



Douglas West Wind Farm Extension
South Lanarkshire
Planning Statement

on behalf of
Douglas West Extension Ltd.

April 2019

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1 Introduction

1.1 Background

- 1.1.1 JLL has been commissioned by Douglas West Extension Ltd (“the Applicant”), a member of the same group of companies as 3R Energy Solutions Ltd, to provide planning and development advice in relation to an application to the Scottish Ministers under Section 36 (“s.36”) of the Electricity Act 1989 (“the 1989 Act”) to extend the Douglas West Wind Farm (hereafter referred to as the “Existing Development”). This will involve the construction and operation of 13 turbines of up to 200m maximum tip height (6MW capacity each) (hereafter referred to as the “Proposed Development”).
- 1.1.2 The Proposed Development is located within the South Lanarkshire Council (“SLC”) area. SLC will be one of several consultees for the consideration of the application.
- 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 SLC 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.
- 1.1.5 The Proposed Development represents an exciting and important milestone in Scotland’s renewable energy sector, featuring the new generation of larger, more efficient turbines which enable onshore wind to compete without subsidy and help to underpin Scotland’s long term renewable energy, electricity and climate change targets.

1.2 Planning History & Approach

- 1.2.1 In December 2015, planning permission was granted for the Existing Development, which was the first commercial scale wind farm project on this part of the 3R Energy’s landholding at Douglas West. This comprised the erection of 15 turbines with an overall capacity of 45MW to a height of 126.5m. Following Government changes to support mechanisms for onshore wind energy, 3R Energy applied to amend this permission in October 2017 to reduce the number of turbines to 13, with an increased height to 149.9m and to increase the overall generating capacity to 49MW. This application was granted consent by SLC in May 2018.
- 1.2.2 The current Proposed Development has been discussed with the Scottish Government Energy Consents Unit (“ECU”), SLC and other relevant consultees to inform the approach and scope of the EIA. A formal Scoping Opinion was received from the ECU in February 2019, as detailed in each of the technical assessment chapters in the EIA Report.
- 1.2.3 The submission of this application for the Proposed Development marks an important step in 3R Energy’s Forward Strategy for their business and landholding in the Douglas Valley (refer to EIA Report Appendix 1.1).

1.3 Site Location and Description

- 1.3.1 The village of Douglas is approximately 2.68km south-east of the nearest turbine and Coalburn lies approximately 1.56km to the north.
- 1.3.2 The proposed turbines are approximately 3.75km west of the M74 motorway. The surrounding area is generally sparsely populated with no residential properties within the site boundary. The closest residential properties are located to the west of Douglas, approximately 1.3km south-east of the nearest proposed turbine.
- 1.3.3 The site covers a total area of 372 hectares ("ha"). The site is located within a commercial forestry plantation. The Existing Hagshaw Hill Wind Farm and Extension lie directly to the south of the application site boundary.
- 1.3.4 There are no statutory designations within the site boundary. Within a 5km perimeter of the site boundary are the following designations: one Special Area of Conservation ("SAC"), one Special Protection Area ("SPA") six Sites of Special Scientific Interest ("SSSI"), two Scheduled Monuments, the Douglas Conservation Area, two Grade A-listed buildings, 16 Grade B-listed buildings and four Geological Conservation Review Sites.
- 1.3.5 A detailed description of the application site is provided in Chapter 3 of the EIA Report.

1.4 The Proposed Development

- 1.4.1 Chapter 3 of the EIA Report provides a detailed description of the Proposed Development, including all ancillary infrastructure such as access and electrical connections. The formal application plans comprise Figures 1.1 – 3.13 (inclusive) contained within Volume 2 of the EIA Report.
- 1.4.2 The key development components of the project include:
- 13 turbines¹ (each with a generating capacity of circa 6MW) to a maximum tip height of 200m, maximum rotor diameter of 155m and maximum blade length of 76m.
 - Crane hard-standings;
 - Access tracks connecting infrastructure elements;
 - Watercourse crossings;
 - Drainage channels;
 - A grid connection;
 - Substation and energy storage compound (to east of site) and underground cabling;
 - Two permanent meteorological monitoring masts;
 - A construction compound;
 - A concrete batching plant;
 - A temporary turbine laydown area; and
 - Borrow pits.
- 1.4.3 Access to the proposed turbines locations utilises the existing road from junction 11 on the M74, through the consented industrial area (M74 Heat and Power Park) and existing Douglas West site. At this point, the proposed track heads west, along an existing tarmac road to the corner of Cumberhead Forest,

¹ The model and manufacturer of wind turbine to be installed at the Proposed Development will be determined following a future procurement exercise by the Applicant.

where the proposed track turns south-west to the main body of the site. Where necessary, existing onsite access/forestry tracks would be retained, reused and upgraded. Some additional access tracks will be required to connect the proposed turbines to the existing track network. Timber will be removed from the site via the existing permitted forestry access to Station Road at Douglas West.

- 1.4.4 The Proposed Development will most likely be connected to the wider electricity network via a new collector substation at junction 11 of the M74, then on to the Coalburn Transmission Substation to the north east of the site. The final routing and design of the grid connection is still under discussion with National Grid and Scottish Power Transmission, however permission is being sought within this application to lay underground export cables alongside the main access track/existing tarmac road to a proposed collector substation (to be separately consented) at junction 11 of the M74 (refer to EIAR Figure 3.13).
- 1.4.5 The Douglas West Extension is only one element of a wider strategy for the development of the 3R Energy's landholding and the Hagshaw Wind Cluster over the next five years. This is demonstrated in 3R Energy's Forward Strategy in Appendix 1.1 of the accompanying EIA Report.

1.5 Pre-Application Consultation

- 1.5.1 Although not a statutory requirement for a s.36 application, the Applicant has undertaken a programme of pre-application community engagement. A Pre-Application Consultation ("PAC") Report provides more detail of the consultation undertaken.
- 1.5.2 In summary, the feedback from the community engagement events in Douglas and Coalburn has generally been positive or neutral. Local communities were supportive of the potential community benefit contributions from the Proposed Development and requested further discussions on how the contributions could be best managed to benefit local communities. Both communities also acknowledged the gap remaining in the centre of the wind farm cluster and the opportunity for the Proposed Development to fill this gap. In addition, there were some points raised in respect of ensuring all construction traffic accesses the site directly from the M74 and measures are put in place to discourage unauthorised use of the wind farm roads by motorised trail bikes. Local people supported any proposed enhancement of public access and recreation opportunities on the site.

1.6 Structure of Planning Statement

- 1.6.1 The structure of this Planning Statement is as follows:
- Chapter 2 sets out an overview of the relevant statutory and regulatory framework applicable to the s.36 application;
 - Chapter 3 provides an assessment of the Proposed Development against the relevant Development Plan policies and applicable Supplementary Guidance;
 - Chapter 4 addresses out relevant national planning policy and guidance;
 - Chapter 5 explains the renewable energy policy framework;
 - Chapter 6 sets out the benefits that would arise from the Proposed Development; and,
 - Chapter 7 presents overall conclusions.

2 The Statutory Framework

2.1 Introduction

2.1.1 The Application for the Proposed Development is being submitted to the Scottish Government under s.36 and of the 1989 Act. As part of this application process, the Applicant is also seeking that the Scottish Ministers issue a Direction under s.57(2) of the Town and Country Planning (Scotland) Act 1997 ("the 1997 Act") that deemed planning permission be granted for the Proposed Development. This Chapter summarises the legislative framework within which the Proposed Development requires to be considered.

2.2 Statutory Duties

2.2.1 A decision on the Application under the 1989 Act is the principal decision to be made in this case.

2.2.2 Paragraph 3 of Schedule 9 to the Electricity Act 1989 deals with preservation of amenity. In summary, the provisions set out a number of environmental features to which regard must be had and that mitigation must be considered. Sub-paragraph 1 can be relevant to an Applicant if they hold a License at the date a s.36 application is made. Sub-paragraph 2 applies in any event. Sub-paragraphs 1 and 2 state:

(1) "In formulating any relevant proposals, a licence holder or a person authorised by exemption to generate, transmit, distribute or supply electricity

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

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

(2) In considering any relevant proposals for which his consent is required under section 36 or 37 of this Act, the Secretary of State shall have regard to—

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

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

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

2.2.3 The Applicant has sought to develop a project that takes full account of the Schedule 9 duties. It is relevant to note the use of the terms 'desirability' and 'reasonably' with regard to project design, siting and mitigation. This recognises that there are balances and reconciliations to be considered in decision making for this type of application.

2.2.4 Although the Applicant is not bound at the present time by the requirements of Schedule 9 of the 1989 Act, the Scottish Ministers will have to have regard to sub paragraph 2 and 3. As a consequence, the

Applicant has considered these matters during the design of the Proposed Development. This is demonstrated by the robust evaluation and assessment of effects as set out within the EIA Report. This approach was identified by Lord Hodge in delivering the Judgement of the Supreme Court in *Trump International V The Scottish Ministers* {2015} UKSC 74 (see paragraph 17).

- 2.2.5 In the Fauch Hill / Harburnhead s.36 recommendation report (page 5, paragraph 1) it was set out by the Reporters with regard to Schedule 9 of the 1989 Act that:

"The provisions of Schedule 9 of the Electricity Act 1989 apply to the assessment of wind farms with an installed capacity of over 50 MW. The Scottish Government's position is that whether an applicant is licensed or not, Ministers will have regard to the Schedule 9 provisions and expect them to be addressed through the Environmental Statement. We are satisfied that both applications have submitted sufficient environmental information and that the relevant requirements have been complied with. We are also satisfied that both applications have had regard to the relevant environmental matters and within the parameters of their chosen design have done what they reasonably could to mitigate any impact."

- 2.2.6 The EIA for the Proposed Development demonstrates that due regard has been paid to Schedule 9 of the 1989 Act and appropriate mitigation has been considered in detail.

2.3 The Role of the Development Plan

- 2.3.1 In considering the overall statutory and regulatory framework within which the Proposed Development should be assessed, the statutory Development Plan is a consideration which should be taken into account in the round with all other relevant considerations. It is important to note however, that s.25 of the 1997 Act is not engaged for applications pursuant to s36. This matter is now settled following various High Court and Court of Session cases in recent years.
- 2.3.2 In January 2012 the High Court made clear in its decision in the English case of Samuel Smith Old Brewery (Tadcaster) v Secretary of State for Energy & Climate Change that the provisions of section 38(6)², requiring planning determinations to be made in accordance with the Development Plan unless material considerations indicate otherwise, do not apply in respect of a direction under section 90 of the Town & Country Planning Act 1990 that planning permission be deemed to be granted. This decision related to a 'direction' in connection with an application for section 37 consent under the 1989 Act.
- 2.3.3 It was decided that a "direction" that planning permission shall be deemed to be granted was not a "determination" under the Planning Acts. The Court stated (para 75) that "*as a matter of construction I consider that it is a direction that such a determination is not required*". Therefore, there was no duty on the Secretary of State in making a direction under section 90 to comply with the requirement in section 38(6) that determinations must be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 2.3.4 The matter was addressed in the William Grant / Dorenell s.36 Wind Farm Judicial Review case of June 2012 in the Court of Session where Lord Malcolm ruled that s.25 [the equivalent of s.38(6) of the 2004 Act in England] did not apply to an Electricity Act case. This is generally considered to be one of the leading cases on the matter.
- 2.3.5 It is helpful to look at what Lord Malcolm said with regard to Schedule 9. On page 10 of the Judgment, Lord Malcolm stated:

² s.38(6) of the Planning and Compulsory Purchase Act 2004 – the equivalent of s.25 of the 1997 Act in Scotland.

"I consider that Parliament intended that the relevant provisions of the 1989 Act would provide a self-contained code.....Schedule 9 narrates the relevant considerations, dealing with, amongst other things, the preservation of amenity.....By contrast, section 25 [s.38(6) in England] applies to decisions under the planning acts when it is a requirement that regard is to be had to the development plan".

2.3.6 There is therefore no 'primacy' of the Development Plan in an Electricity Act case. Lord Malcolm went on to state (page 10):

"my decision is broadly in line with the decision of Mr Justice Edwards-Stuart in the Samuel Smith Old Brewery Case. I agree with his reasoning at paragraphs 70/81".

2.3.7 In the Fauch Hill / Harburnhead s.36 decision (page 17, paragraphs 2.4 and 2.8), it was set out by the Reporters that the basis for their recommendation to the Scottish Ministers was as follows:

"There was general agreement that section 25 of the Town and Country planning (Scotland) Act 1997 was not engaged in a section 36 Electricity Act application. Nonetheless, there was also agreement that this did not mean that the development plan was irrelevant, not least because it contained policies relating to many of the environmental features listed in Schedule 9. There was also general agreement that the Scottish Government energy policy is a further important consideration."

"We consider the basis of our decision is the consideration of the impact on the environmental features listed in Schedule 9, the policies of the development plan and other relevant practical considerations (such as the impact on aviation radar) bearing in mind the context set by the Scottish Government energy policy."

2.3.8 In the sections of the Planning Statement below, all of these matters are addressed, namely the relevant environmental topics in Schedule 9, the Development Plan and Scottish Government planning and energy policy.

3 Development Plan Policy Appraisal

3.1 Introduction

3.1.1 This Chapter provides an assessment of the Proposed Development against the relevant policies of the statutory Development Plan. The statutory Development Plan for the site comprises:

- The Glasgow and the Clyde Valley Strategic Development Plan (“Clydeplan”) (Approved with modification July 2017).
- The South Lanarkshire Local Development Plan (the “LDP”) (adopted 29th June 2015); and
- Supplementary Guidance 10: Renewable Energy (2015) (the “SG”).

3.1.2 This Chapter considers the relevant policies and draws upon the conclusions reached in the EIA Report.

3.2 ClydePlan

3.2.1 Section 7 of Clydeplan is entitled ‘City Region as a low carbon place’ – it sets out that delivering a low carbon future in support of the Scottish Government’s ambition to achieve at least an 80% reduction in greenhouse gas emissions by 2050 is central to the vision and development strategy of the plan (paragraph 7.3).

3.2.2 The plan presents a high level onshore wind Spatial Framework (paragraph 7.8) and in Diagram 6 illustrates this on a high-level basis. The majority of the Proposed Development site falls within the ‘areas with potential for wind farm development’ as per Group 3 of SPP. A smaller area lies within “Group 2 - Areas of Significant Protection”. This is addressed in detail in this Chapter and in Chapter 6 of the EIA Report.

3.2.3 Policy 10 of Clydeplan states that *“in support of the transition to a low carbon economy and realisation of the Vision and Spatial Development Strategy, support should be given, where appropriate to alternative, renewable technologies and associated infrastructure”*. In terms of onshore wind, the policy states:

“In order to support onshore wind farms, Local Development Plans should finalise the detailed spatial framework for onshore wind for their areas in accordance with SPP, confirming which scale of development it relates to and the separation distances around settlements. Local Development Plans should also set out the considerations which will apply to proposals for wind energy development, including landscape capacity and impacts on communities and natural heritage. Proposals should accord with the spatial framework set out in Diagram 6 and finalised in Local Development Plans.”

3.2.4 It is clear from the wording of policy 10 that its provisions are largely relevant to Local Planning Authorities with regard to plan preparation. The policy requires LDPs to contain finalised detailed spatial frameworks in accordance with SPP and to confirm separation distances around settlements. Critically, SPP does not indicate that development within 2km of settlements should be prohibited. Part of the Proposed Development does fall within 2km of the settlement of Coalburn. This is addressed fully below and within Chapter 6 of the EIA Report.

3.2.5 Policy 10 also requires LDPs to set out the various considerations that would apply to proposals for wind energy development. In this regard the LDP policy 19 makes specific reference to the requirements listed at paragraph 169 of SPP, therefore satisfying the requirements of policy 10.

3.2.6 It is only the final part of policy 10 that is relevant for development management purposes: namely it says that proposals should accord with the Spatial Framework set out in Diagram 6 and as finalised in LDPs. However, for development management purposes it is not a matter of whether or not a

proposed development accords with a Spatial Framework or not: the important matter is the consideration of a development against the various factors listed at paragraph 169 of SPP. For the purposes of this application, the Proposed Development falls principally within Group 3 of the Spatial Framework approach. In such areas wind farms are likely to be acceptable subject to detailed development management considerations. It is however noted that part of the site falls within Group 2 by virtue of its proximity to the village of Coalburn, therefore, assessment is required to ensure that any significant effects on the qualities of the settlement of Coalburn can be substantially overcome (see Sections (3.4.13 - 3.4.15).

3.2.7 Overall it is considered that the Proposed Development is consistent with policy 10 of Clydeplan as far as its provisions are relevant. Furthermore, as set out below, the Applicant has undertaken a detailed review of the various considerations listed at paragraph 169 of SPP and concludes that the Proposed Development is consistent with them.

3.3 Local Development Plan Policies

3.3.1 Table 3.1 sets out the LDP policies which are of relevance to the consideration of the Proposed Development.

Table 3.1: Relevant LDP Policies

Policy Topic	LDP Policies
General Policies	Policy 1: Spatial Strategy
	Policy 4: Development Management and Placemaking
Renewable Energy	Policy 19: Renewable Energy
	Policy 2: Climate Change
Landscape and Visual	Policy 3: Green Belt and Rural Area
	Policy 14: Green Network and Greenspace
Cultural Heritage and Archaeology	Policy 15: Natural and Historic Environment
Ecology	Policy 15 Natural and Historic Environment
Geology and Hydrology	Policy 17: Water Environment and Flooding
Access, Traffic, and Transport	Policy 16: Travel and Transport
Socio-economics (including recreation and tourism)	Policy 11: Economic Development and Regeneration

3.3.2 In the sections which follow below, these policies are addressed. The approach has been to focus on the lead policies relating to renewable energy: Policy 19: Renewable Energy, Policy 2 Climate Change and SG 10: Renewable Energy.

3.3.3 The assessment of SG 10 Renewable Energy also considers the South Lanarkshire Landscape Capacity Study for Wind Energy (2016) and the South Lanarkshire Tall Wind Turbines: Landscape Capacity, Siting, and Design Guidance (Draft) (2016), as they act as supporting documents to the SG. The remaining development management policies are then addressed.

3.3.4 Policy 19 has been specifically formulated to deal with renewable energy including wind energy developments. The policy assessment which follows below therefore has a focus on this particular policy.

3.4 Renewable Energy Policies

3.4.1 LDP Policy 19: 'Renewable Energy' states that:

"Applications for renewable energy infrastructure developments will be supported subject to an assessment against the principles set out in the 2014 SPP, in particular, the considerations set out in paragraph 169 and additionally, for onshore wind developments, the terms of Table 1: Spatial Frameworks.

The council will produce statutory supplementary guidance, which accords with the 2014 SPP, and which contains the spatial framework for onshore wind energy, and sets policy considerations against which all proposals for renewable energy infrastructure developments will be assessed. Development proposals must also accord with other relevant policies and proposals in the development plan and with supplementary guidance."

- 3.4.2 Policy 19 outlines the overall approach to the assessment of proposed renewable energy infrastructure developments. Specifically, applications relating to onshore wind developments will be subject to an assessment against the principles set out in SPP.
- 3.4.3 As referred to in policy 19 above, following the adoption of the LDP in 2015, SLC produced and adopted SG 10: Renewable Energy in 2015. The SG provides detailed policy and guidance for developers on the requirements for wind energy and other renewable energy development.
- 3.4.4 The remainder of this Chapter sets out conclusions regarding the predicted environmental effects and their relationship to the remaining relevant policy framework. The overall conclusion is that the Proposed Development and its resulting effects are acceptable and, moreover, that there would be a range of benefits arising that should attract significant weight in the planning balance.
- 3.4.5 The Proposed Development is considered to be in accordance with Policy 19.
- 3.4.6 **Policy 2: 'Climate Change'** states that:

Proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change by;

- i. Being sustainably located;*
- ii. Maximising the reuse of vacant and derelict land;*
- iii. Utilising renewable energy sources;*
- iv. Being designed to be as carbon neutral as possible;*
- v. Using, where appropriate, low and zero carbon energy generating technologies, that reduce predicted carbon dioxide emissions to meet current building standards within new buildings;*
- vi. Avoiding areas of medium to high flood risk;*
- vii. Having no significant adverse impacts on the water and soils environment, air quality, biodiversity (including Natura 2000 sites and protected species) and green networks;*
- viii. Ensuring new development includes opportunities for active travel routes and provisions for public transport and for the creation and enhancement of green networks;*
- ix. Providing electric vehicle recharging infrastructure in new developments to encourage the adoption of low carbon vehicles;*
- x. Minimising waste.*

3.4.7 Developments proposals must also accord with other relevant policies and proposals in the development plan and other appropriate supplementary guidance.

3.4.8 The Proposed Development supports climate change mitigation by replacing fossil fuel energy generation with renewable energy, thereby reducing emissions of climate changing gases. The Proposed Development is in accordance with Policy 2.

