

# Knockcronal Wind Farm, South Ayrshire Planning Statement

---

November 2021



# Contents

<b>1.</b>	<b>Introduction</b>	<b>3</b>
1.1	Background	3
1.2	The Applicant	3
1.3	Site Location & Description	3
1.4	The Proposed Development	4
1.5	Planning History	4
1.6	The Statutory Framework	5
1.7	Structure of Planning Statement	5
<b>2.</b>	<b>The Renewable Energy Policy &amp; Legislative Framework</b>	<b>7</b>
2.1	Introduction	7
2.2	The Climate Emergency & Net Zero – the new Law	7
2.3	Climate Change & Renewable Energy Policy	9
2.4	Giving very substantial weight to Renewable Energy Policy and associated Targets	13
<b>3.</b>	<b>National Planning Policy &amp; Guidance</b>	<b>15</b>
3.1	Introduction	15
3.2	National Planning Framework 3	15
3.3	Scottish Planning Policy	16
3.4	The NPF4 Position Statement	20
3.5	The Draft Fourth National Planning Framework ‘Scotland 2045’	22
3.6	Conclusions on National Planning Policy & Guidance	25
<b>4.</b>	<b>The Development Plan – Policy Appraisal</b>	<b>26</b>
4.1	Introduction & Approach	26
4.2	The Development Plan	26
4.3	Relevant LDP Policies	26
4.4	Infrastructure Policies	27
4.5	Other LPD Policies	32
4.6	Supplementary Guidance: Wind Energy (2015)	37
4.7	The South Ayrshire Landscape Capacity Study (2018)	38
4.8	Conclusions	40
<b>5.</b>	<b>The Benefits of the Development</b>	<b>41</b>
5.1	The Benefits: Summary	41
<b>6.</b>	<b>Conclusions</b>	<b>43</b>
6.1	The Electricity Act 1989	43
6.2	Climate Emergency & the Renewable Energy Policy Framework	43
6.3	National Planning Policy	44
6.4	The Development Plan	44
6.5	Overall Conclusions	45
<b>7.</b>	<b>Appendix 1: The Renewable Energy Policy Framework</b>	<b>46</b>
7.1	Introduction	46
7.2	International Policy Considerations	46
7.3	The UK Net Zero Target	49
7.4	Scottish Government Policy & Targets	52

# 1. Introduction

## 1.1 Background

- 1.1.1 This Planning Statement has been prepared by David Bell Planning Ltd (DBP) on behalf of Knockcronal Wind Farm Ltd (the Applicant) to support a section 36 application under the Electricity Act 1989 (the 1989 Act), for consent to construct, and operate a wind farm known as Knockcronal Wind Farm, and associated infrastructure (“the Proposed Development”). In addition, the Applicant is also seeking deemed planning permission for the Proposed Development under Section 57 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act), as amended.
- 1.1.2 The Proposed Development is located within the South Ayrshire Council (SAC) area and will comprise up to 9 wind turbines, energy storage system and associated infrastructure, with a total installed generating capacity estimated to be in the order of 59.4 mega-watts (MW).
- 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 makes various cross references to information contained in the EIA Report and presents an assessment of the Proposed Development against relevant policy with due regard given to the provisions of the statutory Development Plan for the SAC area, national energy and planning policy, and other relevant material considerations. The Planning Statement is supplementary to, and should be read in conjunction with, the EIA Report submitted with the application. The Planning Statement also considers the potential benefits and impacts 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 Knockcronal Wind Farm Ltd (the Applicant) is a wholly owned subsidiary of Statkraft UK Ltd (Statkraft). Statkraft has operated in the UK since 2006, with UK bases in Glasgow and London and a head office in Oslo, Norway. Statkraft has invested £1.4 billion in the UK’s renewable energy infrastructure and facilitated over 6 GW of new-build renewable energy generation through Power Purchase Agreements (PPAs). With a portfolio now exceeding 10 TWh per year from almost 300 customers, Statkraft is the leading provider of short and long term PPAs in the UK (Statkraft, 2021). Statkraft has a strong focus on continuing to play a leading role within the UK energy market with recent activities including delivering grid stability services for the National Grid, electric vehicle charging networks (via Mer <https://uk.mer.eco/>), solar farm development (e.g. acquisition of Solarcentury in late 2020) and wind farm developments such as Knockcronal Wind Farm.

## 1.3 Site Location & Description

- 1.3.1 The application site is located approximately 4.8 km south of Straiton, 11.3 km south-west of Dalmellington and 17.4 km east of Girvan, (distances to the nearest proposed turbine) in South Ayrshire.
- 1.3.2 The site comprises a main turbine development area of approximately 540 hectares (ha) of land, consisting of upland moorland in the south and west of the site, and farmland in the north-east. The turbine development area gradually rises from 120 m Above Ordnance Datum (AOD) in the north-east of the site, to 315 m AOD at Knockbuckle in the south-east of the site. The surrounding land comprises open moorland to the east and north-east, as well

as farmland with some scattered individual properties, with forest plantations to the north-west, west, south and south-east.

1.3.3 The surrounding area is rural, with the land predominately used for agriculture and commercial forestry.

## **1.4 The Proposed Development**

1.4.1 The Proposed Development is described in detail in Chapter 3 of the EIA Report, however in summary, it would comprise 9 three-blade horizontal axis turbines, six with a blade tip height up to 200 m (T1, T2, T3, T7, T8 and T9) and three up to 180 m blade tip height (T4, T5 and T6) with an indicative combined rated output in the region of 59.4 MW. The Proposed Development includes associated infrastructure as follows:

- > Turbines and turbine foundations;
- > Crane hardstandings;
- > Site access;
- > Access tracks (existing, upgraded or new as required);
- > Watercourse crossings (existing, upgraded or new as required);
- > Substation and energy storage facility;
- > Underground cabling;
- > Permanent meteorological mast;
- > Up to five borrow pit search areas; and
- > Temporary gatehouse and construction compounds.

1.4.2 As structures over 150 m high, there is a statutory requirement for aviation lighting on the turbines. Proposed lighting has been agreed with the Civil Aviation Authority (CAA) and Ministry of Defence (MOD), but will need final approval again with the CAA, prior to construction.

1.4.3 A micro-siting allowance of up to 50 m in all directions is being sought in respect of each turbine and its associated infrastructure in order to address any potential difficulties which may arise in the event that pre-construction surveys identify unsuitable ground conditions or unforeseen environmental constraints that could be avoided by relocation.

1.4.4 The Proposed Development's connection to the wider electricity network is still under assessment. The final routing and design of the grid connection cable(s) between the on-site substation and the point of connection into the grid will be the responsibility of the Network Operator (Scottish Power Energy Networks) and would be subject to a separate consenting process.

## **1.5 Planning History**

1.5.1 In terms of planning history, the application site formed part of the Linfairn Wind Farm development site which was submitted under Section 36 of the Electricity Act 1989 to the Scottish Ministers to operate a wind farm comprising 25 (reduced to 17) turbines, with a capacity of some 62.5 MW, and a blade tip height of up to 126.5m. –SAC lodged an objection to this application. –The application was withdrawn by the Applicant in 2018 prior to a Public Inquiry being held.

1.5.2 | To the north west of the application site lies the Knockskae site.- A planning application for the erection of 11 turbines (126m tip height) on this site was refused by SAC in April 2017.

## 1.6 The Statutory Framework

1.6.1 An application under section 36 of the 1989 Act for consent for the construction of an electricity generating station whose capacity exceeds 50 MW is significantly different from an application for planning permission for a similar station whose capacity is less than 50 MW.

1.6.2 Section 25 of the 1997 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).

1.6.3 In addition, there are certain environmental duties in relation to Preservation of Amenity and Fisheries Provisions in Schedule 9, paragraph 3 that apply to license holders and to Scottish Ministers.

1.6.4 The Applicant does not yet hold a generation licence and therefore the statutory duties set out in paragraph 3 of Schedule 9 to the 1989 Act do not apply to the Applicant when formulating proposals for consent under section 36 of the 1989 Act. -In that respect, the Applicant has nevertheless, through the EIA process, had full regard to the matters set out in paragraph 3(1)(a) of Schedule 9.

1.6.5 The EIA Report identifies how various factors were taken into account in the formulation of the application. -In addition, each EIA 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 and also active specific measures which have been identified.

1.6.6 The Scottish Ministers are obliged to consider whether the Applicant has complied with the duties imposed. In addition, the Scottish Ministers are obliged to have regard to the desirability of the matters listed in sub-paragraph 3(1)(a). The matters listed are all matters which would be relevant considerations in considering an application. It is a duty to consider, not a form of development management test and no further weight applies.

1.6.7 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 an application made under the 1989 Act.

## 1.7 Structure of Planning Statement

1.7.1 The structure of this Planning Statement is as follows:

- > **Chapter 2** sets out the up-to-date position with regard to the renewable energy policy and emission reduction legislative framework, supported by **Appendix 1**.
- > **Chapter 3** addresses national planning policy and guidance.
- > **Chapter 4** contains the consideration of the Proposed Development against the relevant policies of the Local Development Plan, with a focus on the lead Development Plan policy; and
- > **Chapter 5** summarises the benefits of the Proposed Development; and
- > **Chapter 6** presents overall conclusions.



## 2. The Renewable Energy Policy & Legislative Framework

### 2.1 Introduction

- 2.1.1 This Chapter refers to the renewable energy policy and emissions reduction legislative framework with reference to relevant international, UK and Scottish provisions. The framework of international agreements, legally binding targets and climate change global advisory reports is the foundation upon which national energy policy and emissions 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. The detail of this policy and legislative framework is set out in **Appendix 1**.
- 2.1.2 Any relevant Government policy is a material consideration as a matter of law. Thus, it is not necessary for new Government policy, where relevant, to find explicit expression in national planning policy for it to be or become a material consideration. In contrast the weight given to any policy is, subject to taking a reasonable and rational approach, a planning judgement and a matter for the decision maker.
- 2.1.3 The Proposed Development must therefore be considered against a background of directly 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 onshore wind in principle as explained below. Moreover, much of this energy and climate policy and most of the key legislative provisions postdate the current in force national planning policy. The law must be applied. Energy and climate change related policy can, and in this application should, be given great weight if the Climate Emergency and Net Zero are taken seriously.
- 2.1.4 It is evident that there is unequivocal, clear and consistent policy support at all levels, from international to local, for the deployment of renewable energy generally (including onshore wind) to combat the global heating crisis, diversify the mix of energy sources, achieve greater security of supply, and to attain legally binding emissions reduction targets. 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 global heating in the current Climate Emergency.
- 2.1.5 Government renewable energy policy and associated renewable energy and electricity targets and the need for a 'green recovery' from the Covid-19 pandemic are important considerations and it is important to be clear on the current position as it is a fast-moving topic of public policy.

### 2.2 The Climate Emergency & Net Zero – the new Law

- 2.2.1 The UK Government is legally committed to the delivery of a reduction in emissions to 'net zero' by 2050. The Scottish Government has committed to achieve net zero by 2045, some five years earlier.
- 2.2.2 A critical part of the response to the challenge of climate change was the Climate Emergency which was declared in Scotland in April 2019. The declaration of climate emergency needs to be viewed in the context in which it was declared (advice from the Committee on Climate Change (CCC) and in response to commitments under the Paris Agreement, as set out in Appendix 1) and what followed from it as a result of the declaration (new emissions reduction law).

- 2.2.3 The key issue in relation to these statements is that they acknowledge the very pressing need to achieve radical change and that by 2030 it will be too late to limit warming to 1.5 degrees. The Scottish Government therefore acted on the Climate Emergency in 2019 by bringing in legislation and increasing the Interim emission reduction target to 75% - a higher figure than recommended by the CCC.
- 2.2.4 Furthermore, the declaration of the emergency is not simply a political declaration, it is now the key priority of Government at all levels. Indeed, defining the issue as an emergency is a reflection of both the seriousness of climate change and its potential effects and the need for urgent action to cut carbon dioxide and other greenhouse gas emissions.
- 2.2.5 It means action now, not next year. The new emissions reduction legislation was brought in (enacted) in 2019 and brought into force by Regulations in March 2020 – it did not wait for planning policy to be updated.

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

- 2.2.6 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. However, the new Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 amends the 2009 Act and sets even more ambitious targets – which reflect the recommendations of the CCC for a net zero greenhouse gas emissions target by 2045 at the latest, with challenging interim stages – a 75% reduction target by 2030 and 90% by 2040.
- 2.2.7 There are two key observations which arise from the changes in targets. -The first is that the 2019 Act has significantly increased the target required to be met by 2030. -Indeed, when the matter was proceeding through Parliament, it was the Scottish Parliament that increased the requirement from a 70 to 75% reduction by 2030. -This acts upon the declarations of the climate change emergency and recognises the urgent response that is required.
- 2.2.8 The second key observation is that the legislation also introduced annual targets. - These are set out at section 7.4<sup>1</sup> in **Appendix 1**. -This clearly illustrates the speed of change that is required essentially prior to 2030. -This also demonstrates that up to 2020 the annual percentage reduction that was required was 1% but this then increases each year from 2020 to 2030. -It increases to 1.9% for each year between 2020 and 2030. -This is the level of change that is required to achieve the 2030 target and represents a near doubling of the response. - As highlighted in Appendix 1, the emission reduction targets are currently not being achieved. -This demonstrates the scale of change required over the next decade to achieve the 2030 target.
- 2.2.9 This means the trajectory, in terms of the scale and pace of action to reduce carbon dioxide emissions, is steeper than before and the 2020s is a critical decade.

### **The Sixth Carbon Budget**

- 2.2.10 As referenced in the detail of policy framework presented in **Appendix 1**, the CCC published its Sixth Carbon Budget December 2020. -It is no exaggeration to say that the scenario analysis by the CCC indicates that Scotland's 75% emissions reduction target by 2030 will be almost impossible to meet. -None of the five scenarios<sup>2</sup> modelled by the CCC – even its most optimistic and stretching – suggests Scotland is close to achieving the 75% emissions reduction by 2030<sup>3</sup>.
- “Scotland’s 75% target for 2030 will be extremely challenging to meet, even if Scotland gets on track for net zero by 2045. -Our balanced net zero pathway for the UK would not meet*

<sup>1</sup> See specifically Table 8.1 in Appendix 2.

<sup>2</sup> The five scenarios are referred to in the report as follows: Balanced Net Zero Pathway; Headwind; Widespread Engagement; Widespread Innovation and Tailwinds.

<sup>3</sup> See pages 228-9. The five scenarios are explained in pages 43-48.



*Scotland's 2030 target – reaching a 64% reduction by 2030 – while our most stretching tailwinds scenario reaches a 69% reduction”.*

2.2.11 But this does not mean failure should be accepted. The planning response should be to redouble efforts, and this will mean taking many timeous and positive decisions on developments such as Knockcronal Wind Farm.

2.2.12 As noted in **Appendix 1**, the CCC's Sixth Carbon Budget suggests that onshore wind installed would need to double to 25-30GW by 2050, across all scenarios.

### **The UK Energy White Paper**

2.2.13 The UK Government Energy White Paper 'Powering our Net Zero Future' (December 2020) sets out that: *“electricity is a key enabler for the transition away from fossil fuels and decarbonising the economy cost-effectively by 2050”.*

2.2.14 It adds a key objective is to *“accelerate the deployment of clean electricity generation through the 2020s”* (page 38). *-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). On page 45, it is clearly stated that *“onshore wind and solar will be key building blocks of the future generation mix, alongside offshore wind.”*

2.2.15 In terms of electricity policy in the White Paper, the UK Government clearly recognise that the scale of change that is required to respond to climate change is at a pivotal point. *- The anticipation is that there is going to need to be a global green industrial revolution and it is only through this that an appropriate response would be made to tackling climate change issues. -Chapter 1 of the White Paper sets out this context and makes clear the likely change in the nature and volume of electricity generation. -It recognises the very significant role that renewable electricity generation will play in relation to delivering total energy usage. - This means it will have to play a much greater role in decarbonising both transport and heat.*

2.2.16 The scale of the challenge presented by the new targets for net zero within the timescale adopted by the Scottish Government on the advice of the CCC is considerable, especially given the requirements for decarbonisation of heat and transport – this will require very substantial increases in renewable electricity generation by 2030.

## **2.3 Climate Change & Renewable Energy Policy**

### **The Scottish Energy Strategy (2017)**

2.3.1 The Scottish Energy Strategy (SES) (2017) is slightly out of date in relation to the new targets which have been established but sets out a discussion of the technologies and the challenges that are faced.

2.3.2 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% energy from renewable sources to be attained 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. As heat and transport are decarbonised, demand for electricity from renewable sources will increase significantly and that is clear in the recent UK White Paper projections.

2.3.3 Further substantial deployment of renewable energy generating technology will be required throughout the 2020s in order to meet the targets identified above. As a mature technology which can be deployed relatively quickly (e.g. compared to offshore wind), onshore wind development has a continuing and important role to play. That is why it is identified as a key “building block” by Whitehall.

