



South Kyle II Wind Farm

FEI Technical Appendix B: Planning
Statement of Case

Vattenfall Wind Power Ltd

June 2026



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SOUTH KYLE II WIND FARM

PLANNING STATEMENT OF CASE

BY

VATTENFALL WIND POWER LTD

SECTION 36 CONSENT APPLICATION

REFERENCE ECU00003429

May 2026

1. INTRODUCTION

- 1.1 Vattenfall Wind Power Ltd (the **Applicant**) seeks consent under section 36 (**S-36**) of the Electricity Act 1989 (**EA 1989**) and deemed planning permission (**DPP**) under section 57(2) of the Town and Country Planning (Scotland) Act 1997 (**TCP(S)A**) to construct and operate South Kyle II wind farm and energy storage system (**SKII**).
- 1.2 The application for S-36 consent and DPP (ECU reference ECU00003429) (the **Application**) was submitted to the Energy Consents Unit (**ECU**) on 2 May 2025, supported by an EIA report (April 2025) (the **EIAR**) and a Planning and Renewable Energy Statement (the **PRES**).
- 1.3 Following submission, the Application has been the subject of consultation with statutory and non-statutory consultees and the public. All statutory consultees have submitted responses save for East Ayrshire Council (**EAC**) whose response is due by 30 June 2026. The position of consultees is addressed in **Section 6** below.
- 1.4 The Applicant has carefully considered all consultation responses to date and prepared Further Environmental Information (**FEI**) to respond to, and where necessary address, matters raised by consultees. This Statement of Case (**SoC**) accompanies the FEI and provides an updated planning case for SKII, addressing consultee responses to the Application and other material developments since May 2025.
- 1.5 This SoC refers to and draws on the PRES, EIAR and FEI other application documents as appropriate which should be referred to for full details.

2. APPROPRIATE LOCATION

- 2.1 The application site is shown on FEI Figure 1.1.2a (the **Site**). The Site is adjacent to the operational South Kyle wind farm, to the south-east of Dalmellington (note, the closest turbine is over 3km from the settlement). The current use of the Site is commercial forestry.
- 2.2 The site selection and subsequent design process is set out in EIAR Chapter 2 (Site Selection and Design Evolution) and in section 2 of the PRES. In summary, the Site is an appropriate location in land use planning terms and the factors supporting this conclusion include:
 - 2.2.1 The Site is a mostly undesignated¹, upland area, within an area of *Southern Uplands with Forestry* (20c) landscape character type (**LCT**). The LCT is, relative to others within East Ayrshire, amongst those generally most able to accommodate large-scale wind energy development².
 - 2.2.2 The existing land use (large-scale commercial woodland) is compatible with wind farm development.
 - 2.2.3 The surrounding landscape hosts existing wind farm development such as South Kyle and Enoch Hill. A wind farm would not be a new addition to the landscape or in views.

¹ A section of the North Access is within the Doon Valley LLA. No turbines are located within the Doon Valley LLA.

² East Ayrshire Landscape Wind Capacity Study, 2018.

- 2.2.4 This Site is in close proximity to a feasible grid connection point at New Cumnock sub-station, allowing connection via a short stretch of approximately 540m of underground cable, with a 2030 connection date.
- 2.2.5 The availability of existing site access options from the A713 via either the existing northern entrance through North Kyle Wind Farm (the **North Access**) or alternatively via South Kyle Wind Farm and its site entrance (the **South Access**).
- 2.2.6 There are relatively few individual dwellings in the surrounding area: outside of Dalmellington, there are only 10 residential dwellings within 5 km of the turbine locations. Residential visual amenity is addressed further at **Section 8** below.
- 2.2.7 The Site is not within any statutory protected site for ecological receptors and the 2016 Carbon and Peatland Map indicates it is predominantly Class 5 (No Peatland Vegetation).
- 2.2.8 The Site is not close to any National Park, National Scenic Area (**NSA**) or Wild Land Area (**WLA**). The closest WLA (Merrick) is beyond 15km and the closest NSA (Fleet Valley) is almost 45 km distant.
- 2.2.9 There are no designated heritage assets within the Site and only one Garden and Designed Landscape (**GDL**) within 5 km of the Site (Craigengillan GDL). Craigengillan GDL is addressed further at **Sections 7** and **9** below
- 2.2.10 There are only two Local Landscape Areas (**LLA**) within 5 km of the Site: the Galloway Hills Regional Scenic Area in Dumfries and Galloway and the Doon Valley LLA in East Ayrshire. No concerns have been raised by Dumfries and Galloway Council (**DGC**) in respect of the former. The Doon Valley LLA is addressed further at **Section 9** below.