3.4.9 **Supplementary Guidance 10 – Renewable Energy**

3.4.10 Due to the timing of the preparation of the LDP and the publication of the SPP, the Renewable Energy SG contains the detailed policy guidance relating to renewable energy. SG 10 Renewable Energy is considered to be the most relevant Policy document with which to assess the Proposed Development as it specifically deals with wind energy development. It lists a number of criteria that require to be taken into account when judging the acceptability of any proposed wind energy project. The specific topic matters are dealt with below and follow the policy's headings.

Spatial Framework for Wind Energy

3.4.11 **SG Policy RE1 'Spatial Framework for Wind Energy'** states:

Applications for onshore wind turbine developments of a height to blade tip of 15m or over must accord with the Spatial Framework and meet the relevant criteria set out in:

- *Section 6 Development Management considerations for the assessment of renewable energy proposal.*
- *Table 7.1 Assessment Checklist for Renewable Energy Proposals.*

3.4.12 The SG sets out the Spatial Framework for onshore wind energy developments. In accordance with SPP, the SG states three groupings in relation to wind energy development, namely:

- Group 1: Areas where wind farms will not be acceptable (National parks and National Scenic Areas).
- Group 2: Areas of significant protection (National and international designations, other mapped environmental interests, and community separation for consideration of visual impacts).
- Group 3: Areas with potential for wind farm development. Beyond groups 1 and 2, wind farms are likely to be acceptable in group 3 areas, subject to detailed consideration against identified policy criteria.

3.4.13 The site lies largely within a Group 3 area but a part of the northern portion of the site falls within Group 2 by virtue of its proximity to the village of Coalburn therefore, assessment is required to ensure that any significant effects on the qualities of the settlement of Coalburn can be substantially overcome. In respect of the settlement of Coalburn the cumulative LVIA (EIA R - Chapter 6), that is considered to present the most realistic context against which the acceptability of the Proposed Development should be assessed, concludes:

"In cumulative scenario 1, the baseline landscape in views from Coalburn and Braehead would already be notably changed by the addition of the Douglas West Wind Farm, Cumberhead Wind Farm and Dalquhandy Wind Farm. This is demonstrated by the cumulative wireframe and future baseline photomontage included with the visualisations for Viewpoint 1. As such, throughout Coalburn and Braehead the proposed turbines would be seen as an extension of the existing wind farm landscape which extends across the foothills up into the rolling moorland. In this regard, it is noted that the turbines within the Proposed Development are further away from Coalburn than those already consented and as such would not appear any greater in vertical extent within the view, notwithstanding their greater

height. With these turbines in the baseline, the potential for the Proposed Development to impact on the visual amenity of the residents of Coalburn and Braehead would be reduced when compared with that set out in the main assessment. Indeed, the identified significant effect on visual receptors in this area would reduce to a non-significant level."

- 3.4.14 Furthermore, the Residential Visual Amenity Study (RVAS) concludes that no properties within 2 km of the Proposed Development would experience such an effect that any property would become an unattractive place to live or visit.
- 3.4.15 In addition, Chapters 9 (Noise) and 15 (Shadow Flicker) of the EIA Report confirm that there will be no significant adverse effects on properties within Coalburn (or any closer residential properties) as a result of noise or shadow flicker from the Proposed Development. Chapter 11 (Transport) of the EIA Report confirms that no traffic from the Proposed Development will pass through the village of Coalburn. It is therefore concluded that the Proposed Development will not have any significant adverse effects in relation to noise, shadow flicker or traffic, and as a result, in relation to overall residential amenity. The Proposed Development is therefore considered to be in accordance with policy RE1.

Development Management Considerations

- 3.4.16 The SG sets out factors which must be taken into account when assessing proposals for renewable energy. These factors correspond to the considerations outlined in paragraph 169 of the SPP. It states that SLC will aim to take a balanced approach in the assessment of renewable energy proposals against these factors. Each factor is addressed below in relation to the Proposed Development.

Net Economic Impact

- 3.4.17 Chapter 13 of the EIA Report addresses socio-economic matters. The Proposed Development represents a major investment in the South Lanarkshire and Scottish economies with a capital expenditure of £104.3 million. This would deliver a range of positive economic impacts.
- 3.4.18 The development would generate a £11.7 million community benefit contribution to communities in the Douglas Valley over the life of the project, and in addition, a local supplier approach would be taken to support local supplier contracts, sustain local businesses and which would provide employment opportunities for local people.
- 3.4.19 Chapter 6 below sets out further detail on the range of economic benefits that are expected to result from the Proposed Development

Contribution to renewable energy generation targets

- 3.4.20 Chapter 5 of this Planning Statement provides a summary of the renewable energy policy framework and makes specific reference to current Government targets for renewable energy and electricity generation at both the UK and Scottish levels. Given the Proposed Development has a generation capacity of circa 78MW, it can draw significant support from this policy position. Given the scale of the Proposed Development, it would make a valuable contribution to unmet Government renewables targets.

Effect on greenhouse gas emissions

- 3.4.21 The Proposed Development would make a valuable contribution to reducing greenhouse gas emissions. Chapter 5 below, outlines the effect on greenhouse gas emissions in more detail with reference to specific saving figures.

Effects on the natural heritage, including birds

- 3.4.22 Chapter 7 of the EIA Report presents an assessment of the likely effects of the Proposed Development on non-avian ecology. Habitat surveys identified that the study area is dominated by low conservation value mature conifer plantation. Beyond this the study area contains a mix of typical upland marshy grassland, acid grassland, mire and woodland communities. Surveys also recorded potential groundwater dependent terrestrial ecosystems (“GWDTEs”) in the form of flushes and rush pasture (highly groundwater dependent) and wet heath and some wet grassland habitats of moderate groundwater dependency.
- 3.4.23 Protected species surveys recorded no evidence of otter, water vole, red squirrel, pine marten or great crested newt within the study area. However, suitable habitats are present for a number of these species and otters have been recorded in surveys for other local wind farms. Evidence of badger was identified with a latrine recorded within the study area. Bat surveys indicated that various species of bat also utilise the site. No other protected species were recorded.
- 3.4.24 Two Important Ecological Features (“IEFs”) were taken forward for further assessment due to their higher conservation value and sensitivity to remaining impacts: blanket bog (including wet modified bog) and *Nyctalus* and pipistrelle bats. Direct and indirect habitat loss, construction disturbance and collision risk impacts to bats were assessed.
- 3.4.25 No significant effects on blanket bog and wet modified bog were predicted, with the extent of losses considered to be not significant in a regional context. The assessment determined that although a collision risk exists for pipistrelle species, collision rates due to the Proposed Development alone would not be significant in a regional population context. As a further safeguard, post construction monitoring would be implemented to determine whether a Bat Mitigation Plan would be required.
- 3.4.26 Cumulative effects were also assessed in relation to other wind farm developments within 10km of the application site and concluded that effects would be not significant for Pipistrelle/ *Nyctalus* bats or blanket and wet modified bog habitats.
- 3.4.27 The EIA Report explains that the residual effects on IEFs are considered to be at worse, minor adverse and therefore not significant.
- 3.4.28 Chapter 8 of the EIA report addresses ornithology. The chapter explains that the important ornithological features (“IOFs”) taken forward to assessment stage includes: wildfowl (whooper swan, pink-footed goose and greylag goose), goshawk, black grouse, lapwing, curlew and golden plover.
- 3.4.29 The ornithological assessment identified habitat loss and disturbance during the construction and decommissioning phases, and displacement, collision risk and lighting effects during the operational phase, as potential effects. The unmitigated effects from construction, operation and decommissioning activities on all IOFs were assessed as being at worst minor adverse and not significant in the context of the EIA Regulations. A Breeding Bird Protection Plan and pre-construction surveys would be produced as standard to avoid the destruction or disturbance of any nest site, with species-specific temporal and spatial restrictions around construction works.
- 3.4.30 A cumulative assessment was undertaken, which concluded that except for black grouse, no further mitigation is required for the Proposed Development, and all cumulative construction and operational effects are not significant. For black grouse, mitigation measures are proposed including screening by native woodland planting and replanting of conifers, to reduce the residual risk of displacement from moderate adverse to minor adverse and not significant.

Landscape and visual Impacts

- 3.4.31 A detailed and comprehensive review of the potential landscape and visual impacts that would arise as a result of the Proposed Development is provided in EIA Report (Chapter 6). However, a summary position is outlined below with regard to landscape and visual impacts. The SG makes reference to landscape and visual impacts, including cumulative considerations and the impacts in relation to communities, individual dwellings and residential amenity in a broader sense, covering noise and shadow flicker.
- 3.4.32 The site does not fall within a National Scenic Area, National Park, Regional Scenic Area, or locally designated Special Landscape Area, but it is located directly north of the Douglas Valley Special Landscape Area ("SLA").
- 3.4.33 The Proposed Development turbines would be located within one Landscape Character Type/Landscape Character Sub Type described in the South Lanarkshire Landscape Character Assessment (2010), namely: LCST 7A – 'Rolling Moorland Forestry'.
- 3.4.34 The host landscape is currently covered with coniferous plantation that is due to be felled and replanted in phases, in line with the felling plan as that set out within Chapter 16 of the EIA Report. The felling of the plantation would occur regardless of the presence of the Proposed Development which would bring about change to the baseline landscape, albeit temporary in any event. The Proposed Development would be implemented within the plantation with restocking occurring outwith the areas required for the presence of the proposed turbines and the associated ground level components, and thus the proposed turbines would be located within plantation forest during the lifetime of the Proposed Development.
- 3.4.35 The landscape local to the site has seen considerable change in the past 30 years and continues to evolve as a result of further wind farm development, opencast mine restoration and forestry activities. Part of the local landscape is already considered to be a 'wind farm landscape' as set out within the published Character Assessment, and it is considered that with the addition of the other wind developments now consented to the immediate east, north and north-west of the site, this wind farm landscape area extends much further across the local area than just that in the vicinity of Hagshaw Hill. This context is highly relevant when considering the baseline against which the Proposed Development is to be assessed.
- 3.4.36 The design of the Proposed Development is the result of a considered iterative process which has sought to minimise landscape and visual effects whilst achieving the technical and commercial requirements to ensure project viability without public subsidy. It was acknowledged that to date only turbines of up to 150 m had been consented in the immediate vicinity of the site and it would be important to ensure that turbines of a greater height would relate well to these other developments and would not be incongruous with the overall pattern or scale of the landscape.
- 3.4.37 Through consideration of a range of turbines sizes, it was established that notwithstanding the greater overall height of the proposed 200 m turbines, the manner in which they relate to their immediate landscape context is broadly similar to that of the lower turbine heights considered, but they produce much more renewable energy. When the additional energy generation, carbon reduction and community benefits of these turbines was considered as part of the wider design iteration exercise, it was subsequently determined by the project team that they were the most appropriate way in which to proceed.
- 3.4.38 Notably, in relation to the taller turbine height, South Lanarkshire Council's 'Tall Wind Turbines: Landscape Capacity, Siting and Design Guidance, September 2017' states that: 'Most of the areas in which the [tall] turbines could be most comfortably located either already host substantial wind energy development, or have similar developments consented. Turbines vary between 55m and 149.9m height.'

The addition of larger turbines could therefore often be, or at least perceived as, an extension to an operational or consented windfarm'.

- 3.4.39 In the main part of the LVIA, the baseline against which the Proposed Development is considered includes other wind farms which are operational but not those which are consented or the subject of a planning application. This accords with the requirements of GLVIA3 and in this scenario the following observations have been made.
- 3.4.40 As with almost any onshore wind farm development it is recognised that the Proposed Development would give rise to some additional localised significant effects on landscape character and visual amenity.
- 3.4.41 The Proposed Development would result in a direct significant effect on landscape character of the character type within which the site is located: LCST 7A – Rolling Moorland Forestry. The structural form of the proposed turbines is such that a high degree of visual permeability would be maintained. The proposed turbines are relatively slender structures which would not obstruct the longer distance views experienced from any given direction. Whilst undeniably tall structures, the underlying landform is of a medium to large scale. Within this context the Proposed Development turbines would not diminish the overall scale of the local landscape although in the immediate vicinity of the site the presence of the turbines would be clearly dominant.
- 3.4.42 In addition, it is recognised that the Proposed Development would have a significant indirect effect in some adjoining character types. Within LCT 5 – Plateau Farmland it is assessed that significant effects on landscape character would extend east to the B7078 and northwards to the row of pylons which run south of Auldton Heights (i.e. within approximately 5 km of the proposed turbines). The significant effects would also extend over the small area of LCT 6 – Plateau Moorland north of the site and which is in essence an extension of LCT 5.
- 3.4.43 Finally, it is recognised that there would be a significant effect on landscape character within part of the Douglas Water Valley area of LCT 8 – Upland River Valley. Significant effects would extend up to 5 km from the site but would not include the Conservation Area of Douglas where visibility of the turbines would be generally obscured by intervening buildings and vegetation. This area lies within the Douglas Valley SLA, but it is not considered the Proposed Development would have an overbearing impact on the sense of scale or prevent an appreciation of the underlying valley to the extent that it would prevent an understanding and enjoyment of either LCT 8 or the locally designated landscape.
- 3.4.44 In relation to visual effects, it is accepted that the Proposed Development would be visible from various nearby properties and settlements as well as the surrounding road network, public footpaths and recreational spaces. However, it has been assessed that the significant effects on visual amenity would be localised to within approximately 7 km of the Proposed Development.
- 3.4.45 Of the 17 representative viewpoints considered it has been assessed that there would be a significant visual effect at 8 locations.
- 3.4.46 There are 12 residential properties or groups of properties within 2 km of the proposed turbines. The RVAS, presented at Appendix 6.4 in the EIA Report concludes that there would be significant effects experienced at seven of the assessed properties or groups, but none of the residents at the properties would experience such an effect on visual amenity that any property would become an unattractive place to live or visit.
- 3.4.47 It is recognised that certain other residential properties located within Douglas would also experience some significant effects as a result of the Proposed Development. Outside of Douglas, there are a number of residential properties or groups of properties which would have views of the Proposed Development, largely located within Coalburn and Bellfield. It is considered that where there are

unobstructed views towards the site there would be significant visual effects. Again, between 2 km and 5 km of the proposed turbines and where properties have largely unrestricted views of the turbines, there would also be some significant effects on visual amenity.

- 3.4.48 When considering Core Paths, Aspirational Core Paths and Wider Network paths within 2 km of the site, some of these routes will experience significant effects where views of the proposed turbines are available. However, such views would be reduced on the establishment of the restocked plantation, which would restrict close range views of the turbines from routes passing through the site.
- 3.4.49 The only section of road within the LVIA study area that would experience a significant level of effect is the section of the A70 within 3 km to 4 km of the Proposed Development.
- 3.4.50 Some localised significant effects have been identified from parts of an area of local recreational activity around Douglas Castle due to the ability to gain some views of parts of the proposed turbines. The introduction of the proposed turbines would however not prevent an enjoyment of the recreational activities experienced in this landscape or an understanding of the underlying landscape which forms the setting for these activities.
- 3.4.51 The assessment of visible turbine lighting (refer to Appendix 6.5) has identified that the visible lighting would be screened by landform and topography from much of the surrounding 10 km, in particular from large sections of the M74 and A70, with views generally seen in areas where night time lighting is a familiar element of the landscape. There would be the potential for significant effects on the character of the landscape in the immediate vicinity of the site during low-light levels. In terms of visual effects, significant effects have been identified in the vicinity of Coalburn due to the increased presence of proposed turbine lights visible in the baseline landscape. From elsewhere, the effects of the proposed aviation lighting would not give rise to significant landscape and visual effects.
- 3.4.52 Whilst the above scenario is the one which GLVIA3 requires an LVIA to address first, it is perhaps the first cumulative scenario which presents the most realistic context against which the acceptability of the Proposed Development should be considered. In this scenario, other consented (but as yet unbuilt) wind farms are taken into account in the baseline against which the effects of the scheme are assessed. In the case of this application, the consented (but as yet unbuilt) wind farms in the surrounding landscape are likely to be a key material consideration in determining the acceptability of the Proposed Development. It is therefore important to consider in particular, how the recently consented Douglas West Wind Farm, consented Dalquhandy Wind Farm, consented Cumberhead Wind Farm and Poniel turbines (as well as other consented wind farms in the surrounding landscape) affect the baseline. To this end a 'future baseline' image has been included amongst the visual material prepared for each of the assessment viewpoints which illustrates this scenario.
- 3.4.53 In this first cumulative scenario the character of the landscape context within which the Proposed Development is located would be markedly different. With reference to the typologies referred to in the SLLCSWE, these schemes collectively create a 'wind turbine landscape' which would extend over the character type within which the Proposed Development is located and others in the locality of the site. In this context, the introduction of the Proposed Development would not alter the defining characteristics of the character types in the local area but would instead reinforce the existing characteristics of the baseline landscape.
- 3.4.54 It is acknowledged that wherever more than one wind farm is present in the landscape there will be a greater overall or combined effect on landscape character than if just one wind farm was visible in the landscape. Likewise, it is acknowledged that the more wind turbines that are constructed in any given landscape, the greater will be the magnitude of overall (or combined) change to the landscape character that prevailed prior to the introduction of the first turbines. However, it is also noted that in any given landscape where turbines are already present the additional effect on landscape character of

introducing further turbines may not be as significant as the initial introduction of turbines. Furthermore, in general, the greater the number of turbines in the baseline landscape the less significant the addition of further turbines may be in landscape character terms as the landscape will be more heavily characterised by turbines in the baseline situation.

- 3.4.55 Taking this into account it is considered that in the first cumulative scenario, the effect of introducing the Proposed Development on the landscape character of a local area in which the Douglas West Wind Farm, consented Dalquhandy Wind Farm, Poniel turbines, and consented Cumberhead Wind Farm were already present would be less significant than previously assessed in the main LVIA. The combined effect on the local landscape would be significant but this level of significance would occur in any event in the absence of the Proposed Development.
- 3.4.56 Similar observations can be made about most of the surrounding LCTs, however in some cases the addition of the additional consented schemes to the baseline would serve to reduce the level of effect to such a degree that it would become non-significant. This would be the case for the section of LCT 8 up to 5 km from the site; the area of LCT 5 up to 5 km to the north of the site; and areas of LCT 7 up to 6 km to the south of the site. In each of the LCTs considered, where the overall combined effect would be greater and significant, this level of significance would generally occur in any event in the absence of the Proposed Development.
- 3.4.57 Within the lower lying land of the Douglas Valley SLA, the Proposed Development would be visible alongside the Existing Hagshaw Hill, Hagshaw Hill Extension, and Hazelside Farm turbines and the consented Douglas West Wind Farm and Poniel turbines. However, wind energy development beyond the lower sections of the valley would not become the single most dominant characteristic of the landscape. The valley topography, mature vegetation and the Douglas Water would prevail as the defining characteristics of this landscape. The introduction of the Proposed Development would be significant, as would the combined effect, but there would already be a significant effect on the character of this area as a result of the already consented developments. The introduction of the Proposed Development adjacent to the SLA would not increase the level of cumulative effect of wind farm development such that the combined effect crosses the threshold of the whole SLA becoming part of the wind farm landscape.
- 3.4.58 In terms of cumulative visual effects in cumulative scenario 1, it is noted that the Proposed Development turbines would, from the vast majority of locations, be visible in combination with, and appear as, an extension to the consented Douglas West Wind Farm, and would also be seen in the immediate context of the consented Dalquhandy Wind Farm and consented Cumberhead Wind Farms, in addition to the existing operational wind farms of Hagshaw Hill, Hagshaw Hill Extension, Hazelside Farm, Galawhistle, and Nutberry Wind Farms. Together these schemes would form a concentration of turbines extending from the rolling moorland down into the foothills bordering the farmland to the east. Furthermore, from most locations the proposed turbines would be visible either in combination with or in succession with the consented Poniel turbines and, also to the north of the Proposed Development, either in combination with or in succession with the scattered existing and consented medium to large scale individual turbines in the farmland along the M74 corridor (including Auchren Farm, Broken Cross Small, JJ Farm, M74 Eco-Park, Nether Fauldhouse, Letham Farm, Low Whiteside Farm and Yonderton Farm).
- 3.4.59 In general, where visible, the Proposed Development would reinforce the presence of turbines in views rather than introduce turbines into any views which are currently unaffected by turbines.
- 3.4.60 Measured against this baseline in cumulative scenario 1, whilst the overall combined impact might be greater, the additional effects arising as a result of introducing the Proposed Development would typically be less significant than reported earlier in the main assessment. Indeed, the significant effects identified in the main assessment for the areas around Coalburn and Braehead; the eastern part of

Douglas; the farmsteads and dwellings scattered along the eastern side of Bellfield Road; and properties in and around Rigside and Lesmahagow; would reduce to a non-significant level.