### The Onshore Wind Policy Statement (2017)

- 2.3.4 One of the key messages in the Onshore Wind Policy Statement (OWPS) (2017) is the recognition that onshore wind is to play a “vital role” in meeting Scotland’s energy needs, a “material” role in growing the economy and it is specifically stated that the technology remains “crucial” in terms of Scotland’s goals for an overall decarbonised energy system and to attain ambitious renewable targets for the milestone dates of 2020, 2030 and 2045.
- 2.3.5 This language on the role of onshore wind is demonstrably stronger than that in the National Planning Framework (NPF) and Scottish Planning Policy (SPP) published in 2014. Even if a view is taken that the language is no different, the context within which the NPF / SPP policy statements were given is demonstrably different by way of fundamentally different targets. The increased importance of the contribution that onshore wind is expected to make to targets and meeting future energy needs to be recognised.
- 2.3.6 The section of this document at page 43 provides very strong support for the further deployment of onshore wind. -It is noted that one of the actions in relation to onshore wind was that the Scottish Government will push for the UK-wide policy support for onshore wind and, in particular, provide a route to market. This is exactly what has happened in relation to the opening up of the CfD<sup>4</sup> auction to onshore wind by the UK Government in 2021.
- 2.3.7 An important context to this particular document was the removal of market support for onshore wind by the UK Government in 2015. -This policy statement seeks to support the further deployment of onshore wind despite the challenges that have been put in place.- In particular, the Scottish Government recognised that onshore wind will continue to play “*a vital role in Scotland’s future*” (page 3). -Furthermore, the Government recognised the importance of technology developments in responding to those challenges. -The consequence of these factors is likely to involve the deployment of the larger, more efficient turbines. -This is all set out in paragraphs 22, 23 and 24. -This is then formally supported in paragraph 25 in relation to the deployment of the more efficient turbines.
- 2.3.8 The OWPS makes specific reference to the move “*towards larger and more powerful (i.e. higher capacity) turbines and that these by necessity – will mean taller towers and blade tip heights*”. Notice is therefore given of market reality and evolving technological change and the benefits larger turbines can bring in terms of energy yield and as a consequent larger contribution to targets.
- 2.3.9 Whilst the SES and the OWPS are evidence of a continuum of ever stronger positive advice on onshore wind development as part of the Scottish Government’s renewables strategy, the latest documents and legally binding targets for net zero introduced in 2019 and which came into force in March 2020 go further still.

### The ‘Onshore Wind Policy Statement Refresh’ Consultative Draft (October 2021)

- 2.3.10 Notwithstanding this is a draft document it contains various statements of the Scottish Government’s current position and views on onshore wind. -The Onshore Wind Policy Statement refresh (draft OWPS) covers five main areas:
- > The current position with regard to onshore wind in Scotland;
  - > The future position of ‘net zero’;
  - > barriers to deployment, covering technical and reserved matters;
  - > barriers to deployment in terms of environmental factors; and
  - > economic opportunities in relation to the supply chain.

<sup>4</sup> Contracts for Difference.

- 2.3.11 In terms of the **current position** (Section 1), reference is made at the outset to the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 and it is stated that “*meeting these commitments and targets will require decisive and meaningful action over the next 12 months, across all sectors*”. (paragraph 1.1).
- 2.3.12 In terms of current deployment, paragraph 1.2.2 sets out 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. -Some estimates from the CCC suggest that we could expect a doubling in electricity demand.- This will undoubtedly require a substantial increase in installed capacity across all renewable technologies.*”
- 2.3.13 Paragraph 1.2.3 sets out the Government “*aims to maintain the supportive policy and regulatory framework which will enable us to increase that deployment still further*”.
- 2.3.14 In terms of **future position and net zero** (Section 2), paragraph 2.1.1 sets out that:  
  
“*The transition to net zero means that our demand for green electricity will increase substantially over the course of the next decade. - This means that a consistently higher rate of onshore wind, and other renewables capacity, will be required year-on-year.*” [the underlining and consequent emphasis appears in the publication itself]
- 2.3.15 This section of the OWPS draft sets out the statistics in relation to onshore wind in the UK and Scotland at different stages of the planning /consenting process.
- > In planning – 4.69GW
  - > Awaiting construction – 4.64GW
  - > Under construction – 0.43GW.
- 2.3.16 Reference is made to the RenewablesUK ‘Onshore Wind Industry Prospectus’ which sets out the need for Scotland to develop an additional 12GW of onshore wind capacity which the OWPS states will mean “*a total of 20.4GW installed capacity by 2030*”. (paragraph 2.1.4).
- 2.3.17 Reference is also made to CCC Sixth Carbon Budget (which as already noted) sets out exploratory scenarios for emissions reduction to 2050. -The draft OWPS states that “*these estimate that, in every scenario, the UK will require a total of 25-30 GW of installed onshore wind capacity by 2050 to meet Governmental targets – which would mean doubling the current UK installed capacity*”.
- 2.3.18 The draft OWPS states that against this context the Government seeks views on “*an ambition for an additional 8-12 GW of onshore wind to be installed in Scotland by 2032 to help us meet our binding net zero commitment.- This follows initial discussions with our stakeholders and will be subject to further analysis as part of a wider work to refresh Scotland’s energy strategy*”.
- 2.3.19 At paragraph 2.1.7 the draft acknowledges that the capacity ultimately developed will depend on a range of factors including decarbonisation pathways and demand growth across other sectors such as heat, transport and industrial demand, but it adds (paragraph 2.1.8) “*However, we believe it vital to send a strong signal and set a clear expectation on what we [believe] onshore wind capacity can contribute*” [again the underlining and consequent emphasis appears in the publication itself].
- 2.3.20 At paragraph 2.2.3. there is reference to **turbine blade tip heights**, and it is set out that “*the Scottish Government acknowledges that tip heights for onshore wind farms are increasing, and welcomes the resulting efficiencies in generate that this enables*”.
- 2.3.21 It adds that “*not all environments will be able to accommodate such turbines - the tallest tip heights may not be appropriate in every landscape or for every development.*”

- 2.3.22 In terms of **barriers to deployment** covering environmental factors, this is set out in Section 4 and covers the topics of noise, land use, peatlands and carbon rich soils, forestry, biodiversity and landscape and visual considerations.
- 2.3.23 In terms of **landscape and visual considerations** this is covered at section 4.4. and paragraph 4.4.2 states:  
  
*“Scotland's most cherished landscapes are a key part of our natural and cultural heritage and must be afforded the necessary protections. -However, we also recognise that climate change, and our net zero ambitions, require decisive action, will change how Scotland looks and that we will need to deploy significant volumes of onshore wind generation over the next decade to help us meet our challenging legal obligations. -This is likely to comprise modern, efficient turbines which will maximise the generation possible at each site and a mix of current technologies and taller turbines.” [underlining added]*
- 2.3.24 Section 5 relates to **economic opportunities** and covers the topics of supply chain, contracts for difference, benefits to Scotland skills, tourism and cultural economics and other related matters.
- 2.3.25 In terms of supply chain, at paragraph 5.1.3 the Government references the recent UK Onshore Wind Prospectus, which has estimated that approximately 17,000 jobs and the equivalent of £27.8 billion in GVA could be achieved in Scotland if there is deployment of an additional 12 GW of onshore wind by 2030.
- 2.3.26 Furthermore, in terms of economic benefits reference is made to the Just Transition Commission's 'a national mission for a fairer, greener Scotland' (paragraph 5.3.1) one and it is stated (paragraph 5.3.2) that *“the rapid expansion of Scotland's onshore wind capacity, and associated manufacturing opportunities, will play a key role in this new future”*.
- 2.3.27 The Government is clearly setting out that there is an important opportunity to capitalise on in relation to the economic benefits from onshore wind.
- 2.3.28 In terms of **tourism and cultural economics** the draft OWPS sets out at paragraph 5.7.4 that public support for onshore wind has grown significantly across the UK reaching a new record of 79% in 2019 with opposition decreasing to only 5% in 2020.
- 2.3.29 The Government sets out that it recognises that some of Scotland's citizens remain concerned about the impact of large scale wind development on local and national tourism but it adds at paragraph 5.7.6 that it is encouraging to see on-shore wind development (for example, Whitelee Wind Farm) providing additional outdoor recreational activities alongside wind farms and they consider that *“the effect that on-shore wind farms can have on local and national tourism is a significant opportunity to cultivate our 'people and place' mentality and would be encouraged to see more development in Scotland with similar provisions”*.
- 2.3.30 In the **Ministerial Foreword**, by Michael Matheson, Cabinet Secretary for Net Zero, Energy and Transport it is stated that *“onshore wind remains vital to Scotland's future energy mix and we will need much more as we continue our progress to meet Scotland's legally binding net zero target”*.
- 2.3.31 Whilst the document is clearly issued for consultation, it however, sets out on the above topics the Government's current position a clear, strong direction of travel of strong support for onshore wind.
- 2.3.32 Furthermore for the first time a technology specific target relating to onshore wind is proposed and this is set out in bold text in the Ministerial Foreword where the overall aim of the consultation is set out to encourage input and evidence to *“help support work that we are doing to establish an ambition for the additional onshore wind capacity needed to help Scotland achieve net zero, as set out in the Cooperation Agreement between the Scottish Government and the Scottish Green Party”*.

- 2.3.33 The draft OWPS is also informative on the Government's position in relation to co-locating battery storage systems with onshore wind developments (and noting the battery storage element of the Proposed Development):
- > At paragraph 3.4.13 reference is made to security of supply/storage potential. - The OWPS draft sets out that *"we believe that on-shore wind can play a greater part in helping to address the substantial changes of maintaining security of supply and network resilience in a decarbonised electricity system"*.
  - > Paragraph 3.4.16 adds that some of the means by which onshore wind output can be managed and help assist the operation of the wider grid system includes *"the potential with co-location with forms of storage...."*
  - > Paragraph 3.4.17 adds *"we have already seen an increase of onshore wind development co-located with battery storage facilities and, as we continue to progress towards the decarbonisation of our energy system, battery storage will be more and more prevalent. On-site battery storage not only removes pressures from the grid, but enables more locally focused energy provision, and reduces costs to consumers."*
- The Scottish Government will continue to support the co-location of battery storage and hydrogen production facilities with on-shore wind developments to help balance electricity demand and supply, and resilience to the energy system and support the production of green hydrogen to meet future demands".*

## 2.4 Giving very substantial weight to Renewable Energy Policy and associated Targets

- 2.4.1 The need case for renewable energy generation and emissions reduction targets as set out in NPF3 and SPP, drafted in 2014, is considerably outdated – this is further referenced in the next Chapter. Drafting in the documents, appropriate at the time, does not reflect the new reality. -The documents are under review and have to a large extent been overtaken by the new statutory provisions and related policy on renewable energy targets and GHG emissions reductions. -The direction of travel is one way.
- 2.4.2 It is clear from the UK 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.
- 2.4.3 Decisions through the planning system must be responsive to this changed position. Decision makers can do this by according great weight to the energy policy objectives articulated above, in the planning balance.
- 2.4.4 Any suggestion that the Climate Emergency does not give rise to an urgent need for action simply because, as yet, planning advice and guidance has not been amended, would be misguided. -For the reasons set out above, it is wholly legitimate and expected for the planning system to take account of updated and emerging issues as material considerations (and indeed the law) in arriving at a decision on a proposal.
- 2.4.5 The Applicant's position is that the planning balance clearly needs to take into account SPP and NPF3 since they remain important material considerations unless and until replaced. However, as noted, other legislative interventions and statements of Government policy such as described above (and see **Appendix 1**) are also material considerations of relevance that should be afforded weight, and indeed increasingly greater weight.

- 2.4.6 In other words, the Applicant is not saying the current national planning policy framework is to be disregarded, but it does not currently reflect the weight that needs to be afforded to benefits and the speed of response of renewable deployment that is needed, as set out by the provisions of the 2019 Act. -SPP and NPF3 are of their time and place and did not predict the scale of the transformation needed to be a carbon free society. However, it is clear now (by way of the 2019 Act) that Scotland was not moving fast enough to achieve the necessary emissions reduction. Both documents advocate a 'low carbon' shift in terms of policy – but the policy and law is now to attain a net zero position.
- 2.4.7 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 of net zero and the need to substantially increase renewable capacity. - At the same time, there is the need to take advantage of the renewable and low carbon sector to drive the green recovery from the coronavirus pandemic. -This is a consistent message from both the UK and Scottish Governments.
- 2.4.8 It must follow that the need case is to be accorded great weight in the planning balance. It is not an over-riding consideration and does not provide carte blanche for onshore wind schemes such as this. However, it must be acted on. 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. It is the cumulative effect of a large number of individual projects which will move Scotland towards where it needs to be.

## 3. National Planning Policy & Guidance

### 3.1 Introduction

3.1.1 Relevant national planning policy guidance and advice is addressed in this Chapter. Reference is made to the National Planning Framework 3 (NPF3) and Scottish Planning Policy (SPP) and to the emerging new draft national planning policy by way of draft NPF4. National planning policy is a very important consideration: amongst other matters it sets the framework of development management factors and the approach to Spatial Frameworks for onshore wind energy.

### 3.2 National Planning Framework 3

3.2.1 The National Planning Framework 3 (NPF3) was published on 23 June 2014. NPF3 is a long-term strategy for Scotland and, pending the (overdue) fourth NPF, remains the spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Together, NPF3 and SPP (2014), applied at the strategic and local levels, are intended to help the planning system deliver the Scottish Government's vision and outcomes for Scotland and to contribute to the Government's central purpose of sustainable economic growth.

3.2.2 High level support for renewables is provided through the "vision" which is referred to as *inter alia*:

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

3.2.3 Further support is provided in Chapter 3 "A Low Carbon Place" which sets out the role that Planning will play in delivering the commitments set out in 'Low Carbon Scotland: The Scottish Government's Proposals and Policies'. It states (paragraph 3.1):

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

3.2.4 The introduction to Chapter 3 states that the Scottish Government's ambition *"is to achieve at least an 80% reduction of greenhouse gas emissions by 2020"*, reflecting the lower target that applied at that time.

3.2.5 Paragraph 3.7 states onshore wind is *"...recognised [in some areas] as an opportunity to improve the long-term resilience of rural communities"*.

3.2.6 Paragraph 3.8 states that the Government's aim is to meet at least 30% of overall energy demand from renewables by 2020 – this includes generating the equivalent of at least 100% of gross consumption from renewables, again reflecting targets at that time and which have been superseded as set out above.

- 3.2.7 Paragraph 3.9 states:
- 3.2.8 | “Our Electricity Policy Statement sets out how our energy targets will be met. -We are making good progress in diversifying Scotland’s energy generation capacity, and lowering the carbon emissions associated with it, but more action is needed. -Maintaining security of supplies and addressing fuel poverty remain key objectives. -We want to continue to capitalise on our wind resource...”.
- 3.2.9 Paragraph 3.23 states that “onshore wind will continue to make a significant contribution to diversification of energy supplies”.
- 3.2.10 In conclusion, it is clear that onshore wind development is recognised as a key technology in the energy mix which will contribute to Scotland becoming ‘a low carbon place’ which in turn will be a key part of the ‘vision’ for Scotland (as set out at paragraph 1.2 of NPF3). Furthermore, the Scottish Government has made it unequivocally clear that it wants to continue to “capitalise on our wind resource”. The Proposed Development would contribute to the renewable electricity and energy targets as set out in NPF3 and to longer term Government policy objectives and targets.
- 3.2.11 Together NPF3 and SPP (see below) applied at the national, strategic and local level will help the planning system to deliver the vision and outcomes for Scotland for a sustainable and low carbon economy. The Proposed Development is consistent with the provisions of the NPF3, as it is considered that it makes a use of the natural wind resources to produce low carbon energy and diversify the energy mix. It is assessed to accord with the principle of sustainable development as it is designed and sited to minimise the effects on the environment, whilst bringing benefits to the local community and contributing to economic development.
- 3.2.12 | However, as explained above, the need case for renewable energy generation and emissions reduction targets as set out in NPF3, drafted in 2014, is considerably outdated. Drafting in the documents, appropriate at the time, does not reflect the new reality. -Both NPF3 and SPP are under review and have to a large extent been overtaken by the new statutory provisions and related policy on renewable energy targets and greenhouse gas emission reductions.
- 3.3 Scottish Planning Policy**
- 3.3.1 | ‘Amendments’ were made to SPP in December 2020. -The amendment of relevance to the application was in relation to the changed wording on the ‘presumption’ at paragraphs 28 through to 33 of SPP.
- 3.3.2 | The Court of Session upheld the grounds of challenge to the 2020 Amendments to SPP and has granted a decree of reduction<sup>5</sup>. - The effect of the reduction is that for the present, SPP continues in its pre-December 2020 form and in accordance with the Gladman 2<sup>6</sup> approach.
- 3.3.3 Paragraph 27 of SPP (2014) which as noted is now revived – is a presumption in favour of development that “contributes to sustainable development”.
- 3.3.4 | Paragraph 29 of SPP (2014) sets out that policies and decisions should be guided by a number of principles. -A summary appraisal is provided below of how the Proposed Development relates to these policy principles:

<sup>5</sup> [2021] CSOH 74 – the challenge succeeded on the first ground, which was that the consultation was procedurally flawed because it was misleading.

<sup>6</sup> As set out in Gladman Developments Ltd v The Scottish Ministers [2020] CSIH 28.



