DAVID BELL PLANNING
CHARTERED TOWN PLANNERS

Appin Wind Farm

May 2025

Planning Statement

Statkraft

Contents

1. Introduction

1.1 Background

1.1.1 This Planning Statement has been prepared by David Bell Planning Ltd (DBP) on behalf of Appin Wind Farm Limited ('the Applicant') in relation to the proposed Appin Wind Farm ('the Proposed Development') on land (hereafter referred to as 'the Site') located approximately 6.2 km north of Moniaive and 14.8 km east of Carsphairn, within in the Dumfries and Galloway Council ('the Council' or 'DGC') administrative area.

1.1.2 The Planning Statement supports a Section 36 application submitted under the Electricity Act 1989 ('the 1989 Act'), for consent to construct and operate the Proposed Development. In addition, the Applicant is also seeking consent for deemed planning permission under Section 57 of the Town and Country Planning (Scotland) Act 1997 ('the 1997 Act'), as amended.

1.1.3 The application is accompanied by an Environmental Impact Assessment Report ('EIA Report') which has been undertaken in accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 ('the EIA Regulations'). The EIA Report presents information on the identification and assessment of the likely significant positive and negative environmental effects of the Proposed Development.

1.1.4 This Planning Statement presents an assessment of the Proposed Development against relevant policy with due regard given to the provisions of the statutory Development Plan now made up of both National Planning Framework 4 ('NPF4') and the Local Development Plan ('LDP') for the DGC area, national energy and planning policy, and other relevant material considerations. The planning policy framework in Scotland changed significantly in early 2023 when NPF4 came into force and with the publication of the new Onshore Wind Policy Statement ('OWPS') published in December 2022.

1.1.5 This Planning Statement is supplementary to, and should be read in conjunction with, the EIA Report submitted with the application. The Planning Statement considers the potential benefits and adverse effects which may arise and concludes as to the overall acceptability of the Proposed Development in relation to the planning policy framework and relevant material considerations.

1.2 The Applicant

1.2.1 The Applicant, Appin Wind Farm Limited, is a wholly owned subsidiary of Statkraft UK Limited ('Statkraft').

1.2.2 Statkraft is Europe's largest generator of renewable energy and has around 7,000 employees in more than 20 countries. Statkraft produces hydropower, wind power, solar power, and delivers grid stability projects generating 66 TWh of renewable power.

1.2.3 Statkraft is at the heart of the UK's energy transition. Since 2006, Statkraft has gone from strength to strength in the UK, building experience across wind, solar, hydro, storage, grid stability, EV charging, green hydrogen and a thriving markets business. Statkraft has invested over £1.4 billion into the UK's renewable energy infrastructure and facilitated over 4.5GW of new-build renewable energy generation through Power Purchase Agreements (PPA). Statkraft develops, constructs, owns and operates renewable facilities across the UK and across its UK businesses employs over 550 people in Scotland, England and Wales.

1.3 The Statutory Framework

1.3.1 An application under Section 36 of the 1989 Act for consent for the construction of an electricity generating station whose capacity exceeds 50 megawatts ('MW') is significantly different from an application for planning permission for a generating station whose capacity is 50MW or less.

1.3.2 Section 25 of the 1997 Act does not apply to the determination of applications under Section 36 of the 1989 Act, as confirmed in the case of *William Grant & Sons Distillers Ltd v Scottish Ministers* [2012] CSOH 98 (paragraphs 17 and 18).

1.3.3 Schedule 8 of the 1989 Act references consents under Section 36 and 37 of the Act. In addition, there are certain environmental duties in relation to preservation of amenity and fisheries provisions in Schedule 9, paragraph 3 that apply to the Scottish Ministers as decision maker.

1.3.4 The Applicant does not hold a generation licence or exemption under the 1989 Act and therefore the statutory duties set out in paragraph 3(1) of Schedule 9 to the 1989 Act do not apply to the Applicant. The Applicant has however, through the EIA process, had full regard to the matters set out in paragraph 3(1)(a) of Schedule 9.

1.3.5 The EIA Report identifies how various factors were taken into account in the formulation of the application. In addition, each EIA Report chapter includes assessment of the likely significant effects and also, where appropriate, the identification of appropriate mitigation. This includes both embedded mitigation which is integral to the design, construction and operation of the Proposed Development and also additional specific measures which have been identified, along with proposed monitoring as appropriate.

1.3.6 In accordance with paragraph 3(2) of Schedule 9 to the 1989 Act, the Scottish Ministers are obliged to have regard to the desirability of the matters mentioned in paragraph 3(1)(a). The Applicant has provided sufficient information to enable the Scottish Ministers to address their duties under sub-paragraph 3(1)(a) of Schedule 9 to the 1989 Act. The duty on the Ministers is to have regard to the matters specified in Schedule 9 which is not a development management test.

1.3.7 In considering the overall statutory and regulatory framework within which the Proposed Development should be assessed, the statutory Development Plan is a material consideration which should be taken into account in the round with all other relevant material considerations. It is important to note, however, that Section 25 of the 1997 Act is not engaged as there is no 'primacy' of the Development Plan in determining an application made under the 1989 Act.

1.4 Site Location and Description

1.4.1 The Site is located approximately 6.2 km north of Moniaive and 14.8 km east of Carsphairn. There are several dispersed dwellings extending along the length of Shinnel Glen and up to the Site boundary. The nearest larger settlement in the context area of the Site is Sanquhar, approximately 12 km north/north-east. The A702 passes within approximately 7 km of the Site to the south-east between Thornhill and St John's Town of Dalry; the A76 runs along Nithsdale, approximately 12 km to the south-east of the Site. The Site location is illustrated in **Figure 1.1** below.

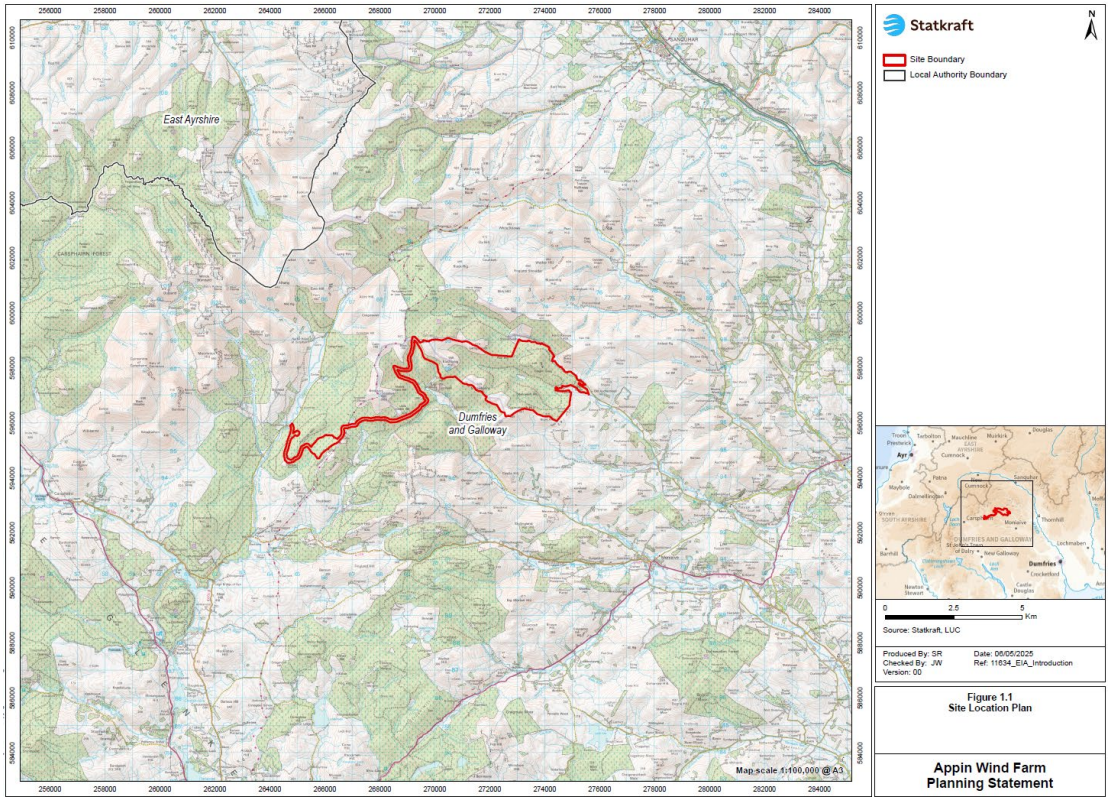
1.4.2 The main location where the turbines are located comprises a single block of commercial forestry under one private ownership, while the access track passes through land owned by a second private landowner and land owned by Forestry Land Scotland ('FLS'). The majority of the Site is within the Southern Uplands with Forest Landscape Character Type ('LCT'), and comprises two narrow ridges, extending out from Colt Hill. The north-eastern fringes of the Site are within the Upland Glens LCT, which are characterised by deep valleys and upland farming. The central valley within the Site consists of steep wooded slopes, with more level ground generally being found on the two ridges towards the Site's perimeter as well as the lower ground in the vicinity of Appin Burn, which flows through the centre of the Site from approximately north-west to south-east.

1.4.3 There are a number of landscape, ecological, geological and archaeological designations within 10 km of the Site boundary, including:

> Thornhill Uplands Regional Scenic Area ('RSA') (the designation covers the eastern extent of the Site boundary, although it should be noted that no infrastructure is proposed within the RSA) and the Galloway Hills RSA (2 km to the west).

- The Southern Upland Way ('SUW') runs approximately 1 km to the west of the main Site and will be crossed by the proposed access track.
- Upper Nithsdale Woods Special Area of Conservation ('SAC') (5 km to the east) and Tynron Juniper Wood SAC (8.1 km to the south-east).
- Stenhouse Wood Site of Special Scientific Interest ('SSSI') (5 km to the south-east), Chanlockfoot SSSI (5 km to the east) and Tynron Juniper Wood (8.1 km to the south-east).
- Drumlanrig Castle Garden and Designed Landscape (GDL) (7.5 km to the east) and Maxwelton (Glencairn Castle) GDL (9.3 km to the south-east).
- Moniaive Conservation Area (5.5 km to the south-east) and Tynron Conservation (6.7 km to the south-east).

Figure 1.1: Site Location Plan



1.5 The Proposed Development: Summary

1.5.1 A detailed description of the Proposed Development is contained in Chapter 4 (Description of the Development) of the EIA Report. The Proposed Development layout is illustrated in **Figure 1.2** below.

1.5.2 The key components of the Proposed Development comprise the following:

- Up to 9 turbines (including internal transformers), each up to a maximum blade tip height of 200 m;
- Foundations, crane hardstandings and adjacent laydown areas at each turbine location;
- A network of on-site access tracks and vehicle turning heads, comprising a mix of upgraded existing track and new track, all with a typical running width of 5 m with turning heads and passing places;
- Watercourse crossings;

- A network of underground cables and cable trenches to connect the turbines to the on-site substation;
- Site signage;
- A permanent compound containing the control building and substation; and
- An Outline Nature Enhancement Management Plan ('ONEMP').

1.5.3 In addition to the above components the construction phase will also require the following components:

- Two temporary construction compounds;
- Extraction of stone from three existing borrow pits;
- A concrete batching plant;
- Junction widening at the point of access with the C35s; and
- Felling of approximately 62.5 hectares ('ha') of forestry to facilitate access during construction.

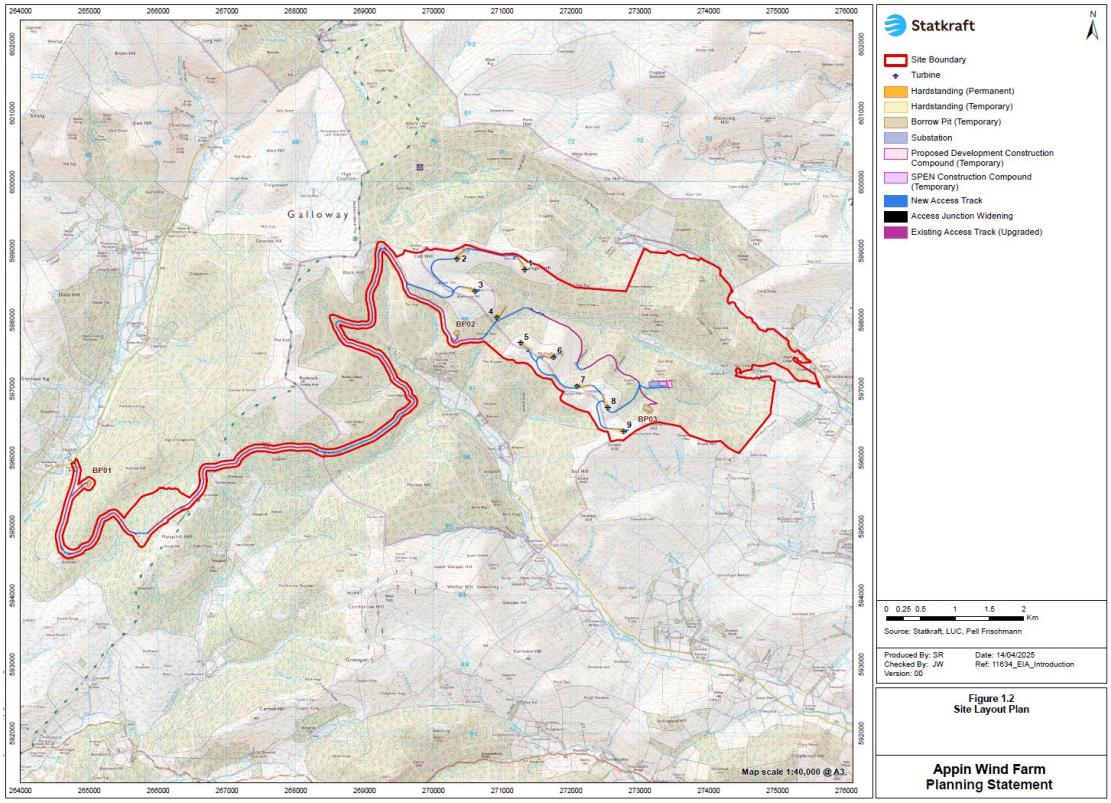
1.5.4 It is expected that each turbine would be rated at approximately 7.2 MW giving a total installed capacity of approximately 64.8 MW. However, it is likely that wind turbines with a rating greater than 7.2 MW could be available at the time of procurement and construction given rapidly evolving onshore wind technology and the installed capacity of the Proposed Development would be confirmed once the final turbine is selected.

1.5.5 For the proposed turbine locations and other infrastructure, access tracks and associated infrastructure, a micro-siting allowance of up to 100 m has been requested.

1.5.6 As the turbines of the Proposed Development will exceed 150m maximum blade height tip height, they will need to be lit in accordance with the requirements of the Civil Aviation Authority ('CAA') Air Navigation Order ('ANO'), in addition to meeting the lighting requirements of the Ministry of Defence ('MOD'). It is proposed that T1, T2, T5 and T9 are provided with 2,000 candela ('cd') lights at hub height to satisfy the CAA-ANO requirement, with additional infra-red ('IR') lighting being provided to satisfy the MOD requirements. The lights would be capable of being dimmed to 10% of peak intensity when the visibility as measured at the wind farm exceeds 5 km (anticipated to be some 98% of the time).

1.5.7 The operational life of the Proposed Development would be 50 years. Following the operational period, the Proposed Development would be fully decommissioned, or an application made to extend its operational life, or an application made repower the turbines.

Figure 1.2: Site Layout Plan



1.6 Structure of Statement

1.6.1 This Planning Statement is structured as follows:

- **Chapter 2** sets out the up-to-date position with regard to the renewable energy policy and emissions reduction legislative framework and includes reference to the Onshore Wind Policy Statement and the Scottish Government's draft Energy Strategy and Just Transition Plan;
- **Chapter 3** describes the benefits of the Proposed Development;
- **Chapter 4** appraises the Proposed Development against the most up to date element of the Development Plan, namely the relevant provisions of NPF4;
- **Chapter 5** appraises the Proposed Development against the relevant provisions of the Local Development Plan and related guidance; and
- **Chapter 6** examines the planning balance and presents overall conclusions.

2. The Renewable Energy Policy & Legislative Framework

2.1 Introduction

2.1.1 This chapter refers to the renewable energy and emissions reduction policy and legislative framework with reference to relevant international, UK and Scottish provisions. The framework of international agreements and obligations, legally binding targets and climate change global advisory reports is the foundation upon which national energy policy and greenhouse gas emissions ('GHG') reduction law is based. This underpins what can be termed the need case for renewable energy from which the Proposed Development can draw a high level of support.

2.1.2 The Proposed Development requires to be considered against a background of material UK and Scottish Government energy and climate policy and legislative provisions, as well as national planning policy and advice. These taken together provide very strong support for the Proposed Development in principle.

2.1.3 It is evident that there is clear and consistent policy support at all levels, from international to local, for the deployment of renewable energy generally, to combat the global climate crisis, diversify the mix of energy sources, achieve greater security of supply, and to attain legally binding emissions reduction targets.

2.1.4 The Proposed Development would make a valuable contribution to help Scotland meet its renewable energy and electricity production targets, while supporting emissions reduction to combat climate change in the current climate emergency.

2.1.5 UK and Scottish Government renewable energy policy and associated renewable energy and electricity targets are important considerations. It is important to be clear on the current position as it is a fast-moving topic of public policy. The context of international climate change commitments is set out. This is followed by reference to key UK and Scottish statutory and policy provisions.

2.2 International Commitments

The Paris Agreement (2015)

2.2.1 In December 2015, 196 countries adopted the first ever universal, legally binding global climate deal at the Paris Climate Conference ('COP21'). It entered into force in November 2016. The Paris Agreement within the United Nations Framework Convention on Climate Change sets out a global action plan towards climate neutrality with the aims of stopping the increase in global average temperature to well below 2^0C above pre-industrial levels and to pursue efforts to limit global warming to 1.5^0C.

2.2.2 It is clear that moving to a low carbon economy is a globally shared goal and will require absolute emission reduction targets. The UK Government's commitment under the Paris Agreement links to the Climate Change Committee's ('CCC') advice to both the UK and Scottish Governments on 'net zero' targets which have now, at both the UK and Scottish levels, been translated into new legislative provisions and targets for both 2045 (Scotland) and 2050 (UK). This is referred to below.

2.2.3 The Paris Agreement does not itself represent Government policy in the UK or Scotland. However, the purpose of domestic renewable energy and GHG reduction targets is to meet the UK's commitment in the Paris Agreement.

United Nations - Intergovernmental Panel on Climate Change

2.2.4 The Intergovernmental Panel on Climate Change ('IPCC') is the United Nations (UN) body for assessing the science related to climate change.

2.2.5 The IPCC prepares comprehensive assessment reports about the state of scientific, technical and socio-economic knowledge on climate change, its impacts and future risks and options for reducing the rate at which climate change is taking place. IPCC reports are commissioned by the world's Governments and are an agreed basis for COP[1] negotiations.

2.2.6 The IPCC's Special Report on Warming of 1.5°C, published in 2018, was a key piece of evidence for the CCC's recommendation to the UK Government for a 2050 net zero greenhouse gas emission target. The IPCC's reports since 2018 have provided an up-to-date estimate of how close global temperatures are to 1.5°C of warming above pre-industrial levels and the remaining volume of global cumulative carbon dioxide that could be emitted to be consistent with keeping global warming below any particular threshold (such as the 1.5°C and 2°C levels referred to in the Paris Agreement).

2.2.7 The IPCC's 6th Assessment Report was published in March 2023. The Summary for Policymakers Report (page 10) states that it is likely that warming will exceed 1.5°C during the 21st century and make it harder to limit warming 2°C. It states (page 12):

"*Continued greenhouse gas emissions will lead to increasing global warming, with the best estimate of reaching 1.5°C in the near term in considered scenarios and modelled pathways. Every increment of global warming will intensify multiple and concurrent hazards (high confidence). Deep, rapid and sustained reductions in greenhouse gas emissions would lead to a discernible slowdown in global warming within around two decades, and also to discernible changes in atmospheric composition within a few years (high confidence)*".

2.2.8 Page 24 of the report states "*There is a rapidly closing window of opportunity to secure a liveable and sustainable future for all (very high confidence)*".

COP 28, Dubai (2023)

2.2.9 The United Nations Climate Change Conference ('COP28') closed on 13 December 2023. The UN press release of the same date states that the agreement reached "*Signals the 'beginning of the end' of the fossil fuel era by laying the ground for swift, just and equitable transition, underpinned by deep emissions cuts and scaled up finance*."

