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CHARTERED TOWN PLANNERS

Hagshaw Energy Cluster
Western Expansion (Phase 1):

Planning Statement

April 2025

3R Energy

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Contents

1. Introduction

1.1 Background

1.1.1 This Planning Statement has been prepared by David Bell Planning Ltd ('DBP') on behalf of Spirebush Ltd (hereafter referred to as 'the Applicant'), a 3R Energy Solutions Ltd ('3R Energy') group company, in relation to the proposed Hagshaw Energy Cluster - Western Expansion (HEC-WE) Phase 1 (hereafter referred to as the 'Proposed Development'). The application site is located in both the South Lanarkshire Council ('SLC') and the East Ayrshire Council ('EAC') administrative areas.

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

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

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

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

1.2 The Applicant

1.2.1 The Applicant for the Proposed Development is Spirebush Ltd, a company established by 3R Energy for the purpose of taking forward the Proposed Development. 3R Energy was established in 2009, with its head office now situated in Lanark. The company was initially established to help farms and rural businesses benefit from renewable energy, with the mainstay of the business being farm sized wind turbines, Combined Heat and Power (CHP) systems and biomass boilers. More recently, 3R Energy has diversified into larger-scale renewable energy projects and has developed over 330 megawatts (MWs) of onshore wind projects within the Hagshaw Energy Cluster (including a further 80 MWs of energy storage) which together will make a substantial contribution to the local area and to national renewable energy and climate change targets.

1.2.2 3R Energy is part of a group of companies which also includes: Mitchell Energy Ltd, Mitchell Farming Partnerships and William Mitchell & Sons ('WMS') Ltd, based at Newtonhead Farm Rigside and Hazelside Farm Douglas respectively, which manage the farming assets of the Group. Together the Group:

- owns and manages 3,500 acres of land in the Douglas Valley;
- has farmed the land for over 120 years;
- generates a combined annual turnover of approximately £6 m; and

- employs 15 people as a direct result of its renewable energy and farming operations within the Hagshaw Cluster.

1.2.3 As a local company, 3R Energy is committed to working with the communities closest to the Hagshaw Energy Cluster for the long term to develop and deliver successful projects which create significant and tangible benefits for the local area.

1.3 The Statutory Framework

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

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

1.3.3 In addition, there are certain environmental duties in relation to preservation of amenity and fisheries provisions in Schedule 9, paragraph 3 that apply to the Scottish Ministers as decision maker.

1.3.4 The Applicant does not hold a generation licence or exemption under the 1989 Act and therefore the statutory duties set out in paragraph 3(1) of Schedule 9 to the 1989 Act do not currently apply to the Applicant when formulating proposals for consent under Section 36 of the 1989 Act. The Applicant has however, through the EIA process, had full regard to the matters set out in paragraph 3(1)(a) of Schedule 9.

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

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

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

1.4 Site Location and Description

1.4.1 The application site comprises a total area of c.965 hectares (‘ha’), split into two main development areas connected by the B743. The proposed wind turbines and associated infrastructure are located in the ‘northern development area (Dungavel Forest) (**Figure 1.1**) and the proposed solar panels and long duration energy storage (‘LDES’) and associated infrastructure are located in the southern development area (Netherwood) (**Figure 1.2**).

Figure 1.1: Northern Development Area

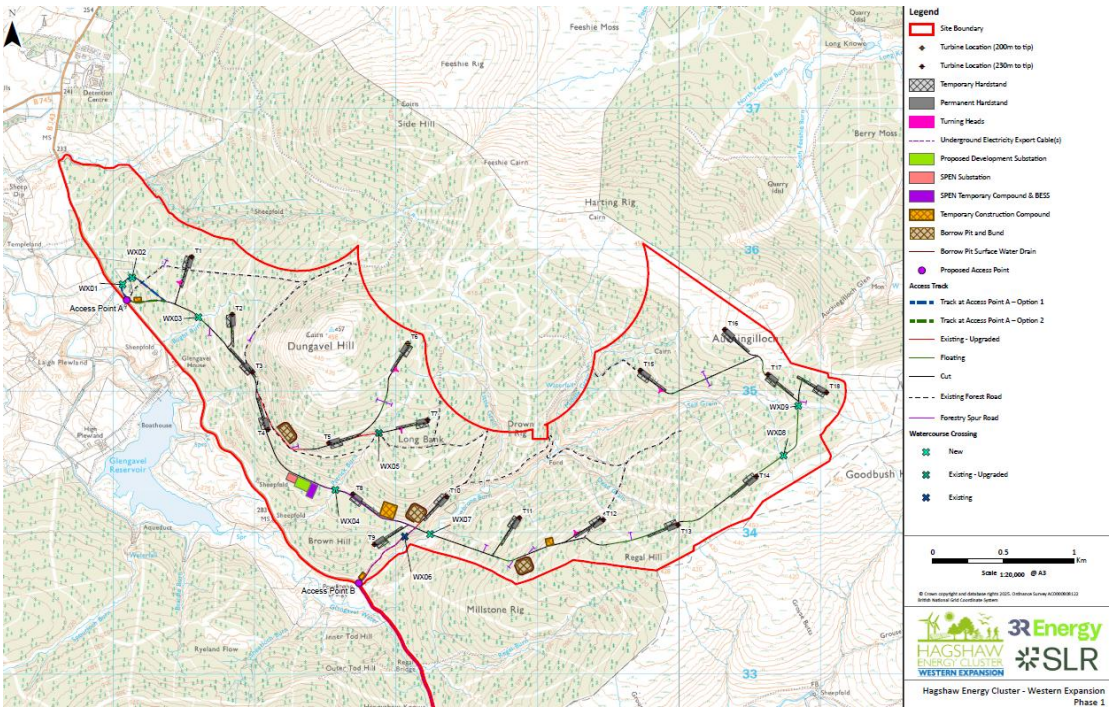
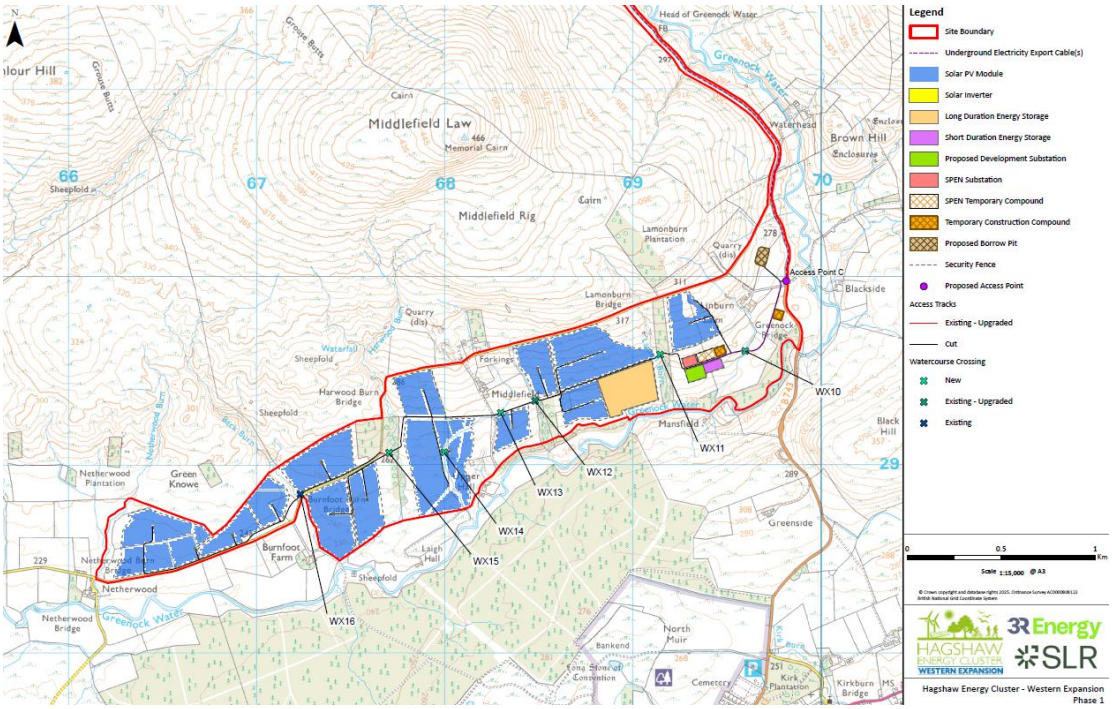


Figure 1.2: Southern Development Area



1.4.2 Short duration battery energy storage system ('BESS') options are included in each development area as explained below. These two areas of the Proposed Development site are hereafter be referred to as 'the northern development area' and 'the southern development area'.

1.4.3 The current contracted grid connection agreement for the project with the National Energy System Operator (NESO) provides for the grid connection point for the Proposed Development being within the southern development area, to the west of Linburn Farm. A Proposed Development substation, network operator substation and short duration BESS compound are therefore also shown to be located within the southern development area to the west of Linburn Farm. An alternative substation location and short duration BESS compound for the Proposed Development is also proposed within the northern development area of the site.

1.4.4 The northern development area is located within the western and southern parts of Dungavel Forest, bounded to the north and east by the operational Dungavel and Kype Muir Wind Farms, to the south by the proposed Bankend Rig 3 Wind Farm, and to the west by the B743, within South Lanarkshire.

1.4.5 The southern development area is principally located on the Netherwood Farm landholding, including small parts of Burnfoot Fram and Linburn Farm, approximately 1.4 km (at its closest point) to the north of Muirkirk in East Ayrshire. The two development areas are connected by the public road corridor of the B743 and would be connected electrically by up to three underground cables running along the existing road corridor.

1.4.6 Access to the two development areas is proposed to be taken from two existing and one new entrance off the B743.

1.4.7 The northern development area extends to approximately 750 ha, comprising commercial coniferous plantation and existing forestry tracks. The southern development area extends to approximately 204 ha and comprises rough grassland principally used for silage and grazing cattle and sheep, with woodland fringes.

1.4.8 The site comprises a series of summits within the northern development area, which include Dungavel Hill (458 m, Above Ordnance Datum ('AOD')), Auchengilloch (462 m AOD), Brown Hill (313 m AOD) and Regal Hill (428 m AOD). The southern development area is located on the south facing lower slopes of Middlefield Law (466 m AOD).

1.4.9 There are a number of watercourses that traverse the site. The northern development area is drained by the Bught Burn, Patrick Burn, and Powbrone Burn which flow in a south-westerly directly to meet with the Glangavel Water and into the Glengavel Reservoir, located outside the site boundary. The southern development area is traversed by a number of smaller watercourses and the Back Burn, Harwood Burn, and Lamon Burn, which flow in a southerly direction to meet with the Greenock Water, located on the southern boundary of the site.

1.4.10 A small stand of woodland noted on the Ancient Woodland Inventory of semi-natural origin is located along the southern boundary of the site around Middlefield.

1.4.11 In terms of cultural heritage, there is one scheduled monument, Dungavel Hill cairn (SM2848), which lies within the north-west of the site boundary.

1.4.12 Three residential properties lie within the site boundary which are all in the ownership of one of the principal landowners for the Proposed Development as follows:

- Linburn Farm, Muirkirk, Cumnock;
- Middlefield Farm, Muirkirk, Cumnock; and
- Middlefield Cottage, Muirkirk, Cumnock.

1.4.13 In relation to environmental designations in the context area around the site, the existing road corridor (B743) between the two development areas crosses the Muirkirk and North Lowther Uplands Special Protection Area ('SPA') designated for its breeding and non-breeding hen harrier as well as other breeding bird populations and overlaps with the area of the Muirkirk Uplands Site of Special Scientific Interest ('SSSI'), designated for its breeding bird assemblage and upland habitats including blanket bog.

1.4.14 The Blood Moss and Slot Burn SSSI is located to the west of the B743 road corridor, outside the site boundary. It is an area of around 162 ha designated for its fossil-bearing rocks (yielding

fossil fish and water scorpions) alongside the Slot Burn, and blanket bog. The Airds Moss Special Area of Conservation ('SAC') is designated for its blanket bog habitat and located approximately 2.3 km to the south-west of the site boundary.

1.4.15 There are three further scheduled monuments within 5 km of the site all located to the south and south-west of the site boundary, alongside a number of scattered B-listed and C-listed structures. Two historic battlefield locations are also located approximately 3.6 km to the north-west of the site and relate to the Battle of Loudoun Hill and Battle of Drumclog.

1.5 The Proposed Development: Summary

1.5.1 Chapter 3 of the EIA Report contains a detailed description of the Proposed Development. It should be referred to for further detail including dimensions of the various development components. A summary only is provided below.

Overview

1.5.2 In summary, the Proposed Development would comprise approximately 415 megawatts (MW) of renewable energy generation and energy storage output capacity, including:

- approximately 130 MW of wind energy,
- approximately 60 MW of solar energy,
- approximately 25 MW of short duration BESS, and
- approximately 200 MW long duration BESS.

1.5.3 It should be noted that although the Proposed Development comprises a total of approximately 415 MW of renewable energy generation and energy storage output capacity, no more than 400 MW will be exported to the grid at any one time.

1.5.4 As explained, the proposed wind turbines will be sited in the northern development area, and the proposed solar panels and long duration BESS will be sited in the southern development area.

1.5.5 The Proposed Development substation and short duration BESS compound are currently proposed to be located in the southern development area next to the currently contracted grid connection point for the project to the west of Linburn Farm. However, an alternative grid connection point for the project has also been considered within the northern development area in Dungavel Forest. The final decision on location of the Proposed Development substation and associated short duration BESS compound is subject to ongoing discussions with NESO and ScottishPower Energy Networks ('SPEN') to determine the optimum grid connection solution for the project. Therefore, for the purposes of fully assessing potential environmental effects that may arise from the Proposed Development, both options (i.e. currently contracted location in southern development area and alternative location in northern development area) have been considered in the EIA Report.

1.5.6 However, it should be noted that only one Proposed Development substation and short duration BESS compound would ultimately be constructed, and it is proposed that confirmation of the final selected location be provided prior to the commencement of construction which can be secured by way of an appropriately worded planning condition.

1.5.7 As well as a substation for the Proposed Development itself, SPEN (the Transmission Network Operator ('TNO')) will need to construct a substation within the site boundary, to facilitate connection of the Proposed Development to the National Grid. Similarly to the Proposed Development substation and short duration BESS compound, two potential locations for the TNO substation have been assessed in the EIA Report (i.e. currently contracted location in southern development area and alternative location in northern development area), however only one of the two prospective locations will be selected for construction. The Proposed Development substation and short duration BESS compound will be constructed adjacent to the final location of the TNO substation.

Wind Development

1.5.8 The Proposed Development comprises 18 wind turbines as well as associated infrastructure, located within the northern development area.

1.5.9 Seventeen turbines will to be up to 230 m maximum blade tip height and one turbine (T06) up to 200 m maximum blade tip height.

1.5.10 Each turbine will have a generating capacity of up to *c.*7.2 MW and the indicative combined generation capacity is therefore *c.*130 MW. The rotor diameter for all turbines will be up to 163 m.

1.5.11 These dimensions are indicative and final turbine dimensions will be determined based upon turbine availability and procurement prior to construction. The tip height of the chosen turbine will not exceed a blade tip height of 230 m (200 m at T06).

1.5.12 Infrastructure associated with the wind turbine component of the Proposed Development will include:

- turbine foundations;
- crane hardstandings;
- on-site access tracks between turbines and from the point of access to the turbines, with watercourse crossings where needed;
- up to four temporary construction compounds and laydown areas, with a concrete batching plant at one of the construction compounds;
- underground cabling between the wind turbines to the electricity substation and BESS compounds; and
- up to three borrow pits for excavation of stone to use in the construction of the Proposed Development.

Solar Development

1.5.13 The proposed solar development is located on south facing slopes of the southern development area. The total installed capacity of the solar development will be approximately 60 MW. Infrastructure associated with the solar component of the Proposed Development will include:

- photovoltaic panels and mounting frames;
- access tracks with watercourse crossings where needed;
- two temporary construction compound;
- perimeter fencing (deer stock);
- closed circuit television ('CCTV') cameras;
- inverters and transformers;
- underground cabling between the photovoltaic panels and the electricity substation and BESS compounds; and
- one borrow pit for excavation of stone to use in construction.

Energy Storage Development

1.5.14 The Proposed Development will include approximately 225 MW of energy storage, comprising *c.*25 MW of short duration BESS and *c.*200 MW of long duration BESS.

1.5.15 It is proposed that approximately 25 MW of short duration BESS (up to 4-hours discharge duration) is located adjacent to the Proposed Development substation, which currently has two options presented – one in the southern development area (currently contracted location) and one in the northern development area (alternative location). However, as explained only one of these options will ultimately be built-out.

1.5.16 In addition to the 25 MW short duration BESS facility, approximately 200 MW of long duration BESS (minimum of 8-hours discharge duration and up to approximately 12-hours discharge duration), comprising an area of approximately 6 ha, will be located in the southern development area.

1.5.17 Technology continues to develop in the field of energy storage, therefore confirmation of the final design details would be provided nearer to the commencement of construction, proposed to be secured by an appropriately worded planning condition. The design would conform with relevant safety standards and requirements for the selected technology.

Access & Construction Compounds

1.5.18 There are two routes for abnormal loads to the site presently being considered. All abnormal loads would be manufactured off-site and transferred to the site for assembly from the proposed Port of Entry ('PoE') at King George V ('KGV') Docks in Glasgow.

1.5.19 The first route, Route Option 1, is to be taken from Junction 11 (Poniel) of the M74, through the existing Hagshaw Energy Cluster to join the A70 east of Muirkirk. Vehicles would then follow the A70 west through Muirkirk, then turning right (north) just west of Smallburn using the site entrance to the former Burnfoot Moor Opencast Coal Site and following the existing tracks through and along the edge of forestry land, to join the B743 and continuing north entering the site at proposed Access Point A. Site Access points are shown on EIAR Figure 11.3.