3. THE DEVELOPMENT

- 3.1 EIAR Chapter 3 (Project Description) provides a detailed description of SKII. In summary, SKII would comprise 11 wind turbines of up to 200m to blade tip and ancillary infrastructure including access tracks, onsite control building and substation, temporary construction compound(s), laydown area(s) and a battery energy storage system (**BESS**).
- 3.2 The Site covers an area of approximately 2,262 hectares (**ha**). However, the permanent infrastructure “footprint” is only 38ha, which is very small relative to the area of the Site (1.7%). The layout of SKII is shown on FEI Figure 1.1.1 The turbines are located broadly within the central portion of the Site.
- 3.3 The 11 turbines are estimated to have a total installed capacity of approximately 92.4 megawatts (**MW**)³, while the BESS is estimated to have an installed capacity of approximately 50 MW, giving a total capacity of 142.4MW.
- 3.4 Accordingly, SKII is a “national development” within category 3 (*Strategic Renewable Energy Generation and Transmission Infrastructure*) identified by National Planning Framework 4

³ Indicative and subject to final turbine model selection.

(NPF4). The need for projects such as SKII is established by NPF4. NPF4 is addressed further in **Section 10** below.

4. APPROPRIATE DESIGN MITIGATION

- 4.1 SKII is the product of an iterative design process, applying the mitigation hierarchy. The iterative process involved over 15 revisions of the layout. The reduction in impacts achieved as a result of the four key design stages are discussed in EIAR Chapter 2.
- 4.2 During this process the number of proposed turbines decreased from 17 turbines (EIA scoping stage) to a maximum of 11 turbines (submitted layout), a reduction of ~35% in overall turbine numbers (with the corresponding loss of ~50.4 MW of capacity⁴). The reduction in turbine numbers also greatly reduced the extent of ancillary development in the form of hardstanding areas and access tracks.
- 4.3 Turbine heights have also been notably reduced from up to 220 m (EIA scoping) to a maximum blade tip height of 200 m (current layout) to reduce visual effects. Agreement has also been reached with the Civil Aviation Authority that only five turbines require to be fitted with visible red aviation lighting (T1, T4, T5, T9 and T10) and the lighting units installed shall be capable of being dimmed to 10% of peak intensity when the lowest visibility exceeds 5 km⁵. This has ensured night-time landscape and visual effects have been mitigated as far as practicable.
- 4.4 In response to consultee feedback post-submission, the Applicant reviewed the site layout. The main design changes comprise the relocation of Turbines 1, 2 and 3, modifications to several site tracks to reduce peat excavation and disturbance, and the rotation of the construction compound by 90 degrees to avoid the areas of deeper peat on Site (the relocated construction compound will now be sited within an area where peat depths are generally less than 1 m). The benefits of the revised layout, in terms of the further reduction of adverse effects, are detailed in the FEI.
- 4.5 In formulating the proposals for SKII, the Applicant has had 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 and done what it reasonably can to mitigate the environmental effects. Based on the findings of the EIAR and FEI, consultees and the Scottish Ministers can be satisfied that the duties under Schedule 9 of the EA1989 have been discharged.

5. THE BENEFITS OF SKII

- 5.1 SKII would provide net economic benefits, contribute to renewable energy and emission reduction targets, provide system flexibility and resilience through the provision of energy storage capacity, and contribute to energy security of supply.
- 5.2 These benefits, further summarised below, would be provided during an expected 40 year operational lifespan.

⁴ 8.4 MW x 6.

⁵ See EIAR Chapter 13, Aviation and Other Effects, at paragraph 13.1.38.

Net Economic Benefits

- 5.3 Construction of the Proposed Development would generate local and national economic benefits. Its development and construction are expected to generate⁶:
- £9.5 million GVA and 138 years of employment in East Ayrshire; and
 - £29.6 million GVA and 467 years of employment in Scotland.
- 5.4 Expenditure during the operation and maintenance phase of the Proposed Development could deliver up to:
- £0.7 million GVA and 6 jobs in East Ayrshire; and
 - £1.6 million GVA and 18 jobs in Scotland.
- 5.5 SKII has the potential to create job opportunities during the construction, operational and decommissioning phases. Employment opportunities will be created in a relatively rural area and foster diversification. The Applicant submitted a Skills and Employment Plan as part of the Application setting out the Applicant's approach to maximising local economic benefits through skill development and job creation. This sets out *inter alia* that the Applicant will:
- 5.5.1 work to maximise employment opportunities for the local community and will seek to ensure that a minimum of 50% of site workers during the construction phase on the project's civils workforce live within the Southwest Scotland area.
 - 5.5.2 adopt a procurement scoring system that places an importance to local employment, and this will be an integral part of selecting an experienced and competent contractor to lead with the construction of the project.
 - 5.5.3 take measures to support contractors in recruiting locally.
 - 5.5.4 create a minimum of 2 new apprenticeships internally.
 - 5.5.5 take steps to ensure that Tier 1 contractors create apprenticeships from the local workforce and aim for a minimum of 5 apprenticeships created from key contract suppliers.
- 5.6 Investment from the construction and operation of SKII would also lead to spending within the local area, contributing to the local economy. Furthermore, SKII will contribute £1.1 million annually in business rates over the 40 year operational period, contributing to the public services provided by EAC.
- 5.7 Finally, though not a material consideration, the Applicant is committed to supporting the long-term ambitions of local communities through a local community benefit fund worth an estimated £18.5 million over 40 years⁷. The Applicant is engaging with local community groups

