Planning and Renewable Energy Statement

South Kyle II Wind Farm

Vattenfall Wind Power Ltd

30 April 2025

ReAmp Consultancy Limited

Document History

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Version Control

Issue	Date	Revision Details
A	23 April 2025	First draft for PM review
B	25 April 2025	Second draft for client and legal review
C	28 April 2025	Final draft
D	30 April 2025	For submission

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Contents

Executive Summary

The UK and Scottish Governments have declared a climate emergency and set ambitious climate change targets with a Net-Zero CO2 target for 2045 in Scotland.

Vattenfall Wind Power Ltd. (the Applicant) is seeking consent from the Scottish Ministers under the terms of Section 36 of the Electricity Act 1989 and deemed planning permission under the terms of the Town and Country Planning (Scotland) Act 1997, as amended, to construct and operate the South Kyle II Wind Farm (the Proposed Development).

The majority of the Proposed Development is located in East Ayrshire to the south of Dalmellington and southwest of New Cumnock. The site access is partially within Dumfries and Galloway. It covers an area of approximately 2,200 hectares (ha). The maximum Above Ordnance Datum of the Site is 516 m.

The Proposed Development will comprise 11 wind turbines, with a maximum tip height of 200 m. The combined generating capacity of the turbines will be approximately 92.4 MW. The Proposed Development includes an energy storage system with an output capacity of up to 50 MW, giving a total rated capacity in the region of 142 MW.

The Environmental Impact Assessment Report submitted as part of the Application for the Proposed Development has identified a number of residual significant environmental effects on landscape and visual receptors. The potential for significant effects on other environmental receptors has been mitigated through the design evolution and EIA process. It is concluded that the localised landscape and visual impacts of the Proposed Development are considered to be acceptable. Subject to the implementation of the identified mitigation, through the use of conditions attached to any consent, the Proposed Development is considered to be acceptable.

1. INTRODUCTION

1.1 Scotland's current climate change targets are amongst the most ambitious in Europe. The Scottish Government declared a climate emergency in May 2019 and passed the Climate Change (Emissions Reductions Targets) (Scotland) Act 2024, which amends the Climate Change (Scotland) Act 2009. This sets a target for a 100% reduction in greenhouse gas (GHG) emissions by 2045.

1.2 In late 2022 The Scottish Government published the Onshore Wind Policy Statement (OWPS 2022) which sets a minimum target for an operational capacity of 20 GW from onshore wind by 2030. Chapter 1 of the OWPS 2022 contains specific acknowledgement of the need for the further speedy deployment of onshore wind. It 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".*

1.3 Key to achieving the net zero goals is the decarbonisation of many sectors of the economy and in order to do this the generation of renewable electricity needs to be increased. An essential component of decarbonising power generation will be the development of onshore wind farms.

1.4 The proposed South Kyle II Wind Farm comprises 11 wind turbines, additional battery energy storage provision (up to 50 MW) and associated infrastructure (Proposed Development).

1.5 The Proposed Development is largely located within the East Ayrshire Council (EAC) administrative area. A portion of the alternative access, the southern access track which if the northern access wasn't utilised would be upgraded, is located within Dumfries and Galloway Council (DGC). The Proposed Development is located to the south of Dalmellington and southwest of New Cumnock. The B741 is immediately to the north of the Site and the existing South Kyle Wind Farm is to the northeast of the Site. The site includes a mixture of commercial forestry and open areas. The Mossdale Burn and Parrie Burn run through the Site.

The Application

1.6 The Application for the Proposed Development is submitted to the Scottish Ministers under Section 36 of the Electricity Act 1989 (the 1989 Act). The Applicant, by way of the Section 36 process, requests that the Scottish Ministers issue a Section 36 Consent in respect of the Proposed Development, together with a Direction under Section 57(2) of the Town and Country Planning (Scotland) Act 1997, as amended (the 1997 Act) that planning permission is deemed to be granted for the Proposed Development.

1.7 The generating capacity of the Proposed Development would exceed 50 MW, and therefore constitutes a Schedule 2 development as provided for by the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (the EIA Regulations). Natural Power Consultants Limited (Natural Power) has been appointed to undertake an Environmental Impact Assessment (EIA) to determine and evaluate the potential effects of the Proposed Development. The results of the EIA are presented in the EIA Report which is submitted as part of the Application.

Purpose of this Planning and Renewable Energy Statement

1.8 This Planning and Renewable Energy Statement (PRES) sets out the considerations which are relevant to the determination of the Application for the Proposed Development. It is structured as follows:

- Chapter 1 includes the introduction to the PRES and provides background information on the Applicant.
- Chapter 2 provides a brief description of the Proposed Development and a context to the Site. It sets out the key benefits of the Proposed Development.
- Chapter 3 outlines the statutory framework for the consideration of the Application for the Proposed Development.
- Chapter 4 sets out the renewable energy framework and includes information in relation to the climate emergency declared by both the Scottish Government and EAC and details the key renewable energy policies. Chapter 4 outlines the renewable energy targets set in law and the progress towards the targets in Scotland.
- Chapter 5 details the relevant planning policy, including national policy, and the Development Plan.
- Chapter 6 provides an assessment against the relevant policy set out in Chapter 5.
- Chapter 7 provides the conclusions of the PRES.

The Applicant

1.9 Vattenfall AB, the ultimate owner of Vattenfall Wind Power Ltd, is a leading European energy company owned by the Swedish state with approximately 20,000 employees. For more than 100 years Vattenfall has powered industries, supplied energy to people's homes and modernised the way its customers live through innovation and cooperation.

1.10 Vattenfall has over 50 wind farms, onshore and offshore, across five countries and pioneered co-locating wind with solar and batteries. Vattenfall owns the largest onshore wind farm in England and Wales, Pen y Cymoedd, and in Scotland operates wind farms on the Isle of Skye and in Aberdeenshire. At a local level, Vattenfall developed South Kyle Wind Farm, near Dalmellington, also located within both East Ayrshire and Dumfries and Galloway. South Kyle Wind Farm became operational in 2023.

1.11 Vattenfall aims to make fossil-free living possible within a generation and is leading the transition to a more sustainable energy system through growth in renewables and climate-smart energy solutions for its customers. Since 2008, Vattenfall has been in the UK investing over £3.5 billion in enough wind to power nearly a million British homes. The Applicant has the necessary knowledge and experience in renewable energy to develop the Proposed Development.

1.12 The Applicant fully supports the fight against climate change and the need for more energy security and proposes to develop South Kyle II Wind Farm in EAC and DGC. This would be a renewable energy solution which responds to the need to meet national and international climate change targets. The Proposed Development would provide infrastructure that both generates and stores electricity. As a consequence of the holistic energy generation and storage elements of the Proposed Development, the infrastructure, once operational, will be able to regulate output and provide clean power to people's homes when they need it most. As well as contributing to targets

for renewable energy, the Proposed Development would provide opportunities for community investment and create further employment opportunities in the local area as a result of the proposed community ownership.

Pre-Application Consultation

1.13 Under Sections 36 and 37 of the 1989 Act, the carrying out of pre-application consultation with the public is considered good practice and applicants are encouraged to have meaningful engagement at the earliest possible stage with any communities or groups who would be affected by the Proposed Development.

1.14 The Energy Consents Unit Good Practice Guidance for Applications under Section 36 and 37 of the 1989 Act sets out minimum expectations for public consultation. These minimum expectations have been met and include:

- Two rounds of in person public consultation in November 2022 and April 2024. The public events gave members of the public the opportunity to make comments to the applicant in relation to the Proposed Development.
- Engagement with the host Community Councils (Dalmellington Community Council and New Cumnock Community Council) and others in the vicinity of the Proposed Development and all community councils within 15 km of the Proposed Development, including Patna Community Council.
- The Application is accompanied by a Pre-application community consultation report which sets out the consultation undertaken, any commentary received on the Proposed Development and how this has been responded to by the Proposed Development.

2. THE SITE LOCATION AND THE PROPOSED DEVELOPMENT

2.1 This chapter summarises information which is contained in the EIA Report in respect of the location of the Site, the Site description, its selection and the evolution of the Proposed Development before setting out the key elements of the Proposed Development.

The Site and Surrounding Area

2.2 The location of the Site is shown in Figure 1. The Site is located southeast of the B741, south of Dalmellington and southwest of New Cumnock, largely in East Ayrshire. It covers an area of approximately 2,200 ha.

2.3 The Site is currently occupied by commercial forestry.

Environmental Designations

2.4 There are no national or internal designations within the Site.

2.5 The north western part of the Site is located in the Doon Valley Local Landscape Area. It is not proposed to locate any form of infrastructure in this location. The Site is located to the northeast of the Galloway Hills Regional Scenic Area. The closest National Scenic Area (NSA) to the Proposed Development is the Fleet Valley NSA which is nearly 45 km from the Proposed Development.

2.6 There are nationally designated sites within 5 km of the Site. These are as follows:

- Bogton Loch Site of Special Scientific Interest (SSSI), 1.3 km from the Site;
- Dalmellington Moss SSSI, 1.3 km from the Site;
- Ness Glen SSSI, 2.7 km from the Site; and
- Loch Doon SSSI, 3.1 km from the Site.

2.7 No other relevant statutory designated ecological/ornithological sites are located within 10 km of the Site. Craigengillan Garden and Design Landscape (GDL) is the only GDL located within 10 km of the Proposed Development.

2.8 There are no designated heritage assets within the Site.

2.9 There are no other designated landscapes with 5 km of the Site.

Cumulative

2.10 Table 5.3 and Figure 5.9 of the EIA Report shows all existing, consented and proposed wind farm developments within 45 km of the Site at the time of submission.

2.11 The potential for cumulative effects with these developments, and others where it is appropriate to do so, has been assessed throughout the EIA Report, as described in each of the technical chapters.

Site Selection

2.12 Chapter 2 of the EIA Report sets out the approach to site selection across Scotland and in respect of the Site in particular. The EIA Report advises that the Site has been selected for a number of reasons including the following:

- The Site has an excellent wind resource – both in terms of speed and flow;
- The Site is not within a national or regional designated landscape;

- The size of the Site in combination with the wind resource presents the opportunity to develop without the need for government support or subsidy, explore opportunities for co-located technologies, whilst providing a significant contribution towards climate change and renewable energy targets;
- The size of the Site allows for good opportunities to explore and provide extensive habitat management and enhancement;
- There are no key environmental constraints which will preclude development, or which cannot be avoided through careful design, such as the presence of priority peat;
- Existing land use is compatible with the development of a renewable energy scheme;
- The immediately surrounding landscape already hosts wind farm development including North Kyle and South Kyle;
- The Site can share access points and internal access roads for the delivery of Abnormal Indivisible Loads (AIL) with both North Kyle and South Kyle Wind Farms. Construction traffic will use the existing road network and enter the site via the B741;
- The Site has good internal access through existing tracks which are used for forestry and in part those of North and South Kyle Wind Farms. Where possible existing access tracks will be used for the Proposed Development and will be upgraded as required;
- The Site is at distance from main settlements, with the closest being the village of Dalmellington just over 3 kilometres (km) to the northwest of the closest turbine, and there is a limited number of individual properties nearby such that unacceptable noise and overbearing residential visual amenity impacts can be avoided; and
- There is a feasible local grid connection with a connection date of 2030.

The Proposed Development

Design Evolution

2.13 The way in which the design of the Proposed Development has evolved is set out in the EIA Report at Chapter 3. The design has evolved as information has become available for surveys and studies. It has included revisions as a result of the following:

- Wind resource and quality of wind flow to optimise generation outputs;
- Suitable separation distance from dwellings so that unacceptable impacts related to potential noise, shadow flicker and residential visual amenity can be avoided;
- Topography of the Site is compatible with the construction and operation of a commercial scale wind farm;
- Avoidance of watercourses and water bodies;
- Avoidance of areas of deep peat;
- Avoidance of ecologically sensitive habitats;
- Landscape and visual impacts; and
- Stakeholder feedback.

2.14 Chapter 2 of the EIA Report sets out the options that were considered and the evolution of the Proposed Development from 17 turbines ranging from 220m to 180m to tip, to the design for which consent is now sought.

Description of the Proposed Development

2.15 The Proposed Development infrastructure is described in detail in the EIA Report at Chapter 3. It is shown on Figure 2 of this document. It is summarised here for ease of reference.

2.16 The Proposed Development infrastructure includes the following:

- Up to 11 wind turbines, their foundations and external transformers;
- Crane hardstandings;
- Approximately 7.3 km of access tracks. The existing private access tracks, primarily used for commercial forestry, will be used and upgraded where required. Some of the existing North Kyle and South Kyle Wind Farm tracks will also be used for AIL access and upgraded where required;
- Onsite underground electrical cables and cable trenches;
- Control building and substation;
- Energy storage system designed to complement renewable energy generation with a capacity of up to 50 MW;
- Felling of approximately 210 ha of commercial forestry (allowing for infrastructure and advance felling);
- The use of an existing onsite borrow pit; and
- Temporary construction compound(s), laydown area(s) and car parking.

2.17 Consent is being sought for the installation and operation of 11 three-bladed, horizontal axis turbines with blade tip heights of 200m. Five turbines will be fitted with Air Navigation Order (ANO) visible red lighting (turbines 1, 4, 5, 9 and 10) and all turbines will be fitted with infra-red hub mounted obstruction lighting. This has been agreed with the Civil Aviation Authority (CAA).

2.18 It is assumed that the Proposed Development would take in the region of 18 months to construct from mobilisation and site establishment to site restoration and demobilisation.

Micro-siting

2.19 Although the layout of the Proposed Development has been the subject of detailed consideration in the design process to date, there remains the potential for the precise locations to be altered at the construction stage. A micro-siting allowance of up to 100m in all directions is being sought in respect of all turbines. Movement of infrastructure will be dependent on other onsite constraints and subject to advice from an Environmental Clerk of Works (ECoW). It is expected that this micro-siting allowance will be the subject of a planning condition. This allowance will ensure that the final position of the turbines and associated infrastructure are not varied to such a degree as to cause a notable change in the predicted environmental effects outlined in the EIA Report.

Access

2.20 The Proposed Development could be accessed via the A713 from 2 separate access points, but it is most likely that the northern access will be the sole access point into the Proposed Development

2.21 AIL would leave the A713 at the North Kyle Wind Farm entrance junction. This junction is located in East Ayrshire. This site entrance was designed to facilitate the

construction and operational requirements of the North Kyle Wind Farm and has therefore been upgraded to accommodate deliveries of large turbine components. After leaving the A713, the access to the Proposed Development is through existing wind farm tracks, coming out of the Pennyvenie former open cast coal mine entrance onto the B741 and then travelling eastwards to the northern entrance adjacent to New Cumnock sub-station. An alternative access is also shown using the existing South Kyle wind farm entrance but this is less likely to be utilised as it would mean AIL coming to the site through the settlement of Dalmellington, whereas the northern access would ensure no AIL come through Dalmellington.

2.22 Construction traffic will enter the Site using the adopted highway network and enter the site via the northern entrance off the B741.

Grid Connection

2.23 The Applicant has a grid connection contract which proposes a short overhead line connection to link the Proposed Development with the National Grid at New Cumnock substation. The method and exact route will be subject to a separate assessment undertaken by the network operator. It is anticipated that the connection will be subject to a separate application, prepared by the network operator, for consent under Section 37 of the 1989 Act.

2.24 The grid connection date is 2030 and so if consented the Proposed Development can contribute to the 2030 ambition for onshore wind generating capacity.

Lifetime of the Proposed Development

2.25 Consent is being sought for the Proposed Development with a lifetime of 40 years. After 40 years it is the intention that the infrastructure on the Site would be decommissioned.

2.26 It is expected that at the time of decommissioning a plan will be prepared and submitted for approval. It is expected that this Decommissioning Plan will be the requirement of a planning condition attached to any consent.

2.27 The Decommissioning Plan will be expected to adhere to the environmental regulations and technological standards in place at the time. The Decommissioning Plan will detail matters including safety and environmental protocols.

Socio-economic Benefits

2.28 The EIA Report sets out the socio-economic benefits which are associated with the Proposed Development. The information is contained in Chapter 14 and is summarised in the following text.

Employment

2.29 It is expected that the Proposed Development will generate employment. It is predicted in Chapter 14 of the EIA Report that the Proposed Development will, in the run up to and during construction generate up to:

- 138 years of employment in East Ayrshire; and
- 467 years of employment in Scotland.

2.30 During each year of the operational phase, it is estimated that the Proposed Development could generate up to:

- 6 jobs in East Ayrshire; and
- 8 jobs in Scotland.

2.31 The nature of the types of jobs associated with construction and operation are set out in Chapter 3 of the EIA Report. The opportunities include those associated with the physical works on the Site, the mitigation and the knock-on effects such as those associated with accommodation.

Economic Impact

2.32 It is expected that the Proposed Development will generate value into the economy. It is predicted in Chapter 14 of the EIA Report that the Proposed Development could, in the run up to and during construction generate up to:

- £9.5 million GVA in East Ayrshire; and
- £29.6 million GVA in Scotland.