1.5.20 The second route, Route Option 2, would be to leave the M74 trunk road at Junction 8 (Canderside Toll) and travel west along the A71, travelling around the settlement of Stonehouse, leading to Strathaven. Vehicles would then turn left (south-west) onto the B743 for approximately 13.5 km where they would turn left (east) into the site at proposed Access Point A.

1.5.21 Component deliveries for the southern development area will use the existing public road network to access the site and will come directly off the B743 at an amended entrance to Linburn Farm to access the solar, BESS and substation areas (proposed Access Point C).

1.5.22 It is proposed that lighter goods vehicles and personnel vehicles will also be able to access the site from the two existing entrances into Dungavel Forest on the B743 (proposed Access Points A and B) and the amended entrance to Linburn Farm (proposed Access Point C).

1.5.23 Several secure construction and material storage compounds will be required during the construction period. The compounds will comprise areas ranging between approximately 1,500 m2 and 10,000 m2.

Micro-siting

1.5.24 A micro-siting allowance of up to 100 m in all directions is being sought in respect of all infrastructure, to suitably respond in the event that pre-construction surveys identify unsuitable ground conditions or environmental constraints that could be avoided by relocation. It is proposed that the micro-siting of all infrastructure will be subject to an appropriately worded planning condition.

Grid Connection

1.5.25 The Proposed Development is currently contracted to be connected to the wider electricity network via the proposed Redshaw Transmission Substation to the south-east of the site. The routing and design of the grid connection cable(s) between the on-site substation and Redshaw Transmission Substation is the responsibility of the TNO.

1.5.26 The Proposed Development has a grid connection date of July 2028 and would therefore contribute to Scotland and the UK's 2030 renewable energy and climate change targets.

Operational Life

1.5.27 The Proposed Development will have an operational lifespan of approximately 40 years.

1.6 Scope & Structure of Statement

1.6.1 The planning policy framework changed significantly in early 2023, with the approval and coming into force of National Planning Framework 4 (NPF4) and with the publication of a new Onshore Wind Policy Statement (OWPS). NPF4 now forms part of the statutory Development Plan. This Statement provides an assessment of the Proposed Development against relevant policy provisions including the statutory Development Plan.

1.6.2 The Planning Statement draws on the findings of and should be read in conjunction with the associated EIA Report and the various drawings and plans which are included as part of the Section 36 application package. The EIA Report and other relevant accompanying documents are cross referenced throughout where they provide more detailed information that is not essential to repeat for the purposes of this Planning Statement.

1.6.3 This Planning Statement is structured as follows:

- **Chapter 2** sets out the up-to-date position with regard to the renewable energy policy and emissions reduction legislative framework and includes reference to the OWPS and the Scottish Government's Draft Energy Strategy and Just Transition Plan and other considerations;
- **Chapter 3** summarises the benefits that would arise from the Proposed Development;
- **Chapter 4** appraises the Proposed Development against the most relevant policy provisions of NPF4;
- **Chapter 5** appraises the Proposed Development against the relevant provisions of the Local Development Plans and related guidance; and
- **Chapter 6** examines the planning balance and presents overall conclusions.

2. The Renewable Energy Policy & Legislative Framework

2.1 Introduction

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

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

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

2.1.4 The Proposed Development, by way of wind, solar and BESS capacity would make a substantial and valuable contribution to help Scotland meet its renewable energy and electricity production and storage targets, while supporting emissions reduction to combat climate change in the current climate emergency.

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

2.2 International Commitments

The Paris Agreement (2015)

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

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

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

United Nations - Intergovernmental Panel on Climate Change

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

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

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

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

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

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

COP 28, Dubai 2023

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

2.2.10 The statement adds:

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

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

UN Emissions Gap Report (2024)

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

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

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

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

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

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

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

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

2.3 UK Climate Change & Energy Legislation & Policy

The Climate Emergency

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

The Climate Change Act 2008 & Carbon Budgets

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

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

2.3.4 The CCC has produced six, four yearly carbon budgets, covering 2008 – 2037. These carbon budgets represent a progressive limitation on the total quantity of GHG emissions to be emitted over the five-year period as summarised in **Table 2.1** below. Essentially, they are five yearly caps on emissions.

2.3.5 These legally binding 'carbon budgets' act as stepping-stones toward the 2050 target. The CCC advises on the appropriate level of each carbon budget and once accepted by Government, the respective budgets are legislated by Parliament. All six carbon budgets have been put into law and run up to 2037.

Table 2.1: Carbon Budgets and Progress[2]

Budget	Carbon budget level	Target Reduction below 1990 levels	Progress on Budgetary Period (reduction amount v Target)
1st carbon budget (2008 – 2012)	3,018 $MtCO_2e$	26%	27%
2nd carbon budget (2013 – 2017)	2,782 $MtCO_2e$	32%	42%
3rd carbon budget (2018 – 2022)	2,544 $MtCO_2e$	38% by 2020	50%[3]
4th carbon budget (2023 – 2027)	1,950 $MtCO_2e$	52% by 2025	n/a
5th carbon budget (2028 – 2032)	1,725 $MtCO_2e$	57% by 2030	n/a
6th carbon budget (2033 – 2037)	965 $MtCO_2e$	78% by 2035	n/a
7th carbon budget (2038 – 2042)	535 $MtCO_2e$	87% by 2040	n/a
Net Zero Target	100%	By 2050	

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

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

- UK climate targets cannot be met without strong policy action in Scotland.
- The CCC is clear in setting out that new demand for electricity will mean that electricity demand will rise 50% to 2035 and doubling or even trebling by 2050.
- CB6 needs to be met and that will need more and faster deployment of renewable energy developments than has happened in the past.
- The related 'Methodology Report' from the CCC advice, states that in all scenarios for the carbon budget and looking ahead to 2050, the CCC sees new onshore wind generation being deployed by 2050. They set out that their modelling reflects this by almost doubling onshore wind capacity to 20-30 GW in all scenarios by 2050.

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

[2] Source: Climate Change Committee (CCC).

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

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

The UK Energy White Paper (December 2020)

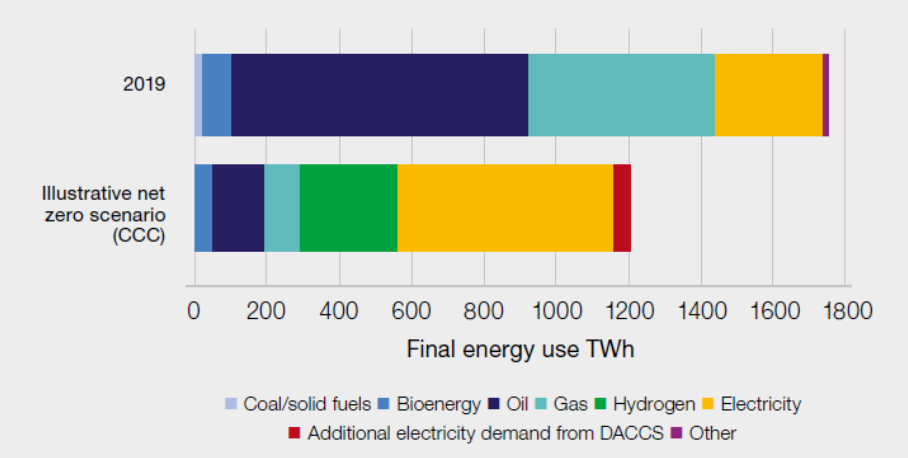
2.3.9 The Energy White Paper 'Powering our Net Zero Future' was published on 14 December 2020, represents a sea change in UK policy, and highlights the importance of renewable electricity.

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

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

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

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



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

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

The British Energy Security Strategy (April 2022)

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

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

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

2.3.16 Reducing Scotland's and the wider UK's dependency on hydrocarbons has important security of supply, electricity cost and fuel poverty avoidance benefits. Those actions already urgently

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

required in the fight against climate change are now required more urgently for global political stability and insulation against dependencies on rogue nation states.

The UK Battery Strategy (2023)

2.3.17 The UK Government published the UK Battery Strategy on 26 November 2023. The Strategy brings together Government activity to achieve a globally competitive battery supply chain by 2030 that supports economic prosperity and the Net Zero transition in the UK.

2.3.18 In summary, the Government's vision is for the UK to continue to grow a thriving battery innovation system and to become a world leader in sustainable design, manufacture and use.

2.3.19 The Strategy was developed with the UK Battery Strategy Task Force, drawing upon a call for evidence and engagement with business and stakeholders. The Strategy is based around the 'design, build, sustain' approach and through the strategy sets the key objectives that the UK will:

> Design and develop batteries for the future;

> Strengthen the resilience of UK manufacturing supply chains; and

> Enable the development of a sustainable battery industry.

2.3.20 In the foreword to the document, the Minister of State for Industry and Economic Security at the Department of Business and Trade states that (page 3):

"Batteries will play an essential role in our energy transition and our ability to successfully achieve Net Zero by 2050."

2.3.21 Batteries are seen as key to the Net Zero transition as they enable more flexible use of energy such as maximising use of intermittent low carbon generation.

Climate Change Committee Report to UK Parliament (2024)

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

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

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

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

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

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

2.3.24 The CCC Report sets out priority actions (page 9) and they include:

> The UK should now be in a phase of rapid investment and delivery, however CCC note that all indicators for low carbon technology roll out are "*off track, with rates needing to*

significant ramp up." In this regard in terms of renewable technologies it states onshore wind installations will need to double.

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

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

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

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

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

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

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

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

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

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

Labour Government & Commitment to Renewables (2024)

2.3.32 The recent UK Government change at Westminster and a Labour administration for the UK is of relevance in terms of the new UK Government policy approach to Net Zero. The Labour Party Manifesto states that it has "*a national mission for clean power by 2030*" and it explicitly states that this is achievable "and should be prioritised". The Manifesto sees the clean energy transition as a huge opportunity to generate growth and also to tackle the cost-of-living crisis. This objective is set out as Labour's "second mission" for the UK.

2.3.33 The policy detail has yet to be seen; however, from the information available it is clear that the new administration will accelerate the pace of renewable development to achieve Net Zero. Energy policy is reserved to Westminster and although the Scottish Government has progressed its own energy policy in parallel with its full devolved authority over the planning system in Scotland, UK Government policy is an important material consideration.

2.3.34 The Department for Energy Security and Net Zero ('DESNZ') issued a Statement on 08 July 2024 which included references to double UK onshore wind capacity from its current level of approximately 15 GW to a planned capacity of 30 GW by 2030.

UK Government: Clean Power 2030 Action Plan (2024)

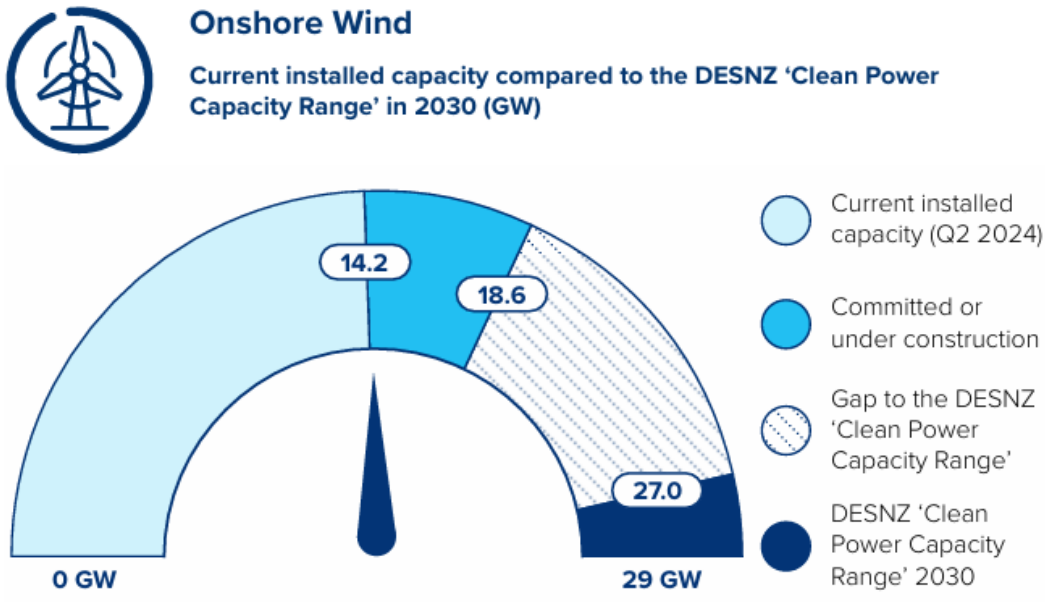
2.3.35 In addition, a key new material consideration is the Clean Power 2030 Action Plan, issued by the DESNZ in December 2024. It sets out (page 9) that Britain needs to install "*clean sources of power at a pace never previously achieved*".

2.3.36 It further adds (page 10):

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

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

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



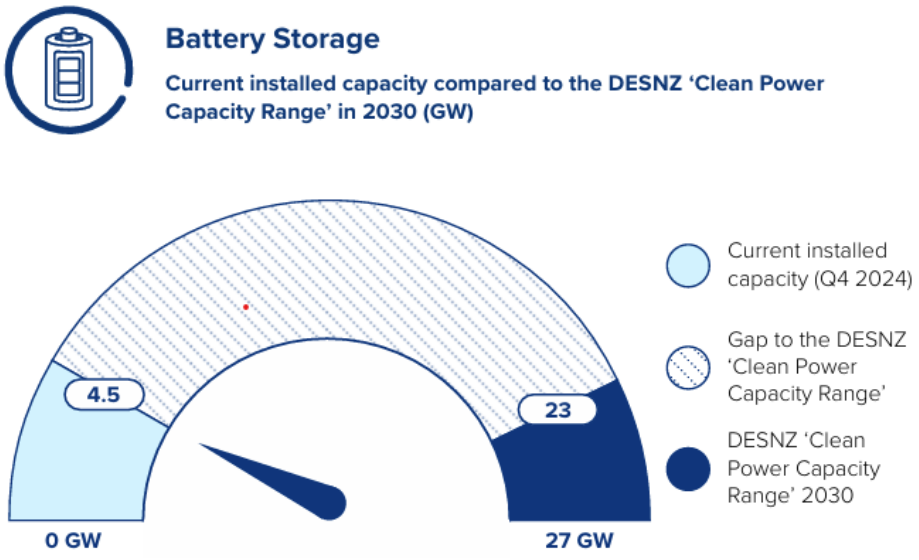
2.3.38 The document adds that "*Meeting the clean power 2030 goal is key to accelerating to net zero, not only in eliminating emissions that currently come from electricity generation, but also via the application of clean power in the buildings, transport and industry sectors… The shift to a clean power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

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

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

2.3.41 In terms of BESS, **Figure 2.3** below shows the current gap between current installed capacity compared to the DESNZ requirement to 2030.

Figure 2.3 Battery Storage: Current installed capacity compared to the DESNZ 'Clean Power Capacity Range' in 2030 (GW)

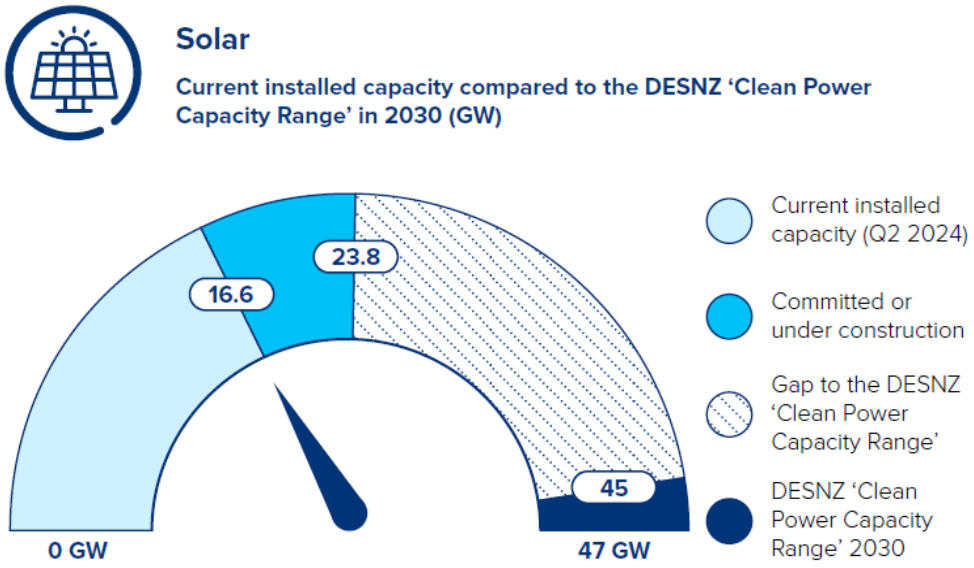


Source: Table 1

2.3.42 Currently there is 4.5 GW of battery storage in Great Britian, and based on NESO and DESNZ BESS growth scenarios for 2030 it is expected that 23-27 GW of battery storage will be needed by 2030 to support clean power – a very significant level of increase. It is stated that *"Among the specific actions required for batteries, improving the time it takes for mature grid-scale batteries to obtain grid connections and planning decisions are the most significant actions in order to deliver the huge increase in grid-scale battery capacity".* (pg.96)

2.3.43 In relation to solar development, the Action Plan sets out an ambition of having a range of 45-47 GW of solar capacity by 2030. Current UK installed solar capacity is only 16.6 GW. **Figure 2.4** below shows the current gap between current solar installed capacity compared to the DESNZ requirement to 2030.