⁶ See Section 14.8 of EIAR Chapter 14, Socioeconomics,

⁷ £462,000 annually, based on 8.4MW turbine model.

to ensure that this funding has the maximum socio-economic benefit to local communities and is identifying investment priorities through a Community Development Strategy.

Environmental and Climate Benefits

- 5.8 An outline Biodiversity Enhancement and Restoration Plan (**BERP**) (EIAR Appendix 6.3) has been submitted and can be secured by planning condition. The BERP includes proposals for the restoration of existing bog habitats to provide a minimum of 3.7ha of compensation (1:10 ratio) for the permanent loss of heath and bog habitats (0.37 ha to be lost), with scope for biodiversity enhancement through additional peatland restoration (amount to be agreed as part of approval of the BERP). As noted in the BERP, the exact locations of potential bog restoration area(s) and overall extent have not yet been defined and would be approved by EAC in due course when approving the final BERP.
- 5.9 To compensate for the loss of 2.10 ha of broadleaved woodland, broadleaved riparian planting along the Benbrack burn, and Penniquite burn which flows towards the Linn water, is also proposed. Locations are shown on Figure A1, Appendix A, of the oBERP. These areas total ~15 ha, providing sufficient space for additional areas of enhancement in addition to compensation for the loss.
- 5.10 In terms of carbon balance, the Proposed Development would provide a long-term net positive impact as demonstrated by the Carbon Balance Assessment (EIAR Appendix 8.4).
- 5.11 The results from the carbon calculator reveal that SKII 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, the analysis shows the payback time for fossil fuel-mix generation ranges between 1.2 to 4.4 years respectively.
- 5.12 Based on the expected annual energy output of SKII (220,163 MWh/yr), the potential expected emissions saved over grid-mix generation is 37,648 tonnes of CO₂ (tCO₂) per year and over fossil-fuel mix generation is 96,211 tCO₂/yr.
- 5.13 The results of the carbon balance assessment reveal that the net impact of SKII will be positive overall, as over its 40-year lifespan it is expected to generate over 37 years' worth of clean energy if it replaced fossil fuel-mix electricity generation and nearly 33 years' worth of clean energy even if it replaces cleaner grid-mix electricity generation. Therefore, over the expected 37 years that the wind farm is likely to be generating carbon-free electricity, this could result in expected CO₂ emission savings of over 3,559,807 tonnes⁶ of CO₂ when replacing fossil fuel-mix electricity generation.
- 5.14 This illustrates a positive net impact, contributing significantly towards the reduction of greenhouse gas emissions from energy production, in line with NPF4 (Policy 1 and Policy 2).

6. GRID CONNECTION WORKS

- 6.1 The Applicant expects to connect SKII with the National Grid at New Cumnock substation. SKII has been allocated Gate 1 status by NESO. SKII was eligible for 'Protection 3a' and, as such, SKII is guaranteed a Gate 2 offer in a future gated application window should it achieve planning consent

- 6.2 The Applicant is aware of the decision of the Court of Session in *Raeshaw Farms Limited v Scottish Ministers* [2026] CSIH 10. In this case, the Applicant is proposing a grid connection route from the onsite substation of the Proposed Development via an underground 132kV aluminium buried cable adjacent to the existing access track to the New Cumnock electricity substation, installed within a trench to a depth of no more than 1 m.
- 6.3 This proposed grid route now forms part of the Application to the Scottish Ministers, with consent sought for the export cable to the New Cumnock Transmission sub-station. Accordingly, the potential for likely significant effects as a result of the grid connection works have been assessed in an appropriate and proportionate manner in the FEI, based on the information currently available.

