption with a clear rebuttal of the Highland Council's position in paragraph 2.128:

*"I agree with the Applicant that the introduction of a formal policy presumption into SPP was a very significant step. I do not accept the Council's view that it effectively repeats the approach of a criteria based policy such as LDP Policy 67 (in which support in principle was offered, provided that certain criteria are satisfied).*

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

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

162. The Reporter also set out the approach to be taken in order to decide whether or not the presumption applies and how it should be implemented. In this regard, at paragraph 2.129 they stated:

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

163. At paragraph 2.131 the Reporter stated that the presumption applies to all forms of development that would contribute to sustainable development.

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

*"If the proposed Development is found to be that which would contribute to sustainable development, then as a result of SPP paragraph 33, the planning balance should be tilted in its favour, such that any adverse impact it would have must be shown significantly and demonstrably to outweigh its benefits"<sup>4</sup>.*

165. Accordingly, the planning balance should be tilted in favour of the Proposed Development because it would contribute to sustainable development, and identified throughout the EIA Report and this Statement, there are no adverse impacts which would significantly and demonstrably outweigh the benefits derived from the Proposed Development.

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

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<sup>3</sup> The Scottish Ministers agreed with the Reporters findings, reasoning and conclusions as set out in the IR and adopted them for the purposes of their own decision (Caplich, Ministers Decision Letter, page 4).

<sup>4</sup> This approach is consistent with the approach in Suffolk Coastal DC v Hopkins Homes and Richborough Estates v Cheshire East BC [2017] UKSC 37 – the Supreme Court adopted the rubric "tilted balance" in terms of the operation of the presumption at paragraph 14 of the NPPF, addressing how it operated in practice and stated "the balance is tilted in favour of the grant of permission, except where the benefits are 'significantly and demonstrably' outweighed by the adverse effects" (paragraph 54).

166. Paragraph 29 of SPP assists by setting out that policies and decisions should be guided by a number of principles. **Table 2:** Relevant Principles of paragraph 29 of the SPP below lists policies relevant to the Proposed Development and provides a summary response.

Policy Principle	Proposed Development
1. Giving due weight to net economic benefit.	EIA Report Chapter 12: Socio-economic, Tourism and Recreation anticipates that there would be beneficial effect on job generation and GVA during construction.
2. Respond to economic issues, challenges and opportunities, outlined in local economic strategies.	The Proposed Development encourages renewable energy development.
3. Supporting good design and the six qualities of successful places.	The layout has been achieved through an iterative design process that fits within the landscape character and minimises the adverse effects on the environment.
4. Supporting delivery of infrastructure, for example transport, education, energy, digital and water.	The Proposed Development would deliver energy infrastructure.
5. Supporting climate change mitigation and adaptation including taking account of flood risk.	The Proposed Development would help to support climate change mitigation by reducing fossil fuel energy generation with renewable energy, thereby reducing emissions associated with energy generation.
6. Improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation.	The Proposed Development provides opportunities for enhanced recreational access to the forest including mountain biking and horse-riding routes.
7. Having regard to the principles for sustainable land use set out in the Land Use Strategy.	<p>The Land Use Strategy (2016-21) is a key tool in committing to the Climate Change (Scotland) Act 2009 (as amended). The Strategy cross references policies such landscape protection, biodiversity, and renewable energy development from the Development Plan, which, through planning decision making will help deliver the Strategy's principles for sustainable land use.</p> <p>Three groups (see Excerpt 1: Table 1 of the SPP below under 5.3.7: SPP: Spatial Framework Approach below) are identified that set out the requirement for planning authorities to produce spatial frameworks for windfarm development.</p> <p>The Proposed Development is identified as being predominantly in a Group 3 category (and would contribute positively to climate change and care for the environment.</p>
8. Protecting, enhancing and promoting access to cultural heritage, including the historic environment.	The Proposed Development has incorporated mitigation plans so as not to impact on and retain a good level of access throughout the Study Area, and as set out in EIA Report Chapter 10: Archaeology and Cultural Heritage, the Proposed Development would not result in significant effects.
9. Protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment.	It is anticipated that the Proposed Development would provide opportunity for enhancement to the local area including the upgrade of the existing forestry tracks and further enhancements being considered by the Applicant as detailed in Section 1.2 of this Statement.

Policy Principle	Proposed Development
10. Avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.	There would be no conflict with this policy principle.

Table 2: Relevant Principles of paragraph 29 of the SPP

### SPP & National Outcomes

167. Paragraph 9 of SPP refers to 'Outcomes' as they relate to the Scottish Government's 'Purpose' *"of creating a more successful country, with opportunities for all of Scotland to flourish through increasing sustainable economic growth..."*.
168. Paragraph 13 of SPP introduces four planning outcomes which explain *"how planning should support the vision"* for the planning system in Scotland. Three of these outcomes are particularly relevant namely:
- Outcome 1: a successful sustainable place – supporting sustainable economic growth and regeneration, and the creation of well designed, sustainable places;
  - Outcome 2: a low carbon place – reducing our carbon emissions and adapting to climate change; and
  - Outcome 3: a natural, resilient place – helping to protect and enhance our natural and cultural assets, and facilitating their sustainable use.
169. In particular, the Proposed Development would assist in delivering sustainable economic growth in line with Outcome 1 of paragraph 13 of the SPP.
170. The Proposed Development, by its nature would assist in achieving Outcome 2 'a low carbon place'. Indeed, as set out in Chapter 13 of the EIA Report, the Proposed Development would payback carbon emission associated with its construction, operation and decommissioning in 37.9 years.
171. The Proposed Development would also assist in achieving a 'natural, resilient place' by the part it plays in mitigating the effects of climate change. The Site does not contain areas of deep peat and is located within 2km from the properties at Ae, which are not classed as a settlement by the DGC Local Development Plan. Therefore, the Site falls into the classification of a Group 3 location; meaning that it is free of national level designations and many other types of constraints (see the considerations against **Table 1 of the SPP under 5.3.7: SPP: Spatial Framework Approach** below) and is in a location in which windfarms are likely to be acceptable.
172. The fourth Outcome relates to supporting better transport and digital connections and is not considered relevant to the Proposed Development. Furthermore, it should be noted that very few developments would be able to contribute to all four outcomes – that the Proposed Development contributes positively to three (and the fourth one is not relevant) is to its credit and reinforces the engagement of the presumption in favour of sustainable development<sup>5</sup>.

### 6.4.4 Conclusions on National Planning Policy and Guidance

173. As set out above, the Proposed Development satisfies the principles set out at paragraph 29 of SPP and it would assist in delivering Outcomes 1, 2 and 3 – indicating that overall the Proposed Development is consistent with

<sup>5</sup> The Reporter in the Caplich case also made the point (paragraph 8.32 of the IR) that with regard to the four planning outcomes and policy principles in SPP "the objective of any analysis of compliance...should be to see whether there is a 'broad fit' with the themes and objectives of the various outcomes and principles, rather than to test the proposal against each issue as though it were a specific policy test." This approach is consistent with Suffolk Coastal UKSC with regard to the interpretation of policies in the NPPF (the equivalent of SPP in England) – i.e. they should be approached in the same way as outlined in Tesco – namely statements should not be construed as if they were statutory or contractual provisions (i.e. should not be too literal).

sustainable development. SPP sets out a clear presumption in favour of proposals that contribute to sustainable development.

174. The Proposed Development would contribute to sustainable development and as a result, para.32 of SPP is engaged and the planning balance should be 'tilted' in its favour. From the overall planning appraisal undertaken, the significant effects that would arise from the Proposed Development are not found to *significantly and demonstrably* outweigh the planning benefits.
175. In the context of the more up-to-date policy positions within the SES, OWPS and the PfG it is considered that this deserves substantial weight in the s.36 decision making process for this application.

SPP: Development Management for Energy Infrastructure Developments

176. Paragraph 169 of SPP states that proposals for windfarms should always take into account Spatial Frameworks for wind energy developments. It adds that considerations will vary relative to the scale of a proposal and area characteristics, but are likely to include:
- *net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities;*
  - *the scale of contribution to renewable energy generation targets;*
  - *effect on greenhouse gas emissions;*
  - *cumulative impacts – planning authorities should be clear about the likely cumulative impacts arising from all of the considerations below ...;*
  - *impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker;*
  - *landscape and visual impacts, including effects on wild land;*
  - *effects on the natural heritage, including birds;*
  - *impacts on carbon rich soils, using the carbon calculator;*
  - *public access, including impact on long distance walking and cycling routes and scenic routes identified in the NPF;*
  - *impacts on the historic environment, including scheduled monuments, listed buildings and their settings;*
  - *impacts on tourism and recreation;*
  - *impacts on aviation and defence interests and seismological recording;*
  - *impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;*
  - *impacts on road traffic;*
  - *impacts on adjacent trunk roads;*
  - *effects on hydrology, the water environment and flood risk;*
  - *the need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration;*
  - *opportunities for energy storage;*
  - *the need for a robust planning obligation to ensure that operators achieve site restoration."*
177. In terms of Wild Land, paragraph 215 of SPP does not apply as the Proposed Development is located outside of a WLA. The policy position that does apply to the Proposed Development and Wild Land is contained in the sixth bullet of paragraph 169, which is quoted above. The Proposed Development has a potential visual effect on the WLA and therefore a Wild Lands Assessment is provided in **EIA Report Appendix 5.4: Wild Land Assessment**.

#### 6.4.5 SPP Subject Policies – A Low Carbon Place

178. SPP addresses 'A Low Carbon Place' as a 'subject policy' on page 36 and refers to 'delivering electricity'. Paragraph 152 refers to the NPF context and states that NPF3 is clear that planning must facilitate the transition

to a low carbon economy and help to deliver the aims of the Scottish Government. It is stated that Scotland has significant renewable energy resources, both onshore and offshore.

179. Paragraph 153 states that terrestrial planning “*facilitates*” development of renewable energy technologies and guides new infrastructure to appropriate locations. It adds that “*efficient supply of low carbon and .... generation of .... electricity from renewable energy sources are vital to reducing greenhouse gas emissions...*”. It explains that renewable energy also presents a significant opportunity for associated development, investment and growth of the related supply chain.
180. It is clear that onshore wind development is recognised as a key technology in contributing to Scotland becoming a ‘low carbon place’ and would contribute to attaining this objective.