**Table 3.1: SPP Paragraph 29 Principles**

<b>Policy Principle</b>	<b>Proposed Development</b>
1 - Giving due weight to net economic benefit	There would be net positive socio-economic effects, as summarised in Chapter 5 below. The Proposed Development would deliver a range of benefits
2 - Respond to economic issues, challenges and opportunities, outlined in local economic strategies	The Proposed Development is consistent with the policy to encourage renewable energy development in the Development Plan.
3 - Supporting good design and the six qualities of successful places	Limited relevance as the six qualities are framed with conventional built form in mind - but in the particular context of commercial-scale wind development the proposed development represents good design as a satisfactory layout has been achieved that fits with landscape character and local context while meeting functionality requirements - without unacceptable effects.
4 - Supporting delivery of infrastructure, for example transport, education, energy, digital and water	The Proposed Development would deliver energy infrastructure.
5 - Supporting climate change mitigation and adaptation including taking account of flood risk	This is of particular relevance. The Proposed Development would help to support climate change mitigation by replacing fossil fuel energy generation with renewable energy, thereby reducing emissions of climate changing gases. Flood risk has been considered and no issues arise.
6 - Improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation	This principle is not of particular relevance to the proposal. However, a benefit of the Proposed Development will be the potential provision of access to tracks for recreational purposes.
7 - Having regard to the principles for sustainable land use set out in the Land Use Strategy	The Land Use Strategy (2016-21) is a key commitment in the Climate Change (Scotland) Act 2009. The Strategy cross refers to Development Plans and their policies such as landscape protection, biodiversity, and renewable energy development which, through planning decision making will help deliver the Strategy and the principles for sustainable land use. The Proposed Development would contribute positively to climate change action.
8 - Protecting, enhancing and promoting access to cultural heritage, including the historic environment	This principle is not of particular relevance to the proposal. The proposal would not hinder access to cultural heritage and the design and proposed mitigation has ensured that cultural heritage is satisfactorily protected.
9 - Protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment	The proposal would not hinder access to the surrounding area and whilst there would be some localised significant landscape effects (which are inevitable with commercial scale wind energy developments), the landscape has the capacity for the development at the scale proposed.
10 - Avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality	These matters have been addressed through the EIA process. There would be no conflict with this policy principle.

3.3.5 The Proposed Development would be consistent with the principles set out at paragraph 29 of SPP and it would also assist in delivering SPP Outcomes in particular Outcomes 1 and 2 (namely a successful sustainable and low carbon place) – indicating that overall the proposal is sustainable development.

#### **Relationship of SPP to National Outcomes**

3.3.6 Paragraph 9 of SPP refers to ‘Outcomes’ as they relate to the Scottish Government’s ‘Purpose’ “*of creating a more successful country, with opportunities for all of Scotland to flourish through increasing sustainable economic growth...*”.

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

3.3.8 Paragraph 13 introduces four planning outcomes which explain “*how planning should support the vision*” for the planning system in Scotland.

3.3.9 Three of these outcomes are particularly relevant namely:

- > Outcome 1: a successful sustainable place – supporting sustainable economic growth and regeneration, and the creation of well designed, sustainable places;
- > Outcome 2: a low carbon place – reducing our carbon emissions and adapting to climate change; and
- > Outcome 3: a natural, resilient place – helping to protect and enhance our natural and cultural assets and facilitating their sustainable use.

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

3.3.11 The Proposed Development, given its nature and use, would clearly assist in achieving Outcome 2 ‘a low carbon place’.

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

#### **The Spatial Framework & Development Management Considerations**

3.3.13 The site encompasses land areas falling within Group 2 (on account of the presence of peat and carbon rich soils) and Group 3 areas. The Proposed Development is however, predominantly in a ‘Group 3’ location.

3.3.14 The design approach for the Proposed Development (based on site specific surveys) has sought to identify and avoid areas of deep peat and priority peatland habitat, and therefore any potential significant impacts have been substantially overcome.

- 3.3.15 Therefore, the site can be regarded as Group 3<sup>7</sup> – namely an area with potential for wind farm development and in which wind energy development is likely to be acceptable subject to consideration against development management criteria.
- 3.3.16 This position was supported in the Clachaig Glen Scottish Ministers' decision (14 October 2019) relating to a Wind Farm in Argyll and Bute<sup>8</sup> where in the Inquiry Report the Reporters set out (paragraph 2.78) that they agreed that the proposal was partly located within a 'Group 2' area as defined by Table 1 of the Spatial Framework within SPP and they added:
- “this is because of the presence of deep peat..... It is agreed by all parties that the proposal has addressed the requirements in relation to deep peat..... therefore we agree that there is no special reason why a proposal would not be acceptable, subject to normal policy considerations as if the site was wholly within a Group 3 area.”*
- 3.3.17 Paragraph 169 of SPP states that proposals for wind farms should always take into account Spatial Frameworks for wind energy developments. It adds that considerations will vary relative to the scale of a proposal and area characteristics, but are likely to include:
- > net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities;
  - > the scale of contribution to renewable energy generation targets;
  - > effect on greenhouse gas emissions;
  - > cumulative impacts – planning authorities should be clear about the likely cumulative impacts arising from all of the considerations below ...;
  - > impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker;
  - > landscape and visual impacts, including effects on wild land;
  - > effects on the natural heritage, including birds;
  - > impacts on carbon rich soils, using the carbon calculator;
  - > public access, including impact on long distance walking and cycling routes and scenic routes identified in the NPF;
  - > impacts on the historic environment, including scheduled monuments, listed buildings and their settings;
  - > impacts on tourism and recreation;
  - > impacts on aviation and defence interests and seismological recording;
  - > impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;
  - > impacts on road traffic;
  - > impacts on adjacent trunk roads;

<sup>7</sup> The Reporter in the Appeal Decision Notice (PPA-270-2155) for the Cnoc an Eas Wind Farm of 2 June 2017 also took this approach: he set out in paragraph 111 that “the Appeal site straddles an ‘area of significant protection’ (Group 2) and an ‘area with potential for wind energy development’ (Group 3). The Group 2 area is identified as such on the basis of SNH’s Carbon and Peatland Map, which shows peat and carbon rich soils within the site boundary. However, there is no issue with this constraint at the Appeal site, so it can be reasonably regarded as Group 3 in terms of the Spatial Framework.”

<sup>8</sup> Clachaig Glen, East of Musadale, Argyll & Bute, Ref: PPA-130-2064, 18 December 2019.

- > effects on hydrology, the water environment and flood risk;
- > the need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration;
- > opportunities for energy storage;
- > the need for a robust planning obligation to ensure that operators achieve site restoration.

3.3.18 Given the findings of the EIA and in light of the policy appraisal set out in this Planning Statement, the Proposed Development is considered to be acceptable overall in terms of the above considerations.

### 3.4 The NPF4 Position Statement

3.4.1 The Fourth National Planning Framework (NPF4) is being prepared by the Scottish Government to replace NPF3 and SPP and will represent a new National Plan and, for the first time, will become part of the statutory Development Plan. The NPF4 'Position Statement' was published by the Scottish Government on 26 November 2020.

3.4.2 The Position Statement "*sets out our current thinking to inform further discussions on the content of a draft revised framework for consultation. It aims to support those discussions and is not, in itself, a document setting out policy*".

3.4.3 The Statement makes it clear that the current NPF3 and SPP "*remain in place until NPF4 is adopted by Ministers*". Page 40 of the Statement states however that "*the Position Statement provides an idea of the direction of travel*" to inform a full draft of NPF4.

3.4.4 The plan looks ahead to 2050 and it is clear that a central element is a planning approach to deliver 'net-zero' emissions. The introductory section entitled 'Our Future Places' states that:

- > "*a significant shift is required to achieve net-zero emissions by 2045*"; and that
- > "*We will have to rebalance the planning system so that climate change is a guiding principle for all plans and decisions*".

3.4.5 Page 2 states "*we cannot afford to compromise on climate change. If we are to meet our targets, some significant choices will have to be made*". References to "significant choices" and "no more compromises" is strong language.

3.4.6 It is also clear that a central part of the new policy approach will be to help stimulate the green economy.

#### Key Opportunities

3.4.7 In terms of future places, the Government has set out twelve "*key opportunities to achieve this*" and with specific reference to renewables, 'Opportunity 8' states "*supporting renewable energy developments, including the re-powering and extension of existing wind farms ...*" (page 3). (underlining added).

#### Outcomes

3.4.8 The Statement sets out various outcomes for 2050 (page 5) and states that the long-term strategy "*will be driven by the overarching goal of addressing climate change. We must play our full part in tackling the global climate emergency by reducing greenhouse gas emissions in line with our legal targets*." The four key outcomes for NPF4 are expected to be as follows:

- > Net-Zero Emissions;
- > A Well-being Economy;
- > Resilient Communities; and

- > Better, Greener Places.

3.4.9 The Statement addresses each of these outcomes in turn, covering a summary of the principal consultation responses on these matters, emerging spatial priorities and outlines potential policy changes. In terms of the net-zero emissions outcome, the Statement sets out "a plan for net-zero emissions". Key points in this include that the Government will build on the Climate Change Plan<sup>9</sup> and take forward the advice provided by the UK Committee on Climate Change. The Statement sets out that the new spatial strategy will:

- > Prioritise emissions reduction – in this regard it states: "*climate change will be the overarching priority for a spatial strategy. To achieve a net-zero Scotland by 2045 and meet the interim emissions reduction targets of 75% by 2030 and 90% by 2040, an urgent and radical shift in our spatial plan and policies is required. Scotland's updated Climate Change Plan will be published later this year, setting a course for achieving the targets in the Climate Change (Emissions Reductions Targets) (Scotland) Act 2019. NPF4 will take forward proposals and policies to support it.*" (underlining added)
- > Deliver infrastructure to reduce emissions – it states: "*we expect that NPF4 will confirm our view that the Global Climate Emergency should be a material consideration in considering applications for appropriately located renewable energy developments.*" (page 9).

#### Potential National Planning Policy Changes

3.4.10 In terms of potential policy changes (page 10), there are various proposals which are intended to "support a spatial strategy for net-zero emissions" and these are to include "updating the current spatial framework for onshore wind to continue to protect National Parks and National Scenic Areas, whilst allowing development outwith these areas where they are demonstrated to be acceptable on the basis of site-specific assessments".

3.4.11 In terms of the Wellbeing Economy outcome, the Statement sets out that the new spatial strategy will support a sustainable and green economic recovery and references the need to recover from the impacts of COVID-19 through "a sustainable, green economic recovery, as recognised in the 2020 report by the Advisory Group on Economic Recovery" (page 22).

#### Key Points

3.4.12 Key points in the Position Statement include:

- > The Statement is an expression of the Government's clear direction of travel of policy – involving a "rebalance" of the planning system "so that climate change is a guiding principle for all plans and decisions".
- > The new spatial strategy will "prioritise emissions reduction" – which is underpinned and made necessary by the changes in energy policy and the law (in terms of emissions reduction targets).
- > Onshore wind is the specific renewable technology referenced in the "key opportunities" and is expected to play a significant role in the plan for net-zero emissions.
- > The Scottish Government is following the clear recommendations of the CCC, recognising an "urgent and radical shift in our spatial plan and policies is required".
- > Recognition that the climate emergency is a material consideration in considering applications for renewable energy developments.

3.4.13 Whilst the document is not issued and consulted upon planning policy, it a clear insight into the direction of travel of planning policy.

<sup>9</sup> Climate Change Plan (2018).

### 3.5 The Draft Fourth National Planning Framework ‘Scotland 2045’

3.5.1 The draft NPF4 was published in November 2021. Once approved, it will become part of the statutory Development Plan and will directly influence planning decisions. Now that the document has been published it is a material consideration, setting out draft policy and is not simply an indication of direction of travel.

3.5.2 In the Ministerial Foreword, the Minister for Public Finance, Planning and community Wealth states: *“This, our fourth National Planning Framework sets out how our approach to planning and development will help to achieve a net zero, sustainable Scotland by 2045.”*

3.5.3 As explained with reference to the renewable energy policy framework (Chapter 2) the 2020s are a critical decade for emissions reduction progress and this is referenced in the Part A where the Minister states: *“We have set a target of net zero emissions by 2045, and must make significant progress towards this by 2030. This will require new development and infrastructure across Scotland.”*

#### National Developments

3.5.4 The draft NPF4 (part 2, page 44) continues the planning policy approach of identifying ‘national developments’ which refers to the allocation of national development status to certain classes of development. The draft NPF4 states that *“National developments are significant developments of national importance that will help to deliver our spatial strategy”*.

3.5.5 18 national developments are proposed to support the delivery of the Spatial Strategy and it is explained that *“This designation means that the principle of the development does not need to be agreed in later consenting processes, providing more certainty for communities, business and investors”*.

3.5.6 There are three categories of national development proposed namely ‘liveable places, productive places and distinctive places’. Within the ‘productive places’ category is proposed national development 12 entitled ‘strategic renewable electricity generation and transmission infrastructure’.

3.5.7 A statement for this national development is provided as follows (page 59):

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

*A large 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, alongside developments and increases in storage technology and capacity, to provide the vital services, including flexible response, that a zero-carbon network will require. Generation is for consumption domestically 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.”*

3.5.8 A statement of ‘need’ is also provided as follows:

*“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”*.

3.5.9 In terms of designation and classes of development, it is set out that a development within one or more of the classes of development set out in the NPF4 and that is of a scale or type that would otherwise have been classified as ‘major’ by the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009 is designated as a ‘national development’ - these include:

*“Electricity generation, including electricity storage, from renewables of or exceeding 50 megawatts capacity”.*

3.5.10 The Proposed Development would exceed this threshold for national development status.

#### **Draft National Planning Policy**

3.5.11 Part 3 of the draft NPF contains proposed new ‘National Planning Policy’ and with regard to sustainable places (which identifies 6 Universal Policies), it sets out that (page 68):

*“To achieve a net zero, nature positive Scotland, we must rebalance our planning system so that climate change and nature recovery are the primary guiding principles for all our plans and all our decisions. That includes emissions reduction and the adaptations we need to make in order to be resilient to the risks created by a warmer climate.”*

3.5.12 The draft policy of particular relevance to the Proposed Development is Policy 2 entitled ‘Climate Emergency’. This states at Part A that *“when considering all development proposals significant weight should be given to the Global Climate Emergency”*.

3.5.13 Part C of the policy sets out that:

*“Development proposals for national, major or EIA development should be accompanied by a whole life assessment of greenhouse gas emissions from the development. In decision making the scale of the contribution of development proposals to emissions in relation to emissions reduction targets should be taken into account.”*

3.5.14 In terms of the emission reduction that the Proposed Development would give rise to, this is referenced in Chapter 5 below.

3.5.15 Under the theme of ‘productive places’ (page 90) is draft Policy 19 in relation to ‘Green Energy’.

3.5.16 The preamble to the policy states:

*“We want our places to support continued expansion of low carbon and net zero energy technologies as a key contributor to net zero emissions by 2045.*

*Scotland's energy sector has a significant role to play in reducing carbon emissions and contributing to a green, fair and resilient economic recovery. A wide range of renewable technologies are capable of delivering these benefits, although it is likely that the onshore wind sector will play the greatest role in the coming years. The planning system should support all forms of renewable energy development and energy storage, together with new and replacement transmission and distribution infrastructure.”* (underling added)

3.5.17 It is recognised that the detailed wording of the proposed policies may well change as a result of the public consultation and indeed through the Parliamentary process for NPF4. However, in terms of Policy 19 ‘green energy’ (page 90) the key elements of the policy as currently proposed, include the following of relevance to the Proposed Development:

- > *“Local Development Plans should seek to ensure that an area's full potential for electricity and heat from renewable sources is achieved. Opportunities for new development, extensions and repowering of existing renewable energy development should be supported.*
- > *Development proposals for all forms of renewable energy and low carbon fuels, together with enabling work such as transmission and distribution, and energy storage such as battery storage, should be supported in principle.*
- > *Development proposals for wind farms in National Parks and National Scenic Areas should not be supported.*

- > *Outwith National Parks and National Scenic Areas, and recognising the sensitivity of any other national or international designations, development proposals for new wind farms should be supported unless the impacts identified (including cumulative effects), are unacceptable. To inform this, site specific assessments including where applicable Environmental Impact Assessments (EIA) and Landscape and Visual Impact Assessments (LVIA) are required.*
- > *Areas identified for wind farms should be suitable for use in perpetuity. Consents may be time limited, but wind farms should nevertheless be sited and designed to ensure impacts are minimised and to protect an acceptable level of immunity for adjacent communities.”*

- 3.5.18 The proposed section K of the policy sets out that specific considerations for green energy proposals will vary relative to the scale of the proposal and the area characteristics. Reference is then made to 17 considerations which replicate those set out in the current SPP at paragraph 169.
- 3.5.19 A key change therefore is that there is no Spatial Framework as per the current SPP. The clear spatial planning policy direction is that wind farms will not be acceptable in National Parks or National Scenic Areas, but outwith these areas and recognising the sensitivity of any other national or international designations, then development proposals for new wind farms “*should be supported unless the impacts are unacceptable*”.
- 3.5.20 In the planning balance that will need to be struck there will need to be recognition of the climate emergency and on this particular matter, draft Policy 2 is clear that significant weight should be given to the global climate emergency.
- 3.5.21 In this case, given the scale of the Proposed Development (over 50 MW capacity) then, assuming the policy comes into force, it will represent a development of national importance. The Knockcronal Wind Farm development therefore needs to be viewed from the perspective that it is likely to be designated as a development of national importance.
- 3.5.22 When such development coincides with a spatial location that is free from national level designation constraints (i.e. the current SPP Group 3, recognising that the Group 2 matters can be satisfactorily addressed) then the question needs to be asked whether the local impacts that would arise would outweigh the force of that positive national level policy status. It is likely that the determination of the Proposed Development will take place with reference to the finalised NPF4 therefore this is a question that will need to be addressed when the planning balance is considered at that time.