Figure 2.4 Solar: Current installed capacity compared to the DESNZ 'Clean Power Capacity Range' in 2030 (GW)



UK Government: Long Duration Electricity Storage (LDES) Consultation (October 2024)

2.3.44 The development of LDES in the UK is a Government focus, with DESNZ recently (October 2024) consulting on designing a new policy framework to enable investment in LDES. The DESNZ consultation document states:

"*Long duration electricity storage (LDES) is a key enabler to a secure, cost-effective and low carbon energy system. LDES can help to decarbonise the system by storing excess renewable generation over six hours or longer, replacing flexibility from fossil-fuelled generation and helping to alleviate constraints on the grid. LDES assets can reduce costs to consumers through lowering their energy bills, and by avoiding the need for electricity grid reinforcement and peak generation plant build."*

"Investment in Long Duration Electricity Storage (LDES) again after a hiatus of four decades will make an important contribution to this [CP30] mission by integrating renewables and reducing electricity system costs while supporting energy security."

2.4 Climate Change & Renewable Energy Policy: Scotland

The Scottish Energy Strategy (2017)

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

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

2.4.3 The SES sets out what is termed the "opportunity" for onshore wind and there is explicit recognition that onshore wind is amongst the lowest cost forms of power generation. It is also recognised as "*a vital component of the huge industrial opportunity that renewables creates for Scotland*".

2.4.4 The SES sets out the Government's clear position on onshore wind namely:

"*our energy and climate change goals mean that onshore wind must continue to play a vital role in Scotland's future – helping to decarbonise our electricity, heat and transport systems, boosting our economy, and meeting local and national demand."* (page 44)

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

2.4.5 Against this backdrop, the Scottish Government has set legal obligations to decarbonise and reduce emissions. Most notably, the Scottish Government has a statutory target to achieve "Net Zero" by 2045. It is clear that to have any hope of achieving the Net Zero target, significant expansion of renewable generation capacity is required.

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

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

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

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

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

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

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

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

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

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

Statement to the Scottish Parliament (18 April 2024)

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

2.4.14 The key points in the statement include:

- The Scottish Government has an "*unwavering commitment to ending our contribution to global emissions by 2045 at the latest, as agreed by Parliament on a cross-party basis*".
- The Cabinet Secretary states that she is "*announcing a new package of climate action measures which we will deliver with partners to support Scotland's transition to Net Zero*" and the Statement goes out to reference these specific measures.
- The Statement states sets out that in terms of the policies for these measures that "*they sit alongside extensive ongoing work that will be built upon through our next Climate Change Plan and Green Industrial Strategy*."
- The Cabinet Secretary states that, "*The Climate Change Committee is clear that the 'UK is already substantially off track for 2030' and achieving future UK carbon budgets 'will require a sustained increase in the pace and breadth of decarbonisation across most major sectors'. Indeed, we do see climate backtracking at UK level*."

2.4.15 The Scottish Government has reiterated its commitment to achieving net zero by 2045. The approach to dealing with the position set out by the CCC in relation to the 2030 target being

unachievable, has been to move to a multi-year carbon budget approach to measuring emissions reduction (instead of annual targets) which has now brought the Scottish Parliament in line with the Welsh and UK approaches.

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

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

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

2.5 The Onshore Wind Policy Statement

2.5.1 The Scottish Government published an updated Onshore Wind Policy Statement ('OWPS') on 21 December 2022. It replaced the version published in November 2017.

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

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

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

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

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

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

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

Increasing the Rate of Deployment & Forecast Increase in Electricity Demand

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

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

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

Onshore Wind Target & Development Pipeline

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

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

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

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

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

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

Status of Onshore Wind Projects	OWPS (GW)	BVG Report (April 2024) (GW)	Difference 2022 v 2024 (GW)	Comments
In the Planning / Process	5.53	6.70	+ 1.17	Footnote on page 6 of OWPS applies. Not all projects will receive consent.
Awaiting Construction (ie consented)	4.56	6.47	+ 1.91	The figures are subject to some duplication – e.g. where some projects have consent but are also subject say to applications for tip height increases. Not all consented developments will proceed to construction.
Under Construction	1.17	0.97	- 0.2	

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

Sub Total (less in planning category)	**5.73**	**7.44**	**+ 2.88**	
Operational Onshore Wind in Scotland	**8.70**	**10.02**	**+ 1.32**	A number of projects will reach the end of their operational life. Not all will necessarily be repowered or life extended. A proportion of the operational capacity will have passed its notional design life by 2030 and will be under consideration for decommissioning or repowering.
Total (less in planning category)	14.43	17.46	+ 3.03	

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

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

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

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

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

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

2.5.15 The BVG Update Report of 2024 cautions (page 20) that the ability to deliver 20GW by 2030 is likely to be restricted by current resource constraints. Their analysis predicts that these include that the number of current consent decisions from the ECU (Scottish Government) will need to at least double for at least three of the next five years.

2.5.16 The Update Report (page 15) also states that "*it remains clear that a significant increase in consent decisions made each year at the ECU level will be required to reach the 20 GW by 20230 target, and that the reduced development times promised [by the Onshore Wind sector*

Deal] ….will be essential if Scotland is to achieve the 20 GW operational onshore wind by 20230."

2.5.17 The Update Report also highlights that the continued issue of Eskdalemuir (Seismic Array constraint), a potential Galloway National Park and the recent designation of the Flow Country World Heritage Site is likely to result in a loss of some 1.9 GW and 3 GW of operational capacity in 2030 in the deployment scenarios considered.

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

Government commitment to 20GW of Onshore Wind by 2030

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

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

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

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

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

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

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

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

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

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

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

Delivering the Government's 20 GW Ambition for Onshore Wind

2.5.26 Chapter 2 of the OWPS entitled 'Delivering on our Ambition for Onshore Wind in Scotland' states that the Scottish Government is to form an Onshore Wind Strategic Leadership Group

('SLG') and "*will task this SLG with taking forward the aspirations of this policy statement, and the development of an Onshore Wind Sector Deal*". This reflects the importance of the onshore wind sector.

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

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

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

- An additional 12 GW of new onshore wind generation is constructed by 2030.
- Onshore wind continues to play a key role in decarbonising the power sector, reducing consumer costs and ensuring security of supply whilst playing a key role in the electrification of heat and transport.
- The selection of wind farm locations and technologies enables the use of the most productive modern turbines and balances the need to respect biodiversity and natural heritage.
- Land use for onshore wind is optimised and combined with other initiatives including reforestation and peatland restoration, as well as providing enhanced access to green space for recreation.
- New and repowering projects consistently receive high levels of public support.
- High skilled and sustainable jobs are created, including long term jobs in the operational phase.
- Material use is optimised, and carbon impact is minimised, through the principles of a circular economy.
- Community benefit and shared ownership provides lasting social and economic benefits; and
- Onshore wind plays a central role in ensuring a just transition for communities and people.

2.5.30 The Vision Statement states (page 67) that:

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

Balancing Environmental Considerations and Benefits

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

- Shared Land Use;
- Peat and Carbon-Rich Soils;
- Forestry;
- Biodiversity;

- Landscape and Visual Amenity; and
- Noise.

2.5.32 Landscape and Visual Amenity is addressed at Section 3.6 in Chapter 3 of the OWPS with direct cross references to NPF4. Paragraph 3.6.1 states (original emphasis):

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

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

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

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

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

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

Energy Systems & Regulation

2.5.38 Chapter 8 of the OWPS deals with 'Onshore Wind, Energy Systems and Regulation'. Section 8.2 refers to network planning and delivery and states:

"*Delivering our ambition of 20GW of onshore wind by 2030 will create demands on our electricity infrastructure. New developments will need to connect quickly to Scotland's distribution and transmission networks. Networks must be able to invest quickly and ahead of need in order to ensure swift and efficient connections for onshore wind developments*".

2.5.39 The Proposed Development is expected to contribute to the 2030 target given its current grid connection date of July 2028. It should also be noted that NPF4 Policy 11 advises that grid capacity should not constrain renewable energy development, therefore any challenges facing developers in getting connected, including delays, are not matters for the planning decision makers to be concerned with.

OWPS Conclusions

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

- Deployment of onshore wind is "*mission critical for meeting our climate targets*".

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

- As an affordable and reliable source of electricity generation, "*we must continue to maximise our natural resource and deliver Net Zero in a way that is fully aligned with, and continues to protect our natural heritage and native flora and fauna*".
- A renewed commitment to this technology will ensure we keep "*leading the way in onshore wind deployment and support within the UK*".
- The Scottish Government has established "*a clear expectation of delivery with our ambition for a **minimum installed capacity of 20GW** of onshore wind in Scotland by 2030 and providing a vehicle for that delivery through the creation of* [the] *Onshore Wind Strategic Leadership Group*" (emphasis added).

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

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

2.6 The Onshore Wind Sector Deal

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

2.6.2 The Foreword sets out that:

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

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

2.6.3 It further adds that:

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

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

- Supply chain, skills and the circular economy;
- Community and benefits;
- Land use and the environment;
- Planning;

- Legislative and regulatory actions; and
- Technical actions.

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

2.6.6 It further adds that:

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

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

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

2.7 The Draft Energy Strategy and Just Transition Plan

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

2.7.2 The Ministerial Foreword states:

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

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

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

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

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

- **More than 20 GW of additional renewable electricity on and offshore by 2030** (emphasis added).
- Accelerated decarbonisation of domestic industry, transport and heat.

- Generation of surplus electricity, enabling export of electricity and renewable hydrogen to support decarbonisation across Europe.
- Energy security through development of our own resources and **additional energy storage**. (emphasis added)
- A just transition by maintaining or increasing employment in Scotland's energy production sector against a decline in North Sea production.

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

"…*that by 2045 Scotland will have a flourishing, climate friendly energy system that delivers affordable, resilient and clean energy supplies for Scotland's households, communities and business. This will deliver maximum benefit for Scotland, enabling us to achieve a wider climate and environmental ambitions, drive the development of a wellbeing economy and deliver a just transition for our workers, businesses, communities and regions.*

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

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

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

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

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

Recognition of the role of Battery Storage

2.7.6 With regard to the potential of battery storage the draft strategy recognises:

"Batteries can be combined to provide energy storage: In a domestic setting supporting the energy efficiency of individual homes; In communities and neighbourhoods, supporting the energy efficiency of the local low energy network; In strategic locations and through aggregating a large number of fixed and vehicle batteries to support regional energy and grid balancing a high energy network".

2.7.7 Furthermore, it adds:

"Utility scale battery storage offers fast responding, dispatchable power when required. As of September 2021, only 124 MW of the total 864 MW of energy storage was provided by Battery Energy Storage Systems (BESS) capacity installed in Scotland. However, there is a further 2.1GW that has secured planning permission. Typically, these systems use lithium-ion technology, and only contain energy to dispatch full power continuously for a short number of hours. They also provide a number of ancillary services required to maintain stability within the electricity networks". (Page 130).

2.7.8 The Draft Strategy reiterates the support for energy storage set out in NPF4 (page 130).

2.7.9 The Draft Strategy further recognises the potential contribution BESS can make to achieving Net Zero in summarising the key areas where it is considered that the UK Government needs to take action to support the delivery of the strategy with particular regard to energy system flexibility stating: *"We urge the UK Government to make ancillary markets more accessible for Battery Energy Storage Systems (BESS) and other low carbon technologies ahead of fossil fuel powered alternatives".*

Solar

2.7.10 As regards the potential for solar the draft strategy states:

"Solar has an important role to play in decarbonising our energy system, particularly when combined by other renewables. Our aim is to maximise the contribution solar can make to a just, inclusive transition to net zero… Solar is a long established, commercially viable renewable technology that has been at the forefront of decarbonisation efforts. It has seen great success in Scotland and we wish to provide clarity as to the important role it will play in meeting net zero…." (page 70)

2.7.11 The statement goes further, adding "*We see a strong role for solar thermals, as well as domestic and commercial solar PV …..We are considering the evidence for setting a solar deployment ambition…*".

2.8 Solar: Scotland's Fair Share

2.8.1 In addition, the document '**Scotland's Fair Share – Solar's role in achieving net zero in Scotland'** is informative on the attributes of the technology and shows that a target of 4-6 GW of solar PV for Scotland for 2030 would be achievable, with around 3.5 GW of deployment coming from ground mounted solar farms.

2.8.2 This document was the subject of a motion in the Scottish Parliament on December 2021 by Fergus Ewing MSP as follows, and which is considered to provide a helpful summary of the positive role solar PV can take:

"*That the Parliament welcomes Solar Energy Scotland's policy agenda,* Scotland's fair share: Solar's role in achieving net zero in Scotland*, published in the run-up to COP26, which sets out the potential for solar energy to play a much greater role in Scotland's low-carbon energy mix; understands that Scotland has levels of solar irradiation that can be effectively captured and that, compared to other nearby countries on the same latitude, such as Denmark, Scotland is behind in equivalent levels of solar technology deployment; considers that a number of policy matters within the control of the Scottish Government, including permitted development rights and business rates, could help the sector grow significantly; recognises what it sees as the ability of solar energy systems to work as a good companion to wind to make more effective, efficient use of the electricity grid and storage network; considers that, due to reported projections for solar to be the UK's cheapest form of energy this decade, and to have the unique capability to be deployed at all scales, solar is vital to supporting an affordable energy mix, and a just transition*".

2.8.3 Given significant capacities of renewable generation to be deployed in Scotland, solar PV will play an essential part in delivering Net Zero for Scotland and the wider UK.

2.9 The Green Industrial Strategy

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

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

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

2.9.3 Page 6 sets out that GIS forms a key part of the Government's broader National Strategy for Economic Transformation. It states that "*It also links explicitly to our Just Transition Plans which describe how the transition to Net Zero in the most emitting sectors will be achieved in*

a way that delivers economic, social and community benefits, including fair work, environmental preservation and reduced poverty and inequality."

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

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

2.9.5 Actions include *inter alia*:

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

2.9.6 Page 13 states clearly that the single goal of the GIS is to help Scotland realise economic growth opportunities from the global transition to Net Zero.

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

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

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

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

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

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

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

2.10 Conclusions on the Renewable Energy Policy & Legislative Framework

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

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

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

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

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

2.10.6 In terms of the energy policy considerations, it is helpful to reference the most recent position of the Scottish Ministers with regard to a Section 36 wind farm decision. Section 36 consent was granted by the Scottish Ministers on 08 November 2024 for the Clachaig Glen Wind Farm within Argyll and Bute and located within the Kintyre peninsula. From paragraph 109 *et seq* of the Decision Letter, the Scottish Ministers in commenting on the acceptability of the development stated:

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

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

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

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

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

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

3. The Benefits of the Proposed Development

3.1 The Benefits: Summary

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

Renewable Energy Generation & Energy Storage

> The Proposed Development would comprise approximately 415 megawatts (MW) of renewable energy generation and energy storage output capacity, including:

- approximately 130 MW of wind energy;
- approximately 60 MW of solar energy;
- approximately 25 MW of short duration BESS; and
- approximately 200 MW long duration BESS.

As explained, although the Proposed Development comprises a total of approximately 415 MW of renewable energy generation and energy storage output capacity, no more than 400 MW will be exported to the grid at any one time.

> The Proposed Development would make a valuable and important contribution to the attainment of the UK and Scottish Government policies of encouraging renewable energy developments; and in turn contribute to the achievement of UK and Scottish Government renewable energy, electricity storage and Net Zero targets. As explained, there is now a distinct shift in policy emphasis from the displacement of higher carbon electricity generation to extending the use of electricity as the critical energy response to the climate emergency.

> The UK legally binding target of Net Zero GHG emissions by 2050 and the Scottish Government target of Net Zero by the earlier date of 2045 are major challenges, as explained in the previous Chapter. The Scottish Government has made it clear that all renewable technologies are to be encouraged in the attainment of Net Zero.

> The earlier that steps towards decarbonisation are introduced, the greater their contribution to limiting climate change. The Proposed Development's delivery of renewable generation and electricity storage capacity in the near term, and critically pre-2030, will have a disproportionately higher benefit than the same capacity delivered later.

Emissions Savings

> The carbon balance calculations establish that the Proposed Development (wind and solar elements) could result in the saving of approximately 85,451 tonnes of carbon dioxide equivalent emissions per annum over the project lifetime if a grid mix of electricity generation were used as the counterfactual position.

> The calculations of total carbon dioxide emission savings and payback time for the Proposed Development indicates that the overall payback period will be around 2.6 years when compared to the grid fuel mix of electricity generation.

Security of Supply & Energy Storage

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

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

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

> BESS (both short and long duration) will play a vital role in ensuring the full potential capacity of existing and future renewable energy generation is exploited and the successful transition to a net-zero future. BESS imports renewable energy when supply is typically at its highest and in excess of demand, storing it, and then exporting it back to the grid when demand is high, but supply is low (e.g. still, cloudy days).

> Furthermore, the BESS also has the potential to supply the grid with essential energy security functions including:

- **Voltage support services:** Batteries can supply the network with quickly dischargeable energy during low voltage periods or blackouts; to date these scenarios have typically been managed by reliance on quickly dispatchable fossil fuel energy generators (typically gas peaking plants); and
- **Grid stabilisation services (inertia):** Inertia is incredibly important for the stable operation of the electricity system; it is a by-product of coal and gas-fired generators, however renewables like wind and solar are not able to provide inertia. As older coal and gas plants come off the system and renewable energy generation becomes the dominant source of energy nationally, we need to find new ways to provide grid stability. BESS are able to provide these stability services.

> The Proposed Development includes a significant amount (200 MW) of long duration BESS (up to 12-hour discharge duration) capacity that can be delivered near term (pre-2030), in a critical area. The site will connect into the new Redshaw Transmission Substation which is strategically located in the Southern Scotland transmission network zone with its ever-increasing proportion of the UK's onshore wind fleet.