2.33 During each year of the operational phase, it is estimated that the Proposed Development could generate up to:

- £0.7 million GVA East Ayrshire; and
- £1.6 million GVA in Scotland.

2.34 It is expected that the Proposed Development would contribute commercial rates to the local economy. It is estimated that these would be £1.1 million which would help to support local government services.

Community Benefit

2.35 The EIA Report advises that the Applicant is committed to making community benefit payments. The Applicant has committed to offering £5,000 per MW of usable capacity per year in community investment for the local area. The community investment fund from the Proposed Development could be up to £462,000 annually based on 92.4 MWs, or £18.5 million during the 40-year operational lifetime of the Proposed Development. The Community Investment Fund will be distributed to support projects across the communities living in proximity of the Proposed Development.

2.36 Chapter 14 of the EIA Report advises that the money invested through the Community Investment Fund will, in turn, contribute to local economic activity. It is estimated that the Community Investment Fund could support up to 6 jobs across East Ayrshire annually.

2.37 The EIA Report Chapter 14 advises that as part of the Proposed Development the Applicant would provide funding for improvements to outdoor access through the community benefit fund associated with the Proposed Development, should the consent be granted.

2.38 A Skills and Employment Plan has been submitted as part of the Application.

Mitigation

2.39 The Proposed Development includes mitigation. This is set out in the EIA Report in so far as it is relevant to the technical specialism of each specialist topic chapter. Chapter 15 of the EIA Report summarise all of the mitigation which forms part of the Proposed Development.

2.40 Where required, mitigation would be secured by planning conditions. Mitigation measures are separate to good practice measures and embedded design measures

which are also detailed in the technical chapters. Key elements of mitigation, expected to be secured by planning permission include the following:

- A Construction Environnemental Management Plan (CEMP);
- A Pollution Prevention Plan;
- Compensatory Woodland Planting;
- Waste Management Plan;
- Noise Management Plan;
- Emergency Environmental Response Procedure;
- Dust Management Plan;
- Construction Traffic Management Plan (CTMP);
- A Species Protection Plan (SPP); and
- Employment of an ECoW;

2.41 The provision of aviation lighting is a legal requirement under Article 222 of the ANO 2016 unless the CAA dictate otherwise. An Aviation Lighting Plan has been agreed with the CAA.

2.42 Mitigation for the impact upon the radar infrastructure at Glasgow Prestwick Airport is under discussion with Glasgow Prestwick Airport.

2.43 Mitigation for the impact upon the Lowther Hill radar has been agreed with NATS. It is assumed that this mitigation will be the subject of a condition should consent be forth coming.

Enhancement

2.44 The Proposed Development would be the subject of biodiversity enhancement. An outline Biodiversity Enhancement and Restoration Plan (oBERP) (EIA report Technical Appendix 6.3) has been prepared. The oBERP provides a framework for the good practice, avoidance, mitigation, compensation, restoration and enhancement measures adopted for the Site with respect to biodiversity. The oBERP aims to provide appropriate precautionary mitigation measures to address the Proposed Development's predicted effects and provide appropriate enhancement measures taking account of the Site's environmental characteristics and potential for enhancement.

2.45 The oBERP includes measures for habitat enhancements and ecological monitoring. The oBERP includes management prescriptions and monitoring of the retained/enhanced habitats to achieve biodiversity benefits.

2.46 The oBERP aims to improve the overall biodiversity value and condition of the Site by providing meaningful enhancement measures to improve habitat connectivity across the Site. It has been informed by baseline surveys (i.e. ecological, ornithological, peat and hydrology surveys) undertaken to inform the EIA process.

2.47 It is expected that a condition will be used to secure the preparation of a final BERP prior to the commencement of the Proposed Development in discussion with NatureScot, EAC and SEPA. The BERP will enable the conservation, restoration and enhancement of biodiversity within the site in a manner which would not be possible without direct intervention.

2.48 The proposed compensation and enhancement measures have been designed to provide maximum ecological benefit. The proposed enhancement, contained in the oBERP includes:

- Bog habitat restoration;
- Broadleaved woodland protection enhancement and creation;
- Control of invasive species;
- Operational bat monitoring;
- Removal of tree/scrub regeneration as considered appropriate to reduce bat collisions (including micro-sited locations); and
- Management prescriptions and monitoring of the retained/enhanced habitats to achieve biodiversity benefits.

Cabon Saving

2.49 The carbon balance of the Proposed Development is set out in the EIA Report in Appendix 8.4. The net emissions of CO_2 associated with the Proposed Development are calculated by deducting the total CO_2 gains as a result of the Proposed Development from the total CO_2 emissions associated with the manufacturing of the required infrastructure, the construction of the Proposed Development which includes the and impact on peat.

2.50 The wind farm CO_2 emissions savings of the Proposed Development over other types of generation (i.e. coal-fired, grid-mix, fossil fuel-mix) is calculated by multiplying the energy output of the Proposed Development by the emissions factor of the other type of generation. The results of the assessment are summarised in Table 2.1.

Table 2.1 Windfarm CO_2 Emission Saving Over Other Types of Energy Generation

Comparison	Expected Carbon Reduction
Coal fired electricity generation ($tCO2yr^{-1}$)	230,291
Grid mix of electricity generation ($tCO2yr^{-1}$)	37,648
Fossil fuel mix of electricity generation ($tCO2yr^{-1}$)	96,211

2.51 This approach only takes into consideration the energy output of the Proposed Development and does not take into account any of the carbon losses or gains that result from manufacture of infrastructure and the construction and impacts of the Proposed Development. The calculation that takes all parameters into account is the carbon payback time and it is this value that provides an indication of the carbon balance of the Proposed Development.

2.52 The carbon payback time for the Proposed Development is calculated by comparing the net loss of CO_2 from the site due to wind farm development with the carbon savings achieved by the wind farm while displacing electricity generated from coal-fired generation, grid-mix generation or fossil-fuel mix electricity generation.

2.53 The results from the carbon calculator demonstrate that the Proposed Development would have effectively paid back its expected carbon debt from manufacture, construction, impact on habitat and decommissioning within 2.2 years, if it replaced the fossil fuel-mix electricity generation method. Based on the minimum and maximum scenarios however, the analysis shows that the payback time for fossil fuel-mix generation ranges between 1.2 to 4.4 years respectively.

2.54 It is concluded that the net impact of the Proposed Development will be positive overall. Over the 40 year lifetime of the Proposed Development it is expected to

generate over 37 years' worth of clean energy if it is assumed that it replaces a fossil fuel-mix electricity generation and nearly 33 years' worth of clean energy even if it replaces cleaner grid-mix electricity generation. Over the expected 37 years that the wind farm is likely to be generating carbon-free electricity, this could result in expected savings of over 3,559,807 tonnes of CO_2 emissions when replacing fossil fuel-mix electricity generation.

3. STATUTORY FRAMEWORK

3.1 The following text sets out the statutory framework with respect to the 1989 Act and the EIA Regulations and the Proposed Development.

The Electricity Act 1989

3.2 The Applicant is a licensed electricity generator in terms of the Electricity Act 1989. As a consequence of this, the Applicant is obliged when formulating relevant proposals to have regard to the duties imposed upon it by Schedule 9(3)(1)(a). In formulating proposals the Applicant shall have "*regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features or special interest in protecting sites, buildings and objects of architectural, historic or archaeological interest.*" In terms of sub-paragraph (b), the Applicant is under a duty to do what it reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects. In addition, Schedule 9 also imposes a duty to avoid, so far as possible, causing injuries to fisheries or to the stock of fish in waters.

3.3 The Applicant has fulfilled all these duties by undertaking the project formulation as reported in the EIA Report accompanying the Application. The EIA process encompasses consideration of all the matters set out in Schedule 9(3)(1)(a) and 9(3)(3). Indeed, the EIA process has a broader topic range than that contained in the sub-paragraphs. Furthermore, where significant effects are found as part of the EIA process, appropriate mitigation is proposed. The EIA Report accompanying the application sets out in detail how the Applicant has approached the design of the scheme and how very careful consideration has been given throughout that process to the matters that are listed in sub-paragraphs (1)(a) and (3). In the circumstances, the Applicant has fulfilled the statutory requirements of Schedule 9.

3.4 In addition, Schedule 9 also imposes duties upon the Scottish Ministers when determining Section 36 applications. They are obliged to have regard to the desirability of the matters mentioned in paragraph (a) of sub-paragraph (1) and must also have regard to the extent to which the Applicant has complied with their duties to mitigate any effects on those resources. Again, the Scottish Ministers can be satisfied that the EIA process has been undertaken appropriately and addresses these matters comprehensively.

3.5 In terms of determinations under Section 36, there are no specific statutory presumptions that apply. As identified above, there are considerations which have to be taken into account and dealt with both in terms of Schedule 9 and under the EIA Regulations. In that context, Section 36 decision making incorporates consideration of a wide policy framework which will include elements of National Energy Policy, National Planning Policy and Guidance. The Development Plan does not enjoy primacy in consideration of a Section 36 application as it would for a planning application. The Development Plan is a relevant consideration in the decision-making process and weight may be given to it by the decision-makers as they consider appropriate.

3.6 The EIA Report demonstrates the Applicant's compliance with the requirements both set out in Schedule 9 and in terms of the EIA Regulations.

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017

3.7 The Proposed Development does not fall within the definition of Schedule 1 development included in the EIA Regulations.

3.8 The Proposed Development does fall within Schedule 2 of the EIA Regulations. An EIA Scoping Opinion was requested by the Applicant in February 2022, in accordance with Regulation 12 of the EIA Regulations. Having consulted the relevant consultees, the Scottish Government's Energy Consents Unit (ECU) provided a Scoping Opinion (ECU00003429) in June 2022.

3.9 The EIA Regulations impose duties upon the Scottish Ministers in the context of their decision making. The Ministers have to assess whether the information that has been provided is adequate and if necessary, request further information. In terms of decision making, Regulation 21 sets out an extensive list of matters which the Scottish Ministers have to undertake during the decision making process. The list includes reference to the obligations of the Scottish Ministers in terms of Regulation 4 to examine the information (Regulation 4(1)(c)) and also to reach a reasoned conclusion on the significant effects of the Proposed Development on the environment (Regulation 4(1)(d)).

Summary

3.10 The EIA Report demonstrates the Applicant's compliance with the requirements both set out in Schedule 9 of the 1989 Act and also in terms of the EIA Regulations.

4. RENEWABLE ENERGY FRAMEWORK

4.1 The Proposed Development is the subject of an application under Section 36 of the 1989 Act, therefore, it must be recognised that it is progressed in an environment where the need for renewable energy is becoming increasingly important in addressing important global issues associated with climate change and energy supply. The framework of international agreements, legally binding targets and renewable energy policy is the foundation upon which national (UK and Scottish) energy policy is based.

4.2 The context set out in this PRES is a relevant consideration in the determination of the Application. It is a consideration which should attract significant weight in the decision-making balance. This framework is well known and the most recent and pertinent matters are summarised in this chapter of the PRES.

The Climate Emergency

4.3 In May 2019, the Scottish Government declared a climate emergency. At the same time, in Westminster, the Environment Secretary acknowledged a climate change emergency. Details of the climate emergency are set out in Appendix 1.

Renewable Energy Policy and Legislation

4.4 The UK and Scottish Governments have developed a suite of comprehensive policies which are supportive of renewable energy including onshore wind. The following documents are considered to be the most relevant to the consideration of the Application:

- The Scottish Energy Strategy 2017;
- The UK Government Energy White Paper 'Powering our Net Zero Future' (December 2020);
- Scottish Energy Strategy Position Statement (March 2021);
- UK Government Net Zero Strategy (October 2021);
- The Scottish Onshore Wind Energy Policy Statement 2022;
- The Energy Act 2023;
- The UK Battery Strategy 2023;
- The Draft Energy Strategy and Just Transition Plan 2023 (DES&JTP);
- The Scottish Government Programme for Government 2024-25;
- Green Industrial Strategy (September 2024); and
- The UK Government Clean Power 2030 Action Plan.

4.5 The key parts of these documents are considered in Appendix 1.

The UK Policy and Legislation

4.6 Since coming to power in July 2024 the new UK government have been clear on their aspiration for renewable energy. The Labour Party Manifesto used during the recent election was clear that the Labour Party has *"a national mission for clean power by 2030"* and it explicitly states that this is achievable *"and should be prioritised*". The Manifesto was clear that the Labour Party saw the clean energy transition as having real potential to generate economic growth and tackle the cost-of-living crisis. This objective is set out as Labour's "second mission" for the UK.

4.7 The Energy Secretary, Edward Miliband, has announced a number of Task Forces, including an Onshore Wind Task Force, in order to accelerate the delivery of clean

power to help the UK reach its 2050 targets. The UK Government in the last few months have announced a number of consents for solar farms and energy transmission connections. It proposed a Green Prosperity Plan, including the establishment of GB Energy (GBE), a National Wealth Fund and the upgrade of homes for energy efficiency.

UK Government Clean Power 2030 Action Plan (2024)

4.8 In December 2024 the UK government published the UK Government Clean Power 2030 Action Plan which sets out a detailed plan for achieving the target of clean power by 2030. The plan sets out bold measures to get more homegrown clean power to people. These measures include: cleaning up the grid system by prioritising the most important projects and ending the 'first-come-first served' system; speeding up decisions on planning permission by empowering planners to prioritise critical energy infrastructure in England; and expanding the renewable auction process to stop delays and get more projects connected.

4.9 The foreword states that *"This plan will provide the foundation for the UK to build an energy system that can bring down bills for households and businesses for good. And it is also about creating the sort of country that we know people want to see - reindustrialising our heartlands with good jobs and tackling the climate crisis."*

4.10 It goes on to state:

"Ultimately, we need to move fast and build things to deliver the once-in-a-generation upgrade of our energy infrastructure Britain needs. In our first five months, we've already lifted the onshore wind ban, established Great British Energy, consented almost 2 GW of solar, delivered a record-breaking renewables auction, and kickstarted our carbon capture and hydrogen industries. This is the speed at which we will continue to work.

As the Prime Minister has made clear, clean power is an urgent priority for our country. The clean power sprint is the national security, economic security, and climate justice fight of our time - and this plan gives us the tools we need to win this fight for the British people."

4.11 There is also a clear that there is commitment to speeding up the deployment of large-scale renewable energy developments, including onshore wind. The document states: *"In Scotland, work is underway to secure the pipeline of future planners and increase skills and capacity within planning authorities. We are working closely with the Scottish Government on reform to deliver a streamlined and efficient legislative framework for electricity infrastructure consenting."*

Scottish Policy

4.12 Tackling climate change is a devolved matter and therefore the Scottish Government has a responsibility to set policy to ensure compliance with targets set at EU and UK level. The Scottish Government are responsible for their climate change and planning policy. The following text sets out the current Scottish policy relevant to the consideration of the Application for the Proposed Development.

4.13 In December 2017, the Scottish Government published The Scottish Energy Strategy 'The Future of Energy in Scotland'. At the time, this policy document along with one relating specifically to onshore wind farms, represented the Scottish Government's intended energy and climate change strategy for the period to 2050. In 2021 the Scottish Government published the Scotland Energy Strategy Position Statement

and in January 2023 the Scottish Government published the Scottish Energy Strategy and Just Transition Plan. Further information in respect of these documents is contained in Appendix 1.

Summary

4.14 The international, UK and Scottish contexts set a framework of ambitious targets associated with climate change including those for renewable energy and Net Zero emissions. If these targets are to be met, and the economy is to decarbonise, then the need for generation of renewable energy is critical, without renewable energy it will not be possible to achieve the targets.

4.15 Scotland offers the potential for renewable energy opportunities which can be home grown and provide economic benefits which can help to ensure that the Scottish economy becomes more resilient and less reliant on traditional carbon-based fuels. Renewable energy developments, such as the Proposed Development, has the ability to play a leading role in this.

4.16 The Proposed Development offers an opportunity to contribute valuable renewable energy management which is assisting Scotland in addressing the climate change emergency in a relatively short timeframe, and in a key decade for Scotland to address climate change.

Renewable Energy Targets

4.17 This section of the PRES, and Appendix 1, outline the renewable energy targets set in law for both the UK and Scottish Governments, and sets out the progress towards the targets in Scotland.

4.18 The UK and Scottish Governments have set very clear and ambitious legally binding targets for renewable energy and GHG emissions. These targets, and progress against these targets, are important relevant considerations in the decision-making process for the Application.

4.19 The Proposed Development could make an important contribution to renewable energy targets, in particular it could assist in meeting targets by 2030.

UK and Scottish Renewable Energy Targets

4.20 As this is a project in Scotland it will contribute to the Scottish targets first and foremost, however it will also contribute to the UK targets and so those are also considered to be relevant.