#### **Contribution to National Outcomes**

- 3.5.23 Although the NPF4 is currently in draft form, it needs to be recognised that the amended Town and Country Planning (Scotland) Act 1997 directs (see section 3A(3A)) that the NPF must contribute to a series of six outcomes and one of these includes “*meeting targets for emissions of greenhouse gases*” (draft NPF4 page 1). Annex 5 to the draft NPF4 refers to six ‘outcome statements’ which are described as “*how the Scottish ministers consider that the development will contribute to each of the outcomes identified in section 3A(3)(c) of the Town and Country Planning (Scotland) Act 1997*”.
- 3.5.24 Outcome E is “*meeting any targets relating to the reduction of emissions of greenhouse gases, within the meaning of the Climate Change (Scotland) Act 2009, contained in are set by virtue of that Act*”.
- 3.5.25 The outcome statement sets out that the Scottish Ministers consider:  
  
“*that development of land supported by the policies and proposals in the NPF will contribute to this outcome by placing the global climate emergency at the heart of our strategy which addresses both emissions reduction and adaptation. Policy 2 ‘climate emergency’ states that when considering all development proposals significant weight should be given to the global climate emergency.*”



*More generally, on emissions reduction our policies address .....electricity generation from renewable sources and support for appropriately emissions abated low carbon fuels”.*

- 3.5.26 Therefore, whilst only limited weight can be placed on the detailed wording of the specific policies in the draft NPF4 at this stage, it is clear that the generation of renewable energy (in particular from onshore wind) “*in the coming years*” is recognised as being of national importance and is a key part of the way in which the emissions reduction statutory ‘outcome’ and the attainment of the legally binding net zero will be fulfilled.

### **3.6 Conclusions on National Planning Policy & Guidance**

- 3.6.1 Both NPF3 and SPP set out a strong position of support in relation to renewable energy and renewable energy targets and recognise the significant energy resource provided by onshore wind. This is clearly not at any cost and development continues to be guided to appropriate locations and environmental effects need to be judged to be acceptable when weighed against the benefits of such schemes, before consents are forthcoming.
- 3.6.2 The Proposed Development benefits from the presumption in favour of sustainable development and can be regarded as being located in ‘Group 3’ as per the SPP Spatial Framework in which wind farms are likely to be acceptable. It can be considered to be the right development in the right place (paragraph 28 of SPP) and not only because the proposal is in accordance with the guiding principles relevant to this type of development set out in paragraph 29 of SPP, but also because what is proposed has a strong consistency with the declared desirable planning Outcomes within SPP.
- 3.6.3 With regard to national planning policy, it has to be acknowledged that the need case with regard to renewable generation and emissions reduction targets as set out in NPF3 and SPP is both out of date and out of step with current targets as set out in new law. The documents are under review and have to a large extent been overtaken by new renewable energy targets and statutory provisions on greenhouse gas emissions reductions which have been explained in the previous Chapter and which are now expressed in the draft national policy approach in the draft NPF4.
- 3.6.4 Furthermore, in terms of planning policy provisions set out in SPP, there is now a clear shift from what was then (in 2014) termed the move to a ‘low carbon economy’ – there is now an ambitious policy imperative underpinned by new statute to move to a ‘net zero economy and society’. The Proposed Development can help achieve that clear policy objective and fulfil the clear statutory outcomes set in the draft NPF4.

## 4. The Development Plan – Policy Appraisal

### 4.1 Introduction & Approach

4.1.1 This Chapter sets out an appraisal of the Proposed Development in terms of the most relevant Development Plan policies. Reference is made to the conclusions reached as set out in the EIA Report.

4.1.2 As noted in the introduction, section 25 of 1997 Act (on the status of the Development Plan) does not apply to a decision made under section 36 of the 1989 Act or a related deemed planning permission to be granted under section 57 of the 1997 Act. Relevant policy in the Development Plan is a consideration and the Development Plan does not have primacy for determination of the section 36 application as it would for a planning application.

### 4.2 The Development Plan

4.2.1 The statutory Development Plan for the application site comprises:

- > the South Ayrshire Local Development Plan (the “LDP”) (adopted September 2014); and
- > the Supplementary Guidance: Wind Energy (adopted December 2015).

4.2.2 The second Proposed South Ayrshire Local Development Plan (“PLDP2”) was published for consultation in September 2019. South Ayrshire Council (SAC), at a meeting held on 24 March 2020 considered comments submitted on that proposed plan and determined to make notifiable modifications to the document, i.e. PLDP2 – as modified (known as “MPLDP2”).

4.2.3 Having considered a report on the outcome of public consultation on MPLDP2 in September 2020, SAC agreed to submit the MPLDP2 to the Scottish Ministers for formal Examination. MPLDP2 was submitted to the Scottish Government’s Department of Planning and Environmental Appeals for Examination on 12 December 2020.

4.2.4 Notwithstanding, the MPLDP2 gives an indication of SAC’s intent towards the stance it wishes to adopt in the consideration of planning applications in the future (subject to adoption of MPLDP2 in the future) at the present time, the MPLDP2 only has limited material status in the consideration of planning applications and with regard to this Section 36 application for the Proposed Development.

### 4.3 Relevant LDP Policies

4.3.1 Relevant LDP policies are set out in Table 4.1 below. The most relevant policies are those relating to Infrastructure and in particular the ‘Wind Energy’ policy which comprehensively covers environmental topics contained in other LDP policies. The focus in the policy appraisal set out below is therefore in relation to the ‘Wind Energy’ policy.

**Table 4.1: Relevant LDP Policies**

Policy Topic	Policy
Infrastructure	Renewable Energy Wind Energy
Natural Environment	Sustainable Development Natural Heritage Galloway and Southern Ayrshire Biosphere Landscape Quality Landscape Protection Woodland & Forestry Water Environment Air, Noise & Light Pollution Dark Skies
Historic Environment	Historic Environment Archaeology
Transport	Land Use and Transport

## 4.4 Infrastructure Policies

### Policy ‘Renewable Energy’

4.4.1 The Policy states: *“We will support proposals for generating and using renewable energy in stand-alone locations, and as part of new and existing developments, if they will not have a significant harmful effect on residential amenity, the appearance of the area and its landscape character, biodiversity and cultural heritage.*

*Development proposals will not be permitted where they would adversely affect the integrity of a Natura 2000 site”.*

### Policy ‘Wind Energy’

4.4.2 The Policy states: *“We will support proposals if:*

*a. they are capable of being accommodated in the landscape in a manner which respects its main features and character (as identified in the South Ayrshire Landscape Wind Capacity Study or in any subsequent updates to that study), and which keeps their effect on the landscape and the wider area to a minimum (through a careful choice of site, layout and overall design);*

*b. they do not have a significant detrimental visual impact, taking into account views experienced from surrounding residential properties and settlements, public roads and paths, significant public viewpoints, and important recreational assets and tourist attractions;*

*c. they do not have any other significant detrimental effect on the amenity of nearby residents, including from noise and shadow flicker;*

*d. they do not have a significant detrimental effect on natural heritage features, including protected habitats and species, and taking into account the criteria in LDP policy: natural heritage;*

*e. they do not have a significant detrimental effect on the historic environment, taking into account the criteria in LDP policy: historic environment and LDP policy: archaeology;*

*f. they do not adversely affect aviation, defence interests and broadcasting installations; and*

*g. their cumulative impact in combination with other existing and approved wind energy developments, and those for which applications for approval have already been submitted, is acceptable.*

*We will produce supplementary guidance on wind farms, which will identify preferred areas of search, areas with potential constraints and areas requiring significant protection; and will provide more detail on how the above-mentioned criteria will be applied in assessing all proposals for wind farms and turbines. We will use the South Ayrshire Landscape Wind Capacity Study (or any subsequent updates to that study) to help us decide the effect of proposals on the landscape.*

*Development proposals will not be permitted where, either individually or cumulatively, they would adversely affect the integrity of a Natura 2000 site.”*

4.4.3 Each of the criteria of the Policy 'Wind Energy' are addressed in turn below.

*a) Landscape (including cumulative effects)*

4.4.4 The Landscape and Visual Assessment (LVIA) (Chapter 6 of the EIA Report) has assessed the potential for significant landscape and visual effects over a 45 km Study Area.

4.4.5 In terms of **landscape character**, the Proposed Development is located on an upland landscape ('Foothills with Forest and Wind Farm' Landscape Character Type 17C (LCT)) which has an overall large scale and upland characteristics considered to be suitable for wind farm development.

4.4.6 The LVIA has identified significant effects for localised parts of the landscape character areas that cover the site and its immediate surroundings. Significant effects within the 'Foothills and Forest with Windfarm LCT', would be contained largely within the site itself due to surrounding plantation forestry, with other areas assessed as not significant. Significant landscape character effects would also be experienced in the 'Intimate Pastoral Valley' – LCT 13 (Girvan Valley) extending to around 4 km to the east and north from the nearest proposed turbine.

4.4.7 It is explained in the LVIA that such significant effects would arise largely due to the close proximity and clear visibility of the Proposed Development but also take account of the interaction with the visibility and potential cumulative effects with other existing wind farms within this area, such as Dersalloch and Hadyard Hill wind farms.

4.4.8 At greater distances, the effect on landscape character would not be significant due to the level of screening from intervening landform such as upland ridgelines and interconnecting hills that contain views of the site from the surrounding landscape and screening by other landscape elements such as shelterbelt and woodland planting within surrounding valleys and large blocks of commercial forestry within the upland itself but also on the valley sides.

4.4.9 Significant effects are found for the Water of Girvan Valley candidate Local Landscape Area (cLLA) in the upper Water of Girvan valley, which corresponds with the same area of Intimate Pastoral Valley – LCT 13 (Girvan Valley) that experiences significant effects. The LVIA explains that whilst the other neighbouring cLLAs would be indirectly affected by the introduction of the Proposed Development, these effects are not considered significant. All other landscape designations in the LVIA Study Area were also found not to experience

significant effects. There would also be no significant effects on the wild land qualities of the Merrick Wild Land Area (WLA).

- 4.4.10 In terms of **cumulative effects**, the cumulative assessment set out in the LVIA assesses the additional landscape and visual effects of the Proposed Development in the context of different baseline scenarios that make assumptions about existing and proposed wind farms. It is explained in the LVIA that the Proposed Development in itself would not alter the current perception of a 'landscape with wind farms' characteristic within the immediate landscape and visual context of the site.
- 4.4.11 There are no consented wind farm developments within close enough proximity to alter this perception and whilst the cumulative application scenario would further intensify this characteristic (as a result of the introduction of Craiginmoddie within the host LCT to the west and Clauchrie to the south of the Stinchar valley – both application stage Wind Farm developments), that the perception of a 'landscape with wind farms' would be maintained.
- 4.4.12 The Proposed Development would add further development to this scenario, however, the LVIA has shown that the separation between these developments is sufficiently distant to allow each of these to occupy slightly separate parts of the same upland (along with Dersalloch in a closely neighbouring LCT).

#### Visual Effects

- 4.4.13 With regard to **visual effects**, the assessment of effects on views is described in the LVIA informed by a series of 23 viewpoints that were selected, in agreement with NatureScot and SAC, to represent visibility from a range of receptors throughout the LVIA Study Area. The visual assessment has found significant effects as follows:
- > For the operational/under construction scenario, there was found to be a significant effect for 8 viewpoints. These comprise: Viewpoint 2 Minor Road near Craig; Viewpoint 3 Minor Road near Stinchar Bridge; Viewpoint 4 Craigengower Monument; Viewpoint 5 NCN7, near Palmullan Bridge; Viewpoint 8 Shalloch on Minnoch; Viewpoint 20 Cornish Hill; Viewpoint 21 B741 nr Largs Farm; and Viewpoint 23 Loch Girvan Eye.
  - > For the consented cumulative scenario, none of the viewpoints were assessed as having significant effects as a result of further cumulative interaction between the Proposed Development and consented schemes, however, a significant effect remains for four of the viewpoints assessed as significant in the operational/under construction scenario - Viewpoint 4 Craigengower Monument; Viewpoint 5 NCN7, near Palmullan Bridge; Viewpoint 8 Shalloch on Minnoch; and Viewpoint 20 Cornish Hill.
  - > For the application cumulative scenario, there was found to be a significant effect for four viewpoints. These comprise: Viewpoint 3 Minor Road near Stinchar Bridge; Viewpoint 4 Craigengower Monument; Viewpoint 20 Cornish Hill; and Viewpoint 23 Loch Girvan Eye.
- 4.4.14 Significant effects are also found for part of Core path 'SA47' between Craig at the bridge over the Water of Girvan valley and the edges of the forestry plantation (Straiton to Dalwhyne and Bennan Walk SAC local path network) in the operational / under construction and application scenarios along with the scenario that includes the Scoping stage Carrick Wind Farm.
- 4.4.15 In terms of **residential visual amenity**, whilst the Residential Visual Amenity Assessment (RVAA) has assessed 8 of the 14 properties within the Study Area to have significant visual effects, the Proposed Development would not lead to the 'residential visual amenity threshold' being reached. Therefore, none of the effects assessed have the potential to be overbearing in respect of the visual amenity of residents at the properties.

4.4.16 Significant effects are predicted for representative night time Viewpoint 2 (Minor Road near Craig) and Viewpoint 20 (Cornish Hill) as a result of turbine lighting. The overall effect of the Proposed Development turbine lights on the Dark Sky Park is considered to be not significant.

Other Amenity of residents - Noise and Shadow Flicker

4.4.17 The **noise assessment** for the Proposed Development, covering both construction and operation is set out in Chapter 10 of the EIA Report.

4.4.18 It is concluded that noise generated through construction activities will have a minor effect that is not significant in EIA terms. Predicted operational noise levels for turbines of the type and size which would be installed can operate within appropriate limits. It is concluded therefore that operational noise levels from the turbines are also considered not significant in EIA terms.

4.4.19 In addition, in terms of the proposed substation and energy storage facility, which would emit some noise during operation, it is set out in the assessment that based on experience of similar installations, in conjunction with the large separation distances to the nearest receptor locations, the associated levels of operational noise for these development elements would be negligible and are considered not significant in EIA terms.

4.4.20 **Shadow flicker** is addressed in Chapter 16 of the EIA Report. No significant effects of shadow flicker are predicted.

Effects on Natural Heritage Features

4.4.21 **Ornithology** is addressed in Chapter 7 of the EIA Report and **Ecology** in Chapter 8. The assessments establish the likely presence or likely absence of protected or notable ecological and ornithological species, identifies statutory and non-statutory natural heritage designated sites in the vicinity of the Proposed Development and evaluates the overall conservation status of the land within the site boundary.

4.4.22 The potential for the Proposed Development to have an adverse effect on designated sites and protected and notable ecological and ornithological species is assessed along with committed mitigation measures where applicable. Opportunities for biodiversity enhancement are also outlined.

4.4.23 Notable ecological results consisted of the land within the site boundary:

- > supporting some Annex 1 habitats (blanket bog and wet heath);
- > supporting badger (including setts) and water vole;
- > intersecting with watercourses with limited fish habitat, with the exception of the Palmullan Burn and the Water of Girvan along northern site boundaries; and
- > supporting a bat community consisting of the main species, common pipistrelle, soprano pipistrelle and noctule.

4.4.24 Embedded mitigation, in terms of scheme design has been followed to avoid those most ecologically valuable habitats and important habitat features (e.g. woodland edge and watercourses) and good practice measures, to include production of species protection plans (where required), production of a Construction Environmental Management Plan (CEMP), pre-clearance surveys and the appointment of an Ecological Clerk of Works (ECoW), would be implemented.

4.4.25 With the adoption of this mitigation, the assessments conclude that no potentially significant adverse direct and/or indirect effects on ecological or ornithological features are anticipated, including cumulative effects.

Effects on the Historic Environment and Archaeology

- 4.4.26 **Cultural Heritage** is addressed in Chapter 11 of the EIA Report. The assessment considered an area within the site (Inner Study Area) and in the wider landscape (Outer Study Area).
- 4.4.27 34 cultural heritage assets have been identified within the Inner Study Area. With the exception of a burnt mound, likely to be of prehistoric date, and a natural mound (possible medieval period), these are all of post-medieval date and relate to pastoral farming practices. The burnt mound has been assessed to be of heritage value at a regional level and to be of medium sensitivity. A historic farmstead, recorded as a non-statutory register (NSR) site potentially of national importance, has been assessed as a heritage asset of value at the national level and of high sensitivity. It is explained in the assessment that all other sites and features found are either of heritage value at a local level, and of low sensitivity, or are of little or no intrinsic heritage value, and of negligible sensitivity.
- 4.4.28 The layout of the Proposed Development has been designed as far as possible to avoid direct effects on the identified heritage assets within the site. Direct impacts on four heritage assets, each of low sensitivity, have been identified. These effects would be offset through a programme of mitigation to recover any archaeological information that may be present at the affected locations.
- 4.4.29 Within 10 km of the Proposed Development there are 10 Scheduled Monuments (three with predicted theoretical visibility of the Proposed Development); eight Category A Listed Buildings (one with predicted theoretical visibility); 65 Category B Listed Buildings (32 with predicted theoretical visibility); three Conservation Areas (all with some degree of predicted theoretical visibility); and four Inventory Gardens and Designed Landscapes (three with some degree of predicted theoretical visibility).
- 4.4.30 Within 5 km of the Proposed Development there are 11 NSR Sites (eight with predicted theoretical visibility), and 20 Category C Listed Buildings (all with some degree of predicted theoretical visibility).
- 4.4.31 A significant (moderate) effect is predicted on the setting of Knockoner Cairn (HER Ref: 11669), described in the EIA Report as a possible burial cairn recorded in the HER as being potentially of national importance but of doubtful antiquity. The effect, which would not adversely affect the feature's cultural significance, would last for the duration of the operational phase of the Proposed Development individually and cumulatively with other operational, consented, or proposed developments.

