



Oliver Forest Wind Farm

Section 36 Application:

Planning Statement Update re Supplementary Information

July 2026



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1. Introduction

1.1 Background & Scope

- 1.1.1 This Planning Statement Update has been prepared by David Bell Planning Ltd ('DBP') on behalf of Oliver Forest Wind Farm Ltd ('the Applicant') in support of an application to construct and operate the proposed Oliver Forest Wind Farm ('the Proposed Development'). In addition, the Applicant is seeking deemed planning permission under Section 57 of the Town and Country Planning (Scotland) Act 1997, as amended ('the 1997 Act').
- 1.1.2 As the Proposed Development has a generating capacity in excess of 50 megawatts ('MW'), consent is required from Scottish Ministers under Section 36 of the Electricity Act 1989 ('the 1989 Act'). In addition, a request is being made by the Applicant that planning permission is deemed to be granted under Section 57(2) of the Town and Country Planning (Scotland) Act 1997, as amended ('the 1997 Act').
- 1.1.3 The Proposed Development comprises up to 7 turbines (200 m to blade tip) and associated infrastructure on forested land directly north-west of the A701 between Tweedsmuir and Glenbreck, approximately 12.5 km south of Broughton and approximately 19 km north of Moffat.
- 1.1.4 The application for consent for the Proposed Development was submitted to the Scottish Government's Energy Consents Unit ('ECU') in August 2024. The Scottish Borders Council ('SBC') objected to the project in June 2025. This resulted in the triggering of a Public Local Inquiry ('PLI') which will be heard by the Scottish Government's Planning and Environmental Appeals Division (DPEA) in 2026.
- 1.1.5 The Applicant has prepared Supplementary Information on a likely grid connection route in response to the Reporter's request for further information in light of the recent judgment: *Raeshaw Farms Limited v Scottish Ministers and Energiekontor UK Ltd* [2026] CSIH 10¹ ('Raeshaw Farms') and how it relates to the Proposed Development.
- 1.1.6 The Applicant acknowledges that a grid connection will be required from the Proposed Development to connect it to the national grid. Giving consideration to the '*Wingfield factors*²' and taking a precautionary approach, the Applicant acknowledges that the Scottish Ministers may rationally conclude that the wind farm and the grid connection could be one project. Given that grid connection works were not considered in the suite of submitted Oliver Forest Wind Farm EIA material, further environmental assessment material is required to include such works.
- 1.1.7 The Supplementary Information therefore presents an assessment prepared on a precautionary basis. Firstly, on the basis that it assumes that both the Proposed Development and the cable route to the grid connection point comprise a single EIA project, in the absence of a position from the Scottish Ministers as to whether they consider these to be a single EIA project or two. Secondly, in that it considers the entirety of the defined EIA project on that basis and "*at the earliest possible stage in all the technical planning and decision-making processes*", as rehearsed as a requirement by reference to EU Directive 2011/92/EU in Raeshaw Farms.
- 1.1.8 As explained in the Supplementary Information the Proposed Development has been allocated Gate 1, Protection 3a and if consented, it is guaranteed a grid connection. This offer has now been accepted and signed by the project, making all previous grid offers/connection information null and void.

¹ Raeshaw Farms Ltd v Scottish Ministers and Energiekontor UK Ltd, 17th February 2026.

² The Wingfield factors, namely: Common ownership, Simultaneous Determinations, Functional Interdependence and Stand-alone projects.