7. CONSULTATION RESPONSES

- 7.1 There are holding objections from Historic Environment Scotland (**HES**) and Glasgow Prestwick Airport (**GPA**), and SEPA issued an interim response, which are addressed by the FEI as summarised further below. Otherwise, there are no consultee objections to SKII (subject to suitable conditions).
- 7.2 NatureScot advise that no adverse impacts of national importance arise in this case. This is evidence of successful siting, design and mitigation to avoid, reduce and limit residual significant effects.
- 7.3 The position of EAC is to be confirmed. The Ironside Farrar *Audit of Landscape and Visual Impact Assessment* (December 2025) (**IFR**) is addressed in **Section 9** below.
- 7.4 Associated British Ports (**ABP**) and Ayrshire Chamber of Commerce (**ACC**) have submitted representations in support of SKII citing the socio-economic benefits of the scheme in terms of investment, employment and supply chain.
- 7.5 The Ayrshire and Arran Bat Group submitted a representation which suggests that additional mitigation is required to reduce the potential for impacts to certain bat species. As set out in the FEI in response to comments from NatureScot, the Applicant proposes that a condition is attached requiring a bat protection plan, which would include feathering of wind turbines to reduce rotation speed whilst turbines are in idle mode during dusk to dawn from 1st April to 31st October and details of any seasonal curtailment of certain turbines, in certain circumstances, during the period 1st June to 31st August inclusive.

SEPA

- 7.6 SEPA issued an informal interim response to the Application seeking further information on the following matters:
- 7.6.1 locations and potential pathways to Private Water Supplies (**PWS**);
 - 7.6.2 layout design and extent of avoidance of areas of deep peat, particularly around T1 and T3;
 - 7.6.3 impacts arising from the extent of the construction compound and borrow pits, including deep peat disturbance and clarification on restoration proposals; and

7.6.4 the justification for the extent of verge widths.

- 7.7 In response to SEPA's comments relating to deep peat, the Applicant has changed the site layout including the relocation of T1, T3 and T6, the rotation of the construction compound to avoid the areas of deeper peat, and modifications to several site tracks. The updated layout is shown in FEI Figure 1.1. As a result of these modifications, T1, T3 and T6 are now located on areas with average peat depths of approximately 0.5 m, and access tracks have been aligned to remain predominantly within shallower peat. The FEI includes an updated Peat Management Plan (Technical FEI Appendix C) which confirms that all excavated peat can be accommodated on site through reinstatement and restoration measures.
- 7.8 In relation to PWS, the FEI includes a detailed qualitative risk assessment undertaken using a Source–Pathway–Receptor conceptual model, and the FEI concludes for all identified PWS that the residual risk is negligible (not significant). Embedded mitigation measures are specified, including silt control, drainage management, fuel handling protocols, environmental supervision and contingency planning, in accordance with current SEPA groundwater abstraction guidance (2024).

Historic Environment Scotland

- 7.9 HES submitted a holding objection to the Application pending further information from the Applicant. In response, the FEI (section 3.5) provides clarification and an updated assessment of effects on known cultural heritage assets. Wirelines have been prepared and used to inform the assessment of the assets identified by HES including Craigenkillan House (FEI Figure 3.5.6), Craigenkillan Garden and Designed Landscape (**GDL**) (FEI Figure 3.5.4) and Dalnean Hill (FEI Figure 3.5.5).
- 7.10 The FEI has revisited the assessment and affirms the previous conclusion that SKII would not result in any significant adverse effects in respect of the setting of any heritage assets. Accordingly, it is considered that no issues arise with respect to compliance with NPF4 Policies 7 c), h) and i) in respect of listed buildings, scheduled monuments and GDLs respectively.

Glasgow Prestwick Airport (GPA)

- 7.11 GPA submitted a holding objection on 19 June 2025, based on a preliminary assessment, which identified potential adverse impacts on the airport's Primary Surveillance Radar (**PSR**), Instrument Flight Procedures (**IFP**) and VHF communication equipment.
- 7.12 As indicated in the GPA's holding objection, GPA and the Applicant have been working together to complete further safeguarding assessments to confirm that there are suitable mitigation solutions. Three additional technical and operational assessments have been undertaken by or on behalf of GPA, with the following outcomes:
- 7.12.1 **ILS Modelling Assessment:** It has been confirmed that SKII will have no impact on GPA's Runway 30 Instrument Landing System. No mitigation is required.
 - 7.12.2 **Terma Radar Modelling Assessment:** Mitigation is required to address cumulative impacts, in the form of a suitable additional primary radar data feed.
 - 7.12.3 **VHF Modelling Assessment:** The impacts of SKII, in isolation, are operationally manageable. However, SKII may contribute (alongside other wind farms) to

cumulative degradation, and mitigation *may* be required if it is demonstrated (post construction of SKII) that SKII results in a reduction in VHF communications quality to a degree which is not operationally manageable.