UK Energy Targets

4.21 The recently elected labour Government has been very clear on its ambition for homegrown clean energy projects to boost the UK's energy security. One of the five national missions of the labour party is *"to make Britain a clean energy superpower with zero carbon electricity by 2030, and accelerating our journey to net zero".*

4.22 An early move by the new government has been to increase funding for the energy auction (the Contracts for Difference) process and in September 2024 this delivered support for a wide variety of renewable energy projects.

4.23 The Government have set up a task force, a mission control and a number of working groups looking to deliver green energy across the UK.

4.24 The Climate Change Act 2008 (the 2008 Act) became law on 26th November 2008. Scotland is a partner in delivering the UK emissions reduction target set out in the 2008 Act.

4.25 The 2008 Act was amended in 2019 by the Climate Change Act 2008 (2050 Target Amendment) Order 2019 to include revised targets. These included a reduction in GHGs of at least 100% from 1990 levels by 2050. The key aims were not altered.

Scottish Energy Targets

4.26 The Climate Change (Scotland) Act 2009 set a target to reduce Scotland's emissions of all GHG to net-zero by 2045 at the latest.

4.27 The target of net-zero emissions by 2045, five years ahead of the UK, is, the Scottish Government state, firmly based on what the independent CCC advice is the limit of what can currently be achieved. Progress towards the targets is measured against 1990 levels of carbon dioxide, methane and nitrous oxide and 1995 levels of hydrofluorocarbons, perfluorocarbons, sulphur hexafluoride and nitrogen trifluoride.

4.28 The Climate Change (Emissions Reduction Targets) Scotland Act 2024 amended the 2009 Act, to remove annual emission reduction targets, and introduced limits on the amount of greenhouse gases emitted in Scotland over five-year budget periods. The approach, which is based on recommendations from the independent CCC, aims to provide a reliable framework for GHG emissions reduction.

4.29 The legislation requires carbon budgets to be set through secondary legislation based on the expert advice from the CCC. These budgets are not yet set. The Climate Change (Emissions Reduction Targets) Scotland Act 2024 also altered the deadline to finalise the next Climate Change Plan for Scotland so the Climate Change Plan can align with the process for setting the new carbon budgets.

Progress Towards Scottish Renewable Energy Targets

4.30 The electricity sector has been a focus for change in climate change policy and the Scottish Government had a long-standing target to generate the equivalent of 100% of gross energy consumption in Scotland from renewable sources by 2020. This is a target that was not achieved.

4.31 The SES contained a target for 50% energy from renewable sources by 2030 which it advised may require in the region of 17 GW of installed renewables capacity by 2030 (SES page 34). This is considered to be a less ambitious target than more recent targets, the most up to date of which is contained in the OWPS. The OWPS target of 20GW of onshore wind by 2030 is considered to be the most relevant policy target for the Proposed Development.

4.32 Figures released in the Energy Statistics for Scotland (March 2025) show that as of the end of 2024, there is 17.6 GW of renewable electricity capacity in Scotland. It shows that as of the same time there was an estimated 37.5 GW of renewable electricity generation projects in the planning pipeline. NB these figures include all forms of renewable energy.

4.33 Figure 4.1 is an extract from the Energy Statistics for Scotland Q4 2024 figures which clearly shows the position in respect of different generating technologies.

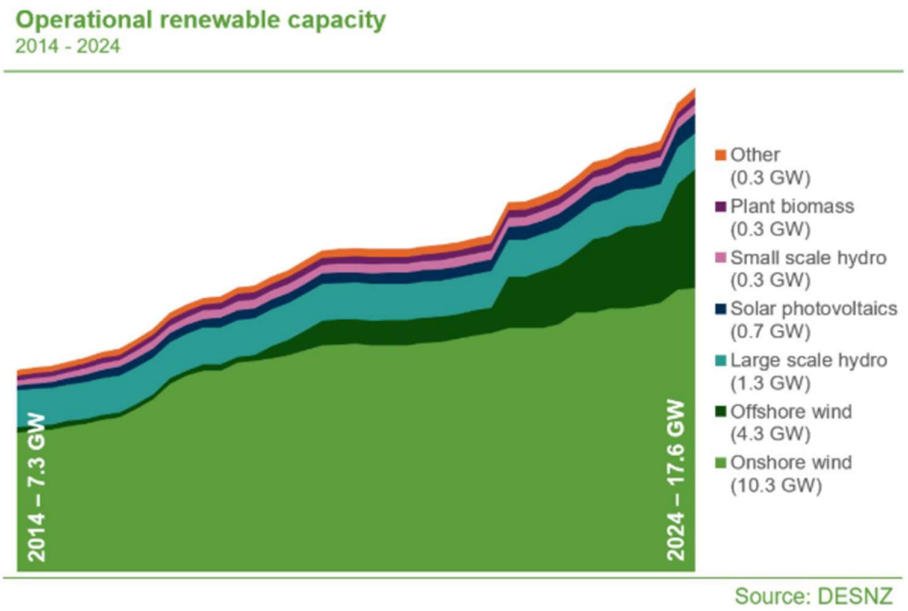

Figure 4.1: Latest Operational Renewable Capacity

Source: energy statistics for Scotland – Q4 2024 – www.gov.scot

Progress Towards Onshore Wind Targets

4.34 The OWPS sets a target of a minimum installed capacity of 20 GW of onshore wind in Scotland by 2030. At that time it advised that Scotland had 8.7 GW of installed onshore wind capacity. Figure 4.1 shows that this figure has increased to 10.3 GW by the end of 2024. This is an increase of 1.6 GW in two years.

4.35 Based on the progress in the last two years Scotland will not meet its ambition of 20 MW operation capacity from onshore wind by 2030. 1.6 GW in 18 Months is not quick enough. The challenge of moving from the current situation to 20 GW of installed capacity for onshore wind in less than six years is clear.

4.36 The OWPS advised that in 2022 there was some 5.53 GW of potential capacity which is in planning or consenting and 1.17 GW under construction. The most recent energy statics advise that these figures are now 1.4 GW under construction, 5.4 GW awaiting construction and 8.1 GW in the planning pipeline.

4.37 It must be remembered that not all of the schemes in 8.1 GW of potential capacity will be consented and not all of the projects consented will be constructed for a variety of reasons including the fact that some projects are no longer viable and not all will have grid connection dates before 2030 to name but a few reasons. The figure in this category has remained relatively static between the end of 2022 and the end of 2024.

Proposed Development Contribution to Targets and National Policy Objectives

4.38 The proposed turbines would have a combined rated output of around 92.4 MW. A battery energy storage system would also be installed with a capacity of up to 50 MW. The prospective electricity generation from the proposed wind turbines equates to the annual power consumed by up to approximately 80,167 average Scottish

households. The Proposed Development would provide a flexible balance of fully renewable electricity to meet the demands of the National Grid.

4.39 The proposed turbines which would be installed at the Proposed Development seek to optimise the energy return by implementing infrastructure with a higher rated energy capacity. Such equipment can only achieve their predicted energy capacity by accommodating a larger rotor (swept area) and, consequently, higher turbine heights. However, the optimisation of the turbines has only been possible through a thorough assessment of the Proposed Development on the environmental impacts and constraints.

4.40 In the case of Lethans Extension Wind Farm (ECU reference 00002221) the Scottish Minster's decision letter stated that: *"The Scottish Ministers are satisfied that the proposed Development will provide a contribution to renewable energy targets and carbon savings in support of the ambitions of the SES and OWPS".* Lethans is a development with an installed capacity of approximately 60 MW.

4.41 In the case of Hollandmey Renewable Energy Development (ECU Reference 00003353) the Scottish Minsters advised "*that the proposed Development would provide a positive contribution towards meeting Scottish Government targets".* Hollandmey Renewable Energy Development has an anticipated generating capacity of 65 MW.

4.42 The Proposed Development would contribute over 30 MW or 50% more generating capacity than Lethans Extension Wind Farm or Hollandmey Renewable Energy Development to the energy targets. The contribution of the Proposed Development to renewable energy targets should be seen as positive in the decision making process.

5. PLANNING POLICY AND GUIDANCE

5.1 This chapter of the PRES sets out details of the relevant planning policy when considering the application for the Proposed Development. It first considers the Development Plan and then other relevant Scottish Planning Guidance. This chapter does not provide an assessment against the policies, rather it identifies the policy, which the Proposed Development is then assessed against in Chapter 6.

5.2 The Development Plan comprises the NPF4 and the Local Development Plan. Where the Local Development Plan has been adopted following the adoption and publication of NPF4, as is the case in this situation, the legislation (the 1997 Act section 24(3)) is clear that in the event of any incompatibility between a provision of NPF4 and a provision of the Local Development Plan the provision of Local Development Plan is to prevail.

National Planning Framework 4

5.3 NPF4 was laid before the Scottish Parliament on the 08 November 2022 for approval. NPF4 received final approval from the Scottish Parliament on the 11 January 2023 and was adopted by the Scottish Ministers on the 13 February 2023.

5.4 In the context of the Proposed Development, which is subject to an application submitted under Section 36 of the Electricity Act 1989, the Development Plan does not have primacy. That said, the weight to be attached to NPF4 as a material consideration is considered to be substantial given its recent approval by the Scottish Parliament, its detailed focus on renewables and other relevant topics, and given its very recent adoption and status as national planning policy.

5.5 NPF4 contains a strong and clear spatial strategy, it is clear on the weight that should be given to addressing the climate emergency and nature crisis when assessing applications. In the case of Clashindarroch (ECU reference 00002002) the first inquiry into the prosed development was held prior to the addition of NPF4. Following the inquiry the Reporter recommended that the proposed development be refused consent on landscape and visual grounds. The Inquiry was reopened following the adoption of NPF4 and the Reporter revised her recommendation and recommended that consent be granted for the proposed development. In their decision the Scottish Minsters found that although the proposed development would have a significant landscape and visual effect that development was acceptable. The decision letter states:

"the proposed Development will have significant adverse landscape and visual effects (including some on views from houses and on visitors to Tap o' Noth), however the Scottish Ministers find that these negative impacts on the natural environment are acceptable in the context of the net economic benefits and significant renewable energy benefits, in support of climate change mitigation, that would arise if the proposed Development were deployed."

5.6 This is clear evidence of the revised balance which is to be struck between the benefits and impacts of renewable energy as a result of NPF4.

5.7 NPF4 removes the Spatial Framework for Onshore Wind Farms (Spatial Framework) and replaces it with a strategic spatial strategy which clearly supports onshore wind electricity generation and associated grid infrastructure throughout Scotland. Policy 11 is clear that wind farms in NSAs and National Parks will not be supported. Outwith these areas, NPF4 states that proposals for all forms of renewable energy, including

onshore wind farms "will be supported". Applications will instead only be required to be considered against detailed policy factors.

NPF4 Part 1: A National Spatial Strategy for Scotland

5.8 Part 1 of NPF4 sets out the national spatial strategy and regional spatial priorities for different parts of Scotland. There are six spatial principles identified which will influence all plans and decisions, comprising:

- Just transition;
- Conserving and recycling assets;
- Local living;
- Compact urban growth;
- Rebalanced development; and
- Rural revitalisation.

5.9 Application of these spatial principles will support the planning and 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.

5.10 The commentary on 'Sustainable Places' is the most relevant section of NPF4 Part 1 to this application. The commentary on page 6 notes the legislative basis for Scotland's net-zero greenhouse gas emissions target by 2045 and notes that *"we must make significant progress towards this by 2030"*.

5.11 On page 7 it goes on to note that *"every decision on our future development must contribute to make Scotland a more sustainable place"*. There is encouragement for the expansion of renewable energy generation as well as a statement that *"to respond to the global biodiversity crisis, nature recovery must be at the heart of future places"*.

5.12 Six national developments are identified on page 7 which will help deliver sustainable places, one of which includes 'Strategic Renewable Electricity Generation and Transmission Infrastructure' which *"supports electricity generation and associated grid infrastructure throughout Scotland, providing employment opportunities for community benefit, helping to reduce emissions and improve security of supply"*.

5.13 Annex A (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".*

5.14 It adds that:

"Their designation means that the principle of the 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.".

5.15 Annex B sets out the Statements of Need for all 18 National Developments. It explains that these are significant developments of national importance that will help to deliver the Spatial Strategy. It states on 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.".

5.16 Page 103 of NPF4 describes National Development 3, Strategic Renewable Electricity Generation and Transmission Infrastructure, stating:

"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.".

5.17 The location for this National Development 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.".

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

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

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

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

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

5.19 The Proposed Development exceeds the 50 MW threshold set for a National Development and would therefore have National Development status as per these provisions of NPF4.

5.20 While not every National Development will be granted permission, the fact that the Proposed Development falls within this category is an important starting point in any policy assessment. NPF4 clearly recognises the need for these developments which

are considered to be of such a scale that they are “fundamental” to the achievement of Scotland’s net zero emissions targets. When this National Development status is combined with the requirement for decision makers to give “significant weight” to the renewable energy benefits of a scheme, a compelling case for granting consent emerges.

5.21 Page 8 of NPF4 sets out 'Cross-cutting Outcome and Policy Links' with regard to reducing GHG 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."

5.22 It then goes on to note that the nature crisis and the global climate emergency underpin the spatial strategy as a whole within the ‘Improving Biodiversity’ outcome and policy link.

5.23 These policy links clarify how NPF4 will help achieve the stated Outcomes through reference to relevant policies and summary commentary on each. The most relevant policies to the Proposed Development are discussed later in this statement.

5.24 Commentary on the National Spatial Strategy in Part 1 of NPF4 is supported by commentary on five Regional Spatial Priorities, each of which will contribute in their own different ways to achievement of the National Spatial Strategy. The Proposed Development is located within the ‘South Regional Area’, shown indicatively in the map on page 35 of NPF4. The introductory text notes that *“This area is ambitious for positive change in the coming years, and the immediate work to recover from the pandemic will form the basis of a longer term plan to respond to the challenges of climate change and support nature restoration and recovery”.* Further detail on this is contained in Annex c which states that the area *“The South of Scotland is an important centre for renewable energy generation. Proposals for consolidating and extending existing wind farms and associated grid improvements and supply chain opportunities will require a carefully planned approach.”*

5.25 National Development 3 ‘Strategic Renewable Energy Generation and Transmission Infrastructure’ is identified as one of 18 National Developments that will support delivery of the spatial strategy for the South Region.

NPF4 Part 2: National Planning Policy

5.26 Part 2 of NPF4 sets out 33 national planning policies, under the headings of:

- Sustainable Places;
- Liveable Places; and
- Productive Places.

5.27 Most of the policies of relevance to the Proposed Development are set out under the Sustainable Places heading, which considers tackling the climate and nature crises. For each policy, NPF4 provides commentary on Policy Intent and Policy Outcomes and then discusses implications of the policy for Local Development Plans. Following the policy wording, NPF4 then sets out statements on Policy Impact and cross references to other Key Policy Connections.

5.28 In terms of ‘Sustainable Places’, relevant policies for the Proposed Development include the following:

- Policy 1: Tackling the Climate and Nature Crisis;
- Policy 3: Biodiversity;
- Policy 4: Natural Places;
- Policy 5: Soils;
- Policy 6: Forestry Woodland and Trees
- Policy 7: Historic Assets and Places;
- Policy 11: Energy; and
- Policy 22: Flood Risk and Water Management.

5.29 These policies are considered in more detail in the following text. The assessment of the Proposed Development against each policy is contained in Chapter 7 of this PRES.

Policy 11 – Energy

5.30 Policy 11 is the most relevant to the Proposed Development and is considered to be the lead policy for the consideration of the Application. 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."

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

5.32 The intent and desired outcome of the policy is expressly clear – the expansion of renewable energy, through encouragement, promotion and facilitation which the Proposed Development, as a nationally important development, would help further.

5.33 The following text sets out the elements of the policy which need to be considered in the context of the Proposed Development.

Location

5.34 The first part of Policy 11 states (inter alia):

"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;

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

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

Socio Economic Benefit

5.35 NPF4 Policy 11c) details that *"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".*

National and international Designations

5.36 NPF4 Policy 11d) advises that development proposals that impact on international or national designations will be assessed in relation to Policy 4.

Impacts to be Addressed

5.37 Policy 11(e) requires that a proposed development, through its design and mitigation, demonstrates how a number of impacts are addressed by the development. These matters are as follows:

"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".

5.38 The way in which the Proposed Development responds to these matters is set out in Chapter 6 of this PRES.

5.39 Policy 11, part e) also incorporates a paragraph which is important in considering the acceptability of renewable energy proposals. At the end of part e) there is the following statement, *"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."*

Policy 1 – Tackling the Climate and Nature Crises

5.40 Policy 1 states significant weight will be given to the global climate and nature crises. The intention of the policy is to *"encourage, promote and facilitate development that addresses the global climate emergency and nature crises"*. The Policy Outcomes are *"Zero carbon, nature positive places".*

5.41 This policy applies to all forms of development and not just renewable energy proposals. The reference to the need to give 'significant weight' to the global climate and nature crises in this overarching policy aligns with Policy 11 and shows the seriousness with which Ministers are treating these issues. In the Explanatory Report accompanying NPF4, and in response to comments from consultees, it is noted in

the table on page 73 that Policy 1 *"gives significant weight to the global climate crisis in order to ensure that it is recognised as a priority in all plans and decisions"*.