#### 6.4.6 Onshore Wind

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

#### 6.4.7 SPP: Spatial Framework Approach

181. The NatureScot Carbon and Peatland Map 2016 is available on the Scotland’s Soils Website. The Map is a predictive tool which provides an indication of distribution of carbon and peatland classes across the whole of Scotland. On a coarse scale it gives a value to indicate the likely presence of carbon-rich soils, deep peat and priority peatland habitat identified in Table 1 of SPP (see **Excerpt 1: Table 1 of the SPP below**).
182. The Map identifies eight soil classes (Class -2, -1 and 0 to 5). All areas mapped under Class 1 to 5 contain some peat soils. On the Map the top two classes (1 and 2) taken together identify the nationally important recourses set out in Table 1 of SPP:
- **Class 1:** Nationally important carbon-rich soils, deep peat and priority peatland habitat; areas likely to be of high conservation value.
  - **Class 2:** Nationally important carbon-rich soils, deep peat and priority peatland habitat; areas of potentially high conservation value and restoration potential
183. **EIA Report Table 6.1: Summary of Carbon and Peatland Classes Present within the Site in order of Dominance** identifies that the area is predominantly in Class 5 (63.8%). There are no areas of Class 1 and 2 soils.
184. With reference to **Excerpt 1: Table 1 of the SPP below**, the Site is therefore located within a Group 3 area. Accordingly, the Site is considered to have the properties of being within Group 3: ‘Areas with potential for windfarm development’.

<p><b>Group 1: Areas where wind farms will not be acceptable:</b></p> <p>National Parks and National Scenic Areas.</p>		
<p><b>Group 2: Areas of significant protection:</b></p> <p>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.</p>		
<p><b>National and international designations:</b></p> <ul style="list-style-type: none"> <li>• World Heritage Sites;</li> <li>• Natura 2000 and Ramsar sites;</li> <li>• Sites of Special Scientific Interest;</li> <li>• National Nature Reserves;</li> <li>• Sites identified in the Inventory of Gardens and Designed Landscapes;</li> <li>• Sites identified in the Inventory of Historic Battlefields.</li> </ul>	<p><b>Other nationally important mapped environmental interests:</b></p> <ul style="list-style-type: none"> <li>• areas of wild land as shown on the 2014 SNH map of wild land areas;</li> <li>• carbon rich soils, deep peat and priority peatland habitat.</li> </ul>	<p><b>Community separation for consideration of visual impact:</b></p> <ul style="list-style-type: none"> <li>• an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge. The extent of the area will be determined by the planning authority based on landform and other features which restrict views out from the settlement.</li> </ul>
<p><b>Group 3: Areas with potential for wind farm development:</b></p> <p>Beyond groups 1 and 2, wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria.</p>		

Excerpt 1: Table 1 of the SPP

185. In terms of development management, paragraph 169 of SPP sets out considerations for energy infrastructure and these have been referred to above.
186. Paragraph 170 of SPP states that areas identified for windfarms should be suitable for use in perpetuity. It further adds that consents may be time limited, but nevertheless “*wind farms should ... be sited and designed to ensure impacts are minimised and to protect an acceptable level of amenity for adjacent communities*”.
187. The provision of paragraph 170 is not a new matter. Circular 4/98 in relation to the use of conditions in planning permissions sets out in paragraph 105 that “*the reason for granting a temporary permission can never be that a time limit is necessary because of the effect of the development on the amenity of the area*”.
188. Another important point to note with regard to paragraph 170 of SPP is that it further supports the Government’s position that wind energy development is one of a range of developments making use of renewable sources which can play an important role in meeting the energy needs of the country whilst contributing to carbon targets.

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

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

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

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

#### 5.4 Conclusions on National Planning Policy & Guidance

191. NPF3 and SPP set out a strong position of support in relation to renewable energy, climate change and renewable energy targets (now in part superseded) and recognises the significant energy resource provided by onshore wind. This clearly cannot be at any cost and development continues to be guided by national policy to appropriate locations and where environmental effects are judged to be acceptable.
192. The contribution of the Proposed Development to sustainable development lends significant support in favour of a successful determination. In addition, it clearly meets Outcomes 1,2 and 3 of paragraph 13, while the Site is in a location that can be regarded as a Group 3 location). Group 3 is the group in which windfarms are most likely to be accepted under the considerations of the criteria in paragraph 169 of SPP, and subject to the specific site design.
193. It is considered that the Proposed Development should benefit from the presumption in favour of development that contributes to sustainable development as the Proposed Development is in accordance with the guiding principles relevant to this type of development set out in paragraph 29 of SPP.

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# 7 Environmental Considerations

## 7.1 Site Selection

194. Scottish Planning Policy (SPP) (June 2014) (paragraphs 154 and 155) provides support for renewable energy development in principle and encourages local authorities to guide developments towards appropriate locations which fulfil the potential to achieve the full potential for electricity and heat from renewable sources in line with climate change targets.
195. The Proposed Development is an extension to the Harestanes Windfarm, which has been operational since 2014 and comprises 68 turbines and a generating capacity of up to 136 MW. The Proposed Development is immediately to the south of the operational Harestanes Windfarm and therefore the starting point for the selection of an extension site.
196. The Proposed Development provides an opportunity to extend an operational renewable energy development, make a valuable contribution to climate change and contribute toward achieving the Government's renewable energy targets. The location has been selected by the Applicant for the development of onshore wind energy for a number of reasons (the most prominent factor being the opportunity to utilise or re-use existing infrastructure which forms part of the operational Harestanes Windfarm). These include:
- the reuse of the operational Harestanes Windfarm's construction compound areas and access tracks, and forestry access tracks to access the main development area of the Site with minimal upgrades;
  - a direct connection to the operational Harestanes Windfarm substation and onto the wider electrical grid system negating the need for an additional substation structure in a rural landscape;
  - data from the adjacent operational Harestanes Windfarm and initial onsite wind monitoring indicate that there is likely to be a good wind resource at the Site to support wind energy development; and
  - a greater understanding and appreciation of the baseline conditions at the Site as a consequence of the construction and operation of the operational Harestanes Windfarm.
41. Other factors include:
- the Site is not the subject of any international or national statutory designations;
  - there are no planning policies which, in principle, preclude wind energy development;
  - it has good access from the public road network particularly for longer blades which allows consideration of larger turbines to make the best use of the expected wind resource; and
  - the Site has no residential properties in close proximity.
42. **EIA Report Chapter 3: Site Selection & Design** describes the design evolution in detail, which demonstrates in part the approach the Applicant has taken in the context of satisfying the Schedule 9 duties of the Act.

## 7.2 Consideration of Alternative Sites

43. Schedule 4 (2) of the EIA Regulations requires the consideration of reasonable alternatives in terms of site location and the characteristics of the Proposed Development. To ensure that the potential negative environmental impacts are minimised, the Applicant has engaged in an iterative and constraint-led site selection process.
44. The considerations that have informed the Proposed Development's final design are summarised below and detailed further in **EIA Report Chapter 3: Site Selection & Design**.

## 7.3 Design Evolution

45. The design process has been informed by the EIA and comprised six iterations. In addition to the six main design iterations there has been additional micrositing to refine the design.

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46. Amendments to the layout were made as a result of the findings of the baseline surveys to avoid, reduce or offset the potential environmental effects; to reflect engineering constraints; and in response to comments received during both statutory and non-statutory consultation, including two rounds of public consultation.
47. The main design iterations are summarised below:
- **Scoping Layout (A):** This layout comprised 15 turbines and was used for the EIA Scoping consultation stage.
  - **Refined Turbine Layout (B):** Following early consultation, turbines in the western area of the Site were removed to avoid the 7Stanes mountain bike trail centre, remove visual impacts from Ae and potential noise impacts to Craigshields recreation centre. This also removed turbines which were encroaching on the outer slopes (or exterior) of the Site and with proximity to local residents.
  - **Preliminary Infrastructure Layout (C):** The initial infrastructure design sought to minimise the existing windfarms and forestry tracks to minimise the Proposed Development's footprint.
  - **Infrastructure Layout post Design Workshop 2 (D):** The design refined the amount of cut and fill required. Initial borrow pit search areas were added.
  - **Infrastructure Layout post Design Workshop 3 (E):** Following further consultation, turbine 9 was removed due to a combination of environmental and technical factors. There were visual effects due to its position on the 'outer' slopes of the Site and also in relation to extensive cut and fill requirements for this location due to the slope gradient. This region of this site also has high bat activity and therefore it was decided that this turbine be removed.
  - **Final Design Layout (A):** In reaching the final layout, considerations related to engineering updates to accommodate crane laydown hardstanding along the tracks to each turbine and changes to Turbine 7 due to further minimise cut and fill and slope gradients.
48. The design evolution is detailed further in the **EIA Report Chapter 3: Site Selection and Design**.

#### 7.4 The Approach to Decision Making

49. The EIA Regulations set out the Scottish Ministers' duties to decision making. In particular, Regulation 21 includes an extensive list of matters which are required to be undertaken during the decision-making process.
50. In reaching their decision on the likely environmental impacts, the Scottish Ministers are to come to a 'reasoned conclusion' on the EIA Report and other environmental information.

#### 7.5 Likely Environmental Effects

51. The Site's environmental and technical constraints were identified in the early mapping process and are demonstrated in EIA Report **Figure 3.7: Design Iterations of Onsite Infrastructure Layouts**. In accordance with the EIA Regulations, the design has sought to avoid, reduce and mitigate the potential likely environmental effects on the identified constraints. The constraints considered during the design process, necessary design changes and the environment impact on each of them are considered under the relevant subheadings below.

##### 7.5.1 Wind Analysis

52. Wind analysis and efficiency modelling has been carried out by the Applicant at key stages throughout the design evolution process to identify the areas of the Site likely to produce the most yield and ensure the commercial viability of the scheme.
53. The initial search area for the potential positioning of the turbines (the 'Developable Area') was established using wind yield calculations. The Site's design has been developed by the detailed consideration of the wind analysis data, to inform the optimum location for each turbine.
50. There is no industry standard for the spacing of wind turbines, only manufacturer recommendations and operational experience. Referring to onsite wind measurement data, the predominant wind direction at the Site is

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from the south west and a spacing of turbines five times rotor diameter on the predominant wind direction against three times rotor diameter cross wind was applied for the Proposed Development.

### 7.5.2 Topography

51. The Site generally has a relatively gentle topography. The steepest areas of the Site, such as at the valley of Glenkiln Burn, have been avoided for the development of infrastructure. Slopes also define the western edge of the Developable Area.
52. Slope stability has been taken into consideration to understand whether infrastructure could be located within certain areas of the Site. Where slope stability was identified as an issue, these areas were deemed to be unsuitable for infrastructure and have therefore been avoided due to the potential for slope instability and peat slide.