- 3.4.61 With regard to viewpoints in the wider landscape, the identified significant effect on visual receptors at viewpoints 4 (B7078 south of Lesmahagow) and 5 (A70 Rigside) would also reduce to a non-significant level once the revised baseline including the consented schemes is considered.
- 3.4.62 It is recognised that there would be some sequential cumulative effects along the M74, A70, B7078 and NCN 74. However, in the context of the already consented and operational wind farms in this landscape, the additional effect of introducing the Proposed Development would not be significant. The overall effect on these routes is likely to be significant but this effect would occur in any case in the absence of the proposed turbines.
- 3.4.63 It is noted that whilst the effects are considered to be long term, they are not ultimately permanent and upon decommissioning of the Proposed Development the effects are almost entirely reversible. Therefore, there would be no permanent or irreversible effects on landscape character or visual amenity and these residual effects would not be significant.
- 3.4.64 Given the relatively high number of operational and consented schemes considered in cumulative scenario 1, the change to the baseline brought about by the other schemes in planning in scenario 2 would be minimal. Therefore, it is not considered that the cumulative effects would be discernibly greater in cumulative scenario 2 than in scenario 1 and no additional significant cumulative effects are predicted.
- 3.4.65 It is noted that localised significant effects on landscape character and visual amenity are inevitable as a result of commercial wind energy development anywhere in the UK. Whilst the LVIA has identified some significant landscape and visual effects it is considered that the landscape has the capacity to accommodate the effects identified, particularly when the consented but as yet unbuilt wind farms are taken into account in the baseline.
- 3.4.66 The recent consents for other commercial scale wind farms, such as, Douglas West Wind Farm, Dalquhandy Wind Farm, Cumberhead Wind Farm and Poniel turbines, are particularly relevant as once built they will serve to create a wind farm landscape across the locality of the site. In the context of these consented turbines the Proposed Development will sit in the middle of an area already surrounded by large scale wind turbines and in this regard, would constitute an obvious 'infill' and completion of the pattern and distribution of wind turbines in this area.

Noise

- 3.4.67 Chapter 9 of the EIA Report evaluates the noise and vibration effects of the Proposed Development. The Proposed Development would not have significant residual effects on nearby residential properties in terms of the noise immission they would experience. The combined noise impacts of the Proposed Development plus all operational and consented wind turbines within 5km of the site was calculated and the EIA concludes that the effect is considered to be not significant in EIA terms.

Shadow Flicker

- 3.4.68 In terms of shadow flicker, Chapter 15 of the EIA Report presents an assessment of the potential shadow flicker effects from the Proposed Development on residential and commercial receptors. The EIA highlights that there are two residential properties within the study area for shadow flicker effects. A consented housing development (planning permission in principle) at Gunsgreen, south-west of Coalburn, has also been considered within the shadow flicker assessment. The EIA concludes that the Proposed Development would have no significant shadow flicker effects at the 3 receptor locations.

Impacts on peatland and carbon rich soils, using the carbon calculator

- 3.4.69 Whilst there are some localised areas of peat in the application site, site specific surveys have identified minimal peat at proposed infrastructure locations, with most probes identifying no peat. The Carbon and Peatland Map (SNH, 2016) indicates that there is no Class 1 or Class 2 peatland within the site, and peat sampling recorded no locations of >0.5m peat depth (EIA Figure 11. 5). In addition, the design approach has allowed areas of peat to be avoided as much as practically possible. A peat slide risk assessment has identified negligible risks across the site.
- 3.4.70 In summary, the application site is regarded as being of Group 3 status given the lack of carbon rich soils, deep peat and priority peatland. Any peat in the Proposed Development site has been addressed through siting and design.

Impacts on the historic environment, including scheduled monuments, listed buildings and their settings

- 3.4.71 Chapter 10 of the EIA Report addresses cultural heritage. A comprehensive desk-based assessment for the EIA Report identified three heritage assets within the site boundary. The site is predominantly occupied by commercial forestry which is planted over the identified heritage assets.
- 3.4.72 The design of the wind farm layout has ensured the avoidance of the identified heritage assets within the site. The EIA concludes that the potential for further archaeological discoveries within the site boundary is assessed as low or negligible.
- 3.4.73 The EIA Report identifies one Scheduled Monument and two Category A Listed Buildings within 5km of the Proposed Development. The assessment concluded that the effects would be of moderate significance, but not to an extent to compromise the cultural significance of the sites. The effect on all other assets in the EIA Outer Study Area, including the New Lanark World Heritage Site, are assessed as not significant.
- 3.4.74 The EIA assessment also considered the potential cumulative impacts arising from other existing and consented wind farms in the surrounding landscape and concluded that the addition of the Proposed Development would have a cumulative impact of negligible magnitude - not significant in EIA terms.

Impacts on tourism and recreation

- 3.4.75 The assessment of effects on tourism and local recreation is assessed within Chapter 13 of the EIA Report. The Chapter reports a review of the latest research which suggests that there is no evidence that wind farm developments adversely impact upon the tourism industry in Scotland. However, an assessment of the potential tourism impacts has nevertheless been undertaken. The EIA notes that there is limited tourism activity in the surrounding area, and the closest attractions are a substantial distance from the site. Therefore, no adverse effects were identified. The assessment notes the potential beneficial effects on the tourism industry as revenue from the community benefit and shared ownership can be invested in developing the area's tourism offering.
- 3.4.76 In relation to recreation, consideration is given to current patterns of recreational access that could potentially be affected by the Proposed Development. There are several local walking routes nearby including a section of the River Ayr Walkway and Clyde Walkway however no significant adverse effects are identified in relation to existing routes. The assessment also considered future tourist routes, and the potential for the Douglas/Coalburn area to play a role in connecting long distance routes. In particular, the application site and the Applicant's adjoining land could facilitate extending the Clyde Walkway and boost the recreation and tourism offering in the area. The potential effect of the proposed network was assessed as moderate.

3.4.77 The EIA Report also notes that the Applicant's community benefit proposal would result in investment in the local area which could include developing the area's adventure tourism offering, boosting the recreation facilities in the area. This has been assessed as a moderate beneficial effect to the local community.

3.4.78 Overall, there were no significant adverse effects on tourism and recreation identified.

Impacts on aviation and defence interests and seismological recording

3.4.79 Chapter 14 of the EIA Report summarises the consultation responses received relating to civil and military aviation interests.

3.4.80 The EIA identified impacts on National Air Traffic Services ("NATS") and Glasgow Airport radars. Mitigation measures and schemes have been identified to meet the needs of these stakeholders with no residual effects. Agreements would be put in place with these organisations, to support their conditional position of no objection to the Proposed Development, subject to the implementation of mitigation schemes prior to turbine erection.

3.4.81 The EIA concludes that there would be no significant residual effects on aviation interests as a result of the operation of the Proposed Development.

Impacts on telecommunications and broadcasting installations

3.4.82 In terms of telecommunications interests, the EIA Report explains that consultations have been carried out with organisations that own or operate communications infrastructure. The EIA concludes that no effects were identified on telecommunications or television broadcasting infrastructure. Therefore, there would be no significant residual effects on telecommunications or broadcasting installations as a result of the operation of the Proposed Development.

Impacts on road traffic and on adjacent trunk roads

3.4.83 Chapter 12 of the EIA Report considers the impact of the Proposed Development on traffic and transport. The EIA Report concludes that the effects of the additional traffic generated during the construction of the Proposed Development is considered to be negligible. Therefore, no mitigation is proposed however 'good practice' measures would be implemented including the preparation of a Traffic Management Plan. The assessment notes that the number of vehicles generated during both the operational and decommissioning phases would be less than the construction phase, and effects are therefore considered negligible.

3.4.84 The EIA concludes that the cumulative effects arising from the Proposed Development and other consented developments would also be negligible.

3.4.85 The existing road network can accommodate the anticipated construction and operational phase traffic. The development would not result in any unacceptable access or traffic effects and is considered to be acceptable.

Effects on hydrology, the water environment and flood risk

3.4.86 Chapter 11 of the EIA report addresses Hydrology, Hydrogeology and Geology. Potential construction and operational effects arising from the Proposed Development include changes to groundwater flow regime, the risk of pollution to watercourses and effects on integrity of watercourse banks. A number of mitigation measures are proposed including implementing a Construction Environmental Management Plan, felling works in accordance with good practice, replanting and surface water quality monitoring. Following the implementation of mitigation measures, no significant residual effects are predicted on hydrology, the water environment and flood risk. In addition, no cumulative effects are predicted.

The need for conditions relating to the decommissioning of developments, including ancillary infrastructure and site restoration

3.4.87 Chapter 3 of the EIA Report addresses the matter of decommissioning and restoration. The Proposed Development would have an operational life of 30 years. After this time, if the consent is not renewed, the Proposed Development would be decommissioned and the land restored. It is anticipated that the decommissioning period would be approximately 12 months. The EIA concludes that the decommissioning effects of the development on landscape character are deemed to be not significant.

3.4.88 Prior to decommissioning works commencing, a decommissioning method statement would be submitted to and agreed by SLC. This would describe the baseline environment and set out the detailed approval/licencing requirements, based upon best practice guidelines available at the time.

The need for a robust planning obligation to ensure that operators achieve site restoration

3.4.89 An appropriate planning condition could be attached to a grant of consent to ensure that site restoration will be achieved.

Assessment Checklist

3.4.90 SG Policy RE2 'Renewable Energy Developments' states:

Applications for renewable energy developments will only be acceptable if they accord with the relevant guidance set out in:

- *Section 6 Development Management considerations for the assessment of renewable energy proposals.*
- *Table 7.1 Assessment Checklist for Renewable Energy Proposals.*

3.4.91 As outlined above, the Proposed Development is considered to comply with the development management considerations set out within SG10. The factors listed in the Assessment Checklist in Table 1 are covered in the development management considerations listed above, and in detail within the EIA Report. The Proposed Development is considered to be in accordance with SG Policy RE2.

South Lanarkshire Tall Wind Turbines: Landscape Capacity, Siting, and Design Guidance (Draft) (2017)

3.4.92 The South Lanarkshire Tall Wind Turbines: Landscape Capacity, Siting and Design Guidance ("SLTWT") (2017) is an addendum to the SLLCS (2016) which focuses on the capacity of the landscape in South Lanarkshire to accommodate taller turbines and provides further guidance on local siting and design. The SLTWT assesses the capacity of the Landscape Character Sub-type in which the site is located as being medium in relation to turbines 150 m – 200 m to blade tip.

3.4.93 The guidance considers the effects of tall turbines on the landscape and, the appropriate levels of landscape change to be accommodated. In addition, this study highlights key issues associated with larger turbines; horizontal and vertical scale, aviation lighting, extensions, and siting near smaller turbines. These factors are addressed in detail earlier in this chapter and in the EIA Report. In short and as explained, the Applicant has taken a considered approach to ensure the Proposed Development fits into the landscape successfully.

3.4.94 As discussed earlier in this Chapter, the Proposed Development has been carefully considered and would have a relatively limited visual impact in the context of the existing wind farms in the area which already result in a characterising effect.

3.5 General LDP Policies

3.5.1 This section addresses the remaining relevant LDP policies.

3.5.2 **Policy 1: 'Spatial Strategy'** states:

"The South Lanarkshire Local Development Plan will encourage sustainable economic growth and regeneration, protect and enhance the built and natural environment and move towards a low carbon economy by:

- Supporting regeneration activities and maximising regeneration and local economic benefits;*
- Delivery of the development proposals identified in Table 3.1 and Appendix 3.*
- Development that accords with and supports the policies and proposals in the development plan and supplementary guidance."*

3.5.3 The Proposed Development has been considered above in relation to the spatial framework of SG 10 Renewable Energy which is the relevant spatial strategy approach for the siting of wind energy developments. The local economic benefits have been considered in the context of SG 10, and in Chapter 13 of the EIA Report and the details of these is further referenced below. There is the potential for considerable socio-economic benefits and the proposal can be viewed as representing sustainable economic growth. This is something that the policy seeks to encourage. The Proposed Development accords with the relevant policies of the Development Plan and relevant SG, and is in accordance in Policy 1.

3.5.4 **Policy 4: 'Development Management and Placemaking'** states:

"All development proposals will require to take account of and be integrated with the local context and built form. Development proposals should have no significant adverse impacts on the local community and where appropriate, should include measures to enhance the environment as well as address the six qualities of placemaking (as detailed in Appendix 1 of DMPDSG). When assessing development proposals, the council will ensure that:

"i. "There is no significant adverse impact on adjacent buildings or streetscape in terms of layout, scale, massing, design, external materials, or amenity;

ii. There is no significant adverse impact on landscape character, built heritage, habitats, or species including Natura 2000 sites, biodiversity, and Protected Species nor on amenity as a result of light, noise, odours, dust or particulates;

iii. The proposed development is accessible for all, provides suitable access and parking, encourages active travel, and has no adverse implications for public safety;

iv. The proposal includes appropriate integrated and accessible infrastructure, open space, green infrastructure, and landscape provision;

v. Sustainability issues are addressed through energy efficient design, layout, site orientation and building practices;

vi. The development does not result in any significant adverse impact on the water environment as required by the Water Framework Directive and related regulations and as appropriate, mitigation to minimise any adverse effects is provided, and

vii. There are no significant adverse effects on air quality (particularly in and around Air Quality Management Areas), or on water or soil quality, and, as appropriate, mitigation to minimise any adverse effects is provided; and

viii. Risks to new development from unstable land resulting from past mining activities are fully assessed and, where necessary. Mitigated prior to development."

3.5.5 Policy 4 is a general policy which covers a number of topics which are of some relevance to the Proposed Development: design, landscape, transport, sustainability, water environment, and soil and air quality. These matters are addressed in detail above in the specific context of SG10: Renewable Energy. In addition, the EIA Report has specific chapters which deal with these matters in detail. The Proposed Development is in accordance with Policy 4.

3.6 Landscape and Visual Policies

3.6.1 Beyond Policy 19 and SG10, other landscape related policies of relevance include Policies 3 and 14.

3.6.2 Policy 3 'Green Belt and Rural Area' states:

"The Green Belt and rural area functions primarily for agriculture, forestry, recreation and other uses appropriate to the countryside. Development which does not require to locate in the countryside will be expected to be accommodated within the settlements identified on the proposals map, other than in the following circumstances;

- i. Where it is demonstrated that there is a specific locational requirement and established need for a proposal;*
- ii. The proposal involves the redevelopment of derelict or redundant land and buildings where significant environmental improvements can be shown;*
- iii. The proposal is for conversion of traditional buildings and those of a local vernacular;*
- iv. The proposal is for limited development within clearly identifiable infill, gap sites and existing building groups;*
- v. The proposal is for extension of existing premises or uses providing it is of a suitable scale and design. Any new built form should be ancillary to the main use.*

In the Rural Area limited expansion of an existing settlement may be appropriate where the proposal is proportionate to the scale and built form of the settlement, it is supportive of the sustainability of the settlement and a defensible settlement boundary is maintained.

In both the Green Belt and rural area isolated and sporadic development will not be supported.

Development proposals must also accord with other relevant policies and proposals in the development plan and other appropriate supplementary guidance. Appropriate uses in the Green Belt and rural area are contained within supplementary guidance."

3.6.3 No Green Belt would be significantly affected (either directly or indirectly) by the development. The Proposed Development is an appropriate use for the rural area / countryside and is considered to be in accordance with Policy 3.

3.6.4 Policy 14 'Green Network and Greenspace' states:

"Any development proposals should safeguard the local green network, identified on the proposals map, and identify opportunities for enhancement and/or extension which can contribute towards:

- i. Placemaking,*
- ii. Mitigating greenhouse gases,*
- iii. Supporting biodiversity,*
- iv. Enhancing health and quality of life,*
- v. Providing water management including flood storage, and buffer strips,*
- vi. Providing areas for leisure activity,*
- vii. Promoting active travel.*

The protection and enhancement of the green network will be a core component of any masterplan, development framework site or community growth area.

The loss of any areas of priority greenspace, identified on the proposals map, will not be supported. Partial loss will only be considered where it can be demonstrated that:

- The retention or enhancement, including positive management of the areas to be retained can be best achieved by the redevelopment of part of the site which would not affect its function.*
- There is no significant adverse impact on the landscape character and amenity of the site and surrounding area.*
- There is no significant adverse impact on natural and/or built heritage resources including Natura 2000 sites and protected species.*
- Compensatory provision of at least equal quality and accessibility is provided locally.*

Any development proposals which may impact on greenspace and green networks must also accord with other relevant policies and proposals in the development plan and with appropriate supplementary guidance.

3.6.5 There would be no impact on the local Green Network and no loss of priority Greenspace as a result of the Proposed Development.

3.7 Cultural Heritage and Archaeology

3.7.1 Policy 15: 'Natural and Historic Environment' states:

The Council will assess all development proposals in terms of their effect on the character and amenity of the natural and built environment. In addition, where specific designations are affected, as Listed in Table 6.1 – Natural and Historic Environment Designations and as shown on the proposals map, the following applies:

Category 1, 2 and 3 sites

The Council will seek to protect important natural and historic sites and features, as listed in Table 6.1, and shown on the proposals map, from adverse impacts resulting from development, including cumulative impacts.

In Category 1 areas:

Development which could affect Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) (Natura 2000 sites) will only be permitted where an appropriate assessment of the proposal

demonstrates that it will not adversely affect the integrity of the site following the implementation of any mitigation measures. Proposals where it cannot be ascertained that it would not adversely affect the integrity of the site will only be permitted where there are no alternative solutions and there are imperative reasons for overriding public interest.

The Council will seek to protect and preserve the Outstanding Universal Value of New Lanark World Heritage Site. Development Proposals affecting the world heritage site and its setting will be assessed against the detailed criteria set out in supplementary guidance. Development proposals within the buffer zone will be assessed for their potential impact on the site's outstanding universal value.

In Category 2 areas, development will be permitted where the objectives of the designation and the overall integrity of the area can be shown not to be compromised following the implementation of any mitigation measures. Any significant adverse effects must be clearly outweighed by social or economic benefits of national importance.

In Category 3 areas, development which would affect these areas following the implementation of any mitigation measures will only be permitted where there is no significant adverse impact on the protected resource.

Where possible, any development proposals which affect natural and historic designations should include measures to enhance the conservation value of the site affected.

Protected Species

Development which will have an adverse effect on protected species following the implementation of any mitigation measures will not be permitted unless it can be justified in accordance with the relevant protected species legislation.

Development proposals must also take account of other relevant policies and proposals in the development plan and appropriate supplementary guidance.

3.7.2 Cultural heritage and archaeology matters have been addressed in detail in the context of SG10 above and the appraisal is not repeated.

3.8 Ecology

3.8.1 Ecology is included within **Policy 15 Natural and Historic Environment** as outlined above. Ecological matters have been addressed above in the context of SG10 and the appraisal is not repeated.

3.9 Geology and Hydrology

3.9.1 Hydrology, hydrogeology, geology, and soil matters are assessed within Chapter 11 of the EIA Report. In terms of hydrology and hydrogeology the following policy is relevant:

3.9.2 **Policy 17: Water Environment and Flooding** states:

Any development proposals which will have a significant adverse impact on the water environment will not be permitted. This includes engineering works, such as culverting. In determining proposals consideration shall be given to water levels, flows, quality, features, flood risk and biodiversity within the water environment. The use of buffer and no development zones will be introduced to protect the riparian zone. These measures have been identified as having a key role to play in ensuring that protection and improvement of the water environment in accordance with the Water Framework Directive (WFD) and the underlying aims of River Basins Management Plans (RBMPs).

The avoidance principle of flood risk management as set out in the SPP must be met. Within areas identified as functional floodplain the Council will not support any development proposals except where a

specific location is essential for operational reasons and appropriate mitigation measures can be taken that meet the principles of flood risk management.

Sites where flood risk may be an issue (due to the breaching of watercourses, surface water and run off and impact of the proposal on groundwater) shall be the subject of a local flood risk management assessment. Any development where the flood risk cannot be appropriately managed to prevent a significant adverse increase in the risk of flooding, either on the site or elsewhere, will not be permitted.

The plan will take a precautionary approach to managing flood risk by considering flooding from all sources and working towards sustainable flood management.

Development proposals must also accord with other relevant policies and proposals in the development plan and with supplementary guidance.

- 3.9.3 The water environment and flooding have been assessed in detail in the context of SG10 above, and are referred to in detail in Chapter 11 of the EIA Report. Given this, the proposal is considered to accord with Policy 17, and the appraisal is not repeated.

3.10 Access, Traffic, and Transport

- 3.10.1 The transport assessment for the development is set out within Chapter 12 of the EIA Report entitled 'Traffic and Transport'. Relevant policies include Policy 16: Travel and Transport.

- 3.10.2 **Policy 16 'Travel and Transport'** states:

"New development proposals, must consider, and where appropriate, mitigate the resulting impacts of traffic growth, particularly development related traffic, and have regard to the need to reduce the effects of greenhouse gas emissions and at the same time, support and facilitate economic recovery, regeneration and sustainable growth.

Development of walking, cycling and public transport networks which provide a viable and attractive alternative to car travel, thus reducing the effects of transport on the environment, will be supported. In addition, existing and proposed walking and cycling routes will be safeguarded, including former railway lines which can provide walking, cycling and horse riding opportunities.