Policy 3 – Biodiversity

5.42 The Policy Intent of Policy 3 is *"to protect biodiversity, reverse biodiversity loss, deliver positive benefits from development and strengthen nature networks".* The Policy Outcomes is stated as *"Biodiversity is enhanced and better connected including through strengthened nature networks and nature-based solutions".*

5.43 The policy sets out a range of criteria that vary depending upon the scale and type of development proposed. Part (a) applies to all scales of development and states that proposals will contribute to the enhancement of biodiversity including, inter alia, restoring degraded habitats and building and strengthening nature networks and the connections between them.

5.44 Part (b) relates to national or major development or for development that requires an Environmental Impact Assessment. This part of Policy 3 states that proposals will only be supported where they will conserve, restore and enhance biodiversity *"so that they are in a demonstrably better state than without intervention"*. Part (b) continues and sets five criteria that proposals will be expected to be met by development proposals at a certain scale including national developments and those developments that require an EIA. One of these criteria is that significant biodiversity enhancements are provided, in addition to any proposed mitigation.

5.45 Policy 3 does not provide any guidance on how 'significant enhancements' will be considered in the decision making process. The letter from the Chief Planner issued on 08 February 2023 refers to the application of policy where specific supporting guidance for assessment is not available. The document states:

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

5.46 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."*

5.47 In early 2024 NatureScot consulted on 'a Biodiversity Metric for Scotland's Planning System'. The document set out work that NatureScot was commissioned by the Scottish Government to develop a biodiversity metric for Scotland's planning system, to support delivery of NPF4 policy 3(b).

5.48 The consultation did not suggest solutions or provide conclusions on specific aspects of the Scottish biodiversity metric which is to be developed. While work on developing a Scottish biodiversity metric is ongoing, at the time of writing there is no set guidance for Scotland.

5.49 In online advice dated 20 September 2024 NatureScot advise that

- *"Development proposals should clearly set out the type and scale of enhancement they will deliver, ensuring that applications clearly distinguish between those elements mitigating or compensating for adverse effects and those delivering enhancement.*
- *Developers should prioritise on-site enhancement before off-site delivery. Where purely on-site enhancement is not possible, the Scottish Government draft guidance sets out further considerations for off-site delivery.*
- *It is also important that applications demonstrate that the enhancement is to be secured within a reasonable timescale and with reasonable certainty, including appropriate management and monitoring arrangements, and sustained for the future (preferably in perpetuity) in order to deliver a lasting legacy.*
- *Information on predicted losses, and the proposed mitigation, compensation and enhancement should be clearly set out, and also concisely summarised, in any application, so that this can be easily understood by decision makers.*
- *Enhancement requires consideration of all biodiversity (including birds and other protected species), not just the significant effects that are the focus of EIA."*

Policy 4 – Natural Places

5.50 This policy sets the basis for assessing applications that affect European natural heritage designations such as SPAs as well as proposals affecting National Parks and NSAs and also local level natural heritage and landscape designations. The Policy Intent is to *"protect, restore and enhance natural assets making best use of nature-based solutions"*.

5.51 There are two Policy Outcomes, including (i) *"Natural Places are protected and restored"* and (ii) *"Natural assets are managed in a sustainable way that maintains and grows their essential benefits and services"*.

5.52 Part a) of Policy 4 advises that development proposals which would have an unacceptable impact on the natural environment will not be supported. Part b) refers to European designated sites. Part c) relates to development affecting national designations.

5.53 Part d) advises that development proposals that affect a site designated as a local nature conservation site or landscape area, such as a LLA, will only be supported where certain circumstances are addressed.

Part f) of Policy 4 is relevant to species protected by legislation. It requires that the relevant legislation requirements are satisfied. Policy 5 – Soils

5.54 The Intent of Policy 5 is to *"protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development". The Policy Outcomes include "valued soils are protected and restored".*

5.55 Part (c)(ii) of the policy notes that proposals for the generation of energy from renewable sources are one of the identified land uses potentially permitted on areas of peatland, carbon-rich soils and priority peatland.

5.56 Part (d) of this policy notes the requirements for a detailed site-specific assessment to help understand the presence of peat and carbon-rich soils on site and to enable the likely effects of a development proposal on these resources. It continues that this

should inform careful project design and that impacts should first be avoided and then minimised through best practice.

Policy 6 - Forestry, Woodland and Trees

5.57 This policy seeks to protect and expand forests, woodland and trees.

5.58 Part b) of the policy provides a set of criteria which would result in a development not being supported. These include the loss of ancient woodland and trees, adverse impact on native woodland and hedgerows which have a high biodiversity value, fragmentation of woodland habitats and conflict with restocking directions.

Policy 7 – Historic Assets and Places

5.59 This policy seeks to protect and enhance historic environment assets and places and to enable positive change as a catalyst for the regeneration of places.

Policy 22 – Flood Risk and Water Management

5.60 The policy seeks to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.

Summary

5.61 The policy direction contained with NPF4 is clear in its unambiguous support for the expansion of renewable energy of all forms. We are in a global climate emergency and NPF4 leaves us in no uncertainty that significant weight should be applied to National Developments that will contribute to alleviating it.

5.62 Specifically, Policy 11 of NPF4 supports renewable energy development. It is clear that the Scottish Government expects that the potential of a development to contribute to meeting emissions targets should be afforded significant weight in the decision-making process. The scale of the generation associated with the proposed wind turbines, at around 92 MW would be a valuable and meaningful contribution to Scotland's renewable energy and greenhouse gas targets.

The Local Development Plan

5.63 The Proposed Development is largely located within the administrative area of EAC. The Local Development Plan for the Proposed Development comprises the East Ayrshire Local Development Plan 2 (EALDP). A portion of the access track, which is to be upgraded, would be located within DGC. The Local Development Plan for DGC comprises the Dumfries and Galloway Local Development Plan 2 (DGLDP).

East Ayrshire Local Development Plan 2 2024

5.64 EAC adopted the EALDP in April 2024. The EALDP contains general development policies for the whole of the EAC area. The policy contained in the EALDP, in respect of renewable energy, is considered to be relevant to the consideration of the Application.

5.65 The Site is largely located in an area which is not specifically designated in the EALDP. An area in the northwest of the Site is located within a Local Landscape Area.

5.66 The key EALDP policy for the Proposed Development is Policy RE1 – Renewable Energy Developments, which states that:

"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.

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

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

To maximise renewable energy generation, proposals to re-power or extend existing renewable energy developments will be supported, where they are acceptable when assessed against the Renewable Energy Assessment Criteria table.

All applications for renewable energy proposals should be accompanied by detailed supporting information to allow a detailed assessment to be made against the criteria, both in terms of the impacts of the development itself and the cumulative impacts when considered alongside other developments.

Energy and Electric Vehicle Charging Supplementary Guidance supports the policy, explaining in greater detail the criteria that will be used to assess renewable energy proposals."

5.67 The Renewable Energy Assessment Criteria is set out in a table which is replicated as Table 5-1.

Table 5-1 Renewable Energy Assessment Criteria

Climate change impacts
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/or 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 sites 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 impacts:
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 impacts:
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: • Cumulative impacts. • Grid capacity should not constrain renewable energy development
Proposals for renewable energy must consider decommissioning and restoration proposals as part of their applications. The need for planning conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration will be considered, as will the need for planning obligations to achieve site restoration.

5.68 The matters which are raised in Policy RE1 and the Renewable Energy Assessment Criteria are consistent with NPF 4 Policy 11 and are considered in Table 5-2 of this PRES.

5.69 The remaining policies of the EALDP which are also considered potentially relevant to the Proposed Development are set out in Table 6-1.

Table 5-2 East Ayrshire Local Development Plan 2024 Policy Summary

Policy	Policy summary
Policy SS1: Climate Change	Is clear that in considering all development proposals EAC will give significant weight to the Global Climate Emergency.
Policy HE1: Listed Buildings	Seeks to protect Listed Buildings from development which is not sensitive to the Listed Building and its setting.
Policy HE2: Conservation Areas	Seeks to protect Conservation Areas from development which is not sensitive to the Conservation Area and its setting.
Policy HE3: Scheduled Monuments, Historic battlefields and other Archaeological and	Seeks to protect Scheduled Monuments from development which would have an adverse effect on it, or its setting, unless there are exceptional circumstances. Seeks to protect other archaeological features from development which is not sensitive to the asset and its setting.

Historic Environment Assets	
Policy HE4: Gardens and Designed Landscapes	Seeks to protect Gardens and Designed Landscapes from significant adverse effects as a result of development.
Policy NE1: Protecting and Enhancing Landscape Features	Seeks to protect and enhance East Ayrshires landscape. Sets out requirements of EAC in respect of the consideration of landscape as part of development proposals.
Policy NE2: Development Impacts on Areas of Wild Land	Requires the preparation of wild land impact assessments for proposed development located within and which would impact on the Merrick Wild Land Area. Noted that effects of development outwith wild land areas will not be a significant consideration
Policy NE3: Local Landscape Area	Sets out the requirements for applications for proposed developments within defined Local Landscape Areas.
Policy NE4: Nature Crisis	Seeks to protect biodiversity and ensure requires that applications which are the subject of an EIA demonstrate how the proposal will conserve, restore and enhance biodiversity.
Policy NE5: Protection of Areas of Nature Conservation Interest	Contains a presumption against development which would adversely affect areas which are internationally and nationally designated for nature conservation. Applies the approach of the precautionary principle to impacts of a proposed development on internationally and nationally designated natural resources. Contains requirements in respect of locally nature conservation designed areas.
Policy NE6: Vulnerable, Threatened and Protected Species	Seeks to protect protected species from unacceptable adverse impacts as a result of proposed development.
Policy NE8: Trees, Woodland, Forestry and Hedgerows	Contains a presumption against the loss of certain forms of woodland. Contains a requirement for compensatory planting. Seeks to protect indigenous species and control the spread of invasive species.
Policy NE11: Soils	Identifies the important role of carbon rich soils and priority peatlands. Supports the restoration of peatland habitats. Contains a presumption against disturbance and/or removal of Class 1, 2 and 5 peatland, deep peat and other carbon rich soils unless it is essential for a number of specified uses including the generation of energy from renewable sources.
Policy NE12: Water, air, light and noise pollution	Provides priority to the maintenance and improvement of all water body quality, in line with the Water Framework Directive (2000/60/EC). Contains a presumption against development that would have an adverse impact on the water environment. Seeks to protect the environment from noise, air and light pollution.

Policy MIN7: Borrow pits	Provides information on where the use of borrow pits will be considered acceptable. It is clear that they must be within the planning application boundary for the main development.
Policy CR1: Flood Risk Management	Is clear that EAC will take a precautionary approach to flood risk from all sources. Provides a set of matters to be addressed in respect of all proposed development.
Policy CR2: Emissions	Requires a whole life assessment of greenhouse gas emissions for all EIA development.
Policy CR3: Carbon Sequestration	Sets out requirements for developments which include carbon sequestration.

Energy and Electric Vehicle Charging Supplementary Guidance

5.70 The EALDP Energy and EV charging Supplementary Guidance (EEVSG) was published in August 2024. The EEVSG is a statutory document, which forms part of EALDP2. The Guidance sets out in detail EAC's approach to renewable energy developments and electric vehicle charging infrastructure, and provides further information on the criteria against which associated developments will be assessed, underpinning Policy RE1, Policy RE2, Policy RE3 and Policy T5 of the EALDP.

5.71 The EEVSG sets out the national and local policy context for climate change and makes reference to the Scottish Government Documents which set national policy for renewable energy generation, including onshore wind farms.

5.72 The EEVSG sets out further information in respect of the criteria that are set out in the Renewable Energy Assessment Criteria. It advises on the general scope and requirements of the assessments which are required to accompany an application for renewable energy development.

Dumfries and Galloway Local Development Plan

5.73 DGC adopted the DGLDP in October 2019. The DGLDP contains general development policies for the whole of the DGC area.

5.74 The DGLDP vision includes a statement that, in 20 years' time, there will be a viable rural economy and community characterised by, amongst other things, a range of renewable energy developments. Developing this theme, the economic strategy of the DGLDP highlights the importance of the renewable energy sector and its contribution to the economy and a low carbon place. Additionally, the energy strategy of the DGLDP acknowledges that planning policy is a key tool to help deliver climate change action. Clearly, renewable energy development proposals that conform to policies within the DGLDP would therefore contribute to the realisation of the vision and strategy of the DGLDP.

5.75 The proposed upgraded access track is not located within any area specifically allocated in the DGLDP.

5.76 The DGLDP does not contain any specific policy in respect of upgrades to access tracks. The key policy for the consideration of the access track, which forms part of the Application, is Policy IN1: Renewable Energy, which states that DGC will support development proposals for all renewable energy generation and storage which are

located, sited and designed appropriately. It provides that the acceptability of proposals will be assessed against a set of criteria.

5.77 Policy IN1 further states that *"acceptability will be determined through an assessment of the details of the proposal including its benefits and the extent to which its environmental and cumulative impacts can be satisfactorily addressed."*

5.78 Policy IN2 relates to wind farms but as there are no turbines located within DGC this policy is not considered further. In any event the matters which it refers to in the consideration of applications for wind farms are covered in NPF4.

Scottish Government Planning Guidance

5.79 The Scottish Government provides advice and guidance for planning applications which has relevance to renewable energy development. This guidance is for planning applications and covers many of the issues that have been identified in the context of renewable energy policy, the Local Development Plan and NPF4 and is, therefore, not set out in this PRES.

Historic Environment Scotland Policy Statement

5.80 The Historic Environment Scotland Policy Statement (HESPS) contains Scottish Ministers' policies and provides direction for Historic Environment Scotland and related policy frameworks. HESPS is a policy statement directing decision-making that affects the historic environment. It is non-statutory, which means that it is not required to be followed as a matter of law or statute. It is relevant to a wide range of decision-making at national and local levels. It is a relevant consideration for planning proposals that might affect the historic environment.

5.81 HESPS sets out a number of policies and core principles which set out Historic Environment Scotland's understanding of how the historic environment should be managed and how to apply these principles. The principles contained in the document are the fundamental ideas that underpin desirable and positive outcomes for the historic environment. The principles are the basis for the policies outlined in the document and the policies describe how the principles should be implemented.

6. ASSESSMENT

6.1 The decision-making framework is clear that the decision maker in the case of the Application should have regard to a number of matters. These are, in no particular order, as follows:

- Climate change and renewable energy policy;
- Contribution to renewable energy targets;
- Spatial policy for wind farm development; and
- Environmental criteria.

6.2 Chapter 4 of this PRES has set out the relevant climate change and renewable energy policy and the weight that should be attached to such matters in the decision-making process. That is not repeated here other than to note that significant weight should be attached to such policy in the decision-making process.

6.3 The contribution of the Proposed Development to renewable energy targets has been considered in Chapter 4 of this PRES. It is noted that significant weight should be attached to the renewable energy targets and the contribution of the Proposed Development to such targets. The conclusions of Chapter 4 are not repeated here.

6.4 Chapter 5 of the PRES provides details of planning policy framework. As noted in Chapter 5 of this PRES there are a number of criteria which require to be considered in respect of wind farm applications. The response to each of these criteria is set out in this chapter of the PRES.

6.5 This section provides an assessment of the Proposed Development against the relevant policy. It follows the policies of NPF4, in the first instance, rather than the EALDP and DGLDP as the matters which are raised in the Renewable Energy Assessment Criteria are largely the same as those in the national policy contained in NPF4.

Policy 11 Energy

Location

6.6 The Proposed Development includes wind turbines which have a generating capacity of 92.4 MW, which once developed will add to the renewable energy capacity of Scotland. The Proposed Development is a National Development, as defined in NPF4, which is considered to be acceptable in principle. The Proposed Development is not in a National Park or NSA. It is therefore concluded, given the Spatial Strategies and Policy emphasis within NPF4, that there is support in principle for the Proposed Development.

Net Economic Impact

6.7 The way in which net economic benefit is it be assessed is not defined. In the recent decision in respect of Ourack Wind Farm (ECU Reference 00001999) the Scottish Minsters state in their decision letter, starting at paragraph 75

"In the proposed 35 years operational lifetime of the proposed Development the Company estimates that the annual economic impact associated with operation and maintenance of the proposed Development (including the direct impact and the impact of staff spending) would be £563,107.00 Gross Value Added ("GVA") and 8 jobs annually in Highland, and £1,065,430.00 GVA and 16 jobs in Scotland.

Whilst the overall net economic benefits are estimations, the Scottish Ministers are satisfied the proposed Development has the potential for significant positive net economic benefits for the local community, the Highlands and Scotland."

6.8 The Applicant has a strong track record of, and is committed to, continuing engagement with the local community regarding community benefit and shared ownership as the Proposed Development progresses.