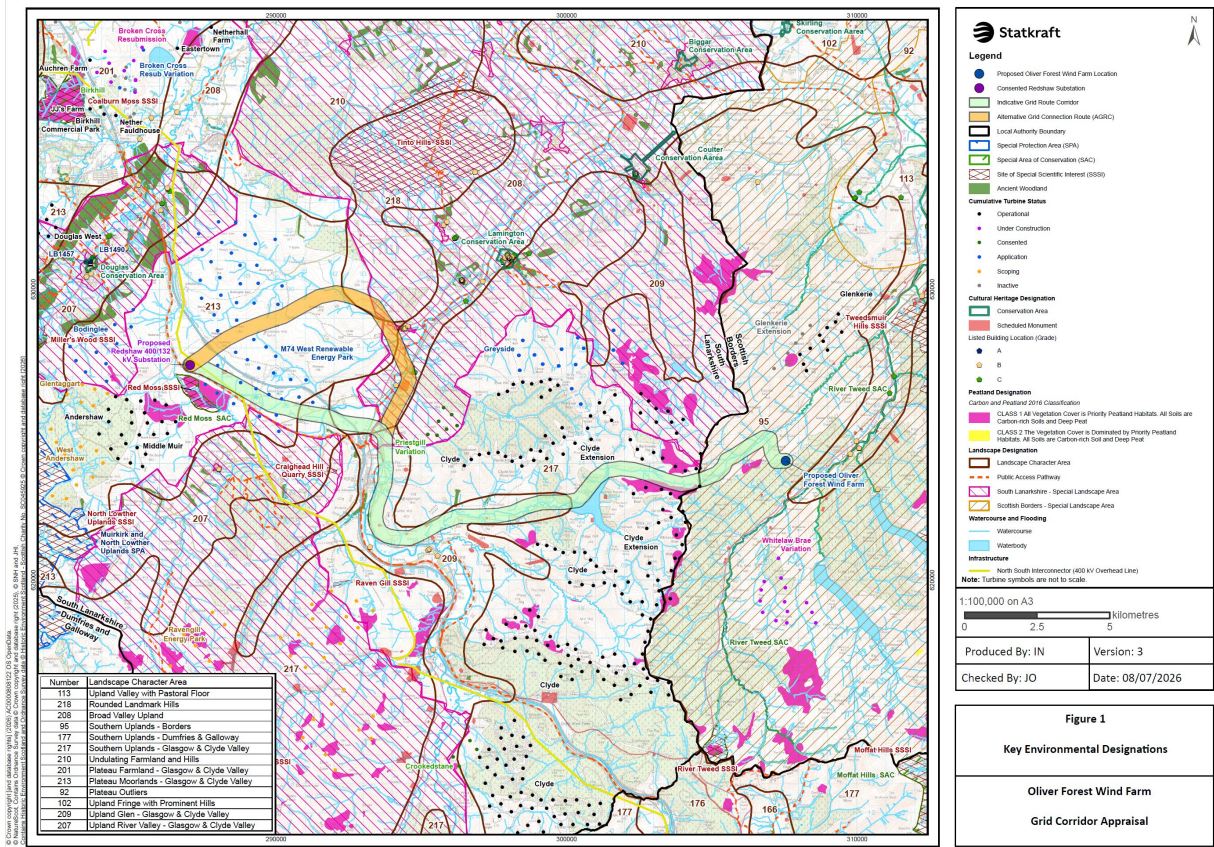
- 1.1.9 Following consent, the Proposed Development will be required to re-apply at the next available Gate window for Gate 2 allocation. Only once Gate 2 allocation has been made will the Transmission Operator ('TO') (in this case Scottish Power Energy Networks 'SPEN') commence working on designing, consenting and constructing the grid connection.
- 1.1.10 Until the Proposed Development receives a Gate 2 Offer, the connection date, connection point and route connecting the Proposed Development to the grid network will not be known.
- 1.1.11 The Applicant is not seeking consent for the grid connection route, which will be subject to a separate routeing process, environmental survey and assessment, and application for consent by SPEN. It is the TO's responsibility to design, consent, build and operate the grid connection from the wind farm to the transmission substation.