Development proposals must also accord with other relevant policies and proposals in the development plan and with appropriate supplementary guidance. In particular proposals must conform to the Local Transport Strategy, Core Path Plan and the Council Guidelines for Development Roads.

- 3.10.3 The Proposed Development has been considered in detail in relation to access and road network matters and is considered to accord with Policy 16.

3.11 Socio-economics (including Recreation and Tourism)

- 3.11.1 **Policy 11: Economic Development and Regeneration'** states:

The Council will support activities that maximise economic development and regeneration particularly through implementation of the policies in this plan and the proposals listed in Appendix 3. Priority will be given to development proposals that deliver physical and community regeneration and positively contribute to the local economy.

- 3.11.2 The Proposed Development has been considered in relation to its socio-economic impact including recreation and tourism (in EIA Report Chapter 13) and it is anticipated to make a positive contribution to

the local economy. The proposal is considered to accord with Policy 11 and the appraisal is not repeated.

3.12 Emerging Development Plan and Supplementary Guidance

- 3.12.1 The current LDP was formally adopted on 29th June 2015. In accordance with requirements of the Planning Act, every Council in Scotland requires to replace its LDP at least every 5 years. SLC prepared the 'LDP2 Proposed Plan' which was approved by Planning Committee on 29th May 2018. The consultation period on the Proposed LDP2 and the Supporting Planning Guidance on Renewable Energy and associated documents took place between 27th July– 21st September 2018.
- 3.12.2 Given the stage of the proposed LDP and relevant Supplementary Guidance which are still in the consultation phase, they can only be given limited weight at this stage, however, it is considered that there are no significant changes in renewable energy policy contained within the emerging Development Plan that would alter the conclusions of this assessment.

3.13 Development Plan Policy Assessment Conclusions

- 3.13.1 The lead policies of the LDP, Policy 19 and policies within SG10 require judgement to be applied in determining acceptability of a given development, informed by a planning balance assessment. In this regard, there are no predicted effects associated with the Proposed Development which are considered to be unacceptable.
- 3.13.2 The EIA Report demonstrates that the Proposed Development has been carefully considered and is well designed and that the location has the capacity to satisfactorily accommodate it. The proposal has been prepared on the basis of a considered design approach (see Chapter 2 of the EIA Report) and has been informed by consultation and feedback from various consultees through the pre-application consultation process. The Proposed Development is considered to be in accordance with the relevant policies of the Development Plan (including the SG), insofar as this is a material matter in the consideration of this s.36 application.

4 National Planning Policy and Guidance

4.1 Introduction

4.1.1 Relevant national planning policy guidance and advice is addressed in this Chapter. Reference is made to the National Planning Framework, Scottish Planning Policy, and Scottish Government advice on renewable developments. 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.

4.2 The National Planning Framework 3

4.2.1 The National Planning Framework 3 (“NPF3”) was published on 23 June 2014. NPF3 is a long-term strategy for Scotland and is the spatial expression of the Government’s Economic Strategy and plans for development and investment in infrastructure. Together, NPF3 and Scottish Planning Policy (2014) (“SPP”), 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. SPP is further considered below.

4.2.2 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...”*.

4.2.3 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:

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

4.2.4 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”.*

4.2.5 Paragraph 3.7 states onshore wind is *“...recognised as an opportunity to improve the long term resilience of rural communities”.*

4.2.6 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.

4.2.7 Paragraph 3.9 states:

“Our Electricity and forthcoming Heat Generation Policy Statements set 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...”.

4.2.8 Paragraph 3.13 adds *“The low carbon energy sector is fast moving and will continue to be shaped by technological innovation and a changing environment. As a result, our strategy must remain sufficiently*

flexible to adapt to uncertainty and change so we are well placed to make the most of the new opportunities that will undoubtedly emerge."

4.2.9 Paragraph 3.23 states that *"onshore wind will continue to make a significant contribution to diversification of energy supplies"*.

4.2.10 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 is a key part of the 'vision' for Scotland (as set out at paragraph 1.2 of NPF3).

4.2.11 Furthermore, the Scottish Government has made it unequivocally clear that it wants to continue to *"capitalise on our wind resource"* and that there must be sufficient flexibility to adapt to uncertainty and change, in order to make the most of new opportunities. The Proposed Development would make a valuable contribution to the renewable electricity and energy targets as set out in NPF3 and indeed to longer term Government policy objectives and targets.

4.3 Scottish Planning Policy

4.3.1 SPP was published on 23 June 2014. The purpose of SPP is to set out national planning policies which reflect Scottish Government Ministers' priorities for the operation of the planning system, and for the development and use of land.

Relationship of SPP to National Outcomes

4.3.2 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..."*.

4.3.3 Paragraph 13 of SPP introduces four planning outcomes which explain *"how planning should support the vision"* for the planning system in Scotland. These are further referred to below.

4.3.4 Paragraph 18 makes reference to the Climate Change (Scotland) Act 2009 which has set a target of reducing greenhouse gas emissions by at least 80% by 2050, with an interim target of reducing emissions by at least 42% by 2020. SPP explains that section 44 of the 2009 Act places a duty on public bodies to act in the best way to contribute to the delivery of emissions targets as set out in the Act, and to help deliver the Scottish Government's climate change adaptation programme.

Principal Policies of SPP

4.3.5 SPP contains two Principal Policies, namely 'sustainability' and 'placemaking'. SPP states at paragraph 24 that:

"the Scottish Government's commitment to sustainable development is reflected in its purpose of creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth".

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

Presumption in Favour of Development that contributes to Sustainable Development

4.3.7 An important 'Policy Principle' in the planning system, introduced in SPP is the statement at Paragraph 27 which is as follows:

"This SPP introduces a presumption in favour of development that contributes to sustainable development".

4.3.8 Paragraph 28 continues and states:

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

4.3.9 A presumption in favour is not a new concept to Scottish planning (albeit mirroring a similar recent change in England), but now takes on a much more prominent role in national planning policy. It is a formal policy presumption which the system has not seen since the changes made to the Town and Country Planning (Scotland) Act 1972³. For practical purposes it is a (relatively) new approach. Although little practical guidance is available, the approach to its application in wind farm cases has been fairly consistently set out by a number of Reporters. As explained below, paragraphs 32 and 33 of SPP explain how the presumption operates.

4.3.10 Paragraph 29 of SPP assists by setting out that policies and decisions should be guided by a number of principles. Those are further referred to below.

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

4.3.12 Paragraph 32 states that *“the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making”*. SPP directs decision makers as follows:

“proposals that accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising ...”.

4.3.13 Paragraph 33 adds:

“Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration. Decision-makers should also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies in this SPP. The same principle should be applied where a development plan is more than five years old”.

4.3.14 The footnote to this paragraph specifies that Development Plans or their policies should not be considered as out of date solely on the grounds that they were adopted prior to the publication of SPP.

4.3.15 The approach set out above, requires that in circumstances where the relevant policies are out of date, or where the Development Plan document is more than five years old, the presumption in favour of sustainable development is engaged.

4.3.16 Notwithstanding that the Development Plan in this case is not more than five years old the presumption is still a relevant consideration, as explained below.

³ The move in Scotland to the presumption being in favour of proposals which accorded with the Development Plan rather than general development is explained in the House of Lords case of *City of Edinburgh Council v Secretary of State for Scotland, Revival Properties Ltd. v City of Edinburgh Council, Secretary of State for Scotland v Revival Properties Ltd* [1997] 1 W.L.R. 1447.

Relevant Appeal and Section 36 Cases and the Presumption in Favour

4.3.17 In It is helpful to look at how some Reporters have handled the matter of the presumption introduced by SPP. Four cases are examined below in which the Development Plans in question were not more than five years old, but nevertheless, the Reporters applied the presumption.

4.3.18 In the Lochend Wind Farm Appeal Decision⁴ (11 December 2014) involving a development in Caithness, the Reporter set out at paragraph 91 of the Decision:

"The SPP also states that there should be a presumption in favour of development that contributes to sustainable development, listing at paragraph 29 a number of principles to guide decisions. Included amongst these are supporting the delivery of infrastructure (including energy) and supporting climate change mitigation, both of which the appeal proposal would assist with. Having assessed the detailed impacts of the proposal, I find that it would not be in significant conflict with any of the other principles of sustainable development listed in the SPP. I am satisfied that this proposal is for a development which would contribute to sustainable development."

4.3.19 In the Appeal decision for a three turbine wind farm extension at Muirhall⁵ in South Lanarkshire (9 July 2015), at paragraph 77 of the decision, the Reporter stated:

"drawing together my findings on other material considerations, I note that there is strong national policy support for renewable energy regeneration, including for onshore wind farms. Moreover, as a development that contributes to sustainable development, the proposal benefits from a presumption in its favour as set out in SPP."

4.3.20 In the Millennium Wind farm s.36 Decision (3 February 2017) the Reporter addressed the presumption in SPP. The Reporter stated at paragraph 6.19 of his Inquiry Report:

"I turn now to the presumption in favour of development which contributes to sustainable development, and the guiding principles in paragraph 29 of SPP. My findings above show no significant conflict with any of these principles. Indeed the proposal would deliver energy infrastructure, help to mitigate climate change and, insofar as it is an extension to an existing wind farm, make the efficient use of existing capacities of land and infrastructure. I therefore conclude that the development would contribute to sustainable development and that, overall it draws strong support from SPP and NPF3."

4.3.21 In the Whitelaw Brae Wind Farm (s.36 decision of 7 December 2017) the Scottish Borders LDP was not more than 5 years old however, despite that matter, the Reporters set out the provisions of SPP with regard to the presumption (at paragraph 2.14 of the Inquiry Report) where they stated that *"if the proposal was found to contribute to sustainable development, this is a matter to which a degree of positive weight should be given"*.

4.3.22 The most recent s.36 case which deals with the presumption in detail is the Caplich decision which was issued on 27 April 2018. The Inquiry Report (IR)⁶ is informative (dated 29 November 2017).

4.3.23 The Reporter was very clear in setting out the approach to be taken in order to decide whether or not the presumption applies and how it should be implemented. In this regard, at paragraph 2.129 he stated:

⁴ DPEA Reference: PPA-270-2108.

⁵ DPEA Reference: PPA-380-2050.

⁶ The Scottish Ministers agreed with the Reporter's findings, reasoning and conclusions as set out in the IR and adopted them for the purposes of their own decision (Caplich, Ministers' Decision Letter, page 4). The particular paragraphs of the IR that are most relevant are 2.128 through to 2.144.

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

4.3.24 At paragraph 2.131 the Reporter stated that the presumption applies to all forms of development that would contribute to sustainable development, regardless of the age of content of a Development Plan, but importantly stated:

"However, the effect of paragraphs 32 and 33 of SPP is that the age and content of the development plan may affect the weighing of a proposal's positive and negative implications in the planning balance."

4.3.25 In the Caplich case, the Reporter considered whether the development should be regarded as that likely to contribute to sustainable development. He set out his reasoning (in Chapter 8 of the Inquiry Report) with specific reference to the 13 principles of sustainable development contained at paragraph 29 of SPP, and with reference to the four SPP 'planning outcomes' and the 19 assessment criteria set out at paragraph 169 of SPP.

4.3.26 The paragraphs that follow contain the Applicant's consideration of the Proposed Development against those provisions of SPP, in support of the Applicant's position in relation to the application of the presumption in favour.

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

4.3.27 Paragraph 29 of SPP assists by setting out that policies and decisions should be guided by a number of principles. Those of relevance are listed in Table 4.1 below together with a summary response of the extent to which the Proposed Development is consistent or otherwise with the respective principle:

Table 4.1: SPP Policy Principles & The Proposed Development

Policy Principle	Douglas West Extension Development
1. Giving due weight to net economic benefit.	There would be net positive socio-economic effects, as summarised in Chapter 13 of the EIA Report.
2. Respond to economic issues, challenges, and opportunities, outlined in local economic strategies.	The proposal fits with the drive to encourage renewable energy development in the South Lanarkshire region as set out in the LDP.
3. Supporting good design and the six qualities of successful places.	Limited relevance - but a successful layout has been achieved that fits with landscape character, cumulative and local context without unacceptable effects.
4. Supporting delivery of infrastructure, for example transport, education, energy, digital and water.	The proposal would deliver energy infrastructure.
5. Supporting climate change mitigation and adaptation including taking account of flood risk.	The proposal would help to support climate change mitigation by replacing fossil fuel energy generation with renewable energy, thereby reducing emissions of climate changing gases.
6. Improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation.	The proposal would provide opportunities for walking, biking, and other outdoor pursuits on access tracks.
7. Having regard to the principles for sustainable land use set out in the Land Use Strategy.	The Scottish 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 landscape protection, biodiversity, and renewable energy development which, through planning decision making are expected to help deliver the Land Use Strategy. The Proposed Development would contribute positively to climate change action, secures biodiversity interests, and demonstrates care for the environment by being a sensibly located renewable energy development.
8. Protecting, enhancing, and promoting access to cultural heritage, including the historic environment.	The Proposed Development would not result in unacceptable adverse effects in relation to this topic.
9. Protecting, enhancing, and promoting access to natural heritage, including green infrastructure, landscape and the wider environment.	Whilst there would be some adverse landscape effects, the landscape has the capacity for the development at the scale proposed. The availability of the access tracks for public recreation will enhance access to the local countryside and enable promotion of various environmental topics and adventure tourism opportunities.
10. Avoiding over-development, protecting the amenity of new and existing development, and considering the implications of development for water, air and soil quality.	There would be no conflict with this policy principle.

4.3.28 The fourth, fifth and twelfth principles in SPP relate to town centre and regeneration priorities and specifically housing, business, retail uses, and waste management and resource recovery etc and are of no relevance to the Proposed Development.

SPP & National Outcomes

4.3.29 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...*".

4.3.30 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.

4.3.31 Paragraph 13 of SPP introduces four planning outcomes which explain *“how planning should support the vision”* for the planning system in Scotland. Three of these outcomes are particularly relevant namely:

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

4.3.32 In particular, the Proposed Development would assist in delivering sustainable economic growth in line with Outcome 1. The socio-economic benefits that would result from the Proposed Development have been set out in Chapter 13 of the EIA Report.

4.3.33 Given the nature and use of the proposal, would clearly assist in achieving Outcome 2 ‘a low carbon place’.

4.3.34 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.

4.3.35 It also needs to be noted that very few developments would be able to contribute to all four outcomes – that the Proposed Development contributes positively to three (and the fourth one is not relevant) is to its credit and reinforces the engagement of the presumption⁷.

Conclusion on the SPP Presumption in Favour

4.3.36 The appraisal above demonstrates that the Proposed Development would satisfy the principles set out at paragraph 29 of SPP and it would assist in delivering Outcomes 1, 2 and 3 – indicating that overall the Proposed Development is consistent with sustainable development. SPP sets out a clear presumption in favour of proposals that contributes to sustainable development. Furthermore, the Proposed Development is considered to be acceptable when considered against the development management considerations in relation to renewable energy developments as set out at paragraph 169 of SPP.

4.3.37 In summary, the Applicant’s conclusion is that the Proposed Development is one that would contribute to sustainable development and as a result it enjoys the application of the presumption in favour which should lend considerable support in favour of a positive determination of the application – i.e. the presumption is in favour of giving consent. This is a relatively new provision of national planning policy (but not an unfamiliar concept in the planning system) and it must mean that positive support should be

⁷ The Reporter in the Caplich case also made the point (paragraph 8.32 of the IR) that with regard to the four planning outcomes and policy principles in SPP *“the objective of any analysis of compliance...should be to see whether there is a ‘broad fit’ with the themes and objectives of the various outcomes and principles, rather than to test the proposal against each issue as though it were a specific policy test”*. This approach is consistent with Suffolk Coastal UKSC with regard to the interpretation of policies in the NPPF (the equivalent of SPP in England) – i.e. they should be approached in the same way as outlined in Tesco – namely statements should not be construed as if they were statutory or contractual provisions (i.e. should not be too literal).

given in favour of the Proposed Development, driving to the matter of giving consent unless rebutted by factors sufficient to negate the presumption.

SPP: Development Management for Energy Infrastructure Developments

4.3.38 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;*
- *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; and*
- *the need for a robust planning obligation to ensure that operators achieve site restoration."*

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

4.3.40 With reference to Table 1 in SPP, the main body of the application site falls largely within a Group 3 location, with a portion of the northern part of the site falling within a Group 2 area by virtue of its proximity to the settlement of Coalburn.

- 4.3.41 However, as explained in the previous Chapter, the effects arising in relation to Coalburn, in terms of landscape and visual, noise and shadow flicker are considered to be acceptable and will not result in any significant adverse effects on the qualities of the settlement.
- 4.3.42 It is important to highlight that in terms of the Spatial Framework approach as set out in SPP, the Proposed Development site is considered to effectively function as a Group 3 location, despite having areas of Group 2 land within the application boundary. In this regard, it is noted that the majority of the proposed turbines fall within a Group 3 location (i.e. beyond 2km) and the Spatial Framework in SPP notes that the 2 km separation distance from settlements is not absolute, and development can proceed within 2 km where it can be demonstrated that the proposal will not result in “*significant adverse effects on the qualities of the settlement*”. The summary assessment contained within paragraphs 3.4.12 to 3.4.15, drawn from the detailed assessments within the accompanying EIA, confirms that the Proposed Development will not result in significant adverse effects on the qualities of Coalburn. This is particularly the case when considering cumulative scenario 1 (EIA Chapter 6) in which the consented Dalquhandy and Douglas West Wind Farms would introduce commercial scale turbines closer to the settlement of Coalburn than the Proposed Development (refer to EIA Figure 1.4). Therefore, the site is considered to effectively function as a Group 3 location – 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.

SPP Subject Policies – A Low Carbon Place

- 4.3.43 SPP addresses ‘A Low Carbon Place’ as a ‘subject policy’ on page 36 and refers to ‘delivering electricity’. Paragraph 152 refers to the NPF context and states that NPF3 is clear that planning must facilitate the transition to a low carbon economy and help to deliver the aims of the Scottish Government. It is stated that Scotland has significant renewable energy resources, both onshore and offshore.
- 4.3.44 Paragraph 153 states that terrestrial planning “*facilitates*” development of renewable energy technologies, and guides new infrastructure to appropriate locations. It adds that “*efficient supply of low carbon and generation ofelectricity from renewable energy sources are vital to reducing greenhouse gas emissions...*”. It explains that renewable energy also presents a significant opportunity for associated development, investment and growth of the related supply chain.
- 4.3.45 In terms of ‘Policy Principles’, Paragraph 154 states that the planning system should:
- Support the transformational change to a low carbon economy, consistent with national objectives and targets, including deriving:
 - 30% of overall energy demand from renewable sources by 2020;
 - The equivalent of 100% of electricity demand from renewable sources by 2020.
 - Support the development of a diverse range of electricity generation from renewable energy technologies – including the expansion of renewable energy generation capacity;
 - Guide development to appropriate locations and advise on the issues that will be taken into account when specific proposals are being assessed.
- 4.3.46 SPP also cross refers to “*key documents*” and those of relevance include:
- The Electricity Generation Policy Statement (EGPS);
 - The 2020 Routemap for Renewable Energy in Scotland; and
 - Low Carbon Scotland: Meeting Our Emissions Reductions Targets 2013 – 2027.

4.3.47 The Proposed Development would be consistent with the 'low carbon place' subject policy and would contribute to its attainment. These renewable energy policy documents are referred to in Chapter 5 below together with more recent policy documents.

SPP References to Onshore Wind

4.3.48 Onshore wind is specifically addressed at Paragraph 161 *et seq* of SPP. Detailed guidance is provided for Planning Authorities with regard to the preparation of Spatial Frameworks for onshore wind development.

4.3.49 In terms of Spatial Framework guidance, a "*community separation for consideration of visual impact*" is set out as "*an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge*".

4.3.50 As with the previous SPP, this separation distance has a purpose of guiding the preparation of Spatial Frameworks and is not a requirement in terms of development management for a 'set back' to settlements, or in relation to individual properties for wind farms. Refer to paragraphs 4.3.40 to 4.3.42 above in this regard.

SPP: Suitable for Use in Perpetuity

4.3.51 Paragraph 170 of SPP states that areas identified for wind farms should be suitable for use in perpetuity. It further adds that consents may be time limited, but nevertheless "*wind farms should ... be sited and designed to ensure impacts are minimised and to protect an acceptable level of amenity for adjacent communities*".

4.3.52 The provision of paragraph 170 is not a new matter. Circular 4/98 in relation to the use of conditions in planning permissions sets out paragraph 105 that "the reason for granting a temporary permission can never be that a time limit is necessary because of the effect of the development on the amenity of the area".

4.3.53 The Applicant does not take the position that because the Proposed Development would have an operational lifetime of some 30 years that this is a factor that makes the development acceptable in amenity terms.

4.3.54 Furthermore, the provisions of paragraph 170 are different from the matter of reversibility. The Proposed Development would remain a reversible type of development and whether this occurs in 30 or 100 years, it remains reversible compared to most other conventional types of development.