Effects in relation to Aviation, Defence Interests and Telecoms

- 4.4.32 Chapter 14 of the EIA Report addresses **aviation and radar**. The Proposed Development is located under unregulated airspace up to 5500 ft and is approximately 26 km to the south of Glasgow Prestwick Airport. The assessment concludes that the Proposed Development would have an effect on two aviation stakeholders, Glasgow Prestwick Airport (GPA) and NATS En Route Ltd (NERL) and that technical mitigation may be required.
- 4.4.33 The turbines will be visible to the radars at GPA and mitigation is likely to be required utilising the capabilities of the Terma radar installed at the airport. There will be no effects on any MOD radars or facilities. The NERL radar at Lowther Hill will have visibility of the turbines and mitigation is likely to be required.
- 4.4.34 Aviation Lighting will be required and Appendix 14.1 to the Aviation and Radar Chapter of the EIA Report contains a detailed aviation lighting assessment and mitigation report. The visible lighting layout design contained in that report will be submitted to the CAA for approval and the proposed Infra-Red lighting layout will be submitted to the MOD for approval.

4.4.35 Chapter 15 of the EIA Report addresses **telecommunications**. It sets out that the Proposed Development will not impact any telecommunication links, nor would it have any cumulative effects on telecommunication links with other developments.

## 4.5 Other LPD Policies

4.5.1 As noted, there are various other LDP policies of some relevance, however, the comprehensive nature of Policy 'Wind Energy' means that much of the content of the additional policies is already largely covered by this lead policy. These other policies are referenced below with an appraisal against aspects of relevance.

### Policy 'Sustainable Development'

The policy states: "*We will support the principles of sustainable development by making sure that all development meets the following standards.*

- > *Is appropriate in terms of its amenity impact, layout, scale, massing, design and materials in relation to its surroundings.*
- > *Is designed to maximise energy efficiency through building siting, orientation and materials.*
- > *Respects the character of the landscape.*
- > *Respects, protects, and where possible, enhances natural, built and cultural heritage resources.*
- > *Helps mitigate and adapt to the effects of climate change.*
- > *Protects peat resources.*
- > *Is appropriate to the local area in terms of road safety and effect on the transport network.*
- > *Contributes to an efficient use of public services, facilities and infrastructure.*
- > *Has sustainable urban drainage and avoids increasing (and where possible reduces) risks of or from all forms of flooding.*
- > *Supports, and, where possible, improves the Central Scotland Green Network.*
- > *Does not have a negative effect on air and water quality.*
- > *Is not within Health and Safety Executive safeguard zones if this would lead to increased risk or danger.*
- > *Is designed in a way that helps prevent crime.*

*Wherever possible, is in an accessible location, with opportunities for the use of public transport, and other sustainable transport modes including cycling and walking. Includes the use of micro-renewables, wherever appropriate and feasible."*

4.5.2 Policy 'Sustainable Development' is a general development management policy and it can be seen from its terms that it is more applicable to more conventional urban and rural developments than commercial scale wind energy projects.

4.5.3 The references in the policy to landscape and design considerations are reflected in Policy 'Wind Energy'. However, the policy does reference peat resources and water quality and these matters are not referenced in policy 'Wind Energy'.

4.5.4 With regard to these matters, Chapter 9 of the EIA Report assesses the potential geology, peat, hydrological and hydrogeological impacts of the Proposed Development. The SNH Carbon and Peatland Map 2016 shows Class 1 soils (Peat soils: Nationally important carbon



rich soils, deep peat and priority peatland habitat) in two localised plateau areas located between Clashverain summit and Big Benyaw summit. The assessment sets out that the peat distribution is very localised within pockets and on plateaus around the hill summits with the exception of the flat saddle area in the east of the site, which has been avoided during the design. Infrastructure within the site has been located to try to avoid the peat where possible taking into account other constraints and so significant effects are not predicted in relation to the peat resource.

- 4.5.5 A number of properties within the vicinity of the site were identified to have the potential to be reliant on private water supplies (PWS). A thorough risk assessment of the PWS has been undertaken. It was established that one PWS, located at Glenalla Farm, was identified to be potentially hydrologically connected to the Proposed Development (the existing western forestry track). The surface water abstraction point is located 240 m from the nearest proposed element of wind farm infrastructure.
- 4.5.6 The risks to this water supply from use of the existing forestry track for the wind farm are considered to be very low due to the distance between the forestry track and the source. However, there is a potential risk to the supply from the Proposed Development western access track.
- 4.5.7 Therefore, in terms of mitigation, the potable PWS will be monitored before, during and after the construction period on foot to avoid disturbing the Glenalla Farm access track. A monitoring and contingency plan will be developed and approved by SAC prior to construction commencing – this can be secured by way of a planning condition.

#### **Policy ‘Natural Heritage’**

- 4.5.8 This policy refers to international, national and local nature conservation designations. As explained above in relation to Policy ‘Wind Energy’, there would be no adverse effects arising in relation to such designations.

#### **Policy ‘Galloway and Southern Ayrshire Biosphere’**

The policy states: *“We will support development that promotes the aims of the biosphere and shows an innovative approach to sustainable living and the economy, and supports improving, understanding and enjoying the area as a world-class environment.”*

- 4.5.9 The Galloway and Southern Ayrshire is confirmed in the LDP as a location for a UNESCO biosphere reserve because of its unique combination of special landscapes and wildlife areas, rich cultural heritage and communities.
- 4.5.10 A core area lies at the heart of the Biosphere and includes the areas of mountain, moorland, freshwater lochs and rivers primarily within the Merrick Uplands/Galloway Hills. A buffer zone covering the Galloway Forest Park is a working landscape managed to protect the natural heritage of the core areas. The Proposed Development is located outside of this buffer zone within the Biosphere transition area.
- 4.5.11 The Biosphere is a non-statutory designation that in itself has no formal status within the planning system, however the effect of the Proposed Development on the ‘Sense of Place’ and landscape value of the core and buffer of the Biosphere is assessed in relation to the Merrick Wild Land Area (WLA).

#### **Policy ‘Landscape Quality’**

The policy states: *“We will maintain and improve the quality of South Ayrshire’s landscape and its distinctive local characteristics. Proposals for development must conserve features that contribute to local distinctiveness, including:*

- > a. community settings, including the approaches to settlements, and buildings within the landscape;

- > b. patterns of woodland, fields, hedgerow and tree features;
- > c. special qualities of rivers, estuaries and coasts;
- > d. historic landscapes; and
- > e. skylines and hill features, including prominent views.”

4.5.12 In terms of policy ‘Landscape Quality’, this is a general landscape policy and one that is more applicable to more conventional forms of development. Insofar as landscape character considerations are of relevance then these have been considered in detail with regard to policy ‘Wind Energy’.

#### **Policy ‘Landscape Protection’**

The policy states: *“We will consider proposals within or next to Scenic Areas (as defined on the LDP environment map) against the following conditions.*

- > a. *The significance of impacts and cumulative impacts on the environment, particularly landscape and visual effects as informed by the Ayrshire Landscape Character Assessment (SNH 1998)”.*
- > b. *How far they would benefit the economy.*
- > c. *Whether they can be justified in a rural location.”*

4.5.13 In terms of policy ‘Landscape Protection’ the policy requires the significance of any impact on Scenic Areas to be considered. It contains a balancing mechanism with regard to economic benefits and requires consideration of whether a development is justified in a rural location. The policy is of limited relevance as again the effects in relation to landscape character and designations is addressed within policy ‘Wind Energy’.

#### **Policy ‘Woodland and Forestry’**

*“We will support proposals for woodland and forestry that are:*

- > a. *consistent with the objectives and main actions of the Ayrshire and Arran Woodland Strategy; and*
- > b. *sympathetic to the environmental, nature and wildlife interests of the area, and, wherever appropriate, provide recreational opportunities for the public.”*

4.5.14 Appendix 3.3 of the EIA Report evaluates the potential effects of the Proposed Development on the woodland resource. The Technical Appendix describes the plans resulting from the Proposed Development for any felling, restocking and forest management practices.

4.5.15 The only forestry affected by the Proposed Development is on the two access routes (Northern and Western). However, as noted, only one route to the site will be progressed and utilised. This will be decided prior to construction. There is no other forestry or woodlands within the site which would be affected by the Proposed Development.

4.5.16 The assessment sets out that the loss of woodland area associated with the Proposed Development will depend on the selection of the preferred permanent access route as summarised below:

- > Northern route – 3.65 ha; and
- > Western route – 3.46 ha.

4.5.17 The composition of the woodlands which will be removed also depends on the selection of the preferred access route. In order to comply with the Scottish Government’s Control of Woodland Removal Policy, compensation planting will be required to mitigate for the loss of

woodland area. The Applicant is committed to providing appropriate compensatory planting. The extent, location and composition of such planting will be agreed with Scottish Forestry, taking into account any revision to the felling and restocking plans prior to the commencement of operation.

#### **Policy 'Water Environment'**

The policy states: *"We support the objectives of the Water Framework Directive (2000/60/EC). We will only allow development that meets these objectives and shows that:*

- > a. it will not harm the water environment;*
- > b. it will not pose an unacceptable risk to the quality of controlled waters (including groundwater and surface water); and*
- > c. it will not harm the biodiversity of the water environment."*

4.5.18 In terms of policy 'Water Environment' the relevant aspects of hydrology and specific effects in relation to PWS have been addressed above in relation to policy 'Sustainable Development'. There would be no harm to the water environment or indeed to biodiversity of the water environment.

#### **Policy 'Air, Noise & Light Pollution'**

The policy states: *"We will not allow development which would expose significant numbers of people to unacceptable levels of air, noise or light pollution."*

4.5.19 In terms of air, noise and light pollution again, these matters have been addressed above and in relation to this policy there would be no unacceptable impacts arising in relation to these matters.

#### **Policy 'Dark Skies'**

The policy states: *"We will support the Galloway Forest Dark Sky Park, and will presume against development proposals within the boundaries of the park that would produce levels of lighting that would adversely affect its 'dark sky' status. The boundaries of the Dark Sky Park [and of the buffer zone] are shown on the map on page 40. Development will have to be in line with the supplementary guidance on lighting within the Galloway Forest Dark Sky Park, which we will produce jointly with the adjoining planning authorities and Forestry Commission Scotland. This will also provide guidance for proposed developments within the buffer zone which may have a lighting impact on the Dark Sky Park. [The supplementary guidance will define the geographical extent of the buffer zone.]"*

4.5.20 The visual effect of turbine aviation lighting has been assessed in Appendix 6.4 of the EIA Report, including effects on the Dark Sky Park and visual effects from viewpoint 20 at the edges of the Merrick WLA.

4.5.21 Effects are assessed for both 2000 candela (cd) and 200cd and also for a 'worst case' (all turbines lit) and proposed 'reduced case' scenario.

4.5.22 Aviation warning lights, are not required to be switched on until 'Night' has been reached i.e. not during 'twilight', when landscape character may be discerned. The 2017 Merrick WLA description, whilst mentioning the Dark Sky Park, does not include darkness as one of the wild land qualities.

4.5.23 The wild land qualities that are described in the 2017 Merrick WLA description are evident within the context of landscape characteristics experienced during the day that are not readily perceived at night in darkness.

4.5.24 Cumulative lighting has been considered at representative night time viewpoints. And cumulative visualisations are included for viewpoint 20 Cornish Hill.

### **Policy ‘Historic Environment’**

The policy states: “We will support development proposals, affecting the following heritage resources, if we believe the quality and design of the proposed development will protect, conserve and improve them.

*Listed buildings of architectural and historic interest*

*We are in favour of protecting listed buildings and their settings, especially from inappropriate development, and will actively encourage their sensitive maintenance, restoration and reuse.*

*Conservation areas*

*All new development in, or affecting the setting of, a conservation area, has to improve or preserve the area’s character or appearance.*

*We will actively encourage and, where resources permit, implement upgrading and enhancement for conservation areas.*

*We will use conservation area appraisals and management plans to help make sure development is carried out to a consistent high standard.*

*Scheduled monuments*

*We will not accept development which would negatively affect the site or setting of a scheduled ancient monument.*

*Gardens and Designed Landscapes*

*We will not accept development which would negatively affect gardens and designed landscapes included in the Inventory of Gardens and Designed Landscapes in Scotland.”*

- 4.5.25 With regard to policy ‘Historic Environment’ cultural heritage resources have been fully addressed within the ambit of policy ‘Wind Energy’ and there would be no significant adverse effects arising in relation to the historic environment assets referenced in this additional policy.

### **Policy ‘Archaeology’**

- 4.5.26 The policy states: “We will only allow development which will negatively affect a known archaeological site, or archaeological resources discovered during the period of the local development plan, if developers can show that the benefits of the proposal will clearly outweigh the archaeological value of the site or feature.”
- 4.5.27 Similarly with regard to Policy ‘Archaeology’ this topic has been addressed in relation to Policy ‘Wind Energy’ and appropriate mitigation is proposed in relation to archaeological resources. One effect has been identified as being significant, but that effect would not lead to any diminishing of the cultural significance of the asset concerned.

### **Policy ‘Transport’**

- 4.5.28 Policy ‘Transport’ covers matters such as the Regional Transport Strategy and seeks to ensure accessibility to local services and covers various modes of transport. It is of very limited relevance to the consideration of the Proposed Development.
- 4.5.29 Traffic and transport is addressed within Chapter 12 of the EIA Report. It sets out that the Proposed Development would lead to an increase in traffic volume on a number of roads in the vicinity of the site during the construction phase, but this would be a temporary timescale and transitory in nature. Furthermore, with the implementation of appropriate mitigation, the assessment concludes that no significant residual effects are anticipated in respect of traffic and transport issues. During the operational phase of the proposed development, traffic levels would be at the level of one or two vehicles per week for maintenance purposes.

## 4.6 Supplementary Guidance: Wind Energy (2015)

- 4.6.1 The Supplementary Guidance: Wind Energy was adopted in December 2015. The purpose of this guidance is firstly to set out the spatial strategy for wind energy in line with the requirements of SPP. The strategy identifies areas within South Ayrshire which are afforded significant protection and those areas within which there is potential for a range of wind turbine typologies. Secondly it provides guidance to developers on how the policy criteria within the LDP will be applied and the information the Council will seek from them when assessing their proposals.
- 4.6.2 The guidance states it has been informed by national planning policy, the South Ayrshire Landscape Wind Capacity Study and its supporting appendix, and the distribution of existing and consented wind farm and wind farm developments.
- 4.6.3 Supplementary Guidance on landscape and visual considerations is set out in Parts A, B and G of the SG.
- 4.6.4 Part A. Landscape Character states – *“We will support proposals if: they are capable of being accommodated in the landscape in a manner which respects its main features and character (as identified in the SALWCS), and which keeps their effect on the landscape and the wider area to a minimum (through a careful choice of site, layout and overall design).”*
- 4.6.5 Proposals are to be assessed against the objectives set out in the Landscape Strategy in Table 2 of the SG (p11). Objectives of the Landscape Strategy are referenced in the LVIA (Chapter 6 of the EIA Report) and those that are relevant to the Proposed Development include:
- > *“Rugged scenery and sense of wildness associated with Loch Doon and the Carrick Hills - Wind farm development will be directed away from this landscape, developers will also be required to demonstrate that development sited in surrounding landscapes avoid significant impact on its setting and experiential qualities.”*
  - > *“Landmark Hills and their setting - Protect landmark hills and their setting. They form highly visible backdrops and diverse skylines to the Girvan and Stinchar valleys and the South Ayrshire coast. Wind turbine development on or near these hills would detract from their distinct form and character and would also be visually prominent from sensitive valleys.”*
  - > *“Less sensitive upland landscapes - Within South Ayrshire the upland landscapes are a more extensive scale and can better accommodate larger scale turbines. The strategy will seek to consolidate the generally successful association of larger turbines with this particular landscape character type. Mitigation of their visual impact will be sought by setting development well back into the upland interior and considering limitations in the height of turbines.”*
  - > *“Sensitive Cumulative Zones - Minimise Cumulative impacts. Cumulative landscape and visual issues have been identified in the following areas this will limit the capacity for further development: including A714 and Duisk River; and the Stinchar Valley.”*
- 4.6.6 Part B. Visual Impact states – *“We will support proposals if: they do not have a significant detrimental visual impact, taking into account views experienced from surrounding residential properties and settlements, public roads and paths, significant public viewpoints, and important recreational assets and tourist attractions.”*
- 4.6.7 G. Cumulative Impact states – *“We will support proposals if: Their cumulative impact in combination with other existing and approved wind energy developments, and those for which applications for approval have already been submitted, is acceptable.”*

- 4.6.8 As set out above in relation to the consideration of Policy 'Wind Energy' in the LDP, in terms of landscape and visual considerations, the LVIA has identified that the significant landscape and visual effects of the Proposed Development would be contained within a relatively limited area around the site when compared with other wind farm developments of the scale proposed.
- 4.6.9 Significant landscape character effects are assessed to occur within a maximum of 4 km from the nearest turbine of the Proposed Development. Significant visual effects have been identified as occurring out to 9 km although the majority of significant visual effects are found to lie within 5km. In landscape and visual terms, it is considered that there is scope for wind farm development within the large scale upland landscape of the 'Foothills with Forest and Wind Farm' LCT 17c.
- 4.6.10 Whilst there are views of the Proposed Development at close range from the upper Water of Girvan valley to the north of Straiton, it is explained in the LVIA that the turbine layout has been designed to minimise effects on the valley landscape by reducing the heights of the three turbines closest to the valley, and setting turbines back from the valley sides and away from conspicuous edge of valley hills. In doing so, the Proposed Development has made the best use of the site topography and surrounding hill forms to integrate the Proposed Development into the landscape.
- 4.6.11 It is also set out in the LVIA that the Proposed Development has a compact layout which for most views appears as a cohesive and consistently spaced grouping of turbines. The reduced height of the easternmost turbines also helps the turbines closest to the valley appear more similar in height to the more distant turbines in the group, due to natural perspective which prevents these turbines from appearing overly prominent in close valley views.
- 4.6.12 The conclusions in the LVIA are that it is considered that the landscape is capable of successfully accommodating the Proposed Development and that wider landscape and visual effects are relatively limited in extent.
- 4.6.13 The other 'development criteria' in the SG relate to considerations such as residential amenity, natural heritage, aviation and defence matters etc – all of which have been addressed in the lead Policy 'Wind Energy' or in other LDP policies referenced above.