6.9 The existing South Kyle Community Benefit Fund, administered by Foundation Scotland in partnership with 4 organisation which are in the area of benefit, operates on a four year cycle. It has a number of flagship change projects which to date are as follows:

- £65,000 to purchase Dunaskin Bowling Club to ensure its retention as a community asset;
- £40,000 to develop the play park in Patna giving an important facility for local children;
- £9,000 for All Ability Cycling facility in Dalmellington;
- £120,000 to purchase the Kirk O' the Covenant Church to transform it into a museum and observatory providing a tourism destination and community venue; and
- £954,000 to support plans for the development of the Castle Hotel and Trotters Building in New Cumnock to create a sustainable asset for the community.

6.10 The Proposed Development will contribute to socio-economic development both through the construction of the project providing opportunities and the contribution to supporting the generation and use of renewable energy. During the construction phase, up to £9.5 million GVA and 138 years of employment in East Ayrshire and £29.6 million GVA and 467 years of employment in Scotland are estimated. During each year of the operational phase, it is estimated that the Proposed Development could generate up to £0.7 million GVA and 6 jobs in East Ayrshire and £1.6 million GVA and 18 jobs in Scotland. These operational benefits are not dissimilar to Ourack Wind Farm and thy should be considered in a similar way as that of the Scottish Minsters in that case.

6.11 If the Proposed Development is consented it is proposed that a Community Benefit Fund will be established with the express intention of delivering local benefits.

6.12 The Proposed Development will maximise net economic impact as required by part c) of NPF policy 11.

Environmental Matters to be Addressed

6.13 Table 6-1 considers the matters which are relevant considerations for all renewable energy development which are contained in Policy 11(e) of NPF4 and provides information on how the design and mitigation has addressed the potential impacts of the Proposed Development.

6.14 In order to avoid repetition later in the PRES, Table 6-1 provides the conclusions in respect of the level of impact in respect of the various matters to address policies of the EALDP and the DGLDP. Table 6.1 demonstrates that the matters referred in Schedule 9 of the 1989 Act have been considered by the Applicant.

6.15 The contents of Table 6-1 draw on the EIA Report submitted as part of the Application.

Table 6-1 Environmental Matters to be Addressed and Application Responses

Matter	Response
Impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker.	**Residential Visual Amenity** A residential visual amenity assessment (RVAA) has been included for those properties within 3 km of the proposed wind turbines. The findings are reported in Technical Appendix 5.3 of the EIA Report. The RVAA concluded that there would be no instances where the residential visual amenity threshold would be reached. This is due largely to embedded mitigation within the Proposed Development which has ensured that no property is within 1.25 km of the nearest turbine and combinations of partial screening, and use / orientation of the relevant property. **Settlements** Chapter 5 of the EIA Report advises that there would be significant visual effects on some views from the northern edge of Dalmellington on Gateside Road and intermittently along the B741 and from the southern edge of Burnton. The Proposed Development would be visible from both areas viewing obliquely east in the general direction of Pennyvenie Bing. No other settlements within the study area would be significantly affected as a result of the Proposed Development. **Noise** The noise impacts of the Proposed Development have been assessed and the findings are presented in Chapter 10 of the EIA Report. It is concluded that the predicted noise levels indicate that for dwellings neighbouring the Proposed Development the operational noise impact is not significant after the Site Specific Noise Limits are adopted, subject to the adoption (depending on turbine model selected) of mitigation measures in the form of low noise mode operation. **Shadow Flicker** Chapter 13 of the EIA Report advises the results of the shadow flicker assessment indicate that across affected receptors, the worst-case modelled impact is between 18.0 and 59.4 hours per year. The model output is based on a number of highly conservative assumptions e.g. the assumption that receptors have windows directly facing the wind farm, that the direction of the wind is aligned with the line between the receptor and the sun at all times, and that there is no screening from vegetation, buildings etc. which would mitigate the effect. In this worst case model scenario, three of the four receptors identified would experience shadow flicker above the maximum guideline limits of 30 minutes/day and 30 hours/year. However, when considering the real-case assessment, which adjusts the duration of the total potential flicker events by the likelihood that direct sunshine occurs in a region based on weather data, no receptors breach the limits for shadow flicker. **Private Water Supplies (PWS)** PWS are considered in Chapter 8 of the EIA Report. Monitoring is proposed of PWS and it is expected that this would be the subject of a Planning Condition should consent be forthcoming. Chapter 8 of the EIA Report concludes that following the successful design and implementation of mitigation measures the significance of construction and operational effects on PWS are as assessed as not significant.
Significant landscape and visual impacts, recognising that such impacts	Chapter 3 of the EIA Report sets out the mitigation which has been employed in order to ensure that the landscape and visual impacts of

Matter	Response
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.	the Proposed Development have been reduced as far as reasonably practicable. Chapter 5 of the EIA Report provides the conclusions of the landscape and visual effects associated with the Proposed Development. Chapter 5, of the EIA Report, concludes that there would be significant effects on three landscape character units, within 2-5 km of the proposed turbines, including the host Landscape Character Type (LCT) which is the Southern Uplands with Forest Landscape Character Area (LCA), and the Foothills with Forest & Opencast Mining LCA and part of the Upland River Valley: Doon Valley LCA between Bogton Loch and Waterside. There would be a significant effect on two of the 24 assumed Special Landscape Qualities that contribute to the Doon Valley LLA. Both relate to views from the wider estate of Craigengillan GDL (the western and northern parts of the wider estate which are accessed by recreational routes and include views from Bogton Loch, Beberth and Auchenroy Hill) and the perceived setting of Dalmellington viewed from the north and west. However, the main house, stables, and gardens would not be significantly affected. It is concluded overall that there would be no significant effects on the integrity of the Doon Valley LLA and its overarching 'summary statement of character and qualities'. It is concluded that these are the sort of landscape impacts that are to be expected from wind farm developments. The EIA Repot includes a night-time assessment of the Proposed Development. This is contained in Technical Appendix 5.5 of the EIA Report. It is concluded that as a result of the Lighting Strategy, which is mitigation to reduce the impacts of the required aviation lighting, there would be no significant night-time effects on the landscape or visual resource as a result of the proposed aviation warning lights. There is no guidance on what is considered to be localised in the context of Policy 11 e) ii) of NPF4. It is clear from decisions of the Scottish Minsters that a variety of matters require to be considered including topography, the scale of the landscape, the scale of the development and the land form. It is concluded that in the case of the Proposed Development the landscape and visual effects although significant are localised and have been the subject of appropriate design mitigation. It is concluded that they are acceptable.
Public access, including impact on long distance walking and cycling routes and scenic routes.	The EIA Report Chapter 13 advises that there are no core paths within or that directly dissect the Site. It also advises that there are also no Rights of Way that will be directly impacted by the Proposed Development. There will be no direct impacts on long distance walking or cycling routes. Members of the public have the right to roam land in Scotland under the Land Reform (Scotland) Act 2003 however it is expected that there will be restricted access during the construction phase of the Proposed Development for Health & Safety purposes.

Matter	Response
	Chapter 5 of the EIA Report advises that there would be significant visual effects on the views from parts of three Core Paths. These are as follows: ○ Core Path D13 – Dalcairnie / Auchenroy Hill circuit where significant visual effects would be experienced for 4 km of the route on the elevated slopes and summit of Auchenroy Hill; ○ Core Path D16 – Bellsbank to Barbeth and Little Shalloch where significant visual effects would be experienced for 1.5 km of the route as it approaches and passes Little Shalloch and a further, approximately 1 km near Berbeth Farm; and ○ Core Path D18 – Carmlarg Plantation and associated Rights of Way where there would be significant visual effects for 0.5 km of the route in open areas at the northern extent of the route. Chapter 5 of the EIA Report advises that there would be significant visual effects on the views from parts of Rights of Way: These are as follows: ○ The Right of Way between Lethanhill and Benwhat former mining villages, between Patna and Burnton, where 1..5 km would be significantly effected in visual terms; and ○ There are two Rights of Way which, although they do not formally join up, both provide access via forest rides / tracks to an area of former mineral workings off the B741 near Nith Lodge. 2 km of these routes is expected to be significantly effected in visual terms. As part of the Proposed Development the Applicant would provide funding for improvements to outdoor access through the community benefit fund associated with the Proposed Development, should the consent be granted. The Proposed Development would have significantly visual effects from parts of Dalmellington and Burnton settlements, part of Craigengillan GDL, part of the A713 Galloway Tourist Route, the B741, three Core Paths and three Rights of Way within a localised area mainly to the north and west of the Site.
Impacts on aviation and defence interests including seismological recording.	The Proposed Development is not located in an area which is sensitive for seismology testing purposes. The potential for the Proposed Development to effect aviation interests is considered in the EIA Report at Chapter 13. Mitigation is identified in respect of aviation lighting, the radar infrastructure at Glasgow Prestwick Airport and Lowther Hill Radar. The mitigation has been agreed in respect of Lowther Hill and is under discussion in respect of Glasgow Prestwick Airport. Subject to this mitigation it is concluded that the Proposed Development would not impact on aviation safeguarding or radar infrastructure. It is expected that the mitigation required for radar and lighting would be the subject of conditions should consent be forthcoming for the Proposed Development.

Matter	Response
Impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised.	Telecommunications and broadcasting network operators were consulted during the EIA scoping process. The EIA Report advises as follows: o Openreach responded to confirm that the Proposed Development should not cause interference to BT's current and presently planned radio network. o The Joint Radio Company Limited responded indicating that links would not be affected. It is acknowledged that the turbine layout changed between Scoping and this Application. The EIA Report advises that these telecoms assets are not located within the Site and therefore it is expected that these stakeholders will remain unaffected. The EIA Report advises that Proposed Development does not directly affect microwave fixed links and the potential effect on microwave fixed links is not significant. Pre-construction checks would be undertaken to ensure this still remains the case prior to construction.
Impacts on road traffic and on adjacent trunk roads, including during construction.	Chapter 11 of the EIA Report provides an assessment of the impact of the Proposed Development on the traffic and the transportation network within the area surrounding the Site. Primary mitigation has been proposed which includes the use of onsite borrow pits to source the majority of aggregates which are required for construction, the use of onsite batching which results in avoidance of the B741 and A96 by the majority of construction traffic. Secondary mitigation is also proposed in the Detailed CTMP, an outline of which is provided in Appendix 11.2 of the EIA Report. A detailed assessment of the predicted volume of vehicular traffic during the construction phase of the Proposed Development has been undertaken. Several likely significant effects were identified in the worst-case scenario and mitigation measures have been proposed. Mitigation should ensure that the realistic worst-case scenario is implemented for which no likely significant effects were identified.
Impacts on historic environment.	The impact of the Proposed Development on the historic environment is considered in the EIA Report at Chapter 9. It is concluded that the Proposed Development would have no direct impact on any known cultural heritage sites. Chapter 9 of the EIA Report advises that there is some potential for the survival of hitherto unrecorded sub-surface cultural heritage remains within the Site. East Ayrshire Council may, therefore, require a programme of archaeological works to establish the presence or absence of archaeological remains within those areas of the Site that will be subject to ground disturbance. If required, this would be the subject of a condition. No significant effects on the settings of designated cultural heritage assets, including Craigengillen GDL are identified.

Matter	Response
Effects on hydrology, the water environment and flood risk.	**Hydrology** Chapter 8 of the EIA Report advises that assessments have been carried out of the likely impacts of the Proposed Development on the hydrological, hydrogeological and geological environment. The assessments have considered site preparation, construction and operation of the Proposed Development. Mitigation and good practice measures which have been incorporated into the design for the Proposed Development include a site-specific CEMP and detailed design of infrastructure. The proposed mitigation will be implemented to protect the groundwater and surface water resources from pollution and minimise changes to the hydrological environment. It concludes that the effects, on hydrology and the water environment, will be not significant in EIA terms. **Flood Risk** The potential effects on the hydrological, geological and hydrogeological environment, reported in Chapter 8 of the EIA Report have considered a number of matters including flood risk. It is concluded that, with the implementation of mitigation the flood risk of the Proposed Development is not significant in EIA terms.
Biodiversity including impacts on birds.	**Ecology** Chapter 6 of the EIA Report considers the impact of the Proposed Development on ecology. It is concluded that, following the implementation of embedded mitigation, the Proposed Development would not have any significant effects on any Important Ecological Features. It is concluded that there would be a minor negative, but not significant, effect on common pipistrelle, soprano pipistrelle, noctule, Leisler's and Nyctalus bats. **Ornithology** Chapter 7 of the EIA Report advises that an assessment has been made of the predicted significance of effects of the Proposed Development on ornithological interests. This assessment has predicted no significant effects on all ornithological features, including goshawk, the only Important Ornithological Feature identified in the EIA. Following further assessment of cumulative effects on goshawk, no significant effects are predicted. Following survey and assessment, no significant effects are anticipated on ornithological features. It is expected that additional controls will be put in place during construction through the creation of a site-specific CEMP, SPP and appointing an ECoW to monitor adherence to such plans.
Impacts on trees, woods and forests.	Chapter 12 of the EIA Report considers the potential implications of the Proposed Development on the woodland resource within the Site. The woodlands are commercial forestry forming part of the National Forest Estate and managed by Forest and Land Scotland. The Chapter advises that there would be approximately 210 ha of felling associated with the Proposed Development.

Matter	Response
	The net loss of woodland would be 79 ha. It is proposed that this would be compensated for in accordance with the Scottish Government's Control of Woodland Removal Policy. It is expected that the way in which such compensatory planting would come forwards would be the subject of a planning condition should consent be forthcoming.
Proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration.	It is assumed that the decommissioning of the Proposed Development will be undertaken in accordance with a Decommissioning Plan. It is expected that the Decommissioning Plan would be the subject of a condition attached to any consent.
The quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans.	It is assumed that any consent would have a condition attached to it which would require the provision of a bond or similar agreement to ensure that the Decommissioning Plan can be effectively implemented.
Cumulative impacts.	**Landscape and Visual** Chapter 5 of the EIA Report advises that there would be a number of significant landscape and visual effects as a result of the Proposed Development. There would be a significant landscape effect on the Southern Uplands with Forestry LCT. There would be a significant impact on a number of LCAs. The landscape impact on the Doon Valley LLA would be increased to significant in the case of cumulative scenario 2. There would be cumulative visual impacts on the settlements of Dalmellington and Burnton, as in the case of the Proposed Development and in addition include New Cumnock, Bankglen, Connel Park and Leggate. There would be cumulative impacts on a number of the assessed transport and recreational routes. These are largely consistent with those which would experience a significant effect as a result of the Proposed Development on its own but also include two additional core paths and the Loch Doon Road. There would be a cumulative visual impact on the Craiengillan GDL and Loch Doon Caravan Park but no other tourist/visitor attractions. There are predicted to be significant impacts as a result of cumulative development on two hill walking summits: Cairnsmore of Carsphairn and Blackcraig Hill. **Ecology** Chapter 6 of the EIA Report advises that no significant cumulative effects are predicted in respect of ecology generally and bats in particular. **Ornithology** Chapter 7 of the EIA Report advises that no significant cumulative effects are predicted in respect of ornithology generally and goshawk in particular. **Hydrology** Chapter 8 of the EIA Report advises that no significant cumulative effects are predicted in respect of hydrology.

Matter	Response
	Cultural heritage Chapter 9 of the EIA Report advises that the assessment shows that the Proposed Development would have no likely significant impact on cultural heritage. **Traffic and Transport** Chapter 11 of the EIA Report concludes that several likely significant effects were identified in the cumulative realistic worst-case scenario. The mitigation measures in the form of the CTMP will reduce the residual effect to not significant in all cases. **Noise** Chapter 10 of the EIA Report advises that the predicted cumulative wind farm operational noise level is below the Total ETSU-R-97 Noise Limited at all Noise Assessment Locations and there would be no significant effects as a result of the Proposed Development. **Shadow flicker** When assessing cumulative shadow flicker affects from neighbouring wind farms, Chapter 13 of the EIA Report found that there was no increase in effect at any of the receptors considered in the analysis. **Aviation** Chapter 13 of the EIA Report advises that no cumulative impacts with existing wind farms are anticipated as a result of the Proposed Development.

Contribution to Targets

6.16 The key to the final element of Policy 11 e) is that contributions to renewable energy targets are related to the scale of a proposed development. In the context of the proposed wind turbines is for 92.4 MW. That capacity will assist in supporting targets to achieve a reduction in greenhouse gas emissions. This is a matter to which significant weight must be attached in the decision-making process.

Summary

6.17 It is concluded that the location of the Proposed Development is supported by Policy 11 of NPF4. The Proposed Development seeks to maximise net economic benefit, and the relevant matters have been considered in respect of design and mitigation. Significant weight should be placed on the potential capacity of the Proposed Development as set out in part e) of Policy 11 of NPF4.

Policy 1 Tackling the Climate and Nature Crises

6.18 This policy applies to all forms of development and not just renewable energy proposals and must be read as an overarching policy which in itself goes further than Policy 11. In the context of this policy, it is important to recognise that the benefits of the Proposed Development go beyond just renewable energy generation. In the context of biodiversity this includes a range of proposals which are set out in the context of Policy 3.