4.3.55 Reversibility is an important issue. Were it otherwise, no conditions requiring decommissioning, restoration and aftercare should be imposed. Reversibility is a positive feature of wind energy development and some weight should be given to reversibility as an inherent positive attribute of this type of development (but not to the temporary nature of the consent).

4.3.56 Another important point to note with regard to paragraph 170 of SPP is that it further supports the Government's position that wind energy developments can play an important role in the long term renewable generation platform of the country, thereby sustaining carbon savings and renewable energy generation targets. As explained below in Chapter 5, and set out in recent Government publications (the Climate Change Plan and Energy Strategy): there are now further very challenging carbon saving and renewable energy targets set for the long term that go beyond those referenced in NPF3 and SPP. Wind farms operating on a long-term basis will clearly sustain and uphold those targets.

4.4 Scottish Government Advice Notes and Renewables Guidance

Online Renewables Guidance

- 4.4.1 The Scottish Government's online renewables guidance is dated May 2014 and is currently under review to bring it in line with SPP. No conflict is identified with the national online guidance.
- 4.4.2 In terms of environmental effects in relation to the visual component of residential amenity, it is relevant to highlight the reference to separation distances in the Onshore Wind Turbines online national guidance. This states with reference to the former paragraph 190 of SPP (2010) that the 2km distance between areas of search for wind turbines and the edge of towns, cities and villages was to reduce visual impact. However, the Guidance makes it clear that *"this 2km separation distance is a guide not a rule and decisions on individual developments should take into account specific local circumstances and geography"*. Again, reference should be made to paragraphs 4.3.40 to 4.3.42 in this regard.

SPP – Some Questions Answered

- 4.4.3 On 5 December 2014, the Scottish Government released a document answering questions in relation to the SPP and onshore wind. The answers provided relate to the following topics: landscape capacity assessment; Spatial Frameworks; separation distances; areas of strategic capacity; cumulative impacts; the life span of wind farms; wild land; scenic routes; and the carbon calculator. The Proposed Development is considered to be consistent with the guidance with regard to all of these topics.
- 4.4.4 The document also provides guidance in relation to the life span of operational wind farms and refers to the matter of sustaining targets in the long term. In relation to paragraph 170 of SPP and specifically to 'use in perpetuity', the document states:

"Even where an individual wind farm proposal may have an operational life span specified by condition the site should be suitable for use as a wind farm in other respects. The identification of an operational lifespan, commonly spanning 25 years for wind turbines, should not be used as a mitigation for negative impacts arising from the operation of the wind turbine⁸. This is to ensure that developments which will be in place for an inter-generational length of time are appropriately sited and designed to have acceptable impacts.

The permanent suitability of a site for wind farm use is important as it has a relationship to the potential repowering of a site and the expectation that a wind farm in use today will in principle be acceptable in the long term if reconfigured.

Identifying sites that are suitable for permanent use is important to ensure that we not only meet our targets for renewable electricity generation but can sustain them in the future."

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

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

⁸ Note – as explained above – this is entirely consistent with the advice in Circular 4/98 paragraph 105 regarding the use of temporary planning permissions and matters of amenity.

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

4.5 Conclusions on National Planning Policy & Guidance

- 4.5.1 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 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.
- 4.5.2 It is considered that the Proposed Development would satisfy the principles set out at paragraph 29 of SPP and it would assist in delivering Outcomes 1, 2 and 3 – indicating that the proposal is consistent with sustainable development. SPP also sets out a clear presumption in favour of proposals that contribute to sustainable development. Furthermore, the Proposed Development is considered to be acceptable when considered against the development management considerations in relation to renewable energy developments as set out at paragraph 169 of SPP.
- 4.5.3 For the reasons set out above, the Proposed Development site can reasonably be regarded as a Group 3 location in which wind farms are likely to be acceptable subject to consideration of the criteria at paragraph 169 of SPP with regard to specific site and design approach circumstances.
- 4.5.4 It is considered that the Proposed Development is appropriately sited and would provide a significant contribution to renewable energy and carbon reduction targets, as well as providing a range of socio-economic benefits to the local area. The Proposed Development draws support from both NPF3 and SPP and related national guidance and benefits from the presumption in favour of development that contributes to sustainable development.

5 The Renewable Energy Policy Framework

5.1 Introduction

5.1.1 This Chapter explains the need case for the Proposed Development in terms of international, UK and Scottish Government renewable energy policy. This element of the policy framework constitutes an important material consideration. Reference is made below to:

- International and European energy policy;
- UK energy policy; and
- Scottish Government energy policy associated targets.

5.2 International Policy Considerations

International Agreements and Obligations – The COP21 UN Paris Agreement

5.2.1 The Paris Agreement (12 December 2015) sets out (page 2) that it “*emphasises with serious concern*” the need to hold the increase in global average temperature to “*well below 2°C*” above pre-industrial levels and to pursue “*efforts to limit the temperature increase to 1.5°C*”. In order to achieve this long term temperature target, the text states “*parties aim to reach global peaking of greenhouse gas emissions as soon as possible*”. The document also includes a ratcheting mechanism on climate action, with countries having to communicate nationally determined contributions to reducing global emissions. The first global “stocktake” is to take place in 2023 and will follow every five years thereafter.

5.2.2 It is clear that moving to a low carbon economy is now a globally shared goal and will require absolute emission reduction targets. For the first time, some 195 countries, including the world’s largest emitters have now committed to act together to address climate change and to be held equally accountable. Countries will also be legally obliged to make new post-2030 commitments to reduce emissions every five years.

The IPCC SR1.5 Report

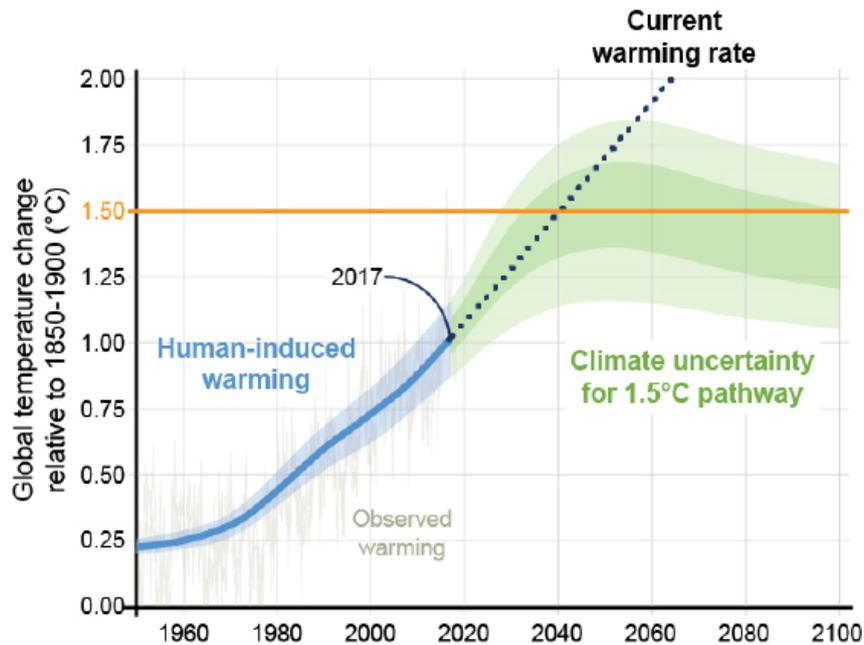
5.2.3 The Intergovernmental Panel on Climate Change (IPCC) published a ‘Special Report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways’ in response to an invitation contained in the Decision of the Conference of Parties of the United Nations Framework Convention on Climate Change to adopt the Paris Agreement. The IPCC accepted the invitation in April 2016 and the Special Report known as ‘SR1.5’ was published in October 2018.

5.2.4 The report concludes that human-induced warming reached approximately 1°C above pre-industrial levels in 2017 and at the present rate, global temperatures would reach 1.5°C around 2040. This is illustrated in the graph below.

Figure 5.1: Levels of Human-induced Warming Above Pre-Industrial Levels

FAQ1.2: How close are we to 1.5°C?

Human-induced warming reached approximately 1°C above pre-industrial levels in 2017



Source: IPCC (2018)

- 5.2.5 The report makes it clear that *"delayed action, limited international cooperation, and weak or fragmented policies that lead to stagnating or increasing greenhouse gas emissions would put the possibility of limiting global temperature rise to 1.5°C above pre-industrial levels out of reach"* and that *"warming will not be limited to 1.5°C or 2°C unless transformations in a number of areas achieve the required greenhouse gas emissions reductions. Emissions would need to decline rapidly across all of society's main sectors, including buildings, industry, transport, energy, and agriculture, forestry and other land use."*
- 5.2.6 Actions that can reduce emissions are referenced and these include, for example, phasing out coal in the energy sector, increasing the amount of energy produced from renewable sources and electrifying transport.
- 5.2.7 The report finds that limiting global warming to 1.5°C would require *"rapid and far-reaching"* transitions in land, energy, industry, buildings, transport, and cities and will require *"unprecedented changes"*.
- 5.2.8 Scottish Government climate change policy is referenced below, however in response to this latest IPCC report, the Scottish Government has stated that in relation to this landmark report, it will seek updated advice from the Committee on Climate Change on meeting the 1.5°C target.

EU Policy Targets

5.2.9 In January 2008 the European Commission (EC) published a '20-20-20' targets package. This included proposals for:

- A reduction in the EU's greenhouse gas emissions of at least 20% below 1990 levels;
- Increasing the proportion of final EU energy consumption from renewable sources to 20%; and
- A 20% reduction in primary energy use compared with projected levels, to be achieved by improving energy efficiency.

5.2.10 These targets are to be achieved by 2020, as set out in the EU Renewable Energy Directive (March 2009⁹). The 20% is split between Member States. For the UK, the EC's obligations include 16% reduction in UK greenhouse gas emissions by 2020 and for 15% of all energy consumed in the UK to come from renewable sources by 2020.

5.2.11 The position as of the end of 2017 (the full year for which figures are available) was that renewable energy only accounted for approximately 10.2% of energy consumption in the UK, well short of the 15% target¹⁰.

5.3 United Kingdom Energy Policy

5.3.1 Energy policy is a matter reserved to the Westminster Parliament. The UK Government therefore retains control of the overall direction of energy policy including the attainment of UK national targets on renewable energy generation.

5.3.2 Although the overarching position in the UK is that energy policy is not a devolved matter, major policy documents such as the UK Renewable Energy Roadmap have embraced actions across the UK as a whole. Such documents have also made clear that the Devolved Administrations play an important role in the attainment of overall UK and European targets for renewable electricity. While some of the devolved administrations do not have the core competencies over energy policy, it has not prevented them issuing a range of policy statements and 'Routemaps' for renewable energy and the low carbon agenda for their own territory. The Scottish Government has been engaged in policy making over successive Governments on the topic of renewable energy and there is no evidence that they have been at all trammelled in this activity by Whitehall or Westminster.

5.3.3 In the Corlic Hill Wind Farm Appeal decision¹¹ (17 May 2016) the Reporter examined the position of the UK with regard to European renewable energy targets in some detail. In summary, the Reporter stated that it was necessary to take into account UK Government energy policy in his planning determination. In terms of whether or not the UK was likely to miss its binding European renewable energy and greenhouse gas emission targets for 2020 the Reporter stated at paragraph 24:-

⁹ Following Brexit the UK would be released from its renewable energy targets under the EU Renewable Energy Directive. The availability of funding from EU institutions may impact the deployment of capital intensive projects such as offshore wind. However, given that the UK would still be bound by national and international de-carbonisation obligations (see above), it is anticipated that renewable and low carbon energy development would continue to form part of UK Government climate change policy. However, for present purposes the UK remains part of the EU and the above legal obligations related to the 2020 and related targets remain fully in place.

¹⁰ DECC, Digest of UK Energy Statistics (July 2018), Chapter 6. Onshore wind remains the leading technology in terms of UK renewable capacity, at 31.7% recorded for 2017.

¹¹ Corlic Hill Wind Farm Appeal Decision – An 8-turbine scheme by Greenock, Inverclyde. Decision dated 17 May 2016. DPEA ref: PPA-280-2022. The paragraphs of relevance in this Decision Letter are 20 through to 25.

"However, as the planning authority accepts, these targets are not caps. There would clearly be public benefit in avoiding the potentially very significant fines that could be levied against the UK in the event that binding targets were not met. However, of much greater public benefit, in my view, is the proposal's potential contribution to the ultimate goal of the targets, which is to achieve significant reductions in greenhouse gas emissions and the development of an extensive and effective renewable energy infrastructure. The proposal would contribute to such benefits regardless of whether it is required in order to achieve the UK 2020 targets."

The UK Renewable Energy Strategy (2009)

- 5.3.4 The UK Renewable Energy Strategy ("UKRES") sets out the means by which the UK can meet the legally binding target of 15% of energy consumption from renewable sources by 2020¹². It presents a 'lead scenario' that more than 30% of electricity should be generated from renewables by 2020¹³.
- 5.3.5 The Strategy was published by the UK Government: however, the policies to meet the 2020 targets will be taken forward in England, Scotland and Wales, Great Britain or on a UK-wide basis as appropriate and in accordance with each devolution arrangement. The document makes it clear that each of the Devolved Administrations is setting out its own plan to increase renewable energy use and that *"the UK Government and the Devolved Administrations are working together to ensure that our plans are aligned"*.

The UK Renewable Energy Roadmap: Updates (2012 & 2013)

- 5.3.6 The UK Renewable Energy Roadmap Update of 2012 emphasised that there was an urgent need for new large scale renewable energy projects to ensure the 2020 targets were met, as well as wider decarbonisation and ambitions (para 2.5). It also made it clear that the central ranges of renewable deployment as set out in the Roadmap of 2011 *"did not represent technology specific targets or the level of our ambition"*. Specifically (para 2.10) it made clear that the reference in the Roadmap 2011 of potentially having in place 13 Giga Watts ("GW") of onshore wind capacity by 2020 did not represent a technology specific target.
- 5.3.7 On 6 November 2013 the former Coalition Government published an update to the UK Renewable Energy Roadmap following publication of the original document in 2011. Onshore wind is referred to on page 44. Paragraph 114 states that *"onshore wind, as one of the most cost effective and proven renewable energy technologies, has an important part to play in a responsible and balanced UK energy policy"*.

The UK Clean Growth Strategy (2017)

- 5.3.8 The UK Government published the Clean Growth Strategy 'Leading the Way to a Low Carbon Future' in October 2017. The Clean Growth Strategy (CGS) defines 'clean growth' as *"growing our national income while cutting greenhouse gas emissions. Achieving clean growth, while ensuring an affordable energy supply for businesses and consumers, is at the heart of the UK's Industrial Strategy"*.
- 5.3.9 The introduction refers to the 2015 Paris Agreement and states that the actions and investments that will be needed to meet the Paris commitments will ensure the shift to clean growth will be at the forefront of policy decisions made by Government in coming decades.
- 5.3.10 Background reference is made to the 2008 Climate Change Act which committed the UK to reducing greenhouse gas emissions by at least 80% by 2050 when compared to 1990 levels and the associated carbon budgets. The Government states that in order to meet the 4th and 5th carbon budgets (covering

¹² Renewable energy accounted for 10.2% of UK energy consumption in 2017 (Source: DECC, Digest of UK Energy Statistics (DUKES) July 2018).

¹³ The contribution of all renewables to UK electricity generation was 29.3% in 2017, (*Ibid*).

the periods 2023 – 2027 and 2028-2032) *"we will need to drive a significant acceleration in the pace of decarbonisation and in this strategy we have set out stretching domestic policies that keep us on track to meet our carbon budgets"*.

- 5.3.11 The CGS sets out a comprehensive set of policies and proposals that aim to accelerate the pace of clean growth i.e. to deliver increased economic growth and decreased emissions. It adds *"in order to meet these objectives the UK will need to nurture low carbon technologies, processes and systems that are as cheap as possible"*.

The UK Industrial Strategy (2017)

- 5.3.12 The Industrial Strategy White Paper entitled 'Building a Britain fit for the Future' was published by the UK Government in November 2017. The Strategy's overall aim is to create an economy that boosts productivity and earning power throughout the UK. What is termed 'grand challenges' are set to put the UK at the forefront of the industry of the future and one of these is entitled 'clean growth'. The Government states that *"we will maximise the advantages for UK industry from the global shift to clean growth"*.
- 5.3.13 The 'key policies' in the strategy relate to ideas, people, the business environment, places and infrastructure. Clean growth is addressed at page 42 *et seq* and it is set out that *"we will maximise the advantages for UK industry – through leading the world in the development, manufacture and use of low carbon technologies, systems and services which cost less than high carbon alternatives"*.

Conclusions on UK Energy Policy

- 5.3.14 UK energy policy, as summarised above is a reserved matter and remains the responsibility of the UK Government. At a UK level there are clear renewable energy, electricity and carbon emission saving targets for 2020, but also stretching in the long term to 2050 and beyond.
- 5.3.15 It is relevant to take UK energy policy into account and as the Reporter in the Corlic Hill Wind Farm Appeal decision set out, wind farm proposals will contribute to the wider public benefit in terms of renewable energy and electricity generation regardless of whether or not they are required in order to achieve UK targets by 2020. The Reporter in the Corlic Hill decision also made clear at paragraph 25 of the decision letter for that scheme that:

"it is clear that the UK Government is less willing to provide financial support to onshore wind energy than before. However, that shift in policy does not amount to an instruction that such proposals should no longer be permitted. In any event, although energy policy is a reserved matter, climate change and planning policy are not. My role in this proposal is to determine whether planning permission should be granted. Therefore while I have had regard to UK energy policy and to the evidence of performance against binding European targets, I have also had regard to Scottish climate change and planning policy and to Scottish targets..."

5.4 Scottish Government Policy and Renewable Energy Generation Targets

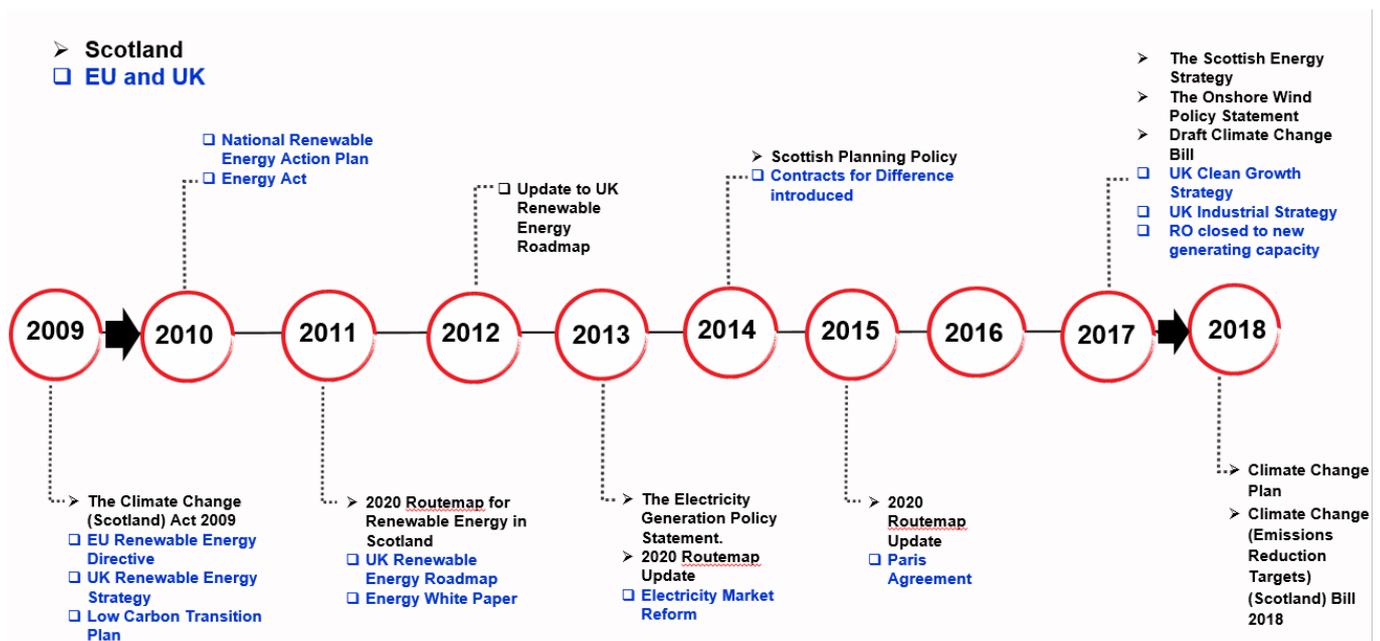
- 5.4.1 In recent years there has been a large number of Scottish Government policy documents (as well as statute) on the topic of climate change and renewable energy. In this section the following documents are referred to, with key policy objectives and targets highlighted:

- The Climate Change (Scotland) Act 2009;
- The 2020 Routemap for Renewable Energy in Scotland (2011);
- The Electricity Generation Policy Statement (2013);
- The 2020 Routemap for Renewable Energy in Scotland – Updates (2013 & 2015);

- The Scottish Energy Strategy (2017);
- The Onshore Wind Policy Statement (2017);
- The Climate Change Plan (2018); and
- The Climate Change (Emissions Reduction Targets) (Scotland) Bill 2018.