2.2.10 The statement adds:

"*The stocktake recognises the science that indicates global greenhouse gas emissions need to be cut 43% by 2030, compared to 2019 levels, to limit global warming to 1.5°C. But it notes parties are off track when it comes to meeting their Paris Agreement goals.*

The stocktake calls on parties to take actions towards achieving, at a global scale, a tripling of renewable energy capacity and doubling of energy efficiency improvements by 2030. The list also includes accelerating efforts towards the phase down of unabated coal power, phasing out inefficient fossil fuel subsidies, and other measures that drive the transition away from fossil fuels in energy systems, in a just, orderly and equitable manner, with developed countries continuing to take the lead." (underlining added)

UN Emissions Gap Report (2024)

2.2.11 The UN Emissions Gap Report (October 2024) and its 'key messages' summary provides the annual independent science-based assessment of the gap between the pledged GHG reductions, and the reductions required to align with the long-term temperature goal of the Paris Agreement.

[1] United Nations Framework Convention on Climate Change, Conference of the Parties (COP).

2.2.12 The Report states that against the background of GHG emissions reaching new highs and climate impacts intensifying globally, nations are preparing what are termed Nationally Determined Contributions ('NDCs') for submission in early 2025, ahead of COP30 in Brazil.

2.2.13 The Report states that in order to avoid the present trajectory of temperature increase far beyond 2^0C over the course of this century:

"*Nations must use COP29 in Baku, Azerbaijan, as the launch pad to increase ambition and ensure the NDCs collectively promise to almost halve greenhouse gas emissions by 2030. They must then follow up with rapid delivery of commitments, building on actions taken now. If they do not do so, the Paris Agreement target of 1.5^{0}C will be gone within a few years and the 2^{0}C target will be in danger*".

2.2.14 The Report adds "*It remains technically possible to get on a 1.5^{0}C pathway, with solar, wind and forests holding real promise for sweeping and fast emissions cuts*".

2.2.15 The Report also states (page 1) that there must be "*unprecedented cuts to greenhouse gas emissions by 2030 to keep 1.5^{0}C alive*".

2.2.16 In order to put the challenge of emissions reduction in context, the key messages document (page 2), sets out that if only current NDCs are implemented and no further ambition is shown in the new pledges to come, "*the best we could expect to achieve is catastrophic global warming of up to 2.6^{0}C over the course of the century*".

2.3 UK Climate Change & Energy Legislation & Policy

The Climate Emergency

2.3.1 A critical part of the response to the challenge of climate change was the climate emergency which was declared by the Scottish Government in April 2019 and by the UK Parliament in May 2019. The declaration of climate emergency needs to be viewed in the context in which it was declared (advice from the CCC), and in response to commitments under the Paris Agreement and what followed from it as a result of the declaration (new emissions reduction law).

The Climate Change Act 2008 & Carbon Budgets

2.3.2 The Climate Change Act 2008 (the 2008 Act) provides a system of carbon budgeting. Under the 2008 Act, the UK committed to a net reduction in GHG emissions by 2050 of 80% against the 1990 baseline. In June 2019, secondary legislation was passed that extended that target to at least 100% against the 1990 baseline by 2050, with Scotland committing to net zero by 2045.

2.3.3 The 2008 Act also established the CCC which advises the UK Government on emissions targets, and reports to Parliament on progress made in reducing GHG emissions.

2.3.4 The CCC has produced seven, four yearly carbon budgets, covering 2008 – 2042. These carbon budgets represent a progressive limitation on the total quantity of GHG emissions to be emitted over the five-year period as summarised in **Table 2.1** below. Essentially, they are five yearly caps on emissions.

2.3.5 These legally binding 'carbon budgets' act as stepping-stones toward the 2050 target. The CCC advises on the appropriate level of each carbon budget and once accepted by Government, the respective budgets are legislated by Parliament.

Table 2.1: Carbon Budgets and Progress[2]

Budget	Carbon budget level	Reduction below 1990 levels	Progress on Budgetary Period
1st carbon budget (2008 – 2012)	3,018 $MtCO_2e$	26%	-27%
2nd carbon budget (2013 – 2017)	2,782 $MtCO_2e$	32%	-42%
3rd carbon budget (2018 – 2022)	2,544 $MtCO_2e$	38% by 2020	-50%[3]
4th carbon budget (2023 – 2027)	1,950 $MtCO_2e$	52% by 2025	n/a
5th carbon budget (2028 – 2032)	1,725 $MtCO_2e$	57% by 2030	n/a
6th carbon budget (2033 – 2037)	965 $MtCO_2e$	78% by 2035	n/a
7th carbon budget (2038 – 2042)	535 $MtCO_2e$	87% by 2042	n/a
Net Zero Target	100%	By 2050	

2.3.6 The Sixth Carbon Budget ('CB6') requires a reduction in UK greenhouse gas emissions of 78% by 2035 relative to 1990 levels. This is seen as a world leading commitment, placing the UK "*decisively on the path to net zero by 2050 at the latest, with a trajectory that is consistent with the Paris Agreement*" (CB6, page 13).

2.3.7 Page 23 of CB6 refers to the devolved nations and sets out that UK climate targets cannot be met without strong policy action across Scotland, Wales and Northern Ireland. Key points from CB6 include:

> UK climate targets cannot be met without strong policy action in Scotland.

> The CCC is clear in setting out that new demand for electricity will mean that electricity demand will rise 50% by 2035 and double or even treble by 2050.

> CB6 requires more and faster deployment of renewable energy developments than has happened in the past.

> The related 'Methodology Report' from the CCC advice, states that in all scenarios for the carbon budget and looking ahead to 2050, the CCC sees new onshore wind generation being deployed by 2050. They set out that their modelling reflects this by almost doubling onshore wind capacity to 20-30 GW in all scenarios by 2050.

2.3.8 Following CB6, the UK Government announced on 20 April 2021 that it would set the world's most ambitious climate change target into law (by the Carbon Budget Order 2021 (the Order)[4]) to reduce emissions by 78% by 2035 compared to 1990 levels. This effectively brings forward the UK's previous commitment of an 80% reduction by 2050 by 15 years.

2.3.9 The Seventh Carbon Budget ('CB7') was published by the CCC in February 2025. The CCC's recommended level for CB7, namely a limit on the UK's GHG emissions over the five year period 2038 to 2042 is 535 $MtCO_2e$ including emissions from international aviation and shipping.

> Page 12 of the CB7 states:

[2] Source: CCC.

[3] Confirmed by CCC in 'Final Statement for the Third Carbon Budget' May 2024. By the end of the period in 2022, UK net GHG emissions were 50% lower than the base year emissions.

[4] The Order sets the carbon budget for the 2033-2037 budgetary period at 965 million tonnes of carbon dioxide equivalent. The net UK carbon account is defined in section 27 of the Climate Change Act 2008.

"*By the middle of the Seventh Carbon Budget on our pathway, emissions in the UK will be only a quarter of the level they are today, and 80% lower than levels in 1990 (90% lower excluding emissions from international aviation and shipping.) Achieving this will require a significant reduction in emissions across sectors including surface transport, buildings, industry and agriculture*."

- It sets out (page 12) that achieving CB7 will mean that UK based renewable energy provides the bulk of generation and this will replace oil and gas across most of the economy. It adds that "*this requires twice as much electricity as today by 2040*".
- It further states that low carbon supply by 2040 will see offshore wind grow sixfold from 15 GW of capacity in 2023 to 88 GW by 2040. It adds that "*onshore wind capacity doubles to 32 GW by 2040 and solar capacity increases to 82 GW*" (page 13).
- In relation to the increase in onshore wind capacity, CB7 sets out (page 106) that "*this will require recent annual installation rates to treble this decade, requiring installation rates comparable to the annual rollout rates previously sustained during the mid 2010s*".

The UK Energy White Paper (December 2020)

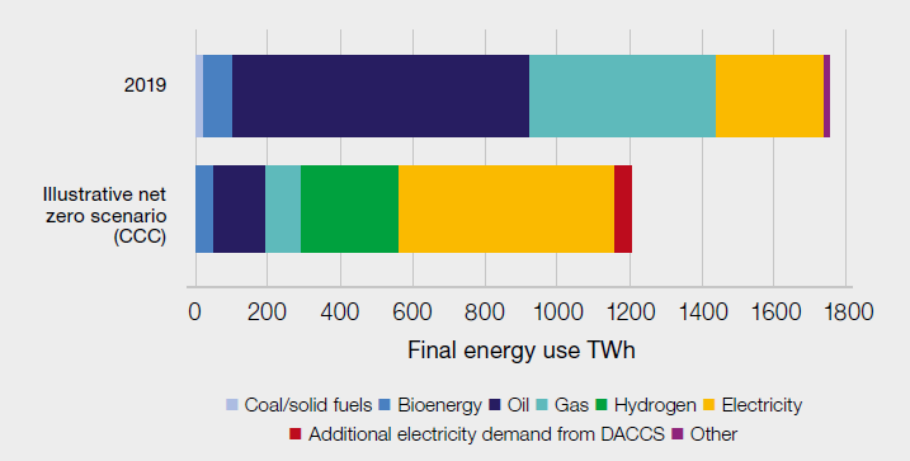
2.3.10 The Energy White Paper 'Powering our Net Zero Future' was published on 14 December 2020, represents a sea change in UK policy, and highlights the importance of renewable electricity.

2.3.11 It sets out that "*electricity is a key enabler for the transition away from fossil fuels and decarbonising the economy cost-effectively by 2050".* A key objective is to *"accelerate the deployment of clean electricity generation through the 2020s*" (page 38).

2.3.12 Electricity demand is forecast to double out to 2050, which will "*require a four-fold increase in clean electricity generation with the decarbonisation of electricity increasingly underpinning the delivery of our net zero target*" (page 42).

2.3.13 This anticipated growth of renewable electricity is illustrated in the graph below – **Figure 2.1**.

Figure 2.1: Illustrative UK Final Energy Use in 2050[5]



2.3.14 Figure 2.1 illustrates that achieving net zero requires a significant increase in the use of electricity, all of which must be generated from low-carbon sources.

[5] Source: Energy White Paper page 9 (2020).

2.3.15 Whilst offshore renewables are expected to grow significantly, the White Paper also sets out that "*onshore wind and solar will be key building blocks of the future generation mix, along with offshore wind. We will need sustained growth in the capacity of these sectors in the next decade to ensure that we are on a pathway that allows us to meet net zero emissions in all demand scenarios*" (page 45). (underlining added)

The British Energy Security Strategy (April 2022)

2.3.16 The British Energy Security Strategy was published by the UK Government on 7 April 2022. It focuses on energy supply and states that in the future nuclear will have an expanded role and that renewables have an important role: the foreword states *inter alia*:

"*Accelerating the transition away from oil and gas then depends critically on how quickly we can roll out new renewables….*

The growing proportion of our electricity coming from renewables reduces our exposure to volatile fossil fuel markets."

2.3.17 Reducing Scotland's and the wider UK's dependency on hydrocarbons has important security of supply, electricity cost and fuel poverty avoidance benefits. Those actions already urgently required in the fight against climate change are now required more urgently for global political stability and insulation against dependencies on rogue nation states.

Climate Change Committee Report to UK Parliament (2024)

2.3.18 The CCC published the report 'Progress in Reducing Emissions 2024 Report to Parliament' in July 2024 (the 'CCC Report'). The Executive Summary (page 8) states:

"*The previous Government signalled the slowing of pace and reversed or delayed key policies. The new Government will have to act fast to hit the country's commitments.*

The cost of key low-carbon technologies is falling, creating an opportunity for the UK to boost investment, reclaim global climate leadership and enhance energy security by accelerating take-up. British-based renewable energy is the cheapest and fastest way to reduce vulnerability to volatile global fossil fuel markets. The faster we get off fossil fuels, the more secure we become."

2.3.19 The CCC Report makes it clear that urgent action is needed to get on track for the UK's 2030 emissions reduction target. In this regard it states:

"*The UK has committed to reduce emissions in 2030 by 68% compared to 1990 levels, as its Nationally Determined Contribution (NDC) to the Paris Agreement. It is the first UK target set in line with Net Zero. Now only six years away, the country is not on track to hit this target despite a significant reduction in emissions in 2023. Much of the progress to date has come from phasing out coal generated electricity, with the last coal-fired power station closing later this year. We now need to rapidly reduce oil and gas use as well.*

Our assessment is that only a third of the emissions reductions required to achieve the 2030 target are currently covered by credible plans. Action is needed across all sectors of the economy, with low carbon technologies becoming the norm."

2.3.20 The CCC Report sets out priority actions (page 9) and they include that the UK should now be in a phase of rapid investment and delivery, however CCC note that all indicators for low carbon technology roll out are "*off track, with rates needing to significant ramp up*." In this regard in terms of renewable technologies it states onshore wind installations will need to double.

2.3.21 Chapter 2 of the CCC Report confirms that the third Carbon Budget was met (covering the period 2018 to 2022), however "*future carbon budgets will require an increase in the pace and breadth of decarbonisation. It is imperative that an ambitious path of emissions reduction is maintained towards Net Zero*." (Page 33).

2.3.22 Section 2.3 of the CCC Report addresses emissions reductions required for future Carbon Budgets. Paragraph 2.3.1 states that:

"*emissions reductions across most sectors will need to significantly speed up to be on track to meet the UK's climate targets in the 2030s, and therefore the long term target of Net Zero by 2050. Emissions reductions will need to outperform the legislated Fourth Carbon Budget for the UK to be on a sensible path to achieve its 2030 NDC, the Sixth Carbon Budget and Net Zero*."

2.3.23 Chapter 3 of the CCC Report examines indicators of current delivery progress and it sets out (page 50) a number of key points including *inter alia*:

"*Required pace – substantial progress is needed on a range of key indicators over the rest of this decade, to get the UK on track to meet its 2030 emissions targets. Low carbon technologies need to quickly become the default options in many areas…*

Renewable energy capacity has been growing steadily. However, roll-out rates will need to increase, compared to those since the start of this decade, to deliver the capacity needed by the end of the decade. Annual installations of offshore wind will need to more than treble, onshore wind more than double and solar increase by a factor of five."

2.3.24 Reference is made to electricity supply (page 56). With regard to onshore wind the CCC Report states that only 0.5 GW of new onshore wind was installed in 2023 and "*this is considerably below the peak of 1.8 GW in 2017. Onshore wind installation rates will need to more than double compared to the average pace of deployment over the past three years*."

2.3.25 Chapter 2 of the CCC Report addresses the risks to the UK in achieving its emissions reduction targets.

2.3.26 With regard to the Fourth Carbon Budget (2023-2027) it states that although credible plans cover almost all of the emissions reductions required to meet it "*this budget was set before the UK's Net Zero target was legislated. The UK will need to reduce emissions by double the amount implied by the target to be on a sensible path to Net Zero*…."

2.3.27 With regard to the 2030 NDC and CB6 (for the period 2023 to 2037) the CCC Report states that credible plans cover only around a third of emissions reductions needed to meet the UK's 2030 NDC and a quarter of those needed to meet CB6. It adds "*that 2030 NDC is now only six years away. While our assessment of the policies and plans to deliver it has improved slightly, there remains significant risks to achieving these goals*."

Labour Government & Commitment to Renewables (2024)

2.3.28 The UK Government change at Westminster in 2024 and a Labour administration for the UK is of relevance in terms of the new UK Government policy approach to net zero. The Labour Party Manifesto stated that there would be a national mission for clean power by 2030.

2.3.29 Energy policy is reserved to Westminster and although the Scottish Government has progressed its own energy policy in parallel with its full devolved authority over the planning system in Scotland, UK Government policy is an important material consideration.

2.3.30 The Department for Energy Security and Net Zero ('DESNZ') issued a Statement on 8 July 2024 which included references to double UK onshore wind capacity from its current level of approximately 15 GW to a planned capacity of 30 GW by 2030.

UK Government: Clean Power 2030 Action Plan (2024)

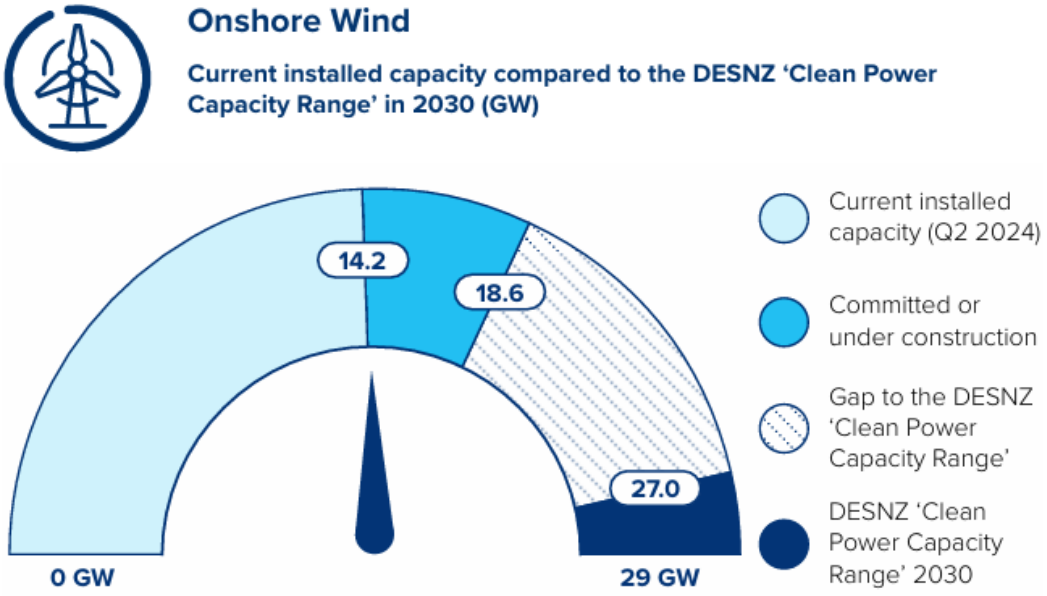
2.3.31 In addition, a key new material consideration is the Clean Power 2030 Action Plan, issued by DESNZ in December 2024. It sets out (page 9) that Britain needs to install "*clean sources of power at a pace never previously achieved*".

2.3.32 It adds (page 10):

"*clean power by 2030 will herald a new era of clean energy independence and tackle three major challenges: the need for secure and affordable energy supply, the creation of essential new energy industries supported by skilled workers in their thousands, the need to reduce greenhouse gas emissions and limit our contribution to the damaging effects of climate change. Clean power by 2030 is a sprint towards these essential goals*".

2.3.33 Within the Action Plan, it sets out that by 2030 there should be 27-29 GW of onshore wind operational within the UK. At present, there is only some 14.2 GW of installed onshore wind capacity in the UK.

Figure 2.2: Onshore Wind & 'Gap' to reach 2030 UK Target



2.3.34 The document adds that "*Meeting the clean power 2030 goal is key to accelerating to net zero, not only in eliminating emissions that currently come from electricity generation, but also via the application of clean power in the buildings, transport and industry sectors… The shift to a clean power system by 2030 forms the backbone of the transition to net zero, as we move to an economy much more reliant on electricity*".

2.3.35 There is therefore a significant gap between the target onshore wind capacity for 2030 compared to what is currently installed. The gap is some 14.8 GW of required new capacity and the bulk of that is expected to be delivered in Scotland.

2.3.36 Page 74 of the Action Plan states that "*Meeting the renewable capacity set out in the DESNZ 'clean power capacity range' is achievable but will require deployment at a sharply accelerated scale and pace*".

2.4 Climate Change & Renewable Energy Legislation and Policy: Scotland

The Scottish Energy Strategy (2017)

2.4.1 The Scottish Energy Strategy ('SES') was published in December 2017. The SES preceded the important events and publications referred to above but nevertheless sets out that onshore wind is recognised as a key contributor to the delivery of renewable energy targets – specifically 50% of energy to be attained from renewable sources by 2030. The SES did not and could not take account of what may be required in terms of additional renewable generation capacity to attain the new legally binding 'net zero' targets so it is out of date in that respect.

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

2.4.3 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."* (page 44)

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

2.4.4 The Scottish Government has set legal obligations to decarbonise and reduce emissions. Most notably, the Scottish Government has a statutory target to achieve "net zero" by 2045. It is clear that to have any hope of achieving the net zero target, significant expansion of renewable generation capacity is required.