6.19 The proposed wind turbines will result in the generation of renewable energy, with a capacity of circa 92.4 MW. That capacity will assist in supporting targets to achieve a reduction in greenhouse gas emissions.

Policy 3 Biodiversity

6.20 The proposal is for a development which is a National Development, as set out by NPF4. Therefore Policy 3(b) is relevant. The requirements of Policy 3(b) are discussed in Table 6.2.

Table 6.2 responses to Policy 3(b) of NPF4

Policy ref	Policy wording	Commentary
3(b)(i)	The proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats.	Chapters 6 and 7 of the EIA Report set out the survey work which has been undertaken to ensure that the existing characteristics of the Site and its local and regional context are properly understood.
3(b)(ii)	Wherever feasible, nature-based solutions have been integrated and made best use of.	The oBERP sets out the nature based solutions which would be used in the form of mitigation and enhancement.
3(b)(iii)	An assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements.	The EIA Report describes how the mitigation hierarchy has informed the design of the site. Chapter 2 sets out the way in which avoidance has been at the heart of the design process. Chapter 2 also demonstrates that were possible impacts have been minimised through the design process. The technical chapters 6 and 7, describe the way in which the impacts have been mitigated and the enhancement which would be undertaken.
3(b)(iv)	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.	The EIA Report chapters 6 and 7 set out the approach to mitigation and the outline BERP identifies enhancement measures. It is expected that the required mitigation and enhancement would be the subject of a planning condition should consent be forthcoming, thus securing the measures with reasonable certainty.
3(b)(v)	Local community benefits of the biodiversity and/or nature networks have been considered.	The Proposed Development has focused on the delivery of biodiversity enhancements. During the consultation events there were no requests made for specific biodiversity enhancement. The biodiversity enhancement that are proposed would benefit the local community through the improvement of the local environment.

6.21 It is clear that the Proposed Development offers a real opportunity to deliver biodiversity enhancements to the area local to the Site. It is concluded that the Proposed Development is in accordance with Policy 3 of NPF4.

Policy 4 Natural Places

6.22 The Proposed Development would not have a significant effect on an existing or proposed SAC or SPA. The potential for impact on such designations are considered in Chapters 6 and 7 of the EIA Report.

6.23 The potential for impacts as a result of the Proposed Development on a National Park, National Scenic Area, SSSI or National Nature Reserve is considered in the EIA Report at chapters 5, 6, 7 and 8. No significant effects on national landscape and ecological designations are predicted in the EIA Report.

6.24 The potential for a significant impact on sites designated for local nature conservation and landscape reasons is considered in Chapters 5, 6, 7 and 8 of the EIA Report. The EIA Report concludes that there would be no significant effects on local nature conservation sites. The EIA Report advises that the Proposed Development would result in a significant effect on two of the 24 (assumed) SLQs that contribute to the Doon Valley LLA. It is concluded that the Proposed Development would not significantly affect the integrity of the Doon Valley LLA and its overarching 'summary statement of character and qualities'. It is therefore considered that part i) of Policy 4 d) is addressed and there is no requirement to considered part ii) of the same.

6.25 The EIA Report does not find that any species protected by legislation would not be protected.

6.26 A Wild Land Impact Assessment has been undertaken to consider the effect of the Proposed Development on the Merrick Wild Land Area (WLA). It is provided as Technical Appendix 5.4 of the EIA Report. The Merrick WLA concludes that Proposed Development would not significantly affect the Merrick WLA or its wild land qualities and there would be no significant effects resulting from the proposed aviation warning lights.

6.27 It is concluded that the Proposed Development is in accordance with Policy 4 of NPF4.

Policy 5 Soils

6.28 The EIA Report Chapter 2 advises that the presence of peat was one of a number of environmental constraints that influenced the final design of the Proposed Development. Areas of deep peat were avoided, through the infrastructure design, where possible to do so. No turbines are located in areas of Class 1 peat soil.

6.29 The Proposed Development would not be on prime agricultural land.

6.30 The Proposed Development is for renewable energy which is considered to be an appropriate development on peatland and carbon rich soils. .

6.31 Detailed information has been included in the EIA Report, including a Peat Management Plan and a Peat Slide Risk Assessment. It is clear that the Proposed Development will have a positive impact on climate emissions and the loss of carbon. As stated in Chapter 2 of this PRES the results from the carbon calculator demonstrate that over the 40 year lifetime of the Proposed Development it is expected to generate over 37 years' worth of clean energy if it is assumed that it replaces a fossil fuel-mix electricity generation and nearly 33 years' worth of clean energy even if it replaces cleaner grid-mix electricity generation. Over the expected 37 years that the wind farm is likely to be generating carbon-free electricity, this could

result in expected savings of over 3,559,807 tonnes of CO_2 emissions when replacing fossil fuel-mix electricity generation.

6.32 It is concluded that the Proposed Development is in accordance with Policy 5 of NPF4.

Policy 6 Forestry Woodland and Trees

6.33 The EIA Report Chapter 12 considers the potential implications of the Proposed Development on the woodland resource within the Site. The Proposed Development would not result in the loss of ancient woodland, ancient or veteran trees.

6.34 There would be a net loss of woodland as a result of the Proposed Development. This would be compensated for in accordance with the Scottish Government's Control of Woodland Removal Policy. It is expected that the way in which such compensatory planting would come forwards would be the subject of a planning condition should consent be forthcoming.

6.35 It is concluded that the Proposed Development is in accordance with Policy 6 of NPF4.

Policy 7 Historic Assets and Places

6.36 The EIA Report Chapter 9 contains an assessment of the impacts of the Proposed Development on historic assets. This assessment is based on an understanding of the cultural significance of the historic assets which have been identified in the relevant study areas and the Site.

6.37 The Proposed Development would not result in any direct effects on designated historic assets. The Proposed Development would not result in any significant effects for any scheduled monuments, or their settings.

6.38 If required a planning condition would be used to secure archaeological monitoring during the construction of the Proposed Development to ensure that any unregistered historic assets are appropriately recorded.

6.39 It is concluded that the Proposed Development is in accordance with Policy 7 of NPF4.

Policy 22 Flood Risk and Water Management

6.40 Chapter 8, of the EIA Report advises that the Proposed Development is not within a flood risk area. The Proposed Development will use Sustainable Drainage Systems to attenuate rates of water run off as required. The Proposed Development will not increase the risk of flooding as a result of its construction or operation. Chapter 8 of the EIA report concludes that subject to mitigation there will be no significant effects on the water environment as a result of the Proposed Development.

6.41 It is concluded that the Proposed Development is in accordance with Policy 22 of NPF4.

Other Matters

6.42 No matters are raised in the EALDP or DGLDP which are not covered by NPF4.

Assessment Conclusions

6.43 The planning policy sets out the matters that are to be addressed in the design and mitigation of a proposed development. It is submitted that, through the design evolution process and as demonstrated in the EIA Report, the design of the Proposed Development, along with the prescribed mitigation, which where appropriate would be secured by conditions, satisfactorily address the environmental impacts.

6.44 As a National Development owing to its overall scale and generating capacity, it is clear that the Proposed Development will make a valuable contribution to meeting the renewable energy targets for the UK and Scotland. The environmental impacts of the Proposed Development have been considered, along with the appropriate mitigation and enhancement. It is submitted that the Proposed Development is in accordance with NPF4, when read as a whole. There is nothing in the EALDP or the DGLDP which raise matters not covered by NPF4 policy or which suggest that consent for the Proposed Development should not be forthcoming.

7. CONCLUSIONS

7.1 The Proposed Development provides an opportunity for creation of a renewable energy development and the proposed turbines would have a generating capacity of 92.4 MW which would make a meaningful contribution to meeting Scotland Climate Change commitments.

Energy Policy and Relevant Targets

7.2 The Proposed Development would support the resilience of the electricity network through the electricity it generates and the additional technical services it can provide to the electricity system operator. It would contribute to sustainable development by providing for greater and more efficient use of renewable energy generation in the electricity system, and it would contribute to greenhouse gas emissions reduction ambitions.

7.3 The Proposed Development has a grid connection date of 2030 and therefore can, if consented, contribute to the ambition contained in the OWPS for 20 GW of onshore wind generating in 2030.

Economic and Community Impacts

7.4 The Applicant is committed to ensure that the Proposed Development will have a community benefit fund which will benefit the local community. There will be economic investment and employment related to the construction and operation of the Proposed Development.

Environmental Impacts

7.5 Subject to the identified mitigation, the environmental impacts of the Proposed Development are considered acceptable. The EIA Report identifies significant landscape and visual effects which are considered to be localised. There would be benefits associated with the Proposed Development including bio diversity enhancement and socio-economic benefits. It is considered that the environmental impacts are acceptable.

Summary

7.6 In considering the impacts, of the Proposed Development, significant weight is to be placed on the contribution of the Proposed Development to renewable energy generation targets and on greenhouse gas emissions reduction ambitions. The Proposed Development will store and supply a considerable amount of electricity per year, and act as an enabling technology for harnessing more electricity generated from renewable sources in Scotland.

7.7 This PRES has sought to consider and balance the relevant considerations, consider what weight is to be given to each consideration and come to a view on where the planning/consenting balance falls. It is considered that the Proposed Development is supported by the relevant planning and renewable energy policy. On balance, it is concluded that the limited impacts of the Proposed Development are acceptable in the context of the positive benefits of the Proposed Development.

APPENDIX 1: RENEWABLE ENERGY POLICY AND LEGISLATION

The Climate Emergency

In May 2019, the Scottish Government declared a climate emergency. At the same time, in Westminster, the Environment Secretary acknowledged a climate change emergency. In a speech to the Scottish Parliament the Climate Change Secretary stated:

"The Climate Change Committee has been stark in saying that the proposed new targets will require "a fundamental change from the current piecemeal approach that focuses on specific actions in some sectors to an explicitly economy wide approach". To deliver the transformational change that is required, we need structural changes across the board: to our planning, procurement, and financial policies, processes and assessments. And as I've already said, that is exactly what we will do."

The Climate Change Secretary went onto say that:

"subject to the passage of the Planning Bill at stage 3, the next National Planning Framework and review of the Scottish Planning Policy will include considerable focus on how the planning system can support our climate change goals."

The speech to parliament highlighted the advice received by the Scottish Government from the UK Climate Change Committee (CCC), emphasising that this advice was being taken forward via amendments to the Climate Change Bill.

UK Renewable Energy Policy

The Energy White Paper December 2020

On 13 December 2020, the UK Government published its Energy White Paper, 'Powering our Net Zero Future', this document sets out current thinking on the way in which the UK should work towards meeting its Net Zero targets by 2050. It not only advises that retiring fossil fuel generation capacity will need to be replaced but presents modelling which suggests that overall demand could double by 2050. It notes that this would require a four-fold increase in clean electricity generation with decarbonisation of electricity increasingly underpinning the delivery of the Net Zero target.

Page 4 of the Energy White Paper sets out three key themes as follows:

- Transform energy;
- Green recovery; and
- Fair deal for consumers.

It is clear that the UK Government was looking for a transformation to the delivery of renewable energy which, at the time of the White Paper, was identified to form part of a green recovery post-COVID and deliver fair prices for the consumers of energy. Page 9 of the document is clear on what decarbonisation of the energy system means, stating *"Decarbonising the energy system over the next thirty years means replacing – as far as it possible to do so – fossil fuels with clean technologies such as renewables, nuclear and hydrogen.".*

The document looks at what needs to be achieved in terms of clean electricity production in order to reach Net Zero and Figure 1.4 on page 9 summarises the situation clearly, it is as follows:

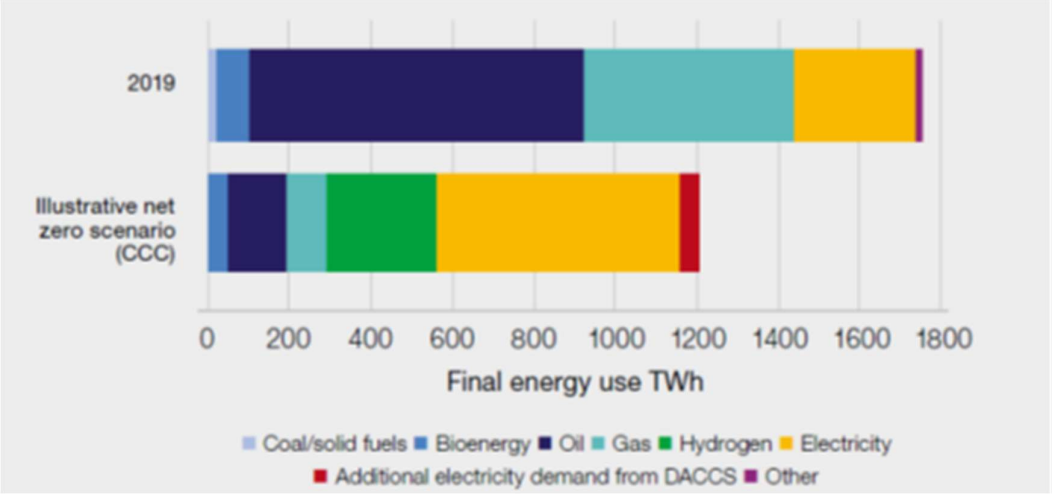

Figure 1: Illustrative UK Final Energy User in 2050

Source: Energy Trends; CCC Net Zero Report

Page 10 of the Energy White Paper is clear that clean electricity is key to reaching Net Zero – it states, *"Clean electricity will become the predominant form of energy, entailing a potential doubling of electricity demand and consequently a fourfold increase in low-carbon electricity generation."*

Chapter 2 of the Energy White Paper outlines the UK Government's goal in relation to power. It states, *"Electricity is a key enabler for the transition away from fossil fuels and decarbonising the economy cost-effectively by 2050."* To do this the UK Government will:

- *"Accelerate the deployment of clean electricity generation through the 2020s.*
- *Invest £1 billion in the UK's energy innovation programme to develop the technologies of the future such as advanced nuclear and clean hydrogen.*
- *Ensure that the transformation of the electricity system supports UK jobs and new business opportunities, at home and abroad."*

Page 43 of the document is clear on the expected role of wind farm developments as a key generator of low-cost clean energy. It advises that while the UK Government *"are not planning for any specific technology solution, we can discern some key characteristics of the future generation mix. A low-cost, net zero consistent system is likely to be composed predominantly of wind and solar.".*

The document is clear that onshore wind is part of the overall solution stating 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"*.

UK Government Net Zero Strategy 2021

In October 2021 the UK Government published their Net Zero Strategy. The document set out for the first time how the UK Government intends to halve UK emissions in little over a decade, and to eliminate them by 2050. The CCC has advised that *"it is an achievable, affordable plan that will bring jobs, investment and wider benefits to the UK"*.

In considering power the document advises that *"the net zero economy will be underpinned by cheap, clean electricity made in Britain. A clean, reliable power system is the foundation of a productive net zero economy as we electrify other sectors."*

It is clear from the document that renewable energy generation is a key part of the solution. It is also clear that storage measures to help smooth out future price hikes are to be deployed.

The UK Government Energy Security Strategy 2022

The UK Government published the British Energy Security Strategy in April 2022. The strategy was published in response to concern over the security, affordability and sustainability of the UK's energy supply.

The British Energy Security Strategy proposes to accelerate the UK towards a low-carbon energy independent future. The foreword states, *"we're going to bring clean, affordable, secure power to the people for generations to come."*

The introduction, of the British Energy Security Strategy, states, *"All of these steps will accelerate our progress towards net zero, which is fundamental to energy security. By 2030, 95% of British electricity could be low-carbon; and by 2035, we will have decarbonised our electricity system, subject to security of supply. This is a transition which reduces our dependence on imported oil and gas and delivers a radical long-term shift in our energy with cleaner, cheaper power, lower energy bills and thousands of high wage, high skilled new jobs".*

The British Energy Security Strategy focuses on expanding domestic UK energy supply alongside commitments to completely remove Russian oil and coal imports by the end of 2022, and Russian gas *"as soon as possible thereafter"*. The relevant policies outlined in the strategy include:

- a proposal for over 40% reduction in gas consumption by 2030;
- increased targets for low-carbon power generation compared to previous targets in the Energy White Paper; and
- reduced consent times for offshore wind planning from four years to one.

With regards to onshore wind, the British Energy Security Strategy notes that onshore wind is one of the cheapest forms of renewable energy. The strategy states, *"The government is serious about delivering cheaper, cleaner, more secure power, so we need to consider all options."*

The Energy Act 2023

The Energy Act 2023 received Royal Assent on 26 October 2023 (the 2023 Act). The 2023 Act was originally introduced as the Energy Security Bill in 2022, and its purpose is to build on the commitment to reduce the UK's dependence on volatile fossil fuel markets, through the improvement of domestic energy production, to make the UK more energy self-sufficient.