5.4.2 Figure 5.2 illustrates a 'timeline' of key Scottish and UK Government renewable energy policy documents.

Figure 5.2: Key Scottish and UK Renewable Energy Policy Documents and Milestones



Source: JLL

The Climate Change (Scotland) Act 2009

- 5.4.3 The 2009 Act is the key legislation in Scotland dealing with climate change and carbon targets. Part 1 of the Act creates the statutory framework for greenhouse gas house emission reductions by setting an interim 42% reduction target for 2020 and an 80% reduction target for 2050. To help ensure the delivery of these targets, the Act also requires that the Scottish Ministers set annual targets in secondary legislation, for Scottish emissions from 2010 to 2050. Part of the Act also places climate change duties on Scottish public bodies.
- 5.4.4 The Scottish Government has now published its third Climate Change Plan (2018), setting out proposals and policies to drive emissions down by 66% by 2032.
- 5.4.5 The Scottish Government in 2017 set out proposals for a Climate Change Bill to contain more ambitious targets for the reduction of greenhouse gas emissions and ensure that obligations set under the Paris Agreement are met. The draft Bill was published in June 2017.
- 5.4.6 The Climate Change Plan sits alongside the Scottish Government's new Energy Strategy which was published in December 2017. Together these documents provide the Government's national level strategic framework to guide the transition for a low carbon Scotland. These more recent documents are referred to below.

The 2020 Routemap for Renewable Energy in Scotland (2011)

- 5.4.7 The Scottish Government published the 2020 Routemap in July 2011. The Executive Summary states that the Government is aiming to make Scotland *"the renewables powerhouse of Europe"*.
- 5.4.8 Chapter 1 states that the renewables target of 100% equates to the equivalent of c.16 GW of installed capacity and to meet the target will *"demand a significant and sustained improvement over the deployment levels seen historically"* (page 26).
- 5.4.9 The Routemap also provided an increase in the Scottish Government's overall renewable energy target to 30% by 2020.
- 5.4.10 Chapter 3 of the Routemap provides a specific routemap for 'Onshore Wind' and is entitled 'Sectoral Routemaps'. The introduction notes that:

"The Government is committed to the continued expansion of portfolio of onshore wind farms to help meet renewables targets... Onshore wind turbines can make a very large contribution to the progress to Scotland's renewable electricity target and help establish Scotland's reputation as rapidly becoming the green powerhouse of Europe thanks to its underlying political commitment to make it happen." (page 66)

The Electricity Generation Policy Statement (2013)

- 5.4.11 The Scottish Government published the Electricity Generation Policy Statement ("EGPS") on 28 June 2013. The EGPS examines the way Scotland generates electricity and considers the changes necessary to meet the various targets in the sector set by Government. Paragraph 2 states that the report is built upon a sustainable, low carbon vision of Scotland's energy future and it states, *"the need for a rapid expansion of renewable electricity across Scotland..."*.
- 5.4.12 Paragraph 8 states that the report will assist the Scottish Government to comply with further statutory requirements under the Climate Change Scotland Act 2009. It also reiterates in paragraph 9 that the Government is committed to securing the transition to a low carbon economy, which is one of the six 'strategic priorities' laid out in the Government's Economic Strategy.
- 5.4.13 The report summarises the Scottish Government's targets and these are set out as *inter alia*: -
- Delivering the equivalent of at least 100% of gross electricity consumption from renewables by 2020 as part of a wider, balanced electricity mix;
 - Enabling local and community ownership of at least 500 MW of renewable energy by 2020; and
 - Seeking increased interconnection and transmission upgrades capable of supporting projected growth and renewable capacity.
- 5.4.14 The report highlights that these targets underpin the Government's vision of a stable and desirable future generation mix for Scotland, built around the following key principles (paragraph 4):
- a secure source of electricity supply which can be largely de-carbonised by 2030; and
 - which achieves the greatest possible economic benefit and competitive advantage for Scotland including opportunities for community ownership and community benefits.
- 5.4.15 Paragraph 14 states that the 2020 target:

"...is a challenge – to the energy supply sector, to our renewables industry and innovators, and to Scotland's communities; it is both a statement of intent and a rallying call, embodying our firm belief that Scotland can and must exploit its huge renewables potential to the fullest possible extent – to help meet demand here and across Europe. It is as much about the value and importance of the journey as it is about the destination."

5.4.16 Paragraph 17 states that the Government estimates that the 100% target will require around 14-16GW of installed capacity to be deployed.

5.4.17 Page 11 of the report explains that the UK target is to produce 15% of all energy from renewable sources and an estimated 30% of electricity from renewable sources by 2020 and that this:

"...will require connection to Scotland's energy resource and we will continue to work to connect Scotland to an ever more integrated UK and EU market".

5.4.18 The report cross refers to the 2020 Routemap for renewable energy in Scotland. Paragraph 32 reiterates the EU context and states that Scotland has the potential to make a *"major contribution to the EU's overall renewables target"*.

The 2020 Routemap for Renewable Energy in Scotland – Updates (2013 & 2015)

5.4.19 The Routemap Update was published in December 2013. The Ministerial Forward states that *"Renewable energy is a central element of our strategy for a successful Scotland. Scotland's vast renewable energy resources create major job and investment opportunities and – as part of wider, balanced energy mix – will deliver secure, low carbon and cost-effective energy supplies"* (page 3).

5.4.20 A further Routemap Update was published on 17 September 2015. The report provides statistics on deployment of renewables and provides sectoral updates. Page 13 states that *"onshore wind has a pivotal role in delivering our 2020 renewables targets..."*.

The Chief Planner Letter to All Heads of Planning (November 2015)

5.4.21 A letter from the Scottish Government Planning and Architecture Division to all Heads of Planning entitled 'Energy Targets and Scottish Planning Policy' was published on 11 November 2015.

5.4.22 It sets out that despite some changes to UK policy, the Scottish Government's policy remains unchanged and that it *"supports new on-shore renewable energy developments, including onshore wind farms and particularly community-owned and shared ownership schemes"*. Importantly, it adds that *"this policy support continues in the situation where renewable energy targets have been reached"*.

5.4.23 In the letter, the Chief Planner re-emphasises that the Scottish Government's SPP (2014) and Electricity Generation Policy Statement (2013) set out the Scottish Government's current position on onshore wind farms. With regard to the 100% of gross electricity consumption from renewables target by 2020, it adds that the target is a statement of intent and that it is known that Scotland has the potential resource to deliver and exceed it. The letter adds that there is no cap on the support for renewable energy development, including onshore wind once the target has been reached.

5.4.24 Chapter 6, below, sets out further information on the Applicant's approach to shared ownership. The Heads of Planning Letter emphasises the importance of the opportunity presented by shared ownership. Whilst it highlights that ownership *per se* of any development is not a 'material consideration', paragraph 169 of SPP makes it clear that socio economic benefits *"are relevant material considerations in the determination of planning applications for renewable energy applications"*. The Heads of Planning Letter makes it clear that *"it is our expectation that such considerations are addressed in the determination of applications for renewable energy technologies"*.

5.4.25 The letter makes specific reference to the Government's related guidance on 'Good Practice Principles for Shared Ownership' and states that the guidance is designed to assist Planning Authorities, communities and developers *"in considering a shared ownership renewable energy project within the planning system"*.

The Scottish Energy Strategy (2017)

5.4.26 The Scottish Energy Strategy (SES) sets a 2050 vision for energy in Scotland as “a flourishing, competitive local and national energy sector, delivering secure, affordable, clean energy for Scotland’s households, communities and businesses”. The vision is guided by three core principles namely:

- A whole system view;
- An inclusive energy transition; and
- A smarter local energy model.

5.4.27 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.”

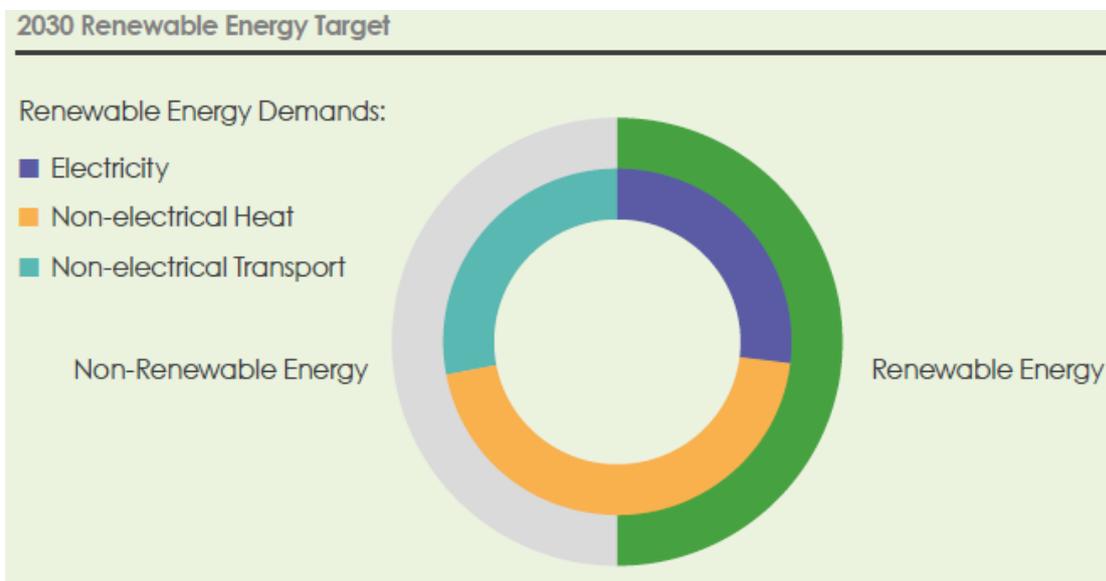
5.4.28 The strategy also contains new whole system targets for 2030 as follows: -

- The equivalent of 50% of the energy for Scotland’s heat, transport and electricity consumption to be supplied from renewable sources;
- An increase by 30% in the productivity of energy use across the Scottish economy.

5.4.29 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”.

5.4.30 The new 50% target is illustrated in Figure 5.3 below.

Figure 5.3: The Make Up of the new 2030 Scottish Renewable Energy Target



Source: Scottish Energy Strategy (2017), page 35.

5.4.31 The text supporting Figure 5.3 states “Scottish Government analysis underpinning this target shows that renewable electricity – which has already outperformed our interim 2015 target of 50% – could rise to over 140% of Scottish electricity consumption, ensuring its contribution to the wider renewable energy target for 2030. This assumes a considerably higher market penetration of renewable electricity than

today – requiring in the region of 17 GW of installed capacity in 2030 (compared to 9.5 GW in June 2017)....” (underlining added)

5.4.32 This increase in renewable generation will require an almost doubling of current capacity.

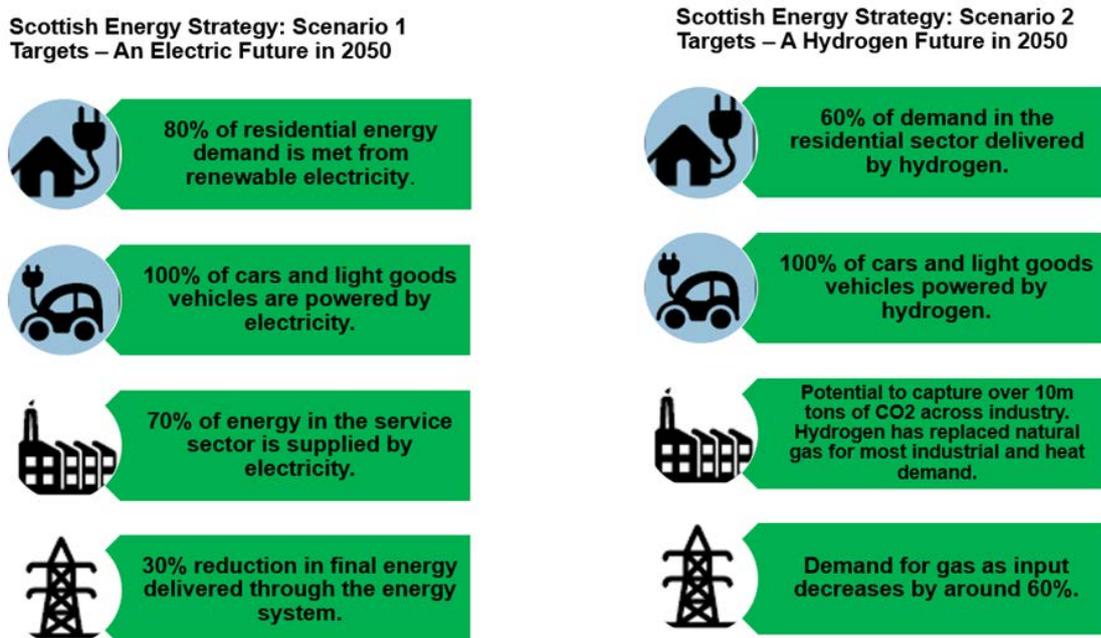
Scotland in 2050 – Two Energy System Scenarios

5.4.33 The SES sets out two illustrative scenarios for the whole energy system in 2050 consistent with the Government’s climate change targets (page 24-25). These illustrate how low carbon electricity and hydrogen could be used to meet demand across the industry, services, residential and transport sectors. The SES stresses that these are illustrative and designed to assist understanding of what infrastructure and behaviours might be required under different future scenarios.

5.4.34 It is set out that the energy system in 2050 will probably include aspects of both scenarios and it is recognised that given the likely pace of technological change across the energy sector over the next three decades, this will have a huge bearing on the energy system. Both scenarios represent radical changes to the energy system and would require sustained investment, high levels of public acceptance and support across wider society.

5.4.35 Given the strength of the renewable sector in Scotland it is not surprising that the SES sets out that renewable and low carbon energy will provide the foundation of the future energy system and it is also recognised that this sector and approach offers a huge opportunity for economic and industrial growth.

Figure 5.4: Scenarios for 2050 in the Scottish Energy Strategy



Source: JLL, with targets taken from Scottish Energy Strategy (2017), pages 26-29.

5.4.36 Renewable electricity will play a fundamental role for the primary energy generation under all scenarios. In the ‘Hydrogen’ scenario the currently demonstrated viable hydrogen source is through electrolysis using (renewable) electricity. The Proposed Development would make a valuable contribution to both scenarios and a hybrid approach, particularly given the proximity to 3R Energy’s consented industrial land at J11 of the M74 where a hydrogen transport hub linked to the local wind farms is being considered.

Scottish Energy Strategy – Onshore Wind

- 5.4.37 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, and its ability to meet our local and national heat, transport and electricity needs – helping to achieve our ambitious emissions reduction targets”*.
- 5.4.38 Onshore wind is identified as a key technology and the SES states *“we will push for UK-wide policy support for onshore wind, and take action of our own to prioritise and deliver a route to market – combined with a Land Use Planning approach which continues to support development while protecting our landscapes”*.
- 5.4.39 The Government has highlighted the importance of the need for onshore wind to have a route to market and the importance of this consideration is clearly emphasised in the final SES.
- 5.4.40 The SES goes on to set out what is termed the “Opportunity” for onshore wind and there is explicit recognition that onshore wind is amongst the lowest cost forms of power generation of any kind which will allow it to contribute to one of six priorities, which is *“to protect consumers from excessive or avoidable costs”* (Page 8). It is also recognised as *“a vital component of the huge industrial opportunity that renewables create for Scotland”*. Reference is made to the employment levels and economic activity derived from onshore wind and the SES sets out that the Government is *“determined to build on these strengths”*.
- 5.4.41 The SES sets out the Government’s clear position on onshore wind namely:
- “Our energy and climate change goals mean that onshore wind must continue to play a vital role in Scotland’s future – helping to decarbonise our electricity, heat and transport systems, boosting our economy, and meeting local and national demand.*
- That means continuing to support development in the right places, and – increasingly – the extension and replacement of existing sites with new and larger turbines, all based on an appropriate, case by case assessment of their effects and impacts.*
- And it means developers and communities working together and continuing to strike the right balance between environmental impacts, local support, benefits, and – where possible – economic benefits deriving from community ownership.”* (underlining added)
- 5.4.42 The SES adds:
- “This can be done in a way which is compatible with Scotland’s magnificent landscapes, including our areas of wild land. This means that the relevant planning and consenting processes will remain vitally important. A major review of the Scottish planning system is well underway, and will continue as now to fully reflect the important role of renewable energy and energy infrastructure, in the right places”*.
- 5.4.43 The SES goes on to cross refer to further detail in relation to onshore wind as contained within the Onshore Wind Policy Statement (“OWPS”) which has been published alongside the SES. The SES therefore, in addition to setting new stretching renewable energy and electricity targets, gives unequivocal strong policy support for the further development of onshore wind. In essence there is a renewed and enhanced impetus being imparted, rather than just a continuation of previous support.
- 5.4.44 Page 69 references “near term actions” for onshore wind including:
- *“Build on the positive and practical provision for onshore wind in our planning system under the next National Planning Framework and Scottish Planning Policy.*
 - *Implement the new Onshore Wind Policy Statement, which underlines the continued importance of this established, low cost resource”*.

5.4.45 On the basis of the near term actions for onshore wind in the SES (see above), it can be anticipated that these new national planning policy documents, with their enhanced status, will reflect this strong support for onshore wind now set out in the SES and OWPS.

The Onshore Wind Policy Statement (2017)

5.4.46 The OWPS sets out the up to date national policy position in relation to onshore wind. The Ministerial Foreword sets out that *"there is no question that onshore wind is a vital component of the huge industrial opportunity that renewables more generally create for Scotland"*.

5.4.47 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"*.

5.4.48 Key relevant provisions of the statement are set out below.

5.4.49 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"*.

5.4.50 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.

5.4.51 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"*.

5.4.52 The statement therefore makes it very clear that onshore wind is expected to make a significant contribution to Scotland's energy needs including renewable targets into the long term. A number of parties opposed to onshore wind farms have in recent years continued to advance an argument that because Scotland's 2020 target in relation to the generation of renewable electricity could be within reach, that less weight should be placed on the contribution and benefits that could arise from onshore wind energy. The Chief Planner Letter on energy targets of November 2015 rejected such an approach. Now the Government's OWPS very clearly demonstrates that it does not support such a position being taken whatsoever – onshore wind is viewed as having a vital role in terms of the attainments of the Government's environmental and economic goals.

5.4.53 Paragraph 4 of Chapter 1 states that given the recognised contribution that onshore is expected to make to Scotland's future energy and renewable targets *"this means that Scotland will continue to need more onshore wind development and capacity, in locations across our landscapes where it can be accommodated"*. This statement not surprisingly therefore 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.

5.4.54 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"*.

- 5.4.55 The document makes a number of references to the industrial operations (tower manufacture) of CS Wind in Campbeltown which it states, "*serves as a reminder of Scotland's ability to serve these markets – we are determined to build upon that, and to continue to attract investment in jobs to Scotland*". 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.
- 5.4.56 Importantly and given the recognition that onshore wind is amongst the lowest cost forms of generating electricity, paragraph 13 makes it clear that the Government's position is that they wish to "*ensure that consumers are able to benefit from the low cost contribution onshore wind can make to a decarbonised energy future – but at no additional cost to their energy bills*".
- 5.4.57 One of the key questions posed in the draft OWPS was whether the matter of efficiency should be a material consideration in the section 36 application process. The Government decided not to pursue this matter but at paragraph 32 sets out that they "*continue to invite applicants to explain clearly how environmental impacts have been balanced against energy yield during design iteration, and reported as part of the information provided in support of applications*".
- 5.4.58 The design approach for the Douglas West Extension has sought to achieve a well-designed development with acceptable impacts whilst generating a significant and valuable contribution to renewable energy and electricity targets. The Proposed Development is anticipated to have a high capacity factor¹⁴ of more than 32%¹⁵. The Scottish average capacity factor is 27% and that figure has been used in the carbon balance exercise, thereby making figures relating to payback periods very conservative.
- 5.4.59 The Applicant notes there is a significant difference in the energy generation output of the 200m turbines compared with smaller turbines. This energy generation balanced against a range of environmental and socio-economic considerations has led the Applicant to proceed with the Proposed Development as set out in the EIAR. Therefore, the output and contribution to various targets that this particular development can make is an important consideration.
- 5.4.60 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*".
- 5.4.61 Chapter 3 of the OWPS addresses 'a strategic approach to development' and states that whilst this was a key matter posed in the draft OWPS in terms of whether a new strategic approach to wind farm site development should be taken in Scotland, Scottish Ministers have taken the view that the current system described in the consultation as "business as usual" continues to represent an effective and efficient process for considering applications for developments in excess of 50MW.
- 5.4.62 The business as usual approach encompasses the Table 1 Spatial Framework methodology which guides the location of acceptable development – again, the consistency of the Proposed Development to the Spatial Framework as set out in the Development Plan and in SPP has been fully explained – the Proposed Development site can be regarded as a Group 3 location.