## **4.7 The South Ayrshire Landscape Capacity Study (2018)**

- 4.7.1 In August 2012 the then Scottish National Heritage (SNH) in conjunction with the three Ayrshire Councils – commissioned landscape architects to produce a Landscape Wind Capacity Study (LWCS 2013). In December 2017, SNH – again in conjunction with the three Ayrshire Councils – commissioned an update to LWCS 2013 to take account of intervening changes in several key variables; particularly the relevant provisions of SPP (2014) relating to strategic, cross-boundary capacity, subsequent SNH guidance on the role of landscape capacity studies in addressing scope for changes in/replacement of existing wind turbines ('repowering') with larger turbines, industry trends for significantly greater standard turbine sizes, and the intervening changes to the landscape and visual baseline resulting from wind farms consented and/or constructed since 2013, both within South Ayrshire and neighbouring authorities, in close proximity to South Ayrshire.
- 4.7.2 The updated South Ayrshire Landscape Wind Capacity Study (SALWCS) 2018 is therefore in place and is understood to be being used inform a future review of the Wind Energy Supplementary Guidance (2015), as part of the wider ongoing preparation of Local Development Plan 2 (LDP2). SALWCS 2018 is used to assist the determination of relevant applications, by aiding the assessment of the landscape and visual impact of wind energy proposals.

- 4.7.3 Importantly, each application requires to be assessed on its own merits, and the effect of a Proposed Development on landscape character is not the sole consideration in assessing their overall landscape impact, and, in turn, landscape impact is one of a number of factors taken into account when considering planning or section 36 applications for wind energy developments.
- 4.7.4 The LVIA addresses the detail of the SAWLCS with regard to the site being located largely within Character Type 17C: 'Foothills with Forest and Wind Farm'.
- 4.7.5 The turbines of the Proposed Development would be considered to be the very large typology turbines (130m plus). The SALWCS states the following in relation to the Character Type:
- "Turbines of this size sited within the narrower western part of these foothills would be likely to be highly visible from Girvan and the coast and from the smaller scale, well settled Girvan and Stinchar Valleys. The interior of the more extensive eastern area of these foothills may be less sensitive to turbines towards the lower height band of this typology although there will be relatively close views from the Carrick Hills, within the Rugged Uplands Lochs and Forest (21). Fixed lighting on turbines greater than 150m could additionally affect dark skies and wilder landscapes in LCT21 and 18C."*
- 4.7.6 The overall sensitivity to very large typology turbines is stated by the SALWCS as high. The Capacity Study overall states that there is no scope for very large turbines (130m high) to be accommodated.
- 4.7.7 As noted, the conclusions in the LVIA are that it is considered that the landscape is capable of successfully accommodating the Proposed Development and that wider landscape and visual effects are relatively limited in extent.
- 4.7.8 Furthermore, it should be noted that NatureScot now takes an approach in favour of 'landscape sensitivity assessments' – namely a strategic appraisal of the relative sensitivity of landscapes to development or land use change. Final guidance is expected to be published in Autumn 2022. The draft guidance<sup>10</sup> makes it clear that the term "capacity" is "*determined by a target amount of development while sensitivity is not. Most studies should therefore be correctly referred to as sensitivity studies, unless such targets have been set at an appropriate scale*".
- 4.7.9 Paragraph 10 of the draft guidance adds: "*Existing assessments provide useful evidence and understanding to inform spatial planning. However, updating may be required, particularly for wind farm studies, as development patterns and technology change, and/or to remove elements of capacity assessment where these exist. The assessment criteria are likely to remain relevant and can form the basis for updating a study*".
- 4.7.10 It is expected therefore that the SAWLCS will need to be updated to exclude capacity references to bring it into line with updated national guidance.

<sup>10</sup> NatureScot, Draft Landscape sensitivity Guidance, paragraph 9 (November 2020).

## **4.8 Conclusions**

- 4.8.1 Policy 'Wind Energy' is the most relevant LDP policy in assessing the proposed development. Although other policies are of relevance, Policy 'Wind Energy' largely encompasses all necessary development management considerations.
- 4.8.2 The site is located within the Spatial Framework and can be regarded as Group 3. SPP describes such Group 3 areas as areas where wind farm development is likely to be acceptable. While this does not mean that all wind farm applications in these areas will be approved it is a significant factor to consider when balancing the benefits and environmental impacts in coming to conclusions about the overall 'acceptability' of the proposal.
- 4.8.3 No effects would arise that are considered unacceptable, individually or cumulatively, with other developments having specific regard to the criteria contained within the key renewable energy policy of the LDP as supported by the SG. Notable benefits would arise as set out in Section 5 below.
- 4.8.4 Overall, through considering the other relevant policies, including the advice contained in the SG, it is considered that the Proposed Development accords with the Development Plan when it is read as whole – insofar as this is a relevant matter in a section 36 case.



## 5. The Benefits of the Development

### 5.1 The Benefits: Summary

5.1.1 This Chapter summarises the benefits that would arise from the Proposed Development. The proposed socio-economic benefits predicted to arise are described in detail in Chapter 13 of the EIA Report.

#### Renewable Generation and Emissions Savings

- > With an overall installed capacity in the region of 59.4 MW (excluding energy storage), the Proposed Development would make a valuable 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 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 greenhouse gas emissions by 2050 and the Scottish Government target of a 75% reduction of such emissions by 2030 and net zero by the earlier date of 2045 are major challenges. The Government has made it clear that onshore wind plays a vital role in the attainment of future targets in relation to helping to combat the crisis of global heating and in particular through the 2020s.
- > The Proposed Development includes energy storage equipment, which would store excess power generated, and release power on to the grid when the output from the development falls due to decreased wind speed. The inclusion of energy storage would increase the sustainability of the power generated.
- > Based on an installed capacity of approximately 59.4 MW, with the exact capacity depending on the model and type of turbine selected, it would be expected that the site would generate around 138 Giga Watt Hours (GWh) per year (depending on the turbine selected). Assuming this level of generation annually, the Proposed Development would generate enough power to supply approximately 40,500 average Scottish households per annum.
- > The development would offset substantial carbon dioxide and other greenhouse gas emissions: the carbon dioxide savings are estimated at circa 36,000 tonnes of carbon dioxide per annum. This would be a total of over 1 million tonnes over the 30-year operational lifetime of the Proposed Development. The estimated carbon payback period is 2.5 to 3.5 years – i.e. after this period there would be net carbon savings.

#### Economic and Employment Benefits

- > It is estimated that the capital cost of constructing the Proposed Development could equate to investment estimated to be in the order of £70.9m.
- > It was estimated that the Proposed Development during its construction and development could generate up to:
  - £4.4 million Gross Value Added (GVA) and support 62 years of employment in South Ayrshire; and
  - £16.4 million GVA and 225 years of employment across Scotland.
- > During its operations, it was estimated that the Proposed Development could generate each year:
  - £0.4 million GVA and support five jobs in South Ayrshire; and

- £0.6 million GVA and eight jobs across Scotland.
- > The development would contribute an estimated £0.4m per annum to public finances by way of non-domestic rates.

#### **Community Benefits**

- > In addition to the economic benefits during the construction, operation and decommissioning phases, the proposed community benefit fund would result in significant local level benefit. Through a community benefit fund, each year local communities could receive around £297,000 per annum, which they will then be able to invest in local projects. The Applicant is also open to considering shared ownership for the Proposed Development, if local communities are interested. Any profits from such a scheme could then be reinvested locally leading to the generation of additional benefits
- > The Proposed Development represents a significant investment in the region and the Applicant has committed to taking a number of steps to ensure that benefits from the Proposed Development are maximised locally. The Applicant is committed to a local supplier approach that will endeavour to source supplier contracts that are sourced locally wherever possible, sustaining local businesses and providing employment opportunities for local people.
- > While it is recognised that community benefit payments are not a material planning matter, these figures represent a valuable financial contribution and resource to underpin investment locally.

## 6. Conclusions

### 6.1 The Electricity Act 1989

- 6.1.1 Paragraph 3 of Schedule 9 to the 1989 Act provides a specific statutory requirement on the Scottish Ministers<sup>11</sup> to have regard to various matters when considering development proposals for consent under section 36 of the 1989 Act.
- 6.1.2 The information that is contained within the individual topic sections of the EIA Report addresses all these matters so far as relevant to the Proposed Development. It is considered that the detailed work undertaken for the EIA enables Ministers to be satisfied that the Applicant has had regard to the desirability of preserving the features identified in Schedule 9 and to be satisfied that the Applicant has done what it reasonably can to mitigate any effect which the proposals would have on those features. The EIA has confirmed and provides confidence that the Proposed Development is environmentally acceptable.

### 6.2 Climate Emergency & the Renewable Energy Policy Framework

- 6.2.1 The urgent need for substantial additional onshore wind capacity has been set out: an increase of this renewable energy technology is supported through a number of policy documents and by Scottish Government commitments – most recently expressed in the Onshore Wind Policy Statement Refresh Consultative Draft and in the draft NPF4.
- 6.2.2 As noted, onshore wind 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. 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 Climate Change Act 2008 and in Scotland with the provisions of the Climate Change (Scotland) Act 2009 and the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019.
- 6.2.3 Overall, the renewable energy policy framework is a very important consideration and one that should attract great weight in the balance of factors in the determination of the application. It also needs to be acknowledged that the need case with regard to renewable generation as set out in NPF3 and SPP was predicated on emissions reduction targets that are now superseded by more challenging targets, to be achieved sooner. The documents are under review and the targets referred to in them have to a large extent been overtaken by new renewable energy targets and statutory emissions reduction targets.
- 6.2.4 The benefits of the Proposed Development have been set out in the context of the current Climate Emergency and after a period of economic recession – they would help address the issue of global heating and very challenging ‘net zero’ targets and contribute to a green recovery.
- 6.2.5 It is considered that the benefits offered by the Proposed Development demonstrably outweigh the negative impacts of the scheme.
- 6.2.6 Commercial scale wind turbines are by necessity large structures. It is not therefore surprising that some significant landscape and visual effects have been identified. Landscape and visual effects has been a key design influence from the outset, and the resultant effects are not considered unacceptable. The effects arising are not disproportionate for a renewable energy project of this size.

<sup>11</sup> In *North Lowther Energy Initiative Ltd v The Scottish Ministers* [2021] CSOH 104 it is confirmed that the obligation to mitigate under Schedule 9 paragraph 3(1)(b) applies only to license holders or persons authorized by an exemption.

6.2.7 The socio-economic benefits are also now of particular importance given the green recovery context. The letter from the Chief Planner dated 03 April 2020 entitled 'Planning Procedures and COVID-19' is clear in stating that "*planning has a crucial part to play within and beyond the immediate emergency*" and makes reference to the planning system's critical role in our "*future economic and societal recovery*". When this is considered alongside the policy imperative in response to the Climate Emergency – great weight should be placed on the benefits that would arise from the Proposed Development.

### **6.3 National Planning Policy**

6.3.1 NPF3 and SPP set out a strong position of support in relation to renewable energy and renewable energy targets and recognise the significant energy resource that can be provided by onshore wind. This is clearly not at any cost and environmental effects need to be judged to be acceptable in the overall planning balance when set against the benefits.

6.3.2 SPP requires consideration of a wind farm's contribution to renewable targets and climate emission reductions. Onshore wind was described by Scottish Ministers as "vital" in the Onshore Wind Policy Statement prior to the climate emergency declaration and before the introduction of the 2045 net zero target. It cannot be less so now.

6.3.3 Furthermore, each of the relevant sustainable development principles introduced through Paragraph 29 of SPP have been considered and the Proposed Development would be consistent with these and should benefit from the presumption in favour of sustainable development.

6.3.4 The Proposed Development is in an appropriate location and it is considered that the development is consistent with the relevant provisions of national planning policy and advice. The policy provisions at a national level have been satisfactorily addressed.

6.3.5 Furthermore, in Scotland, in terms of planning policy provisions set out in SPP, there is now a clear shift from what was then (in 2014) termed the move to a 'low carbon economy' – there is now an ambitious policy imperative to move to a 'net zero economy and society'. The Proposed Development can help achieve that clear policy objective.

6.3.6 The draft NPF4 is clear that the Government is seeking a "rebalance" of the planning system "so that climate change is a guiding principle for all plans and decisions". Moreover, onshore wind is the specific renewable technology referenced as having the key role in the plan for net-zero emissions through the 2020s.

6.3.7 Whilst only limited weight can be placed on the detailed wording of the specific policies in the draft NPF4 at this stage, it is clear that the generation of renewable energy (in particular from onshore wind "*in the coming years*") is recognised as being of national importance and is a key part of the way in which the emissions reduction statutory 'outcome' and the attainment of the legally binding net zero will be fulfilled.

### **6.4 The Development Plan**

6.4.1 The Proposed Development would also be consistent with the lead policy of the Development Plan, and with the Plan when read as a whole.

## **6.5 Overall Conclusions**

- 6.5.1 It has been demonstrated that the Proposed Development accords with and draws support from local and national planning policy, and that there is a substantial and pressing need for this type of development in order that pressing future targets in relation to the global heating crisis and renewable energy generation and greenhouse gas emission reductions can be met in time.
- 6.5.2 There is a climate emergency. That is a factor of importance and considerable weight. It does not require a statement to that effect in a planning document to make it so. Planning decisions must be made within and respond to the changing economic and wider policy context within which development comes forward. The planning balance can therefore no longer be approached as it has been in the past.
- 6.5.3 The overall conclusion is that when all the relevant considerations have been properly considered, the balance strongly favours the granting of consent. On this basis, it is recommended that Section 36 consent and deemed planning permission should be granted, for the Proposed Development, subject to appropriate conditions.

## 7. Appendix 1: The Renewable Energy Policy Framework

### 7.1 Introduction

7.1.1 This Appendix sets out the renewable energy policy framework with reference to relevant UK and Scottish energy policy provisions. It supplements Chapter 2 above and has a focus on more recent provisions.

### 7.2 International Policy Considerations

#### The Paris Agreement (2015)

7.2.1 The Paris Agreement (2015) is an agreement within the United Nations Framework Convention on Climate Change. The purpose of the Agreement is to strengthen the global response to the threat of climate change. The UK was the 111th country to ratify the Agreement. Under the Agreement, each country must determine, plan and regularly report on the contribution that it undertakes to mitigate global warming. In order to achieve this long-term temperature target, the text of Article 4 (page 4) states “*parties aim to reach global peaking of greenhouse gas emissions as soon as possible*”. Article 2 (page 3) sets out:

*“This Agreement, in enhancing the implementation of the Convention, including its objective, aims to strengthen the global response to the threat of climate change, in the context of sustainable development and efforts to eradicate poverty, including by: (a) Holding the increase in the global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels, recognizing that this would significantly reduce the risks and impacts of climate change.”*

7.2.2 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 through to the Committee on Climate Changes’ (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.

#### The Intergovernmental Panel on Climate Change (IPCC) Sixth Assessment Report (2021), related Press Release and Statements

7.2.3 The first part of the Intergovernmental Panel on Climate Change (IPCC) Sixth Assessment Report (AR6) was published on 9 August 2021. The publication is made up of the ‘Working Group 1’ Report ‘Climate Change 2021: The Physical Science Basis’ together with a ‘Summary for Policymakers’ (SPM)<sup>12</sup> (collectively referred to as ‘the AR6 Report’).

7.2.4 The Report addresses the physical understanding of the climate system and climate change. It sets out how and why the climate has changed to date and the improved understanding of human influence on a wider range of climate characteristics, including extreme events. The Report is the first major review of the science of climate change since 2013.

7.2.5 The IPCC also issued a press release on 9 August 2021 entitled ‘Climate change widespread, rapid and intensifying’. Key points in the release include:

<sup>12</sup> IPCC, 2021: Summary for Policymakers. In: Climate Change 2021: The Physical Science Basis. Contribution of Working Group I to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change, Masson-Delmotte *et al*, Cambridge University Press.