Once The Energy Act 2023 came into law, the then Energy Secretary stated that *"The Energy Act is the largest piece of energy legislation in a generation. It will boost investment in clean energy technologies and support thousands of skilled jobs across the country. It lays the foundations for greater UK energy independence, making us more secure against tyrants like Putin, and helps us to power Britain from Britain".*

The UK Battery Strategy 2023

The UK Battery Strategy was published but the UK Government on 26 November 2023. The UK Battery Strategy brings together Government activity to achieve a globally competitive battery supply chain by 2030 that will support economic prosperity and the net zero transition in the UK. In the foreword to the document, the then 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."

The Government's vision is for the UK to continue to grow a UK based thriving battery innovation system. The UK Battery Strategy wants to see the UK become a world leader in sustainable design, manufacture and use of BESS.

The UK Battery Strategy is based around the design, build, sustain approach with 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.

Scottish Renewable Energy Policy

Scottish Energy Strategy 2017

The Scottish Government published its Scottish Energy Strategy (SES) in December 2017. The SES set out a vision for a strong and sustainable low carbon economy. SES described the Scottish Government's vision for the future energy system in Scotland beyond 2020 looking forward until 2050.

The SES was designed to provide a long-term vision to guide detailed energy policy decisions over the coming decades. It set out the priorities for an integrated system-wide approach that considers both the use and the supply of energy for heat, power and transport. It contained six energy priorities including increasing renewable energy production and increasing flexibility, efficiency and resilience of the energy system.

The SES advised that for Scotland to meet the domestic and international climate change targets, the Scottish Government will set a new 2030 'all-energy' target for the equivalent of 50% of Scotland's heat, transport and electricity consumption to be supplied from renewable sources. It advised that it has a vision for:

"a flourishing, competitive local and national energy sector, delivering secure, affordable, clean energy for Scotland's households, communities and businesses."

The SES set two new targets for the Scottish energy system by 2030. These were:

"The equivalent of 50% of the energy for Scotland's heat, transport and electricity consumption to be supplied from renewable sources; and

An increase by 30% in the productivity of energy use across the Scottish economy."

Reaching 50% in the 13 years from the publication of the SES would be challenging, despite the progress being made, and the SES acknowledged this.

Renewable and low carbon solutions are identified as one of six energy priorities around which the 2050 vision is built. The document advised that the Scottish Government *"will continue to champion and explore the potential of Scotland's huge renewable energy resource, and its ability to meet our local and national heat, transport and electricity."*

that "changes to how we store energy across the system, and particularly in terms of electricity and heat, could have a profoundly important bearing on our low carbon future." The Proposed Development is for a renewable energy development which, at 92.4 MW of generating capacity, would have an important contribution to Scotland's capability to store clean energy.

Under the heading of Renewable Energy, it is clear that the Scottish long term climate change targets will require the near complete decarbonisation *"of the Scottish energy system by 2050 and that renewable energy is anticipated to meet a significant share of this".*

In the section on Onshore Wind, SES advised that at that time *"onshore wind is now amongst the lowest cost forms of power generation of any kind and is a vital component of the huge industrial opportunity that renewables create for Scotland".* This remains the case. Onshore wind was identified, in 2017, as being required to play a vital role in the future of Scotland, helping to decarbonise electricity, boosting the economy and meeting demand.

The SES noted that achieving the targets means developers and communities working together and striking the right balance between environmental impacts, local support, benefit and where possible economic benefits deriving from community ownership.

Scotland's Energy Strategy Position Statement 2021

The Scottish Government published Scotland's Energy Strategy Position Statement (SESPS) in March 2021 which provided an overview of the Scottish Government's key priorities for the short to medium-term in ensuring a green economic recovery, whilst remaining aligned to Net Zero ambitions, in the lead up to COP 26.

SESPS provided an overview of the Scottish Government's policies in relation to energy. It was clear, at the time, that the Scottish Government would remain guided by the key principles set out in the SES and the SESPS reinforced *"the importance the Scottish Government attaches to supporting the energy sector in our journey towards net zero, thus ensuring a green, fair and resilient recovery for the Scottish economy".*

The Ministerial Foreword referenced the challenge of COVID 19 which, it stated, had created an economic crisis and noted that the Climate Emergency *"has continued unabated".* The Foreword stated that *"in this context, the need for a just transition to net zero greenhouse gas emissions by 2045, in a manner that supports sustainable economic growth and jobs in Scotland, is greater than ever".*

The report made reference to Scotland's ambitious and world-leading legislative framework for emissions reduction and *"a particularly challenging interim target for 2030"*. This is the ambitious target of achieving a 75% reduction in greenhouse gas emissions by 2030 in advance of Net Zero by 2045.

The summary of the SESPS was clear that the current SES remains in place until any further Energy Strategy refresh is adopted by Ministers. The SES remains in place at the time of writing this PRES.

Section 5 of the SESPS considered 'a green economic recovery' and stated that creating green jobs was, at the time, at the heart of the Scottish Government's plans for a green economic recovery.

Onshore renewables were specifically considered in Section 8, of the SESPS where it stated that *"the continued growth of Scotland's renewable energy industry is fundamental to enable us to achieve our ambition of creating sustainable jobs as we transition to net zero".* It added that *"the Scottish Government is committed to supporting the increase of onshore wind in the right places to help meet the target of net zero. In 2019, onshore wind investment in Scotland generated over £2 billion in turnover and directly supported approximately 2,900 full time equivalent jobs across the country".*

If the UK is to meet its Net Zero targets, then there needs to be a fundamental shift away from the use of fossil fuels to generate power for sectors such as transport and heat. The shift away

from the use of fossil fuels must be replaced by renewable energy and electricity generated from renewable forms is a fundamental part of the solution. The generation of renewable electricity is key to the decarbonisation of a wide number of sectors. The progress towards meeting the renewable energy targets is considered to be a key relevant consideration in the determination of the Application for the Proposed Development.

Draft Energy Strategy and Just Transition Plan- Delivering a Fair and Secure Zero Carbon Energy System for Scotland

On 10 January 2023 a route map to secure Scotland's fastest possible fair and just transition away from fossil fuels towards a fair and secure zero carbon energy system for Scotland, was published for consultation. The DES&JTP sets out a plan for Scotland's renewables revolution to be accelerated as North Sea basin resources decline. The document is a consultative draft and as such should only be attached limited weight in the decision-making process.

The Ministerial foreword is clear that now more than ever there is a need for energy security. It reinforces the importance of acting now to deliver on the net zero targets. It 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, generates economic opportunities, and build a just transition."

The DES&JTP is clear that the situation in Ukraine, which has resulted in volatility in the global energy supply market, has heighted the need for domestic energy generation and security. It is also very clear that there is a need to reduce fuel poverty and to ensure that energy is available to consumers at a reasonable price. The foreword sets out key ambitions for Scotland's Energy Future, and identifies 10 which include the following, which are relevant to the Proposed Development:

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

Onshore wind is covered at 3.1.2 and energy storage is considered at 5.1 of the DES&JTP. The Applicant is clear that they are also committed to maximising the contribution that energy generation and storage can make to a just, inclusive, transition to net zero.

Published as part of the DES&JTP is a Just Transition Plan for the energy sector. This details the support being provided to grow Scotland's highly skilled energy workforce, increase jobs in energy generation and the supply chain, while enabling communities and businesses to prosper.

The DES&JTP advises that analysis shows the number of low carbon production jobs is estimated to rise from 19,000 in 2019 to 77,000 by 2050 as the result of a just energy transition, meaning there will be many more jobs in energy production in 2050 than there are now. It is estimated, in the Socio-economic Statement, that accompanies the Application, that the Proposed Development would result in 62 job years in Dumfries and Galloway and 173 job years in Scotland during construction. During the operational phase, it is estimated that, the Proposed Development would generate 356 jobs years in Dumfries and Galloway and 464 job years in Scotland.

The Proposed Development has been designed to operate in the current and emerging market conditions and, as such, will contribute positively towards reaching the targets set out in the DES&JTP.

Onshore Wind Policy Statement 2022

The Scottish Government published the OWPS on the 21 December 2022. As a document, it dovetails with NPF4 (which is considered in this document in Chapter 4) and there are specific references within the OWPS which link the two documents. To some degree the OWPS explains some of the context for the policies that are contained in NPF4. In considering the issues relating to the Proposed Development, it is submitted that the two documents should be read together.

The key headline in the OWPS is the identification in Scottish Government Policy that we need to *"go further and faster than before"* along with the inclusion in policy of the *"minimum installed capacity of 20GW*" ambition for onshore wind in Scotland by 2030.

The following text considers the weight that should be attached to the climate emergency in the decision-making process. It then considers the elements of the OWPS that are relevant to the Proposed Development and makes cross refence to Chapter 4 of this PRES in respect of NPF4 as it is considered appropriate.

The key policies set out in OWPS are focused on the change of ambition and the formal agreement to the higher minimum target by 2030. The text in this section, of the PRES, identifies a range of matters, relevant to the consideration of the application within the OWPS.

Weight to be Attached to the Climate Emergency

The Ministerial Foreword of the OWPS provides important context to the subsequent emergence of the ambition to achieve a minimum of 20 GW onshore wind by 2030. The Cabinet Secretary acknowledges the specific contribution that onshore wind can make to meeting climate change objectives and the transition towards a net zero society.

The Cabinet Secretary's foreword, paragraph two, identifies the issues caused to security of energy supply by the invasion of Ukraine. The Ukraine invasion has resulted in serious concerns about the extent to which Scotland's current energy system can meet demands for energy. The second aspect raised in respect of the invasion of Ukraine is the consequence for energy prices. This is one of the key contributors to the current cost of living crisis and is counter intuitive when considered in the context of the long-standing policy of providing consumers with affordable energy sources.

The Ministerial Foreword demonstrates how price competitive onshore wind is, paragraph 11 is clear that onshore wind is "*good value for consumers*" and it can therefore make a contribution to an energy future which seeks to provide greater price certainty for consumers whilst also providing additional generation which can help to meet the future security of supply.

The Ministerial Foreword is also clear that it is not onshore wind at any cost, paragraph 13 is clear that the ambition needs to be delivered in a way which continues to enhance Scotland's rich natural heritage and native flora and fauna and supports actions to address the nature crisis and the climate crisis.

The OWPS sets a specific renewable target which itself relates to the legally binding energy generation targets which are themselves refenced in Policy 11 of NPF4. To date, the focus of the justification for most renewable energy projects has been in relation to climate change and emissions reduction with links made to the legally binding targets which are set out in The

Climate Change (Scotland) Act 2009 which have been amended by the Climate Change (Emissions Reduction Targets) (Scotland) Act 2024. This link is a clear change and one which should carry material weight in the decision-making process.

Chapter 1 of the OWPS contains specific acknowledgement of the need for the further speedy deployment of onshore wind. It 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".* As a result of this policy ambition there is a need for a minimum installed capacity of 20 GW by 2030. If that ambition is to be achieved, consents need to be granted in early course to allow deployment as quickly as possible. The Proposed Development has a grid connection date of 2029 and it is clear that, if consented, it could actively contribute towards the 2030 targets.

Environmental Considerations

Chapter 3 of the OWPS is entitled Environmental Considerations: Achieving Balance and Maximising Benefits, this is clear that it is all about balance. The following text considers what the OWPS says in respect of landscape and biodiversity in the order in which they are covered in that document.

Biodiversity

Paragraph 3.5.6 refers to the role in which onshore wind can play in addressing the biodiversity crisis. It states:

"the resolution of the balance between its [onshore wind] deployment and biodiversity interests requires careful discussion and planning at a local level. As the rate of onshore wind deployment increases in the coming years, we see a great opportunity for wind energy developments to further contribute significantly to our biodiversity ambition. By proactively managing intact habitats and the species they support, restoring degraded areas and improving connectivity between nature-rich areas, onshore wind projects will contribute to our climate change targets and help address the biodiversity crisis."

It is clear in the OWPS that there is an expectation that onshore wind farm development has a role to play in addressing the nature crisis and to contributing to biodiversity improvements. Annex one of the OWPS contains an example of biodiversity enhancement related to habitat management and peatland restoration. It is also clear that there is work in progress in the form of the Scottish Biodiversity Strategy and the way in which the aspiration of the OWPS in respect of biodiversity can be achieved.

Landscape

The OWPS Chapter 3 includes a section which covers landscape and visual matters. In paragraph 3.6.1 there is acknowledgement of the need for taller and more efficient turbines and the recognition that these will inevitably change the landscape. It states:

"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.".

Paragraph 3.6.2 of the OWPS states:

"Outside of these areas [National Parks and National Scenic Areas (NSA)], 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."

This must be seen as a clear acknowledgement, from the Scottish Government, that in order to achieve the 2030 targets, a higher level of landscape and visual impact will need to be accepted, this expressly includes landscape change and the potential for larger turbines. It is clear that there is a need to accept change to the landscape and that increased weight should be given to the contribution of the development to the climate emergency as well as community benefits in considering the decision-making balance.

It is submitted that the OWPS provides a positive framework for considering the landscape and visual effects of wind farm proposals.

Other Environmental Matters

It is submitted that in terms of Chapter 3, the application material has dealt with all the environmental matters raised in the OWPS. With the exception of landscape and visual matters no adverse significant effects, subject to mitigation being implemented, have been identified during the EIA.

Benefits to Local Communities and Financial Mechanisms

Chapter 4 of the OWPS devotes attention to benefits to local communities and financial mechanisms. While neither shared ownership nor the delivery of monetary community benefits are material to the consideration of the application for deemed planning permission it is important to recognise the benefits which such arrangements bring to the local area.

The Onshore Wind Sector Deal 2023

The Onshore Wind Sector Deal (the Sector Deal) for Scotland was signed, by the Scottish Government and renewable energy industry representatives, in September 2023.

The Sector Deal sets out the ambition for the next era of onshore wind delivery in Scotland. The Foreword advises that Scotland stands on *the "threshold of a pivotal era"* in the energy transition. It contains a number of key measures which are designed to support the Scottish Government in reaching its ambition, as set out in the OWPS of a minimum installed capacity of 20GW of onshore wind, in Scotland, by 2030.

The Sector Deal is focused on onshore wind in particular and it describes how the Scottish Government, and the onshore wind sector (developers, consultants, consultees and stakeholders) will work collaboratively so that onshore wind farms can be delivered quickly and in a way that is sustainable. This approach will provide the best chance of Scotland meeting its net zero targets (the targets are set out in the Climate Change (Scotland) Act 2009 as amended by the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019. It sets out a clear intent to ensure that as much is done, as is possible, to secure the 20 GW ambition set out in the OWPS.

The Sector Deal foreword (page 1) advises 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, remanufacturing and recycling of onshore wind assets."*

It goes on to state 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"* (page 2).

The Sector Deal sets out a number of matters which are to be actioned through a collaborative approach, as well as specific actions, relating to the matters, from the onshore wind sector and the Scottish Government. These matters are set out under the following headings:

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

It is submitted that of most relevance to the Application are those relating to Land use and the environment and planning.

With regards to land use and the environment, the Sector Deal reiterates the fact that out that NPF4 Policy 1 is 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).

It goes onto state 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 coexist with a diversity of species, sensitive habitats, peatland, carbon rich soils and forestry, ensuring positive outcomes for the climate and nature."*

Green Industrial Strategy 2024

The Scottish Government published the Green Industrial Strategy in September 2024. The single aim of the strategy is to help Scotland realise the economic benefits of the global transition to net zero. The document is clear that the development of all renewable energy technologies is a key focus of the Scottish Government.

Programme for Government 2024-25 (2024)

The 2024-25 Programme for Government was published by the Scottish Government in September 2024. It advises that the government will focus on a number of matters including tackling the climate emergency. It is clear that the Green Industrial Strategy along with the Just Transition Plans will set out plans to build internationally competitive clusters in five key opportunity areas. These include onshore wind. It advises that the Green Industrial Strategy also addresses how action will be taken across Government to ensure an attractive enabling environment and deliver the economic benefits of the transition to net zero.

Under the heading of Tackling the Climate Emergency the Programme for Government is clear that *"the twin crises of climate change and biodiversity loss represent the existential threat of our times, underlined by recent confirmation that the global temperature has pushed past the internationally agreed 1.5 degrees Celsius warming threshold for a 12-month period. We must reduce emissions and our vulnerability to the future impacts of climate change and restore our natural environment".*

Chapter 3 of the Programme for Government states that Scotland's *"potential for renewable energy generation is one of our greatest environmental and economic opportunities."*

Renewable Energy Targets

On 11 June 2019, Theresa May, the then Prime Minister, announced that the UK Government would bring forward legislation which would make the Net Zero target law. On 27 June 2019, the UK passed legislation to end its part in global warming by 2050 through the reduction in greenhouse gasses by at least 100%. The amendment to the Climate Change Act 2008 makes this legally binding.