¹⁴ Capacity or 'load factor' is the amount of electricity generated from a Wind Farm compared with the amount that such turbines would have generated had they been available for the whole of a year and running continually and at maximum output. It should also be noted that the capacity factor figure for the Proposed Development site is robust – being based on several years of on-site met data.

¹⁵ Precise capacity factors and wind data are commercially sensitive and will vary depending on the turbine model, heights and blade dimensions ultimately selected.

The Climate Change Plan (2018)

- 5.4.63 The Scottish Government published a draft Climate Change Plan ("CCP") – 'the draft Third Report on Policies and Proposals 2017 – 2032 (RPP3)' on 19 January 2017 under the provisions of the Climate Change (Scotland) Act 2009.
- 5.4.64 A final version of the CCP was published in early 2018 and is intended to be the last produced under the 2009 Act. Future CCPs are to be developed following the passage through the Scottish Parliament of the proposed Climate Change Bill (see below) and it will be at that stage Scottish Ministers will consider what policies and proposals are necessarily to deliver against the new targets.
- 5.4.65 The finalised Climate Change Plan (CCP) was published in late February 2018. Part One sets out the context for the Scottish Government's climate change proposals and policies. It illustrates the emissions reductions pathway to 2032 and the crucial roles that will be played by local authorities and the wider public sector (and the planning system) and communities to reduce emissions by 66% by 2032.
- 5.4.66 The CCP confirms the Scottish Government supports the Paris Agreement, which sets the standard for the international response to climate change.
- 5.4.67 In terms of the electricity sector, the CCP states that:
- By 2032, Scotland's electricity system will supply a growing share of Scotland's energy needs and by 2030, 50% of all Scotland's energy needs will come from renewables (page 15).
 - By 2032, Scotland's electricity system will be largely decarbonised and be increasingly important as a power source for heat and transport.
 - Electricity will be increasingly important as a power source for heat and in transport to charge Scotland's growing fleet of ultra-low emission vehicles.
- 5.4.68 The CCP states "*Our decarbonisation pathway towards 2032 will be a challenging one, requiring collective efforts from all sectors of the society, but addressing climate change is both a moral and economic imperative, and the Scottish Government is determined to contribute to the global effort for the benefit of our own citizens, and humanity in general*". (page 19)
- 5.4.69 The 'vision' set out is that by 2032, Scotland will have reduced its emissions by 66% against 1990 levels. It adds that "*this will be an enormous transformational change*" (page 22) (underlining added).
- 5.4.70 The CCP states that later in 2018, the Scottish Government will introduce a new Climate Change Bill with even more ambitious targets than those prescribed by the 2009 Act and, in so doing, Scotland will become one of the first countries in the world to legislate to support the aims of the Paris Agreement (page 27).
- 5.4.71 Chapter 1 addresses electricity and states "*our ambition for the electricity sector, as set out in this chapter, is consistent with the Scottish Government's Energy Strategy published in December 2017. In 2032, Scotland's electricity system will be largely decarbonised. The system will be powered by a high penetration of renewables, with security of supply and system resilience aided by a range of flexible and responsive technologies*" (page 67).
- 5.4.72 Policy proposals include:
- Policy Outcome 1: "*From 2020 onwards, Scotland's electricity grid intensity will be below 50 grams of carbon dioxide per kilowatt hour. The system will be powered by a high penetration of renewables, aided by a range of flexible and responsive technologies*" (page 69) (underlining added).
 - Policy Outcome 2: "*Scotland's energy supply is secure and flexible, with a system robust against fluctuations and interruptions to supply*" (page 74).

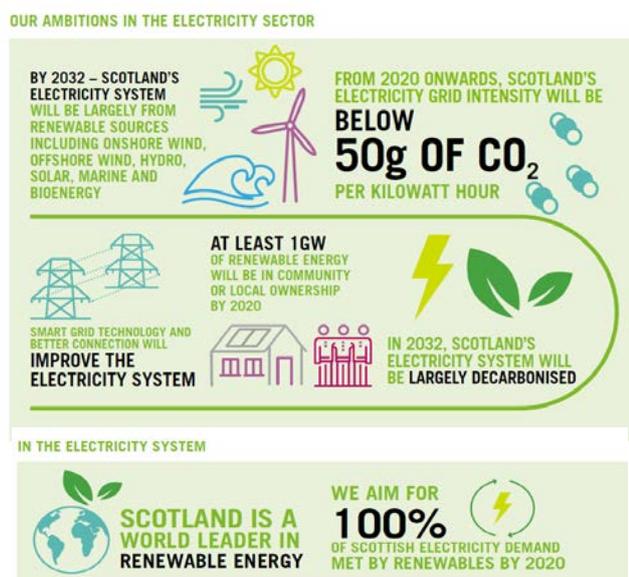
5.4.73 Reference is made to the SES which the CCP states contains proposals that will increase the level of renewable electricity generation, including new targets and commitments to continue supporting the key renewable generation technologies. These include:

- A new renewable, all energy consumption target of 50% by 2030, covering electricity, heat and transport; and
- Renewed efforts to secure routes to market (page 74).

5.4.74 'Implementation indicators' for policy outcomes 1 and 2 include:

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

Figure 5.5: Extract Illustration from the CCP of 'Ambitions in the Electricity Sector'



Source: CPP (2018)

The Climate Change (Emissions Reduction Targets) (Scotland) Bill (2018)

5.4.75 On 23 May 2018 the Climate Change (Emissions Reduction Targets) (Scotland) Bill was introduced to Parliament. The primary objective of the Bill is to raise the ambition of the greenhouse gas emissions reduction targets as set out in the Climate Change (Scotland) Act 2009 (The 2009 Act) and associated Regulations.

5.4.76 The Policy Memorandum for the Bill sets out at paragraph 4, that the 2009 Act established Scotland as a world leader in tackling climate change and in response to the United Nations Framework Convention and Climate Change Paris Agreement, the Bill re-affirms the Scottish Government's commitment to remain "at the forefront of global ambition".

5.4.77 The Bill increases the target levels for 2020 and 2050 and introduces interim targets for 2030 and 2040. The interim and 2050 target levels proposed are as follows: -

- A 56% reduction by 2020;
- A 66% reduction by 2030;
- A 75% reduction by 2040; and
- A 90% reduction by 2050.

5.4.78 The Memorandum sets out that *“these target levels are arguably the most ambitious legislative targets in the world.....”*.

5.4.79 The Memorandum also makes it clear that the Scottish Ministers are committed to achieving net – zero emissions as soon as possible, and putting a target year into effect as soon as there is sufficient evidence that doing so would be credible.

5.4.80 Paragraph 45 of the Memorandum adds that the 90% target is both ambitious and credible and achieving the annual targets that lead to it *“will require challenging actions across all sectors of the Scottish Economy to reduce emissions.....”*.

5.4.81 The latest addition to the large body of relevant legislative and policy documents with regard to renewable energy and climate change, namely the very recent Climate Change Bill, further demonstrates the Scottish Government’s scale of ambition and commitment to that overall policy objective. The Proposed Development would clearly contribute to the attainment of such goals.

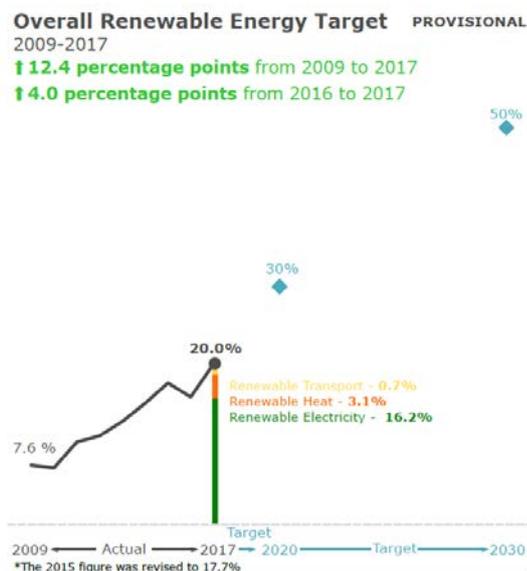
5.4.82 The proposed Bill is expected to become legislation in early 2019.

5.5 Progress to the Scottish 2020 Renewable Energy & Electricity Targets

Renewable Energy

5.5.1 The Scottish Government’s target is to achieve 30% of total Scottish energy use from renewable sources by 2020. The Government’s recently published ‘Energy Statistics for Scotland’ (December 2018) show that in 2017, 20% of total Scottish energy consumption came from renewable sources. This is illustrated in Figure 5.6 below.

Figure 5.6: Performance against the 2020 & 2030 Renewable Energy Targets



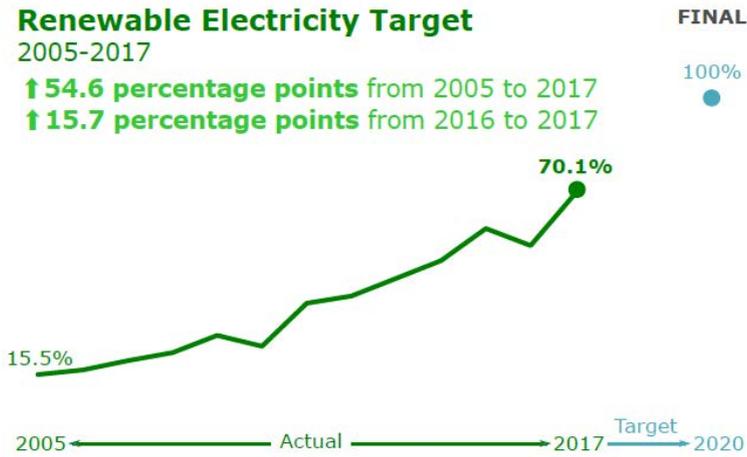
Source: Scottish Government (2018)

Renewable Electricity

5.5.2 As noted above, the ‘2020 Routemap for Renewable Energy in Scotland’ published in 2011 states that the 2020 target of delivering the equivalent of 100% of Scottish electricity consumption from renewables will demand a significant and sustained improvement over the deployment levels seen historically.

5.5.3 The 2020 100% electricity target equates to around 16GW of installed renewables capacity. The Scottish Government estimates that in 2017, renewable sources generated the equivalent of approximately 70.1% gross electricity consumption¹⁶. This is illustrated in Figure 5.7 below.

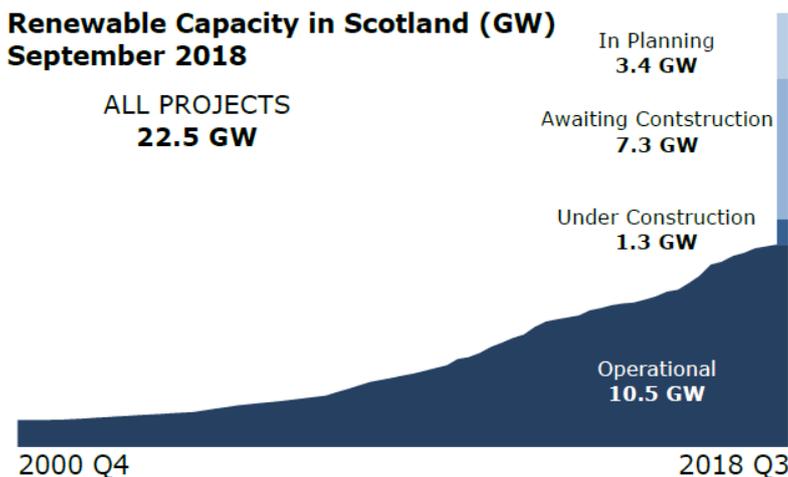
Figure 5.7: Performance against 2020 Renewable Electricity Target: 2005 - 2017



Source: Scottish Government (2018)

5.5.4 Figures released from the Scottish Government¹⁷ show that as of September 2018, Scotland had 10.5GW of installed (operational) renewable electricity generation capacity, with an additional 8.6 GW of capacity either under construction or consented. Figure 5.8 below illustrates Scotland’s renewable capacity by stage in the planning process.

Figure 5.8: Renewable Capacity in Scotland by Planning Stage, as of June 2018



Source: Scottish Government (2018)

¹⁶ Scottish Government, Energy Statistics for Scotland, (December 2018).

¹⁷ *ibid.*

- 5.5.5 Figure 5.8 illustrates that there remains a significant shortfall against the Scottish 2020 renewable electricity generation target as the 'operational' and 'under construction' figures together only amount to 11.8GW. The Proposed Development (whilst it is acknowledged would not become operational until shortly after 2020) would still make a valuable contribution to what remains an unmet and uncapped target for 2020 which is c.16GW.
- 5.5.6 As explained above, there also remains a significant shortfall against the UK targets for 2020 in terms of renewable electricity and energy generation, to which the Proposed Development would contribute.
- 5.5.7 The Reporter in the Caplich s.36 decision, in addressing overall conclusions and recommendations, made reference to relevant International, UK and Scottish policy on renewable energy. At paragraph 8.5 he stated, "*International Agreements on renewable energy delivery and greenhouse gas emissions to which the UK is a signatory, some of which will remain binding irrespective of European Union membership, will pose a significant challenge going forward*".
- 5.5.8 The Reporter went on to make reference to UK and Scottish Government targets and to the view that greater weight should be given to Scottish Government policy and stated at paragraph 8.7 "*that being the case, the contribution this proposal would make to these targets is a factor in its favour, to which significant weight should be attached*".
- 5.5.9 The Reporter added at paragraph 8.9 "*in any event, there can be no doubt that the targets are minimum levels to be achieved rather than caps that must not be exceeded. The Scottish Government has made it clear that it will continue to support the principle of onshore wind, even if or when current targets are met*".
- 5.5.10 The decision also confirms that national planning policy as set out in NPF3 and SPP confirms the commitment to making Scotland a low carbon place and a world leader in low carbon energy generation including in relation to onshore wind. Paragraph 8.10 of the decision states that "*the proposal's contribution to such commitments is a factor in its favour that must be taken into account*".

5.6 Conclusions on Renewable Energy Policy

- 5.6.1 There is a range of relevant UK and Scottish renewable energy policy documents, a number of which commit Scotland and the UK to international obligations in relation to climate change action.
- 5.6.2 The very recent SES sets out that onshore wind is recognised as a key contributor to the delivery of renewable energy targets - specifically the new 2030 50% energy from renewable sources target. The Government has set out that this may require in the region of 17GW of installed renewables capacity by 2030 (SES, page 34). Furthermore, the Government's 2020 renewable electricity target remains unmet and has been supplemented by these new stretching targets.
- 5.6.3 Onshore wind is expected to make a valuable and important contribution to both of the energy scenarios set for 2050 as set out in the SES.
- 5.6.4 One of the key messages in the OWPS is the recognition that onshore wind is to play a "vital role" in meeting Scotland's energy needs and a "material" role in growing the economy and that the technology remains "crucial" in terms of Scotland's goals for an overall decarbonised energy system and to attain the ambitious renewable targets. These have been updated by the Scottish Government as expressed in the new SES and are set for 2020, 2030 and 2050.
- 5.6.5 In the Applicant's view, the language on the role of onshore wind in these documents is demonstrably stronger than that in the current NPF and SPP. 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 more stretching targets and no subsidy or certainty on route to market. The increased importance of the contribution that onshore wind is expected to make to targets and meeting future energy needs

should be afforded substantial weight. If the weight has not increased as a result of these recent Scottish Government policy documents and the new stretching targets, then the statements have been made in vain and the targets will risk not being met.

- 5.6.6 In practice, the introduction of significantly more ambitious targets and the need to switch transport to greater use of electricity set against a situation where the easier onshore wind sites have been developed, will inevitably result in a shift in the balancing exercise that has to be undertaken in assessing proposals. This is a highly relevant factor in reaching a decision on the acceptability.
- 5.6.7 The OWPS also 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 the benefits larger turbines can bring in terms of energy yield and consequent larger contribution to targets. Furthermore, the Proposed Development is capable of being delivered subsidy free – this is a key challenge the Scottish Government has set for the industry, namely for subsidy free wind farms to be developed in Scotland, taking advantage of effective sites with excellent wind resources.
- 5.6.8 Overall, both documents represent the leading edge of Government policy for the technology and land use proposed. Whilst the SES and the OWPS are yet more 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 go further.
- 5.6.9 The new target to procure 50% of Scottish energy requirements from renewables by 2030 is important, implying as it does that renewable electricity may need to generate 140% of Scotland's electricity needs in order for the energy target to be met. This statement by the Scottish Government has implications for the approach to be taken to schemes such as the Douglas West Extension.
- 5.6.10 In short, when the SES, OWPS, Climate Change Plan and all related updated challenging targets are taken into account, and when these policy statements are considered in the round, with the language used, read always in their proper context, it is considered that the need case has been materially strengthened.
- 5.6.11 In the recent Pencloe Wind Farm s.36 decision (6th December 2018), the Reporter set out in the Inquiry Report his conclusions on Scottish Government energy policy with regard to onshore wind (paragraph 9.7):
- "I see no sign that the Scottish Government is slackening the pace; rather, the latest policy statements on energy and onshore wind indicate that the effort is being intensified. The latest target of generating 50% of energy from renewable sources by 2030 is a deliberately challenging one, which may require around 17GW of installed capacity by that date. The newly adopted Scottish Energy Strategy and the accompanying Onshore Wind Policy Statement are explicit that onshore wind will continue to play a vital role in that regard. (underlining added)*
- The Scottish Government's latest energy strategy expects onshore wind to help decarbonise Scotland's electricity, heat and transport systems, boost the economy, and meet demand".*
- 5.6.12 Scottish renewable energy and electricity targets for 2020 and 2030 have now been updated as set out in the SES published in December 2017.
- 5.6.13 The Climate Change Scotland Act 2009 set world leading greenhouse gas emissions reduction targets, including a target to reduce emissions by 80% by 2050.
- 5.6.14 The Government published a final Climate Change Plan in February 2018 and a new Climate Change Bill in May 2018 setting out even more ambitious targets - this includes increasing the 2050 target to

90% emissions reduction and making provisions for a net / zero greenhouse gas emissions target to be set on a credible and costed pathway.

- 5.6.15 As a result of the publication in October 2018 of IPPC 'Special Report 1.5', the Scottish Government has stated that in relation to this landmark report, it will seek updated advice from the Committee on Climate Change on meeting the 1.5°C target, which could involve even more stringent emission reduction targets.
- 5.6.16 In summary, both the SES and OWPS are material considerations in the determination of the application and as the most recent expressions of Scottish Government policy on renewable energy, it is respectfully submitted that the SES and OWPS and the new targets set out in the new Climate Change Plan and Climate Change Bill must be afforded substantial weight.
- 5.6.17 A summary of the new Scottish energy, electricity and climate change targets is provided below in Table 5.1.

Table 5.1: Summary of Scottish Energy, Electricity & Climate Change Targets

New targets introduced from December 2017.

Target	Target Year	Current Position	Source / Notes
Renewable Energy			
30% of total energy use from renewable sources	2020	17.8% (2015)	Scottish Energy Strategy (SES) (2017)
50% of total energy use from renewable sources	2030	17.8% (2015)	SES (2017)
Renewable Electricity			
Meet 100% of electricity demand from renewables	2020	69% (2017)	2020 Routemap for Renewable Energy in Scotland (2011) Scottish Energy Statistics (June 2018)
100% Target is circa 16GW	2020	11.9GW	Scottish Energy Statistics (June 2018)
Renewable energy may need to generate 140% of Scotland's electricity needs	2030	11.9 GW	Would require c.17GW installed renewable electricity capacity by 2030 SES (2017)
Climate Change			
Interim reduction of greenhouse gas emissions by at least 42% from 1990 baseline.	2020	-37.6% (2015)	Climate Change (Scotland) Act 2009
Reduction of greenhouse gases by 80%.	2050	37.6% (2015)	Climate Change (Scotland) Act 2009
Reduce carbon emissions by 66% against 1990 levels	2032	37.6%	Climate Change Plan (2018)
Reduce carbon emissions by 90% against 1990 levels	2050	37.6%	Climate Change (Emissions Reduction Targets) (Scotland) Bill (2018)
Reduce Scotland's electricity grid intensity below 50gCO ₂ / kWh by 2020	2020	150g CO ₂ / kWh (2015)	Climate Change Plan (2018)
Shared Ownership			
Achieve 1 GW of community and locally owned renewable energy	2020	716 MW (June 2017)	SES (2017)
Achieve 2 GW of community and locally owned renewable energy	2030	716 MW (June 2017)	SES (2017)

6 The Benefits of the Development

6.1 Summary of the Benefits of the Development

6.1.1 There are a number of benefits that would arise from the Proposed Development. The main benefits are summarised below:

Energy Benefits

- The Proposed Development would contribute 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 for renewable electricity generation. The Proposed Development, with an installed capacity of approximately 78 MW, would make a valuable contribution to such unmet targets. The Government has confirmed its long-term commitment to the decarbonisation of electricity generation and the proposal would help advance this policy objective.
- Furthermore, the UK legally binding target of 15% of energy to come from renewables by 2020 (and the Scottish Government target of 50% by 2030) remain major challenges. At the end of 2017, renewable energy accounted for only 10.2% of energy consumption in the UK and 17.8% in Scotland against these respective targets.
- Given the wind resource on the site, the potential electricity generation will be of the order of 220 Gigawatt Hours (“GWh”) per annum (depending on the turbine selected). The extension of Douglas West Wind Farm will therefore make an important contribution to Scotland's 2017-2032 Climate Change Plan's renewable energy target of “*wholly decarbonised electricity supply*” by 2030.
- The generation of renewable electricity which would be sufficient to provide electricity to power the equivalent of approximately 57,000 ¹⁸ UK households, in terms of their electricity consumption per annum.
- The Proposed Development is expected to save approximately 101,522 tonnes of carbon dioxide per annum, resulting in a total of nearly 3.05 million tonnes over the 30-year lifetime of the development, through displacing carbon-emitting generation.
- The Proposed Development is capable of operating on a subsidy free basis¹⁹, consistent with the objective and challenge for this type of onshore wind operation set out in the Government's OWPS.