1.2 Description of the Grid Connection

- 1.2.1 The Supplementary Information covers the following:
- > An overview of the grid route and connection point, and how the grid route has been identified.
 - > The methodology.
 - > An assessment of potential significant effects, including consideration of: landscape and visual amenity; ecology and ornithology; cultural heritage; hydrology, hydrogeology and peat; traffic and transport; forestry; noise; and recreation and tourism.
 - > A brief overview of cumulative effects of the grid route with other projects.
- 1.2.2 It is explained in the Supplementary Information that within the Scottish Power Energy Networks ('SPEN') Routeing and Consultation Report (June 2025)³ (the 'Routeing and Consultation Report'), SPEN propose that the Proposed Development would connect to the consented Redshaw Substation, located within South Lanarkshire, via a new 132 kV wood pole Overhead Line ('OHL').
- 1.2.3 The wood pole OHL would use trident 'H' poles, where two wooden poles are used to carry the triple-line apparatus on a bar between their tops. Typical heights (including insulators) are 12 m above-ground height, although this can vary from 10 m to 21 m. Typical distances between the poles (spans) vary from 90-110 m, depending on factors such as the size of the equipment carried, the height of the poles, terrain, and wind loadings. The poles require a cleared corridor through woodland, although there is no standard buffer distance required.
- 1.2.4 Out of the five considered route options, the SPEN Report identifies Route Option 2b as the preferred grid route corridor as SPEN considered it would result in the least overall impacts from initial environmental and landscape and visual assessments undertaken by SPEN.
- 1.2.5 It is noted, however, that Route Option 2b would be routed through the proposed M74 West Renewable Energy Park before reaching the Redshaw Substation. In the event that the M74 Renewable Energy Park is consented and this section of the route could not be constructed in accordance with that development, an alternative option for the section of the route corridor from the M74 to the Redshaw Substation (which has been considered in the SPEN Report as Route Option 2a). This alternative route would avoid the M74 West Renewable Energy Park. Both routes have been assessed in the Supplementary Information to demonstrate that a suitable grid connection can be installed for the Proposed Development.
- 1.2.6 The Supplementary Information assesses the potential for likely significant effects from Route Option 2b as the Indicative Grid Route Corridor ('IGRC') and Route Option 2a as the Alternative Grid Route Corridor ('AGRC'). The IGRC and AGRC are shown on **Figure 1.1** below in the context of environmental designations.

³ ScottishPower Energy Networks (June 2025) Oliver's Forest Wind Farm Connection: Routeing and Consultation Report.

Figure 1.1: Indicative & Alternative Grid Routes



1.2.7 Further detail on the description of the Grid Connection at this preliminary stage is contained within the Supplementary Information (section 3).

1.3 Scope of this Planning Statement Update

1.3.1 The purpose of this Planning Statement Update is therefore to examine the grid connection corridors alongside the Proposed Development, and to review the conclusions reached in the overall planning balance, taking account of the findings of the Supplementary Information.

1.3.2 The Planning Statement Update has considered whether the introduction of the Grid Connection would alter the planning balance and overall conclusions to be reached in respect of the Section 36 application for the Proposed Development. This Planning Statement Update should be read alongside the previously submitted Planning Statement (2024) and the Applicant's recently submitted Policy Written submissions to the PLI (2026), and it is structured as follows:

- > **Chapter 2** references the update to the renewable energy legislative and policy framework.
- > **Chapter 3** considers the likely potential environmental effects of the grid connection and whether the conclusions reached in the Supplementary Information would alter the planning balance and overall conclusion reached in the Applicant's Policy Written submissions (2026). Updated conclusions on the overall accordance of the Proposed Development with the Development Plan and material considerations are set out.

2. The Renewable Energy Legislative & Policy Framework: Update

2.1 Introduction

2.1.1 The Planning Statement (2024) submitted with the application addressed the renewable energy policy and legislative framework (Chapter 2) as at August 2024. The Applicant's recent written submissions on policy matters (May 2026) provides an update to that policy framework, with an emphasis on new policy and legislative provisions which have emerged over the 21 month period to May 2026.

2.1.2 Key updates addressed in the written submissions (which should be referred to) on policy include the following considerations:

The International Level

- > The UN Emissions Gap Report (November 2025).

The UK Government Level

- > Updates to the UK Carbon Budget position and reference to the Seventh Carbon Budget which was published in early 2025 and what it states with regard to the recommended deployment capacity of onshore wind;
- > The changed UK Government approach to onshore wind as a result of the new UK Government (2024)
- > The Clean Power 2030 Action Plan and the new UK target for onshore wind to be deployed by 2030 (December 2024);
- > The Onshore Wind Taskforce Strategy (2025).

The Scottish Government Level

- > The Scottish Government Green Industrial Strategy, (September 2024);
- > The Climate Change (Emissions Reduction Targets) (Scotland) Act 2024 and the move from annual emission reduction targets to a system of carbon budgets to bring Scotland in line with the approaches taken in Wales and at the UK level;
- > The Climate Change Committee ('CCC') Report, Scotland's Carbon Budgets, Advice for the Scottish Government, (May 2025);
- > The CCC Report to the Scottish Parliament, Progress in Reducing Emissions in Scotland (February 2026); and
- > The Climate Change Plan (2026).