### 7.5.3 Landscape and Visual Impact

53. The appearance of the Proposed Development both as a standalone site, and within the context of the operational Harestanes, Minnygap and Dalswinton Windfarms on the landscape designations and visual receptors has been a primary consideration throughout the iterative design process.
54. **EIA Report Chapter 5: Landscape and Visual Impact Assessment** presents the finding of the Landscape and Visual Impact Assessment (LVIA) undertaken to determine the residual and cumulative effects within a 30km radius from the outermost turbines. The LVIA is a site-specific document and assesses the potential effects on the physical landscape, landscape character, landscape designations and features, and the visual effects from settlements, transport routes, tourist attractions and promoted viewpoints.
55. It is anticipated that the physical effects on the landscape would be limited to the forestry removal required for the construction of the turbine hardstanding areas, new access tracks, and areas of cut and fill. Use of existing infrastructure, compounds and borrow pits from the operational Harestanes Windfarm would minimise the need for large areas of felling and new areas of hard surfacing. It is considered that the effects on the physical elements of the landscape would not be significant. **EIA Report Table 5.23: Summary of Residual Effects** summarises the significant effects of the Proposed Development.
56. In terms of the effects on the landscape's character, the LVIA has assessed significant effects on the Site and the immediate surroundings to the south and south east. The Site mainly lies within the Ae landscape unit of the Foothills with Forest (18A) Landscape Character Type (LCT) (as defined by DGWLCS) which has a large scale, broad undulating plateau-like landform and uniform forestry landcover which are all attributes that are considered suitable for windfarm development, in addition to the presence of existing windfarms as a defining characteristic. The scale difference of the proposed turbines over the operational turbines would provide the main potential for significant effects on landscape character where the contrast is directly apparent, and the larger turbines have a greater visual influence.
57. Table 5.23 identifies that there would be likely to be a significant adverse effect on the landscape character of the Foothills and Forest LCT, Beattock of the Foothills LCT and the Ae Fringe unit of the Upland Fringe LCT. The undulating topography of the host LCT varies considerably so that parts of the operational windfarm are at higher elevations than the proposed turbines which limits the perceived contrast of scale and reduces potential for significant effects particularly from landscapes to the north and north east.
58. The assessment of visual effects was informed by 21 viewpoints selected to represent the visibility of a range of receptors. It is anticipated that there would be a significant effect on residential receptors within the upland fringe area to the south of the Site and within the Annandale area to the south and south west within approximately 8km where the Proposed Development would become a notable feature in views towards the foothills, and where scale comparisons can be made against the landform and existing features. The views for walkers along a short section of the Annandale Way in close proximity to the Site and the Proposed Development would also be subject to significant effects.

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59. The effects of the aviation turbine lighting on landscape and visual receptors has been considered within the assessment on **EIA Report Appendix 5.5: LVIA of Turbine Lighting**. The Proposed Development and aviation lighting would introduce an unlit elevated undulating landform which rises above the settled dales. It would have a significant effect on visual and landscape receptors within the immediate landscape and adjacent areas. However, this is based on a worst case scenario and the extent of the effects could be contained by the mitigation measures outlined in **EIA Report Appendix 13.3 Indicative Aviation Lighting Landscape and Visual Impact Mitigation Plan**.
60. The LVIA considered the effects of the Proposed Development with the nearby and adjoining operational windfarms of Harestanes, Minnygap and Dalswinton as part of the baseline. Other operational, consented and application windfarms considered within the Study Area lie beyond 18km from the Site and the assessment found that there would be no significant cumulative effects with these windfarms.
61. In summary, the LVIA has identified that significant effects on landscape character would be contained within approximately 5km and visual effects would be contained within approximately 8km to the south and south east of the Site only. In considering the context of the Proposed Development, an addition of eight turbines within the Ae Foothills accompanying the 68 operational windfarms would be a relatively small increase that would continue the existing turbine pattern within the forestry plantation and would operate as a natural extension of the operational Harestanes Windfarm.

#### 7.5.4 Hydrology, Hydrogeology, Geology and Soils

62. A 50m buffer zone has been applied to all watercourses that transverse the Site. The buffer zone ensures that turbines and infrastructure, (other than construction and maintenance trucks) are not located in the proximity of hydrological features, in accordance with the windfarm construction best practice guidelines (NatureScot, 2019), and to reduce the risk of pollution into existing watercourses. Water and ditch crossings have also been avoided in the design process as far as possible.
63. Chapter 6 of the EIA Report considers the likely significant environmental effects of the Proposed Development on hydrology, hydrogeology, geology and soils. The study area is based upon the Site area, with a wider study area of 5km downstream of the Site Boundary for hydrologically relevant designations and surface water receptors. Groundwater receptors would be incorporated into a study area 1km beyond the Site's Boundary.
64. In terms of designations, Black Loch, a Site of Special Scientific Interest (SSSI), lies 3.2km south west of the Site and is designated for its basin fen. The Proposed Development is not hydrologically connected to the SSSI.
65. The assessment has considered matters such as climate, geomorphology, geology, hydrogeology and hydrology. **EIA Report Table 6.13: Summary of Significant and Residual Effects** finds that there are no significant effects.
66. The cumulative effects in combination with other developments currently at the planning, consented or construction stages have been considered. There are not considered to be any significant cumulative effects.

##### 7.5.4.1 Peat Habitat and Depth

67. The NatureScot Carbon and Peatlands Map (2016) identifies that Class 5 (peaty soil; no peatland vegetation) is predominant across the Site (63.8% of the Site area), with Class 3 (predominantly peaty soil with some peat soil; peatland with some heath) present at a small area (10.2%) in the south west of the Site.
68. Peat probing was undertaken in 2020. A review of this data in conjunction with slope gradients allowed from the early design stage for the identification of optimum locations for turbines, access tracks, control buildings and borrow pits to avoid deep peat.
69. Development on peatland has largely been avoided based on peat probing data for the Site. In addition, the ground constraints considered in the design of the Proposed Development have been:

- identification of peat depths in excess of 1.5m – to minimise incursion, protect from physical damage, minimise excavation and transportation of peat, reduce potential for peat instability and minimise potential soil carbon loss;
  - identification of slope angles greater than 10° - to minimise soil loss and potential instability; and
  - avoidance of areas where initial peat stability concern was identified where possible – to avoid areas with possible instability issues and associated indirect effects on surface water.
70. It is not anticipated that there would be any significant effects with regard to carbon balance and peat management.

### 7.5.5 Ecology and Biodiversity

71. Ecological surveys have been undertaken across the Site. These included National Vegetation Classification (NVC) Survey, protected species surveys (bats, badgers, otter, water vole, pine marten and red squirrel) and fish surveys. Appropriate buffers have been applied around these sensitive habitats and considered in the Site's design.
72. The Site is dominated by habitats of 'Site-Regional' importance including ancient woodland, principally dense conifer plantation, woodland and grassland communities traversed by numerous watercourses and drainage features. The design of the Proposed Development has taken the most valuable areas of habitat into consideration such as mire communities. Furthermore, the proposed embedded mitigation minimises the risk of potential disruption to important terrestrial habitats and watercourses by design and during construction through the implementation of best practice measures.
73. Ancient woodland has been identified within the study area, including immediately east of the access from the A701 and approximately 250m north east of the proposed crane pad for Turbine 3. The Proposed Development would require the removal of 0.43ha woodland adjacent to the A701 to allow for its essential widening for the delivery of turbines. This equates to approximately 20% of the woodland.
74. **EIA Report Table 7.14: Summary of Effects for Biodiversity** has assessed the potential for significant effects on the ancient woodland designation. The scale of effects are concluded to be below Local effects and are not therefore anticipated to result in significant effects
75. An outline Habitat Management Plan is contained in **EIA Report Appendix 7.7: Outline Habitat Management Plan**. This sets out the broad measures for positive management and enhancement of habitats within the Site to benefit biodiversity.
76. **EIA Report Chapter 7: Ecology and Biodiversity** has assessed the outcome of the assessment of likely significant biodiversity effects the Proposed Development both in isolation and cumulatively. It is not anticipated that there would be significant effects on ecological features.

### 7.5.6 Ornithology

77. The ornithology surveys carried out across the Site since 2019 have informed the design evolution process.
78. The baseline surveys conducted to inform the EIA Report have identified the presence of ornithological assemblages within the Site and surrounding area that are typical of the coniferous plantation forestry and open moorland habitats of Central/Southern Scotland. However, the usage within the Site is confined mainly to relatively common breeding passerines and woodland raptors.
79. With regards to constraints, the Site does not overlap any statutory or non-statutory designated sites of ornithological interest.
80. **EIA Report Chapter 8: Ornithology** has considered the potential significant environmental effects on ornithological species with regard to habitat loss (nesting and foraging), disturbance and displacement, collision risk and the cumulative effects of other windfarms.

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81. It is not anticipated that the Proposed Development would have a significant environmental effect on ornithological receptors during the construction or operational phases.
  82. It was also concluded that there would be no significant effects or cumulative effects.

### 7.5.7 Noise

83. Noise was a consideration in relation to the closest receptors to the Site (which are located approximately 800m from the nearest turbine) during the early design stages. As shown on **EIA Report Figure 9.1: Noise and Vibration Sensitive Receptors, Cumulative Developments and Baseline Noise Measurement Locations**, the receptors are located further than 1.3km from the scoping turbine locations.
84. **EIA Report Chapter 9: Noise** has considered the potential noise and vibration effects that could arise as a result of the Proposed Development during the construction and operation phase. These being:
  - the impacts as a result of possible borrow pit blasting works (noise, air overpressure and ground-borne vibration) on current sensitive receptors during the construction phase; and
  - the impacts as a result of operational wind turbine noise on existing local noise sensitive receptors, when operating both in isolation and cumulatively with other local windfarm developments.
85. The assessment has been undertaken in accordance with national and local planning policy and best practice guidance, including the Department of Trade and Industry's ETSU-R-97 document: The assessment and rating of noise from windfarms, and the Institute of Acoustics: A good practice guide to the application of ETSU-R-97 for the assessment and rating of wind turbine noise (IoA PG), which have informed the assessment of operational noise that would be generated by the Proposed Development.
86. It is not anticipated that there would be any significant adverse noise effects during construction or operation.
87. It is not anticipated that significant cumulative noise effects would arise as a result of operation alongside other windfarms.

### 7.5.8 Archaeology and Cultural Heritage

88. The layout of the Proposed Development has been designed as far as possible to avoid direct impacts on the identified heritage assets within the Site boundary. Early desk-based assessments allowed for the subsequent design modifications around the identified assets, including:
  - sheepfold at Clachanbirnie: The design was altered to relocate a proposed borrow pit area to reduce the impact on this heritage asset. The asset's location within close proximity of the road was also highlighted;
  - modern Memorial to James Ferguson: The design was altered to allow the relocation of Turbine 7 further to the east to reduce impact of this heritage asset and allow the retention of a small clearing it sits within.
89. **EIA Report Chapter 10: Archaeology and Cultural Heritage** considers the outcome of the assessments of likely significant cultural and archaeology effects of the Proposed Development.
90. There are 12 known heritage assets within the Site's boundary. This includes one Listed Building (Garvald Church and Churchyard). The remaining 11 assets are undesignated.
91. The Archaeology and Cultural Heritage Study Area extends for a distance of 10km from the turbine locations and is shown in **EIA Report Figure 10.2**. Within the Archaeology and Cultural Heritage Study Area, 117 heritage assets have been identified as being within the Zone of Theoretical Visibility (ZTV) of at least one of the turbines. Of these, 41 are within 5km of the turbine locations. There are also 21 heritage assets identified within 10km of the turbine locations that would have no visibility of the Proposed Development according to the ZTV applied.