¹⁸ Based on average annual electricity consumption per household in the UK quoted by RenewableUK in 2017, of 3900 kW.

¹⁹ The Reporter in the Fauch Hill Appeal Decision Notice of 13 June 2018, in his consideration of the benefits of the proposed 12 turbine, 48MW project, made specific reference to the subsidy free nature of the proposed development and at paragraph 76 stated in the context of the Onshore Wind Policy Statement: “*The fact that this proposal could be delivered without public subsidy is a further attribute that finds support in these latest expressions of Scottish Government policy*”.

Table 6.1: Comparison of Turbine Heights / Energy / Community Benefit

Characteristic	Proposed Development @ 200m to tip	Proposed Development @ 175m to tip	Proposed Development @ 150m to tip
Number of Wind Turbines	13	13	13
Maximum Tip Height	200 m	175 m	150 m
Turbine Capacity	6 MW each	4.3 MW each	3.8 MW each
Overall Wind Farm Capacity	78 MW	55.9 MW	49.4 MW
Total Power Generation p.a.	220 GWh	158 GWh	139GWh
Community Benefit p.a.	£390,000	£279,500	£247,000
Community Benefit Total (30 years)	£11.7 m	£8.38 m	£7.4 m

6.1.2 Table 6.1 above highlights the significant benefits of the 200m to tip turbines in comparison with the other tip height scenarios of 150m and 175m tested by the Applicant during the design iteration process (refer to EIA Report Chapter 2 for further details). The 200m turbines generate significantly more renewable energy per annum (58% more than the 150 m turbines and 39% more than the 175 m turbines). This in turn generates a substantially higher community benefit income per annum for the local area (£143,000 a year more than the 150 m turbines and £110,500 a year more than the 175 m turbines).

Socio-Economic Benefits

- Total construction and development cost on the Proposed Development is estimated at £104.3 million. Of this, Scotland could secure up to 38% of the total capex, worth up to £39.9 million.
- During the development and construction phase, the Proposed Development is expected to contribute:
 - £15.9 million and 141 job years of employment in South Lanarkshire; and
 - £42.8 million and 393 job years in Scotland (including South Lanarkshire).
- During each year of the operational phase of the Proposed Development, it is expected to generate:
 - £0.7 million and 5 jobs in South Lanarkshire; and
 - £1 million and 8 jobs in Scotland (including South Lanarkshire).
- Wider benefits for the local and regional area from the operational phase include:
 - The Applicant has committed to contributing £5,000 per MW per year in Community Benefit Funding payments, which would amount to approximately £390,000 per year. This would result in a lifetime contribution of £11.7 million. Community benefit funding will focus on the delivery of

strategic projects for the local area and enable local communities to meet the objectives of their community action plans (all as part of a coordinated Community-Led Investment Strategy).

- From the Community Benefit Fund, it is anticipated that the Proposed Development will fund a full-time Local Development Officer who would significantly increase the capacity of the local communities in the Douglas Valley to deliver on their priorities and be dedicated to the task of delivering the Community-Led Investment Strategy for each village.
 - Non-domestic Rates which will benefit the public sector: estimated at around £800,000 per year, £24.1 million over 30 years will arise from the Proposed Development; and
 - The Applicant has also indicated an offer of shared ownership to the local community, of up to a 5% revenue share in the Proposed Development. This provides an opportunity for local communities to invest in the wind farm and invest returns in the local area, generating substantial social and economic benefits. This is referred to in detail below.
- The Applicant is a part of a family group of companies based in Lanark that employs local people, has a significant landholding in the Douglas Valley, and who has a long-term commitment to working with the local communities to deliver a substantial community benefit package and to maximise opportunities for the local area from their projects.
 - To support delivery of the Community-Led Investment Strategy, the Applicant proposes to establish a new Douglas Valley Development Trust which would receive Community Benefit income from the Proposed Development (in addition to the Hagshaw Hill Repowering project) which would be used to facilitate delivery of the Community-Led Investment Strategy for the local villages in the area.
 - There are a range of public access and outdoor recreational opportunities existing on 3R Energy's landholding (refer to EIAR Appendix 1.1) which the Applicant is keen to enhance as part of the Proposed Development. This includes: developing bike trails; building on existing marketed walks in the locale, signposting and visitor information; and plans for promoting an Adventure Tourism offering around Douglas and Coalburn.

6.1.3 In terms of economic effects, the first criterion at paragraph 169 of SPP with regard to the consideration of wind farm proposals is that there should be consideration of *"net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities"*.

6.1.4 Recent decisions help illustrate the importance that Reporters and the Scottish Ministers have placed on socio-economic benefit considerations. In the Fauch Hill Appeal Decision Notice dated 13 June 2018, the Reporter, with regard to a 12 turbine, 48MW project, at paragraph 55 considered that in his view there would be significant socio-economic benefits that would be delivered by the proposed scheme and he stated:

"Therefore, having regard to the proposal's likely net economic effects, as SPP requires me to do, I am confident that the outcome of this proposal would be positive and significantly so at a national level".

6.1.5 In the Chirmorie s.36 decision of 16 March 2018 Scottish Ministers addressed economic benefits (page 11) and with regard to this 21-turbine scheme, the Minister stated:

"Significant economic benefits to Scotland are anticipated through investment in construction and employment, and there are also anticipated economic benefits to the country arising from the production of electricity – through its export, which is an important economic aspiration for Scotland, and through the fact that it will support security of supply which is essential to the country's economic well-being".

6.1.6 When these benefits are considered overall in the planning balance that has to be struck: particularly in relation to energy generation, as a result of the taller 200m turbines, the conclusion is reached that they collectively outweigh the relatively limited visual harm to the local area which has been summarised in Chapter 3 above and which is explained in detail within the landscape and visual impact assessment in the EIA Report.

6.2 Shared Ownership

The Applicant's Shared Ownership Offer

6.2.1 The Applicant is in ongoing discussions with the local community, and has made an offer of shared ownership to local community groups whereby they could acquire up to a 5% revenue share in the Proposed Development. Should consent be granted by Ministers the Applicant intends to offer the local community the opportunity to invest in the development through an appropriate legal entity.

6.2.2 The socio-economic impact of the shared ownership scheme could support up to 8 jobs and GVA of up to £340,000 per year.

Shared Ownership Policy Framework

6.2.3 This section sets out the applicable national policy and guidance relevant to shared ownership. Reference is made to:

- SPP (2014);
- The Scottish Government's Good Practice Principles for Shared Ownership of Renewable Energy Developments (2015);
- The Chief Planner Letter to Heads of Planning (November 2016);
- The Scottish Energy Strategy (2017); and
- The Onshore Wind Policy Statement (2017).

Scottish Planning Policy

6.2.4 Paragraph 169 of SPP sets out the development management policy criteria that decision makers should apply when considering applications for onshore wind energy development. The first criterion at paragraph 169 is as follows: *"net economic impact, including local and community socio economic benefits such as employment, associated business and supply chain opportunities"*.

6.2.5 As can be seen, a key and the first policy consideration is the *"net economic impact"* which would arise from a proposed development. Revenue and consequent benefits arising from shared ownership would all be 'net' additional benefits, i.e. there would not be displacement of other activity or investment.

Good Practice Principles for Shared Ownership of Onshore Renewable Energy Developments

6.2.6 The Scottish Government published a policy document entitled 'Good Practice Principles for Shared Ownership of Onshore Renewable Energy Developments' on 15 September 2015. The document sets out at Section 1 that the Scottish Government wishes to see all renewable energy projects making an offer of shared ownership where appropriate. It adds that making an offer of shared ownership is encouraged as good practice.

6.2.7 Chapter 5 refers to paragraph 169 of SPP and states: *"where a community group is involved in the project from an early stage, and will receive long term socio economic benefits over the lifetime of the project, the developer may wish to include the expected net economic benefits in a planning application"* (page12).

- 6.2.8 The document also states that: *"by creating a clear link between shared ownership and the resulting socio-economic impacts which are a material consideration, projects may benefit from the emphasis on community participation, compared to a project of similar environmental impact"* (Page14).
- 6.2.9 The document then goes on to state: *"where a planning application provides evidence of the following points there will be greater certainty that the expected benefit to the economy from the proposed shared ownership arrangement will be delivered."*
- *Well-progressed shared ownership opportunity*
 - *Identified partner organisation*
 - *Quantified and evident local benefits including:*
 - *Defined income to community for lifetime of the project*
 - *Community plans and projects in place to deliver local objectives using long-term revenue."* (Page 14).

The Chief Planner Letter on Energy Target and Shared Ownership

- 6.2.10 The Chief Planner letter dated 11 November 2015 deals with energy targets but also provides a position on shared ownership. It states, in terms of economic benefits arising from renewables projects, that *"It is our expectation that such considerations are addressed in the determination of applications for renewable energy technologies..."* and that in terms of the guidance in SPP that *"It is designed to assist planning authorities, communities and developers in considering a shared ownership renewable energy project within the planning system"*.

Scottish Energy Strategy & Onshore Wind Energy Policy Statement - Shared Ownership Targets

- 6.2.11 The SES specifically refers to shared ownership at page 43 and states that Government wants *"to see a significant increase in shared ownership of renewable energy projects in Scotland – putting energy into the hands of local communities, and delivering a lasting economic asset to communities across Scotland"*.
- 6.2.12 It sets out that the ambition remains to ensure that by 2020 at least half of newly consented renewable energy projects have an element of shared ownership.
- 6.2.13 The document states that shared ownership will play a key part in helping to meet Government targets of 1GW of community and locally owned energy by 2020 and 2GW by 2030. It adds *"we expect community involvement in onshore wind developments to continue to play a vital role in reaching these targets"*.
- 6.2.14 The SES notes that the 'Good Practice Principles for Shared Ownership in relation to onshore Renewable Energy Developments' is under review and this is to take place during the course of 2018.
- 6.2.15 The OWPS addresses shared ownership in Chapter 7. Paragraph 84 states that the Government's ambition is to see *"a significant increase in shared ownership of renewable energy projects in Scotland"* and the targets as set out in the SES are repeated.
- 6.2.16 It adds that the new CARES (Community and Renewables Energy Scheme) Contract up to 2020 is supporting shared ownership *"as a top priority"*.
- 6.2.17 Paragraph 90 of the OWPS cross refers to the Chief Planner letter of 2015 which it states set out that: *"...ownership itself is not a material consideration in determining the acceptability of development proposals and planning terms. However, this also clarified that the net economic impact, including the community socio-economic benefits such as employment, associated businesses and supply chain*

opportunities are relevant considerations and these are aspects that Ministers are keen to see strengthened in future projects."

Relevant Appeal and s.36 Decisions in relation to Shared Ownership

6.2.18 It is helpful to examine recent cases in which Reporters have considered the matter of shared ownership.

6.2.19 In the Larbrax Wind Farm Appeal (eight wind turbines, 21st October 2016) which was upheld, at paragraph 53 the Reporter addressed the matter of shared ownership and stated:

"I have given some weight to the appellant's intention to offer shared-ownership, as this is a matter to which the Scottish Government has paid particular attention recently. Its Good Practice Principles for Shared Ownership of Onshore Renewable Energy Developments expects developers to provide evidence of a commitment to offer shared ownership. It is not necessary for full details of this to be worked out at the planning application or appeal stage. In this instance, the appellant has taken the shared ownership proposal beyond an initial concept and has had discussions with the community. This is evidence of the commitment to shared-ownership."

6.2.20 As demonstrated by the above, some weight was given to the appellant's offering of shared ownership and it is noted that full details do not have to be worked out at the planning application or appeal stage. In this instance, the developer had agreed heads of terms with three receiving Community Councils and evidence of such an agreement was submitted during the appeal process to demonstrate the extent of the community ownership offering.

6.2.21 In the South Kyle s.36 Wind Farm recommendation report (consent granted by the Scottish Ministers) the Reporters note the applicant's offer of 5% community shared ownership on the basis of the shared revenue model. The Reporters state:

"We conclude that, in accordance with section 5 of the good practice principles, the applicant's offer to allow the community to obtain a share of the proposed development is a matter to which we must have regard. A distinction is made in that document between community shared-ownership proposals and offers simply to pay a sum of money to the community. The good practice principles document confirms that shared ownership should become the norm in renewable energy projects in the future and NPF3 states that local and community ownership and small-scale generation can have a lasting impact on rural Scotland, building business and community resilience and providing alternative sources of income" (paragraph 4.80).

6.2.22 The Scottish Ministers' decision letters highlight that regard must be had to shared ownership offers when considering the planning balance of onshore wind projects.

Conclusions – Shared Ownership

6.2.23 The national planning policy position is supportive of shared/community ownership. It is not the ownership itself that is the material matter but the net economic benefits that could arise from such ownership. Scottish Government targets for shared/community ownership are also ambitious, as confirmed in the recent SES and OWPS. Onshore wind is the technology that is expected to make the most substantial contribution to those targets.

6.2.24 It is clear therefore, that the Scottish Government's position is that giving the community who will receive the economic benefit a stake in a development, creates a link between the development and the benefits such that they [the benefits] would be material considerations.

- 6.2.25 Therefore, in the circumstances of this case, there would be additional net socio-economic benefits that would arise because the wind farm could generate additional income (over and above the Community Benefit Funding) that could flow to community groups over the lifetime of the Proposed Development, should the shared ownership offer be taken up. In this regard the approach would be consistent with paragraph 169 of SPP where it states that a consideration in the assessment of wind energy developments will be net economic impact "*including local and community socio-economic benefits...*".
- 6.2.26 In conclusion it is considered that the approach to shared ownership and benefits is consistent with the Scottish Government's policy approach which seeks to make it clear that links between ownership and benefits can be material considerations in certain circumstances. Even although the Applicant's approach to shared ownership is at a relatively early stage, this is a material benefit that should attract weight. It is an important matter – brought to the attention of Heads of Planning in the Chief Planner's Letter and is highlighted in both the SES and OWPS. A key point arising is that this commitment from the Applicant should result in 'benefit' to projects in the planning system and this is made clear in the good practice guidance.

7 Conclusions

7.1 The Electricity Act 1989

- 7.1.1 Reference has been made to the statutory context for the application. The Proposed Development requires to be considered under the terms of the 1989 Act, in particular the Schedule 9 duties.
- 7.1.2 Paragraph 3(2) of Schedule 9 to the 1989 Act provides a specific statutory requirement on the Scottish Ministers to have regard to various matters when considering development proposals. The information that is contained within the individual topic sections of the EIA Report documentation for the Proposed Development addresses these. It is acknowledged that the Proposed Development would give rise to some significant landscape and visual effects, however it is considered the landscape is able to accommodate the predicted change.
- 7.1.3 The significant additional benefits arising from the Proposed Development (as set out in Chapter 6) are considered to far outweigh any landscape and visual effects of the proposed scheme. Importantly, regard must also be had to the fact that Douglas West is already an established consented and operational wind farm location.
- 7.1.4 It is considered that the detailed work undertaken for the EIA confirms that the Proposed Development is environmentally acceptable. On this basis the Applicant has provided the detailed information which demonstrates how the duties under Schedule 9 of the Electricity Act in this regard are met.
- 7.1.5 These duties apply whatever the relevant local policy circumstances expressed through a Development Plan may be. Therefore, the approach required in this case is fundamentally different to the approach for planning decisions under s.25 of the 1997 Act. As has been explained, there is no primacy of the Development Plan in an Electricity Act case. Development Plan policies are relevant to understanding in a local context, the generic duties under Schedule 9 to the Electricity Act and they have been addressed. The Proposed Development is found to be in accord with the Development Plan.

7.2 The Renewable Energy Policy Framework

- 7.2.1 As has been explained, the Proposed Development would result in an installed electricity generating capacity of approximately 78 MW. The resultant environmental benefits that would flow from this in terms of carbon dioxide and other greenhouse gas emission savings have been set out.
- 7.2.2 It is very important to take into account the renewable energy policy considerations which have been outlined in some detail. Given the scale of the Proposed Development, it would clearly make a valuable contribution to the attainment of renewable energy and electricity targets at both the Scottish and UK levels. The evidence clearly shows that there remains a considerable shortfall in terms of these targets.
- 7.2.3 Beyond the specific targets, it is important to remember that these are not capped, and as the Scottish Government set out in its Energy Generation Policy Statement "*it is as much about the value and importance of the journey as it is about the destination*". The Government's position is that Scotland "*can and must exploit its huge renewables potential to the fullest possible extent ...*". The Proposed Development achieves that objective, in a way that results in acceptable environmental effects. It thereby satisfies the national planning policy principle of being the right development in the right place, as set out in SPP.
- 7.2.4 Reference has been made to recent Scottish Government publications, namely Climate Change Plan, Energy Strategy and the Onshore Wind Policy Statement. These documents, amongst other relevant matters, make it very clear that "*securing a route to market for onshore wind of all scales is a priority of the Scottish Government*". The Proposed Development is one of increasingly few onshore wind energy projects that is viable on a subsidy free basis – the Government is aiming to meet the challenge of

"delivering onshore wind without subsidy". Indeed, it is noteworthy in this regard that turbines have now been ordered (April 2019) for the adjoining Douglas West Wind Farm which will become one of the first large scale wind projects in the UK to be delivered without public subsidy.

7.3 National Planning Policy & Guidance

- 7.3.1 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 realised by onshore wind. This is clearly not at any cost and development continues to be guided to appropriate locations. As per SPP, the Proposed Development site is located within, what is in effect a Group 3 "*area with potential for wind farm development*" where "*wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria*". The Proposed Development has been assessed against the relevant policy criteria and is considered to be acceptable.
- 7.3.2 A further important point in terms of national planning policy is the presumption in favour of development that supports sustainable development: the Proposed Development draws support from that policy principle.
- 7.3.3 A new national policy matter is the Government's policy guidance in relation to shared ownership and how this provides a link such that community socio-economic benefits become material in planning decision making. This is a new and important consideration. It links to the consideration of community socio-economic benefits at paragraph 169 of SPP. The additional revenue generated by the Proposed Development could provide the financial resources necessary for local community interests to achieve local socio-economic and regeneration projects.
- 7.3.4 Given the Applicant's proposal and commitment to shared ownership, it is a matter that can properly be taken into account as a consideration and weighs in favour of the Proposed Development. The Proposed Development can draw significant support from the provisions of both NPF3 and SPP.

7.4 Overall Conclusion

- 7.4.1 The UK Government's objective is to cut carbon emissions whilst also delivering electricity to consumers at the lowest cost. As such, it is large onshore wind sites with excellent wind resource, readily available infrastructure such as a proximate grid connection and limited environmental impacts that are likely to be able to proceed to implementation in an increasingly competitive environment, and therefore contribute to the Scottish Government's and the UK Government's targets and policy objectives.
- 7.4.2 The Proposed Development is located on such a site and enjoys a consent for the Existing Development adjacent – this is a very important material consideration that should be afforded substantial weight. Chapter 6 of the Planning Statement has set out a wide range of socio-economic and environmental benefits that would arise over and above the renewable energy and climate change advantages that the Douglas West Extension project would deliver.
- 7.4.3 As set out in the introduction, the Proposed Development has been formulated through a carefully considered design and EIA approach, building on the design principles and established infrastructure of the Existing Development. The environmental effects of the Proposed Development, both on its own and cumulatively, have been found to be within acceptable limits. Through a new generation of larger and more efficient turbines, Douglas West can: substantially increase its contribution to national energy and carbon reduction targets and significantly enhance the community benefits delivered to the local area.
- 7.4.4 The overall conclusion reached is that that the Proposed Development satisfies the terms of paragraph 3 of Schedule 9 of the 1989 Act, while also taking into account other policy considerations including those which are relevant in the Development Plan and related Supplementary Guidance. The Proposed Development also accords with all relevant aspects of National Planning and Renewable Energy policy

and guidance. On this basis, it is respectfully recommended that Section 36 consent be given with a direction that deemed planning permission should be granted for the Proposed Development.



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