2.4.5 When it was enacted, the Climate Change (Scotland) Act 2009 set world leading greenhouse gas emissions reduction targets, including a target to reduce emissions by 80% by 2050. The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 amended the 2009 Act and set more ambitious targets.

CCC Report to Scottish Parliament – Progress in reducing emissions in Scotland (2024)

2.4.6 The CCC produced a report to the Scottish Parliament entitled 'Progress in reducing emissions in Scotland' in March 2024. The related press release of the same date states that Scotland's 2030 climate goals are no longer credible. It states:

"*Continued delays to the updated Climate Change Plan and further slippage in promised climate policies mean that the Climate Change Committee no longer believes that the Scottish Government will meet its statutory 2030 goal to reduce emissions by 75%. There is no comprehensive strategy for Scotland to decarbonise towards Net Zero.*

The Scottish Government delayed its draft Climate Change Plan last year despite the 2030 target being only six years away. This has left a significant period without sufficient actions or policies to reach the target; the required acceleration in emissions reduction in Scotland is now beyond what is credible."

2.4.7 The CCC calls in the report for Scotland's Climate Change Plan to be published urgently in order that the CCC can assess it and identify the actions which will deliver on its future targets.

2.4.8 The related press release stated that there is a path to Scotland's post-2030 targets, but stronger action is needed to reduce emissions across the economy.

2.4.9 The main report (page 10) states that "*The Scottish Government should build on its high ambition and implement policies that enable the 75% emissions reduction target to be achieved at the earliest date possible*."

2.4.10 Page 18 of the report addresses electricity supply, and it states that there has been some progress in delivering renewable electricity generation in Scotland. Reference is made to the Government's aim to develop 8-11 GW of offshore wind and 20 GW on onshore wind capacity, both by 2030. The report notes that "*The growth in onshore wind capacity has slowed, however, and is slightly off track to deliver its 2030 target, which will require operational capacity to more than double*."

2.4.11 Page 40 states that in terms of onshore wind, Scotland must increase the deployment rate by more than a factor of 4 to an average annual rate of 1.4 GW.

Statement to the Scottish Parliament (2024)

2.4.12 In light of the CCC Report, the Cabinet Secretary made a statement to the Scottish Parliament on 18 April 2024 entitled 'Climate Change Committee Scotland Report – Next Steps: Net Zero Secretary Statement'. The key points in the statement include:

- The Scottish Government has an "*unwavering commitment to ending our contribution to global emissions by 2045 at the latest, as agreed by Parliament on a cross-party basis*".
- The Cabinet Secretary states that she is "*announcing a new package of climate action measures which we will deliver with partners to support Scotland's transition to net zero*".
- The Cabinet Secretary states that, "*The Climate Change Committee is clear that the 'UK is already substantially off track for 2030' and achieving future UK carbon budgets 'will require a sustained increase in the pace and breadth of decarbonisation across most major sectors'*."

2.4.13 The Cabinet Secretary added:

"*And with this in mind, I can today confirm that, working with Parliament on a timetable, the Scottish Government will bring forward expedited legislation to address matters raised by the CCC and ensure our legislative framework better reflects the reality of long-term climate policy making*."

2.4.14 The Scottish Government has reiterated its commitment to achieving net zero by 2045. The approach to dealing with the position set out by the CCC in relation to the 2030 target being unachievable, has been to move to a multi-year carbon budget approach to measuring emissions reduction (instead of annual targets) which has now brought the Scottish Parliament in line with the Welsh and UK approaches.

The Climate Change (Emissions Reduction Targets) (Scotland) Act 2024

2.4.15 On 5 September 2024 the Scottish Government introduced the Climate Change (Emission Reduction Targets) (Scotland) Bill to the Scottish Parliament. The Bill was passed on 5 November 2024 and became an Act on 22 November 2024. The Act repeals the annual and interim emissions reduction target framework that was established under the 2009 Act and establishes a carbon budget approach to target setting, with budgets to be set through secondary legislation using the latest advice from the CCC, once available, to replace the concept of statutory annual and interim targets. The Act also makes provision for a new Climate Change Plan to be published that reflects the carbon budgets.

2.4.16 As explained, the Act followed advice from the CCC that Scotland's interim emissions reduction target for 2030 could not be achieved. The Act does not change the existing statutory target of Net Zero emissions by 2045.

2.5 The Onshore Wind Policy Statement

2.5.1 The Scottish Government published an updated Onshore Wind Policy Statement ('OWPS') on 21 December 2022.

2.5.2 The Ministerial Foreword makes it clear that seeking greater security of supply and lower cost electricity generation are now key drivers alongside the need to deal with the climate emergency. In this regard, the Cabinet Secretary for Net Zero, Energy and Transport states (page 3):

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

"*Scotland has been a frontrunner in onshore wind and, while other renewable technologies are starting to reach commercial maturity, continued deployment of onshore wind will be key to ensuring our 2030 targets are met*".

2.5.3 The Foreword states that onshore wind has the ability to be deployed quickly, is good value for consumers and is also widely supported by the public. The Minister further states that:

"*This Statement, which is the culmination of an extensive consultative process with industry, our statutory consultees and the public, sets an overall ambition of 20 GW of installed onshore wind capacity in Scotland by 2030.*

While imperative to meet our net zero targets it is also vital that this ambition is delivered in a way that is fully aligned with, and continues to enhance, our rich natural heritage and native flora and fauna, and supports our actions to address the nature crisis and the climate crisis".

2.5.4 The OWPS is structured on the basis of eight chapters which contain a mix of policy guidance and also technical information. Key content of relevance to the Proposed Development is referenced below.

Increasing the Rate of Deployment & Forecast Increase in Electricity Demand

2.5.5 Chapter 1 "Ambitions and Aspirations" (page 5) refers to current deployment of onshore wind in Scotland and states:

"*We must now go further and faster than before. We expect the next decade to see a substantial increase in demand for electricity to support net zero delivery across all sectors, including heat, transport and industrial processes*."

2.5.6 It is explained that National Grid's Future Energy Scenarios[6] project concludes that Scotland's peak demand for electricity will at least double within the next two decades and that this will require a substantial increase in installed capacity across all renewable technologies.

Onshore Wind Target & Development Pipeline

2.5.7 In terms of existing deployment, paragraph 1.1.5 of the OWPS states that as of June 2022 the UK had 14.6 GW of installed onshore wind, with around 8.7 GW of this capacity within Scotland. Reference is made to a figure of 11.3 GW of onshore wind "*currently in the pipeline, spread over 217 potential projects*".

2.5.8 The Onshore Wind Sector Deal (page 14) states that by the end of 2023 an analysis will be provided of the expected pipeline of new onshore wind projects, extensions to existing projects, life extensions and repowering projects expected in the period between 2023 and 2030. The information is to be updated at least bi-annually to enable Government and statutory consultees to plan ahead for the resources that would be required to process applications. In this regard

[6] National Grid has set out a range of different, credible ways to decarbonise the energy system with regard to attaining Net Zero for the UK by 2050.

a report entitled 'Scotland Onshore Wind Pipeline Analysis 2023-2030' was published by BVG Associates in November 2023 ('BVG Report').

2.5.9 The report presents the database and initial pipeline analysis, providing insights into different scenarios under which Scotland could achieve its ambition of 20 GW of onshore wind by 2030. It examines various sensitivities to assumptions on key parameters including matters such as the duration of the planning process for applications, repowering and also project viability. The assumptions in relation to the planning process reflect the aims of the Onshore Wind Sector Deal. If these are not met, then there will be negative consequences for the onshore wind pipeline.

2.5.10 The BVG Update Report provides (as of November 2024) figures on Scotland's pipeline of onshore wind developments and the breakdown of project categories is consistent with the project lifetime stages that were set out in the OWPS.

2.5.11 **Table 2.3** below the onshore wind pipeline figures as contained in the OWPS alongside the summary of the updated analysis from the BVG Report, allowing a comparison of the various pipeline category figures between those in the OWPS (June 2022) and the BVG Report figures of November 2024. The relative differences between the various categories are also shown.

Table 2.3: Onshore Wind Development Pipeline (OWPS 2022 & BVG Report 2024)

Status of Onshore Wind Projects	OWPS (GW)	BVG Report (April 2024) (GW)	Difference 2022 v 2024 (GW)	Comments
In the Planning / Process	5.53	6.70	+ 1.17	Footnote on page 6 of OWPS applies. Not all projects will receive consent.
Awaiting Construction (i.e. consented)	4.56	6.47	+ 1.91	The figures are subject to some duplication – e.g. where some projects have consent but are also subject say to applications for tip height increases. Not all consented developments will proceed to construction.
Under Construction	1.17	0.97	- 0.2	
Sub Total (less in planning category)	**5.73**	**7.44**	**+ 2.88**	
Operational Onshore Wind in Scotland	**8.70**	**10.02**	**+ 1.32**	A number of projects will reach the end of their operational life. Not all will necessarily be repowered or life extended. A proportion of the operational capacity will have passed its notional design life by 2030 and will be under consideration for decommissioning or repowering.
Total (less in planning category)	14.43	17.46	+ 3.03	

2.5.12 The footnote to the figures set out on page 6 of the OWPS is pertinent and is as follows:

"*Developments in the planning/consenting process have not yet been considered and given permission to proceed. Some of these projects will receive consent, but some may not, and it is unlikely that all of this noted capacity will be fully realised. A degree of duplication within the planning system must also be considered, where developments which have consent re-apply to adjust the parameters of that consent. This will also reduce the capacity which is deliverable from this overall figure*".

2.5.13 The analysis of the pipeline in the BVG Report is based upon a model which applies several filters which result in projects being removed from the pipeline and these include matters such as:

- Projects which remain in the same development status for too long which is a reasonable indication that they are likely to be dormant and therefore are not likely to proceed;
- Projects with turbine attributes which today would likely put that project at a commercial disadvantage such as relatively low blade tip height, such as 150 m or less; and
- Application of an attrition rate in relation to applications being refused consent.

2.5.14 Although the BVG Report sets out some suggested actions which could increase the likelihood of reaching 20 GW in 2030, these have various limitations. For example, the suggested actions include:

- An action is suggested to reduce the default planning determination duration times to shorter ones; however, this would be very much dependent upon the allocation of additional resources in the planning system and there is no evidence of that happening at the present time; and
- A further action is to assume repowering of all onshore wind developments at the end of their life and assume an uplift on original capacity of 100%. Again, this assumption has its limitations and there is also no evidence that widespread repowering is going to be undertaken on such a basis. However, extensions of operational life is likely to remain an attractive option in many cases.

2.5.15 The BVG Report cautions (page 20) that the ability to deliver 20GW by 2030 is likely to be restricted by current resource constraints. Their analysis predicts that these constraints include that the number of current consent decisions from the ECU (Scottish Government) will need to at least double for at least three of the next five years.

2.5.16 The BVG Report (page 15) also states that "*it remains clear that a significant increase in consent decisions made each year at the ECU level will be required to reach the 20 GW by 2030 target, and that the reduced development times promised by the [Onshore Wind Sector Deal] ….will be essential if Scotland is to achieve the 20 GW operational onshore wind by 2030*."

2.5.17 The BVG Report also highlights that the continued issue of Eskdalemuir (Seismic Array constraint), a potential Galloway National Park, and the recent designation of the Flow Country World Heritage Site is likely to result in a loss further operational capacity in 2030 in the deployment scenarios considered.

2.5.18 There are therefore a number of factors which indicate that there is likely to be a significant shortfall in the minimum 20 GW 2030 onshore wind target.

Government commitment to 20GW of Onshore Wind by 2030

2.5.19 Section 1.2 of the OWPS refers to the Deployment Ambition to 2030. Reference is made to the CCC's position as set out in their exploratory scenarios for emissions to 2050 and also as referred to within the Sixth Carbon Budget.

2.5.20 Paragraph 1.2.2 of the OWPS states that: "[the explanatory scenarios] *estimate that, in every scenario, the UK will require a total of 25-30 GW of installed onshore wind capacity by 2050 to meet government targets - which would mean doubling the current UK installed capacity*".

2.5.21 Section 1.3 of the OWPS further refers to the new 20 GW ambition and acknowledges that the Scottish Government's Programme for Government 2022/2023 committed Government to enabling up to 12 GW of onshore wind to be developed. I The Programme for Government stated that:

"*It is vital to send a strong signal and set a clear expectation on what we believe onshore wind capacity will contribute in the coming years.*

In line with this commitment, and reflecting the natural life cycles of existing wind farms, this statement sets a new ambition for the deployment of onshore wind in Scotland:

A minimum installed capacity of 20 GW of onshore wind in Scotland by 2030.

This ambition will help support the rapid decarbonisation of our energy system, and the sectors which depend upon it, as well as aligning with a just transition to net zero whilst other technologies reach maturity".

2.5.22 This statement is followed by reference to the "Legislative Context", in particular the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 and the related net zero greenhouse gas emissions targets. The OWPS states (paragraph 1.4.1) "*meeting these targets will require decisive and meaningful action across all sectors*".

2.5.23 Paragraph 2.4.2 of the OWPS states that "*onshore wind will play a crucial role in delivering our legally binding climate change targets*".

2.5.24 The Scottish Government has made clear that the 20 GW ambition of installed capacity is a "minimum". In short, there is a substantial shortfall to address in order to attain that figure and projects that are not yet in the planning system are unlikely to provide installed capacity by 2030. This underlines the importance of the benefits that the Proposed Development can deliver – namely near-term delivery of a substantial volume of installed capacity.

2.5.25 This means that the Scottish Government's ambition, as stated in December 2022, is to increase the installed capacity of onshore wind in Scotland by a minimum amount equivalent to about 130% of the entire installed capacity of all current operational onshore wind farms in Scotland in a period of around eight years. The Proposed Development and its contribution must be considered in the context of the scale and urgency of the stated Scottish Government policy position.

Delivering the Government's 20 GW Ambition for Onshore Wind

2.5.26 Chapter 2 of the OWPS entitled 'Delivering on our Ambition for Onshore Wind in Scotland' states that the Scottish Government is to form an Onshore Wind Strategic Leadership Group (SLG) and "*will task this SLG with taking forward the aspirations of this policy statement, and the development of an Onshore Wind Sector Deal*". This reflects the importance of the onshore wind sector.

2.5.27 Section 2.3 refers to a "Vision for Onshore Wind in Scotland" and states that Scottish Renewables, on behalf of the sector in Scotland, has produced a Vision Statement which the Government considers "*to lay the basis of a more detailed sector deal that the SLG will develop*".

2.5.28 The Onshore Wind Sector Deal was finalised and published in September 2023 and is referenced further below.

2.5.29 The **Vision Statement** is contained within Annex 5 of the OWPS (page 66). A summary of the Vision for the onshore wind industry in Scotland is a future where:

- An additional 12 GW of new onshore wind generation is constructed by 2030.
- Onshore wind continues to play a key role in decarbonising the power sector, reducing consumer costs and ensuring security of supply whilst playing a key role in the electrification of heat and transport.

- The selection of wind farm locations and technologies enables the use of the most productive modern turbines and balances the need to respect biodiversity and natural heritage.
- Land use for onshore wind is optimised and combined with other initiatives including reforestation and peatland restoration, as well as providing enhanced access to green space for recreation.
- New and repowering projects consistently receive high levels of public support.
- High skilled and sustainable jobs are created, including long term jobs in the operational phase.
- Material use is optimised, and carbon impact is minimised, through the principles of a circular economy.
- Community benefit and shared ownership provides lasting social and economic benefits; and
- Onshore wind plays a central role in ensuring a just transition for communities and people.

2.5.30 The Vision Statement states (page 67) that:

"*Onshore wind remains vital to meeting this increasing demand, providing fast deployment whilst minimising cost to the consumer. This will be achieved by deploying the most productive modern turbines that are taller than older models, by re-powering existing sites where possible and by maximising the use of our exceptional natural wind resource where environmental effects are acceptable*."

Balancing Environmental Considerations and Benefits

2.5.31 Chapter 3 of the OWPS "Environmental Considerations: Achieving Balance and Maximising Benefits" refers to matters relating to specific environmental topics as follows:

- Shared Land Use;
- Peat and Carbon-Rich Soils;
- Forestry;
- Biodiversity;
- Landscape and Visual Amenity; and
- Noise.

2.5.32 Section 3.3 addresses peat and carbon rich soils. It highlights that approximately 75% of Scotland's peatlands are degraded through drainage, extraction and other actions. It explains that reversing degradation through peatland restoration is central to mitigating and adapting to the linked climate and nature crises.

2.5.33 Paragraph 3.3.6 states: "*The continued deployment of onshore wind and restoration of peatlands and carbon rich soil will both play vital roles in delivering Scotland's emissions reductions targets….. Given the established need for additional onshore wind turbines to tackle climate change and to ensure long term availability of cheap, renewable energy, in some cases it may be necessary to construct onshore wind farms on areas of peat*".

2.5.34 The document goes on to explain that the onshore wind sector has made remarkable advances over the past decade in mitigation and restoration solutions for peatland. It states that the identification of the condition of existing peatland is a vital part of the wind farm design process and bespoke management plans have an important role. It adds that "*by assessing the net carbon impacts of proposed developments on carbon rich soils and peatlands we will ensure that planning and consenting regimes result in the right projects in the right places, with all*

applications considered on a case-by-case basis within the relevant planning regime." (paragraph 3.3.13)

2.5.35 Section 3.5 addresses biodiversity and paragraph 3.5.6 states that "*as the rate of onshore wind deployment increases in the coming years, we see a great opportunity for wind energy developments to further contribute significantly to our biodiversity ambition. By proactively managing intact habitats and the species they support, restoring degraded areas and improving connectivity between nature rich areas, onshore wind projects will contribute to our climate change targets and help address the biodiversity crisis*". (paragraph 3.5.6)

2.5.36 Landscape and Visual Amenity is addressed at Section 3.6 with direct cross references to NPF4. Paragraph 3.6.1 states (original emphasis):

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

2.5.37 As referenced below, NPF4 policy 11 expressly recognises that significant landscape and visual impacts are to be expected and the OWPS emphasises that as a result there will be changes in Scotland's landscape.

2.5.38 Paragraph 3.6.2 of the OWPS, in cross-referencing NPF4, makes it clear that outside of National Parks and National Scenic Areas "*the criteria for assessing proposals have been updated, including stronger weight being afforded to the contribution of the development to the climate emergency, as well as community benefits*".

2.5.39 There is therefore express direction of greater weight attaching to the benefits of the development in terms of how it contributes to tackling the climate emergency. The removal of the Spatial Framework for onshore wind farms, as previously required by Scottish Planning Policy ('SPP'), also gives rise to fewer locational constraints.

2.5.40 Paragraph 3.6.5 makes reference to Landscape Sensitivity Studies and makes it clear that these should not be used in isolation to determine matters of acceptability but can be a useful tool in assessing specific sensitivities within an area. It should be noted that the term is now landscape sensitivity, in comparison with SPP paragraph 162 which encouraged Landscape Capacity Studies. This reflects NatureScot's 2022[7] guidance.

2.5.41 Paragraph 3.6.3 also makes reference to the NPF4 Policy 11 criteria with regard to energy development stating that "*where impacts are localised and/or appropriate design mitigation has been applied, they will generally be considered to be acceptable*".

OWPS Conclusions

2.5.42 Page 49 of the OWPS sets out overall conclusions and these include *inter alia* the following key points:

- Deployment of onshore wind is "*mission critical for meeting our climate targets*".
- As an affordable and reliable source of electricity generation, "*we must continue to maximise our natural resource and deliver net zero in a way that is fully aligned with, and continues to protect our natural heritage and native flora and fauna*".
- A renewed commitment to this technology will ensure we keep "*leading the way in onshore wind deployment and support within the UK*".
- The Scottish Government has established "*a clear expectation of delivery with our ambition for a **minimum installed capacity of 20GW** of onshore wind in Scotland by 2030 and*

[7] NatureScot, Landscape Sensitivity Assessment Guidance, paragraph 8 (2022).

providing a vehicle for that delivery through the creation of [the] *Onshore Wind Strategic Leadership Group*" (emphasis added).

2.5.43 It is stated that "*Onshore wind will remain an essential part of our energy mix and climate change mitigation efforts, but we are also in a nature crisis. Onshore wind farms must strike the right balance in how we care for and use our land*…".

2.5.44 The term "mission critical" is strong language and indicates onshore wind is crucial and extremely important to the attainment of the Government's policy and legislative objectives. This is fundamentally different policy language to that contained within National Planning Framework 3 (NPF3) and SPP.