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92. The assessment on the likely significant effects on archaeological and cultural heritage as summarised in **EIA Report Table 10.8** found that there would be no significant effects during the construction or operational phases.
93. Chapter 10 of the EIA Report includes an assessment of cumulative effects from other windfarms that are either operational, consented, or subject to planning applications. This has shown that the introduction of the Proposed Development would not cumulatively increase (or decrease) the significance of effect on any of the heritage assets within the Heritage Study Area.

### 7.5.9 Access, Traffic and Transport

94. The design of the Proposed Development has sought to maximise access via the existing windfarm and forestry tracks, thereby reducing the Proposed Development's footprint, impact and expenditure.
95. The predicted effects of the Proposed Development on access, traffic and transport are assessed in **EIA Report Chapter 11: Access, Traffic and Transport**. Given the Proposed Development is an extension to Harestanes Windfarm, it is not considered that the operational movements through the Site would be significantly greater than that already experienced. It is anticipated that during the operation phase vehicle movements would be very low with only one or two small vehicles regularly accessing the Site for routine maintenance.
96. In terms of the effects from the movement of construction vehicles, the assessment indicates that there are no road capacity issues associated with the Proposed Development and that ample spare capacity exists within the trunk and local road network.
97. It is expected there would be only a limited amount of timber extraction required and that the level of vehicle movements associated with this would be in line with existing extraction and forest management practices. This would occur at the start of the construction period and likely run concurrently with track construction and upgrades. The expected level of extraction in terms of vehicle numbers are expected to be below that predicted during the worst-case period during construction i.e. during concrete pouring.
98. Chapter 11 does not anticipate that there would be any significant adverse effects during the construction or operation of the Proposed Development.
99. A Framework Constructing Traffic Management Plan (CTMP) is included in Chapter 11 of the EIA Report. A Full CTMP would be agreed with DGC and Transport Scotland prior to the commencement of development. The CTMP would be developed using experience gathered during the construction of recent projects in the Local Authority area and the operational Harestanes Windfarm. The chapter also notes confirms that all deliveries would be undertaken at appropriate times (to be discussed and agreed with the relevant roads authorities and police) with the aim to minimise the effect on the local road network.

### 7.5.10 Socio-economics, Tourism and Recreation

100. The 7Stanes mountain bike trails, and Roman and Reivers core path and Long-Distance Route have been identified as recreationally designated tracks located within the Site. In response to these designations, buffers were applied during the design process to avoid operational impacts on these receptors. In particular this was a key consideration in the positioning of Turbine 1.
101. **EIA Report Chapter 12: Socio-economics, Tourism and Recreation** evaluates the Proposed Development's likely effects on socio-economic factors. The assessments informing the chapter consider the following potential effects:
- spend per annum, estimated job generation and gross value added (GVA) during construction and operation of the Proposed Development;
  - direct and indirect effects of the Proposed Development on tourism during its construction and operation;
  - direct and indirect effects of the Proposed Development on recreation (including for example rights of way, core Paths and other routes) during the construction and operation; and

- cumulative effects of the Proposed Development on employment and tourism in conjunction with other developments.
102. The assessments estimate that during the construction phase the Proposed Development would generate 52 jobs and create GVA contributions of up to £3.1 million in Dumfries and Galloway. At the Scottish level it would provide up to 155 jobs and GVA contributions of £9.2 million.
  103. During the Proposed Development's operation, it is estimated that, within the Dumfries and Galloway area, up to three to five jobs would be sustained, contributing to approximately £0.16 million to £0.27 million GVA, while approximately 4-6 jobs and a GVA of £0.21 million to £0.31 million would be provided at the Scottish level.
  104. In terms of community investment, the Applicant is offering the opportunity for a shared ownership / community investment scheme. This has the potential to support greater partnerships in working and empowering communities to build their capacity and generate income.
  105. The Proposed Development would be liable for non-domestic rates, the payment of which would contribute directly to public sector finances, see **Section 3.4** for more detail.
  106. The Applicant has proposed a wealth of potential community enhancements including: the provision of family-friendly/beginner biking and horse riding routes; promotion of e-biking within the Forest of Ae (subject to agreement), provision of shelters, picnic benches and information boards (subject to agreement), and the support of employment of seasonal rangers to assist with the management of core footpaths in the area.
  107. It is not anticipated that the Proposed Development would result in significant effects on socio-economics or recreation and tourism.

### 7.5.11 Other Issues

#### 7.5.11.1 Shadow Flicker

108. **EIA Report Chapter 13: Other Issues** considers 'Other Issues'. This includes the predicted effects of shadow flicker. The term 'shadow flicker' refers to the flickering effect caused by rotating turbine blades. There are no shadow flicker receptors located within 1.5km of the proposed turbines.
109. Subsequently there are no significant standalone or cumulative effects anticipated as a result of the Proposed Development due to embedded mitigation.

#### 7.5.11.2 Forestry

110. A Windfarm Forest Plan has been developed for implementation if the Proposed Development is consented. The design process has considered the local topography, existing forestry infrastructure, the Forestry Plan and how the operational Harestanes Windfarm infrastructure can be utilised. An assessment of the potential effects of the Proposed Development on woodland resources is provided in **EIA Report Appendix 13.1 Forestry**. This describes the plans for felling, restocking and forest management practices.
111. Approximately 82.23 hectares (ha) of advanced felling would be required for construction of the Proposed development, with some forestry subsequently being replanted.
112. The area of unplanted ground would increase and as a result there would be a net loss of woodland area of approximately 61.23ha, which would comprise a decrease of conifer woodland by 49.1ha and broadleaf woodland by 12.23ha (including ancient/native woodland).
113. To minimise the extent of felling and subsequent compensatory planting, turbines have been 'keyholed' into the existing forest as far as possible. As a result, in general only the trees in areas required for the infrastructure and its associated buffer zones would be cleared.

### 7.5.11.3 Carbon Balance

114. In terms of carbon balance, the design process has sought to avoid deep peat areas and minimise peat disturbance in order to achieve a more favourable Carbon Balance Assessment. The Carbon Balance Assessment compares the carbon losses of windfarm construction with the ongoing savings of green electricity production to estimate the reduction in carbon emission, which is expressed as 'payback'.
115. **EIA Report Appendix 13.4: Carbon Balance Assessment** details the results of the carbon balance calculations undertaken in line with the Scottish Government's Carbon Calculator Tool.
116. In applying the realistic 'Fossil Fuel Mix' replacement scenario it is expected that the Proposed Development would pay back the carbon emission associated with its construction and operation in approximately 2.1 years (based on an assumed 40-year lifespan and fossil fuel mix scenario). This means that there is the opportunity to produce 37.9 years of clean energy, which would otherwise have been generated from fossil fuels.

### 7.5.11.4 Aviation and Radar

117. Chapter 13 has assessed the potential effects on aviation and radar impacts.
118. The Proposed Development is located beneath uncontrolled airspace predominantly used by general aviation and military aircraft. Measures are proposed to mitigate effects on Primary Surveillance Radar, which are commonly used to manage such effects; although consultation is ongoing with the aviation consultees with respect to agreeing the detail of these proposed measures.
119. It is not anticipated that the Proposed Development would result in any significant environmental effects in terms of aviation and radar.

### 7.5.11.5 Telecommunications

120. A telecommunications mast is located in the centre of the Site on Pumro Fell. Fixed links extend from this to the east and west and this has been regarded as a key constraint during the design process. The proposed turbines have been located to lie outwith the Fresnel zone.

### 7.5.12 Galloways and South Ayrshire Biosphere and Dark Skies Park

121. UNESCO identifies the Galloways and South Ayrshire Biosphere as "*home to 95,000 people who work together to improve life whilst caring for the natural environment. Galloway and Southern Ayrshire hosts some of the finest examples of wildlife areas in Europe*".
122. There are three zones that comprise a Biosphere Reserve. These being (from inside out) the Core, Buffer and Transition zone. At its nearest point, the Site is located 3km from the Transition zone.
123. Similarly, it was established through the scoping process that there would be minimal potential effect on the Galloway Forest Dark Skies Park.
124. For the reasons above, the Biosphere and Dark Skies Park designations have not therefore been considered relevant to the design considerations or EIA assessments.

## 8 The Development Plan

### 8.1 Introduction

125. The principal statutory development consent is an electricity consent granted under Section 36 of the 1989 Act; the Development Plan does not have primacy under section 25 of the 1997 Act because the decision is not being made pursuant to the 1997 Act. However, development plans policies are relevant to understanding in a local context, the generic duties under Schedule 9(2) to the 1989 Act and are also material considerations in the decision-making process alongside the national energy and planning policy. A consideration of the policies and compliance with the Development Plan is therefore assessed in this chapter.
126. The Site is located within the DGC area. The relevant development plan is the DGC Local Development Plan 2 ('LDP2'), adopted 3 October 2019, and relevant supplementary guidance.

### 8.2 Dumfries and Galloway Council Local Development Plan 2

127. The DGC LDP2 was adopted in October of 2019. The Plan is up to date in so far as it responds to national planning policy, but not insofar as it relates to the latest legislative and policy position on climate change. Low carbon energy development, greenhouse gas reduction and climate change matters are integrated within the LDP2 policies. The introduction to the plan recognises that:

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

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

128. The LDP2's 'Vision' also notes that a viable rural economy and community is characterised by, amongst other things, a range of renewable energy developments. The Economic Strategy within the LDP2 also states that:

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

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

129. The DGC LDP sets out an 'Energy Strategy', which recognises that the “*planning system is seen as an essential element of the Scottish Government's approach to meeting statutory climate change targets...to support the transformational change to a low carbon economy, the Council proposes to prepare a Regional Energy Strategy*”.
130. Accordingly, the LDP policy framework, by way of the aims and objectives of the plan, is geared towards supporting renewable energy development as part of the response to climate change and as an economic driver for the region.