- 7.13 Accordingly, GPA confirmed to the Applicant in March 2026 that there are mitigation solutions for both PSR and VHF communications which can be implemented in a straightforward manner.
- 7.14 The Applicant’s position is therefore that the identified mitigation for the PSR and potential requirement for post-construction VHF mitigation can be secured by a suitably worded planning condition. Wording for such a condition is proposed by the Applicant and included in the table of proposed conditions (FEI Appendix A).

8. IRONSIDE FARRAR LVIA REVIEW (IFR)

- 8.1 EAC commissioned Ironside Farrar to undertake the IFR of the LVIA in EIAR Chapter 5, to inform EAC’s consultation response. A Technical Note in response to the IFR has been prepared on behalf of the Applicant by the author of the LVIA (see FEI).
- 8.2 The submissions in this section focus on setting the points raised by the IFR in relation to landscape and visual effects in proper planning context. A failure to respond to any specific point in the IFR should not be taken as acceptance by the Applicant of that point.

Reliance on Wind Farm “Capacity” Studies

- 8.3 It is noted that the IFR refers to the EALWCS (2018) and the DGWLCS (2017) and reference is made to the host landscape, *Southern Uplands with Forest LCT*, as being “*at capacity*”. This is inappropriate as neither the EALWCS nor the DGWLCS is a “capacity study” and contended conclusions on “capacity” in these studies should not dictate or colour any judgement as to the acceptability of SKII.
- 8.4 Per the Onshore Wind Policy Statement (2022) (**OWPS**) and NatureScot guidance *Landscape Sensitivity Assessment Guidance (2022)*, these studies are, at most, strategic studies of relative landscape sensitivity to generic turbine typologies and must be approached on that basis.
- 8.5 The EALWCS was last updated 8 years ago (June 2018) and is not an up-to-date document. It also pre-dates and does not reflect the advice in the OWPS, NPF4 and NatureScot guidance. Nor does the EALWCS assess the specific location of SKII or the scope for larger turbines at any specific location. The EACWCS assessed the overall sensitivity of very broad landscape character types/areas.
- 8.6 As noted by the Reporter in the Sanquhar II case (with reference to the DWGLCS 2017):
- “The relative sensitivity of a landscape character type does not predetermine the suitability of a site to accommodate a windfarm, as that still relies on a site-specific assessment. This means that, regardless of the sensitivity of the host or affected landscapes, a windfarm would not be contrary to the provisions of the supplementary guidance”⁸.*
- 8.7 Paragraphs 4.4 – 4.8 of the IRF also appear to draw conclusions as to the suitability of the Site and SKII based on the claim that SKII does not ‘comply’ with recommendations within the

⁸ See PLI report of 1 March 2022, at paragraph 8.59.

generalised guidance in the EALWCS. This approach is again problematic for the reasons set out by the Reporter in the Sanquhar II case⁹:

“8.60 *I have outlined how I consider the DGWLCS should be applied in chapter 3. For the reasons I have outlined more fully there, the notion of defining the precise capacity of a landscape is problematic if it is applied as a policy stipulation where, for example, ‘no capacity’ means that a proposal is therefore bound to be deemed unacceptable.*

8.61 *I note the caveat that the DGWLCS is referring to ‘strategic’ capacity and that it does not replace the need for a site-specific assessment. However, I consider the fact that the proposal has been found by the council to be contrary to the DGWLCS to be problematic in itself. This is because there are no policy requirements within the DGWLCS which a proposal could fail to accord with, other than the defined capacity. The study can be used to inform a site-specific assessment of landscape impacts, but there should be no question of whether or not a development ‘complies’ with the study in this regard; the question of compliance should not be determined against the terms of the study but is a matter to be reconciled when applying policy IN2 in the round, i.e. compliance or otherwise is a matter of balance, as I have already explained. In conclusion, I do not find that the assessed strategic capacity of landscapes to accommodate wind turbines of a particular scale should be applied as policy limits. The DGWLCS informs an assessment of landscape effects, but it should not go beyond this in the overall decision-making process.”*

8.8 Very limited weight should therefore be attached to any broad-brush conclusions drawn from the EALWCS and relied upon by the IFR, such as ‘no opportunity for additional new wind farm development within the host landscape’. The site specific LVIA findings, largely endorsed by IFR, should be the primary reference point for any conclusions on the ability of the Site to accommodate SKII.

Key LVIA Findings and Alignment on Significant Effects

8.9 Taking the LVIA, IRF and Technical Note in the round, the following points can be noted in relation to the key findings:

8.9.1 There is agreement that significant landscape effects within East Ayrshire are restricted to a relatively small geographic area, extending up to approximately 2 – 3 km from the Site, affecting only three LCT: parts of the *Southern Uplands with Forest* LCT, the southern edge of the *Foothills with Forest & Opencast Mining* LCT, and part of the *Upland River Valley: Doon Valley* LCT.