2.6 The Onshore Wind Sector Deal

2.6.1 The Onshore Wind Sector Deal (the 'Sector Deal') for Scotland was finalised in September 2023. It sets out a series of key measures which will support the Scottish Government in reaching its target of 20 GW of onshore wind by 2030. It describes how the Scottish Government and the onshore wind sector will work together to deliver onshore wind farms quickly, sustainably and to the benefit of local communities and with the overall objective of attaining Scotland's net zero target.

2.6.2 The Foreword sets out that:

"*The Government is committed to working with developers and stakeholders, understanding the operational barriers to delivering onshore wind projects and setting out processes to help reduce them. We also commit to speeding up consenting decisions, working with planning authorities and statutory consultees to increase skills and resources, as well as streamlining approaches.*

Jointly, we will work together on ensuring a balance is struck between onshore wind and the impacts on land use and the environment. We will collaborate to enable information to be collected and shared from monitoring and evidence purposes, and we jointly want to capitalise on the unique opportunity for Scotland to become a world leader in decommissioning, re-manufacturing and recycling of onshore wind assets."

2.6.3 It further adds that:

"*The Sector Deal is more than just a document; it is a testament to our determination, a celebration of our potential, and a promise to future generations. Let us work together to usher in an era where innovation, sustainability, and prosperity converge, as we power Scotland's greener future through the boundless energy of onshore wind*."

2.6.4 The matters within the Sector Deal to be actioned by a collaborative approach and also by specific actions from the sector and Government relate to:

- Supply chain, skills and the circular economy;
- Community and benefits;
- Land use and the environment;
- Planning;
- Legislative and regulatory actions; and
- Technical actions.

2.6.5 In terms of land use and the environment, the Sector Deal sets out that NPF4 Policy 1 makes it clear that significant weight needs to be given to the global climate and nature crisis and that "*New onshore wind projects in Scotland will enhance biodiversity and optimise land use and environmental benefits*" (page 11).

2.6.6 It further adds that:

"*Balancing the need for more wind farms with the safeguards defined in NPF4 will be a crucial aspect of achieving the 2030 onshore wind ambition. Scotland will continue to be a world leader in responsible onshore wind development, demonstrating how onshore wind can co-exist with a diversity of species, sensitive habitats, peatland, carbon rich soils and forestry, ensuring positive outcomes for the climate and nature*."

2.6.7 In terms of planning, a key matter is that there is an ambition to reduce the time it takes to determine Section 36 consent applications. The Sector Deal also states (page 13) in relation to planning that:

"*The ambition of 20 GW of installed onshore wind capacity by 2030 will require a significant number of new sites, the repowering and extension of existing sites and the realisation of unbuilt consented sites. Meeting this ambition will require the determination of applications to be made much more quickly than in recent years.*"

2.7 The Draft Energy Strategy and Just Transition Plan

2.7.1 The Scottish Government published a new draft 'Energy Strategy and Just Transition Plan' entitled 'Delivering a fair and secure zero carbon energy system for Scotland' on 10 January 2023. The new Strategy is to replace the one previously published in 2017. The consultation period ended in April 2023. As a draft document it can only be afforded limited weight. The draft document is however consistent with the adopted policy set out in NPF4 and the identification of the 2020s as a crucial decade for the large-scale delivery of renewable energy projects supporting urgent transition to net zero.

2.7.2 The Ministerial Foreword states:

"*The imperative is clear: in this decisive decade, we must deliver an energy system that meets the challenge of becoming a net zero nation by 2045, supplies safe and secure energy for all, generate economic opportunities, and builds a just transition…*

The delivery of this draft Energy Strategy and Just Transition Plan will reduce energy costs in the long term and reduce the likelihood of future energy cost crises….

It is also clear that as part of our response to the climate crisis we must reduce our dependence on oil and gas and that Scotland is well positioned to do so in a way that ensures we have sufficient, secure and affordable energy to meet our needs, to support economic growth and to capture sustainable export opportunities….

For all these reasons, this draft Strategy and Plan supports the fastest possible just transition for the oil and gas sector in order to secure a bright future for a revitalised North Sea energy sector focused on renewables."

2.7.3 The Foreword adds that the draft Strategy sets out key ambitions for Scotland's energy future including:

- **More than 20 GW of additional renewable electricity on and offshore by 2030**.
- Accelerated decarbonisation of domestic industry, transport and heat.
- Generation of surplus electricity, enabling export of electricity and renewable hydrogen to support decarbonisation across Europe.
- Energy security through development of our own resources and additional energy storage.
- A just transition by maintaining or increasing employment in Scotland's energy production sector against a decline in North Sea production.

2.7.4 The draft Strategy states (page 7, Executive Summary) that the vision for Scotland's energy system is:

"*…that by 2045 Scotland will have a flourishing, climate friendly energy system that delivers affordable, resilient and clean energy supplies for Scotland's households, communities and*

business. This will deliver maximum benefit for Scotland, enabling us to achieve a wider climate and environmental ambitions, drive the development of a wellbeing economy and deliver a just transition for our workers, businesses, communities and regions.

In order to deliver that vision, this Strategy sets out clear policy positions and a route map of actions with a focus out to 2030".

2.7.5 A fundamental part of the Strategy is expanding the energy generation sector. The Executive Summary states (page 8) that Scotland's renewable resources mean that:

"….*we can not only generate enough cheap green electricity to power Scotland's economy, but also export electricity to our neighbours, supporting jobs here in Scotland and the decarbonisation ambitions of our partners.*

We are setting an ambition of more than 20 GW of additional low-cost renewable electricity generation capacity by 2030, including 12 GW of onshore wind….

An additional 20 GW of renewable generation will more than double our existing renewable generation capacity by 2030……"

2.8 The Green Infrastructure Strategy

2.8.1 The Scottish Government published a Green Industrial Strategy ('GIS') in September 2024. The Executive Summary sets out the mission of the GIS, namely:

"*This Green Industrial Strategy's mission is to ensure that Scotland realises the maximum possible economic benefit from the opportunities created by the global transition to net zero*".

2.8.2 The GIS sets out five opportunity areas for Scotland where identified strengths are most likely to lead to growth and the potential to grow Scotland's exports. The sectors relate to Scotland's wind economy, carbon capture and storage, supporting the green economy by way of professional and financial services, growing the hydrogen sector and establishing Scotland as a competitive centre for clean energy intensive industries of the future.

2.8.3 Page 6 sets out that the GIS forms a key part of the Government's broader National Strategy for Economic Transformation. It states that "*It also links explicitly to our Just Transition Plans which describe how the transition to net zero in the most emitting sectors will be achieved in a way that delivers economic, social and community benefits, including fair work, environmental preservation and reduced poverty and inequality*."

2.8.4 The first of the five opportunity areas is in relation to 'maximising Scotland's wind economy'. It states that this:

"*is about making the most of our natural resources, established onshore and offshore wind sectors and first-mover advantage in floating offshore wind to generate clean electricity; participating in global supply chains as well as expanding our domestic supply chain capacity and seizing opportunities across the offshore wind supply chain, from infrastructure to manufacturing; positioning Scotland as a leader in material circularity of wind turbines and components.*"

2.8.5 Actions include, *inter alia*:

- Supporting investment to improve essential infrastructure, expanding supply chains and secure manufacturing opportunities;
- Developing and maintaining a pipeline of investment propositions backed by clear information about the timing and nature of renewable energy opportunities;
- Delivering planning and consenting systems which enable Scotland's net zero development pipeline;
- Exploring the circularity opportunity in onshore wind; and

- Page 13 states clearly that the single goal of the GIS is to help Scotland realise economic growth opportunities from the global transition to net zero.

2.8.6 Onshore wind is referred to in some detail at page 21 where the GIS states:

"*Onshore wind is the biggest single technology in Scotland's current mix of renewable electricity generation, comprising 62% of installed capacity.*

A thriving onshore wind sector is therefore critical to the decarbonisation in Scotland and the UK. As set out in our 2022 Onshore Wind Policy Statement, Government and industry are focused on delivering at least 20 GW of onshore wind by 2030 (doubling current capacity) and recent pipeline analysis shows that we should be on track to deliver this.

This trajectory is underpinned by the Onshore Wind Sector Deal which sets out a set of specific collaborative actions which include commitments by both the Scottish Government and the onshore wind industry to help deliver the 20 GW ambition.

A supportive policy environment and successful industry collaboration via the Onshore Wind Strategic Leadership Group confirms the shared commitment of Government and industry to achieve this successful and responsible growth.

The onshore wind workforce is highly skilled and opportunities in installation, consulting, operations and maintenance are anticipated to rise in response to growth ambitions. Specialised engineering consultancy services such as wind farm design and financial due diligence related to onshore developments are expected to grow and offer additional export potential. There is commercial opportunity in circular supply chains related to the UK wind industry. Scotland's established, and now ageing onshore wind assets may also offer opportunities for innovative solutions in remanufacturing, recycling, and decommissioning end of life assets."

2.8.7 It is clear therefore that to progress the Government's objectives with regard to wind energy there needs to be clear support for new investment and growth in onshore wind development. Realising the economic and social opportunities will only be achieved through the development and consenting of additional wind energy developments. Such deployment will not only be critical towards achieving the net zero target, given the important contribution that wind energy will make in that regard but will also help deliver the Government's clear green infrastructure mission.

2.9 CCC Report, Scotland's Carbon Budgets: Advice for the Scottish Government (May 2025)

2.9.1 The Report sets out the CCC's advice on the level of Scotland's four proposed carbon budgets, covering the period 2026 to 2045. It recommends that the Scottish Government sets its carbon budgets, at annual average levels of emissions that are:

- 57% lower than 1990 levels for the First Carbon Budget (2026 to 2030);
- 69% lower than 1990 levels for the Second Carbon Budget (2031 to 2035);
- 80% lower than 1990 levels for the Third Carbon Budget (2036 to 2040); and
- 94% lower than 1990 levels for the Fourth Carbon Budget (2041 to 2045).

2.9.2 The report sets out that the CCC's advice "*shows that the proposed carbon budgets are deliverable and Scotland can achieve its 2045 Net Zero target*." (page 8)

2.9.3 It states that getting to net zero by 2045 will require immediate action, at pace and scale and adds that decisions on the exact pathway and policies are for the Scottish Government.

2.9.4 The Report explains that progress to date has largely come from electricity decarbonisation, reflecting Scotland's abundant renewable resources. It goes on to state (page 9) that:

"*Action will increasingly be required in predominantly devolved policy areas to hit the Net Zero 2045 target and the proposed carbon budgets. Now that the framework for climate action has been reset, the Scottish Government has the opportunity to use its powers to match its ambitions with action*."

2.9.5 The Report identifies priority actions, which over the period of the first two carbon budgets will be the remaining decarbonisation of electricity generation as well as further electrification of key technologies, particularly the roll-out of EVs and heat pumps.

2.9.6 The Report identifies the sources of future emissions reductions and notes that in the next decade, over the next two carbon budgets, they are predominantly met from electrification of key technologies across the economy and measures to reduce demand for high-carbon activities.

2.9.7 Specifically in relation to electricity and low carbon supply the Executive Summary explains (page 12) that in the Balanced Pathway set out by the CCC:

"*the capacity of variable renewables in Scotland (including offshore and onshore wind and solar) more than triples from 15 GW in 2023 to 49 GW by 2035, increasing to 66 GW by 2045. This provides 98% of electricity generation in Scotland in 2035 and caters for increasing demand in Scotland and the rest of Great Britain (GB). Grid storage, use of storable fuels on the GB-wide network, and smart demand flexibility ensure a reliable supply of electricity even in adverse weather years. These technologies need to be accompanied by rapidly expanding the transmission grid, upgrading the distribution network, and speeding up the grid connection process. To deliver clean electricity, the planning process to approve large electricity infrastructure projects in Scotland needs to be urgently improved*." (emphasis added)

2.9.8 Scotland currently has approximately 17.6 GW[8] of renewables operating capacity, therefore, to achieve the Balanced Pathway figure of 66 GW by 2045 will require an additional 48.4 GW to be deployed.

2.9.9 The Report sets out in more detail the key actions to deliver the Balanced Pathway in electricity supply. At page 94 it refers to the key action for the Scottish Government which is to "*Urgently improve the planning process to approve large electricity infrastructure projects in Scotland, such as transmission lines and onshore wind farms*." citing that it can currently take up to four years to approve large electricity infrastructure projects in Scotland.

2.9.10 The Report makes reference to the Scottish Government and the UK Government's commitment to reform the energy consents system in Scotland, including through measures in the Planning and Infrastructure Bill. It states that "*Both governments should ensure that these reforms are now implemented at pace. All bodies involved in the planning and consenting process must also be adequately resourced and skilled*."

2.10 Conclusions on the Renewable Energy Policy & Legislative Framework

2.10.1 It is considered that the Proposed Development is very strongly supported by the climate change and renewable energy policy and legislative framework.

2.10.2 The trajectory, in terms of the scale and pace of action required to reduce emissions, grows ever steeper, and it is essential that rapid progress is made otherwise the legally binding target in Scotland of net zero by 2045 will not be met.

2.10.3 It is clear from the UK Energy White Paper and the forecasts by the CCC that electricity demand is expected to grow substantially (scenarios vary but potentially by a factor of three or four) as carbon intensive sources of energy are displaced by electrification of other industry sectors, particularly heat and transport.

[8] Source: Scottish Government (March 2025) Energy Statistics for Scotland – Q4 2024.

2.10.4 The change from annual Scottish emission reduction targets has served to show that Scotland is not on track to attain Net Zero, and it strengthens the case for rapidly approving schemes that can contribute to this goal. The overall target of Net Zero remains unchanged.

2.10.5 Decisions through the planning and wider consenting system must be responsive to this position. Decision makers can do this by affording substantial weight to the energy policy objectives articulated above, in the planning balance in a given case.

2.10.6 In terms of the energy policy considerations, it is helpful to reference a recent position of the Scottish Ministers with regard to a Section 36 wind farm decision. Section 36 consent was granted by the Scottish Ministers on 8 November 2024 for the Clachaig Glen Wind Farm within Argyll and Bute. From paragraph 109 *et seq* of the Decision Letter, the Scottish Ministers in commenting on the acceptability of the development stated:

"*As set out above, the seriousness of climate change, its potential effects and the need to cut carbon dioxide emissions, remain a priority for the Scottish Ministers. Scotland's renewable energy targets and climate change ambitions, energy policies and planning policies are all material considerations when weighing up this proposed development. NPF4, the Energy Strategy and the OWPS make it clear that renewable energy deployment remains a priority of the Scottish Government. The OWPS in particular reaffirms the vital role for onshore wind in meeting Scotland's energy generation targets and Net Zero emissions ambitions. This is a matter which should be afforded significant weight in favour of the proposed development.*

The transition to a low carbon economy is an opportunity for Scotland to take advantage of our natural resources to grow low carbon industries and create jobs.

The Scottish Ministers are satisfied that the proposed development will provide a contribution to renewable energy targets and carbon savings. The Scottish Ministers are also satisfied that it is entirely consistent with the Scottish Government's policy on the promotion of renewable energy and its Net Zero emissions ambitions."

2.10.7 In the most recent renewable energy policy documents referred to, there is a consistent and what might be termed a 'green thread', which ties a number of related policy matters together: namely the urgent challenge and imperative of attaining and sustaining Net Zero and the need to substantially increase renewable capacity, notably onshore wind.

2.10.8 The draft Energy Strategy for Scotland forms part of the strengthened policy approach alongside NPF4. These documents confirm the Scottish Government's policy objectives and related targets, reaffirming the important role that onshore wind will play in response to the climate crisis which is at the heart of all these policies.

2.10.9 It must follow that the need case for the Proposed Development is to be afforded substantial weight in the planning balance. The way that decision makers can do that is by properly recognising the seriousness and importance of energy policy related considerations in the planning balance, and the contribution of the Proposed Development to meeting net zero and low carbon energy targets. It is the cumulative effect of a large number of individual projects which will move Scotland towards where it needs to be in order to attain net zero.

3. The Benefits of the Proposed Development

3.1 The Benefits: Summary

3.1.1 This chapter summarises the benefits that would arise from the Proposed Development.

Renewable Energy Generation

> With an installed capacity of approximately 64.8 MW of onshore wind energy the Proposed Development would make a valuable and important contribution to the attainment of the UK and Scottish Government policies of encouraging renewable energy developments; and in turn contribute to the achievement of UK and Scottish Government renewable energy and net zero targets. As explained, there is now a distinct shift in policy emphasis from the displacement of higher carbon electricity generation to extending the use of electricity as the critical energy response to the climate emergency.

> The UK legally binding target of net zero GHG emissions by 2050 and the Scottish Government target of net zero by the earlier date of 2045 are major challenges, as explained in the previous chapter. The Scottish Government has made it clear that onshore wind plays a vital and indeed "*mission critical*" role in the attainment of future targets in relation to helping to combat the climate crisis.

> The earlier that steps towards decarbonisation are introduced, the greater their contribution to limiting climate change. The Proposed Development's delivery of renewable energy capacity in the near term will have a disproportionately higher benefit than the same capacity delivered later.

> The Proposed Development would generate enough electricity to power the domestic electricity needs of approximately 82,600 average UK households per annum.

Emissions Savings

> The carbon balance calculations establish that the Proposed Development could result in the saving of approximately 3.2 million tonnes of carbon dioxide (CO_2) equivalent emissions per over the lifetime of the development if fossil fuel electricity generation were used as the counterfactual position.

> The Proposed Development is expected to take approximately 1.8 years to offset the carbon released to the atmosphere (the CO_2 debt) from the construction of the wind farm. Following this the Proposed Development would in effect be in a net gain for the remaining 48.2 years of its operational life, contributing to national CO_2 reduction targets.

Security of Supply

> The British Energy Security Strategy has been referenced. It provides an increase to the requirements for both the scale and the urgency of delivery of new low carbon generation capacity, by refocussing the requirement for low-carbon power for reasons of national security of supply and affordability, as well as for decarbonisation.

> With this context, the attractiveness of onshore wind, as a proven technology which will deliver significant benefits to consumers through decarbonisation, security of supply and affordability this decade, becomes clear.

> The Proposed Development, if consented, would provide a valuable contribution to security of supply for the wider region, Scotland and for the UK. Consenting the development, would contribute to an adequate and dependable Scottish and UK generation mix, through enabling the generation of more low carbon power from renewable resources, and would enable the Proposed Development to make a significant contribution to Scottish and wider UK energy security and decarbonisation needs.

Socio-Economic Benefits

> The Proposed Development would support jobs during construction and operation, across the Scottish economy. Overall, the socio-economic effects of the capital investment, employment and Gross Value Added ('GVA') to the economy would be beneficial (short term during construction, and long-term during operation). The socio-economic benefits of the Proposed Development are set out in a Socio-Economic Impact Report.

> The assessment estimated that the expenditure associated with **construction activity** could generate:

- £50.1 million to direct GVA, and
- Up to 604 direct and indirect Person Years of employment.

> In addition to the direct effects on employment there would also be indirect effects generated throughout the **operational phase**. Indirect effects arise from the placing of contracts with other businesses, both in Dumfries and Galloway and further afield, supplying services and materials to the Proposed Development during its operational phase. Through the promotion of its local supplier register and funding specifically allocated to supporting education in STEM[9], the Proposed Development will be able to support the development of both skills and businesses in the renewable industry.

> Examples of such supply chain activity would include the procurement of:

- site maintenance services;
- waste management and recycling services;
- habitat management services;
- contractors for road maintenance, ditching, vegetation management, fencing and gate repair, etc.;
- provision of fuel supplies as well as other consumables, such as lubricants, spare parts, office supplies, etc.;
- plant and equipment hire; and
- turbine inspections.

> The Proposed Development will support local economic activity and the role of onshore wind energy generation as a local employer. The Applicant is committed to engaging with local suppliers to maximise benefits from the wind farm by commissioning local contractors. All the above would ensure a **contribution to the maximisation of the local supply chain content** and provide **opportunities for local employment**.

[9] Appin Wind Farm is committed to fostering a future workforce skilled in Science, Technology, Engineering and Mathematics (STEM) by implementing initiatives aimed at encouraging individuals to pursue careers in these fields. Further details are set out in Section 3.3 of the Socio-Economic Report.