*“Scientists are observing changes in the earth’s climate in every region and across the whole climate system. Many of the changes observed in the climate are unprecedented in thousands, if not hundreds of thousands of years, and some of the changes are already set in motion – such as continued sea level rise – are irreversible over hundreds to thousands of years.*

*However, strong and sustained reductions in emissions of carbon dioxide and other greenhouse gases would limit climate change. While benefits for air quality would come quickly, it could take 20-30 years to see global temperatures stabilise according to the IPCC Working Group 1 Report.*

*The report provides new estimates of the chances of crossing the global warming level of 1.5 degrees in the next decade, and finds that unless there are immediate, rapid and large scale reductions in greenhouse gas emissions, limiting warming close to 1.5 degrees or even 2 degrees will be beyond reach. (underlining added)*

*The report shows that emissions of greenhouse gases from human activities are responsible for approximately 1.1 degrees of warming since 1850-1900 and finds that averaged over the next 20 years, global temperature is expected to reach or exceed 1.5 degrees of warming.”*

7.2.6 The release sets out that the Report projects that in the coming decades climate changes will increase in all regions. It adds, *“For 1.5 degrees of global warming there will be increasing heatwaves, longer warm seasons and shorter cold seasons. At 2 degrees of global warming, heat extremes would more often reach critical tolerance threshold for agricultural and health”.*

7.2.7 Key messages of this landmark Report include the following.

- > Even if the countries of the world cut their greenhouse-gas emissions dramatically (and they are not yet on a consistent downward trend of any sort) the IPCC finds that temperatures are very likely to be 1.5°C higher than they were in the 19th century by 2050—if not before. That breaks the more ambitious of the goals for limiting climate change that the world signed up to in the Paris agreement of 2015<sup>13</sup>.
- > The Report is much more assertive than its predecessors in terms of attributing changes and specific events to climate change, describing the distribution of these effects around the Earth and assessing the degree to which the weather is being pushed to new extremes.
- > This latest assessment provides unprecedented clarity – it is clear that human influence on the climate is now indisputable and “unequivocal”. The UN Secretary General has described the Report as a “code red for humanity”<sup>14</sup>.
- > A crucial part of this document is the ‘Summary for Policymakers’ approved by the 195 Governments that are part of the IPCC and will inform negotiating positions at COP26, the UN climate conference which will take place in Glasgow in November 2021.
- > The Report has been issued in a summer of temperature records, fires and floods. In short, the IPCC report which models of climate change is backed up with observations.
- > Even under the most stringent emissions-reduction scenarios the IPCC thinks it is “more likely than not” that temperatures will exceed 1.5°C above the pre-industrial level within the next few decades. The 1.5°C figure is estimated to be reached by 2040 in all scenarios modelled<sup>15</sup>.
- > To stand a good chance of keeping the increase below 2°C through emissions reduction would require the Governments of the world to quickly set in place policies that would put their economies onto the emissions-reducing pathways they have pledged themselves to.

<sup>13</sup>The IPCC Fifth Assessment Report informed the 2015 Paris Agreement.

<sup>14</sup> Statement by UN secretary general Antonio Guterres, 09 August, 2021.

<sup>15</sup> As set out in Table SMM.1, page 18 in the SPM.

It is clear that deep cuts in emissions of greenhouse gas are required as the window of opportunity gets smaller. In short, there is no time for delay, immediate action is the only way to avoid ever-worsening impacts – the climate crisis must be treated as a crisis.

7.2.8 In the UK, the Chief Scientific Adviser, Sir Patrick Vallance acknowledged the receipt of the Report and called on the UK Governments to produce climate change ‘roadmaps’ – he stated on 10 August 2021 that the “stark” Report showed the need for immediate action.

7.2.9 Alongside the publication of the report, the United Nations issued a statement from the UN Secretary General. He described the Working Group 1 Report as:

*“A Code Red for humanity. The alarm bells are deafening, and the evidence is irrefutable: greenhouse gas emissions from fossil fuel burning and deforestation are choking our planet and putting billions of people at immediate risk. Global heating is affecting every region on earth, with many of the changes becoming irreversible.*

*The internationally agreed threshold of 1.5°C is perilously close. We are at imminent risk of hitting 1.5°C in the near term. The only way to prevent exceeding this threshold is by urgently stepping up our efforts and pursuing the most ambitious path”. (underlining added)*

7.2.10 The statement adds

*“We need immediate action on energy. Without deep carbon pollution cuts now, the 1.5 goal will fall quickly out of reach. This report must sound a death knell for coal and fossil fuels, before they destroy our planet... By 2030 solar and wind capacity should quadruple and renewable energy investment should triple to maintain a net zero trajectory by mid-Century.” (underlining added)*

7.2.11 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 through to the Committee on Climate Changes’ (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).

### **COP26 – The Glasgow Climate Pact (November 2021)**

7.2.12 The negotiations at the COP26 climate summit held in November 2021 under the UN Framework Convention on Climate Change have focused on the gravity of the situation and has sought to secure global net zero by mid-century and keep the 1.5 degree target within reach.

7.2.13 COP26 concluded in Glasgow on 13<sup>th</sup> November with nearly 200 countries agreeing the ‘Glasgow Climate Pact’ to keep 1.5C alive and to finalise the outstanding elements of the Paris Agreement.

7.2.14 Climate negotiators ended two weeks of intense talks with consensus on urgently accelerating climate action. The Glasgow Climate Pact, combined with increased ambition and action from countries, means that 1.5C remains in sight, but it will only be delivered with concerted and immediate global efforts.

7.2.15 The Glasgow Climate Pact will speed up the pace of climate action. All countries agreed to revisit and strengthen their current emissions targets to 2030, known as Nationally Determined Contributions (NDCs), in 2022. This will be combined with a yearly political roundtable to consider a global progress report and a Leaders summit in 2023.

7.2.16 The COP26 President Alok Sharma’s statement on 13 November 2021 at the conclusion of COP26 included the following:



*“We can now say with credibility that we have kept 1.5 degrees alive. But, its pulse is weak and it will only survive if we keep our promises and translate commitments into rapid action. I am grateful to the UNFCCC for working with us to deliver a successful COP26.*

*From here, we must now move forward together and deliver on the expectations set out in the Glasgow Climate Pact, and close the vast gap which remains. Because as Prime Minister Mia Mottley told us at the start of this conference, for Barbados and other small island states, ‘two degrees is a death sentence’.*

*It is up to all of us to sustain our lodestar of keeping 1.5 degrees within reach and to continue our efforts to get finance flowing and boost adaptation. After the collective dedication which has delivered the Glasgow Climate Pact, our work here cannot be wasted.”*

### 7.3 The UK Net Zero Target

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

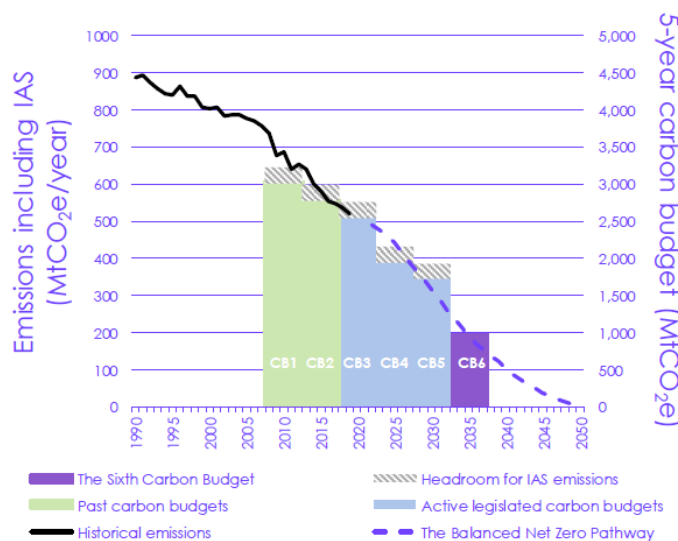
#### The UK’s Sixth Carbon Budget (December 2020)

7.3.2 The CCC published the Sixth carbon budget ‘the UK’s Path to Net Zero’ in early December 2020. The recommendations relate to the budget to run from 2033 to 2037. It builds upon the CCC’s previous advice to Government in relation to net zero. The CCC recommended that the UK set a Sixth Carbon Budget (CB6) to require a reduction in UK greenhouse gas emissions of 78% by 2035 relative to 1990 levels.

7.3.3 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*”.

7.3.4 **Figure 1** below illustrates the recommended Sixth Carbon Budget showing how it relates to the first five budgets which are already legislated to 2032, the end of the Fifth Carbon Budget period. Although the budget extends to 2037, the CCC advice in this most recent CCC report covers the full path for emissions to net zero by 2050.

**Figure 1: The Recommended Sixth Carbon Budget<sup>16</sup> (CCC, December 2020)**



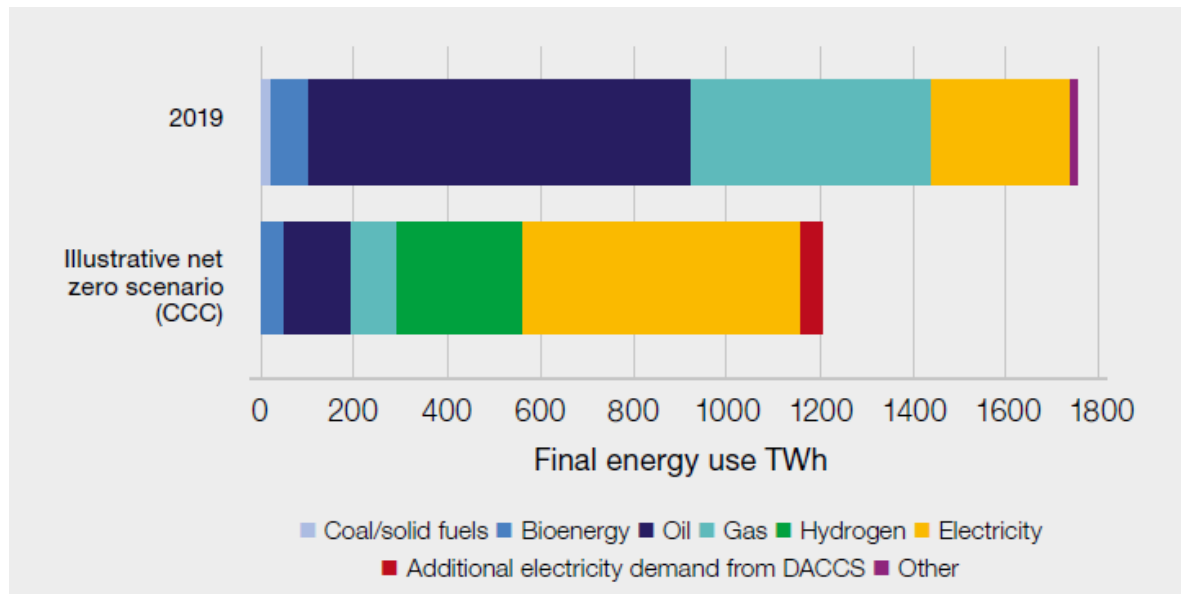
Source: BEIS (2020) Provisional UK greenhouse gas emissions national statistics 2019; CCC analysis  
 Notes: Emissions shown include emissions from international aviation and shipping (IAS) and on an AR5 basis, including peatlands. Adjustments for IAS emissions to carbon budgets 1-3 based on historical IAS emissions data; adjustments to carbon budgets 4-5 based on IAS emissions under the Balanced Net Zero Pathway.

<sup>16</sup> Source: Sixth Carbon Budget, page 14 (2020).

- 7.3.5 Page 23 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*” and recognises that although the main policy levers are held by the UK Government, Scotland can take action through complementary measures at the devolved level including supporting policies such as “*planning and consenting*”.
- 7.3.6 Page 29 sets out recommendations for action including “*delivering the actions required in the 2020s to meet the Sixth Carbon Budget requires policies to be strengthened now. Matching strong ambition with action is vital for the UK’s credibility...*”
- 7.3.7 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% to 2035 and “*doubling or even trebling by 2050*”.
  - > The Sixth Carbon Budget needs to be met /achieved and that will need 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.*”
  - > Key benefits for the UK are seen as including the opportunity for low carbon investment – recognised at a time when it is needed to support the UK’s economic recovery from the COVID-19 health crisis.
- 7.3.8 Following the Sixth Carbon Budget, 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<sup>17</sup>) to reduce emissions by 78% by 2035 compared to 1990 levels.
- The UK Energy White Paper (December 2020)**
- 7.3.9 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.
- 7.3.10 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).
- 7.3.11 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).
- 7.3.12 This anticipated growth of renewable electricity is illustrated in the graph below – **Figure 2**.

<sup>17</sup> The Order sets the carbon budget for the 2033-2037 budgetary period at 965 million tonnes of carbon dioxide equivalent. Carbon budgets set a cap on the maximum level of the net UK carbon account for each five-year budgetary period. The net UK carbon account is defined in section 27 of the Climate Change Act 2008.

Figure 2: Illustrative UK Final Energy Use in 2050<sup>18</sup>



7.3.13

Other key points in the White Paper include:

- > The White Paper builds on the Prime Minister’s recently announced ‘Ten Point Plan’ to set the energy-related measures and a long-term strategic vision for the energy system, consistent with net zero emissions by 2050.
- > It sets out (page 2) that it “puts net zero and our effort to fight climate change at its core.”
- > It aims to support a ‘green recovery’ from COVID-19 and confirms that electricity demand could double by 2050.
- > 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).

**The UK Net Zero Strategy (October 2021)**

7.3.14

The UK Government published the Net Zero strategy in October 2021. This sets out policies and proposals for keeping in the UK on track in relation to carbon budgets and the UK’s nationally determined contribution (NDC)<sup>19</sup>and establishes the long-term pathway to net zero by 2050

7.3.15

The Net Zero Strategy sets out the Government’s plans for reducing emissions from each sector of the UK economy, related to carbon budget and to the eventual target of net zero by 2050. The Strategy has been submitted to the United Nations Framework Convention on Climate (UNFCCC) as the UK’s second long-term low greenhouse gas emission development strategy under the Paris Agreement.

7.3.16

Page 19 addresses the power sector and sets out that the power system will be fully decarbonised by 2035.

<sup>18</sup> Source: Energy White Paper page 9 (2020).

<sup>19</sup> Every country that signed up to the Paris Agreement (2015) set out a target known as a nationally determined contribution for reducing greenhouse gas emissions by around 2030. For the UK the target was a 68% reduction on 1990 levels by 2030.

- 7.3.17 Key policies are set out including that by 2013 there will be some 40GW of offshore wind with “more onshore, solar and other renewables”. The strategy also builds on the UK Government’s ‘Ten Point Plan’ *“with our vision to create new jobs in net zero Industries as we meet our climate target.”* (page 40).
- 7.3.18 In terms of power, a key commitment is to “accelerate deployment of low-cost renewable generation, -such as wind and solar through the contracts for a difference scheme by undertaking a review of the frequency of the CfD auctions” (page 94).
- 7.3.19 It is notable that in terms of power, the Strategy references the Energy White Paper (2020) which set out the goal of a fully decarbonised and low-cost power system by 2050. It adds that CB6 represents *“a very significant increase in the pace of power sector decarbonisation, coupled with increased demand due to accelerated action another sector dependent on low-carbon electricity”*. (page 98).
- 7.3.20 It adds: *“although the Energy White Paper envisaged achieving an overwhelmingly decarbonised power system during the 2030s, we have since increased our ambition further. By 2035 all our electricity will need to come from low carbon sources, subject security of supply bringing forward the Government’s commitment to a fully decarbonise power system by 15 years, whilst meeting at 40-60% increase in demand”*.
- 7.3.21 The Strategy also sets out that the Government will be supporting sustained deployment of low-carbon generation (page 103), in this regards it states that there will need to continue to drive rapid deployment of renewables.

## 7.4 Scottish Government Policy & Targets

7.4.1 In recent years there has been a large number of Scottish Government policy documents (as well as statute) on the topic of climate change and renewable energy. In this section the following more recent documents are referred to, with key policy objectives and targets highlighted:

- > The Scottish Energy Strategy (2017);
- > The Onshore Wind Policy Statement (2017);
- > Statements from the First Minister on the ‘Climate Emergency’ (2019);
- > The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019;
- > The Update to the Climate Change Plan (December 2020);
- > The Scottish Energy Strategy Position Statement (March 2021);
- > The Scottish Government & Scottish Green Party: Draft Shared Policy Programme (August 2021);
- > The Programme for Government (2021); and
- > The Onshore Wind Policy Statement Refresh 2021: Consultative Draft.