Paul Wheelhouse, the then Minister for Energy, Connectivity and the Islands, in his Ministerial Foreword in the Annual Energy Statement 2019 made it clear, in the context of Scotland's net zero target by 2045 *"we [Scotland] have the most stringent statutory targets in the world".* The Committee on Climate Change 2020 is clear in its executive summary that although *"Net Zero has been adopted as a key goal of the Government...we are not making adequate progress in preparing for climate change".*

The Climate Change Act 2008 as amended by the Climate Change Act 2008 (2050 Target Amendment) Order 2019 and the Climate Change (Scotland) Act 2009 as amended by the Climate Change (Emissions Reduction Targets) (Scotland) Act set the UK and Scottish targets for reaching Net Zero. These acts and targets are covered in the following text.

UK Energy Targets

The Climate Change Act 2008 as amended by the Climate Change Act 2008 (2050 Target Amendment) Order 2019

Two key aims underpin the 2008 Act, these are:

- To improve carbon management and help the transition towards a low carbon economy in the UK; and
- To demonstrate strong UK leadership internationally.

The 2008 Act introduced for the first time a legally binding framework to tackle the challenges of climate change. It set legally binding targets for the UK to reduce carbon dioxide emissions, originally by 80% by 2050 relative to 1990 levels. Energy generated from renewable sources was identified as a key component for meeting the challenge of reducing carbon emissions and the fight against climate change.

The 2008 Act was amended in 2019 by the Climate Change Act 2008 (2050 Target Amendment) Order 2019 to include revised targets. These included a reduction in GHGs of at least 100% from 1990 levels by 2050. The key aims were not altered.

Progress towards UK Renewable Energy Targets

Progress in Reducing Emissions 2024 Report to Parliament

The CCC Progress in Reducing Emissions Report to Parliament was published in July 2024. It advised (page 8) that urgent action is needed to get on track if the UK is to hit the 2030 target. 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."*

The introduction of the document contains a number of key messages which include the following:

- UK GHG emissions – fell in 2023 and are 49.5% lower than they were in 1990. The rate of emissions reduction seen in 2023 represents a significant increase from recent sustained rates and is roughly in line with the pace of change needed out to 2030.

- Change from 2022 to 2023 – were the greatest since 2016 other than during the Covid pandemic. This was largely due to a fall in the total gas demand.
- Pace of change - the reduction in emissions in 2023 was roughly in line with the annual pace of change needed to meet the UK's 2030 NDC (5.7% per year from 2023 to 2030). However, the average annual rate over the previous seven years was insufficient. This rate will need to double over the next 7 years if the UK is to meet its target for 2030.

Climate Change Committee, COP 28: Key Outcomes and Next Steps for the UK (January 2024)

The CCC published a report and related Statement in January 2024 with looking at COP28 and the next steps for the UK. The Key Outcomes and Next Steps for the UK advised that:

"2023 was the hottest year on record, with worsening extreme weather events across the world. With global greenhouse gas emissions at an all-time high, COP28 took important steps to try to change the direction of travel.

The UK played an important role in this hard-fought COP28 outcome. We may be further into the decarbonisation journey than many nations, but the obligation on every country is now to push even harder. This also frames the economic challenge."

In the context of the next steps for the UK the CCC *"noted a significant delivery gap to the UK's Nationally Determined Contribution (NDC) of reducing emissions by 68% by 2030. The agreements made at COP28 require a sharper domestic response and time is now short for the gap to be bridged.*

Achieving the 2030 NDC will require the rate of emission reductions outside of the electricity sector to quadruple from that of recent years. Addressing these gaps in a transparent way remains one of the most important ways for the UK to show climate leadership."

The related COP28: Key Outcome and next Steps for the UK Report set out the following points inter alia:

- *"The Global Stocktake undertaken at COP28 marks the first formal assessment of progress of the Paris Agreement process and it reinforced the growing momentum in renewables and other low carbon technology deployment.*
- *Countries were called upon to support a trebling of renewables globally…... Alongside this was the crucial brokering of recognition of the need to transition away from all fossil fuels to achieve a net zero energy system by 2050.*
- *The UK can continue to lead by example and support actions elsewhere to accelerate the pace of the low carbon transition and develop resilience to climate impacts. It must demonstrate delivery towards to its ambitious 2030 and 2035 targets on the path to Net Zero."*

The COP28: Key Outcome and next Steps for the UK Report sets out the 'next steps for the UK'. In this context there is reference to opportunities for climate leadership. The COP28: Key Outcome and next Steps for the UK Report identifies actions that will be important for ensuring domestic action is consistent with the language that the UK committed to at COP28. These include:

- Delivering rapid deployment of renewables.
- The UK must continue to focus on addressing delivery gaps to the 2030 NDC. Reference is made to the CCC findings in 2023 that if the UK is to achieve its 2030 NDC then the rate of emissions reduction "outside electricity supply must almost quadruple from 1.2 % annual reductions to 4.7 %".

- The UK Government only has renewables deployment targets for offshore wind (aiming for up to 50 GW by 2030) and solar PV (aiming for up to 70 GW by 2035).

At the time the CCC published these documents there was a lack of policy support for onshore wind in England. Scotland and Wales were both delivering contributions to targets. The CCC made it clear that:

"UK targets for offshore wind and solar PV are broadly consistent with COP28 calls to triple renewable energy capacity by 2030. However, a tripling of total renewable energy capacity (on 2022 levels) would also require growth in onshore wind."

The CCC made it clear that, according to their findings the UK Government is currently not in line to meet its renewables targets. It advised that in order to support the ambitions agreed at COP28 *"and to meet the target of a decarbonised electricity supply by 2035, the Government must increase efforts to deliver against its existing targets on time".*

Progress towards Scottish Renewable Energy Targets

Climate Change Committee, Progress in Reducing Emissions in Scotland 2023, Progress Report to Parliament (March 2024)

The CCC published Progress in reducing emissions in Scotland in March 2024. The CCC was clear in its view at that time that Scottish Government's 2030 climate goals were no longer credible.

Progress in Reducing Emissions in Scotland was clear that it was the view of the CCC that Scotland's Climate Change Plan required urgent application to enable the CCC assess it and identify the actions to deliver on future targets.

Progress in reducing emissions in Scotland 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."*

The Progress in reducing emissions in Scotland considers electricity supply, and it advises that there has been progress in the delivery of renewable electricity generation in Scotland. The Progress in reducing emissions in Scotland notes that the Scottish Government aims to develop 20 GW on onshore wind capacity, by 2030. The Progress in reducing emissions in Scotland 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."*

Progress in reducing emissions in Scotland advises that Scotland must increase the deployment rate for onshore wind by more than a factor of 4 to an average annual rate of 1.4 GW.

Progress Towards Greenhouse Gas Emissions Targets

With regards to progress in reducing emissions in Scotland 2022, the Report to Parliament CCC, December 2022 advised that:

"On the basis of the latest greenhouse gas (GHG) inventory, emissions in 2020 fell by 12% from 2019 to 40.6 MtCO2e and by 51% since 1990. On the 'GHG Account' basis, on which performance against the legislated targets is assessed, emissions were 59% lower than in 1990 and the 2020 interim target of 56% was achieved. The fall in emissions in 2020 was largely due to travel restrictions during the COVID 19 pandemic, without which it is unlikely the target would have been met. The annual targets in the 2020s will be much harder to achieve as emissions rebound."

It went on to state:

"There is now a significant risk of Scotland failing to meet its annual targets in the 2020s and the interim 2030 target.".

The fact that Scotland would not meet the target of a 75% reduction by 2030 was acknowledged by the Scottish Government in April 2024 when the Net Zero Secretary announced that Scotland was not going to meet its 2030 targets and that the annual targets would be replaced by carbon budgets covering each parliamentary term. The legislation for this is awaited and until it is in place the annual targets remain in place.

In June 2024 it was confirmed that the figures for 2022 showed that emissions fell by 50% from its 1990 baseline. This is well short of its target of a 53.8% reduction. It means ministers have now missed nine of the past 13 annual benchmarks for tackling climate change.

The evidence is clear that in the early stages of these challenging targets, Scotland is not achieving what is required to reach the overall Net Zero target. We need to do more. It is understood that renewable energy production is not the sole answer to this, but it is part of the solution, and the Proposed Development provides a way to contribute to the targets being met. The targets as they ramp up will become more and more challenging to meet if the early targets are not fulfilled.

The proposed wind turbines would have a generating capacity around 92.4 MW, which would make an important contribution to Scottish Government targets on renewable energy and carbon emission reductions.

The targets are challenging, and the Proposed Development seeks to meet these objectives whilst also ensuring it is acceptable in terms of environmental impact and residential amenity considerations. The impacts of the Proposed Development are considered in the EIA Report and summarised in Chapter 6 of this PRES.

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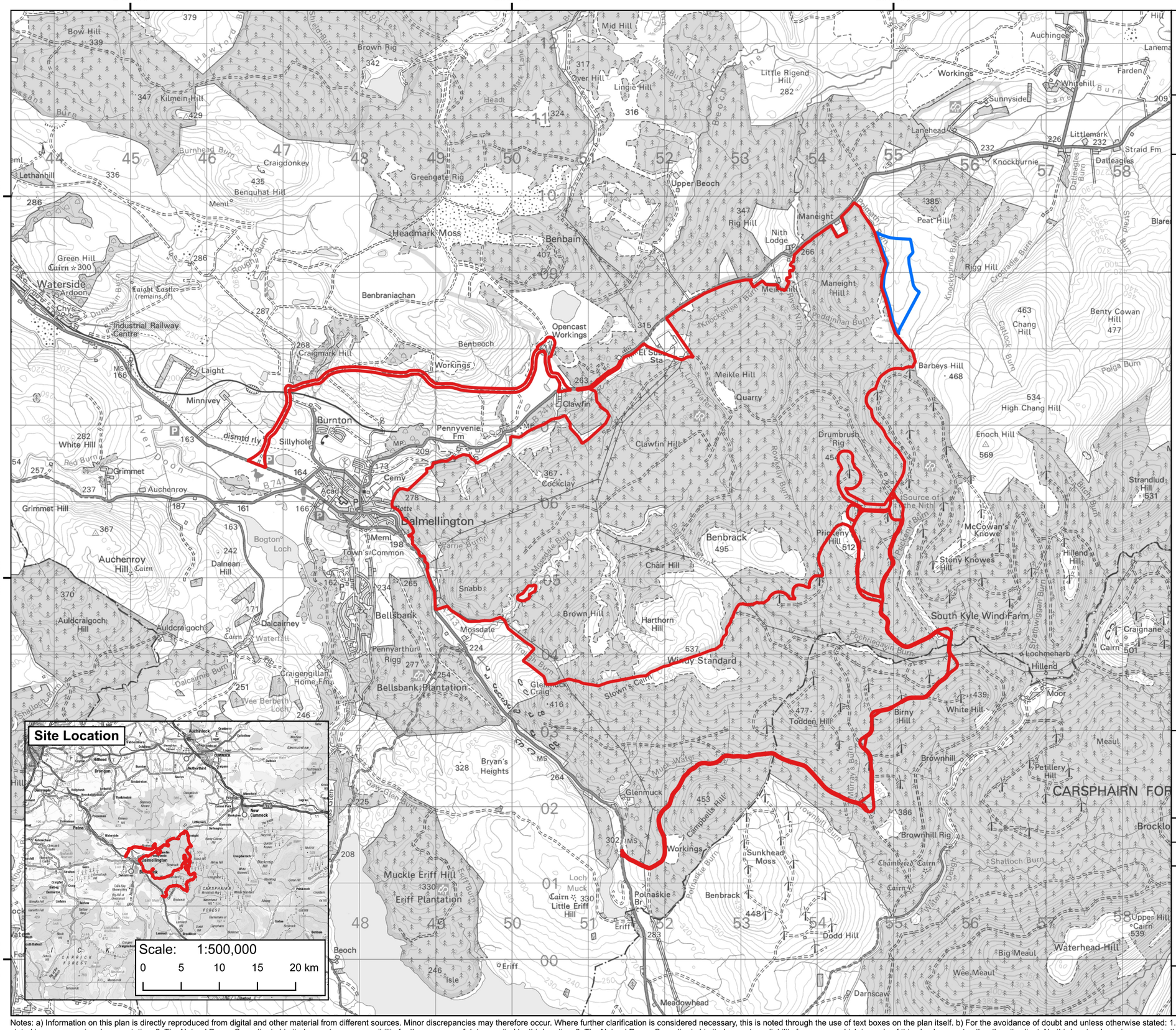

Project:

South Kyle II Wind Farm, East Ayrshire

Title:

Figure 1: Site Location

Key

- South Kyle II Application Site Boundary
- Applicant-controlled land

Scale @ A3:1:50,000

Coordinate System: British National Grid

0 0.5 1 1.5 2 km

N

Date: 30-04-25	Prepared by: NN	Checked by: LC
Ref: GB201396_M_175_A	Layout:	

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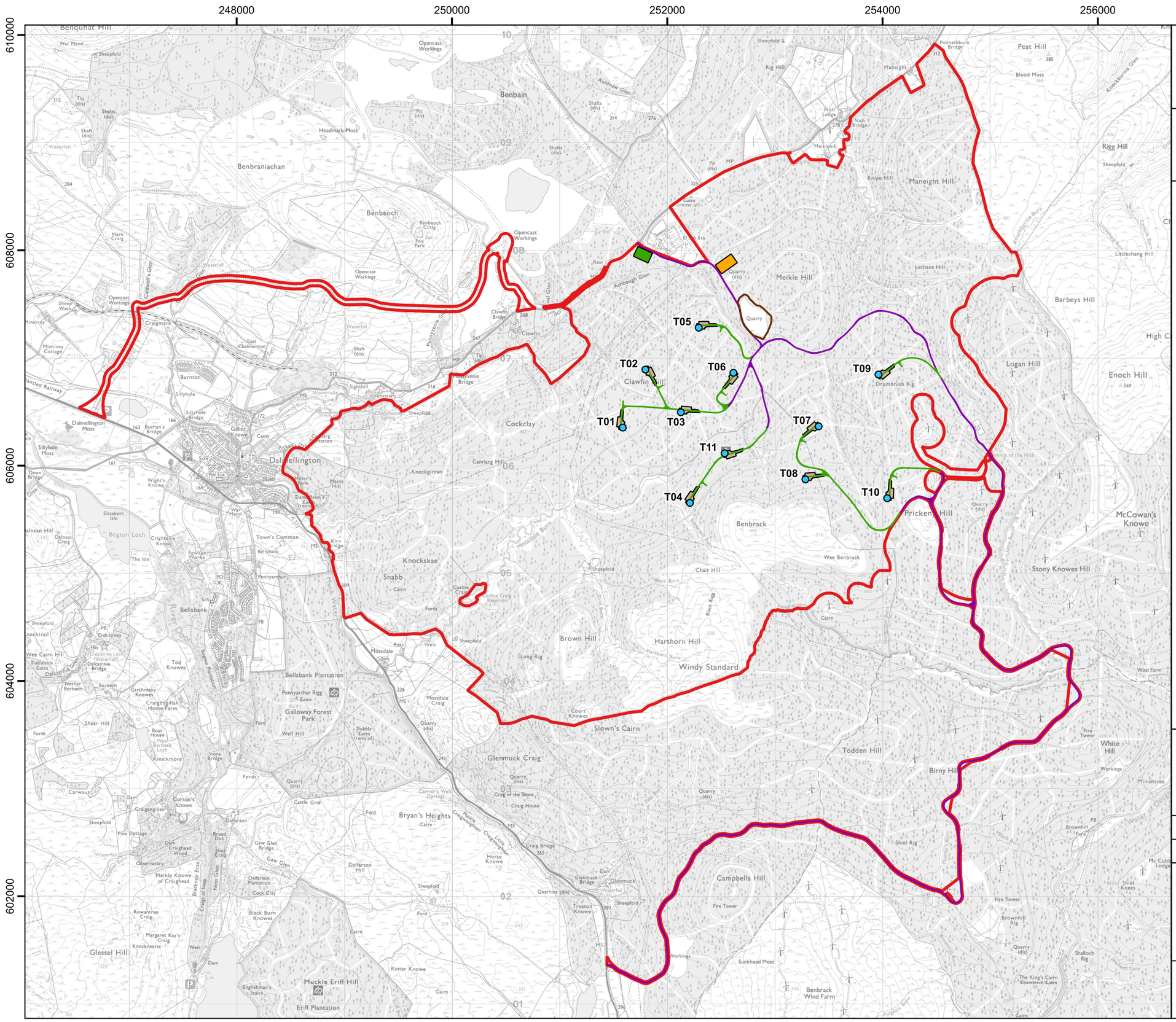

Project:

South Kyle II Wind Farm, East Ayrshire

Title:

Figure 2: Proposed Development

Key

- Site boundary
- Proposed turbine
- Proposed crane hardstanding
- Existing track (to be upgraded)
- Proposed new track
- Proposed substation and battery storage
- Proposed temporary construction compound
- Proposed borrow pit

Scale @ A3:1:35,000

Coordinate System: British National Grid

0 0.5 1 1.5 2 km

N

Date: 30-04-25	Prepared by: NN	Checked by: LC
Ref: GB201396_M_176_A	Layout: 280923_11t_A	

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