Community Benefits

- Should the Proposed Development be granted consent, a **Community Benefit Fund** would be made available to the community which could generate approximately £324,000 per annum, which would be approximately £16.2 million over the 50-year operational period.
- The Applicant is willing to offer **Shared Ownership** for the Proposed Development, should there be interest from local groups or organisations.
- It is understood that community benefit payments are not a material planning consideration, however the Applicant is committed to offering a package of community benefits.

Biodiversity Enhancement

- Significant biodiversity enhancements are proposed as set out in an Outline Nature Enhancement Management Plan. The details of the proposed measures are set out in the next chapter in the context of NPF4 biodiversity policy.

4. Appraisal against NPF4

4.1 Introduction

4.1.1 NPF4 was approved by resolution of the Scottish Parliament on 11 January 2023 and was adopted on 13 February 2023.

4.1.2 A Chief Planner's Letter was issued on 8 February 2023 entitled 'Transitional Arrangements for National Planning Framework 4'. It contained advice intended to support consistency in decision making ahead of new style Local Development Plans being in place.

Development Management

4.1.3 Section 13 of the Planning (Scotland) Act 2019 Act amends Section 24 of the 1997 Act regarding the meaning of the statutory 'Development Plan', such that for the purposes of the 1997 Act, the Development Plan for an area is taken as consisting of the provisions of:

- The National Planning Framework; and
- Any Local Development Plan (LDP).

4.1.4 Therefore, at the time of writing this Planning Statement, the statutory Development Plan applying to the site consists of NPF4 and the DGC Local Development Plan (2019).

4.1.5 The publication of NPF4 coincided with the coming into force of certain parts of the 2019 Act. A key provision is Section 13 of the 2019 Act which amends Section 24 of the 1997 Act to provide that:

"*In the event of any incompatibility between a provision of the National Planning Framework and a provision of a local development plan, whichever of them is the later in date is to prevail*."

4.1.6 In this case the LDP was adopted in 2019. It contains some policies which have aspects that are now incompatible with national policy in NPF4, and this will further reduce the weight to be afforded to this element of the Development Plan.

4.1.7 In terms of emerging LDPs prepared prior to the adoption and publication of NPF4, the Chief Planner's Letter of 8 February 2023 states that it may be that there are opportunities to reconcile identified inconsistencies with NPF4 through the Examination process. In this case, there is not yet an emerging LDP.

4.1.8 The Chief Planner's Letter also states with regard to Supplementary Guidance associated with LDPs which were in force before 12 February 2023 (the date on which Section 13 of the 2019 Act came into force) that they will continue to be in force and be part of the Development Plan.

How NPF4 is to be used

4.1.9 Annex A (page 94) of NPF4 explains how it is to be used. It states:

"*The purpose of planning is to manage the development and use of land in the long-term public interest … Scotland in 2045 will be different. We must embrace and deliver radical change so we can tackle and adapt to climate change, restore biodiversity loss, improve health and wellbeing, reduce inequalities, build a wellbeing economy and create great places*."

4.1.10 Annex A states that NPF4 is required by law to set out the Scottish Ministers' policies and proposals for the development and use of land. It adds:

"*It plays a key role in supporting the delivery of Scotland's national outcomes and the United Nations Sustainable Development Goals*[10]*. NPF4 includes a long-term spatial strategy to 2045*."

4.1.11 NPF4 contains a Spatial Strategy and Scottish Government development management policies to be applied in all consenting decisions, and it identifies national developments which are aligned to the strategic themes of the Government's Infrastructure Investment Plan[11] ('IIP').

4.1.12 Annex A adds that NPF4 is required by law to contribute to six outcomes. These relate to meeting housing needs, health and wellbeing, population of rural areas, addressing equality and discrimination and also, of particular relevance to the Proposed Development, "*meeting any targets relating to the reduction of emissions of greenhouses gases, and, securing positive effects for biodiversity*".

4.2 The National Spatial Strategy – Delivery of Sustainable Places

4.2.1 Part 1 of NPF4 sets out the Spatial Strategy for Scotland to 2045 based on six spatial principles which are to influence all plans and decisions. The introductory text to the Spatial Strategy starts by stating (page 3):

"*The world is facing unprecedented challenges. The global climate emergency means that we need to reduce greenhouse gas emissions and adapt to the future impacts of climate change*."

4.2.2 The principles are stated as playing a key role in delivering the United Nation's Sustainable Development Goals and the Scottish Government's National Performance Framework[12].

4.2.3 The Spatial Strategy is aimed at supporting the delivery of:

- 'Sustainable Places': "*where we reduce emissions, restore and better connect biodiversity*";
- 'Liveable Places': "*where we can all live better, healthier lives*"; and
- 'Productive places': "*where we have a greener, fairer and more inclusive wellbeing economy*".

4.2.4 Page 6 of NPF4 addresses the delivery of sustainable places. Reference is made to the consequences of Scotland's changing climate, and it states, *inter alia*:

"*Scotland's Climate Change Plan, backed by legislation, has set our approach to achieving net zero emissions by 2045, and we must make significant progress towards this by 2030…Scotland's Energy Strategy will set a new agenda for the energy sector in anticipation of continuing innovation and investment*."

4.2.5 The National Spatial Strategy in relation to 'sustainable places' is described (page 7 of NPF4) as follows:

"*Scotland's future places will be net zero, nature-positive places that are designed to reduce emissions and adapt to the impacts of climate change, whilst protecting, recovering and restoring our environment.*

Meeting our climate ambition will require a rapid transformation across all sectors of our economy and society. This means ensuring the right development happens in the right place.

Every decision on our future development must contribute to making Scotland a more sustainable place. We will encourage low and zero carbon design and energy efficiency,

[10] The 17 UN Sustainable Development Goals are set out at page 95 of NPF4 and include *inter alia* 'affordable and clean energy' and 'climate action'.
[11] The Scottish Government's five-year Infrastructure Investment Plan (2021-22 to 2025-26) was published in February 2021. It set out a vision for Scotland's future infrastructure in order to support and enable an inclusive net zero emissions economy.
[12] The Scottish Government National Performance Framework sets out 'National Outcomes' and measures progress against a range of economic, social and environmental 'National Indicators'.

development that is accessible by sustainable travel, and expansion of renewable energy generation."

4.2.6 Six National Developments support the delivery of sustainable places, one being 'Strategic Renewable Electricity Generation and Transmission Infrastructure'.

4.2.7 A summary description of this National Development is provided at page 7 of NPF4 as follows:

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

4.2.8 Page 8 of NPF4 sets out 'Cross-cutting Outcome and Policy Links' with regard to reducing greenhouse gas emissions. It states:

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

4.2.9 A key point in this statement is that the climate emergency and nature crisis are expressly stated as forming the foundations of the National Spatial Strategy; recognising that tackling climate change and the nature crisis is an overriding imperative which is key to the outcomes of almost all policies within NPF4.

4.3 National Developments

Overview

4.3.1 Page 97 of NPF4 sets out that 18 National Developments have been identified. These are described as:

"*significant developments of national importance that will help to deliver the spatial strategy … National development status does not grant planning permission for the development and all relevant consents are required*".

4.3.2 It adds that:

"*Their designation means that the principle for development does not need to be agreed in later consenting processes, providing more certainty for communities, businesses and investors. … In addition to the statement of need at Annex B, decision makers for applications for consent for national developments should take into account all relevant policies*".

4.3.3 Annex B of NPF4 sets out the various National Developments and related Statements of Need. It explains that National Developments are significant developments of national importance that will help to deliver the Spatial Strategy. It states (page 99) that:

"*The statements of need set out in this annex are a requirement of the Town and Country Planning (Scotland) Act 1997 and describe the development to be considered as a national development for consent handling purposes*".

National Development 3 "Strategic Renewable Electricity Generation and Transmission Infrastructure"

4.3.4 Page 103 of NPF4 describes National Development 3 ('ND3') and states:

"*This national development supports renewable electricity generation, repowering, and expansion of the electricity grid.*

A large and rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets. Certain types of renewable electricity generation will also be required, which will include energy storage technology and capacity, to provide the vital services, including flexible response, that a zero carbon network will require.

Generation is for domestic consumption as well as for export to the UK and beyond, with new capacity helping to decarbonise heat, transport and industrial energy demand. This has the potential to support jobs and business investment, with wider economic benefits.

The electricity transmission grid will need substantial reinforcement including the addition of new infrastructure to connect and transmit the output from new on and offshore capacity to consumers in Scotland, the rest of the UK and beyond. Delivery of this national development will be informed by market, policy and regulatory developments and decisions."

4.3.5 The location for ND3 is set out as being all of Scotland and in terms of need it is described as:

"*Additional electricity generation from renewables and electricity transmission capacity of scale is fundamental to achieving a net zero economy and supports improved network resilience in rural and island areas*. …"

4.3.6 Reference is made to the designation and classes of development which would qualify as ND3, and it states in this regard:

"*A development contributing to 'Strategic Renewable Electricity Generation and Transmission' in the location described, within one or more of the Classes of Development described below and that is of a scale or type that would otherwise have been classified as 'major' by 'The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009', is designated a national development:*

(a) ***on and off shore electricity generation, including electricity storage, from renewables exceeding 50 megawatts capacity****;*

(b) new and/or replacement upgraded on and offshore high voltage electricity transmission lines, cables and interconnectors of 132kv or more; and

(c) new and/or upgraded Infrastructure directly supporting on and offshore high voltage electricity lines, cables and interconnectors including converter stations, switching stations and substations." (emphasis added)

4.3.7 The Proposed Development would have national development status, it would make a valuable contribution to the delivery of the National Spatial Strategy.

4.3.8 The National Spatial Strategy requires a "*large and rapid increase*" in electricity generation from renewables and the National Spatial Strategy makes it clear (NPF4, page 6) that "*we must make significant progress*" by 2030.

4.3.9 The Proposed Development would provide renewable generation and would make a meaningful contribution to targets.

4.4 National Planning Policy

4.4.1 Part 2 of NPF4 (page 36) addresses national planning policy by topic with reference to three themes formulated with the aim of delivering sustainable, liveable and productive places.

4.4.2 In terms of planning, development management and the application of the national level policies, NPF4 states:

"*The policy sections are for use in the determination of planning applications. The policies should be read as a whole. Planning decisions must be made in accordance with the development plan, unless material considerations indicate otherwise. It is for the decision maker to determine what weight to attach to policies on a case by case basis. Where a policy states that development will be supported, it is in principle, and it is for the decision maker to take into account all other relevant policies*".

4.4.3 In terms of "sustainable places" the most relevant policies to the Proposed Development include the following:

> Policy 1: Tackling the climate and nature crises;

- Policy 3: Biodiversity;
- Policy 4: Natural places;
- Policy 5: Soils;
- Policy 6: Forestry, woodland and trees;
- Policy 7: Historic assets and places;
- Policy 11: Energy; and
- Policy 22: Flood risk and water management.

4.4.4 These policies are addressed below.

4.4.5 The Chief Planner's Letter of 8 February 2023 provides advice in relation to applying NPF4 policy. It states that the application of planning judgement to the circumstances of an individual situation remains essential for all decision making, informed by principles of proportionality and reasonableness. It states:

"*It is important to bear in mind NPF4 must be read and applied as a whole. The intent of each of the 33 policies is set out in NPF4 and can be used to guide decision making. Conflicts between policies are to be expected. Factors for and against development will be weighed up in the balance of planning judgement*." (emphasis added)

4.4.6 The Letter adds:

"*It is recognised that it may take some time for planning authorities and stakeholders to get to grips with the NPF4 policies, and in particular the interface with individual LDP policies. As outlined above, in the event of any incompatibility between the provision of NPF and the provision of an LDP, whichever of them is the later in date is to prevail. Provisions that are contradictory or in conflict would be likely to be considered incompatible*".

4.5 NPF4 Policy 1: Tackling the climate and nature crises

Policy 1 & Principles

4.5.1 The intent of Policy 1 is "*to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis*".

4.5.2 Policy 1 directs decision makers that "*when considering all development proposals significant weight will be given to the global climate and nature crises*."

4.5.3 This is a radical departure from the usual approach to policy and weight and clearly denotes a step change in planning policy response to climate change. The matter of weight is no longer left entirely to the discretion of the decision maker. Significant weight should therefore be attributed to the Proposed Development given it would be consistent with the intent of Policy 1, would make a positive contribution by helping to attain the outcome of net zero, and would also deliver biodiversity enhancement helping to address the nature crisis.

4.5.4 The Chief Planner's Letter refers to Policy 1. It states:

"*This policy prioritises the climate and nature crises in all decisions. It should be applied together with the other policies in NPF4. It will be for the decision maker to determine whether the significant weight to be applied tips the balance in favour for, or against a proposal on the basis of its positive or negative contribution to the climate and nature crises*."

4.5.5 This statement from the Chief Planner confirms that the decision maker must apply significant weight to Policy 1, but it is for the decision maker to decide if it is for or against the proposal. The Proposed Development's contribution to the climate emergency and nature crisis is positive and therefore the significant weight in this case is in favour of the proposal.

4.5.6 The term "Tackling" the respective crises in Policy 1 is also important – this means that decision makers should ensure an urgent and positive response to these issues and take positive action. Furthermore, NPF4 (page 8) refers to cross cutting outcomes and states with regard to Policy 1 that the policy gives significant weight "*to the global climate emergency in order to ensure that it is recognised as a priority in all plans and decisions*".

The application of Policy 1

4.5.7 Given the nature of the Proposed Development, it would make a valuable contribution in relation to renewable energy generation and greenhouse gas reduction targets. It will directly further the policy intent and outcomes of Policy 1 and should be afforded significant positive weight in terms of tackling the climate and nature crises. The specific emissions and carbon saving benefits are set out below in the context of NPF4 Policy 11 which requires the contribution that a development would make to targets to be taken into account.

4.5.8 The point is made later in this chapter that it is important to recognise the greatest threat to biodiversity is climate change. The principal and essential benefit of the Proposed Development is a significant contribution of renewable energy, to facilitate the earliest possible decarbonisation of the energy system and the achievement of "net zero" no later than 2045, in accordance with the objectives of the Climate Change (Scotland) Act 2009 (as amended). The purpose of achieving net zero is also to protect biodiversity and the earlier it can be achieved, the greater the benefits to biodiversity.

4.5.9 The Reporter's comments on this particular policy in the Sanquhar II Inquiry Report[13] are informative. At paragraph 2.48 of the Supplementary Report, the Reporter addresses NPF4 Policy 1 and states that:

"*tackling the nature crisis is required to be given significant weight alongside the climate crisis. There is no indication that one strand should be given greater priority over the other. That does not necessarily mean that an individual proposal must be shown to respond to both crises in equal measure, however. The two matters are also inextricably linked, with the nature crisis being, in part, exacerbated by climate change*."

4.5.10 Furthermore, as explained below with reference to NPF4 Policy 3, biodiversity enhancement measures are proposed as part of the Proposed Development. Therefore, and notwithstanding the interrelationship between the climate and nature crises, the Proposed Development would make a net positive contribution to addressing the nature crisis via these enhancements.

4.6 NPF4 Policy 11: Energy

Policy 11 & Principles

4.6.1 For the consideration of wind energy development, Policy 11 'Energy' (page 53) is the lead policy. Policy 11's intent is set out as:

"*to encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This includes energy generation, storage, new and replacement transmission and distribution infrastructure and emerging low carbon and zero emission technologies including hydrogen and carbon capture utilisation and storage.*"

4.6.2 Policy Outcomes are identified as: "*expansion of renewable, low carbon and zero emission technologies*".

4.6.3 Policy 11 is as follows:

"a) Development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported. These include:

[13] Sanquhar II, Section 36 Decision dated 31 August 2023, Supplementary Report of Inquiry dated 20 February 2023 (Case Reference WIN-170-2006).

i. wind farms including repowering, extending, expanding and extending the life of existing wind farms;

ii. enabling works, such as grid transmission and distribution infrastructure;

iii. energy storage, such as battery storage and pumped storage hydro;

iv. small scale renewable energy generation technology;

v. solar arrays;

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

vii. proposals including co-location of these technologies.

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

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

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

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

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

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

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

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

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

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

vii. impacts on historic environment;

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

ix. biodiversity including impacts on birds;

x. impacts on trees, woods and forests;

xi. proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration;

xii. the quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans; and

xiii. cumulative impacts.

In considering these impacts, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets.

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

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

The application of Policy 11

4.6.4 **Paragraph a) of Policy 11** states a position of express "support" for wind farm development.

4.6.5 The intent and desired outcome of the policy is clear – the expansion of renewable energy, through encouragement, promotion and facilitation, all of which the Proposed Development would help to deliver.

4.6.6 The wording of Policy 11 Paragraph (a)(i) makes it clear that the policy supports new wind farms and paragraph (vii) provides clear support for proposals including co-location of wind farms and energy storage technology.

4.6.7 **Paragraph b)** of Policy 11 does not apply in this case.

4.6.8 **Paragraph c) of Policy 11** requires developments to "maximise net economic impact". The socio-economic effects that would arise have been summarised in Chapter 3 above and there is considered to be accordance with this aspect of Policy 11.

4.6.9 **Paragraph d) of Policy 11** states that development proposals that impact on international and national designations "*will be assessed in relation to Policy* 4".

4.6.10 Policy 4 also deals with impacts in relation to local landscape designations. Therefore, the matter of the impacts of the Proposed Development in relation to such (international, national and local) designations is examined further below with specific regard to the provisions of NPF4 Policy 4.

4.6.11 **Paragraph e) of Policy 11** states that project design and mitigation "will demonstrate how" impacts are addressed. These are listed in the quotation of the policy above and are addressed in turn below.

Impacts on Communities and Individual Dwellings - Residential Visual Amenity

4.6.12 A residential visual amenity assessment ('RVAA') has been undertaken and is presented in Technical Appendix 5.3 of the EIA Report. The purpose of the RVAA is to identify those properties where the effect of the Proposed Development leads to the 'Residential Visual Amenity Threshold' being reached or, in other words, where the effect is of such a nature and/or magnitude that it potentially affects living conditions. In relation to a wind farm development, this may occur as a result of the wind turbines giving rise to an 'overbearing' or 'overwhelming' magnitude of effect.

4.6.13 The RVAA states that residents at the property known as High Appin will experience a high magnitude of change in the view from parts of their property and/or from the garden, curtilage and access track. When combined with the high sensitivity of the residential receptor, there is the potential for this residential receptor to experience a significant visual effect (which will extend into the hours of darkness, due to associated aviation safety lighting). However, it is explained that residents at High Appin are not judged to be subject to effects on residential visual amenity which will breach the residential visual amenity threshold.

4.6.14 The assessment concludes that for all of the properties within the RVAA study area the Residential Visual Amenity threshold will not be reached, and the effects will not be sufficiently "oppressive" or "overbearing" that any property will be rendered an unattractive place in which to live.

4.6.15 No significant visual effects are predicted from any settlements.

Noise and Shadow Flicker

4.6.16 Noise is addressed in Chapter 10 (Noise) of the EIA Report. Overall construction noise effects are determined to be not significant, and noise will be controlled and minimised as much as possible during the construction phase of the development via the proposed Construction and Environmental Management Plan ('CEMP') which will be prepared prior to the commencement of construction. The CEMP will be secured by way of a standard planning condition.

4.6.17 The operational wind farm noise assessment involved setting the Total ETSU-R-97 Noise Limits (which are limits for total cumulative turbine noise levels) relative to background noise levels at the nearest noise sensitive receptors ('NSRs') predicting the likely effects (undertaking a cumulative noise assessment where required) and setting Site Specific Noise Limits ('SSNLs') which could be conditioned for the operation of the Proposed Development on its own.

4.6.18 Background noise monitoring was undertaken at three residential properties located in proximity to the Proposed Development. The background noise data measured was used to set the Total ETSU-R-97 Noise Limits for the Proposed Development at thirteen noise assessment locations which were selected to be representative of the surrounding NSRs.

4.6.19 Predictions of turbine noise from the Proposed Development were made in accordance with good practice using the candidate turbine. Predicted cumulative operational wind farm noise levels indicate that for NSRs neighbouring the Proposed Development, cumulative turbine noise resulting from nearby operational, consented and proposed wind farms (planning application submitted), as well as the Proposed Development, would meet the Total ETSU-R-97 Noise Limits.