131. Owing to the likely receptors affected within DGC, the following DGC LDP2 policies are considered of most relevance to the Proposed Development. The full text to these policies is provided in **Appendix 1: Dumfries and Galloway Council Local Development Plan 2 Policies**

Policy Topic	Policy
<b>Infrastructure</b>	Policy IN1: Renewable Energy Policy IN2: Wind Energy
<b>Overarching Policies</b>	Policy OP1: Development Considerations Policy OP2: Design Quality and Place Making
<b>Natural Environment</b>	Policy NE2: Regional Scenic Areas Policy NE3: Areas of Wild Land Policy NE5: Species of International Importance Policy NE6: Sites of National Importance for Biodiversity and Geodiversity Policy NE7: Forestry and Woodland Policy NE11: Supporting the Water Environment Policy NE14: Carbon Rich Soil Policy NE15: Protection and Restoration of Peat deposits as Carbon Sinks
<b>Historic Environment</b>	Policy HE1: Listed Building Policy HE2: Conservation Areas Policy HE3: Archaeology Policy HE4: Archaeologically Sensitive Areas Policy HE6: Gardens and Designed Landscapes
<b>Transport</b>	Policy T1: Transport Infrastructure
<b>Community Services and Facilities</b>	Policy CF4: Access Routes
<b>Economic Development</b>	Policy ED10: Galloway and Southern Ayrshire Biosphere Policy ED11: Dark Skies Policy ED13: Minerals

Table 3: Relevant Local Plan Policy

### 8.2.1 Policy IN2: Wind Energy

132. Policy IN2 'Wind Energy' is the predominant policy within the plan against which to assess the Proposed Development. The policy is a multicriteria based policy, it explicitly supports the development of windfarms that are 'located, sited and designed appropriately'. The policy then sets out the considerations that 'acceptability' of the Proposed Development is to be assessed against. These eight considerations are set out below and have been considered alongside DGC's adopted Wind Energy Development: Development Management Considerations (February 2020) Supplementary Guidance and other relevant policies.

#### 8.2.1.1 Renewable energy benefits

133. The benefits include the scale of contributions to renewable energy generation targets, effect on greenhouse gas emissions and opportunities to utilise the consented storage facility at the operational Harestanes Windfarm.

The proposed Development will result in low carbon energy development with the carbon-payback periods estimated in **EIA Report Appendix 13.4 Carbon Balance Assessment, Table 4** as below:

Generation Source	Counterfactual Emission Factors (t CO <sub>2</sub> MWh <sup>-1</sup> )	Expected Payback Time (Years)
Coal Fired	0.92	1.0
Grid Mix	0.25	3.7
Fossil Fuel Mix	0.45	2.1

Table 4 Carbon Payback Period

if replacing the 'Grid Mix' source, the expected payback time is calculated to be approximately 3.7 years; however, it is considered more likely that energy generated by this development would replace the fossil fuel portion of the overall 'Grid Mix' scenario and based on 'Fossil Fuel Mix' replacement, the estimated payback time is 2.1 years. This leaves 37.9 years of green energy supply, and powering an anticipated 32,550 homes per annum that would otherwise have been powered by fossil fuels.

### 8.2.1.2 Socio-economic Benefits

134. The socio-economic benefits of the Proposed Development have been assessed in further detail in Section 5.5.10: Socio-economic, Tourism and Recreation above.
135. The Applicant is committed to sharing the benefits from its operational windfarms with local communities and has made substantial investment in south west Scotland. Through its established presence in Dumfries and Galloway, ScottishPower Renewables has to-date contributed over £7,800,000 in community benefits. This includes over £2,300,000 paid as part of the operational Harestanes Windfarm, almost £3,500,000 paid as part of the Kilgallioch Windfarm, over £700,000 paid as part of our Wether Hill Windfarm and over £1,000,000 paid in association with the Ewe Hill 6 and Ewe Hill 16 windfarms. Although located out with Dumfries and Galloway Glen App Windfarm (South Ayrshire) has also contributed more than £200,000 to communities in Dumfries and Galloway. These funds contribute to a variety of groups and organisations to assist them in delivering projects which ScottishPower Renewables has identified as having benefit to those living, working or visiting the surrounding area. This includes projects such as installing solar panels for Glencairn Green Bowling, contributing towards the development of Nith Valley Leaf Trust affordable environmentally friendly homes and contributing towards the purchase of a new Galloway Mountain Rescue vehicle.
136. The Applicant is committed to offering a package of community benefits to local communities. For the Proposed Development, the Applicant would hold discussions with local stakeholders to decide which communities would be appropriate to participate in any community benefits offered. It is expected that any community benefit funds could provide a long-term revenue which could be used to support community projects. Local communities would have the flexibility to choose how the money is spent and prioritise it on the things which matter most to them.
137. These effects are beneficial and whilst not significant in EIA terms, they are considered to highlight the contribution they can make to local communities.
138. The Proposed Development would be an extension to the operational Harestanes Windfarm and would utilise and share its existing infrastructure. This includes sharing much of the access track, the construction compound and connecting to the existing operational Harestanes Windfarm substation, thus maximising efficiency and reducing the cost to the consumer.

### 8.2.1.3 Landscape and visual impacts (including Wild Land)

139. The Policy highlights that consideration is to be given to how the landscape can accommodate the design and scale of a development without significant detrimental impacts on the main features of the wider area. The design approach has sought to limit the significant effects on the landscape and visual resources.
140. **EIA Report Chapter 5: Landscape and Visual Impact Assessment** has assessed the likely significant effects on the landscape and on the visual amenity arising from the Proposed Development. The significant effects on the landscape designations are anticipated to be at three landscape character areas, the Queensbury Hill landscape designation, visual impacts on the residents to the south of the Site, Annandale and Lower Nithsdale areas as well the Roman and Reivers and No.10 cycleway recreational routes.
141. An assessment of the effects on the qualities of the Talla Hart Fell Wild Lands Area WLA, located 18km to the north west of the Site has been requested by NatureScot and is presented in the **EIA Report Appendix 5.4: Wild Lands Assessment**.
142. The Proposed Development would not be visible from any parts of the WLA from where a windfarm cannot already be viewed. The Wild Land Assessment concluded that the addition of the Proposed Development would not significantly affect the visibility from the WLA.
143. **Appendix 5.5: Landscape and Visual Lighting Assessment** provides an assessment of the turbine aviation lighting on the landscape character and visual amenity of the Study Area. It was concluded that the potential visual effects of the Proposed Development from the WLA would not be significant.

### 8.2.1.4 Cumulative impacts

144. The cumulative impacts of the Proposed Development have been considered in the technical assessment informing the EIA Report. The assessments anticipate that the cumulative impacts would not have a significant effect on the baseline assessment.

### 8.2.1.5 Impact on local communities and residential interest

145. The LVIA has identified that significant effects on landscape character would be contained within approximately 5km and visual effects would be contained within approximately 8km to the south and south east of the Site only. There will be no impacts in terms of noise or shadow flicker.

### 8.2.1.6 Impact on infrastructure

146. The assessments informing **EIA Report Chapter 11: Access, Traffic and Transport** conclude that with the implementation of appropriate mitigation, no significant effects are anticipated in respect of traffic and transport issues. This upholds the objective of Policy IN2 in demonstrating a consideration of the likely impact on infrastructure.

As highlighted in Chapter 3 of this Planning Statement, the Proposed Development's design has been informed by the fixed links extending from the telecommunications mast at Pumro Fell.

### 8.2.1.7 Impact on aviation and defence interests

147. The Eskdalemuir Seismic Array is one of 170 seismic stations across the globe used to monitor compliance with the Comprehensive Nuclear-Test-Ban Treaty. The UK is bound by the Test-Ban Treaty not to compromise the detection capabilities of the Eskdalemuir station, and it is the responsibility of the MOD to safeguard this station. The impacts of the Proposed Development on Eskdalemuir Seismic Array are assessed in **EIA Report Chapter 13: Other Issues**. At present, MOD has allocated all remaining seismic budget to developments in operation or in planning. This has prompted the Scottish Government to reconvene its Eskdalemuir Working Group to examine technical and policy options to release further budget, by revising the safeguarding algorithm in light of operational turbine seismic measurements and/or by extending the exclusion zone to 15km. The Scottish Government has

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commissioned studies by Xi Engineering in 2020 which support budget algorithm revision and extension of the exclusion zone. However, no change in approach has yet been agreed by the MOD.

148. The Applicant is a member of the Eskdalemuir Working Group and is working with government and industry representatives to seek to resolve this issue. With its closest turbine to the Array at over 26km, the Proposed Development has a significantly lower seismic footprint than developments closer to the Array. The Applicant is confident that the current work of the Eskdalemuir Working Group will release sufficient budget to allow the Proposed Development to be built.
149. As set out within **EIA Report Chapter 13: Other Issues**, subject to agreement of the mitigation measures with aviation consultees, the Proposed Development is unlikely to affect aviation or defence interests.

#### 8.2.1.8 Other impacts and considerations

150. The significant effects are limited to landscape and visual effects. Measures are embedded in the design to mitigate these effects as far as possible and are considered to reduce adverse effects to a degree where they are acceptable to the planning balance.

#### 8.2.1.9 Conclusion

151. In conclusion, the Proposed Development is considered to have been appropriately sited and designed to be in accordance with Policy IN2. The design has made efficient use of the existing infrastructure in an area already characterised as having wind turbines in the landscape, and it is considered that the landscape is capable of accommodating the turbines to the extent that any visual effects would be sufficiently contained within acceptable levels.
152. It is considered that the adverse effects are not significant to the extent that they outweigh the benefits of the Proposed Development, and that the planning balance lies strongly in favour of the Proposed Development.

#### 8.2.2 Other Policies

153. Policy IN1: Renewable Energy is a general renewable energy policy and does not add materially to the wind energy specific policy IN2 by way of additional policy tests. There are three policies within the LDP that add to Policy IN2 with regards likely impacts from the Proposed Development upon receptors assessed in the EIA Report. These are:
- OP1: Development Considerations;
  - OP2: Design Quality and Placemaking; and
  - NE3: Areas of Wild Land.
154. The tests contained within Policies OP1 and OP2 are not materially different from that set out in IND2 and have been considered throughout this Statement and supporting technical documents. In addition, the policies are general development policies, are designed for more traditional forms and not considered to be specifically relevant to wind energy.

#### 8.2.3 Policy NE3: Areas of Wild Land

155. The Policy does not support applications unless it can be demonstrated that any significant effects on the qualities of the Talla Hart Fell WLA can be substantially overcome by siting, design or other mitigation.
156. The Talla Hart Fell WLA is located approximately 18 km to the north west at the nearest point to the Site. The WLA Assessment summarised in the **EIA Report Section 5.14.3: Landscape Designations** concludes that the Proposed Development would not have any significant effects on the WLA and is therefore considered to uphold the objectives of Policy NE3.