> As well as enabling the decarbonisation of our electricity supply, long duration BESS also improves energy security by providing backup power during extreme weather events and grid disruptions. By enabling a more resilient and sustainable energy system, long duration BESS is a key enabler of the transition to a low-carbon economy.

Socio-Economic Benefits

> The Proposed Development would support jobs during construction and during operation across the Scottish economy. Overall, the socio-economic effects of the capital investment, employment and GVA to the economy would be beneficial (short term during construction, long term during operation).

> The report entitled '*Economic and Community Impact Report of Hagshaw Cluster Western Expansion (Phase 1)*' ('the Economic Impact Report') should be referred to for its detail. In summary key points from the report include:

- The current **socio-economic structure** of South Lanarkshire and East Ayrshire, and projected future declines in the working age population, highlight the need for the creation of **job opportunities**.
- The Proposed Development's development and construction activity could generate:
  - £19.4 million Gross Value Added (GVA) and support c.217 job years in South Lanarkshire and East Ayrshire (with peak employment of 115 jobs); and
  - £54.6 million GVA and c.646 job years across Scotland (with peak employment of 297 jobs).
- The expenditure required for the operations and maintenance of the Proposed Development could generate each year:
  - £2.0 million GVA and support c.14 jobs in South Lanarkshire and East Ayrshire; and
  - £4.5 million GVA and support c.36 jobs across Scotland.

> The habitat management activities are expected to generate at least £2.8 million GVA and 36 job years whereas related maintenance works could generate at least £0.3 million GVA and 8 jobs per year for the first 15 years.

> The Proposed Development is expected to support the **provision of local public services and the investment priorities of local communities**. During its operations, it is expected to generate approximately £4.7 million in non-domestic rates yearly.

> The Proposed Development could make a material, positive impact to the local area. The Applicant has committed to prioritising local companies for contracts and promoting these opportunities to local suppliers to achieve **high local content**.

> All the above would ensure a **contribution to the maximisation of the local supply chain content** and provide **opportunities for local employment**.

> The Economic Impact Report concludes that the various socio-economic benefits demonstrate that the Proposed Development would maximise net economic impact.

Community Benefits

> The Applicant has committed to a community benefit fund in line with Scottish Government guidance which can support local ambitions and needs.

> It is explained in the Economic Impact Report that the proposed **community benefit fund** is expected to provide an annual contribution of £668,000 supporting up to 9 jobs yearly, **local supply chain building and the opportunities for local employment**, **capital investment** and **skills development.**

> It is further explained in the Economic Impact Report that initiatives such as the local electricity discount scheme option, shared ownership opportunities, community wealth building concept, tourism, recreation and habitat management initiatives demonstrate the Applicant's flexible and **innovative approach**.

> The Applicant is committed to continue **working collaboratively with the local community and stakeholders** to ensure targeted and relevant support, building on the success of the Hagshaw Energy Cluster Development Framework.

> It is understood that community benefit is not a material planning consideration, however the Applicant is committed to offering a package of community benefits.

Biodiversity Enhancement

> Significant biodiversity enhancements are proposed as set out in an Outline Habitat Management and Enhancement Plan (OHMEP). The details of the proposed enhancement measures relating are set out in the next chapter in the context of NPF4 biodiversity policy and related obligations.

> The Economic Impact Report highlights that the OHMEP could generate at least £2.8 million GVA and support 36 job years from habitat management activities and at least £9.3 million GVA and 8 jobs annually from maintenance works over the first 15 years of the Proposed Development's operational period.

4. Appraisal against NPF4

4.1 Introduction

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

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

Development Management

4.1.3 NPF4 now forms part of the statutory Development Plan since its adoption and publication. For the purposes of Section 36 decision making, acknowledging that Section 25 of the 1997 Act is not engaged, NPF4 is a significant material consideration in the overall decision-making process.

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

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

4.1.5 The statutory Development Plan covering the site consists of NPF4, the EAC LDP (2024) and the SLC LDP (2019).

4.1.6 The publication of NPF4 coincided with the implementation of certain parts of the Planning (Scotland) Act 2019 (the '2019 Act'). A key provision is that in the event of any incompatibility between a provision of NPF4 and a provision of an LDP, then whichever of them is the later in date will prevail. In this case the LDP is the later element of the Development Plan.

How NPF4 is to be used

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

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

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

"*It plays a key role in supporting the delivery of Scotland's national outcomes and the United Nations Sustainable Development Goals[8]. NPF4 includes a long-term spatial strategy to 2045*."

4.1.9 NPF4 contains a spatial strategy and Scottish Government development management policies are to be applied in all consenting decisions, and it identifies national developments which are aligned to the strategic themes of the Government's Infrastructure Investment Plan[9] (IIP).

[8] The 17 UN Sustainable Development Goals are set out at page 95 of NPF4 and include *inter alia* '*affordable and clean energy'* and *'climate action'*.

[9] The Scottish Government's five-year Infrastructure Investment Plan (2021-22 to 2025-26) was published in February 2021. It set out a vision for Scotland's future infrastructure in order to support and enable an inclusive Net Zero emissions economy.

4.1.10 NPF4 therefore for the first time, has introduced centralised development management policies which are to be applied Scotland wide.

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

4.2 The National Spatial Strategy – Delivery of Sustainable Places

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

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

4.2.2 The principles are stated as playing a key role in delivering the United Nations Sustainable Development Goals and the Scottish Government's National Performance Framework[10].

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

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

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

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

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

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

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

Every decision on our future development must contribute to making Scotland a more sustainable place. We will encourage low and zero carbon design and energy efficiency, development that is accessible by sustainable travel, and expansion of renewable energy generation."

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

4.2.7 A summary description of that ND is provided at page 7 of NPF4 as follows:

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

[10] The Scottish Government National Performance Framework sets out 'National Outcomes' and measures progress against a range of economic, social and environmental 'National Indicators'.

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

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

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

4.3 National Developments

Overview

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

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

4.3.2 It adds that:

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

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

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

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

4.3.4 Page 103 of NPF4 describes ND3 and it states:

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

A large and rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its Net Zero emissions targets. Certain types of renewable electricity generation will also be required, which will include energy storage technology and capacity, to provide the vital services, including flexible response, that a zero carbon network will require. Generation is for domestic consumption as well as for export to the UK and beyond, with new capacity helping to decarbonise heat, transport and industrial energy demand. This has the potential to support jobs and business investment, with wider economic benefits.

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

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

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

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

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

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

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

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

4.3.7 The Proposed Development, with an installed capacity significantly over 50 MW, has national development status. The Proposed Development is therefore of national importance for the delivery of the national Spatial Strategy set out in NPF4.

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

4.3.9 NPF4 makes it clear that there is a need for wind farms of 'scale'[11]. This links to the express acknowledgement in NPF4 Policy 11 (see below) that some significant effects are inevitable.

4.4 National Planning Policy

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

4.4.2 In terms of planning, development management and the application of the national level policies, NPF4 states (page 98):

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

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

- Policy 1: Tackling the climate and nature crises;
- Policy 3: Biodiversity;
- Policy 4: Natural places;
- Policy 5: Soils;

[11] The NPF4 Statement of Need for National Developments states that additional electricity generation "of scale" is fundamental to achieving a Net Zero economy (NPF4, page 103).

- Policy 6: Forestry, woodland and trees;
- Policy 7: Historic assets and places;
- Policy 11: Energy; and
- Policy 22: Flood risk and water management.

4.4.4 These policies are addressed below.

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

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

4.4.6 The Letter adds:

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

4.5 Policy 1: Tackling the Climate and Nature Crises

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

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

4.5.3 This is a radical departure from the usual approach to policy and weight and clearly denotes a step change in planning policy response to climate change. The matter of weight is no longer left entirely to the discretion of the decision maker.

4.5.4 The Chief Planner's Letter of 8th February 2023 refers to Policy 1. It states:

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

4.5.5 This statement from the Chief Planner confirms that the decision maker must apply significant weight, but it is for the decision maker to decide if it is for or against the proposal, on the basis of its positive or negative contribution to the climate and nature crises.

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

4.5.7 As noted above, the Proposed Development would enable a substantial level of renewable generation and electricity storage to make a contribution to targets.

The application of Policy 1

4.5.8 Given the nature of the Proposed Development, it would make a valuable contribution in relation to targets. It will directly further the policy intent and outcomes of Policy 1 and should

be afforded significant positive weight in terms of tackling the climate and nature crises. The specific emission and carbon saving benefits have been set out above in the context of NPF4 Policy 11 which requires the contribution that a development would make to targets to be taken into account.

4.5.9 The point is made later in this appraisal against NPF4 that it is important to recognise that the greatest threat to biodiversity is climate change. The principal and essential benefit of the Proposed Development is a significant contribution of renewable energy and electricity storage, to facilitate the earliest possible decarbonisation of the energy system and the achievement of "Net Zero" no later than 2045, in accordance with the objectives of the Climate Change (Scotland) Act 2009 (as amended). The purpose of Net Zero is also to protect biodiversity and the earlier it can be achieved, the greater the benefits to biodiversity.

4.5.10 The Reporter's comments on this particular policy in the Sanquhar II Inquiry Report[12] are informative. At paragraph 2.48 of the Supplementary Report, the Reporter addresses NPF4 Policy 1 and states that:

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

4.5.11 Furthermore, as explained below with reference to NPF4 Policy 3, biodiversity enhancement measures are proposed as part of the Proposed Development.

4.6 Policy 11: Energy

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

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

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

4.6.3 Policy 11 is as follows:

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

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

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

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

iv. small scale renewable energy generation technology;

v. solar arrays;

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

vii. proposals including co-location of these technologies.

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

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

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

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

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

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

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

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

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

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

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

vii. impacts on historic environment;

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

ix. biodiversity including impacts on birds;

x. impacts on trees, woods and forests;

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

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

xiii. cumulative impacts.

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

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

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

4.6.4 The intent and desired outcome of the policy is expressly clear – the expansion of low-carbon, zero emissions renewable energy, through encouragement, promotion and facilitation which the Proposed Development, as a nationally important development, would deliver.

4.6.5 The wording of Policy 11(a)(i) makes it clear that the policy supports new wind farms with the extended wording simply reconfirming the positive support for wind farms which includes those stated. This is corroborated by the statement of need of ND3 as detailed above.

Other Provisions of Policy 11

4.6.6 **Paragraph b) of Policy 11** states that development proposals for wind farms in National Parks and National Scenic Areas (NSAs) will not be supported. The Proposed Development is not in a National Park or NSA.

4.6.7 **Paragraph c)** of Policy 11 requires socio-economic benefits to be maximised.

4.6.8 The socio-economic benefits that would arise from the Proposed Development have been set out in the previous Chapter. Based on the community and economic benefits expected, it can be concluded that the Proposed Development meets the requirements of the NPF4 Policy 11(c) to maximise net economic impact.

4.6.9 **Part d)** of Policy 11 relates to Policy 4 which is considered below.

4.6.10 **Part e)** of Policy 11 states that *"in addition, project design and mitigation will demonstrate how the following impacts are addressed...*"

4.6.11 These "impacts" are listed in the quotation of the policy above and the 13 topics are addressed in turn below.

Impacts on Communities and Individual Dwellings - Residential Visual Amenity

4.6.12 As part of the EIA Report, a Landscape and Visual Impact Assessment (LVIA) has been prepared (Chapter 5 of the EIA Report) that considers the potential landscape and visual effects arising from the Proposed Development. The LVIA should be referred to for its detail.

4.6.13 It is explained in the LVIA that in terms of effects on residential properties within 2 km of the proposed turbines in the northern development area, some would experience a significant visual effect, but none would experience an overbearing or overwhelming effect that would make the properties become unattractive places in which to live.

4.6.14 From residential properties within the vicinity of the southern development area, significant visual effects would be experienced from the properties at Burnfoot Farm and Burnside (which are financially involved), Laigh Hall and Forkings Lodge (financially involved).

4.6.15 Significant visual effects would be experienced from the settlements of Drumclog and Gilmourton during daylight hours only.

4.6.16 It is also explained in the LVIA that embedded mitigation has been built into the design of the layout of the proposed turbines in the northern development and the proposed visible aviation lighting. A comprehensive landscape strategy incorporating new native screen planting and biodiversity enhancement has been proposed around the southern development area. Once established, the effects experienced from properties would reduce with effects becoming not significant. Effects from all other properties within 1 km of the southern development area would remain the same as those assessed in the main part of the LVIA.

4.6.17 In this instance, no residential receptors are predicted to experience significant visual effects to the extent that they would be subject to overbearing, oppressive or unpleasantly overwhelming or unavoidable effects in main views. As such it is not considered that the Proposed Development would result in an unacceptable effect on residential amenity of properties or settlements.

Noise and Shadow Flicker

4.6.18 Chapter 9 of the EIA Report considers the potential **construction and operational noise impacts** of the Proposed Development by comparing predicted operational noise levels with noise limits derived from the baseline noise measurements. The relevant night and lower day-time noise limits are met at all noise sensitive receptors. Therefore, no significant effects are predicted in relation to operational noise from the Proposed Development operating in isolation at all receptor locations.

4.6.19 Similarly, the results of the cumulative operational noise predictions show that operational noise levels at all receptor locations are below the derived night-time and day-time noise limits that apply to cumulative operational noise. No significant cumulative noise effects are predicted at all receptor locations. Potential noise from the turbines can be controlled by a suitably worded planning condition.

4.6.20 Noise from the operation of the proposed BESS facilities will also not be significant and can also be controlled by a suitably worded planning condition.

4.6.21 Chapter 14 of the EIA Report considers the potential impacts on residential amenity resulting from **shadow flicker**. There is no standard assessment of shadow flicker in Scotland. However, Good Practice Guidance states that shadow flicker should not be allowed to exceed 30 hours per year or 30 minutes per day.

4.6.22 A shadow flicker assessment was undertaken at 26 identified receptors within the Shadow Flicker Study Area. The assessment found no significant effects were expected at any of the identified receptors.

4.6.23 Cumulative assessment identified that 24 receptors are within the relevant cumulative Study Area, with the consented Hallsburn Farm and Mill Rig developments contributing potential shadow flicker cumulatively with the Proposed Development. The assessment indicated that no significant cumulative shadow flicker effects are likely to be experienced at all receptors.

4.6.24 It is explained in the assessment that it is important to note that these results do not take into account existing screening features (structures and vegetation), dwelling orientation and local mitigation measures such as blinds or curtains which will reduce any potential effects further. Receptors may also be in rooms that are not generally used at the affected times, therefore, the amount of time when shadow flicker is actually 'experienced' will likely be significantly less than what has been predicted.

4.6.25 The Applicant proposes that prior to the erection of the first turbine, a 'Wind Farm Shadow Flicker Protocol' will be submitted to and approved in writing by the Local Planning Authority. This will set out mitigation measures to alleviate shadow flicker attributable to the Proposed Development as well as a protocol for addressing a complaint received from a receptor within the study area. Operation of the turbines would be required to take place in accordance with the approved Shadow Flicker Protocol and any mitigation measures that have been agreed through the protocol would require to be implemented as appropriate.

4.6.26 The residual effect of shadow flicker is, therefore, expected to be not significant for all receptors during the operational phase of the Proposed Development.

Landscape and Visual Considerations

Overall Design Approach & Layout iterations

4.6.27 Overall, the siting and design of turbines has sought to minimise where possible the impact of the Proposed Development on the landscape and visual resource and other environmental considerations. The approach followed is set out in Chapter 2 (Site selection and Design) of the EIA Report.

4.6.28 It is explained in the Chapter that the HEC-WE project site (Phase1 and Phase 2) was initially proposed as it presented a significant opportunity to build on the positive outcomes of the Hagshaw Development Framework at scale, extending the benefits from the Cluster west to Muirkirk and north to Sandford and Upper Avondale, with the local communities and surrounding environment, namely the Muirkirk and North Lowther Uplands SPA, standing to receive significant investment from the project.

4.6.29 The HEC-WE project as initially scoped in 2022 would have extended the Hagshaw Energy Cluster westwards towards the Kype Muir / Bankend Rig wind farm cluster (as shown in Figure 2.1). The former Spireslack and Ponesk Opencast Coal Sites (under final restoration, for forestry) and the former Tardoes Opencast Coal Site (restored to farmland) adjoin the originally scoped site to the south (refer to Figure 2.1). The village of Muirkirk lies approximately 1.4 km

south of the site, with Gilmourton (the closest settlement in Upper Avondale) lying approximately 4 km to the north.

4.6.30 Importantly, it is acknowledged that part of the HEC-WE project site as scoped in 2022 overlaps with part of the Muirkirk and North Lowther Uplands Special Protection Area (SPA). The SPA was designated for its breeding and non-breeding hen harrier (Circus cyaneus) as well as breeding populations of short-eared owl (Asio flammeus), merlin (Falco columbarius), peregrine (Falco peregrinus) and golden plover (Pluvialis apricaria). It also overlaps with the commensurate area of the Muirkirk Uplands Special Site of Scientific Interest (SSSI), designated for its breeding bird assemblage, as well as breeding and non-breeding hen harrier and breeding short-eared owl. Through its programme of site condition monitoring, NatureScot has identified that the SPA in general is in unfavourable condition for most of its qualifying features, and a range of data conclude that it supports a fraction of the qualifying species for which it was designated. The SSSI is also designated for upland habitats including blanket bog.

4.6.31 When considering the generally unfavourable condition of the SPA bordering the Hagshaw Energy Cluster and the emerging climate change imperatives set out above, it was considered that the HEC-WE project presented a significant opportunity to expand the generating capacity of the Hagshaw Cluster westwards whilst delivering substantial funding to invest in the recovery of the neighbouring SPA (and SSSI) and the regeneration of surrounding coalfield communities.