4.6.20 The Total ETSU-R-97 Noise Limit is applicable to all operational, consented and proposed wind farms (planning application submitted) in the area, therefore SSNLs have also been derived to inform conditioning of the noise levels from the Proposed Development on its own. Predicted operational noise levels from the Proposed Development on its own indicate that it would meet the SSNLs at all noise assessment locations, except at Noise Assessment Location ('NAL')1 - Shinnelhead. To meet the SSNLs at NAL1 - Shinnelhead, mitigation in the form of low noise mode management would be required based on current candidate turbine for certain wind speeds and wind directions.

4.6.21 The use of SSNLs would ensure that the Proposed Development could operate concurrently with other operational, consented and proposed wind farm developments in the area and would also ensure that the Proposed Development's individual contribution could be measured and enforced if required.

4.6.22 The turbine model for the Proposed Development was chosen to allow a representative assessment of the noise impacts. Should the Proposed Development receive consent, the final choice of turbine would be subject to a competitive tendering process. The final choice of turbine would, however, meet the SSNLs presented in the noise assessment and contained within any operational noise condition.

4.6.23 In terms of shadow flicker, an assessment has been undertaken. Based on the assessment, no significant effects in relation to shadow flicker are predicted. A standard planning condition in relation to shadow flicker can also be attached to a grant of consent.

Landscape and Visual Considerations

4.6.24 Before examining the landscape and visual effects of the Proposed Development, paragraph e(ii) of NPF4 Policy 11 makes it clear and recognises that significant landscape and visual impacts are to be expected for some forms of renewable energy. This is a very different starting point compared to the position in the former SPP and there is a very clear steer that significant effects are to be expected, and where localised and/or subject to appropriate design mitigation, they should generally be acceptable. The LVIA (Chapter 5 of the EIA Report) should be referred to for its detail, but summary points are referenced below.

Design Evolution

4.6.25 In order to minimise negative effects on the landscape and views, a number of design principles and development layouts were considered for the Proposed Development. Chapter 3 of the EIA Report (Site Description and Design Evolution) should be referred to for its detail in relation to how the overall site layout design evolved.

4.6.26 It explains that the potential landscape and visual effects of the Proposed Development have been considered extensively from key receptors. This includes views for recreational receptors at the series of 'Striding Arch' Andy Goldsworthy sculptures[14]. Views from the Shinnel Water Valley, the Southern Upland Way, key hill tops and communities have also been considered. The resulting analysis has been key to the design evolution process and in particular to the layout design of proposed turbines and the location of infrastructure within the Site.

4.6.27 Landscape and visual considerations have therefore played a key role in the design process and have sought to reduce the effects of the Proposed Development. It is considered that appropriate "design mitigation" has been applied, as far as practicable.

Landscape Character

4.6.28 Landscape effects are concerned with how the Proposed Development would affect the elements that make up the landscape, the aesthetic and perceptual aspects of the landscape, and its distinctive character.

4.6.29 It is explained in the LVIA that during operation, significant effects on landscape character are predicted for the following Landscape Character Types ('LCT').

- LCT 178 - Southern Uplands with Forest – Dumfries and Galloway in which the Proposed Development is located (the 'host' LCT): moderate (significant) landscape effects within 3 km;
- LCT 166 – Upland Glens– Dumfries and Galloway: from areas with more open views in the Shinnel Water Valley, between Appin Lodge and north of Tynron (approximately 8 km radius) moderate (significant) landscape effects (but non-significant beyond that distance);
- LCT 177 – Southern Uplands– Dumfries and Galloway: moderate (significant) landscape effects within 5 km (from the unit to the north of the Site); and
- LCT 175 – Foothills– Dumfries and Galloway: moderate (significant) landscape effects within 5 km (from the unit to the south of the Shinnel Water Valley).

4.6.30 These significant effects on landscape character are therefore contained within a localised area of approximately 8 km. Beyond this distance, it is explained in the LVIA that no significant effects on landscape character are predicted.

Designated Landscapes

4.6.31 The Proposed Development is located to the west of the Thornhill Uplands RSA. Effects on this locally designated landscape will be indirect. The LVIA recognises the potential for significant effects from parts of the following LCTs, to the west of the RSA:

- Uplands Glens – Dumfries and Galloway (LCT 166) from the Shinnel Water Valley, within approximately 8 km:
- Foothills – Dumfries and Galloway (LCT 175) from uplands to the east and south of the Site, within approximately 5 km; and
- Southern Uplands – Dumfries and Galloway (LCT 177) from uplands to the north of the Site, within approximately 5 km.

[14] The Striding Arches are a series of non-designated sandstone arches built on the hilltops around Cairnhead, and form landmarks for users of local walking routes.

4.6.32 It is explained in the LVIA that from the Foothills and Southern Uplands LCTs, the more elevated nature of these landscapes typically offers large scale views in which wind farms to the west of the RSA have influenced character. The indirect influence of wind farms is recognised in the RSA description, and the Proposed Development will be seen in this context.

4.6.33 From parts of the Shinnel Water Valley, the Proposed Development will introduce views of a wind farm, seen on horizons to the north-east of the valley (and outside of the RSA). This is likely to alter perceptual qualities such as 'isolation' and the 'intimate pastoral' character of the valley, as recognised in the RSA description. These effects, whilst significant, will however be localised in the context of this extensive local designation.

4.6.34 It is stated in the LVIA that the Proposed Development is likely to alter certain perceptual aspects, as recognised in the RSA description, as experienced from parts of the Shinnel Water Valley. These effects will however be very local in extent. From more upland and wider parts of the RSA, the Proposed Development is not judged to significantly alter the features which contribute to the RSA. From upland areas, outward views of wind farms to the west of the RSA already influenced character and the Proposed Development will be seen in this context. Overall, the Proposed Development will not result in significant effects on the RSA designation and will not adversely affect its integrity.

4.6.35 No significant effects on any other nationally or locally designated landscape across the study area are predicted. The consideration of the effects of the Proposed Development in relation to the RSA is also addressed in the context of NPF4 Policy 4 (Natural places) below.

Visual Effects

4.6.36 The assessment of landscape and visual effects is informed by a series of 20 assessment viewpoints that represent visual receptors around the LVIA study area, including locations within a variety of LCTs, and landscape planning designations. These include points of specific importance such as recognised viewpoints, settlements and routes.

4.6.37 It is explained in the LVIA that it is important to note, however, that assessments of this type for wind energy development tend to focus on those locations and receptors where significant effects may arise. There are large parts of the LVIA study area where Zone of Theoretical Visibility ('ZTVs') show that there will be no visibility of the Proposed Development at all or very limited visibility, and this should be taken into consideration in the assessment of significant effects of the Proposed Development.

4.6.38 It is explained in the LVIA that visibility is variable across the LVIA study area, with the landform and large areas of coniferous forestry providing screening from many locations. Major (significant) effects on views are predicted at five representative viewpoints and moderate (significant) effects at a further six representative viewpoints. All of these effects are within approximately 11 km of the Site. These effects are predicted for local residents and recreational receptors, including hill walkers.

4.6.39 Significant sequential effects are predicted from more open and upland sections of the Southern Upland Way ('SUW'), within approximately 10 km radius, and the Core Paths Network within 5 km.

Cumulative Effects

4.6.40 As well as assessing the effect of the Proposed Development itself, the LVIA considers the cumulative effects that may arise when the Proposed Development is added to various scenarios of operational, under-construction, consented and application-stage wind farms.

4.6.41 The LVIA states that additional cumulative effects associated with the Proposed Development, in a theoretical future baseline which includes consented and proposed wind farms, are judged to be similar or in some senses reduced (masked), given the increased number of wind farms with which the Proposed Development will be seen.

4.6.42 In an alternative future cumulative baseline, the influence of wind farms across the LVIA study area could increase. In this alternative theoretical future cumulative baseline, from a number of locations the Proposed Development will be seen behind, or closely within the context of a larger number of wind farms located in the Southern Uplands between Nithsdale and the Glenkens, and west of the Thornhill Uplands RSA. In this context, it is explained that effects associated with the Proposed Development will be somewhat masked and therefore reduced for a number of landscape and visual receptors. This situation would affect the following receptors:

- Southern Uplands – Dumfries and Galloway (LCT 177) (when factoring in consented and proposed wind farms);
- VP4 – Shinnelhead (when factoring in proposed wind farms);
- VP6 - Benbrack, Striding Arch (when factoring in proposed wind farms);
- VP8 - Southern Upland Way near Cloud Hill (when factoring in consented and proposed wind farms);
- VP10 - Auchengibbert Hill (when factoring in proposed wind farms);
- VP11 - Cairnkinna Hill (when factoring in consented and proposed wind farms);
- VP12 - Blackcraig Hill (when factoring in consented and proposed wind farms); and
- SUW (when factoring in consented and proposed wind farms).

Aviation Lighting Effects

4.6.43 An assessment of the effects in relation to permanent aviation lighting is included in Technical Appendix 5.2 of the EIA Report.

4.6.44 Four of the turbines are proposed to have permanent aviation lighting which consists of a medium intensity 2,000 candela light mounted on the turbine hub (with the option to dim these lights to 200 candela ('cd') in clear weather conditions). The assessment states that Met Office data indicate that visibility is below 5 km for an average of 2 % of the time at Prestwick Airport. This suggests that the lights of the Proposed Development will operate (i.e. be illuminated) at 2,000 cd for approximately 2 % of the time (visibility below 5 km) and operate at the equivalent of not less than 10 % of the minimum peak intensity (i.e. 200 cd) when visibility is greater than 5 km for approximately 98 % of the time. When viewed from below the horizonal, the lights have mitigation which allows them to be seen at reduced intensities. Viewing distance will also affect the intensity of the lights. Significant effects are predicted to extend into the hours of darkness for the following landscape receptors:

- Host Southern Uplands with Forest – Dumfries and Galloway (LCT 178)- major (significant) landscape effects within the Site, and moderate (significant) effects within 3 km.
- Southern Uplands – Dumfries and Galloway (LCT 177)- moderate (significant) landscape effects within 5 km to the north of the Site (these effects will reduce to minor under the Scenario 1 cumulative assessment).
- Foothills – Dumfries and Galloway (LCT 175) - moderate (significant) landscape effects within 5 km (from the unit to the south of the Shinnel Water valley).
- Upland Glens – Dumfries and Galloway (LCT 166) - moderate (significant) landscape effects within the LCT between the north of Tynron and Appin Lodge.

4.6.45 Significant visual effects are predicted for Viewpoint 4: Shinnelhead, and Viewpoint 7: Shinnel Water valley near Craigencoon. This is due to the introduction of aviation lighting to a dark sky context, seen in relatively close proximity. Under a Scenario 1 cumulative baseline, it is predicted that these effects will reduce to not significant for Viewpoint 4: Shinnelhead, due to the influence of aviation lighting at Sanquhar II Wind Farm.

4.6.46 Outside the representative assessment viewpoints, significant visual effects are also anticipated from elevated viewpoints within approximately 8 km, including Viewpoint 1: Colt Hill, Striding Arch; Viewpoint 2: Bail Hill, Striding Arch; Viewpoint 6: Benbrack, Striding Arch; Viewpoint 8: Southern Upland Way near Cloud Hill; and Viewpoint 10: Auchengibbert Hill. Under a Scenario 1 (and Scenario 2) cumulative baseline, it is predicted that these effects will reduce to not significant for Viewpoint 8 and Viewpoint 10, due to the influence of 19 lit turbines at Sanquhar II Wind Farm in future baseline views.

Public Access

4.6.47 The LVIA has addressed visual amenity considerations in relation to public access and recreation with the consideration of viewpoints and visibility.

4.6.48 Whilst there would be some visibility of the Proposed Development from some walking and recreational routes, these are not considered to be unacceptable.

4.6.49 Furthermore, subject to appropriate mitigation, no issues would arise in terms of any access route being obstructed either in the construction or operational period of the Proposed Development. The access tracks would be open for public access during the operational phase.

Aviation, Radar and Defence Interests

4.6.50 Potential aviation impacts as a result of the Proposed Development are addressed in Technical Appendix 2.2 of the EIA Report. It is explained that rather than following an EIA process of assessing the significance of effects, the primary consideration is the actual or likely position of the specific aviation stakeholders. The assessment of effects on these receptors is therefore an approach of technical analysis and consultation and seeks to identify if any identified effects are likely to be 'acceptable' or 'not acceptable' to the asset owner, and if not acceptable, to establish any potential technical mitigation solutions.

4.6.51 The Site lies approximately 42 km south-east of Prestwick Airport and in the line-of-sight of Lowther Hill Radar. The Applicant is in ongoing discussions to agree mitigation for any impacts to these facilities. From a military perspective, the turbines will be located in low priority Low Flying Area and therefore require standard infrared aviation lighting to be placed on the turbines.

Telecommunications & Broadcasting

4.6.52 Consultation was undertaken with telecommunication providers at the EIA Scoping stage which did not reveal any telecommunications receptors which could be affected as a result of the construction and operation of the Proposed Development.

Impacts on Road Traffic and Trunk Roads

4.6.53 Chapter 11 of the EIA Report addresses traffic and transport. As set out in the assessment, there are no significant effects predicted, and the Proposed Development is considered to be satisfactory in relation to this topic.

4.6.54 A review of the theoretical road capacity was undertaken for the traffic and transport study area which showed that with the addition of construction traffic associated with the Proposed Development, there was significant spare capacity within the road network.

4.6.55 A sensitivity review was undertaken to identify other relevant schemes in the area which, if they were to be constructed concurrently with the Proposed Development, would impact the study area. The review found that there would be more than sufficient spare road capacity to accommodate all of the identified schemes being constructed at the same time. It is proposed that any effects of all the sites being constructed at the same time would be mitigated through the use of an overarching Traffic Management and Monitoring Plan, which would be co-ordinated with the Council and the other projects.

4.6.56 With the implementation of appropriate mitigation, no significant residual effects are anticipated in respect of traffic and transport issues. The residual effects are all assessed to be minor and will occur during the construction phase only; they are temporary and reversible.

4.6.57 Traffic levels during the operational phase will be up to two vehicles per week for maintenance purposes.

4.6.58 The movement of Abnormal Indivisible Load ('AIL') traffic will require small scale and temporary remedial works at a number of locations along identified delivery route.

Historic Environment

4.6.59 Chapter 9 of the EIA Report addresses the archaeological and historic environment value of the site and assesses the potential both for direct and setting effects on archaeological features and heritage assets resulting from the construction and operation of the Proposed Development.

4.6.60 Effects in relation to the historic environment are further examined below in terms of NPF4 Policy 7 (Historic assets and places). In summary however, no likely significant effects have been identified in relation to heritage assets.

Hydrology, the Water Environment and Flood Risk

4.6.61 Chapter 6 of the EIA Report addresses the potential impacts of the Proposed Development on hydrological interests. An assessment has been undertaken of the potential effects on geology (including soils and peat) and the water environment (hydrology and hydrogeology) during the construction, operation and decommissioning phases of the Proposed Development

4.6.62 The assessment considers the potential effects of the Proposed Development on geology, hydrology and peat. The approach has included a comprehensive field survey, including hydrology surveys, peat surveys, Ground Water Dependent Terrestrial Ecosystem ('GWDTE') surveys and Private Water Supply ('PWS') surveys.

4.6.63 Various mitigation measures have been embedded into the Proposed Development design where possible (e.g. avoidance of deeper peat, 50m buffers from watercourses, buffers from GWDTEs and the implementation of Sustainable Drainage Systems ('SuDS') for treatment and attenuation of surface water runoff).

4.6.64 With embedded mitigation measures effects on hydrology and peat receptors were assessed to be negligible or minor significance. Additional mitigation measures will be put in place at site-specific locations, where watercourse buffers or GWDTE buffers could not be achieved.

4.6.65 Therefore, no significant effects on geology, peat, hydrology and hydrogeology receptors have been identified following the implementation of these mitigation measures.

Biodiversity

4.6.66 Chapter 8 (Ornithology) of the EIA Report assesses the potential significant effects on Important Ornithological Features ('IOFs'). Chapter 7 (Ecology) addresses potential effects on Important Ecological Features ('IEFs') associated with the construction, operation and decommissioning of the Proposed Development.

Ornithology

4.6.67 The assessment explains that based on the data gathered, bird species determined as being sensitive to the potential impacts of the Proposed Development have been identified as golden eagle, goshawk, red kite and whooper swan. Effects on all IOFs have been assessed as being negligible, with the exception of cumulative displacement effects on goshawk which has been determined as having a potential minor adverse effect. No significant effects have been predicted, and no additional mitigation has been proposed.

4.6.68 Notwithstanding the lack of potential impacts on target bird species, the assessment explains that some standard mitigation measures will be implemented during construction to protect birds, including:

- good practice construction measures, pollution prevention controls and monitoring as set out in the outline CEMP;
- development of a Construction Breeding Bird Protection Plan ('BBPP') which will form part of the CEMP; and
- if Site clearance activities (including forestry works) were to commence during the core breeding bird season (1 March to 31 August, inclusive), they will be subject to a pre-clearance survey by a competent ornithologist to identify any active wild bird nests with works proceeding subject to exclusion buffers where nests are discovered.
- An Ecological Clerk of Works ('ECoW') will oversee implementation and compliance during construction.

Ecology

4.6.69 The site does not form part of any statutory designated site for nature conservation with ecological qualifying interests.

4.6.70 There are five national statutory designated sites for ecological features located within 10 km of the Site: Upper Nithsdale Woods SAC, Tynron Juniper Wood SAC, Chanlockfoot Site of Special Scientific Interest ('SSSI'), Stenhouse Wood SSSI and Tynron Juniper Wood SSSI.

4.6.71 Part of the Site lies within the Transitional Zone of the Galloway and Southern Ayrshire Biosphere Reserve. The Site is also located on the periphery of the Nith Valley Priority Area for Red Squirrel Conservation ('PARC') and within a Scottish Forestry priority area for grey squirrel control.

4.6.72 Surveys identified that the Site is predominantly characterised by commercial forestry, consisting mostly of Sitka spruce with some scattered larch and there was limited evidence of protected terrestrial mammals, limited optimal fish habitat, and a bat species assemblage dominated by common pipistrelle and soprano pipistrelle.

4.6.73 The assessment explains that the Proposed Development has the potential to affect notable habitats and the species that use them through direct habitat loss as well as effects from pollution and run-off (such as silt) without appropriate control measures. Pollution prevention controls, good practice measures, and embedded mitigation, detailed within the outline CEMP will ensure that habitats are not adversely impacted by the Proposed Development. To ensure that the aquatic environment is safeguarded, a water quality monitoring plan will be put in place prior to, during and post-construction.

4.6.74 The CEMP will include a Species and Habitat Protection Plan ('SHPP'), and as noted above, an ECoW will be appointed to oversee the implementation of the ecology mitigation measures.

4.6.75 There would be no significant adverse effects on habitats or protected species due to construction of the Proposed Development.

4.6.76 Potential operational effects are restricted to bats which may be affected as a result of potential collision, changes in air pressure or disruption to their commuting and foraging routes. Due to the low activity levels recorded during bat surveys, and by maintaining the Proposed Development infrastructure 50 m away from key bat habitat features, no significant adverse effects on bats are anticipated. In addition, no significant cumulative effects are predicted for habitats or protected species.

4.6.77 Overall, no likely significant effects have been identified on IEFs, with residual effects assessed to be of negligible or minor significance.

4.6.78 Habitat enhancement opportunities detailed in the Outline Nature Enhancement Management Plan ('ONEMP)' will also be implemented to improve habitat conditions on-site for a number of ecological receptors.

4.6.79 Proposed biodiversity enhancement measures within the ONEMP are further described below with regard to NPF4 Policy 3 (Biodiversity).

Balancing the Contribution of a Development and Conclusions on Policy 11

4.6.80 Paragraph e(ii) of Policy 11 makes it clear and recognises that in terms of significant landscape and visual impacts, such impacts are to be expected for some forms of renewable energy. This is a very clear steer that significant effects are to be expected, and where localised and/or subject to appropriate design mitigation, they should generally be acceptable. The LVIA concludes that the significant landscape and visual impacts are localised, and that appropriate design mitigation has been adopted.

4.6.81 In addition, the Proposed Development is considered to be acceptable in relation to all of Policy 11's environmental and technical topic criteria.

4.6.82 The second to last paragraph **of Paragraph e) of Policy 11** is expressly clear that in considering any identified impacts of renewable energy developments, significant weight must be placed on the contribution of the proposal to renewable energy generation targets and greenhouse gas emissions reduction targets. The "contributions" are inextricably related to the scale of a proposed development and policy recognises that any identified impacts must be assessed in the context of these contributions.