#### 8.2.4 Dumfries and Galloway Council Wind Energy Development: Development Management Considerations Supplementary Guidance & Appendix C Wind Farm Landscape Capacity Study

157. The Dumfries and Galloway Wind Energy Development Supplementary Guidance (SG) was adopted in February 2020. It forms part of the Development Plan and holds the same weight as the adopted LDP2. It is supported by the Appendix 'C' DGC Windfarm Landscape Capacity Study (DGWLCS).
158. Section 2 of the Wind Energy SG supports Policy IN1 and IN2 of the LDP2. Section 3 outlines the issues that should be considered when assessing proposals for wind energy developments. These have already been afforded considerable weight in the consideration of the EIA Report assessments and have been commented on in the appropriate chapters.
159. The DGWLCS is contained in Appendix C and updates the Adopted June 2017 version of the same name. It provides an assessment of the baselines of the landscape character against its sensitivity to different size wind turbine developments and categorises the local landscaped areas.
160. The Site is located within the Ae landscape unit of the Foothills with Forest (18A) character type, which has been assessed as having a medium landscape value.
161. The DGWLCS provides a detailed sensitivity assessment of 'very large' turbines (>130m) against the different attributes of the LCT. Overall, the DGWLCS identifies that this LCT would have a high sensitivity to turbines greater than 150m.
162. The DGWLCS identifies that windfarm development is a key characteristic of the Ae unit of the Foothills with Forest LCT. The assessment notes that "*If very large turbines, which could be up to 200m height, were located in the remaining undeveloped areas of these foothills, they would be likely to incur significant and widespread effects on Nithsdale and Annandale and on other more sensitive surrounding landscapes.*" The Proposed Development does not occupy a separate or large area of the undeveloped foothills.
163. However, Section 3.7.4 'Scope for additional larger typologies' recognises that "*the sensitivity assessment found that the uplands and forested foothills within Dumfries and Galloway offered some limited scope to accommodate further larger wind farm development*". Foothills with Forest (18a) was included in this grouping.
164. Furthermore, in the same section it is recognised that "*there is some limited scope to consolidate the association of existing more successfully sited large wind farm development with extensive, sparsely settled landscapes with a predominantly simple landform and land cover by directing new wind farm developments to similar landscapes*".
165. The LVIA in Chapter 5 of the EIA Report has assessed the overall acceptability of the Proposed Development on the visual impacts on the LCT. The assessment recognises that the Proposed Development is an extension to the operational Harestanes Windfarm and would only cover a small proportion of the LCT in comparison to the Harestanes and other operational windfarms. As the LVIA is a site-specific assessment, it is considered that its assessment of the effects should be given considerable weight by decision makers.
166. The scale of the change is considered in the LVIA as being 'medium' in that it introduces a 'very large' turbine within the context of the 125m high 'large' (being between 90m-129m high) turbines at the operational Harestanes Windfarm. However, it would continue the pattern of turbines and forestry infrastructure already experienced in the commercial forest. It is therefore considered that the Proposed Development fits with the DGWLCS' objective to fit with the "*clear pattern of windfarm development*" by "*directing new wind farm development to similar landscapes*".
167. Recently, the tendency of the onshore wind industry across Europe has shifted towards installing wind turbines at higher tip heights (e.g. 175 – 240m to blade tip). Subsequently manufacturers have responded to the market and focused on developing larger wind turbines which secure the highest yield. It is considered reasonable to further pursue larger turbines for onshore wind development to continue to contribute to the Scottish Government's renewable energy targets.

168. There are environmental benefits to developing sites with larger, and fewer turbines. For example, the volume of concrete per MW produced is lower than a scheme with smaller wind turbines, and similarly the length of new access tracks required per MW produced is also generally less. Overall, larger wind turbines help to deliver the onshore wind capacity required to help the Scottish Government meet its climate goals and provide low-carbon power to assist in the reduction of consumer bills.
169. The need to enable developments with modern turbines is acknowledged in paragraphs 23 and 24 of the OWPS, and subsequently it is considered reasonable to expect that onshore wind energy development will be different in scale from older windfarms.
170. The planning balance in favour of a presumption of sustainable development should also be considered. The increase in energy production would increase the number of households supplied with clean, renewable energy making a valued contribution to the Scottish Government's targets. This consideration was upheld by the November 2019 Gordonbush decision which weighed in favour of the '*considerable carbon savings*'.

### 8.3 DGC Development Plan Conclusion

171. The Proposed Development is considered to be in accordance with the relevant policies of the Development Plan when read as a whole and that there are no material considerations which suggest otherwise. The Proposed Development results in some significant effects in regard to landscape and visual impacts due to the inclusion of very large turbines within LCT 18a.
172. The significant landscape and visual effects are an expected part of any renewable energy development proposing wind turbines. The design process has sought to avoid significant effects on the most sensitive landscapes and viewpoints, and consequently the majority of effects to landscape character, landscape designations and other protected landscapes would not be significant. The effects are commensurate with the nature of the Proposed Development and therefore considered to be acceptable.
173. As considered above, Policy IN2 is regarded to be of most relevance as it applies directly to the acceptability of wind energy developments and provides for their support where environmental and technical effects are considered acceptable. The effects of the Proposed Development are not found to result in any significant issues of non-compliance with the objectives of this policy.
174. The Development Plan identifies a clear commitment to supporting further renewable energy and sustainable development that responds to challenging climate change. With this in mind it is reasonable to expect that the Development Plan is viewed from the perspective of a presumption in favour of development that contributes to sustainable development and engages paragraphs 32 and 33 of the SPP. The planning balance should therefore be 'tilted' in favour of the Proposed Development.

## 9 Conclusions

### 9.1 Introduction

175. This Planning Statement has considered the Proposed Development in terms of its potential and environmental effects in the context of the relevant renewable energy policies and national and local level planning policy frameworks.
176. Whilst the EIA assessments have focused on the main environmental effects, the Statement also acknowledges the wider scope of considerations relevant to how it upholds the duties of Schedule 9 of the 1989 Act. This itself should inform decision makers in weighing the adverse and beneficial effects of the Proposed Development against the objective to mitigate climate change.

### 9.2 Schedule 9 Duties

177. In terms of Schedule 9 Duties, it is clear from the EIA Report that significant regard has been given to the desirability of minimising environmental effects upon natural beauty, flora, fauna (including fisheries), geographical and physiographical features and in protecting sites of historic, architectural or archaeological interest.
178. It is considered that the Applicant has done all they reasonably can to mitigate such effects through site selection, evolving the design and environmental mitigation. It is submitted that the Proposed Development should be found to accord with the requirements of Schedule 9, and it is respectfully submitted that the Applicant has complied with their Schedule 9 duties.

### 9.3 Policy Conclusions

179. The existing policy framework for renewable energy technologies (the NPF and SPP) pre-date the emissions targets set by Scottish Ministers in the Climate Change (Emissions Reduction Targets) (Scotland) Act 2009. However, the Proposed Development is consistent with the shared vision of the NPF3 and SPP and it achieves a balance between the latter's outcomes 1, 2 and 3 by significantly contributing towards decarbonisation and meeting the 2019 Act's climate change target, whilst ensuring the preservation of the natural environment.
180. The Site is regarded as being within a Group 3 location in which windfarms are likely to be acceptable subject to the considerations of paragraph 169 of the SPP. The technical reports accompanying this Statement have assessed the criteria of paragraph 169 as being achieved in the consideration of applications relating to proposals for renewable energy development.
181. The Proposed Development would offer the opportunity to provide local and national socio-economic benefits such as job creation, community investments and enhancement to recreational facilities.
182. It is acknowledged that there would be some significant adverse landscape and visual residual effects, but this is expected given the nature of the development and the landscape setting. However, this Statement has also demonstrated that on balance, the benefits to the meeting climate change and renewable energy policy legislative position are weighed in favour of the application.

### 9.4 Overall Conclusions

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

184. Extending the operational Harestanes Windfarm would be an effective way to implement additional renewables capacity while making the best use of existing infrastructure and access tracks and limiting the environmental impacts to landscape and visual effects.
185. The EIA Regulations state that EIAs are to establish “*likely significant effects on the environment that could arise from implementing a project*”. This has been demonstrated in the site-specific LVIA, which should be the primary considerations for decision makers.
186. The need for larger modern turbines has been recognised by the Scottish Government in the OWPS, while in recent rulings the Scottish Ministers have considered the scale of turbines in light of the climate change emergency and net-zero targets. It is not therefore considered that the differences in scale between the operational and proposed extension site outweighs the benefit of the new development.
187. In conclusion, the Applicant has complied with the duties set out in Schedule 9 of the 1989 Act.
188. In addition, it has also been concluded that environmental receptors of national and international importance have largely been protected from the effects of the development that is proposed, in accordance with the locational guidance for wind energy development within national planning policy.
189. It is therefore respectfully requested that Section 36 consent be granted.

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# Appendix 1: Dumfries and Galloway Council Local Development Plan 2 Policies

Policy	Text
<p>OP1</p> <p>Development Considerations</p>	<p>Development will be assessed against the following considerations where relevant to the scale, nature and location of the proposal:</p> <p><b>a) General Amenity</b>            Development proposals should be compatible with the character and amenity of the area and should not conflict with nearby land uses. The following issues which may result from the development will be a material consideration in the assessment of proposals:</p> <ul style="list-style-type: none"> <li>• noise and vibration;</li> <li>• odour and fumes;</li> <li>• potential loss of privacy, sunlight and daylight on nearby properties;</li> <li>• emissions including dust, smoke, soot, ash, dirt or grit or any other environmental pollution to water, air, or soil; and</li> <li>• light pollution.</li> </ul> <p><b>b) Historic Environment</b>            Development proposals should protect and/or enhance the character, appearance and setting of the region's rich historic environment principally by ensuring they are sympathetic to nearby buildings, sites and features, integrate well and complement the surrounding area. The information contained within the Council's Historic Environment Record and the Historic Environment Scotland Policy Statement, and any subsequent revised or amended document, will be a material consideration in the assessment of proposals.</p> <p><b>c) Landscape</b>            Development proposals should respect, protect and/or enhance the region's rich landscape character, and scenic qualities, including features and sites identified for their landscape qualities or wild land character as identified on the 2014 Scottish National Heritage map (or any subsequent revised or amended map) of wild land areas. They should also reflect the scale and local distinctiveness of the landscape. The detailed guidance set out in the Dumfries and Galloway Landscape Assessment, and any subsequent revised or amended document, will be a material consideration in the assessment of proposals.</p> <p><b>d) Biodiversity and Geodiversity</b>            Development proposals should respect, protect and/or enhance the region's rich and distinct biodiversity, geodiversity and sites identified for their contribution to the natural environment at any level including ancient and semi-natural woodland. The guidance contained within the Local Biodiversity Action Plan, and any subsequent revised or amended document, will be a material consideration in the assessment of proposals.</p> <p><b>e) Transport and Travel</b>            Development proposals should minimise the need for travel by car and encourage active and other more sustainable forms of travel whilst avoiding or mitigating any adverse impact on the transport network or road safety.</p>

**f) Sustainability**

Development proposals should limit the impacts of climate change, support resilience, and promote sustainable development by:

- assisting the development of the local economy through sustainable economic growth;
- minimising adverse impacts on water, air and soil quality;
- reusing and/or regenerating previously used land and property, including derelict and contaminated land;
- making the most efficient use of land. This means looking for and where practical making use of opportunities to reduce greenhouse gas emissions, including low carbon district heating networks;
- integrating with existing infrastructure where possible;
- supporting the Scottish Government's Zero Waste objectives and the Council's waste resource management objectives;
- avoiding areas of significant flood risk;
- using sustainable drainage systems (SuDS);
- supporting reduction in carbon emissions through:
  - a reduction in carbon dioxide emissions through the introduction of energy efficiency measures and, where feasible, the installation of on-site renewable energy generation technology (information on this matter is provided in supplementary guidance: Design Quality and Placemaking);
  - passive aspects of design, including consideration of: location, layout, orientation, massing, materials, detailed design, topography, and vegetation; and
  - all new buildings being required to demonstrate that a proportion of the carbon emissions reduction standard set by Scottish Building Regulations will be met through the installation and operation of low and zero carbon technologies. The relevant building standards and percentage contribution required is set out in supplementary guidance. The supplementary guidance will be kept under review to ensure that the proportion of the carbon emissions reduction standard to be met by these technologies will increase over time.\*

\* Supplementary guidance provides further detail on this including its application to existing buildings and the circumstances where exceptions should apply.