8.9.2 There is agreement that significant visual effects would be contained to views from areas within approximately 7.2km of SKII, mainly to the east of SKII. This includes residents on the outer edges of Burnton and on the northern edges of Dalmellington and some individual residents and road users along the B741. Again, compared to many onshore wind farms, this is a relatively small geographic area.

8.9.3 There is agreement that SKII (solus) would give rise to significant effects on views at only eight of the 20 viewpoints (**VPs**) assessed in the LVIA. There is a marginal (‘one notch’)

⁹ See PLI report of 1 March 2022, at paragraph 8.60 - 61.

difference of professional opinion on magnitude of effect at two VPs (VP1 and VP4) but the difference is not one that has any consequence for any overall planning judgement.

- 8.9.4 There is agreement that there would be significant visual effects from parts of the A713 Galloway Tourist Route between Waterside and Dalmellington, but there would be no significant effects on the views from long-distance recreational routes including Scotland's Great Trails and Sustrans Cycle Routes. The IFR does not express any particular concerns relating to effects on transport or recreational routes and in any event NPF4 Policy 11 does not identify tourism impacts as a particular factor for consideration in relation to onshore wind farms.
- 8.9.5 There is agreement that, while there would be significant visual effects on views from some landscape features in parts of the wider Craigen Gillan GDL estate including Bogton Loch, Berbeth and Auchenroy Hill and associated local footpaths, there are no significant effects on the views from the main house associated gardens and stables. The IFR does not suggest that the effects in relation to Craigen Gillan GDL are matters for concern or a basis for any objection.
- 8.9.6 There is agreement that there would be no significant night-time landscape and/or visual effects. Aviation lighting is accordingly not an issue in this case and there is no planning basis to require any form of ADLS system by way of mitigation.
- 8.9.7 There is agreement that while the views from some residential dwellings would be significantly affected, in no case would any effects reach or exceed the "Residential Visual Amenity Threshold"¹⁰. There is no basis for objection or refusal on residential amenity grounds.
- 8.9.8 There is agreement that SKII would not significantly affect Loch Doon. This is because, from Loch Doon, SKII would appear as partial blades and blade tips and the full height of turbines would not be visible due to screening from intervening landform¹¹. This is important context when considering conclusions in IFR paragraphs 4.4 – 4.8 which draw on concerns expressed in the EALWCS relating to views from the shores of Loch Doon.
- 8.9.9 Disagreement is limited – at least to any degree that matters – to conclusions in relation to effects on the locally designated Doon Valley LLA. Specifically, disagreement is confined to whether, of 11 special landscape qualities (**SLQs**), two would be significantly affected (Applicant's position) or four (Ironsides Farrar's position). For the reasons set out in the Technical Note the Applicant maintains that only two SLQs would be significantly affected and that the overall integrity of the Doon Valley LLA would not be significantly affected.
- 8.10 Furthermore, as a result of changes to the turbine siting and access tracks post-submission, as reported in the FEI (section 3.4) there has been a reduction to the landscape and visual effects from those assessed in the LVIA (reported in Chapter 5 of the EIAR, May 2025). In particular, the composition of turbines when viewed from Auchenroy Hill (Viewpoint 10) within the Craigen Gillan GDL has been improved.

¹⁰ As defined in Landscape Institute, Residential Visual Amenity Assessment: Technical Guidance Note (15 March 2019).

¹¹ See LVIA at paragraph 5.2.16.

8.11 In conclusion, the nature and extent of significant effects identified by the LVIA are more or less fully agreed by the IFR, and, considering the above, it is submitted the effects are comfortably within the range which Ministers have found in previous S-36 decisions to be “localised” for the purposes of NPF4 Policy 11 e).

9. POLICY CONTEXT

9.1 In S-36 cases, the development plan is a material consideration but does not have the status and primacy attributed under Section 25 of the TCP(S)A. There is no requirement for the Application to be “*in accordance with*” the development plan.

9.2 The development plan comprises NPF4 and the Local Development Plan (**LDP**). The LDP in this case comprises both the East Ayrshire Local Development Plan 2 (**EALDP**) and the Dumfries and Galloway Local Development Plan 2 (**DGLDP**). However, the Site is mainly within the administrative area of EAC, with only a portion of the South Access (upgrading of track) located within DGC. DGC does not object to the Application and therefore consideration of the LDP in this SoC is focussed on EALDP, alongside NPF4.