4.6.83 In terms of contribution to targets, the Proposed Development's contribution has been set out in Chapter 3 above.

4.7 NPF4 Policy 3: Biodiversity

Policy 3 & Principles

4.7.1 Policy 3 has an intent to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. Outcomes of the policy are that biodiversity is enhanced and better connected, including through strengthened nature networks and nature-based solutions.

4.7.2 In summary, there are no significant adverse effects arising in relation to biodiversity matters, nor in relation to nature conservation designations which NPF4 **Policies 3 and 4** (the latter in terms of designations – see below) respectively address.

4.7.3 **Policy 3** requires developments to, wherever feasible, provide nature-based solutions that have been integrated and made best use of and for significant biodiversity enhancements to be provided.

4.7.4 **Paragraph b)** states that:

"*Development proposals for national or major development or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria*."

4.7.5 The policy goes on to reference the need for an understanding of the existing characteristics of a site and states that an assessment of potential negative effects should be undertaken which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements.

4.7.6 Paragraph b) iv) of the policy sets out a requirement that "*significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long-term retention and monitoring should be included, wherever appropriate*."

4.7.7 Paragraph d) adds that "*any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration*".

Current Guidance Position

4.7.8 The **letter from the Chief Planner issued on 8 February 2023** refers to the application of Policy 3 where specific supporting guidance / parameters for assessment are not yet available to aid assessments.

4.7.9 NPF4 Policy 3 Biodiversity is specifically recognised as one such policy area where final guidance is not yet available. The Chief Planner's letter states:

"recognising that currently there is no single accepted methodology for calculating and / or measuring biodiversity 'enhancement' – we have commissioned research to explore options for developing a biodiversity metric or other tool, specifically for use in Scotland. There will be some proposals which will not give rise for opportunities to contribute to the enhancement of biodiversity, and it will be for the decision maker to take into account the policies in NPF4 as a whole, together with material considerations in each case". (underlining added)

4.7.10 Therefore, exactly how enhancement is to be measured in the longer-term is to be the subject of further guidance, but a timescale for the production of such guidance is at present unclear.

4.7.11 The Scottish Government published '**Draft Planning Guidance: Biodiversity**' in November 2023. Paragraph 1.1 states that it:

"*Sets out the Scottish Minister's expectations for implementing NPF4 policies which support the cross cutting NPF4 outcome 'improving biodiversity*."

4.7.12 The guidance refers to 'key terms' and with regard to 'enhancement', states at Paragraph 1.10:

"*The terms 'enhance' and 'enhancement' are widely used in NPF4. In order for biodiversity to be 'enhanced' it will need to be demonstrated that it will be in an overall better state than before intervention, and that this will be sustained in the future. Development proposals should clearly set out the type and scale of enhancements they will deliver*".

4.7.13 The guidance addresses development planning and, in terms of development proposals, references 'core principles.' At Paragraph 3.1 the guidance states that these principles can be followed when designing developments so that nature and nature recovery are an integral part of any proposal. Section 3.2 of the guidance states:

"*Applying these principles will not only help to secure biodiversity enhancements, they can also help to deliver wider policy objectives including for green and blue infrastructure, open space, nature based solutions, nature networks and 30 x 30. Development proposals which follow these steps are also much more likely to result in more pleasant and enriching places to live, work and spend time*."

4.7.14 The principles set out are as follows:

- Apply the mitigation hierarchy;
- Consider biodiversity from the outset;
- Provide synergies and connectivity for nature;
- Integrate nature to deliver multiple benefits;
- Prioritise on-site enhancement before off-site delivery;

- Take a place-based and inclusive approach;
- Ensure long term enhancement is secured; and
- Additionality (ensuring that enhancement delivered is additional to any measures which would have been likely to happen in the absence of the development).

4.7.15 These core principles have been applied as appropriate with regard to the Proposed Development.

4.7.16 Page 15 of the draft guidance makes specific reference to determining planning applications and, with regard to the policy context, Paragraph 4.1 makes it clear that NPF4 must be read and applied as a whole. Specific reference to NPF4 Policy 3 (Biodiversity) Part 3 b) is made and at Section 4.6 key points in the guidance include the following:

- It is set out that NPF4 does not specify or require a particular assessment approach or methodology to be used, although the policy makes clear that best practice assessment methods should be utilised; and
- Assessments can be qualitative or quantitative (for example through use of a metric).

4.7.17 Section 4.12 of the guidance states:

"*In the meantime, the absence of a universally adopted Scottish methodology/tool should not be used to frustrate or delay decision making, and a flexible approach will be required. Wherever relevant and applicable, and as indicated above, information and evidence gathered for statutory and other assessment obligations, such as EIA, can be utilised to demonstrate those ways in which the policy tests set out in NPF4 have been met. Equally, where a developer wishes to use an established metric or tool, the planning submission should demonstrate how Scotland's habitats and environmental conditions have been taken into account. Where an established metric or tool has been modified, the changes made and the reasons for this should be clearly set out*".

4.7.18 Section 4.14 of the guidance states that it will be for the decision maker to determine whether the relevant policy criteria have been met, taking into account the circumstances of the particular proposal. The guidance adds:

"*NPF4 does not specify how much enhancement or 'net gain' should be delivered, though biodiversity should clearly be left in a 'demonstrably better state' than without intervention. Rather, the selection and design of enhancements will be a matter of judgement based on the circumstances of the individual case, taking into account a range of considerations*."

4.7.19 The guidance makes reference to the various considerations which are already set out in the NatureScot guidance issued in the Summer of 2023 with regard to NPF4 Policy 3 (as listed above).

4.7.20 The draft guidance also makes reference to off-site delivery of enhancement proposals and states at Paragraph 4.19 that:

"*Where the relevant policy tests cannot be met on site, off-site provision may be considered alongside on site. In these circumstances, off-site delivery should be as close as possible to the development site, with consideration being given firstly to the immediate landscape context and existing ecological value of the site*."

4.7.21 In early 2024 **NatureScot consulted on 'a Biodiversity Metric for Scotland's Planning System'**. The consultation ended on 10 May 2024. The consultation paper outlines work that NatureScot has been commissioned by the Scottish Government to develop; a biodiversity metric for Scotland's planning system, to support delivery of NPF4 policy 3(b).

4.7.22 This consultation paper does not propose solutions or reach conclusions on specific aspects of the Scottish biodiversity metric to be developed, as these are yet to be fully assessed. While work on developing a Scottish biodiversity metric is ongoing, NatureScot highlight the advice set out in the Scottish Government's draft Planning Guidance on Biodiversity, as referenced above, namely that the absence of a universally adopted Scottish methodology / tool at the present time should not be used to frustrate or delay decision making

4.7.23 The commission's final outputs will include:

- a Scottish biodiversity planning metric tool (to be hosted on the NatureScot website), which is based on current understanding of science and evidence, clear and transparent in its workings, accessible and easy to use by relevant professionals with outputs understandable by decision makers, and which informs siting and design of development as well as evidence-based decision making;
- a user guide supporting the metric (together with any supporting information); and
- recommendations on any requirements for maintaining and updating the metric and supporting information.

The application of Policy 3

4.7.24 Notwithstanding the lack of policy guidance at the present time, in terms of environmental benefit, it can be concluded that there will be permanent biodiversity enhancement delivered through the Applicant's proposed enhancements to the natural habitat, offered as part of the Proposed Development.

4.7.25 An Outline Nature Enhancement Management Plan ('ONEMP') is provided as Technical Appendix 7.6 It is anticipated that the document would be further developed, following the granting of consent, in discussion with the Council, SEPA, Nith District Salmon Fishery Board and NatureScot. The aim of the ONEMP is to establish the key objectives and principles by which parts of the site would be enhanced for the benefit of biodiversity, which would then form the basis for the more detailed NEMP.

4.7.26 The ONEMP has five key aims to improve and enhance biodiversity as follows:

- ditch blocking to improve and enhance carbon-rich soils;
- enhance fisheries and other aquatic wildlife habitats through riparian tree planting;
- improvement of nesting and foraging opportunities for birds and bats;
- improvement of invertebrate habitat opportunities through pond creation and retention of dead wood; and
- improvement of the quality and condition of woodland habitat on Site.

4.7.27 Monitoring is proposed as part of the ONEMP in operational years 1, 2, 3, 5, 10 and 15 of the Proposed Development and will consist of checks of the habitat enhancement measures. The Applicant will provide a summary of the ONEMP activities and monitoring results to NatureScot and DGC each year of monitoring. The frequency of monitoring and reporting thereafter will be agreed with key stakeholders.

4.7.28 Statkraft has been working closely with experienced ecologists and Buglife[15] to develop the NEMP to ensure that it will deliver significant biodiversity enhancement over the lifespan of the Proposed Development and integrate with other biodiversity enhancement measures being undertaken in the wider area.

[15] The Applicant has a partnership with UK charity Buglife – a conservation trust focusing on the protection and enhancement of invertebrates in the UK.

4.7.29 The NEMP would be prepared in line with relevant policy and guidance that would be applicable at the time of its preparation and submission. The Applicant is committed to the delivery of appropriate nature enhancement, which accords with up-to-date guidance, during future ongoing development of the ONEMP, and subsequent NEMP.

4.7.30 The purpose of the NEMP as implemented would be to ensure creation and ongoing management of habitats at the site to benefit biodiversity in accordance with the principles outlined in NPF4 Policy 3.

4.7.31 The enhancement proposals would therefore result in the site, from a biodiversity perspective, being in a "*demonstrably better state*" than without intervention, consistent with the provisions of Policy 3. The intention is that a planning condition could be applied to a grant of consent which allows for any new biodiversity enhancement metric to be taken into account when the NEMP is submitted post consent for final approval.

4.7.32 It is important to keep in mind that the greatest threat to biodiversity is climate change. The principal and essential benefit of the Proposed Development is a significant contribution of renewable energy generation, to facilitate the earliest possible decarbonisation of the energy system and the achievement of "net zero" no later than 2045, in accordance with the objectives of the Climate Change (Scotland) Act 2009 (as amended). The purpose of net zero is to protect biodiversity and the earlier it can be achieved, the greater the benefits to biodiversity.

4.8 NPF4 Policy 4: Natural Places

Policy 4 and Principles

4.8.1 The policy has an intent to protect, restore and enhance natural assets making best use of nature-based solutions. Policy outcomes are stated as being natural places are protected and restored, and natural assets are managed in a sustainable way that maintains and grows their essential benefits and services.

4.8.2 **Policy 4, Paragraph a)** of the policy states that development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment will not be supported.

4.8.3 **Policy 4 paragraph b)** refers to development proposals which are likely to have a significant effect on a European designated site and sets out in such circumstances the requirement for appropriate assessment.

4.8.4 **Policy 4**, **Paragraph c)** deals with national landscape designations and has a similar approach in relation to the former SPP in terms of how a proposal that affects a National Park, or a National Scenic Area (NSA) should be addressed. No national designations would be significantly affected as a result of the Proposed Development.

4.8.5 **Policy 4**, **Paragraph d)** deals with local landscape designations and contains a different policy approach to that which was contained within the former SPP. Policy 4, Paragraph d) is as follows:

"*Development proposals that affect a site designated as …a local landscape area in the LDP will only be supported where:*

- *i Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or*
- *ii Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance*".

4.8.6 The policy now follows a similar construct to that which deals with national level designations. The first limb of the policy refers to significant effects on the "*integrity*" of the area or "*the qualities for which it has been identified*".

4.8.7 The policy set out in the second limb of NPF4 Policy 4, Paragraph d) provides that development proposals that affect a site designated as a local landscape area will only be supported where any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance. It must be noted that:

- this policy provision, reflects the wider NPF4 policy that adverse effects (including adverse landscape and visual effects outside of a National Park or NSA) must be balanced against the benefits of a proposed development;
- the second limb is independent of the first ("or") and is to be applied where a decision-maker concludes that a proposed development will have significant adverse effects on the integrity of a local designation;
- NPF4, Policy 4, Paragraph d) now expressly includes a balancing mechanism ("*clearly outweighed by social, environmental or economic benefits*") and sets out the threshold to be used ("*of at least local importance*").

4.8.8 In considering this policy it is informative to note the Reporter's position in the Sanquhar II Supplementary Inquiry Report. In that case (paragraph 2.70 of the Report) the Reporter made reference to the impact of the proposed development in relation to a Local Landscape Area, which in that case was an RSA. The Reporter had concluded that the proposed development would not affect the integrity of the designation but would result in some significant adverse effects. The Reporter stated:

"*even if the opposite conclusion was reached and the integrity of the RSA was considered to be significantly adversely affected by this proposal, I consider part (d)(ii) of the policy would continue to give support to the development. This is because, in my view, a national development which by definition supports the delivery of the national spatial strategy, must offer benefits of more than local importance. Having regard to the benefits of the development in the round, as outlined in chapter six of my original Report, I am firmly of the view that this proposal is capable of support under policy 4(d)(ii).*"

4.8.9 **Paragraph e)** addresses the precautionary principle.

4.8.10 **Paragraph f)** sets out that "*development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application*".

4.8.11 **Paragraph g)** of the policy deals with Wild Land Areas ('WLA') and states that:

"*Development proposals in areas identified as wild land in the Nature Scot Wild Land Areas map will only be supported where the proposal:*

i. will support meeting renewable energy targets; or

ii. is for small scale development directly linked to a rural business or croft, or is required to support a fragile community in a rural area.

All such proposals must be accompanied by a wild land impact assessment which sets out how design, siting, or other mitigation measures have been and will be used to minimise significant impacts on the qualities of the wild land, as well as any management and monitoring arrangements where appropriate. Buffer zones around wild land will not be applied, and effects of development outwith wild land areas will not be a significant consideration."

The application of Policy 4

4.8.12 With regard to landscape designations, as set out in the LVIA and as explained above in the context of NPF4 Policy 11, the Proposed Development will not result in significant effects on the Thornhill Uplands RSA designation and would not adversely affect its integrity. Furthermore, there would be no significant effects on any other nationally or locally designated landscape within the LVIA study area.

4.8.13 It should also be noted that the EIA has fully addressed the relationship of the Proposed Development with international and national designations to inform necessary Habitat Regulations Assessments. Furthermore, studies to identify potentially impacted species (including birds) were undertaken and detailed assessment of relevant species was also undertaken as necessary, as set out in the EIA Report.

4.8.14 Given the above position, it is considered that the Proposed Development is in accordance with Policy 4 overall.

4.9 NPF4 Policy 5: Soils

Policy 5 and Principles

4.9.1 The policy intent for Policy 5 is to protect carbon rich soils, restore peatlands and minimise disturbance to soils from development. This is very similar to the policy position that was in the former SPP; however, a key difference, as set out in **paragraph c(ii),** is that renewable energy proposals are one of the types of development expressly envisaged to be acceptable in principle on peatlands, reflecting the net benefits in carbon emissions reduction and peatland restoration potential which can be gained.

4.9.2 **Paragraph a)** states that "*development proposals will only be supported if they are designed and constructed:*

i. in accordance with the mitigation hierarchy by first avoiding and then minimising the amount of disturbance to soils on undeveloped land; and
ii. *in a manner that protects soil from damage, including from compaction and erosion, and that minimises soil sealing*."

4.9.3 **Paragraph d)** states: "*Where development on peatland, carbon rich soils are a priority peatland habitat is proposed, a detailed site-specific assessment will be required to identify:*

i. the baseline depth, habitat condition, quality and stability of carbon rich soils;
ii. the likely effects of the development on peatland, including on soil disturbance; and
iii. the likely net effects of the development on climate emissions and loss of carbon.

This assessment should inform careful project design and ensure, in accordance with relevant guidance and the mitigation hierarchy, that adverse impacts are first avoided and then minimised through best practice. A Peat Management Plan will be required to demonstrate that this approach has been followed, alongside other appropriate plans required for restoring and/or enhancing the site into a functioning peatland system capable of achieving carbon sequestration."

The application of Policy 5

4.9.4 The EIA Report (Chapter 6) assesses the potential impacts of the Proposed Development on geology, hydrology, hydrogeology and peat, the outline Peat Management Plan details proposed mitigation to reduce impacts on peat.

4.9.5 Overall, the assessment concludes that the significance of residual effects on geology, peat, hydrology and hydrogeology receptors following the implementation of mitigation measures are considered to be not significant. The Proposed Development is considered to be in accordance with Policy 5.

4.10 NPF4 Policy 6: Forestry, Woodland and Trees

Policy 6 and Principles

4.10.1 The policy intent is to protect and expand forests, woodland and trees. It states that development proposals that enhance, expand and improve woodland and tree cover will be supported.

4.10.2 **Paragraph b)** states that "*development proposals will not be supported where they will result in*:

"*i. Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition;*

ii. Adverse impacts on native woodlands, hedgerow and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy;

iii. Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy;

iv Conflict with Restocking Direction, Remedial Notice or Registered Notice to Comply issued by Scottish Forestry."

4.10.3 **Paragraph c)** states that:

"*Development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will most likely be expected to be delivered*".

The application of Policy 6

4.10.4 Appendix 4.2 of the EIA Report details the likely implications of the Proposed Development on the woodland resource within the Site boundary, and how it will be managed.

4.10.5 The Proposed Development is partially located within commercial forestry and areas of forestry have been identified that would require to be felled for construction and operation.

4.10.6 The forestry study area includes privately owned forest units Auchrae and Manquhill Forests, and Appin Forest. Part of the access and some of the ancillary infrastructure for the Proposed Development are also located in the National Forest Estate at Cairnhead Forest.

4.10.7 It is explained in the assessment that a total of approximately 62.52 ha of forestry will require to be felled to enable the construction and operation of the Proposed Development; 22.03 ha will be permanently felled and 40.73 ha will be temporarily felled. A total of 40.73 ha will be restocked on-site, 10.55 of which would be replanted as broadleaved species as part of the Nature Enhancement Management Plan. The remainder of the land would be left open for the operation of the Proposed Development. Therefore, there would be a net loss of woodland area.

4.10.8 In order to comply with the criteria of the Scottish Government's Control of Woodland Removal Policy ('CoWRP') for minimal woodland removal, the Applicant is committed to providing compensatory planting off-site, the details of which would be agreed with Scottish Forestry prior to the construction of the Proposed Development.

4.10.9 The Proposed Development is considered to be in accordance with Policy 6.

4.11 NPF4 Policy 7: Historic Assets and Places

Policy 7 and Principles

4.11.1 In terms of **Policy 7** which deals with Historic Assets and Places, the policy is very similar to that which was in SPP (paragraph 145).

4.11.2 The intent of the policy is to protect and enhance the historic environment, assets and places and to enable positive change. Key parts of the policy include the following:

- **Paragraph a)** states that "*development proposals with a potentially significant impact on historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. The assessment should identify the likely visual or physical impact of any proposals for change, including cumulative effects and provide a sound basis for managing the impact of change. Proposals should also be informed by national policy and guidance on managing change in the historic environment, and information held within Historic Environment Records.*"
- **Paragraph c)** states that "…*development proposals affecting the setting of a Listed building should preserve its character, and its special architectural or historic interest*".
- **Paragraph d)** states that "*development proposals in or affecting Conservation Areas will only be supported where the character and appearance of the Conservation Area and its setting is preserved or enhanced. …*".
- **Paragraph h)** states that "*development proposals affecting Scheduled Monuments will only be supported where:*

  i) direct impact on the Scheduled Monument are avoided;
  ii) significant adverse impacts on the integrity of the setting of the Scheduled Monument are avoided; or
  iii) exceptional circumstances have been demonstrated to justify the impact on a Scheduled Monument and its setting and impact on the monument or its setting have been minimised.

- **Paragraph i)** states that "*development proposals affecting nationally important Gardens and Designed Landscapes will be supported where they protect, preserve or enhance their cultural significance, character and integrity and where proposals will not significantly impact on important views to, from and within the site or its setting*".
- **Paragraph o)** states that "*non designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible. Where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impact. Historic buildings may also have archaeological significance which is not understood and may require assessment.*".

The application of Policy 7

4.11.3 Chapter 9 of the EIA Report addresses the presence of cultural heritage assets which may be affected by the Proposed Development. The assessment considers the archaeological and cultural heritage value of the site and assesses the potential for significant effects on archaeological features and heritage assets, both within the site and in the surrounding area, resulting from the construction, operation and decommissioning of the Proposed Development.