**g) Water Environment**

Development proposals should maintain or enhance water quality and take account of the need to manage water quantity, including flooding. In securing these objectives they should also seek to contribute positively to the general environmental quality of their area.

OP2

Design Quality and Placemaking

Development proposals should achieve high quality design in terms of their contribution to the existing built and natural environment contributing positively to a sense of place and local distinctiveness.

Where relevant proposals should:

- relate well to the scale, density, massing, character, appearance and use of materials of the surrounding area and in so doing be sympathetic to the local built forms as well as respecting the important physical, historic and landscape features of the site and its vicinity;
- be designed with people, not vehicle movement, as the primary focus, incorporating the principles set out in 'Designing Streets' and where possible increase connectivity to nearby places, paths, streets and open spaces;
- ensure that any open space required is of high quality, appropriate and integrated to the development and where possible provides linkages to the wider green network;
- incorporate a hard landscaping and planting scheme which includes the proposed treatment of existing trees and other landscape features;
- be designed to create safe, accessible and inclusive places for all people which are well integrated into existing settlements and respect the established historic layout and patterns of development, that are also adaptable to future changes;
- integrate sustainable energy and design measures.

Supplementary guidance provides further detail on the above elements. A Masterplan and/or development brief may be needed for some sites, the site guidance in Chapter 6 outlines where this is required.

ED10 Galloway and Southern Ayrshire Biosphere	The Council supports the designation and aims of the Biosphere and will encourage development that demonstrates innovative approaches to sustainable communities and the economy, and supports the enhancement, understanding and enjoyment of the area as a world class environment. Development must be appropriate to the role of the different zones within the Biosphere.
ED11 Dark Skies	<p><b>a) Galloway Forest Dark Sky Park</b> The Council supports the designation of the Galloway Forest Dark Sky Park, and will assess proposals for development on their merits, securing levels of lighting that are appropriate to the nature of the development, contribute to sustainable development, and do not adversely affect the objectives of the Dark Sky Park designation.</p> <p><b>b) Dark Skies</b> Supplementary guidance provides guidance on the adoption of good lighting principles and practice for Dumfries and Galloway, including those relating particularly to the Galloway Forest Dark Sky Park.</p>
ED13 Minerals	<p>Permanent development that would result in the sterilisation of mineral resources that are viable at present or that may become viable in future and which either could be extracted in accordance with LDP policy or which are the subject of extraction interest will not be permitted.</p> <p>Proposals for new mineral workings or the extension of existing workings will be supported where the following have been addressed to the satisfaction of the Council:</p> <ul style="list-style-type: none"> <li>• disturbance and disruption from noise, blasting and vibration and potential pollution of land, air and water;</li> <li>• the impact on local communities and residential property, landscape, visual amenity, the historic environment and areas of nature conservation interest during and after development;</li> <li>• the impact on surface and ground water resources, drainage and fishery interests and soil (see Policy NE13 and NE14);</li> <li>• effective and sustainable waste solutions in the reuse of mineral waste or any secondary material;</li> <li>• the cumulative effect of all of the above, especially if there are already two or more consented sites that could raise similar impacts within 5km of a nearby settlement;</li> <li>• transport assessment demonstrating that the development will not have a significant negative impact on local communities;</li> <li>• a site restoration scheme where appropriate including an aftercare programme and a financial guarantee to ensure the programme can be fully implemented; and</li> </ul> <p>• an appropriate method statement.</p> <p>Proposals for surface coal mining should address all of the criteria set out in the bullet points above, to show that the proposal is environmentally acceptable (or can be made so by planning conditions) and, if relevant, provide evidence to show that there are local or community benefits which clearly outweigh the likely impacts of extraction.</p> <p>This policy is supported by supplementary guidance. The guidance includes maps showing consented extraction sites that are underlain by the mineral reserves that make up the landbank of mineral reserves. It also identifies areas where surface coal extraction is most likely to be acceptable.</p>
HE1 Listed Buildings	<p>The Council will support development that makes effective, efficient and sustainable use of listed buildings. In considering development that impacts on the character or appearance of a listed building or its setting the Council will need to be satisfied that:</p> <p><b>a) Alterations</b></p> <ul style="list-style-type: none"> <li>• proposals to extend or alter a listed building respect the appearance, character and features which contribute to its listing as a building of special architectural or historic interest; and</li> <li>• the layout, design, materials, scale, siting and the future use shown in any development proposals are appropriate to the character and appearance of the listed building and its setting; and</li> </ul>

- proposals for a change of use will not result in loss of character or special architectural or historical features.

Proposals to extend or alter a listed building should include written justification demonstrating a full and proper understanding of the character and special interest of the building.

#### **b) Demolition or Partial Demolition of Listed Buildings**

Proposals that involve the demolition or substantial demolition of a listed building or buildings or structures within its curtilage will only be supported where it is demonstrated that one of the tests below is met:

- the building is not of special interest; or
- the building is incapable of repair; or
- the demolition of the building is essential to the delivery of significant benefits to economic growth or the wider community; or
- the repair of the building is not economically viable and that it has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period.

#### **c) Recording Schemes**

In considering proposals that involve the alteration, demolition or partial demolition of a listed building or buildings or structures within its curtilage the Council will require that a scheme for recording of the

building is submitted, agreed with the Council and implemented by the developer where there will be loss of historic fabric, detail or changes to the general arrangement.

The Historic Built Environment Supplementary Guidance provides further information in respect of justifying the design of alterations or extensions, the evidence required in the Historic Environment

Policy for Scotland 2019 for demolition to be supported; and Association of Local Government Archaeological Officers (ALGAO) survey information for recording the existing fabric.

<p>HE2 Conservation Areas</p>	<p>The Council will support development within or adjacent to a conservation area that preserves or enhances the character and appearance of the area and is consistent with any relevant conservation area appraisal and management plan. In considering such development the Council will need to be satisfied that:</p> <ul style="list-style-type: none"> <li>• new development, as well as alterations or other redevelopment of buildings, will preserve or enhance the character, appearance and setting of the conservation area through appropriate design, general scale, massing and arrangement, use of materials and the detailing of such development; and</li> <li>• the quality of views within, from and into the conservation area will be maintained or enhanced.</li> </ul> <p>In the case of the proposed demolition of any building in a conservation area, if the Council considers that the building, either in itself or as part of a group, is of value to the character or appearance of the area, the Council will require to be satisfied that retention, restoration and, where appropriate, sympathetic conversion to some other compatible use is not practical before considering proposals for demolition.</p> <p>If the building is of little townscape value, demolition may be approved if its structural condition rules out retention at a reasonable cost or its form or location makes re-use extremely difficult.</p> <p>Where redevelopment of the site is proposed, prior to granting consent for demolition, the Council must be satisfied that the proposals for the new building will protect or enhance the appearance of the conservation area.</p> <p>The Historic Built Environment Supplementary Guidance and individual conservation area character appraisals and management plans provide further advice regarding development proposals in conservation areas, including any requirement for a design and access statement.</p>
<p>HE3 Archaeology</p>	<p>b) The Council will support development that protects significant archaeological and historic assets, and the wider historic environment from adverse effects.</p> <p>In considering development proposals the Council will need to be satisfied that:</p> <ul style="list-style-type: none"> <li>• the development preserves or enhances the appearance, fabric or setting of the site or asset in situ; and/or</li> </ul>

- where there is uncertainty about the location, extent or significance of these assets an agreed scheme of assessment and evaluation to inform the application is included with the proposal; and/or
- due consideration has been given to the significance and value of the site or asset in relation to the long-term benefit and specific need for the development in the location proposed.

c) Where, due to exceptional circumstances, development is to proceed and the preservation of historic assets in situ including buildings is not possible, a scheme of mitigation involving excavation, recording, analysis, publication and archiving and any other measures appropriate to the case has been agreed with the Council.

The Historic Built Environment Supplementary Guidance provides further advice in respect of this policy.

HE4	The Council will support development that safeguards the character, archaeological interest and setting of Archaeologically Sensitive Areas (ASAs) as designated by the Council.
Archaeological Sensitive Areas	Boundaries of ASAs are shown on Map 6 and the Proposals Maps.
HE6	a) The Council will support development that protects or enhances the significant elements, specific qualities, character, integrity and setting, including key views to and from, gardens and designed landscapes included in the Inventory of Gardens and Designed Landscapes or the Non-Inventory List.
Gardens and Designated Landscapes	<p>In considering development proposals the Council will need to be satisfied that:</p> <ul style="list-style-type: none"> <li>• the development protects or enhances the significant elements of the garden or landscape in situ; and</li> <li>• due consideration has been given to the significance and value of the asset in relation to the long-term benefit and specific need for the development in the location proposed.</li> </ul> <p>d) Developers will be required to submit the results of an assessment of the impact of their proposals on the sites and their settings including details of any potential mitigation measures.</p> <p>c) Proposals that would have a detrimental effect on the specific quality, character or integrity of a garden or designed landscape will not be approved unless it is demonstrated that the benefits of the proposal are of sufficient public interest to override that detriment.</p>
NE2	<p>Boundaries are shown on Map 7 and the Proposals Maps.</p> <p>The siting and design of development within a Regional Scenic Area (RSAs) should respect the special qualities of the area. Development within, or which affects Regional Scenic Areas, may be supported where the Council is satisfied that:</p> <ul style="list-style-type: none"> <li>• the factors taken into account in designating the area would not be significantly adversely affected;</li> <li>or</li> <li>• there is a specific need for the development at that location.</li> </ul>
Regional Scenic Areas	Boundaries of RSAs are shown on the Proposals Maps.
NE3	Development which would affect the Merrick Wild Land Area in Galloway and the Talla Hart Fell Wild Land Area north of Moffat would not be supported unless the Council is satisfied that it is demonstrated that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.
Areas of Wild Land	The boundaries of these sites are shown on the Proposals Maps.
NE5	Development proposals that would be likely to have an adverse effect on a European Protected Species will not be permitted unless it can be shown that:
Species of International Importance	<ul style="list-style-type: none"> <li>• there is no satisfactory alternative; and</li> <li>• the development is required for preserving public health or public safety or for other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment; and</li> </ul>