2.2 Conclusions on the Renewable Energy Policy & Legislative Framework

2.2.1 The Applicant has brought consideration of the policy and legislative framework fully up to date with reference to the above documents (as noted the detail of this information is contained in the Applicant's written submission on policy matters).

2.2.2 It is considered that the Proposed Development is very strongly supported by the climate change and renewable energy policy and legislative framework. The trajectory, in terms of the scale and pace of action required to reduce emissions, grows ever steeper, and it is essential that rapid progress is made otherwise the legally binding target in Scotland of net zero by 2045 will not be met.

- 2.2.3 It is clear from 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. This expected substantial increase in electricity demand is also highlighted in the Onshore Wind Policy Statement (2022).
- 2.2.4 The change from annual Scottish emission reduction targets to a system of carbon budgets has served to show that Scotland is not on track to attain net zero by 2045, and it strengthens the case for rapidly approving schemes that can contribute to this goal. The overall target of net zero remains unchanged in the move to carbon budgets.
- 2.2.5 Decisions through the planning and wider consenting system must be responsive to this position. Decision makers can do this by affording substantial weight to the energy policy objectives, articulated above, in the planning balance in a given case.
- 2.2.6 It must follow that the need case for the Proposed Development is to be afforded substantial weight in the planning balance. The way that decision makers can do that is by properly recognising the seriousness and importance of energy policy related considerations in the planning balance, and the contribution of the Proposed Development to meeting net zero and low carbon energy targets. It is the cumulative effect of a large number of individual projects which will move Scotland towards where it needs to be in order to attain net zero.

3. Conclusions & The Planning Balance

3.1 Summary of Key Findings of the Supplementary Information

- 3.1.1 The Supplementary Information provides an overview of the indicative grid connection type, indicative routes and the likelihood for them to give rise to any significant environmental effects, alone or in-combination with the Proposed Development. The assessment that can be done at this stage is restricted by data limitations and uncertainties which are transparently recognised.
- 3.1.2 The Supplementary Information includes consideration of:
- Landscape and Visual;
 - Ecology and Ornithology;
 - Cultural Heritage;
 - Geology, Hydrology and Peat;
 - Traffic and Transport;
 - Noise and Vibration;
 - Forestry;
 - Recreation and Tourism.
- 3.1.3 This Supplementary Information sets out the key environmental considerations relating to the OHL grid connection options for the Proposed Development identified by the IGRC or AGRC.
- 3.1.4 The appraisal supplements the information contained within the EIA Report by providing a description of the IGRC and AGRC and a structured assessment of any likely significant effects.
- 3.1.5 It is set out that relevant best-practice guidance would be applied during construction to minimise environmental effects, including the preparation of relevant construction management plans and implementation of Best Practicable Means under applicable pollution and noise control legislation.
- 3.1.6 The Supplementary Information identifies areas where, at this stage, significant environmental effects may arise or cannot be discounted on available information in relation to residential visual amenity, landscape and visual receptors and cultural heritage asset settings. However, it also confirms that through careful route refinement, micro-siting, and adherence to established best-practice construction and environmental management measures, it is anticipated that likely significant effects can be effectively avoided or reduced.
- 3.1.7 The Supplementary Information has been prepared using the information currently available to the Applicant at the time of writing, recognising that the actual grid route for the Proposed Development is subject to further design and refinement by SPEN. Further detailed environmental surveys and technical assessments will be undertaken by SPEN in support of a separate Section 37 application for the grid connection, at which point the final design will be confirmed and assessed in detail by SPEN.
- 3.1.8 The Supplementary Information provides sufficient information to demonstrate that a feasible and environmentally acceptable grid connection is available for the Proposed Development.