9.3 NPF4 is national planning policy recently adopted via the Scottish Parliament. It is a material consideration to which significant weight must be given in the planning balance. It has been recognised in a significant number of decisions following adoption of NPF4 that there is “*very strong support for renewable energy developments in NPF4*”¹². It has also been recognised following adoption of NPF4 that “*National policy has a clear expectation that more renewable energy proposals may be granted consent, focusing down on a tighter set of circumstances under which proposals would not be supported*”¹³.

9.4 Moreover, wind energy developments over 50MW are designated in NPF4 as “national developments”, for which there is an urgent need and in-principle support. National developments are “*significant developments of national importance that will help to deliver the spatial strategy*”¹⁴. SKII is a significant development of national importance.

9.5 NPF4 must be read and considered as a whole but the lead NPF4 policy for consideration of the Application is **Policy 11** (Energy). **Policy 1** (Tackling the climate and nature crises), **Policy 3** (Biodiversity) and **Policy 4** (Natural places) are also directly relevant to issues arising in this case. The application of these policies to SKII is addressed in **Section 11** below. Other NPF4 policies are addressed in detail in paragraphs 5.26 – 5.62 of the PRES.

9.6 The most relevant EALDP policy for SKII is **Policy RE1 – Renewable Energy Developments**. The matters raised for consideration in Policy RE1 broadly mirror and are consistent with NPF 4 **Policy 11, Energy**, and no issue of incompatibility arises. Therefore, the assessment set out in Table 5-1 in the PRES need not be revisited here.

¹² Reporter in Shepherds’ Rig wind farm PLI (WIN-170-2005), at paragraph 2.59 of the Supplementary PLI Report.

¹³ Reporter in Shepherds’ Rig wind farm PLI (WIN-170-2005), at paragraph 3.4 of the Supplementary PLI Report.

¹⁴ NPF4, at page 97.

10. CONSIDERATION OF NPF4

Policy 11

- 10.1 **Policy 11 (Energy)** is the lead policy for onshore wind proposals and is the principal policy against which SKII should be considered. The following observations are made and conclusions reached:
- 10.1.1 **Paragraph a)** “*Development proposals for all forms of renewable, low carbon and zero emissions technologies will be supported.*” SKII is supported in principle.
- 10.1.2 **Paragraph b):** Outside National Parks and NSAs, the policy is general support. SKII is not in or remotely close to a National Park or NSA and paragraph b) is not engaged.
- 10.1.3 **Paragraph c):** Proposals should “*maximise net economic impact, including local and community socio-economic benefits...*”. EIAR Chapter 14 identifies a range of positive economic impacts as identified in Section 5 of this SoC. Notably, the Applicant has submitted a Skills and Employment Plan that sets out the Applicant’s approach to maximising local economic benefits through skill development and job creation.
- 10.1.4 In this context it is also important to keep in mind that the number and height of turbines have a direct bearing on wind capture and the scale of the economic contribution of a wind farm. Deleting further turbines or reducing their height would reduce, not maximise, net economic impact¹⁵ and is not considered proportionate or viable by the Applicant.
- 10.1.5 **Paragraph d)** is not relevant to SKII. There are no adverse impacts on the integrity or special qualities of any international or national designations.
- 10.1.6 **Paragraph e)** requires the design and mitigation of projects to demonstrate how impacts are addressed against a range of criteria. Table 6-1 in the PRES addresses each of the criteria in detail and concludes that no issues arise in respect of any of the criteria. That conclusion stands and is strengthened by the further design changes and reduced impacts (e.g. on deep peat) as reported in the FEI.
- 10.1.7 The HES holding objection has been addressed by the FEI and further technical modelling has confirmed that there is technical mitigation available to address the GPA objection, which can be secured by planning condition. Otherwise, there are no objections from statutory consultees (subject to suitable conditions).
- 10.1.8 Landscape and visual impacts are “localised” as addressed in **Section 9** of this SoC, but in any event appropriate design mitigation has been applied (see **Section 4** of this SoC). Paragraph (e) is met.
- 10.1.9 Policy 11 also instructs that, when considering any impacts in the context of paragraph (e), “*significant weight*” must be placed on the contribution of SKII to renewable energy and greenhouse gas emissions reduction targets. It is submitted that the significant

¹⁵ Research undertaken by Renewable UK (2015) estimates that 2.49 net construction jobs are created for each 1 MW of onshore wind.

weight of the positive benefits of SKII outweigh the limited and localised significant adverse effects.

Policy 1

- 10.2 NPF4 **Policy 1** requires that “*significant weight*” is given to the global climate and nature crises. SKII responds to both crises. SKII would provide renewable energy and facilitate the restoration and enhancement of peatland and broadleaf woodland, delivering net enhancement.
- 10.3 In applying Policy 1 to SKII, significant positive weight in the planning balance must be attributed to the contribution that the turbines would have towards meeting climate change targets and the Government’s ambition of delivering 20 GW installed capacity.