4.6.32 The HEC-WE project, as scoped in 2022, was considered to embody the aims and objectives of Scotland's Just Transition to a fairer, greener Scotland by contributing to key Government objectives of:

- More investment in nature recovery, peatland restoration and designated sites;
- More renewable energy; and
- More vibrant rural communities.

4.6.33 More generally from a spatial perspective, the HEC-WE site was selected and considered an appropriate and viable location for a wind, solar and energy storage project due to:

- Being within an established wind farm landscape, where there is an opportunity to progress a coordinated layout, phasing, access, grid connection, landscape and benefits strategy through the Hagshaw Energy Cluster Development Framework principles;
- Easily accessible direct from the M74 motorway;
- Ability to re-use existing access tracks (both to and within the
- site);
- Ability to extend existing borrow pits used previously for forestry access track construction;
- In close proximity to a viable grid connection point;
- Good average wind speeds and generation capacity, evidenced by the surrounding operational sites;
- Opportunity to positively contribute to regional and national renewable energy and carbon reduction targets;
- Opportunity to provide significant investment in the natural environment much of which could be secured directly for improvements to the Muirkirk and North Lowther Uplands SPA and SSSI; and
- Opportunity to provide significant social and economic investment to surrounding communities within South Lanarkshire Council (SLC) and East Ayrshire Council (EAC).

4.6.34 As noted above, the HEC-WE project was originally scoped in 2022 and a formal Scoping Opinion was received from the Scottish Ministers in March 2023. It is the view of the Applicant

that there were no significant issues raised by consultees which gave rise to a conclusion that the HEC-WE project could not be realised in full, with the exception of the responses from NatureScot (NS) and Royal Society for the Protection of Birds (RSPB) Scotland in relation to the potential impact of the project on the Muirkirk and North Lowther Uplands SPA and the Muirkirk Uplands SSSI.

4.6.35 Conversely, the South Strathclyde Raptor Study Group (SSRSG) wrote in support of the project, as originally scoped, as a result of the investment it could bring to the recovery of the SPA. Muirkirk Community Council and Muirkirk Enterprise Group both also wrote in support of the project, as previously scoped, because of the level of investment it could have delivered in the regeneration of Muirkirk (the closest community).

4.6.36 Extensive subsequent consultation was held with both NS and RSPB on the initial development proposals, however, the concerns raised by NS and RSPB about the elements of the HEC-WE project located within the SPA and SSSI could not be overcome. The decision was subsequently taken by the Applicant to split the project into two separate phases, with Phase 1 (the Proposed Development) being the subject of a Scoping Update Report to the Scottish Government Energy Consents Unit (ECU) in February 2024.

4.6.37 Phase 1, the Proposed Development, infrastructure all lies outwith the SPA and SSSI.

4.6.38 Chapter 2 of the EIA Report should be referred to for its detail with regard to overall design principles followed and in relation to design iterations.

4.6.39 In summary, the layout of the Proposed Development has been through a number of iterations (52 in total) which started in March 2021: each time taking into consideration information gathered at the site, comments from consultees, as well as the professional judgement of the technical experts advising the Applicant.

4.6.40 It should be emphasised that the most notable layout change made throughout the EIA process was the decision to phase the project in response to concerns raised by NatureScot and RSPB as explained above. Chapter 2 of the EIA Report explains other changes which were made in response to other landscape and environmental considerations.

4.6.41 Since the submission of the EIA Scoping Update Report (February 2024) and the receipt of the EIA Scoping Update Opinion, the Applicant has undertaken further design iterations to further avoid and minimise potential environmental impacts while maximising the capacity of the Proposed Development as explained in Chapter 2 of the EIA Report.

Landscape Character

4.6.42 In terms of effects on landscape character, during the operational phase, the Proposed Development would result in significant effects to limited parts of several landscape character types ('LCTs') comprising: the Rolling Moorland Forestry landscape character type (LCT 7Ai); the Plateau Farmland landscape character type (LCT 5i); the Rolling Moorland landscape character type (LCT 7); the Upland River Valley landscape character type (LCT 8i) and to the East Ayrshire Plateau Moorlands landscape character type (LCT 18a).

4.6.43 It is explained in the LVIA that all effects on landscape character during the construction, operation and decommissioning phases are either contained within the site or its immediate vicinity and as such would be localised.

Designated Landscapes

4.6.44 The Proposed Development is not located in or near to any national landscape designations. The East Ayrshire Uplands and Moorlands Local Landscape Area ('LLA') borders the south-eastern edge of the northern development area and the northern edge of the southern development area. However, none of the proposed infrastructure would be located in the LLA.

4.6.45 The East Ayrshire Uplands and Moorland LLA would experience some localised significant effects, but these align with the effects introduced to those LCTs that extend across the LLA and would not prevent an understanding or appreciation of the underlying landscape of the LLA

or its key characteristics. The effects would also not adversely impact on the integrity of the LLA.

Visual Effects

4.6.46 During the operational period of the Proposed Development, it is explained in the LVIA that significant visual effects would be experienced during daylight hours from:

- Viewpoint 1 at Drumclog;
- Viewpoint 4 at Cairn Table; and
- Viewpoint 8 at Loudoun Hill.

4.6.47 No significant visual effects would be experienced at any of the representative viewpoints during the hours of darkness.

4.6.48 No significant effects would be experienced from the River Ayr Way long distance walking route that passes through the southern part of the study area. Significant visual effects would be experienced from a section of the B745 to the south of Drumclog, from a limited section of the B743 which passes the along the edge of the northern and southern development areas. In all cases, no visual receptors would experience a significant visual effect during the hours of darkness.

4.6.49 Significant visual effects would also be experienced from core paths that cross the northern development and southern development areas and from several core paths near Drumclog to the north-west of the northern development area and from parts of core paths to the south-east of Muirkirk that leading towards Cairn Table.

Cumulative Landscape & Visual Effects

4.6.50 Regarding cumulative effects, the existing operational wind energy schemes within the vicinity of the northern development area have already had a characterising effect on Rolling Moorland Forestry LCT (LCT 7Ai), redefining its character as 'Rolling Moorland Forestry with Wind Farms' . The Proposed Development would fit with this established pattern of wind energy development and would consolidate the existing effects on landscape character that have already been brought about by these other schemes and would not extend these effects beyond the extent already present. The location of the Proposed Development within this established wind cluster would mean that it would not introduce a significant visual effect and nor result in wind turbines being dominant or oppressive in views experienced within the surrounding area.

4.6.51 The LVIA has identified some significant cumulative landscape and visual effects however it concludes that the landscape has the capacity to accommodate the effects identified, including when the consented but as yet unbuilt wind farms in the surrounding landscape are taken into account in the baseline.

Conclusions on Landscape & Visual Effects in the context of Policy 11

4.6.52 As is to be expected with wind energy developments of commercial scale, the LVIA confirms that the Proposed Development would result in some significant effects, but such effects would be largely localised (i.e. experienced intermittently and/or affecting a limited geographical extent) and would not compromise the character or special qualities of landscape or the visual amenity of the LVIA Study Area. Such effects are not untypical for such a development.

4.6.53 It is apparent from the EIA Report that the appropriateness of the location and design of the Proposed Development in landscape and visual terms is evidenced by the limited number of significant landscape or visual effects.

4.6.54 When considering visual effects more generally, the extent of effects is considered to be localised in nature, and there has been a clear process of embedded design mitigation in reaching the final layout and design to minimise impacts as far as possible.

4.6.55 As such the extent and nature of effects is considered to be acceptable when considered against the policy criteria in NPF4 which specifically states, "*Where impacts are localised and/ or appropriate design mitigation has been applied, they will generally be considered to be acceptable*". While the term 'local' is not defined in this context it is helpful to examine how the Scottish Ministers have defined 'localised' for a development of identical blade tip height.

4.6.56 The term 'localised' requires a judgement on the geographical extent of influence from a wind farm, having regard to the type of landscape in which the impacts would arise. In this regard, it is important to note that in the Achany Extension Wind Farm Section 36 decision, the Scottish Minister's (page 14 of the decision) referred to the conclusions of the LVIA in that case, which was that the development (for a scheme of tip height 149.5m) would result in:

"*A limited number of localised significant effects on landscape character and visual amenity affecting relatively localised parts of the landscape and visual resource up to 10 km and locally to 12.5 km from the proposed development*."

4.6.57 It is also stated in the Achany Extension Wind Farm decision letter that (page 15):

"*The Scottish Ministers acknowledge that the proposed development will have some significant landscape and visual impact, but overall these would remain relatively localised, with the majority of significant effects occurring within 10 km of the proposed development and none at a distance greater than 12.5 km*."

4.6.58 The view of the Scottish Ministers therefore in terms of the geographical extent within which there would be localised impacts, in the Achany Extension case of up to 12.5km is highly relevant. It is fully accepted that each development needs to be considered on its respective merits, but it is important that there is consistency in decision making with regard to this particular aspect of NPF4 policy 11 e) and its application.

Public Access

4.6.59 The LVIA has addressed visual amenity considerations in relation to public access and recreation. Whilst there would be some visibility of the Proposed Development from some walking and recreational routes, these are not considered to be unacceptable for the reasons set out above.

Aviation, Defence Interests and Telecommunications

4.6.60 Chapter 12 of the EIA Report considers the potential effect on aviation and defence interests.

4.6.61 The assessment chapter considers the potential effects of the Proposed Development on existing and planned military and civil aviation activities and infrastructure.

4.6.62 It is explained in the assessment that the Proposed Development lies underneath the Scottish Terminal Area, 31 km from Glasgow Prestwick Airport ('GPA'), 36 km from Glasgow Airport and over 55 km from Edinburgh Airport. These are the only aerodromes with any potential for impacts. In addition to these stakeholders, National Air Traffic Services (NATS) (En-Route) plc operate radar in the area and the site lies within a military Tactical Training Area (TTA) used for low flying training, making the Ministry of Defence (MOD) an important consultee as well.

4.6.63 The site would be expected to generate radar impacts, in the form of displayed clutter, on the airport radars at Glasgow and GPA and on NATS radars. Mitigation is required and will be agreed to address all these impacts, using proven solutions already implemented for other wind farms in the immediate area.

4.6.64 Mitigation is also required to revise instrument flight procedures at Glasgow Airport and GPA. The Applicant is engaged with the airports to identify revised procedures that are acceptable to the airports. This is an ongoing process.

4.6.65 Because the turbines are over 150m tall, aviation lighting is required, to mitigate against low flying risks. In this case a reduced lighting scheme will be used, with eight of the turbines installed with combined visible spectrum and infra-red lights, with the capacity for the visible spectrum lights to be dimmed to 10% of maximum intensity under conditions of good visibility.

4.6.66 The aviation assessment concludes that no other mitigation is required, subject to the outcomes of the Edinburgh Airport Instrument Flight Procedures (IFP) assessment and the Glasgow Prestwick VHF radio assessment which are ongoing.

4.6.67 There are no issues with telecommunications infrastructure and the matter was scoped out of the EIA.

4.6.68 The Proposed Development is considered to accord with the relevant policies as identified above with respect aviation and telecommunications matters.

Impacts on Road Traffic and Trunk Roads

4.6.69 Chapter 11 of the EIA Report has considered the traffic and transport impacts associated with the Proposed Development. The construction phase will result in increased traffic volumes on the number of roads in the vicinity of the Proposed Development, however these would fall off considerably outside the peak period of construction. No significant effects are predicted from the increased traffic volumes reported.

4.6.70 A review of the proposed route options for abnormal load deliveries, which include turbine component delivery, was completed to minimise potential effects on the surrounding road network and establish that potential pinch points can be overcome.

4.6.71 Due to the nature of the operation of the Proposed Development, the majority of vehicular activity is during the construction phase with minimal traffic during the operational phase.

4.6.72 The assessment states that traffic generated by construction of the Proposed Development (over a 24-month period) will result in a temporary increase in baseline traffic levels, with the peak traffic generation occurring in month 16.

4.6.73 The potential environmental effects associated with this increase in traffic have been assessed and are anticipated to give rise to effects that are classed as significant and which require mitigation, in accordance with IEMA guidelines.

4.6.74 Mitigation will be provided in the form of a Construction Traffic Management Plan ('CTMP') which sets out proposed details for staff travel, heavy goods vehicle ('HGV') routing and guidelines for deliveries to further reduce potential effects on the surrounding network.

4.6.75 No significant capacity issues are expected on any of the roads within the traffic and transport Study Area due to the additional construction traffic movements, as background traffic movements are low and appropriate mitigation is proposed.

4.6.76 Whilst the Proposed Development would lead to a temporary increase in traffic volumes on the local road network during the construction phase, traffic volumes would decrease considerably outside peak periods of construction. Overall, the construction period would be transitory in nature and all impacts would be short lived and temporary.

Historic Environment

4.6.77 Chapter 10 of the EIA Report addresses cultural heritage – addressing the archaeological and historic environment value of the site and assesses the potential both for direct and setting effects on archaeological features and heritage assets resulting from the construction and operation of the Proposed Development.

4.6.78 Effects in relation to the historic environment are examined in more detail below in terms of NPF4 Policy 7 (Historic assets and places).

Hydrology, the Water Environment and Flood Risk

4.6.79 Chapter 8 of the EIAR considers the impacts of the Proposed Development with regard to hydrology and hydrogeology and flood risk.

4.6.80 It is explained in the assessment that the site is located within the catchments of the Glengavel Water and the Greenock Water, the watercourses of the Glengavel Water and the Greenock Water are classified in accordance with the EU Water Framework Directive to be of 'Poor' and 'High' overall status respectively in 2023.

4.6.81 The assessment explains that in both the northern and southern development areas, superficial soil deposits comprise largely peat and till, which are typically lower permeability, with alluvium and glaciofluvial deposits present along watercourses. The peatland identified is predominantly Class 5 and Class 4, with isolated areas of Class 1 present within the northern development area, according to NatureScot's Carbon and Peatlands Map, 2016. The southern development area primarily comprises mineral soils, with isolated areas of Class 4 and Class 5 peatland.

4.6.82 It is explained that detailed peat depth surveys found extensive deposits of peat within the eastern extent of the northern development area, which have, where possible, been avoided through design iterations. There are limited peat deposits present in the southern development area. The peat depth probing found an average depth across the site of 0.7 m, with 77.4% of probe depths <1.0 m, which is not classified as deep peat.

4.6.83 A Peat Landslide and Hazard Risk Assessment ('PLHRA') has identified that there is negligible to low likelihood of a peat landslide at the proposed turbine locations and associated infrastructure.

4.6.84 The assessment states that potential construction and operational effects include changes to surface water quality and flow, potential impacts to hydrologically connected receptors (designated sites and Private Water Supplies ('PWS')), and excavation and removal of peat.

4.6.85 The mitigation measures will be included within a CEMP prior to the commencement of construction activities. The mitigation measures are considered to be robust and implementable and will mitigate the potential impacts on peat, watercourses and groundwater.

4.6.86 The significance of residual effects on geology, peat, hydrology and hydrogeology receptors following the implementation of these mitigation measures ranges from minor adverse (not significant) to negligible adverse (not significant).

4.6.87 The assessment concludes that with the proposed mitigation in place there are no significant adverse effects predicted on peat, hydrology, the water environment or from flood risk.

Biodiversity

Ornithology

4.6.88 Chapter 6 of the EIA Report considers the Proposed Development's potential impact on birds.

4.6.89 It is explained in the assessment that a full suite of ornithological surveys was adopted for the purposes of assessing the avian baseline conditions for the Proposed Development. The surveys comprised: Vantage Point (flight activity) surveys, breeding bird surveys, breeding Schedule 1 species surveys and black grouse surveys; with surveys undertaken from May 2021 to March 2024.

4.6.90 Seven species of raptor of higher conservation value were registered within the site during the Vantage Point and walkover surveys, of which peregrine and red kite were assessed as breeding, but over 2km from the site. Seven species of waders were recorded, with five assessed as breeding in the site or 500 m survey buffer.

4.6.91 Levels of flight activity recorded at risk height were considered to be low for all target species, with the most frequently recorded species, curlew, registered on seven occasions. Collision risk modelling was undertaken for species with recorded flight time at risk height, namely: curlew, golden plover, goshawk, osprey, peregrine and red kite.

4.6.92 Important Ornithological Features ('IOFs') taken forward for further consideration were Muirkirk Uplands SSSI: Breeding Bird Assemblage (including curlew and snipe), the Dungavel Wind Farm Habitat Management Plan Area ('DHMPA') hen harrier mitigation, waders (wintering golden plover, breeding lapwing and oystercatcher), and breeding crossbill.

4.6.93 In accordance with guidelines, the impact assessment assumed the application of standard mitigation measures. With these in place, predicted effects were considered to be negligible or minor adverse and therefore not significant for all IOFs, with the exception of a moderate effect on the DHMPA.

4.6.94 An Outline Habitat Management and Enhancement Plan ('OHMEP') is included with the Proposed Development which includes a large hen harrier enhancement area (c. 592 ha) and wader management areas (c. 147 ha) as well other measures of benefit to ornithological species. The assessment states that with the OHMEP in place, the committed biodiversity enhancement measures will have beneficial impacts for Muirkirk Uplands SSSI: Breeding Bird Assemblage (including curlew and snipe), the DHMPA hen harrier, and breeding waders, with the residual effect assessed as minor-moderate beneficial. The measures will also be positive for a number of other ground nesting birds, although residual effects are considered to remain negligible.

4.6.95 With no significant residual adverse effects predicted for any IOF, no cumulative assessment was required.

4.6.96 Given the presence of a site of international importance (i.e. a European designated site), Muirkirk & North Lowther Uplands SPA, within 10km of the site, a (shadow) Habitats Regulations Assessment ('HRA') has been carried out. This concluded no adverse effects on the integrity of the SPA as a result of the Proposed Development.