### The Scottish Energy Strategy (2017)

7.4.2 The Scottish Energy Strategy (SES) was published in December 2017 and sets a 2050 vision for energy in Scotland as “a flourishing, competitive local and national energy sector, delivering secure, affordable, clean energy for Scotland’s households, communities and businesses”. The 2050 vision is expressed around six priorities including:

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

- 7.4.3 The strategy also contained a target for 2030 for the equivalent of 50% of the energy for Scotland's heat, transport and electricity consumption to be supplied from renewable sources.
- 7.4.4 The longer-term target is further articulated on page 34 where it is stated: "*Scotland's long-term climate change targets will require the near complete decarbonisation of our energy system by 2050, with renewable energy meeting a significant share of our needs.*"
- 7.4.5 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*".
- 7.4.6 The SES sets out what is termed the "opportunity" for onshore wind and there is explicit recognition that onshore wind is amongst the lowest cost forms of power generation. It is also recognised as "*a vital component of the huge industrial opportunity that renewables creates for Scotland*".
- 7.4.7 Reference is made to the employment levels and economic activity derived from onshore wind and the SES sets out that the Government is "*determined to build on these strengths*".
- 7.4.8 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."*  
  
*"this can be done in a way which is compatible with Scotland's magnificent landscapes, including our areas of wild land. This means that the relevant planning and consenting processes will remain vitally important. A major review of the Scottish planning system is well underway and will continue as now to fully reflect the important role of renewable energy and energy infrastructure, in the right places".*
- 7.4.9 The SES goes on to cross refer to further detail in relation to onshore wind as contained within the Onshore Wind Policy Statement (OWPS, 2017) which was been published alongside the SES. The SES therefore, in addition to setting new stretching renewable energy and electricity targets, gives unequivocal strong policy support for the further development of onshore wind. In short, there is a renewed and enhanced impetus being imparted, rather than just a continuation of previous support.
- The Onshore Wind Policy Statement (2017)**
- 7.4.10 The Onshore Wind Policy Statement (OWPS) was published in December 2017. The Ministerial Foreword set out that "*there is no question that onshore wind is a vital component of the huge industrial opportunity that renewables more generally create for Scotland*".
- 7.4.11 It adds "*our energy and climate change goals mean that onshore wind will continue to play a vital role in Scotland's future – helping to substantively decarbonise our electricity supplies, heat and transport systems, thereby boosting our economy.*"
- 7.4.12 Chapter 1 is entitled 'Route to Market' and it sets out (paragraph 2) that onshore wind, as a mature and established technology, is now amongst the lowest cost forms of generating electricity, renewable or otherwise. It adds "*we expect onshore wind to remain at the heart of a clean, reliable and low carbon energy future in Scotland*".
- 7.4.13 Establishing a route to market is essential to enable wider deployment and an increased contribution from onshore wind. In a subsidy free context, it will be the larger scale developments that can capture a good wind resource and which have cost effective grid connection arrangements which will make a valuable early contribution to targets. Paragraph 3 continues:

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

- 7.4.14 The statement therefore makes it very clear that onshore wind is expected to make a significant contribution to Scotland's energy needs including renewable targets into the long term.
- 7.4.15 Paragraph 4 of Chapter 1 states that given the recognised contribution that onshore wind is expected to make to Scotland's future energy and renewable targets *"this means that Scotland will continue to need more onshore wind development and capacity, in locations across our landscapes where it can be accommodated"*. (shown in bold text format in the OWPS).
- 7.4.16 This statement continues the current approach as set out in SPP that, whilst there is a very strong need case for further onshore wind development, environmental considerations are factors to be taken into account in the operation of the planning system. This principle is reflected throughout the OWPS.
- 7.4.17 Paragraph 8 of Chapter 1 emphasises the industrial opportunity presented by a growing onshore wind sector and it states that *"the extent to which we can continue to capture these benefits, remains a top priority for Scottish Ministers"*.
- 7.4.18 The role of onshore wind in sustaining and further growing the supply chain for the sector is therefore a very important consideration and this is recognised in SPP at paragraph 169.
- 7.4.19 Paragraph 23 states that the Scottish Ministers *"acknowledge that onshore wind technology and equipment manufacturers in the market are moving towards larger and more powerful (i.e. higher capacity) turbines and that these by necessity – will mean taller towers and blade tip heights"*. (underling added)

#### **The declaration of a Climate Emergency in Scotland**

- 7.4.20 Scottish First Minister Nicola Sturgeon declared a "Climate Emergency" in her speech to the SNP Conference in April 2019. Furthermore, Climate Change Secretary Roseanna Cunningham made a statement on 14 May to the Scottish Parliament on the 'Global Climate Emergency'. Again, with reference to the recent CCC Report:
- "There is a global climate emergency. The evidence is irrefutable. The science is clear And people have been clear: they expect action The Intergovernmental Panel on Climate Change issued a stark warning last year the world must act now By 2030 it will be too late to limit warming to 1.5 degrees.*
- We acted immediately with amendments to our Climate Change Bill to set a 2045 target for net zero emissions - as we said we'd do. If agreed by Parliament, these will be the most stringent legislative targets anywhere in the world and Scotland's contribution to climate change will end, definitively, within a generation. The CCC was clear that this will be enormously challenging..."*
- 7.4.21 The Minister also highlighted the important role of the planning system stating:
- "And subject to the passage of the Planning Bill at Stage 3, the next National Planning Framework and review of Scottish Planning Policy will include considerable focus on how the planning system can support our climate change goals.*
- The Scottish Government has therefore begun to act on the stark warnings issued by the IPCC who have stated that by 2030 it would be too late to limit global heating to 1.5 degrees – but there is much more to be done".*

7.4.22 The current situation is more urgent and more grave than that which prevailed in 2014 when SPP and NPF3 were published and that must therefore go to the matter of weight to be attributed to the benefits of the Proposed Development and the need case.

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

7.4.23 It is important to take into account the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 ('the 2019 Act'). The Scottish Government, having taken advice from the Committee on Climate Change, progressed this legislation which received Royal Assent on 31 October 2019.

7.4.24 The Act sets a legally binding target of 'net zero' emissions for Scotland by 2045 at the latest, five years ahead of the date set for the whole of the UK. The Act amends the Climate Change (Scotland) Act 2009. It is also relevant to note that at Stage 3 of the Bill in Parliament the interim target for 2030 was amended and strengthened from a 70% to a 75% reduction in emissions lower than the baseline of 1990 levels (and 90% for 2040)<sup>20</sup>. The new targets were brought into force by way of Commencement Regulations on 23 March 2020<sup>21</sup>.

7.4.25 The Scottish Government publishes an annual report<sup>22</sup> that sets out whether each annual emissions reduction target has been met. The latest report is for the 2019 target year which was published in June 2021. The Report states that the 'GHG Account' reduced by only 51.5% between the baseline period and 2019. As noted, the 2019 Act specifies a 55% reduction over the same period – therefore the targets for 2019 has not been met. **Table 1** below sets out the annual targets for every year to net-zero.

<sup>20</sup> Progress against the targets is measured against 1990 levels of carbon dioxide, methane and nitrous oxide and 1995 levels of hydrofluorocarbons, perfluorocarbons, sulphur hexafluoride and nitrogen trifluoride.

<sup>21</sup> The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 (Commencement) Regulations 2020.

<sup>22</sup> Scottish Government, Official Statistics, Scottish Greenhouse Gas Emissions 2019, (June 2021).

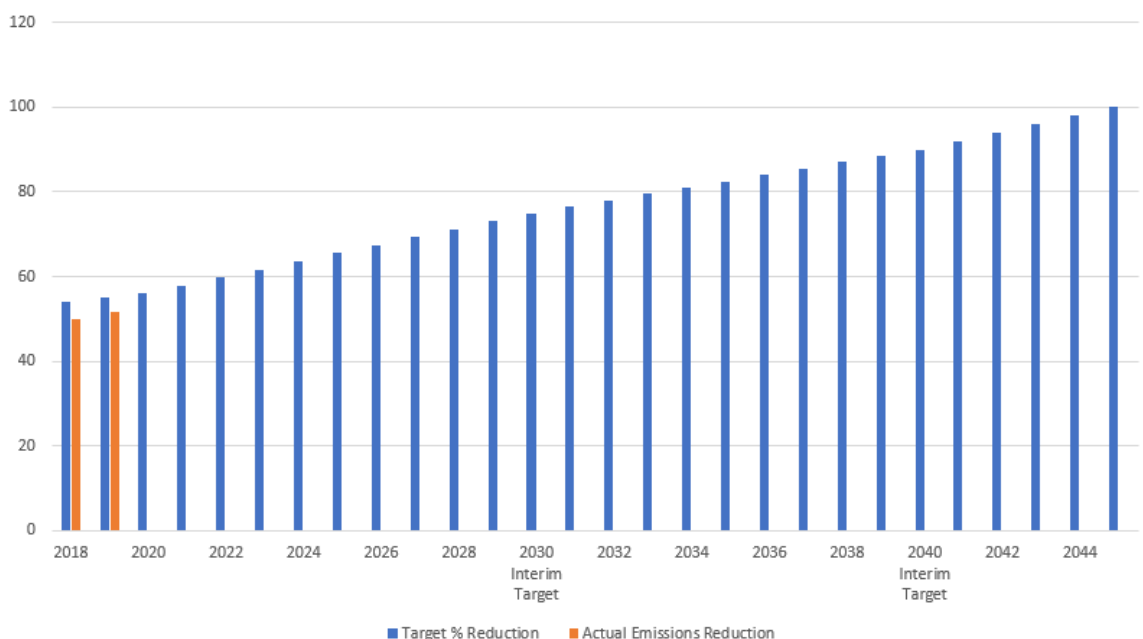
**Table 1: Scotland’s Annual Emission Reduction Targets to Net Zero**

Year	% Reduction target	Actual Emissions Reduction %	Year	% Reduction Target
2018	54	50	2032	78
2019	55	51.5	2033	79.5
<b>2020</b>	<b>56</b>	<b>Interim Target</b>	2034	81
2021	57.9	-	2035	82.5
2022	59.8	-	2036	84
2023	61.7	-	2037	85.5
2024	63.6	-	2038	87
2025	65.5	-	2039	88.5
2026	67.4	-	<b>2040</b>	<b>90 (Interim)</b>
2027	69.3	-	2041	92
2028	71.2	-	2042	94
2029	73.1	-	2043	96
<b>2030</b>	<b>75</b>	<b>Interim Target</b>	2044	98
2031	76.5	-	<b>2045</b>	<b>100% Net Zero</b>

7.4.26

This target position is illustrated in **Figure 3** below.

**Figure 3: Scotland’s Annual Emission Reduction Targets to Net Zero – Current Position**





### The Update to the Climate Change Plan (2018-2032) (December 2020)

- 7.4.27 The Scottish Government published the update to the Climate Change Plan (CCP) ‘Securing a Green Recovery on a Path to Net Zero’ on 16 December 2020. The plan covers the period 2018-2032 and responds to the new net zero targets aimed at ending Scotland’s contribution to climate change by 2045. The period it covers refers to the timescale in which the Government has committed to reduce greenhouse gas emissions by 75% by 2030 (compared with 1990 levels).
- 7.4.28 A key part of the plan is the green recovery and it states (page 1) that:
- “It is essential that a recovery from the pandemic responds to the climate emergency, and puts us on a pathway to deliver our statutory climate change targets and a just transition to net zero, by ensuring our actions in the immediate term are in line with our long-term goals”.*
- “The Scottish Government has been clear in its commitment to securing a just and green recovery, which prioritises economic, social and environmental well-being, and responds to the twin challenges of the climate emergency and biodiversity loss”.*
- 7.4.29 In terms of electricity, the CCP update announces, *“further policies to continue the rapid growth in renewable generation over the past 20 years, moving from a low to a zero-carbon electricity system”.*
- 7.4.30 Reference is also given to the intention to prepare an Energy Strategy update and an updated Electricity Generation Policy Statement by 2022. Page 18 refers to the *“pathway to 2032”* and sets out what the policies mean in practice. It states:
- “by 2032 our energy system will be in the midst of a major transformation, integrating new ways of producing, transporting and using energy with existing technologies. This transformation will be planned and developed through a systems led approach, ensuring that decisions take account of the benefits across all of the energy sectors as well as the economic and social benefits they create for everyone in Scotland. By 2032 we will generate at least the equivalent of 50% of our energy across heat, transport and electricity demand from renewable sources”.*
- “our electricity system will have deepened its transformation for the better, with over 100% of Scotland’s electricity demand being met by renewable sources. More and more households, vehicles, businesses and industrial processes will be powered by renewable electricity, combined with green hydrogen production. There will also be a substantial increase in renewable generation, particularly through new offshore and on shore wind capacity” (page 18). (underlining added)*
- 7.4.31 Chapter 1 addresses electricity. Paragraph 3.1.4 recognises that as Scotland transitions to net zero, a growing and increasingly decarbonised electricity sector *“is critical to enabling other parts of our economy to decarbonise – notably transport, buildings and industry”.*
- 7.4.32 Annex A of the CCP contains policies and proposals. For the electricity sector, ‘outcome 1’ is that *“the electricity system will be powered by a high penetration of renewables, aided by a range of flexible and responsive technologies”.*
- 7.4.33 In addition, the target is maintained of *“a new renewable all energy consumption target of 50% by 2030, covering electricity, heat and transport”.*
- 7.4.34 In terms of the coordinated approach needed, Section 2.5 refers to the planning system and the forthcoming NPF4. Planning is seen as a *“key delivery mechanism for many of the policies within this climate change plan update, across all sectors”.*

- 7.4.35 Key points from the Climate Change Plan Update include:
- > Government views it as essential that a recovery from the pandemic responds to the climate emergency and puts Scotland on a pathway to deliver statutory climate change targets and a transition to net zero (page 1).
  - > A growing and increasingly decarbonised electricity sector is seen as critical to enabling other parts of the economy to decarbonise, particularly transport, buildings and industry (page 32).
  - > Planning is recognised as remaining as a “critical enabler of rapid renewables deployment in Scotland” (page 78)
  - > The need to invest in renewable generation and related infrastructure to reduce greenhouse gas emissions is critical to creating good, green jobs as part of the green recovery and longer-term energy transition (page 78).
  - > Renewable generation is expected to increase substantially between now and 2032 with an expectation of development of between 11 and 16 Giga Watts (GW) of new capacity during this period, “helping to decarbonise our transport and heating energy demand” (page 40).
  - > Electricity demand is expected to have grown considerably over this period (page 82).

#### **The Scottish Energy Strategy Position Statement (March 2021)**

- 7.4.36 The Scottish Government published ‘Scotland’s Energy Strategy Position Statement’ in March 2021. The Position Statement provides an overview of Government policies in relation to energy. It sets out (page 5) that it reinforces the Government’s commitment to remain guided by the key principles set out in the Scottish Energy Strategy (SES) of 2017 and reinforces “*the importance the Scottish Government attaches to supporting the energy sector in our journey towards net zero, thus ensuring a green, fair and resilient recovery for the Scottish economy*”.
- 7.4.37 The Ministerial Foreword references the challenge of the pandemic which has created an economic crisis and notes that the Climate Emergency “has continued unabated”. It sets out “*in this context, the need for a just transition to net zero greenhouse gas emissions by 2045, in a manner that supports sustainable economic growth and jobs in Scotland, is greater than ever*”.
- 7.4.38 Reference is made to the most ambitious legislative framework for emissions reduction in the world and “*a particularly challenging interim target for 2030*”. This is the ambitious target of achieving a 75% reduction in greenhouse gas emissions by 2030 in advance of net zero by 2045.
- 7.4.39 Section 5 of the document addresses ‘a green economic recovery’ and states that creating green jobs is at the heart of the Scottish Government’s plans for a green economic recovery and that the Programme for Government (2020) set out what is termed as a ‘national mission’ to create new and green jobs. It also adds (page 15) that a priority for the Scottish Government is “*ensuring our local communities and economies reap the opportunities from a just transition to net zero*”.
- 7.4.40 Onshore renewables is specifically addressed in Section 8 where it is set out that “*the continued growth of Scotland’s renewable energy industry is fundamental to enable us to achieve our ambition of creating sustainable jobs as we transition to net zero*”.
- 7.4.41 It adds that “*the Scottish Government is committed to supporting the increase of onshore wind in the right places to help meet the target of net zero. In 2019, onshore wind investment in Scotland generated over £2 billion in turnover and directly supported approximately 2,900 full time equivalent jobs across the country*”. (underlining added)

### **The Scottish Government & Scottish Green Party: Shared Policy Programme**

- 7.4.42 The Scottish Government and the Scottish Green Party agreed a formal Cooperation Agreement for the next five years of Government on 20 August 2021. A shared policy programme entitled 'The Bute House Agreement' was published on 20 August 2021 which sets out areas of mutual policy interest including energy and planning. The content has been reflected in the formal 'Programme for Government' published in September 2021. Key points of relevance from the Shared Programme including the following.
- 7.4.43 In terms of **energy**, on page 12 of the document it is set out the parties:
- "believe that the climate emergency means we need to use the limited powers we have to accelerate the decarbonisation of our energy system. While electricity has already been largely decarbonised, our plans will see a significant increase in electricity demand for heating and transport. To accommodate this, we will support the continued and accelerated deployment of renewable energy".*
- 7.4.44 In order to do this the parties state that they will "set an ambition to deliver, subject to consultation, between 8 and 12GW of additional installed onshore wind by 2030... - this will be supported by the changes in the planning system needed to permit the growth of this essential zero carbon sector". (underlining added)
- 7.4.45 At the present time Scotland has approximately 8.4GW of installed onshore wind capacity. Therefore, the Government is looking to at the minimum, to double this capacity, by adding a minimum additional 8GW in less than ten years.
- 7.4.46 In terms of **planning**, the Agreement (page 17) states that the parties will inter alia:
- "agree to ensure approval and adoption of Scotland's Fourth National Planning Framework (NPF4) which will be vital in supporting the delivery of net zero by 2045 with significant progress by 2030;*
- actively enable renewable energy.... supporting repowering of existing windfarms and planning for the expansion of the grid".*
- ### **The Onshore Wind Policy Statement Refresh – Consultative Draft (October 2021)**
- 7.4.47 The Onshore Wind Policy Statement Refresh, Consultative draft was published in October 2021. The contents of the draft documents are addressed in detail in Chapter 2 above.
- ### **Progress to the Scottish Renewable Energy & Electricity Targets**
- 7.4.48 The Scottish Government's targets are to achieve 30% of total Scottish energy use from renewable sources by 2020 and 50% by 2030. The Government's 'Energy Statistics for Scotland' (March 2021) show that in 2019, only 24% of total Scottish energy consumption came from renewable sources.
- 7.4.49 In addition, the statistics show that in 2020, renewable sources generated the equivalent of approximately 97.4% gross electricity consumption. The target was 100% by 2020.
- 7.4.50 These figures do not demonstrate that Scotland is doing extremely well – the UK White Paper (2020) (as referenced above) makes it clear that electricity demand is going to massively increase – that demand needs to be met from renewable sources.

---

**David C Bell** BSc (Hons) DipUD MCIHT MRTPI

**David Bell Planning Ltd**  
26 Alva Street  
Edinburgh  
EH2 4PY

**[dbplanning.co.uk](http://dbplanning.co.uk)**

© David Bell Planning Ltd Copyright 2021