4.11.4 Of the assets assessed for setting change, two designated heritage assets (SM1043; SM2238) of high importance, one non-designated heritage asset of high importance (DGC HER Ref: MDG3920), and two non-designated heritage assets of medium importance (DGC HER Ref: MDG21322; MDG4379) are anticipated to experience setting change as a result of the presence of the Proposed Development during operation.

4.11.5 This is as a result of the way the Proposed Development may slightly affect the way in which the cultural significance of these assets is experienced. It is explained in the assessment that this small change to their cultural significance could lead to a minor potential level of effect, which is not significant in EIA terms. There would therefore not be a significant adverse impact on the integrity of the setting on any heritage assets. Furthermore, no cumulative effects have been identified to any heritage assets.

4.11.6 In summary, the Proposed Development would not unacceptably affect the fabric or setting of any Listed Buildings or directly impact Scheduled Monuments or the integrity of their setting. Furthermore, there would be no significant effects arising in relation to any Gardens and Designed Landscapes ('GDLs') or Conservation Areas or undesignated heritage assets. The Proposed Development is considered to be in accordance with Policy 7.

4.12 Policy 22 – Flood Risk and Water Management

4.12.1 The intent of Policy 22 is to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. **Paragraph c)** is the most relevant part of the policy for the Proposed Development, which states that development proposals should not increase the risk of surface water flooding to others, or itself be at risk. In addition, all rain and surface water should be managed through SUDs.

4.12.2 As set out above, effects on hydrology, the water environment and flood risk are an assessment criterion within NPF4 Policy 11 (Energy). Chapter 6 of the EIA Report addresses hydrology matters in detail including flood risk, sustainable drainage and private water supplies. There are no issues arising with regard to these topics subject to appropriate mitigation measures which are proposed. The Proposed Development is therefore considered to be in accordance with Policy 22.

4.13 Conclusions on NPF4 Appraisal

4.13.1 The Proposed Development is considered to be acceptable in relation to all of Policy 11's environmental and technical topic criteria and in relation to all other relevant NPF4 policies.

4.13.2 A key point within Policy 11 (Energy) is that any identified impacts must be weighed against a proposed development's specific contribution to meeting targets – which attracts significant positive weight in this case.

4.13.3 Significant weight is also afforded in relation to Policy 1 (Tackling the climate and nature crises). This policy direction fundamentally alters the planning balance compared to the position that was set out in the former NPF3 and SPP.

4.13.4 The term "tackling" the respective crises in Policy 1 is also important – this means that decision makers should ensure an urgent and positive response to these issues and take positive action.

4.13.5 Overall, the Proposed Development is considered to be one that would make a valuable contribution to the NPF4 Spatial Strategy and would help deliver a 'sustainable place'. Overall, it is considered that Proposed Development would accord with relevant policies of NPF4, and with NPF4 when read as a whole.

5. Appraisal against the Local Development Plan

5.1 Introduction

5.1.1 The other elements of the statutory Development Plan covering the site comprise:

- the Dumfries and Galloway Local Development Plan 2 ('the LDP') (adopted October 2019); and
- LDP2 'Wind Energy Development: Development Management Considerations' Supplementary Guidance (February 2020) (the SG).
- The SG contained (Appendix C) the 'Dumfries and Galloway Wind Farm Landscape Capacity Study' (the 'DGWLCS'). The DGWLCS was updated in February 2025.

5.1.2 The LDP was therefore prepared and adopted prior to NPF4 coming into force and reflects the provisions of the former NPF3 and SPP, both now superseded. Where conflicts or contradictions exists between the LDP and NPF4, or where the LDP is silent, NPF4 policy provisions must prevail.

5.1.3 Relevant policies from the LDP are referenced below. This Chapter does not present a detailed assessment of the Proposed Development as that has been covered in Chapter 4 above against the policy provisions of NPF4. An appraisal of key policy and consideration of areas of conflict or contradictions with NPF4 is provided.

5.2 The Lead LDP Policies

5.2.1 **Policy IN1: 'Renewable Energy'** relates to renewable energy proposals in general. Policy IN1 is as follows:

"*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.*

** 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.*"

5.2.2 The criteria in Policy IN1 are all matters that are contained within NPF4 Policy 11 (Energy) (with the exception of tourism matters). These matters have all been addressed in the previous Chapter against NPF4 Policy 11.

5.2.3 **Policy IN2 'Wind Energy'** is specific to wind energy developments and is as follows:

"***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.

**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*. "

5.2.4 The criteria in Policy IN2 are all matters that are contained within NPF4 Policy 11 (Energy) (with the exception of tourism matters). These matters have all been addressed in the previous Chapter against NPF4 Policy 11. There is a SPP Spatial Framework and map which is referenced in the policy: it is clearly incompatible with NPF4 and can be disregarded.

5.3 Other LDP Policies

5.3.1 A summary of other relevant LDP policies is set out below in **Table 5.1** with brief comment added with regard to how the policies relate to the policies of NPF4, where relevant

Table 5.1: Relevant LDP Policies & Comment regarding NPF4

Policy	Policy Summary	Comment re NPF4
Policy OP1 'Development Considerations'	This is an overarching policy that sets out general development considerations. It highlights that development will be assessed against various considerations depending on the scale, nature and location of the proposal including general amenity; historic landscape; landscape; biodiversity and geodiversity; transport and travel; sustainability; and the water environment.	No conflict or contradiction.
Policy OP2 'Design Quality and Placemaking'	This is an overarching policy that sets out general considerations in relation to design quality of new development. It highlights that 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.	No conflict or contradiction.
Policy HE1 'Listed Buildings'	The policy sets out considerations that apply to development proposals that impact on the character or appearance of a listed building or its setting.	No conflict or contradiction.
Policy HE2 'Conservation Areas'	The policy sets out that the Council will support development within or adjacent to a Conservation Area that preserves or enhances the character and appearance of the area.	No conflict or contradiction.

Policy	Policy Summary	Comment re NPF4
Policy HE3 'Archaeology'	The policy sets out that the Council will support development and protects significant archaeological and historic assets and protect the wider historic environment from adverse effects.	No conflict or contradiction.
Policy HE4 'Archaeologically Sensitive Areas'	The policy sets out that the Council will support development that safeguards the character, archaeological interest and setting of Archaeologically Sensitive Areas as designated by the Council.	No conflict or contradiction.
Policy HE6 'Gardens and Designed Landscapes'	The policy sets out that 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. 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 proposal has benefits of overriding public interest.	No conflict or contradiction.
Policy NE2 'Regional Scenic Areas'	The policy sets out that development within, or which affects Regional Scenic Areas, may be supported where the Council is satisfied that the landscape character and scenic interest for which the area has been designated would not be significantly adversely affected or there is a specific locational need.	Incompatible with NPF4 Policy 4 (Natural places) in relation to the policy approach to dealing with impacts on local landscape designations.
Policy NE4 'Sites of international importance for biodiversity'	The policy sets out that development proposals likely to have a significant effect on an existing or potential Special Protection Area, existing or candidate Special Area of Conservation or Ramsar site, including developments outwith a site, will require an appropriate assessment and will only be permitted where inter alia the development does not adversely affect the integrity of the site.	No conflict or contradiction.
Policy NE5 'Species of international importance'	The policy sets out that 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 inter alia that the development would not be detrimental to the maintenance of the population of the species at a favourable conservation status in its natural range, and that there is no satisfactory alternative and the development is required for preserving	No conflict or contradiction.

Policy	Policy Summary	Comment re NPF4
	public health or safety or for other areas of overriding public interest.	
Policy NE6 'Sites of national importance for biodiversity and geodiversity'	The policy sets out that development affecting Sites of Special Scientific Interest and other national nature conservations will only be permitted where inter alia it will not adversely affect the integrity of the area or the qualities for which it has been designated or that any such adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.	No conflict or contradiction.
Policy NE11 'Supporting the Water Environment'	The policy sets out that 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, unless there are exceptional justifying circumstances. The policy further sets out that if culverting of waterbodies should only be carried out where acceptable mitigation measures would be put in place to protect habitats, passage of fauna, and river form and flow.	No conflict or contradiction.
Policy NE12 'Protection of water Margins'	The policy relates to protection of water margins. It sets out that where new development is proposed adjacent to or in the vicinity of waterbodies, the water margins will be protected unless there are compelling reasons to justify why this should not be done.	No conflict or contradiction.
Policy NE15 'Protection and Restoration of Peat Deposits as Carbon Sinks'	The policy relates to the protection and restoration of Peat Deposits as Carbon Sinks. It sets out that the Council will safeguard and protect peat deposits. Where renewable energy generating development is proposed the balance of advantage in terms of climate change mitigation must be with the proposed development.	No conflict or contradiction.
Policy T1 'Transport Infrastructure'	The policy sets out that development proposals will be appraised to determine their effects on the performance of the strategic and regional highway network.	No conflict or contradiction.

5.3.2 It is considered that the Proposed Development would be in accordance with all of the relevant policies in the LDP as set out in **Table 5.1** above.

5.4 Supplementary Guidance

5.4.1 The LDP2 'Wind Energy Development: Development Management Considerations' Supplementary Guidance (February 2020) provides further detail in support of the development management considerations in Policy IN2 'Wind Energy'. It sets out a statement on the main factors that are to be taken into account in reaching planning decisions and details the criteria contained in the policy. The guidance does not raise any new topic or matter not already addressed above.

5.4.2 As noted, the SG contained at Appendix C, the 'Dumfries and Galloway Wind Farm Landscape Capacity Study' (the DGWLCS). The study was updated in February 2025 and is now entitled 'Appendix C: Wind Energy Landscape Sensitivity Study'. The study has been taken into account in the LVIA.

5.4.3 As the OWPS makes clear (paragraph 3.6.5), Landscape Sensitivity Studies may inform but should not be used to determine matters of acceptability.

5.5 Conclusions on the LDP

5.5.1 The environmental and topic considerations within the LDP policies are encompassed within the broad remit of NPF4 Policy 11 Part e). Each of the relevant development management considerations have been addressed above (Chapter 4) in the context of NPF4 Policy 11 and are not repeated. The Proposed Development would be in accordance with relevant policies of LDP.

5.5.2 It is considered that the effects arising from the Proposed Development would be acceptable in terms of the matters identified by Policy IN2 and there is no conflict with any other relevant policies within the LDP. It is therefore considered that the Proposed Development accords with the LDP when it is read as whole.

5.5.3 The policy provisions of the LDP are based on those of NPF3 and the former SPP. This means, as per the amendments made to the 1997 Act, that where there are any incompatibilities (such as with Policies IN2 and NE2) the provisions of NPF4 will prevail.

6. Conclusions

6.1 The Climate Crisis & Renewable Energy Policy Framework

6.1.1 The urgent need for onshore wind energy generation has been set out: a large increase in the deployment of this renewable energy technology is supported through a number of policy documents and by Scottish Government commitments – most recently expressed in the OWPS and in NPF4.

6.1.2 Onshore wind energy generation was already viewed and described as "vital" to the attainment of targets in 2017. This imperative has only increased since a 'climate emergency' was declared by the Scottish First Minister in April 2019, in line with the recommendations made by the CCC (2019) 'net zero' publication[16]. Furthermore, the drive to attain net zero emissions is now legally binding at the UK and Scottish Government levels by way of amendments to the 2008 Act, and in Scotland through the provisions of the Climate Change (Scotland) Act 2009 and the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019.

6.1.3 Achieving net zero is a legal requirement, and the Scottish Government has recognised in the OWPS, that a very substantial quantity of new onshore wind energy generation is required to meet the onshore wind energy target requirement by 2030 – namely a minimum of 20 GW of operational capacity. Deployment of more onshore wind energy is described as being "*mission critical for meeting our climate targets*" in the OWPS.

6.1.4 The important benefits of the Proposed Development have been set out in the context of the current climate emergency and would help address the issue of tackling climate change, meeting very challenging 'net zero' targets, and contribute to improving security of supply.

6.2 The Planning Balance

6.2.1 In NPF4 there is a clear recognition that climate change must become a primary guiding principle for all plans and decisions. Significant weight is to be given to the climate emergency and the contribution of individual developments to tackling climate change.

6.2.2 The revised OWPS was published in December 2022. NPF4 came into force on 13 February 2023. Both are up to date statements of Scottish Government policy, directly applicable to determination of this Section 36 application. Both should be afforded very considerable weight in decision-making.

6.2.3 NPF4 and the OWPS are unambiguous as regards the policy imperative to combat climate change, the crucial role of further onshore wind energy generation in doing so, and the scale and urgency of onshore wind energy deployment required. As described in this Planning Statement:

- The global climate emergency and the nature crisis are the foundations for the NPF4 Spatial Strategy as a whole. The twin global climate and nature crises are "*at the heart of our vision for a future Scotland*" so that "*the decisions we make today will be in the long-term interest of our country*"[17]. The policy position, and the priority afforded to combatting the climate emergency, is different to that which was set out in the former NPF3 and SPP;
- NPF4 Policy 1 (Tackling the climate and nature crises) directs decision-makers to give significant weight to the global climate emergency in all decisions. This is a radical departure from the usual approach to policy and weight and clearly denotes a step change in planning policy response to climate change. The matter of weight is no longer left entirely to the discretion of the decision maker; and

[16] CCC, Net Zero, The UK's contribution to stopping global warming (May, 2019).
[17] NPF4, page 2.

- Both NPF4 and the OWPS are clear that further onshore wind energy development, of scale and utilising modern, larger turbines, has a crucial role in combatting climate change, transitioning to a net zero Scotland and ensuring security of energy supply. NPF4 Policy 11 (Energy) strongly supports proposals for all forms of renewable, low-carbon and zero emissions energy technologies, including onshore wind farms.

6.2.4 It is important to fully recognise both the scale and urgency of the challenge set out in these documents, and the required response from decision-makers. NPF4 is clear that significant progress must be made by 2030 requiring, as set out in the OWPS, that "*we must now go further and faster than before. We expect the next decade to see a substantial increase in demand for electricity to support net zero delivery across all sectors, including heat, transport and industrial processes*"[18].

6.2.5 Publication of the OWPS followed and cross-refers to NPF4 and, for the first time, sets an onshore wind energy generation target: a Scottish Government ambition for a minimum of 20 GW of installed onshore wind energy capacity by 2030. New policy therefore supports an increase in the installed capacity of onshore wind energy generation in Scotland by a minimum amount equivalent to about 130% of the entire installed capacity of all current operational onshore wind farms in Scotland in a period of around 6 years. This is also embedded in the Scottish Government's consultative draft Energy Strategy and Just Transition Plan, together with the commitment to "***place the climate and nature at the centre of our planning system***"[19] (original emphasis) in line with the NPF4.

6.2.6 By any measure, the identified need for delivery of this additional capacity is a massive challenge requiring an urgent and positive response. As noted above, unless projects are in the planning system now, there is a high likelihood that they will not contribute to this ambition before 2030. The 'window' until the key date of 2045 for Net Zero is also getting narrower.

6.2.7 As the Statement of Need for Strategic Renewable Electricity Generation and Transmission Infrastructure explains[20] "*A large and rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets*."

6.2.8 The Statement of Need relates to the attainment of Government renewable energy generation and emission reduction targets. Moreover, it relates to the importance of developing electricity supplies which are not dependent on volatile international markets and are located within the UK's national boundaries. The urgency for an electricity system which is self-reliant and not reliant on fossil fuels is now enormous, in order to protect consumers from high and volatile energy prices.

6.2.9 Other policy support for development of wind farms is found in NPF4 and the OWPS:

- In addition to the cross-cutting NPF4 Policy 1 (Tackling the climate and nature crises), NPF Policy 11 (Energy) directs that in considering the identified impacts of an onshore wind proposal significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets;

- The OWPS expressly recognises that meeting the ambition of a minimum installed capacity of 20GW of onshore wind in Scotland by 2030 will require taller and more efficient turbines and that "*this will change the landscape*;

  On this specific point it is relevant to take into account the Reporter's position on the 20GW target as referenced in the OWPS in the Meall Buidhe Appeal Decision Notice. The Reporter set out with regard to the OWPS at paragraph 87 of the Decision that:

[18] OWPS 2022, paragraph 1.1.2.
[19] Energy Strategy and Just Transition Plan, page 55.
[20] NPF4, page 103.

"*It also provides some further supporting detail on increasing the installed capacity of onshore wind in Scotland by a minimum amount equivalent to about 130% of the entire installed capacity of all current operational wind farms in Scotland in the period of around 8 years. This is clearly a challenging target and there is an acceptance in the Policy Statement of the consequent change in the landscape. I find this further supports my conclusion above in terms of consistency with relevant provisions of NPF4. This policy statement does not form part of the Development Plan but is a material consideration in this case*."

- NPF4 Policy 11 confirms that significant landscape and visual impacts are to be expected for some forms of renewable energy. NPF4, which forms part of the Development Plan, is clear that where such impacts are localised and / or appropriate design mitigation has been applied, they will generally be considered to be acceptable. Notably, policy recognises that significant landscape and visual effects are inevitable and generally acceptable;
- NPF4 Policy 4 provides in principle support for wind farm development in all locations with the exception of National Parks and NSAs, unless the conditions in NPF4 Policy 4 c) are met;
- NPF4, Policy 4, Part d) specifically relates to a proposed development that may adversely affect the integrity of a local landscape designation. It provides that development will be supported where significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance. As discussed, there would be no adverse impacts on the integrity of the Thornhill Uplands RSA.
- In terms of cultural heritage matters, NPF4 Policy 7 (Historic assets and places) makes it clear that development affecting Scheduled Monuments will be supported if significant effects on the integrity of the setting of a monument are avoided. As discussed, there would no significant effects in relation to any heritage assets from the Proposed Development.
- In relation to biodiversity matters, NPF4 Policy 3 (Biodiversity) requires that for national and EIA development, that significant biodiversity enhancements be provided. The Applicant has proposed such measures as set out in the ONEMP.
- In relation to NPF4 Policy 5 (Soils) the policy framework now supports development proposals on peatland and carbon rich soil where they relate to the generation of energy from renewable sources. Such development requires to be subject to a site-specific assessment which has been undertaken in this case for the Proposed Development. As explained, the siting and design approach has sought to minimise adverse impacts on peatland and carbon rich soils.

6.2.10 The Applicant has gone to considerable lengths to ensure a satisfactory layout, design and composition for the Proposed Development. In short, appropriate design mitigation has been applied. Potentially significant adverse landscape and visual effects resulting from the Proposed Development have been addressed through an iterative design process (i.e. 'mitigation by design') and a well-considered proposal has been established, which has acceptable effects.

6.2.11 NPF4 and the OWPS require that the decision-maker must identify and weigh the adverse effects of a proposed development. However, increased weight is to be given to the benefits of a proposed development in the planning balance owing to the seriousness and importance of energy policy related considerations and the contribution of the Proposed Development to meeting climate change targets.

6.2.12 It is considered that this approach is very clearly reflected and articulated in NPF4 and the OWPS (subject to Scottish Government policy now expressly stating that significant weight will be given to the global climate and nature crises and a proposed development's contribution towards meeting targets). Moreover, Section 3.6 of the OWPS states that the criteria for assessing proposals (in NPF4) have been updated "*including **stronger weight** being afforded to the contribution of the development to the climate emergency*".

6.2.13 In this case, the Proposed Development is National Development and essential infrastructure which will help to deliver the National Spatial Strategy set out in NPF4. The Proposed Development would make a valuable contribution to help Scotland, and the UK attain Net Zero, security of supply and related socio-economic objectives. It is submitted that substantial weight should be given to this contribution when weighing the need for the Proposed Development and its identified effects within the planning balance.

6.2.14 The effects of the Proposed Development, including how relevant effects listed in NPF4 Policy 11 Paragraph (e) have been addressed, are detailed in the supporting information to the application. In terms of Policy 11, in considering the identified impacts of the Proposed Development, significant weight must be placed on its nationally important contribution to renewable energy generation and greenhouse gas emissions reduction targets.

6.3 Overall Conclusion

6.3.1 The policy set out in NPF4 and the OWPS requires a rebalancing of the consenting of onshore wind developments in response to the challenges of tackling the climate and nature crises. Having regard to the weight to be ascribed to the important benefits of the Proposed Development, it is considered that the benefits that would result clearly outweigh its adverse effects.

6.3.2 The up-to-date policy set out in NPF4 and the OWPS and the policy being consulted upon in the draft Energy Strategy provide strong and increased support for the grant of consent.

6.3.3 The conclusion is that the Proposed Development would be consistent with all relevant policies of the Development Plan, and with the Development Plan when read as a whole.

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