	<ul style="list-style-type: none"> <li>the development would not be detrimental to the maintenance of the population of the species at a favourable conservation status in its natural range.</li> </ul>
NE6 Sites of National Importance for Biodiversity and Geodiversity	<p>Development that affects Sites of Special Scientific Interest, not designated as International Sites, and other national nature conservation designations will only be permitted where:</p> <ul style="list-style-type: none"> <li>it will not adversely affect the integrity of the area or the qualities for which it has been designated, or</li> <li>any such adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.</li> </ul>
NE7 Forestry and Woodland	<p>The boundaries of these sites are shown on the Proposals Maps.</p> <p>The following policy will apply to those woodland/forestry felling, planting and replanting proposals which do not require planning permission but where the Council acts as a consultee to Forestry Commission Scotland.</p> <p>The Council will support the creation and protection of sensitively designed and managed forests and woodlands.</p> <p>Proposals should seek to ensure that ancient and semi-natural woodlands and other woodlands with high nature conservation value are protected and enhanced.</p> <p>In determining its response to individual forestry felling, planting and replanting consultations where Forestry Commission Scotland are the determining authority, the Council will:</p> <ul style="list-style-type: none"> <li>take into account environmental and other interests identified in the Forestry and Woodland Strategy including biodiversity, water (including flood risk management), soil and air, landscape setting, historic environment and land restoration;</li> <li>consider the scheme's location as set out in the Forestry and Woodland Strategy;</li> <li>seek to ensure an appropriate balance between both afforested and un-afforested areas in the locality;</li> <li>encourage planting of a type, scale, design, age, composition and species mix that is appropriate to the locality;</li> <li>actively encourage proposals to have a positive effect on nature conservation and/or natural and historic environment interest;</li> <li>encourage proposals to take account of possible recreational use in the design of any planting schemes and indicate how such recreational uses have been investigated; and</li> <li>ensure that proposals do not have an adverse impact on the road network.</li> </ul>
NE11 Supporting the Water Environment	<p>The Council will not permit development which would result in deterioration in the status of a waterbody or which would likely impede the improvements in waterbody status as set out in the Solway Tweed River Basin Management Plan (2015) or any update or adopted review of it, unless there are exceptional justifying circumstances. This includes minor watercourses draining into the waterbodies identified in the Solway Tweed plan. Development proposals should not normally include the culverting of any waterbody. If culverting would be the only way to enable a proposed development, then permission could be granted if the Council is satisfied that there would be acceptable mitigation measures to protect habitats, passage of fauna, and river form and flow.</p> <p>Other physical alterations and changes to waterbodies should, if possible, and in general be avoided. An exception to this is where re-naturalisation or natural flood management is proposed. Thus, existing culverted or canalised watercourses or barriers to fish movement in redevelopment and land rehabilitation schemes should be restored when this is practical, neutral or positive in respect of flood risk elsewhere, and consistent with the relevant Regulations.</p> <p>Development proposals which could adversely affect Drinking Water Protection Areas identified by the Scottish Government will be subject to consultation with SEPA. Where the likely adverse effect cannot be avoided or mitigated against, the development will not be permitted.</p>
NE14 Carbon Rich Soil	<p>Support for the role of soils as natural carbon sinks will be material in development decisions. Developments proposed on areas of carbon rich soil<sup>2</sup> will need to clearly justify the loss of the carbon sink. Development may be permitted if it can be demonstrated that in accordance with the Scottish Government's 'carbon calculator' or other equivalent independent evidence the balance of advantage in terms of climate change mitigation lies with the development proposal.</p>

<p>NE15</p> <p>Protection and Restoration of Peat Deposits as Carbon Sinks</p>	<p>All developments should take account of soil carbon content and, as appropriate, should adopt:</p> <ul style="list-style-type: none"> <li>• means of minimising impact on carbon rich soil; and</li> <li>• management measures relative to carbon rich soil.</li> </ul> <p>Any proposal affecting peat accumulations will be subject to Policy NE15. The role of natural carbon sinks in retaining carbon dioxide will be maintained by safeguarding and protecting peat deposits<sup>3</sup>, including those not already designated for habitat conservation.</p> <p>The Council will support peatland restoration, including rewetting.</p> <p>Developments proposed affecting peat deposits not already designated for habitat conservation reasons may be permitted in the following circumstances:</p> <p>(a) In areas of degraded peatland where all of the following apply:</p> <ul style="list-style-type: none"> <li>• The deposits have been significantly damaged by human activity; and</li> <li>• The conservation value is low; and</li> <li>• Restoration to functioning peatland is not possible.</li> </ul> <p>In all such cases appropriate site restoration measures, to something other than functioning peatland, will be required; or</p> <p>(b) Where renewable energy generating development is proposed and it can be demonstrated (in accordance with the Scottish Government’s ‘carbon calculator’ or other equivalent independent evidence) that the balance of advantage in terms of climate change mitigation lies with the energy-generation proposal; or</p> <p>(c) Where surface coal extraction requires removal of peat as an overburden to access the coal and where, following extraction of the coal, the site will be restored to a wetland habitat with a biodiversity value that is no less than the biodiversity value of the site prior to development. Grassland and woodland should not be considered as restoration options. If these requirements cannot reasonably be achieved within the development site, creation of a wetland within the vicinity of the site may be an acceptable alternative.</p>
<p>Policy CF4</p> <p>Access Routes</p>	<p><b>a) Development Affecting Existing Access Routes</b></p> <p>The Council as Access Authority will assert, protect and keep open and free from obstruction any route, waterway or other means by which access rights may reasonably be exercised. Development proposals should not impact adversely on any of the aforementioned access routes and Core Paths.</p> <p>The Council will not grant planning permission to development proposals which would result in the loss of such access routes unless a satisfactory alternative route or mitigating measures can be secured. In such cases, future access provision, including any changes to existing access, must be shown in an Access Route Plan.</p> <p><b>b) Provision of New Access Routes</b></p> <p>New development should consider access issues at an early stage of the design process and, where appropriate, incorporate new and enhanced access opportunities, linked to wider access networks and green networks. For small scale developments these considerations can be demonstrated in an Access Route Statement but for all residential development of 5 units or above and other major developments, an Access Route Plan demonstrating how access routes will be incorporated may be required.</p> <p>New or alternative access routes and enhancements to existing routes will be supported, especially if these can form part of green networks.</p> <p>The Council will seek reasonable opportunities from developers to create, manage, maintain and improve access through planning conditions or legal agreements.</p>

IN1  
Renewable Energy

The Council will support development proposals for all renewable energy generation and/or storage which are located, sited and designed appropriately. The acceptability\* of any proposed development will be assessed against the following considerations:

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

To enable this assessment sufficient detail should be submitted, to include the following as relevant to the scale and nature of the proposal:

- any associated infrastructure requirements including road and grid connections (where subject to planning consent);
- environmental and other impacts associated with the construction and operational phases of the development including details of any visual impact, noise and odour issues;
- relevant provisions for the restoration of the site;
- the scale of contribution to renewable energy generation targets;
- effect on greenhouse gas emissions; and
- net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.

The Council will support proposals for district heating systems. Planning applications for major applications will be required to include an energy statement which includes the consideration of the feasibility of meeting the developments heat demand through a district heating network or other de-carbonised alternatives. All proposed developments located adjacent to significant heat sources or proposed/existing heat networks should be designed in such a way as to be capable of connecting to a heat network from that source and any land required for the heat network infrastructure is connected should be protected.

\* Acceptability will be determined through an assessment of the details of the proposal including its benefits and the extent to which its environmental and cumulative impacts can be satisfactorily addressed.

Policy IN2: Wind  
Energy

**Assessment of all Wind Farm Proposals**

The Council will support wind energy proposals that are located, sited and designed appropriately. The acceptability\* of any proposed wind energy development will be assessed against the following considerations:

**Renewable energy benefits**

The scale of contribution to renewable energy generation targets, effect on greenhouse gas emissions and opportunities for energy storage.

**Socio-economic benefits**

Net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.

**Landscape and visual impacts**

- The extent to which the landscape is capable of accommodating the development without significant detrimental landscape or visual impacts, including effects on wild land; and
- That the design and scale of the proposal is appropriate to the scale and character of its setting, respecting the main features of the site and the wider environment and that it addresses fully the potential for mitigation.

**Cumulative impact**

The extent of any cumulative detrimental landscape or visual impact or impacts on existing patterns of development from two or more wind energy developments and the potential for mitigation.

#### **Impact on local communities and residential interests**

The extent of any detrimental impact on communities, individual dwellings, residents and local amenity, including assessment of the impacts of noise, shadow flicker, visual dominance and the potential for associated mitigation.

Impact on infrastructure. The extent to which the proposal addresses any detrimental impact on road traffic, adjacent trunk roads and telecommunications, particularly ensuring transmission links are not compromised.

#### **Impact on aviation and defence interests**

The extent to which the proposal addresses any impacts arising from location within an area subject to potential aviation and defence constraints, including the Eskdalemuir Safeguard Area.

#### **Other impacts and considerations**

a) the extent to which the proposal avoids or adequately resolves any other significant adverse impact on the natural environment, including biodiversity, forests and woodland, carbon-rich soils, hydrology, the water environment and flood risk, the historic environment, cultural heritage, tourism and recreational interests and public access.

b) the extent to which the proposal addresses any physical site constraints and appropriate provision for decommissioning and restoration.

Further details on this assessment process, including its application to smaller wind farms and more detailed development management considerations, are provided through supplementary guidance on Wind Energy Development. This will also include separate mapping of the constraints relevant to the considerations above.

The Spatial Framework Map\*\* (Map 8) provides strategic guidance. However, it must be read in conjunction with the supplementary guidance and its Appendix, the Dumfries and Galloway Wind Farm Landscape Capacity Study. The landscape capacity study is a supportive study, the consideration of which does not replace the need to assess the landscape or visual impacts of individual proposals.

\* Acceptability will be determined through an assessment of the details of the proposal including its benefits and the extent to which environmental and cumulative impacts can be addressed satisfactorily.

\*\* The Spatial Framework Map relates to one turbine or more over 20 metres.

#### **Policy T1: Transport Infrastructure**

Proposals for the improvement of existing transport infrastructure and, where appropriate, the provision of new transport infrastructure and/or services will be supported provided they accord with the Regional and Local Transport Strategies; and where it can be demonstrated to the satisfaction of the Council that following appropriate assessment (where needed), the proposal has no adverse effects either alone or in combination on the integrity of any Natura site.

Development of facilities for cyclists and pedestrians will be supported.

#### **a) Strategic Network**

The strategic transport network includes the trunk road, motorway and rail networks.

Development proposals that have the potential to affect the performance or safety of the strategic transport network need to be appraised to determine their effects. The national and

strategic role of these routes should not be compromised by development which individually or incrementally materially reduces the level of service of a route.

**b) Regional Network**

Development which involves a new direct access onto the regional road network should not, individually or incrementally, materially reduce the level of service of a route.

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