3.2 Development Plan Policy Considerations

- 3.2.1 The Planning Statement submitted with the Section 36 application and the Applicant's recent policy evidence to the Inquiry provided a detailed assessment of the Proposed Development against the relevant planning policy, namely the statutory Development Plan, made up of National Planning Framework 4 ('NPF4') (2023) and the Scottish Borders Local Development Plan (2024) ('LDP') and associated Supplementary Guidance.
- 3.2.2 As previously noted, the grid connection application for consent will be subject to a separate consenting process under the relevant legislation at a later date. Nevertheless, the Development Plan will be a relevant consideration in the determination of that application, alongside other matters.
- 3.2.3 The lead Development Plan policy for the consideration of any future consent application for the grid connection would be NPF4 Policy 11 (Energy). Additional policies which may be relevant include the following NPF4 policies:
- > Policy 1: Tackling the Climate and Nature Crises;
 - > Policy 3: Biodiversity;
 - > Policy 4: Natural Places;
 - > Policy 5: Soils;
 - > Policy 6: Forestry, Woodland and Trees;
 - > Policy 7: Historic Assets and Places; and
 - > Policy 22: Flood Risk and Water Management
- 3.2.4 From a review of the key findings of the Supplementary Information, it is considered that there are likely to be no significant effects arising from the grid connection in combination with the Proposed Development, or cumulatively with other developments that would give rise to a policy conflict with Policy 11, or indeed the other policies of potential relevance to the grid connection.
- 3.2.5 The Proposed Development has also been considered in terms of accordance with the relevant policies of the LDP and its Supplementary Guidance. Again, given the outcome of the Supplementary Information, there are considered to be no impacts predicted which are likely to give rise to a conflict with any policy of the LDP.

3.3 Updated Planning Balance

- 3.3.1 This Planning Statement Update is intended to assist the decision maker in the consideration of the Proposed Development. It should be read alongside the submitted Planning Statement (2024) and the Applicant's written policy evidence to the Public Inquiry.
- 3.3.2 The Applicant has prepared Supplementary Information to set out the potential likely environmental effects associated with the grid connection route options identified.
- 3.3.3 As such, based on the information before Scottish Ministers, they are in a position to conclude what likely adverse effects – or disbenefits – would arise from the associated grid connection and weigh those against the considerable benefits of the Proposed Development (acknowledging these will only be realised if consent is obtained for the associated grid connection) and supportive planning policy, as set out within the Planning Statement documentation and Applicant's policy evidence. On that basis, Scottish Ministers can properly undertake the exercise of weighing the benefits and disbenefits in the planning balance.
- 3.3.4 Consideration of the environmental effects of the grid connection, assessed in combination with the effects of the proposed wind farm, is a relevant consideration in the determination of the Section 36 application for the Proposed Development. Both projects together must be delivered in order to realise the benefits.

- 3.3.5 However, it is reasonable to conclude, based on the information that has been made available, that appropriate mitigation could be secured where adverse environmental effects have been identified.
- 3.3.6 NPF4 requires that the decision-maker must identify and weigh the adverse effects of a proposed development. However, increased weight is to be given to the benefits of a development in the planning balance owing to the seriousness and importance of energy policy related considerations and the contribution of the Proposed Development to meeting climate change targets – as required by NPF4 Policy 11 (Energy) and 1 (Tackling the climate and nature crises).
- 3.3.7 These benefits are balanced with the identified adverse effects of the Proposed Development (and associated grid connection) in the overall planning balance in considering whether Section 36 consent for the Proposed Development should be granted.

3.4 Overall Conclusion

- 3.4.1 It is considered that the conclusions as set out in Planning Statement and the Applicant's policy evidence to the Inquiry are not changed as a result of the updated considerations set out within this Planning Statement Update. As such:
- > The Proposed Development delivers important renewable energy capacity to meet national renewable energy and emission reduction and renewable energy generation targets and would contribute to the attainment of net zero for Scotland by 2045 and the UK by 2050.
 - > The Proposed Development is in accordance with the relevant policies of the Development Plan and with the plan when read as a whole.
 - > Other relevant considerations, including the energy policy related updates provided, further support the position that the Proposed Development should be granted Section 36 consent.
- 3.4.2 The conclusion is that the Proposed Development would be consistent with all relevant national planning and energy policies comprising the statutory Development Plan. While there is no statutory duty on the Applicant at the present time under Part 3 of Schedule 9 of the Electricity Act 1989, the Applicant has through the EIA process, had full regard to the matters set out therein.

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