Ecology

4.6.97 Chapter 7 of the EIA Report considers the potential ecological effects of the Proposed Development.

4.6.98 It is explained in the assessment that the site is located within the catchments of the Glengavel Water and the Greenock Water, the watercourses of the Glengavel Water and the Greenock Water are classified in accordance with the EU Water Framework Directive to be of 'Poor' and 'High' overall status respectively in 2023.

4.6.99 There would be no loss of habitats within Muirkirk Uplands SSSI from the laying of cables along the B743 as the cable works will all take place within the carriageway of the existing road. The assessment concludes that there will therefore be no effect on the SSSI habitats as a result of the Proposed Development.

4.6.100 Some impacts will arise from direct habitat loss under turbine foundations, permanent access tracks, substations, energy storage facilities and buildings etc. There will also be temporary loss of habitat under temporary access tracks and compounds.

4.6.101 It is explained in the assessment that some of the habitats within the site are considered to be regionally important and include some Annex 1 habitats. However, the overall losses of habitats would be relatively small in the context of the overall available resource, and mitigation and enhancement commitments include the restoration of approximately 56 ha of peatland habitats and the management of c. 592 ha of habitat for raptor species and c. 147 ha of habitat for wader species. Overall impacts to habitats when taking into account the significant OHMEP measures are therefore assessed as a minor/moderate beneficial (not significant) effect.

4.6.102 The assessment states that there is potential for disturbance to otter during construction, and there are three potential holts identified within the ecological study area. Further assessment to determine their status (natal holt/non-natal holt) will be carried out prior to commencement to inform mitigation proposals which will ensure that there would be no significant effect arising. Where needed, a licence for disturbance will be obtained from NatureScot.

4.6.103 There would be loss of foraging and commuting habitat for bats during construction however it is explained that felling of woodland may also create additional suitable foraging habitat by increasing the amount of edge habitat. Overall construction is considered to have only a minor adverse (non-significant) effect on foraging and commuting bats.

4.6.104 It is explained in the assessment that construction of new watercourse crossings have the potential to impact fish spawning habitat and could cause habitat fragmentation if not

appropriately designed. To address this additional survey of habitats around each crossing point will be carried out ahead of construction, and in channel works may need to avoid spawning season. New watercourse crossings will be designed to ensure fish passage is possible. Post-mitigation the construction of new watercourse crossings will be a negligible (not significant) effect.

4.6.105 Embedded mitigation relevant to identified ecological receptors include the iterative design process (which sought to minimise impacts on sensitive habitats), and the development and implementation of a site-specific CEMP. Furthermore, a suitably experienced Ecological Clerk of Works ('ECoW') would be appointed to undertake pre-construction surveys for protected species and oversee construction works to minimise any potential effects on nature conservation interests.

4.6.106 Operational impacts are related to impacts to foraging and commuting bats from the wind turbines. Of the species recorded during surveys, those considered to be species with high collision risk potential were common pipistrelle, soprano pipistrelle and Nyctalus species. Of these species, the median level of activity recorded was low and therefore the overall risk level for these species was also considered to be low. Due to the low levels of activity recorded in the northern development area and the embedded mitigation of ensuring there is a buffer between the blade tip and key areas of habitat (woodland edge for example), the magnitude of any potential impact to the species but most notably through mortality/injury through collision or barotrauma is assessed as a minor adverse effect, not significant in terms of the EIA Regulations.

4.6.107 Proposed biodiversity enhancement measures are described below with regard to NPF4 Policy 3 (Biodiversity) (see further below) and would give rise to lasting beneficial effects.

Balancing the Impacts v Contribution of a Development and Conclusions on Policy 11

4.6.108 It is considered that the Proposed Development would not give rise to any unacceptable effects in relation to any of the above environmental or technical criteria. For a number of the environmental and technical topics, planning conditions can be attached to ensure the Proposed Development would be implemented in an environmentally acceptable way.

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

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

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

4.6.112 In terms of contribution to targets, the Proposed Development's contribution has been set out in Chapter 3 above. The scale of the energy generation and storage output and emissions savings are of national importance.

Conclusions in relation to NPF4 Policy 11

4.6.113 The Proposed Development is considered to be acceptable in relation to all of Policy 11's environmental and technical topic criteria.

4.6.114 A key point is that any identified impacts have to be weighed against a development's specific contribution to meeting targets – which attracts significant weight. Significant weight is also

afforded in relation to Policy 1. This policy direction fundamentally alters the planning balance compared to the position in NPF3 and SPP.

4.6.115 Overall, therefore, the Proposed Development is considered to be in accordance with NPF4 Policy 11.

4.7 Policy 3: Biodiversity

Policy 3 and Principles

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

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

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

4.7.4 **Paragraph b)** states that:

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

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

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

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

Current Guidance

4.7.8 The Chief Planner's Letter of 8th February 2023 provides some guidance with regard to Policy 3. It confirms that there is no single accepted methodology for calculating and/or measuring biodiversity enhancement and reiterates that research has been commissioned to explore options for developing a biodiversity metric or other tool for use in Scotland. It adds that there will be some proposals which will not give rise to opportunities to contribute to the enhancement of biodiversity:

"*and it will be for the decision maker to take into account the policies in NPF4 as a whole, together with material considerations in each case*".

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

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

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

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

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

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

4.7.12 The principles set out are as follows:

- Apply the mitigation hierarchy;
- Consider biodiversity from the outset;
- Provide synergies and connectivity for nature;
- Integrate nature to deliver multiple benefits;
- Prioritise on-site enhancement before off-site delivery;
- Take a place-based and inclusive approach;
- Ensure long term enhancement is secured; and
- Additionality (ensuring that enhancement delivered is additional to any measures which would have been likely to happen in the absence of the development).

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

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

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

4.7.15 Section 4.12 of the guidance states:

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

demonstrate how Scotland's habitats and environmental conditions have been taken into account. Where an established metric or tool has been modified, the changes made and the reasons for this should be clearly set out".

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

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

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

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

4.7.18 An important point is that the proposed guidance is proposed as a "*living document*". Paragraph 5.1 of the draft guidance states that it is the Government's intention that it will be updated as practice "*beds in across planning authorities*".

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

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

Proposed Significant Biodiversity Enhancement

4.7.21 Notwithstanding the lack of finalised policy guidance at the present time, in terms of biodiversity, the Applicant proposes significant biodiversity enhancements. The Applicant's proposals are set out in the OHMEP which is contained within Technical Appendix 7.5 of the EIA Report. The OHMEP should be referred to for its detail with regard to the various specific measures that are proposed.

Introduction to the OHMEP

4.7.22 The development of the OHMEP has considered the predicted effects of the Proposed Development to sensitive environmental receptors through construction, operation and decommissioning phases. Its formulation has been informed by a robust baseline of field and desk-based data. Furthermore, consideration has been given to the potential cumulative effects of the Proposed Development with other wind energy developments in the wider landscape, including consideration of other proposed and ongoing plans to mitigate, compensate and enhance biodiversity. In this regard, specific consideration has been given to how the Proposed Development can complement the wider measures being brought forwards to the benefit of the wider landscape and biodiversity resource.

OHEMP: Aims and Objectives

4.7.23 The OHEMP contains various aims and objectives which together seek to deliver significant biodiversity enhancement. They are as follows:

- **Aim 1: Peat Restoration**. Undertake peatland restoration activities to mitigate for the effects of the Proposed Development on peatland habitats and to provide additional enhancement over and above these potential effects.
  - Objective 1.1 – To undertake forest removal using suitable techniques to enable restoration post deforestation.
  - Objective 1.2 - To re-establish a functional water table close to the surface providing conditions for specialist bog species and "active" bog to develop.
  - Objective 1.3 - To control non-peat forming vegetation where this impacts on peatland restoration.
  - Objective 1.4 – Manage non-replanted open ground so as to discourage nesting and foraging raptors and waders.
- **Aim 2: Hen Harrier Enhancement**. Deliver a long-term pilot project across an area of c.592 ha in the Muirkirk and North Lowther Uplands Special Protection Area (SPA), which is also a SSSI, to improve habitat and foraging conditions for hen harrier (and other SPA qualifying species merlin, short-eared owl and golden plover), with the target of reversing the decline in numbers within this part of the SPA and returning qualifying species to areas of the SPA which were historically widely used.
  - Objective 2.1 – To mitigate for the loss of, and provide additional enhancement over and above, the proposed DWHMP hen harrier enhancement areas by providing a much larger alternative solution within the Muirkirk and North Lowther Uplands SPA and SSSI.
  - Objective 2.2 - Provide enhanced foraging habitat for hen harrier (and merlin and short-eared owl) away from turbines, within the SPA and SSSI
- **Aim 3: Wader Management.** In conjunction with the pilot project outlined under HMEP Aim 2 above, and with regard to the previous NatureScot wader schemes implemented within Netherwood Farm's landholding, the HMEP Manager will oversee suitable management of c. 136 ha of land to the west of the solar development area, and c.11.5 ha within the solar development area, for the benefit of skylark and wader species.
  - Objective 3.1 – To mitigate for the loss of habitat suitable for foraging and nesting waders and other grassland species such as skylark within the solar development area and provide additional enhancement.
- **Aim 4: Engagement with Neighbouring HMPs.** In line with the collaborative spirit of the Hagshaw Energy Cluster Development Framework, the HMEP Manager will engage with other neighbouring developments in a bid to coordinate habitat management works to create a landscape scale initiative for the benefit of biodiversity across the wider area.
  - Objective 4.1 – Collaborate with other surrounding developments and Habitat Management Groups to knowledge share

OHEMP: Monitoring and Management

4.7.24 The OHMEP is proposed to be a live document and will be updated on a regular basis based on activities completed on site, monitoring results as generated through site based assessments of the effectiveness of the Aims, Objectives and Prescriptions described above, and ongoing improvements in knowledge surrounding the effects of wind farms, solar PV and BESS to sensitive environmental receptors.

4.7.25 Delivery of the HMEP will be fully funded by the Applicant over the 40 year operational life of the Proposed Development, and will be overseen by an appropriately qualified body (the HMEP Manager) reporting to a Habitat Management Steering Group (HMSG) made up of representative of the local planning authority, NatureScot, the RSPB, and the Applicant. Annual reporting will be presented by the HMEP Manager to the HMSG describing the actions completed through the year, compliance with the finalised HMEP, and recommendations for

alterations or improvements to the Aims, Objectives and Prescriptions. Delivery of the HMEP, the appointment of the HMEP Manager and formation of the HMSG can be secured by planning conditionIt should be noted that this commitment has the objective of benefiting biodiversity and would not just mitigate impacts. The proposals would therefore result in the site (and surrounding environs), from a biodiversity perspective, being in a "demonstrably better state" than without intervention, in accordance with the provisions of Policy 3. Refer to EIAR Appendix 7.5 for more details in this regard.

4.7.26 It is also important to keep in mind that the greatest threat to biodiversity is climate change. The principal and essential benefit of the Proposed Development is a significant contribution of renewable energy and electricity storage capacity pre-2030, to facilitate the earliest possible decarbonisation of the energy system and the achievement of "Net Zero" no later than 2045, in accordance with the objectives of the Climate Change (Scotland) Act 2009. The purpose of Net Zero is to protect biodiversity and the earlier it can be achieved, the greater the benefits to biodiversity.

4.8 Policy 4: Natural places

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

4.8.2 **Policy 4 Part b)** addresses both nature conservation and landscape designations. Part b deals with development proposals likely to have a significant effect on an existing or proposed European site (Special Area of Conservation or Special Protection Areas). Part c) deals with national landscape designations and also SSSIs and National Nature Reserves.

4.8.3 **Policy 4**, **Part c)** deals with national landscape designations and has a similar approach in relation to the former SPP in terms of how a proposal that affects a National Park or a National scenic Area (NSA) should be addressed. As explained in the LVIA, no national level landscape designations would be affected by the Proposed Development.

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

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

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

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

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

- this policy provision, reflects the wider NPF4 policy that adverse effects (including adverse landscape and visual effects outside of a National Park or National Scenic Area) must be balanced against the benefits of a development for which significant weight must be given;
- the second limb is independent of the first ("or") and is to be applied where a decision-maker concludes that a development will have significant adverse effects on the integrity of a local designation;

- NPF4, Policy 4, Part d) now expressly includes a balancing mechanism ("*clearly outweighed by social, environmental or economic benefits*") and sets out the threshold to be used ("*of at least local importance*").

4.8.7 As explained above in the context of NPF4 Policy 11, there would be no significant adverse effects from the Proposed Development on the special qualities and the integrity of a local landscape designation.

4.8.8 Furthermore, in this case the benefits that would result from the Proposed Development are of national importance – as evidenced, among other things, by designation as a National Development (being significant developments of national importance that will help to deliver the NPF4 Spatial Strategy).

4.8.9 **Policy 4 Part g)** deals with Wild Land. There would be no adverse effects arising in relation to wild land. Importantly the policy states that the "*effects of development outwith wild land areas will not be a significant consideration*".

4.8.10 Overall, the Proposed Development is considered to be in accordance with NPF4 Policy 4.

4.9 Policy 5: Soils

Policy 5 & Principles

4.9.1 In terms of soils, **Policy 5** states that where development on peatland or carbon rich soils or priority peatland habitat is proposed, a detailed site-specific assessment is required to identify baseline, likely effects and net effects. The policy intent is to protect carbon rich soils, restore peatlands and minimise disturbance to soils from development. This is very similar to the policy position that was in the former SPP; however, a key difference is that renewable energy proposals are one of the types of development expressly envisaged to be acceptable in principle on peatlands (Paragraph c) reflecting the net benefits in carbon emissions and peatland restoration potential which can be gained.

The application of Policy 5

4.9.2 Chapter 8 of the EIA Report considers the potential impact on geology and soils.

4.9.3 Existing ground conditions have been identified and used to assess the potential impacts the Proposed Development might have on the geology and soils environment. The EIA Report has demonstrated that the Proposed Development would not result in significant effects on geology and soils. The absence of significant effects relates primarily to the adoption of good practice measures and carefully considered site design, which effectively act as 'embedded' mitigation.

4.9.4 The Proposed Development is considered to be in accordance with NPF4 Policy 5.

4.10 Policy 7: Historic Assets and Places

Policy 7 & Principles

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

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

- **Paragraph a)** states that "*development proposals with a potentially significant impact on historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. The assessment should identify the likely visual or physical impact of any proposals for change, including cumulative effects and provide a sound basis for managing the impact of change. Proposals should also be informed by national policy and guidance on managing change in the historic environment, and information held within Historic Environment Records*."

- **Paragraph c)** states that "*development proposals affecting the setting of a Listed building should preserve its character, and its special architectural or historic interest*".
- **Paragraph d)** states that "*development proposals in or affecting Conservation Areas will only be supported where the character and appearance of the Conservation Area and its setting is preserved or enhanced*".
- **Paragraph h)** states that "*development proposals affecting Scheduled Monuments will only be supported where:*

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

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

The application of Policy 7

4.10.3 Chapter 10 of the EIA Report considers the potential effects of the Proposed Development on heritage assets.

4.10.4 The assessment has identified one Scheduled Monument ('SM') within the cultural heritage Inner Study Area ('ISA') (: the Dungavel Hill Cairn (**SM 2848**). Forty-three non-designated heritage assets are also recorded within the ISA, with the majority being post-medieval agricultural remains or the locations at which prehistoric artefacts, since removed, were recovered. Taking the identified baseline of the ISA into account, it is assessed that there is a **low** to **moderate** potential for encountering hitherto unrecorded, buried archaeological remains within the site.

4.10.5 Eight Scheduled Monuments, an Inventory Garden and Designed Landscape, and two HER sites of between national and regional significance, have been assessed for operational impacts resulting from the Proposed Development. These assets were determined based on an asset's proximity to the Proposed Development, appraisal of the blade-tip ZTV, and post-scoping consultation with Historic Environment Scotland ('HES').

4.10.6 Assessment of the impact of the Proposed Development on the settings of these assets has resulted in the identification of one effect of **moderate** significance (significant in EIA terms) on the setting of a Scheduled Monument: the Dungavel Hill Cairn (**SM 2848**). In this regard, the assessment concluded that although the Proposed Development will introduce a notable change to the monument's setting, it would remain possible to experience, appreciate, and understand the cultural significance of the cairn, and it is therefore considered that the key setting aspects of the Dungavel Hill Cairn, and their capacity to inform and convey cultural significance, would be adequately retained such that the integrity of the setting would not be significantly compromised. All other effects on the settings of heritage assets within the Outer Study Area are assessed as being of no greater than **minor** significance (not significant in EIA terms).

4.10.7 Assessment of cumulative impacts resulting from Proposed Development in combination with other cumulative developments has resulted in the identification of one effect of **moderate** significance on the setting of a Scheduled Monument: the Dungavel Hill Cairn (**SM 2848**). In this regard, the assessment concluded that the cumulative impact on the setting of the Dungavel Hill Cairn resulting from the addition of the Proposed Development to a baseline including other wind farms at the application stage, will be no greater than predicted for the Proposed Development alone, being of medium magnitude and **moderate** significance (significant in EIA terms). All other cumulative effects on the settings of heritage assets within the Outer Study Area are assessed as being of no greater than **minor** significance (not significant in EIA terms). In this regard, the same conclusion applies that the key setting aspects of the Dungavel Hill Cairn, and their capacity to inform and convey cultural significance, would be adequately retained such that the integrity of the setting would not be significantly compromised.

4.10.8 It is further explained in the assessment that the layout of the Proposed Development, including the positioning, size, and number of turbines, and the siting of the solar array and other associated infrastructure, has been designed to avoid or minimise both construction and operational effects on heritage assets and their settings. Construction works would proceed in accordance with a Construction Environment Management Plan ('CEMP') and existing cultural heritage remains would be fenced off where necessary.