Policy 3

- 10.4 The EIAR chapters 6 and 7 set out the approach to ecological mitigation and the outline BERP identifies enhancement measures as discussed in **Section 5** of this SoC. Significant biodiversity enhancements are to be provided in line with Policy 3.
- 10.5 The required mitigation and enhancement identified in the BERP would be the subject of a planning condition should consent be forthcoming, thus securing the measures.

Policy 4

- 10.6 **Policy 4** protects designated sites and habitats and species. SKII gives rise to no concerns with regard to paragraphs b), c), e) and f).
- 10.7 **Policy 4 d)** relates to local designations including LLA. The Doon Valley LLA is a local landscape designation subject to Policy 4. The Applicant’s position, as confirmed by the Technical Note, is that SKII 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 satisfied and there is no requirement to considered part ii) of the same.
- 10.8 Irrespective, if a different conclusion were to be reached on part i), SKII is a “national development” and is of a type that provides national benefits that would unquestionably be of more than local importance. Irrespective of any contrary finding in relation to paragraph d) i), the policy requirement in paragraph d) ii) is met.

Policy 5

- 10.9 **Policy 5** seeks to protect carbon-rich soils and peatlands and to minimise soil disturbance. SKII is not located on prime agricultural land and does not involve commercial peat extraction and therefore **paragraphs b) and e)** are not engaged.
- 10.10 As purpose of SKII is to generate energy from a renewable source, it is one of only five types of development which is supported on peatland, per **Policy 5 paragraph c)**.
- 10.11 Taken together, the EIAR and FEI provide an appropriate site-specific and detailed assessment of the likely effects on peatland and the likely net effects of the development on climate emissions and loss of carbon and provide evidence of application of the mitigation hierarchy by design to minimise impacts on peatland.

- 10.12 In particular, as set out in further detail in the FEI, there has been further iterative design supported by additional Phase 2 peat depth surveys. The updated peat survey dataset demonstrates that over 75% of recorded peat depths across the Site are less than 1.0 m, with only 0.2% exceeding 3.0 m. The revised SKII layout has avoided deep peat deposits (>1.0 m) so far as practicable. Turbines T1, T3 and T6 are now located on areas with average peat depths of approximately 0.5 m, and access tracks have been aligned to remain predominantly within shallower peat. The temporary construction compound utilises previously disturbed land associated with the operational South Kyle Wind Farm and is located on shallow peat. Furthermore, the updated Peat Management Plan (Technical FEI Appendix C) details excavation volumes and confirms that excavated peat can be accommodated on site through reinstatement and restoration measures.
- 10.13 Overall, it is considered that the design amendments and updated management approach demonstrate adherence to design mitigation principles embedded within NPF4 **Policy 5, paragraphs a) and d)**.

11. CONCLUSIONS ON THE PLANNING BALANCE

- 11.1 SKII is a “national development” that addresses the climate and nature crises. SKII would provide material economic and environmental benefits including jobs, inward investment, business rate income alongside restoration of blanket bog and planting as set out in **Section 3** of this SoC.
- 11.2 As a result of appropriate design and adoption of mitigation, no significant adverse effects are predicted by the EIAR and FEI, except for localised landscape and visual effects. The IFR undertaken on behalf of EAC largely agrees with the LVIA findings, including the geographical extent of landscape and visual effects (2-3km for landscape effects and up to 7.2km for visual effects). Such effects are well within the range that can be considered “localised” in terms of NPF4 Policy 11. Such effects are to be expected and “...generally ...considered to be acceptable” as a matter of national policy.
- 11.3 The holding objections from HES and GPA have been addressed by the FEI and/or can be addressed by planning conditions. No other consultees object to SKII.
- 11.4 The objections from organisations and members of the public do not raise matters (alone or together) that warrant any objection to or refusal of the Application.
- 11.5 As reflected in recent decisions by the Scottish Ministers, the need case for onshore wind is materially stronger than before NPF4, for decarbonisation, energy security and affordability reasons. That is evident from the policy contained in the OWPS 2022 and NPF4. The conclusion of the OWPS 2022 is that onshore wind is “*mission-critical*” to achieving the SG’s climate change targets. The support for onshore wind could not be stronger or clearer.
- 11.6 NPF4 Policies 1 and 11 mandates that the contribution of SKII to renewable energy and climate targets are matters must carry significant weight in the planning balance. SKII is supported by Policies 1 and 11 and in accordance with NPF4 read as a whole. The same conclusion is reached in respect of EACLDP.
- 11.7 For all the above reasons the planning balance is favourable. Consent should be granted for SKII.