4.10.9 Additional mitigation comprising demarcation of sensitive areas, toolbox talks, post-felling walkover surveys where construction works necessitate the removal of woodland, and archaeological monitoring (watching briefs) in areas of archaeological potential, have been recommended to further offset and/or reduce any possible effects upon cultural heritage.

4.10.10 Should previously unidentified archaeological remains be encountered, they would be subject to a programme of archaeological works to be developed in consultation with WoSAS and detailed in a Written Scheme of Investigation (WSI).

4.10.11 The Proposed Development is considered to be in accordance with Policy 7.

4.11 Policy 22 – Flood Risk and Water Management

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

4.11.2 As set out above, effects on hydrology, the water environment and flood risk are an assessment criterion within NPF4 Policy 11 (Energy). Chapter 8 of the EIA Report addresses hydrology matters in detail including flood risk and sustainable drainage and there are no issues arising with regard to these topics. The Proposed Development is therefore considered to be in accordance with NPF4 Policy 22.

4.12 Conclusions on NPF4

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

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

4.12.3 A key point within Policy 11 (Energy) is that any identified impacts have to be weighed against a development's specific contribution to meeting targets – which attracts significant positive weight in the case of the Proposed Development.

4.12.4 Significant weight is also afforded in relation to NPF4 Policy 1 (Tackling the climate and nature crises). This policy direction fundamentally alters the planning balance compared to the position that was set out in the former NPF3 and SPP.

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

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

5. Appraisal against the EAC & SLC Local Development Plans & Guidance

5.1 Introduction

5.1.1 The other elements of the statutory Development Plan covering the site comprises the EAC LDP adopted in July 2024 and the SLC LDP2 adopted in December 2020.

5.1.2 The EAC LDP was adopted just over a year after NPF4 came into force. There has therefore been an opportunity to ensure that its provisions are consistent with the policy framework as contained within NPF4. Indeed, the Direction Letter to EAC from the Scottish Government with regard to the adoption of the LDP makes it clear that the Scottish Ministers had delayed the notification to EAC on the matter of adoption to ensure that the LDP took account of NPF4. The Scottish Minister's letter in that regard is dated 25 March 2024 and it contains a number of modifications to the LDP in order to align its provisions with those of NPF4.

5.1.3 The renewable energy policies in the LDP2 for the SLC area are supported by Supplementary Planning Guidance ('SPG') entitled 'Renewable Energy' (2021) which is a material consideration but does not form part of the statutory Development Plan.

5.1.4 Other SPG includes the South Lanarkshire Landscape Capacity Study for Wind Turbines (2016) and its Addendum 'Tall Wind Turbines: Landscape Capacity, Siting and Design Guidance' (2016).

5.1.5 Relevant policies from both of the LDPs are referenced below. This Chapter does not present a further detailed appraisal of the Proposed Development as that has been covered in Chapter 4 above against the policy provisions of NPF4 and the LDP policy provisions for both Council areas are already broadly encompassed by the policy framework in NPF4.

5.2 The adopted EAC LDP

Aims and Policy Approach in the EAC LDP

5.2.1 The LDP contains a vision (page 19) and this includes that "*East Ayrshire will be a net zero place with a thriving and diverse environment*…."

5.2.2 LDP also contains various aims, and these include "*reducing the effects of climate change and contribute to net zero targets*".

5.2.3 Chapter 8 of the LDP is entitled 'Energy, Resources and Resilience'. Section 8. 1 is entitled 'Supporting Renewable Energy'. Paragraph 248 of the LDP states that:

"*The generation and use of renewable energy is one of the key enablers to achieving net zero carbon emissions and tackling climate change. The transition to cleaner, greener energy is already happening, but this must continue to enable the necessary shift in how we heat our homes, how we power our transport and how we provide energy for industry*".

5.2.4 Paragraph 250 states:

"*The LDP supports all forms of renewable energy and aims to ensure East Ayrshire plays its part in tackling the climate emergency and reducing greenhouse gas emissions. This includes support for wind energy development, recognising it as an essential part of the current and future energy mix. The positive policy framework will mean East Ayrshire's full potential for electricity and heat from renewable sources is achieved. Renewable energy developments will be assessed by balancing their contribution to energy targets and reducing carbon emissions,*

against any environmental, community and cumulative impact. Development will be supported where any such impacts can be sufficiently minimised and mitigated".

The Renewable Energy Policy in the EAC LDP

5.2.5 The lead policy in the EAC LDP is **Policy RE1 'Renewable Energy'**. The policy states:

"*Proposals for the generation, storage and utilisation of renewable energy, including proposals for the co-location of these technologies, in the form of new build development, infrastructure or retrofit projects are encouraged and will be supported in standalone locations and as integral parts of new and existing developments, where they are acceptable when assessed against all relevant criteria set out in the Renewable Energy Assessment Criteria table below.*

The criteria will be considered in terms of the impact of the development itself and the cumulative impacts arising when the proposed development is considered alongside other developments.

Areas identified for wind farms are expected to be suitable for use in perpetuity.

To maximise renewable energy generation, proposals to repower or extend existing renewable energy developments will be supported, where they are acceptable when assessed against the Renewable Energy Assessment Criteria table below. The Renewable Energy Assessment Criteria are as follows:

Climate change impact

- *Scale of contribution to renewable energy targets.*
- *Effect on greenhouse gas and carbon emissions.*

Environmental impacts.

- *Significant landscape and visual impacts, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and slash/appropriate design mitigation has been applied, they will generally be considered to be acceptable.*
- *Effects on biodiversity, including impacts on birds, with particular reference to European and other national and local designations.*
- *Impacts on the historic environment.*
- *Effects on hydrology, the water environment, flood risk, and groundwater dependent terrestrial ecosystems.*
- *Impacts on trees, forests and woodlands.*
- *Community and economic impact.*
- *Impacts on public access, including long distance walking and cycling routes and scenic routes.*
- *Impacts on communities and individual dwellings, including visual impact, residential amenity, noise, and shadow flicker.*
- *Net economic impact, including employment training and business and supply chain opportunities.*

Infrastructure impact

- *Impacts on aviation and defence interests and seismological recording.*

- *Impacts on trunk roads and road traffic, during construction, operation and decommissioning.*
- *Impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised.*

Other impacts, which include:

- *Cumulative impact.*
- *Grid capacity should not constrain renewable energy development.*

5.2.6 Policy RE1 is considered to contain the same provisions as those of NPF4 Policy 11 (Energy).

Other relevant EAC LDP Policies

5.2.7 A summary of current relevant EAC LDP policies is provided in **Table 5.1**.

Table 5.1: Relevant EAC LDP (2024) Policies

Policy	Policy Summary
Policy SSS1 Climate Change	The policy states that when considering all development proposals, the Council will give significant weight to the global climate emergency. It states that all development should support these aspirations, where possible by: > minimising carbon emissions. > maximising carbon storage and sequestration. > mitigating the impacts of climate change, including through the delivery of net zero and low carbon infrastructure. > being designed to be adaptable to the future impacts of climate change.
Policy SS2 Overarching Policy	The policy states that development proposals are required to meet a number of criteria, insofar as they are relevant, or otherwise demonstrate how their contribution to sustainable development would outweigh any departure from the criteria. The criteria of relevance include: > contribute to the delivery of the vision and aims of the plan. > be fully compatible with surrounding established uses and have no unacceptable impacts on the environmental quality of the area.
Policy HE1 Listed Buildings	The policy states that development proposals that affect a listed building, its curtilage or its setting, will only be supported by the Council where it can be demonstrated that this is sensitive to the character, appearance and architectural or historic interest of the building and its setting.
ED10 Protection Policy HE3 Scheduled Monuments, Historic Battlefields and other Archaeological and Historic Environment Assets	The policy states that development that would have an adverse effect on scheduled monuments or a significant adverse effect on the integrity of their settings, shall not be supported unless there are exceptional overriding circumstances.

Policy	Policy Summary
Policy HE4 Gardens and Design Landscapes	The policy states that development will not be supported where it will have significant adverse impacts upon the special historical, architectural and landscape interest of both inventory and non-inventory gardens and designed landscapes.
Policy NE1 Protecting and Enhancing Landscape and Features	The policy states that the protection and enhancement of East Ayrshire's landscape character, as identified in the Ayrshire Landscape Character Assessment, will be a key consideration in assessing the appropriateness of all development proposals in the rural area. The policy then sets out a number of requirements, and these include: > Proposals to be cited and designed to respect the nature and landscape character of the area and to minimise visual impact. > Where visual impacts are unavoidable, proposals should include adequate mitigation measures to minimise adverse impacts on the landscape. > Particular features that contribute to the value, quality and character of the landscape are conserved and enhanced, where applicable or feasible to the development. > Various landscape features are referenced including settings of settlements and buildings in the landscape, skylines, distinctive landform features and landmark hills and woodlands and other considerations, including rivers and public rights of way and foot paths. > The policy adds that the Council will not support development that would create unacceptable visual intrusion or irreparable damage to landscape character. > The policy also refers to requirements for a landscape and visual impact assessment and it adds that the Council will not support proposals where there would be an unacceptable cumulative landscape and/or visual impact.
Policy NE3 Local Landscape Areas	The policy states that within local landscape areas (LLAs) shown on the rural area map, the Council will give priority to the protection and enhancement of the landscape, in its consideration of development proposals. It adds that all proposals within an LLA must be designed to take account of landscape qualities of the area and seek to avoid adverse impacts where possible. It states that where not possible, and where there are significant social, environmental or economic benefits of local importance, which can be demonstrated and justified, measures should be taken to reduce or lastly mitigate against any potential adverse impacts. It adds that the Council will not support proposals that have unacceptable impacts on the character and visual amenity of the LLA and on the qualities that make them special.
Policy NE4 Nature Crisis	The policy states that in order to protect biodiversity and facilitate its enhancement, recovery and restoration across East Ayrshire, the Council will support development proposals that contribute to enhancement of biodiversity, including the restoration of degraded habitats, build and strengthen nature networks and improve the connection between these networks and minimise adverse impacts through careful planning and design.
Policy NE11 Soils	The policy states that development proposals on undeveloped land must be designed to avoid if possible, and if avoidance is not possible, minimise disturbance to soils. Soils should also be protected from damage, including compaction and erosion.

Policy	Policy Summary
	In addition, in relation to proposed development on peatland, carbon rich soils and priority peatland habitat, the policy states that the Council will seek to minimise adverse impacts from development on such soils, including by the release of CO2 into the atmosphere. It adds the Council will support and promote the restoration of peatland habitats, where there is potential for such habitats to become active carbon stores and help to reduce net carbon emissions.
Policy RES3 Residential Amenity	The policy states that the Council will protect and enhance the residential character and amenity of existing residential areas. The policy states that there will be a general presumption against the establishment of non-residential uses within, or in close proximity to, residential areas which are likely to have detrimental effects on local amenity and cause unacceptable disturbance to local residents.

5.2.8 From a review of the relevant EAC LDP policies as set out above, it is considered that they are compatible with the policy provisions of NPF4 and that there are no conflicts or contradictions.

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

5.3 The adopted SLC LDP2

The Structure of the SLC LDP2

5.3.1 The LDP2 documentation includes two Volumes as follows:

- LDP2 Volume 1: which contains a Vision and Strategy and development management policies; and
- LDP2 Volume 2: which contains additional policies and furthermore detailed criteria against which development proposals are to be considered.

5.3.2 The policies of relevance in LDP2 Volume 1 are summarised below in **Table 5.2** followed by comment with regard to how the policies relate to the policies of NPF4, where relevant:

Table 5.2: Relevant LDP2 Volume 1 Policies

Policy	Policy Summary
Policy 1: Spatial Strategy	The spatial strategy seeks to encourage sustainable economic growth and regeneration and move towards a low carbon economy, protect the natural and historic environment and mitigate against the impacts of climate change. To do this the Council will inter alia protect and enhance the natural and historic environment and support renewable energy developments in appropriate locations.
Policy 2: Climate Change	New development must seek to minimise and mitigate against the effects of climate change. The policy contains various considerations including the need for sustainable locations, avoiding flood risk, ensuring no unacceptable effects on the environment and avoiding or minimising disturbance of carbon rich soils and, where appropriate, include provision for restoration of damaged peatlands.

Policy	Policy Summary
Policy 14: Natural & Historic Environment	All development proposals will be assessed in terms of their impact on the natural and historic environment, including biodiversity, geodiversity, landscape and townscape. The policy sets out that the Council will seek to protect natural and historic designations from adverse impacts.
Policy 15: Travel & Transport	New development proposals must consider and mitigate the resulting impacts from traffic growth, particularly development related traffic, and have regard to the need to reduce the effects of greenhouse gas emissions.
Policy 16: Water Environment & Flooding	Any development proposals which will have a significant adverse impact on the water environment will not be permitted. Sites where flood risk may be an issue shall be the subject of a local flood risk management assessment.
Policy 18: Renewable Energy	*See below*

The Renewable Energy Policy in LDP2

5.3.3 Within Volume 1, Policy 18 'Renewable Energy' is as follows:

"*Applications for renewable energy infrastructure developments will be supported, subject to an assessment against the principles set out in the SPP, in particular the considerations set out at paragraph 169.*

The Spatial Framework for Wind Energy set out in Table 7.2 and shown on Figure 7.1 applies to applications for wind energy developments of 15m or greater in height, including extensions and repowering proposals.

All renewable energy proposals shall be assessed against the relevant criteria and requirements set out in the Assessment Checklist for Renewable Energy Proposals contained in Volume 2.

Development proposals must also accord with other relevant policies and proposals in the development plan. Refer to Appendix 1 for relevant Volume 2 policies and additional guidance."

5.3.4 Policy 18 is considered to be incompatible with NPF4 Policy 11 and should not be afforded weight. Policy 18 states that developments will be supported subject to an assessment against the principles set out in SPP and, in particular, the various considerations set out at paragraph 169 of SPP. The policy also cross refers to a Spatial Framework for wind energy development. SPP (and its Spatial Framework approach) is no longer a material consideration for development management purposes.

5.3.5 Appendix 1 of Volume 1 of LDP2 lists relevant policies in LDP Volume 2 stemming from Policy 18 as Policies SDCC6 'Renewable Heat', RE2 'Biomass' and RE1 'Renewable Energy'. It is only Policy RE1 that is of relevance to the consideration of the application.

5.3.6 Policy 18 therefore defers the development management policy provisions to Policy RE1 and its associated 'checklist' and to related non statutory guidance.

Additional Planning Guidance

5.3.7 In terms of 'additional guidance', Appendix 1 of Volume 1 of the LDP lists this as follows:

> SLC Supporting Planning Guidance 'Renewable Energy';

- Landscape Capacity Study for Wind Energy (2016) and its Addendum (2017);
- Tall Wind Turbines Landscape Capacity, Siting and Design Guidance (2019);
- South Lanarkshire Landscape Character Assessment (2010); and
- South Lanarkshire Validating Local Landscape Designations (2010).

Other relevant LDP2 Policies

5.3.8 LDP2 Volume 2 contains additional policies and detailed criteria against which development proposals are to be considered. These are summarised in **Table 5.3** below.

Table 5.3: Relevant LDP2 Volume 2 Policies

Policy	Policy Summary
DM1 - New Development Design	New development will be required to ensure there is no conflict with adjacent land uses and no adverse impact on existing or proposed properties in terms of noise or disturbance.
Policy SDCC2 - Flood Risk	The Council will seek to prevent increases in the level of flood risk and refuse development where it would be at risk from flooding.
Policy NHE2 – Archaeological Sites and Monuments	Seeks to preserve scheduled and non-scheduled monuments in situ and in an appropriate setting. Developments which have an adverse effect on scheduled monuments or the integrity of their setting will not be permitted unless there are exceptional circumstances.
Policy NHE3 – Listed Buildings	Development affecting a Listed Building or its setting shall, as a first principle, seek to preserve the building and its setting, and any features of special architectural interest which it has.
Policy NHE4 – Gardens and Designed Landscapes	Development affecting sites listed in the Inventory of Gardens and Designed Landscapes shall protect, preserve and, where appropriate, enhance such places and shall not significantly impact adversely upon their character, upon important views to, from and within them, or upon the site or setting of component features which contribute to their value.
Policy NHE6 – Conservation Areas	Development and demolition within a Conservation Area or affecting its setting shall preserve or enhance its character and be consistent with any relevant Conservation Area appraisal or management plan that may have been prepared for the area.
Policy NHE7 – Natura 2000 Sites	All development which would have a likely significant effect on Natura 2000 sites will be subject of an appropriate assessment. The requirements of the policy apply to all proposed or designated Natura sites which could be affected by the proposals, including those which are located out with the boundary of South Lanarkshire Council.
Policy NHE8 – National Nature Reserves and Sites of Special Scientific Interest	Seeks to protect SSSI/National Nature Reserves. Development which affects either designation will be expected to demonstrate that the overall integrity will not be compromised or any significant adverse effect on the qualities of the area are clearly outweighed by social, environmental or economic benefits of national importance.
Policy NHE9 – Protected Species	Development that would impact on a European Protected Species will be resisted unless there is demonstratable evidence that the development is

Policy	Policy Summary
	required, there is no satisfactory alternative, or the development would not be detrimental to the maintenance of the population of the species.
Policy NHE11 – Peatland and Carbon Rich Soils	The Council shall seek to protect peatland and carbon rich soils from adverse impacts resulting from development. Where peat and other carbon rich soils are present, applicants should assess the likely effects of development on carbon dioxide (CO2) emissions. Where peatland is drained or otherwise disturbed, there is likely to be a release of CO2 to the atmosphere. Developments should aim to minimise this release.
Policy NHE12 – Water Environment and Biodiversity	Development proposals should protect and where possible enhance the water environment in accordance with the Water Framework Directive. Development proposals which will have a significant adverse impact on the water environment will not be permitted. Consideration will be given to water levels, flows, quality, features, flood risk and biodiversity within the water environment.
Policy NHE13 – Forestry and Woodland	Development proposals should seek to manage, protect and enhance existing ancient semi-natural woodland (ASNW), other woodlands, hedgerows and individual trees. In all cases involving the proposed removal of existing woodland, the acceptability of woodland removal and the requirement for compensatory planting will be assessed against the criteria set out in the Scottish Government's Policy on Control of Woodland Removal.
Policy NHE16 – Landscape	Sets out criteria for the assessment of development proposals within Special Landscape Areas (SLAs) and seeks to protect and enhance the wider landscapes of SLC through the maintenance and enhancement of landscape character.
Policy NHE18 – Walking, Cycling and Riding Routes	Walking, cycling, riding routes core water routes and water access/egress points will be safeguarded. Development proposals adjacent to or on the line of any route will require to take account of the route in the design and layout.
Policy NHE20 – Biodiversity	Development should demonstrate that they have no significant adverse impact on biodiversity. Where proposals are likely to lead to significant loss of biodiversity, they will only be supported if adequate mitigation and offsetting measures can be agreed with the council. Developments should consider opportunities to contribute positively to biodiversity conservation and enhancement.
Policy RE1 - Renewable Energy	*See below*

5.3.9 From a review of the LDP2 policies, they are largely compatible with the policy provisions of NPF4, with the exception of the following:

- Policy NHE2 'Archaeological Sites and Monuments' is considered to be incompatible with NPF4 policy 7 (Historic assets and places). The Policy states that "*Developments which have an adverse effect on Scheduled Monuments or the integrity of their setting shall not be permitted unless there are exceptional circumstances*". NPF4 Policy 7 states that development will not be supported where they would have "*significant adverse impacts on the integrity of the setting of a scheduled monument*", it is not simply whether or not they have an adverse effect on a Monument, which is referenced in the first part of the LDP policy. NPF4 Policy 4 goes on to state that development can also be supported where

"*exceptional circumstances have been demonstrated to justify the impact on a scheduled monument and its setting and impacts on the monument or its setting have been minimised*".

- LDP2 Policy NHE11 'Peatland and Carbon Rich Soils' states that the Council will seek to protect peatland and carbon rich soils from adverse impacts resulting from development. NPF4 Policy 5 (Soils) changed the national policy position in relation to peatland, making it more permissive in relation to renewable energy developments. NPF4 Policy 5 states that development proposals on peatland, carbon rich soils and priority peatland habitat, will only be supported for various types of development, including "essential infrastructure" and also in relation to "*the generation of energy from renewable sources that optimises the contribution of the area to greenhouse gas emissions reductions targets*". In the case of the Proposed Development, it is essential infrastructure and also generates energy from renewable sources. The LDP2 Policy makes no such provision for these uses located within peatland and carbon rich soils.
- Policy NHE16 'Landscape' relates to SLAs and states development will only be permitted if it can be accommodated "without having an unacceptable significant adverse effect on the landscape character, scenic interest and special qualities and features for which the area has been designated". The LDP2 policy provisions are therefore significantly different from the provisions of NPF4 Policy 4 (Natural places), which allows for development to be supported, even if it has significant adverse effects on the integrity of a local landscape designation, if the benefits that would arise from it are of at least local importance.

5.3.10 **Policy RE1 'Renewable Energy'** (in Volume 2) relates to the assessment of proposals for renewable energy developments and is as follows:

"*Applications for renewable energy development will only be acceptable if they accord with the relevant requirements and guidance set out in:*

Volume 2 Appendix 1 Assessment Checklist for Renewable Energy Proposals;

Supporting Planning Guidance on Renewable Energy;

Landscape Capacity Study for Wind Energy (2016) (as amended by the Tall Wind Turbines Guidance 2019);

Other relevant policies in LDP2."

5.3.11 Appendix 1 of Volume 2 contains a '**renewable energy assessment checklist'**. This is intended to supplement Policy 18 in LDP2 which as noted sets out general policy relating to renewable energy.

5.3.12 The checklist in turn makes cross references to **The LDP2 'Supporting Planning Guidance' (SPG) entitled 'Renewable Energy'**. As noted, this is non-statutory guidance and does not form part of the Development Plan. Chapter 5 of the SPG contains development management considerations "*to be used in the assessment of all scales and types of renewable energy proposals*" (page 3).

5.3.13 It is also considered that Policy RE1 is not compatible with NPF4 and in particular, NPF4 Policy 11 (Energy). Policy RE1 cross refers to, as noted, a renewable energy assessment checklist. The checklist, however, cross-refers in a number of places to the policy provisions of LDP2 and as explained above, a number of these are incompatible with the applicable policies of NPF4. The checklist also contains a number of specific development management provisions which are not contained within NPF4 Policy 11.

5.3.14 A further very important point is that the LDP2 policy for renewable energy does not require decision makers to place significant weight on the contribution of a proposal for renewable energy generation to targets, when considering the impacts of a development – in contrast to NPF4 Policy 11.

5.3.15 For these reasons, Policy RE1 of LDP2 should only be afforded very limited weight and the same approach should also be taken to those topic policies identified above, which would be incompatible with the policy provisions of NPF4.

The SLC Landscape Capacity Study

5.3.16 The 'checklist' within Appendix 1 of Volume 2 of the LDP sets out that wind energy proposals will be assessed against the guidance for specific landscape character types contained in Table 6.1 of the Landscape Capacity Study for Wind Energy (February 2016) as amended by the Tall Wind Turbines: Landscape Capacity, Siting and Design Guidance (2019).

5.3.17 The design approach for the Proposed Development has taken into account the guidance in these studies as referenced in the LVIA.

5.4 Conclusions on the LDPs

5.4.1 The environmental and topic considerations within both the EAC and SLC LDP policies are encompassed within the broad remit of NPF4 Policy 11 Part e). Each of the relevant development management considerations have been addressed above (Chapter 4) in the context of NPF4 Policy 11 and are not repeated.

5.4.2 Given the policy appraisal undertaken, it is considered that the Proposed Development would be in accordance with relevant policies of both the EAC LDP and SLC LDP2.

5.4.3 It is considered that the effects arising from the Proposed Development would be acceptable in terms of the relevant policy topics of the both LDPsa. These policy provisions are considered to be broadly encompassed by those of NPF4 and given the appraisal set out above in Chapter 4, there would be no conflict with their terms.

6. Conclusions

6.1 The Climate Crisis & Renewable Energy / Storage Policy Framework

6.1.1 The urgent need for onshore wind and other renewable technologies including solar and related energy storage capacity has been set out: a large increase in the deployment of these technologies is supported through a number of policy documents and by Scottish Government commitments – most recently expressed from a land use planning perspective in NPF4.

6.1.2 Onshore wind was already viewed and described as "vital" to the attainment of targets in 2017. This imperative has only increased since a 'climate emergency' was declared by the Scottish First Minister in April 2019, in line with the recommendations made by the CCC (2019) 'Net Zero' publication[13]. Furthermore, the drive to attain Net Zero emissions is now legally binding at the UK and Scottish Government levels by way of amendments to the 2008 Act and in Scotland through the provisions of the Climate Change (Scotland) Act 2009 and the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019.

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

6.1.4 As explained in Chapter 2 the CCC has stated (June 2024) that the deployment of low carbon technology is off track, with deployment rates needing to significantly increase. In this regard in terms of renewable technologies the CCC has stated that onshore wind installations will need to double by 2030. The new UK Labour Government has accepted this advice and has committed to an onshore wind target for the UK of 30GW by 2030, as confirmed in the Clean Power Action Plan published in December 2024.

6.1.5 In relation to energy storage, it is specifically noted that development of LDES in the UK is now a strategic focus of Government as set out in the recent DESNZ Long Duration Electricity Storage Consultation (DESNZ, October 2024).

6.1.6 The important benefits of the Proposed Development have been set out in the context of the current climate emergency, and they would help address the pressing issue of climate change and very challenging 'Net Zero' targets and contribute to improving security of supply.

6.2 The Planning Balance

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

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

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

[13] CCC, Net Zero, The UK's contribution to stopping global warming (May, 2019).

- The global climate emergency and the nature crisis are the foundations for the NPF4 Spatial Strategy as a whole. The twin global climate and nature crises are "*at the heart of our vision for a future Scotland*" so that "*the decisions we make today will be in the long-term interest of our country*"[14]. The policy position, and the priority afforded to combatting the climate emergency, is different to that which was set out in the former NPF3 and SPP:
- NPF4 Policy 1 (Tackling the climate and nature crises) directs decision-makers to give significant weight to the global climate emergency in all decisions. This is a radical departure from the usual approach to policy and weight and clearly denotes a step change in planning policy response to climate change. The matter of weight is no longer left entirely to the discretion of the decision maker; and
- Both NPF4 and the OWPS are clear that further onshore wind development, of scale and utilising modern, larger turbines, has a crucial role in combatting climate change, transitioning to a Net Zero Scotland and ensuring security of energy supply. NPF4 Policy 11 (Energy) strongly supports proposals for all forms of renewable, low-carbon and zero emissions technologies, including onshore wind farms, solar and BESS.

6.2.4 It is important to fully recognise both the scale and urgency of the challenge set out in these documents, and the required response from decision-makers. NPF4 is clear that significant progress must be made by 2030 requiring, as set out in the OWPS, that "*we must now go further and faster than before. We expect the next decade to see a substantial increase in demand for electricity to support Net Zero delivery across all sectors, including heat, transport and industrial processes*"[15].

6.2.5 Publication of the OWPS followed and cross-refers to NPF4 and, for the first time, sets an onshore wind target: a Scottish Government ambition for a minimum of 20 GW of installed onshore wind capacity by 2030. New policy therefore supports an increase in the installed capacity of onshore wind in Scotland by a minimum amount equivalent to about 130% of the entire installed capacity of all current operational onshore wind farms in Scotland in a period of around 6 years. This is also embedded in the Scottish Government's consultative draft Energy Strategy and Just Transition Plan, together with the commitment to "***place the climate and nature at the centre of our planning system***"[16] (original emphasis) in line with the NPF4.

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

6.2.7 As the Statement of Need for Strategic Renewable Electricity Generation and Transmission Infrastructure explains[17] "*A large and rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its Net Zero emissions targets*."

6.2.8 The Statement of Need relates to the attainment of Government renewable generation and emission reduction targets. Moreover, it relates to the importance of developing electricity supplies which are not dependent on volatile international markets and are located within the UK's national boundaries. The urgency for an electricity system which is self-reliant and not reliant on fossil fuels (including foreign imports) is now enormous, in order to protect consumers from high and volatile energy prices. Moreover, such a system would reduce opportunities for destructive geopolitical intrusion into national electricity supplies and this matter has grown in importance in recent years.

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

[14] NPF4, page 2.
[15] OWPS 2022, paragraph 1.1.2.
[16] Energy Strategy and Just Transition Plan, page 55
[17] NPF4, page 103.

- In addition to the cross-cutting NPF4 Policy 1, NPF4 Policy 11 (Energy) directs that in considering the identified impacts of an onshore wind proposal significant weight will be placed on the contribution of the Proposed Development to renewable energy generation targets and on greenhouse gas emissions reduction targets;
- The OWPS expressly recognises that meeting the ambition of a minimum installed capacity of 20GW of onshore wind in Scotland by 2030 will require taller and more efficient turbines and that "*this will change the landscape*;

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

  "*It also provides some further supporting detail on increasing the installed capacity of onshore wind in Scotland by a minimum amount equivalent to about 130% of the entire installed capacity of all current operational wind farms in Scotland in the period of around 8 years. This is clearly a challenging target and there is an acceptance in the Policy Statement of the consequent change in the landscape. I find this further supports my conclusion above in terms of consistency with relevant provisions of NPF4. This policy statement does not form part of the Development Plan but is a material consideration in this case*."
- NPF4 Policy 11 confirms that significant landscape and visual impacts are to be expected for some forms of renewable energy. Scottish Government policy, which forms part of the Development Plan, is that where such impacts are localised and / or appropriate design mitigation has been applied, they will generally be considered to be acceptable. Notably, policy recognises that significant landscape and visual effects are inevitable and generally acceptable. As explained above, the landscape and visual effects would be largely localised.
- NPF4 Policy 4 provides in principle support for wind farm development in all locations with the exception of National Parks and NSAs, unless the conditions in NPF4 Policy 4 c) are met;
- NPF4 Policy 4, Part d) specifically relates to a proposed development that may adversely affect the integrity of a local landscape designation. It provides that development will be supported where significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance. There would be no adverse impacts on the integrity of a local landscape designation.

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

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

6.2.12 The EAC LDP post-dates NPF4 and based on the appraisal set out above it is considered that the Proposed Development would be in accordance with relevant EAC LDP policies and with the EAC LDP read as a whole.

6.2.13 The SLC LDP pre-dates NPF4 however, again, based on the appraisal above it is considered that the Proposed Development would be in accordance with relevant SLC LDP policies and with the LDP read as a whole.

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

6.2.15 In considering the change to policy introduced by NPF4, the conclusions of the Reporter in his supplementary Inquiry Report (IR) in relation to the Sanquhar II development are informative. At paragraph 4.5 of the Report (Overall Conclusions) the Reporter stated:

"*in paragraph 8.50 of my original report I found that, at the time of writing "*…I do not consider that at this present time there has been a tangible shift in policy of a scale or nature which would be capable of being pivotal…*" having reviewed the terms of NPF and the OWPS, I now consider that a tangible shift in planning policy has been made at the national level. In my view it is likely that this shift may be sufficient to result in some wind farm proposals, which would previously have been refused under the former policy regime, to potentially now be granted consent*." (underlining added)

6.2.16 In the Clashindarroch II[18] Section 36 decision, the Reporter in the Supplementary IR with reference to the new policy position and with specific regard to 'changes to the balancing exercise' (paragraph 2.45) with reference to the OWPS stated that:

"*The new policy approach is clearly guiding decision makers towards supporting wind farm proposals that would make a meaningful contribution to the onshore wind target, unless those adverse effects were of such significance that they would override the imperative for more onshore wind capacity. The natural consequence of this approach must lead to changes in the scale or extent of adverse effects that the decision maker might now deem to be acceptable*." (underlining added)

6.2.17 In addition, the Reporter stated at paragraph 2.51:

"*The balancing exercise is integral to the OWPS, NPF4 and the draft Scottish Energy Strategy and Just Transition Plan 2023 but the heightened priority of tackling climate change as expressed in the national and UK energy policy context must inevitably increase the weight given to those matters. Particularly now when NPF4 directs the decision maker to give significant weight to these matters within Policies 1 and 11*." (underlining added)

6.2.18 Furthermore, the Reporter added at paragraph 2.90 that "*The new policy expects me to give less importance to such [landscape and visual] effects in unprotected areas*." (underlining added).

6.2.19 In the Shepherds Rig[19] Section 36 case, the Reporters in their original Inquiry Report considered that the adverse effects of that development were such that it was contrary to national planning policy and the Development Plan, and a position of objection was recommended to the Scottish Ministers. However, in the Supplementary Report of Inquiry which considered the implications of NPF4 and the OWPS, the Reporters changed their position. At paragraph 3.14 of the Supplementary Report the Reporters stated:

[18] Clashindarroch II, Section 36 Decision dated 26 June 2023, Supplementary Report of Inquiry dated 3 March 2023 (Case Reference WIN-110-2). This decision is now subject to Judicial Review but not in relation to NPF4 policy matters.

[19] Shepherd's Rig, Section 36 Decision dated 21 August 2023, Supplementary Report of Inquiry dated 2 March 2023 (Case Reference WIN-170-2005).

"*Taking into account all of the above, we recognise the urgent policy imperative in the OWPS and NPF to deliver additional installed wind farm capacity. These recently published policy statements demonstrate a significant strengthening of policy support for renewable energy development, to which the proposal would make an obvious contribution. In our original report, we found that the significant effects on the area's recreational resources should be given significant weight, to the extent that they outweighed the aims of delivering renewable energy. In the updated policy context, we find that the proposal's obvious contribution to renewable energy targets causes the benefits as a whole to now clearly outweigh the significant landscape and visual effects*."

6.2.20 The Reporter added at paragraph 3.4:

"*National policy has a clear expectation that more renewable proposals may be granted consent, focusing down on a tighter set of circumstances under which proposals would not be supported*."

6.2.21 It is accepted that each individual application needs to be considered on its respective merits; however, it is evident from these two recent Section 36 decisions, that the Reporters have recognised that there has been a material and tangible shift in planning policy support for onshore wind development and that this has clear implications for the planning balance and changes the calculus regarding the scale and extent of adverse effects which may now be found acceptable.

6.2.22 In this case, the Proposed Development has a capacity over 50MW and is a development of national importance with a grid connection date pre-2030 that will help to deliver the national Spatial Strategy set out in NPF4. The Proposed Development would make a substantial and valuable and near-term contribution to help Scotland, and the UK attain Net Zero, security of supply and related socio-economic objectives. It is submitted that significant weight should be given to this contribution when weighing the need for the Proposed Development and its identified effects within the planning balance.

6.2.23 The Proposed Development is considered to be in accordance with the relevant policies of the NPF4 and the LDP.

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

6.3 Overall Conclusion

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

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

6.3.3 The conclusion is that the Proposed Development is consistent with all relevant policies of NPF4 and the LDPs, and with the Development Plan when read as a whole insofar as that is a relevant matter in a Section 36 application.

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